

#3

Review of April 10th Minutes



Special Public Safety and Justice Virtual Council Committee Meeting Minutes

Thursday, April 10, 2025
6:00 PM
Council Chambers Virtual

Members:	Present:	Excused:	Unexcused:	Commence:	6:00PM
				Adjourn:	7:29PM
Joe Vinson, Chair	X				
Senayet Negusse	X				
Peter Kwon	X				

Staff Coordinator: Captain Chad Mulligan & Chief Troy Smithmeyer
Other Staff Present: Jonathan Young, Jessica Ramirez, Nicole Jones, Mary Tuttle, Evan Maxim

1. Call to Order	Chair Joe Vinson called the meeting to order at 6:00PM
2. Public Comment	There were no public comments.
3. Review of 2/27/25 Minutes	<u>X</u> Approved The 2/27/2025 meeting minutes were approved as written.
4. 4 th of July Planning	<u>X</u> Discussion Parks & Recreation staff shared a PowerPoint that showcased their plan/expectations for the 4 th of July events at Angle Lake. They explained the purpose of using "Placer AI" in order to give general data regarding the amount of people we can expect to see at the 4 th of July event. They covered the topic of available greenspace and square footage of the park, as well as how much space is available for activities and recreation. Captain Chad Mulligan spoke briefly on the limitations on Law Enforcement that work these events, and how many people/hours are needed to make sure the event is fully covered. He mentioned using an outside security company that would lend additional coverage for the event, as well as provide barricades that could help law enforcement and security monitor the entry/exit of community members coming and going from the event. Mary Tuttle spoke about the intricacies of navigating the limitation of park entry to comply with safety standards, while also remaining inclusive and maintaining ease of access to the public. Discussion / Questions followed.

5. Public Safety Updates	<p><u>X</u> Discussion</p> <p>Captain Mulligan discussed current vacancies within King County Sheriff's Office and SeaTac PD. A few Deputies will be getting promoted. There are currently 8 vacancies in SeaTac PD. Regarding non-emergency call line performance, there have been no changes. Captain Mulligan shared some FLOCK success stories and spoke about how the FLOCK camera system has helped the PD immensely and has proven to be a highly beneficial law enforcement tool. He spoke about Traffic Emphasis Patrols and the Parking Enforcement Program – SeaTac has a new Parking Compliance Officer who is currently being trained.</p> <p>Discussion / Questions followed.</p>
6. Community Engagement and Programs	<p>Captain Mulligan shared about "Coffee with a Cop" and how it was a huge success, as well as the success of the Explorer Banquet. They are actively looking for a new venue to host next year's "Coffee with a Cop" event. He also gave an update regarding SeaTac's Community Service Officer and Community Engagement Officer and the trainings/events they have attended.</p>
7. Major Public Safety Incidents	<p>Captain Mulligan shared that there have been no major incidents – nothing to report.</p>
8. City Initiatives & Infrastructure	<p>Regarding the Polaris Substation, Captain Mulligan briefly mentioned SeaTac's Community Engagement Officer's schedule at the location.</p>
	<p><i>Next Meeting: July 3rd, 2025 at 6:00PM</i></p> <p>Potential Topics TBD</p>
Adjourn	<p>Meeting was adjourned at 7:29PM</p>

#4

WSBA indigent
defense
standards



MEMORANDUM

To: Public Safety and Justice Committee
Through: Jonathan Young, City Manager
From: Brion Humenay, Senior Management Analyst
Date: July 10th, 2025
Re: Overview: Updated Caseload Standards for Indigent Defense in Washington State

Introduction:

This briefing document details upcoming and substantial revisions to caseload limits for public defenders in Washington State, set to take effect on January 1, 2026. Aimed at enhancing the quality of legal services for individuals assigned a public defender, these changes also present considerable challenges for the City from a financial and recruitment perspective. With limited financial support available from the state, the burden of implementation and resource allocation will fall primarily on the City, making its response to these changes especially important.

Purpose:

This memo seeks to provide an informational overview of the new changes to the State indigent defense standards and it provides context to how these changes will impact the City of SeaTac. It outlines several operational options that staff are exploring to mitigate the budgetary impact of these changes and begins a discussion with this committee on a possible policy option to explore.

Background:

In July 2023, the Rand Corporation released a national study highlighting serious shortcomings in the indigent defense system across the country. The most significant finding was that public defense attorneys were consistently managing caseloads that were too large, leaving them unable to dedicate sufficient time and attention to each client. According to the study, this not only breached ethical standards but also resulted in unavoidable harm to the individuals these attorneys were meant to represent.

In response to that study, on March 8th 2024 the Washington State Bar Association (WSBA) Board of Governors voted to adopt revised public defense standards. These new standards include:

- Lower caseload limits for public defenders,
- A new system of weighing cases that contributes to the caseload limit,
- Changes to how public defenders are compensated, including requiring comparable compensation between government-employed public defenders and prosecutors, regardless of relative caseloads.
- New compensation requirements for expert witnesses, mitigation specialists and social workers, mental health professionals, and interpreters.
- Requiring public defense to have access to their own investigation services.

