

# BENTON COUNTY OFFICE OF PUBLIC DEFENSE

2015

*3<sup>rd</sup> Quarter  
Report*

Presented by: Eric Hsu  
**PUBLIC DEFENSE MANAGER**

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# Overview

*This is a Quarterly Report of Benton & Franklin Counties Office of Public Defense's Benton County Operations, highlighting key caseload, financial, staffing, legal and other information in an easy to read update.*

Benton & Franklin Counties Office of Public Defense ("BFOPD") provides public defense services in all courts and jurisdictions in Benton County.

This report is part of BFOPD's regular Update Series. Other components of the Update Series include:

- Annual Reports and Strategic Plans
- Quarterly Total Operations Reports

These reports can all be found on [BFOPD's website](#).

This report is an **overview only** and does not contain any detailed information. For background details, facts and figures and more information, please contact BFOPD's Public Defense Manager by phone (509) 737-3521 or Email (OPD@co.benton.wa.us). For additional information about BFOPD's operations, please visit our website at [BentonFranklinDefense.org](http://BentonFranklinDefense.org).

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*Please [contact us](#) for more information about topics covered in this report.*

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# Quick Summary

## Superior Court Operations

YTD Sept, 2015 unless otherwise specified

*Busy? Here is a quick executive summary giving you key information at a glance.*

Metric	2015	2010-2014 avg	Deviation
Filings YTD	1,115	1,332	-10.5%
Appointments YTD	973	933	-4.8%
% of cases apptd to counsel	87%	70.1%	-4.1%
Trials Held (YTD June 30)	15	13 (2014 only)	+15.4%
	System Capacity	% Capacity Used	% of Year
Case Appointments	1,420	78.5%	75%
	Biennial Budget	% Budget Used	% of Biennium
Combined Financials (YTD Nov 30)	\$2,302,441	37.1%	45.8%

# Quick Summary

## District Court Operations

YTD Sept, 2015 unless otherwise specified

*Busy? Here is a quick executive summary giving you key information at a glance.*

Metric	2015	2010-2014 Average	Deviation
Filings YTD	5,369	6,625	-19.4%
Appointments YTD	3,369	3,253	+3.6%
% of cases apptd to counsel	63%	49%	+28.6%
Trials Held	15	15 2014 only	0.0%
	System Capacity	% Capacity Used	% of Year
Case Appointments	4,700	71.7%	75%
	Biennial Budget	% Budget Used	% of Biennium
Financials (YTD Nov 30)	\$1,828,258	51.3%	45.8%

# Facts, Figures & Metrics Superior Court

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*Caseload Trends (Filings)*

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*Caseload Trends  
(Appointments)*

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*Caseload Trends  
(Homicide cases)*

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*Performance Metrics  
(Trials held)*

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*Performance Metrics  
(Jail visits)*

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*Performance Metrics  
(Requests for funding)*

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*Performance Metrics (Key  
motions filed)*

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*Performance Metrics  
(Attorney Complaints)*

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*Performance Metrics (% of  
cases assigned to counsel)*

