



Budget Change Request

Change request information

Title Expand Thurston County Indigent Defense Investigator Services
Number B-24-03 Department 24 - Public Defense
Requester Jose Vargas
Published by Jennifer Smith Publish Date 2023-08-24
Change Type Policy Change

Board outcome *(to be entered by budget after Board action)*

Board Decision
Board Changes

Funds affected

Fund 0010 - General Fund
General Fund Affected? Yes More Than One Fund Affected? No

Policy request priority and connection to the strategic plan

Priority # 4 Strategic Plan Responsive Law,

Does this request include federal, state, or private grants?

Grant Funded? None
Grantor and timeframe Not Applicable

Does this request affect current positions or propose new positions?

HR Payroll e-mailed? Yes Position Impact Adds Position(s)
Current position numbers affected New Position

What do you need and why? Include any unexpected and external requirements.

Statement of Need

Thurston County Public Defense (TCPD) is requesting one (1) full time Public Defense Investigator II position. TCPD Defense Attorneys for the Superior, District, and Juvenile Courts are required to use investigators as appropriate to comply with Standard 6 of the Washington State Bar Associations: Standards for Indigent Defense Services. In 2017, the Thurston County Superior Court underwent an intensive analysis by the National Center for State Courts (NCSC) and as a result the Center produced recommendations for all participating stakeholders including TCPD. One of the recommendations was to conduct an analysis to determine whether it's more cost effective to fund in-house investigators and the report recognized that in addition to cost, the value of control over the availability of in-house investigators and over the pace of investigations should be factored into the conclusion regarding the use of in-house investigators for TCPD. Additionally, NCSC concluded that "although costs may not be reduced, the delays caused by the use of private, independent investigations can reduce costs to the overall criminal justice system".

TCPD is capable of supervising, monitoring, and training salaried county investigators to ensure best practices are being followed and work is efficiently performed. Although the focus of NCSC's report was on Superior Court, NCSC recommendations can be applied to other Thurston County Courts (District Court and Juvenile Court).

TCPD represents thousands of adult clients in Superior and District Court and youth in Juvenile Court that require the use of investigators. The Washington State Bar Associations: Standards for Indigent Defense Services recommend employing one investigator to every four lawyers. In accordance with these standards TCPD should have 7 Investigators in the Department. TCPD is requesting one additional Public Defender Investigator FTE, bringing the total number of TCPD Public Defender Investigators positions to 3 to support 29 Defense Attorneys (1 to 9.6 ratio). Our current ration of Investigators to Defense Attorneys = 1 to 14.5.

How will this change the performance of your office or department?

Statement of Need

An analysis of the TCPD investigations outsourced to private Investigators from fiscal year 2017 through FY 2021 show a substantial reduction of invoices processed and paid: 2017 = 380, \$56,490; 2018 = 97, \$15,862; 2019 = 63, \$16,203; 2020 = 55, \$9,564; 2021 = 46, \$6,723). These results clearly demonstrated the effectiveness and fiscal impact of the TCPD in-house Investigator program. However, the numbers were higher for 2022 (188, \$39,391) reflecting the end of the COVID-19 emergency and the increase of cases through the Thurston County Courts.

The Public Defense Investigator II is expected to be a Washington State licensed investigator and be qualified to investigate all types of criminal matters. This position will also be a lead position responsible for providing mentorship to current lower level Public Defense Investigators.

Expenditure, FTE and revenue assumptions plus current budget level

Assumptions

Based on FY 2019 through FY 2022 expenditure trends and the FY 2023 forecasted end of fiscal year balance, TCPD forecasts an conservative ending balance of approximately \$375,000 for FY 2024 and FY 2025 (approximately 4.5% of budget authority). TCPD wishes to maintain a 2% budget balance (authority) per fiscal year as reserve (approximately \$175,000) and adjust the forecasted ending balance to \$200,000 per fiscal year.

Current Budget Level

FY 2023 budget = \$8,596,181.00

What happens if this isn't funded? Are there other options?

Impacts and Alternatives

In 2018, when the Thurston County Board of County Commissioners approved the creation of the Public Defender Investigator position, the number of Defense Attorneys assigned to TCPD was 20. Since then the number of Defense Attorneys positions has increased to 29 and the number of Public Defense Investigators to 2. As previously indicated, the Washington State Bar Associations: Standards for Indigent Defense Services recommends employing one investigator to every four lawyers. In FY 2023 in accordance with these standards, the current Public Defender Investigator position has a workload equivalent to 7 Public Defender Investigators. If this position is not funded, we will continue to outsource internal attorney investigations with delayed responsiveness, lack of supervision/oversight, and continued disconnection for this critical role from the Department's mission.

How does this request affect other offices and departments?

Impact to Other Departments None

Which Other Departments are Affected? Not Applicable

Operating Transfer Needed? Yes

Operating Transfer Coding and Amount 0124B810 541000: -\$15,000.00
0124B802 510000: \$15,000.00

Personnel Information

FTE	Number	Name	Start Date	End Date
1.00	@ Public Defense Investigator / nonu13	PUBLIC DEFENSE INVESTIGATOR+5%		
1.00	< Total			

Operating Revenue Line Items

Org Code	Object Code	Object Description	Project Code	2024	2025
5260G040	397001	O/T-GENERAL FUND		3,000	-
			Total:	3,000.00	-

Capital Revenue Line Items

Org Code	Object Code	Object Description	Project Code	2024	2025
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Operating Expenditure Line Items

Org Code	Object Code	Object Description	Project Code	2024	2025
0124B802	510000	SALARIES		70,860	72,984.00
0124B802	521000	SOCIAL SECURITY		5,420	5,583.00
0124B802	522000	RETIREMENT		6,654	6,853.00
0124B802	523000	MEDICAL/DENTAL/LIFE		26,016	27,276.00
0124B802	524000	WORKERS COMPENSATION-L&I		360	360.00
0124B802	525000	UNEMPLOYMENT COMPENSATION		213	219.00
0124B802	526000	PAID FAMILY MEDICAL LEAVE		154	159.00
0124B802	527000	LONG TERM DISABILITY		404	416.00
0124B802	531000	SUPPLIES		200	200.00
0124B802	549000	MISCELLANEOUS		400	400.00
0124B802	549007	MISC-TRGN/CONF REGISTRATION		500	500.00
0124B810	541000	PROFESSIONAL SERVICES		(15,000)	(15,000.00)
0124B810	549000	MISCELLANEOUS		2,500	-
0124B810	599526	O/T-IT RESERVE		3,000	-
5260G040	535000	SMALL TOOLS & MINOR EQUIPMENT		3,000	-

			Total:	104,681.00	99,950.00
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Capital Expenditure Line Items

Org Code	Object Code	Object Description	Project Code	2024	2025
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