- Standards for additional staff support for public defenders.
- Other changes and restructuring of attorney training, supervision, and private criminal practice.

These proposed standards were originally intended to be implemented over a three-year period.

SeaTac Municipal Code – Municipal Court:

The standards that are provided by the Washington State Bar Association serve as guidelines for SeaTac Municipal Code:

“Standards endorsed or adopted by the Washington State Bar Association and the Washington State Supreme Court for the provision of public defense services should serve as guidelines in adopting standards” (SMC 2.10.185).

The rules, practices and procedures used in the City’s Municipal Court are adopted by standards set forth by the Washington State Supreme Court.

“rules of pleading, practice and procedure before the Municipal Court shall be in accordance with the Rules for Courts of Limited Jurisdiction, as published by the Washington Supreme Court, as currently in effect, as may be subsequently amended” (SMC 2.10.170).

The City is not obligated to adopt the standards proposed by the WSBA as they serve only as guidelines. It is only required to comply with standards formally adopted by the Washington State Supreme Court.

Washington State Supreme Court recent issuance:

On June 9, 2025, ahead of a final ruling on the adoption of the proposed standards, the Washington State Supreme Court issued an Order on caseload standards the Court has adopted for indigent criminal defense services. The Order includes three key provisions:

1. Specifies caseload standards for different types of cases, which should be accomplished as soon as “reasonably possible,” and allowing for a phased approach over a 10-year period for implementation.
 - a. Each year, municipalities will be required to reduce their caseload standards by 10% until no single defense attorney has a caseload over 47 felony cases per year, or 120 misdemeanor cases per year;
2. Declines to mandate a method for case counting and weighting, however, it encourages the use of case weighting; and
3. Requires evaluation of the progress and impacts of implementation three years after the effective date of the new caseload standards.

Though not yet final, the Court issued this guidance to help municipalities plan their budgets and prepare for compliance, signaling the direction the Court is likely to take in its forthcoming decision.

Indigent Defense Caseload Standards Comparison for SeaTac Municipal Court:

Caseloads per year	Old standards	New Standards (Final implementation 2036)	Case Reductions per year (2026-2036)
Misdemeanor Cases	400 Cases	120 Cases	28 fewer per year

Washington State's Shortage of Public Defense Attorneys

Public defender offices across Washington are facing major recruitment and retention challenges due to low pay, overwhelming caseloads, and more attractive opportunities in other legal sectors. [Reports from across the state](#) indicate that many municipal indigent defense systems are [nearing collapse](#) as a [result of these shortages](#).

While many attorneys enter public defense driven by a strong sense of purpose, they often burn out quickly under the weight of unmanageable caseloads. With better compensation and working conditions available elsewhere, public defense is becoming an increasingly unsustainable career choice—further deepening the crisis.

The new WSBA standards aim to address this by reducing burnout, stabilizing the workforce, and attracting new attorneys, all while improving the quality and timeliness of legal representation. In the long term, these reforms could help restore balance to the profession. However, in the short term, they are likely to increase demand for legal services and raise contract costs for local governments already operating under tight budgets.

City of SeaTac Public Defender Contract:

The City currently contracts with the law firm Stewart MacNichols Harmell Inc. P.S. (SMH) to provide the majority of its indigent defense services—a partnership that has been in place since 2007 and has consistently met the City's expectations.

Under the current agreement, the City pays \$450 per case based on an assumed volume of 40 cases per month, with 2025 expenditures projected at \$216,000. However, due to the ongoing public defender shortage and the recent issuance of the WA Supreme Court expected to intensify that shortage, SMH has indicated it cannot continue providing services at the current rate. Preliminary estimates for 2026 indicate costs may rise to approximately \$360,000 to maintain service levels.

Operational Options:

Staff are exploring the following operational options to mitigate the impact of the rising costs for indigent defense services.

1. Lobby Washington State for increased indigent defense funding opportunities

During the 2025 legislative session, [HB 1592](#) was introduced, which would have required the state to pay for half of current levels of public defense funding, and supported the Office of Public Defense request for additional funding for public defense grants for cities and counties. It is expected that this bill will be reintroduced during the upcoming 2026 legislative session.

2. Pursue existing grant funding opportunities

The 2025 Washington State Budget significantly increased grant funding through the Office of Public Defense, raising available funds from \$900,000 to \$3.6 million. City staff are actively preparing to apply for a portion of this funding for the 2026 fiscal year.

3. Explore contract mechanisms to lower costs

As the City prepares to renegotiate its contract with SMH, there are two key areas worth exploring. First, the current agreement assumes 400 annual case appointments, which aligns with the historical average of 429 cases from 2022 to 2024. However, 2025 shows a notable decline, currently trending towards 300 appointments for the year. While staff will need to analyze whether this drop reflects a structural change, it may offer an opportunity to reduce the assumed caseload in future contracts.