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*Financial Metrics*

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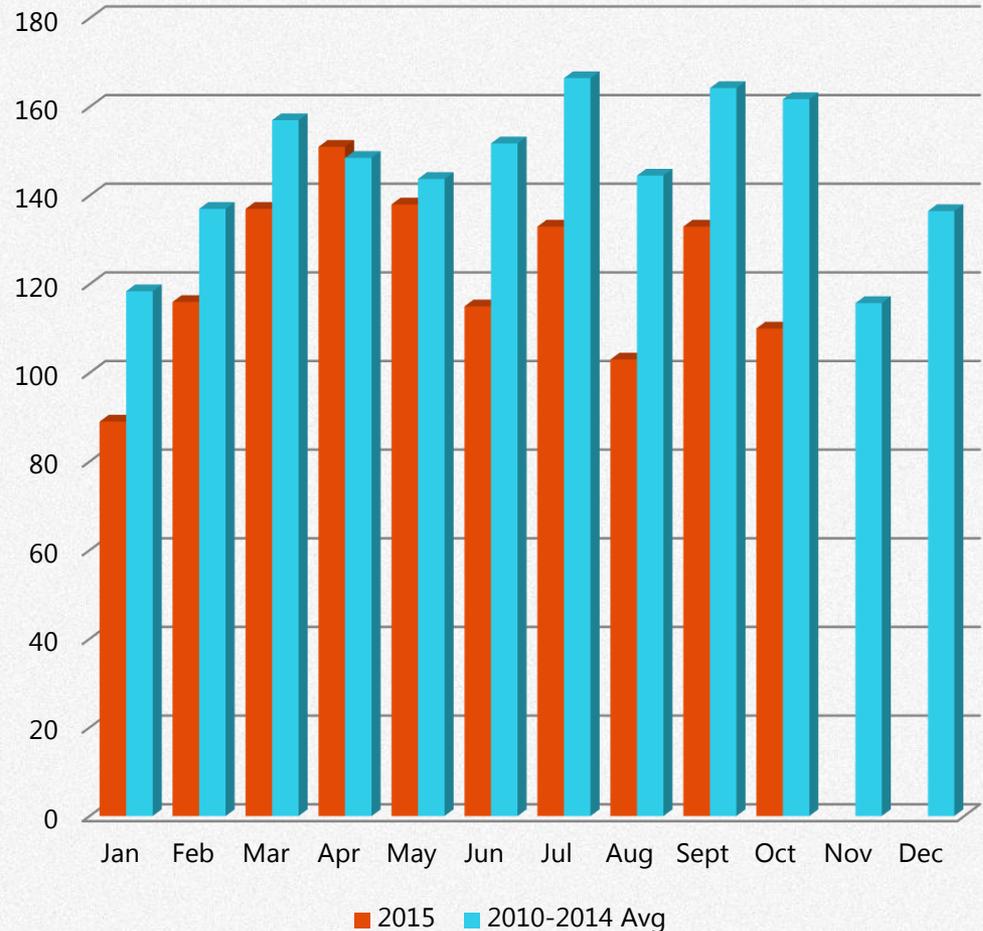
# Caseload Trends

Superior Court - Filings YTD

*"Filings" represents the aggregate number of cases filed in court without regard to whether they are actually appointed to a public defender.*

***Trend: Thus far in 2015, it appears that filings are markedly below 2010-2014 average levels.***

## Benton County Superior Court 2015 Filing Trend



# Caseload Trends

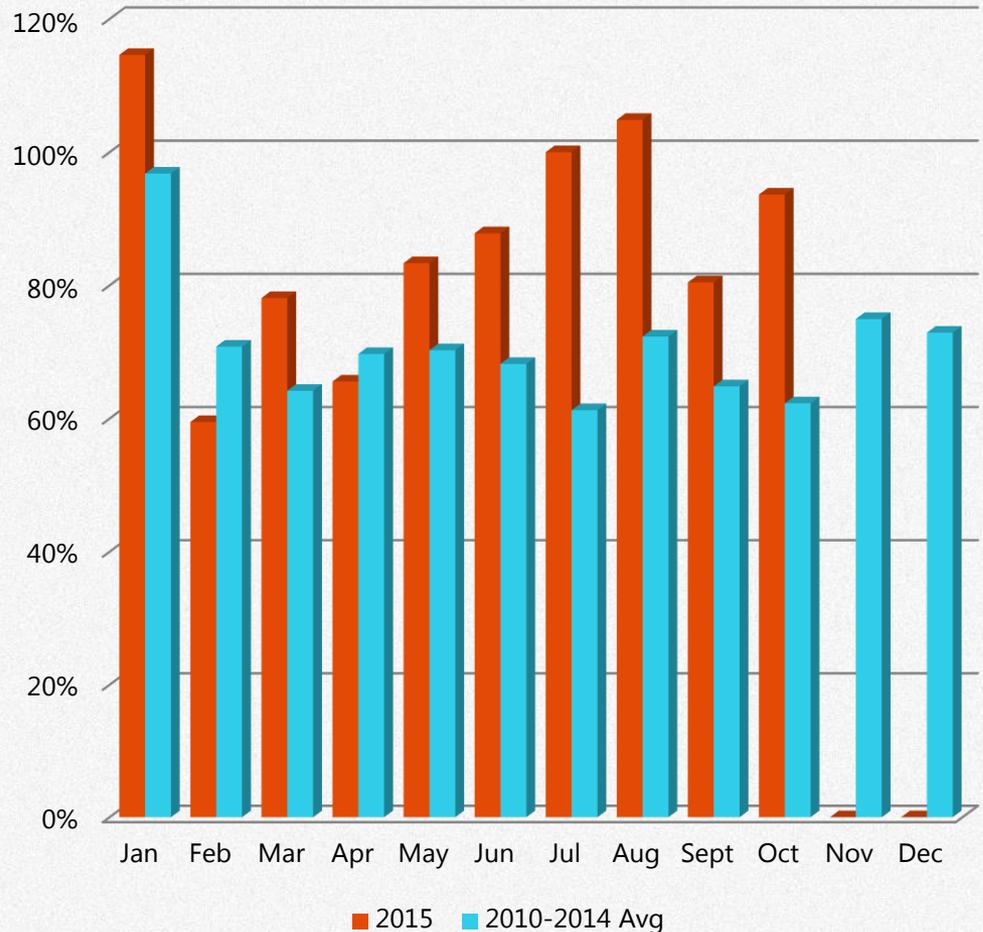
Superior Court - Appointments YTD

*"Appointments" represents the portion of overall filed cases that are actually appointed to public defenders.*

**Trend:**

*Despite a lower than average filing rate, appointments have been trending above historic average rates.*