Second, the existing contract lacks a reconciliation mechanism to adjust payments if actual case numbers fall below projections. City staff plan to incorporate such a provision in the next contract, which could help recoup excess expenditures when appointments are lower than expected.

The City may have the opportunity to implement additional contract strategies to help reduce expenditures, and staff are committed to thoroughly exploring these options during the negotiation process.

4. Competitive bidding

If negotiations with SMH do not produce viable options to help manage rising costs, the City is prepared to initiate a competitive bidding process for indigent defense services. However, this approach may have limited impact, as past bidding efforts resulted in only SMH submitting a proposal.

Additional Policy Option to Explore

Amend City filing procedures to dismiss lower-level criminal offenses as civil infractions.

Modifying the City's criminal filing procedures to classify certain low-level, non-violent offenses—such as trespassing, graffiti, driving with a suspended license, and minor theft—as civil infractions rather than criminal charges could meaningfully reduce the City's criminal case volume. Between 2022 and 2024, these types of offenses were charged an average of 165 times annually.

Reclassifying them as infractions would lessen the strain on the public defense system, reduce legal and court-related costs, and help ensure that limited public defense resources are focused on more serious cases.

However, this scenario poses several complications that City staff need to explore further:

1. **Port relations:** The City currently maintains an interlocal agreement with the Port of Seattle to prosecute their criminal cases in our municipal court. It is believed that the Port would prefer to prosecute these low-level offenses in the current manner, and it is unknown if the Port would continue with this ILA if the City were to amend its filing procedures.

2. Contracting concerns: Given the high demand for public defense firms and the administrative burden of taking on a new jurisdiction, it is uncertain whether any firm would be willing to contract with the City if the terms are not economically viable. If case counts are reduced to a level that makes the City an unattractive or unsustainable partner, it could jeopardize the City's ability to meet its legal obligations to provide indigent defense services through a contract.
3. Shifting in administrative burden: While reclassifying certain low-level criminal offenses as civil infractions could reduce the burden on the public defense system, court and prosecutorial staff would still be required to process these cases administratively. This shift may lead to unintended consequences, including increased workloads for existing staff. As a result, the City may eventually need to consider adding full-time employees (FTEs) to manage the additional administrative responsibilities associated with processing infractions.
4. Public Safety: Lower-level offenses — such as trespassing, graffiti, and petty theft— can negatively impact residents' sense of security and contribute to a perception of lawlessness if left unaddressed. Over time, the lack of enforcement may erode community standards, encourage repeat offenses, and strain relationships between the public and local government.

Indigent Defense Update

Public Safety & Justice Committee

7/10/2025



PRESENTATION OVERVIEW

PURPOSE OF PRESENTATION

- Provides an overview of the recent Washington State Supreme Court issuance regarding caseload limits
- Provides context on how these impacts will impact the region and the City of SeaTac
- Overviews operational options to mitigate financial impacts of these changes
- Outlines a possible policy option to explore to mitigate the impact of these changes

WHY IS THIS ISSUE IMPORTANT?

1. Changes to the State's caseload standards may provide meaningful impacts in terms of raising the quality of representation for defendants assigned a public attorney
2. Changes to caseload standards will also put significant pressure on the supply of public defenders within the state and Puget Sound region
3. These changes will result in rising costs to the City in its obligations to provide a public defender for qualifying defendants.



POTENTIAL COMMITTEE ACTION

NO ACTION REQUESTED:

- This presentation is informational only. No Committee action is requested.

REVIEWS TO DATE:

- N/a



A NATIONAL ISSUE WITH PUBLIC DEFENDERS

Documented Public Defender Issues Nationwide

- Excessive Caseloads
- Underfunding
- Staffing Shortages
- Impacts on Clients

National and Regional Responses

- 2023 Rand Study
- 2024 Washington State Bar Association Revised Defense Standards



RECENT DEVELOPMENTS

WASHINGTON STATE SUPREME COURT ISSUANCE

- Establishes phased caseload limits over 10 years, requiring a 10% annual reduction until no attorney exceeds 47 felony or 120 misdemeanor cases per year.
- Encourages, but does not mandate, the use of case weighting methods.
- Requires a progress and impact evaluation three years after implementation begins.



IMPACTS OF THE COURT ISSUANCE

LONG TERM

- Stabilize Public Defenders
 - Reduce burnout
 - Attract talent
- Improve quality of client representation

SHORT TERM

- Raise demand for public defender attorney
- Projected increase \$216,000 → \$360,000



OPTIONS TO MITIGATE COST INCREASE

OPERATIONAL OPTIONS

1. Legislative agenda
2. Grant Funding
3. Contract Negotiations
4. Competitive bidding process

POLICY OPTIONS

1. Modify City Criminal Filing Procedures



POTENTIAL COMMITTEE ACTION

NO ACTION REQUESTED:

- This presentation is informational only. No Committee action is requested.

REVIEWS TO DATE:

- N/a



#5

Public Safety updates

#6

Community Engagement & Programs

#7

Major Public Safety Incidents

#8

City Initiatives
and
Infrastructure