## Benton County Superior Court Cases Appointed to Counsel

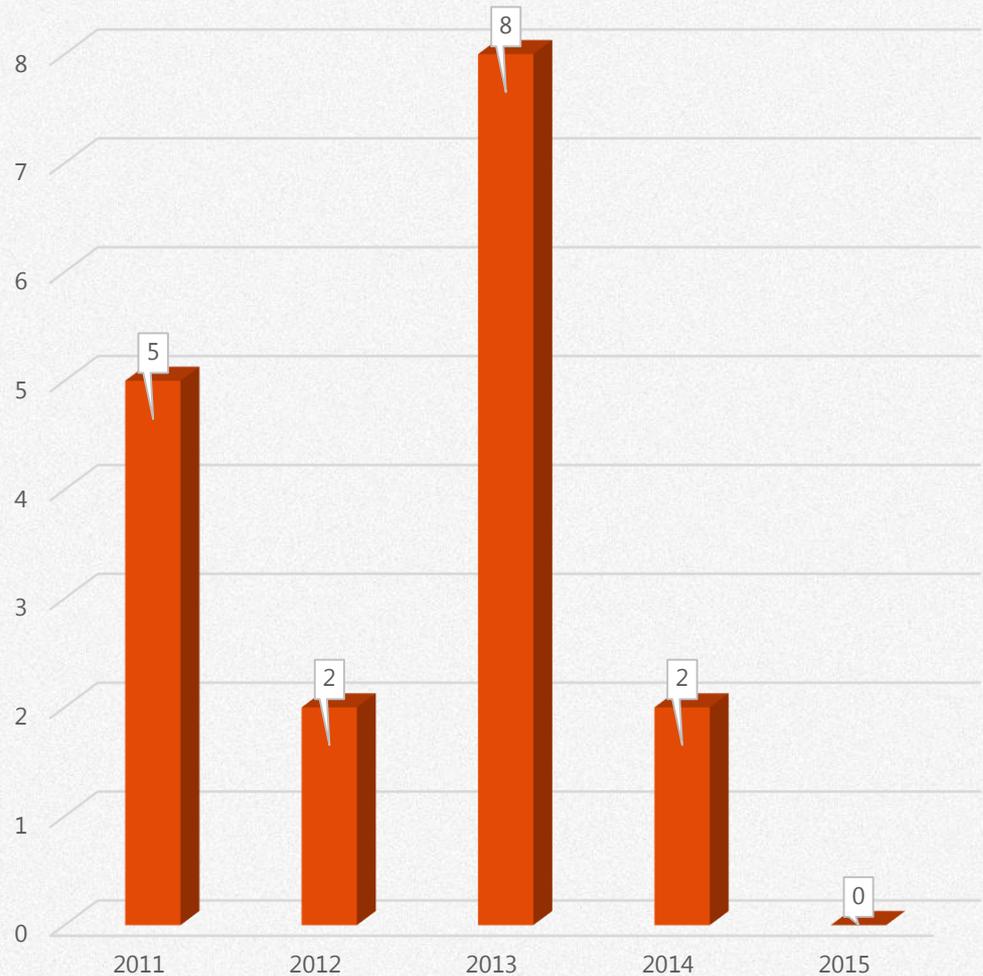


# Caseload Trends

Superior Court - Homicide cases appointed to public defense counsel

*Note: many of the homicide cases in 2011 were Vehicular Homicide or Manslaughter cases whereas almost all of the 2013 cases (in fact all except one) were Murder cases.*

Benton County Homicide cases Assigned to Public Defense Counsel



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# Caseload Trends

## Superior Court - Pending & Recent Homicide Cases

Case Name	Year of Filing	Charge	Status
Miranda	2014	Aggravated Murder	Trial completed
De Vore	2014	Murder	Pending (on appeal)

There have been no homicides assigned to public defense counsel in Benton County so far in 2015.

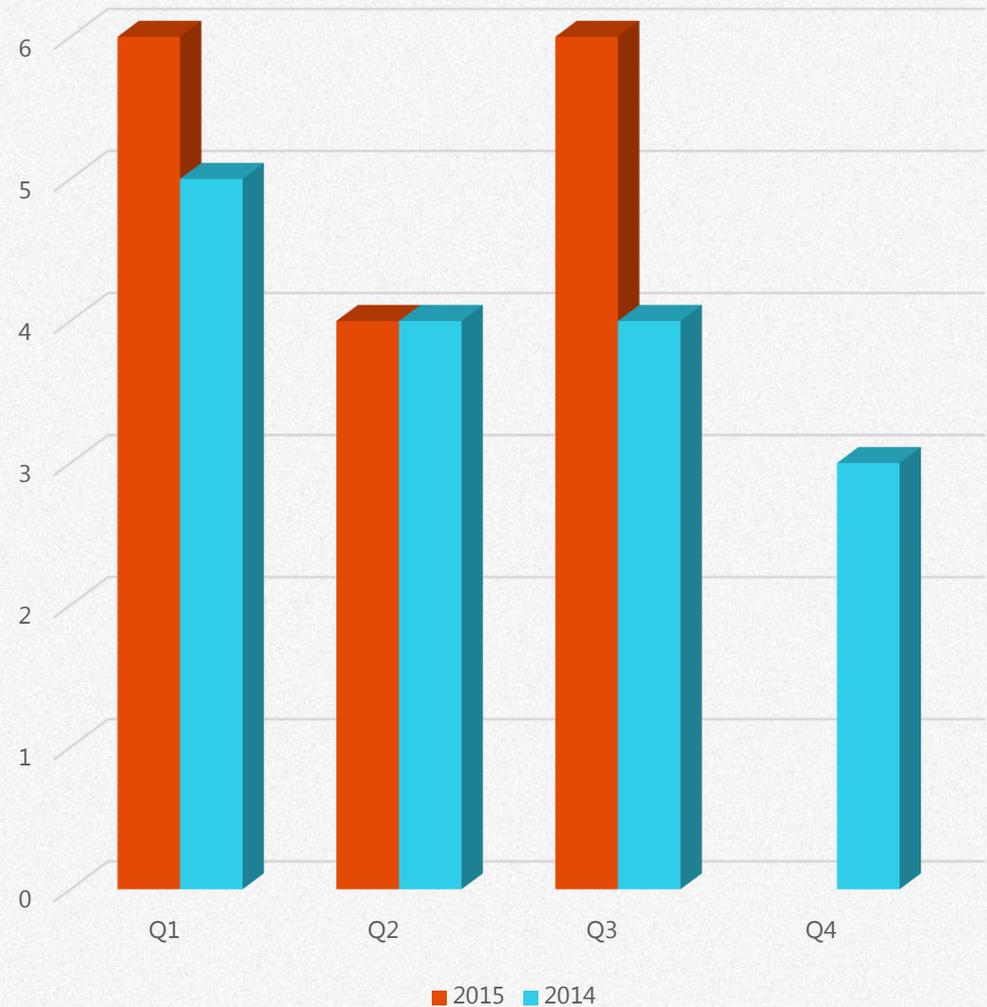
# Performance Metrics

## Superior Court - Trials Held YTD

*The number of trials held is an important metric to monitor since it can be indicative of the relative effectiveness of public defense representation.*

**Trend: Criminal trials in Superior Court thus far in 2015 are markedly above 2014 numbers.**

Superior Court Public Defender Trials



Note: The lack of trials was cited both by the plaintiffs and by the US District Court as a key indicator of the lack of effectiveness of the public defense system in Mt. Vernon and Burlington in the case of *Wilbur et al v. City of Mt. Vernon et al.* See more about this case in the Legal Update section of this report.

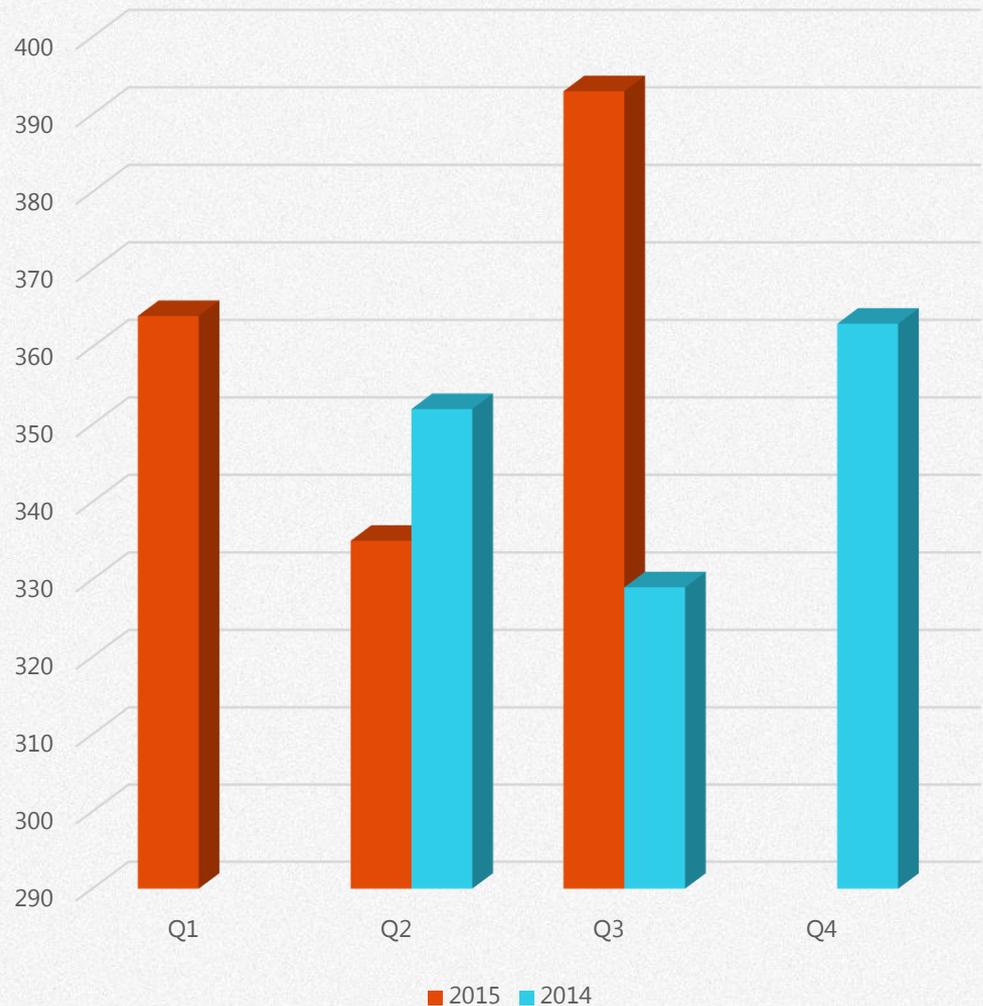
# Performance Metrics

## Superior and District Court - Jail Visits YTD

*This metric measures the number of times District and Superior Court defenders visit their clients in jail and is another important indicator of quality of public defense services rendered.*

*Data collection started May 1, 2014 with an announcement at the Continuing Legal Education (CLE) seminar held that quarter. At least as compared to 2014, 2015 numbers remain at a good level. As more data is collected, a better gauge for a baseline and desired levels will be available.*

Number of Jail Visits by Public Defenders



Note: data is collected on a "per visit" basis. Since public defenders regularly and routinely visit more than one client for any given visit to the jail, the actual number of clients visited in jail is far greater than the number reflective of the volume of visits.

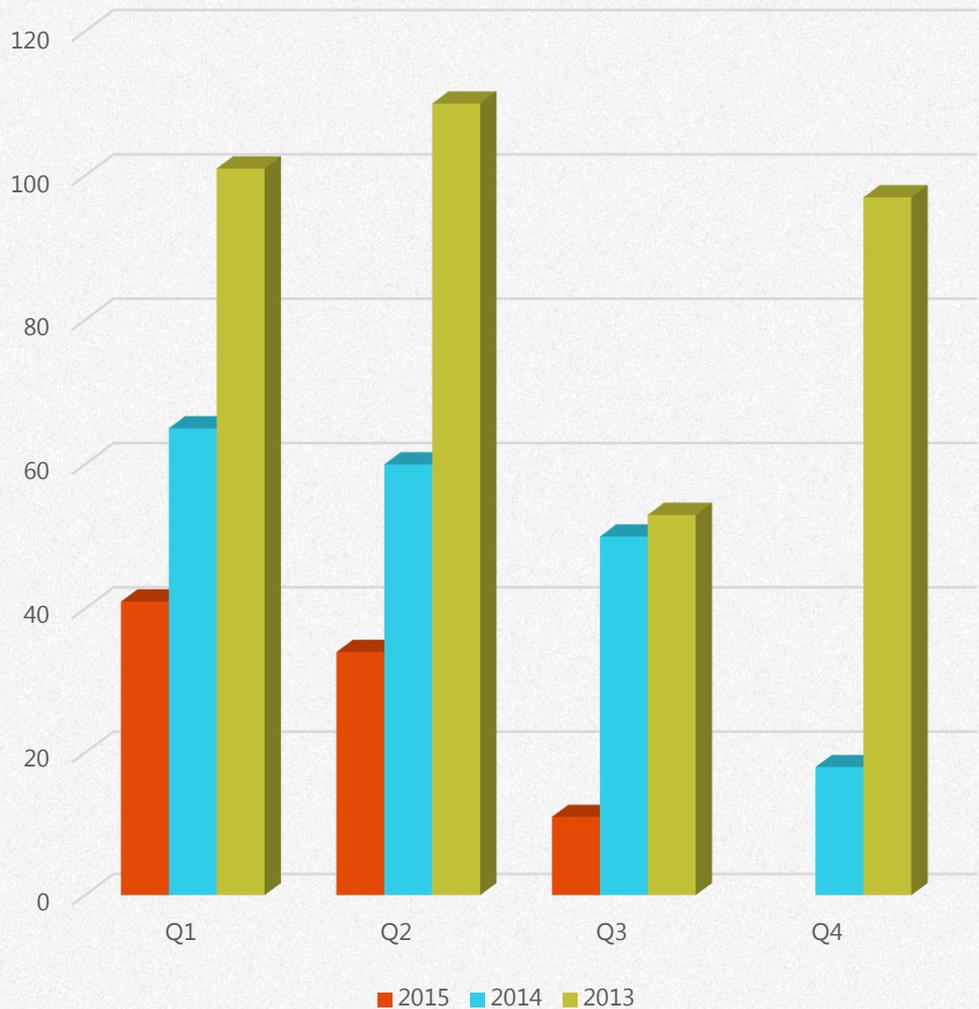
# Performance Metrics

## Superior Court - Number of Requests for Investigator Funding

*This metric measures the number of times Superior Court Defenders request funding for investigative services. This can be indicative of the effort they put into defending the cases they are assigned.*

***Trend: requests for investigative services funding has dropped significantly since 2013. A number of factors, including new contract defenders, may explain this. If this trend continues into the new year, more investigation into its cause will be necessary.***

Superior Court Investigator Funding Requests



# Performance Metrics

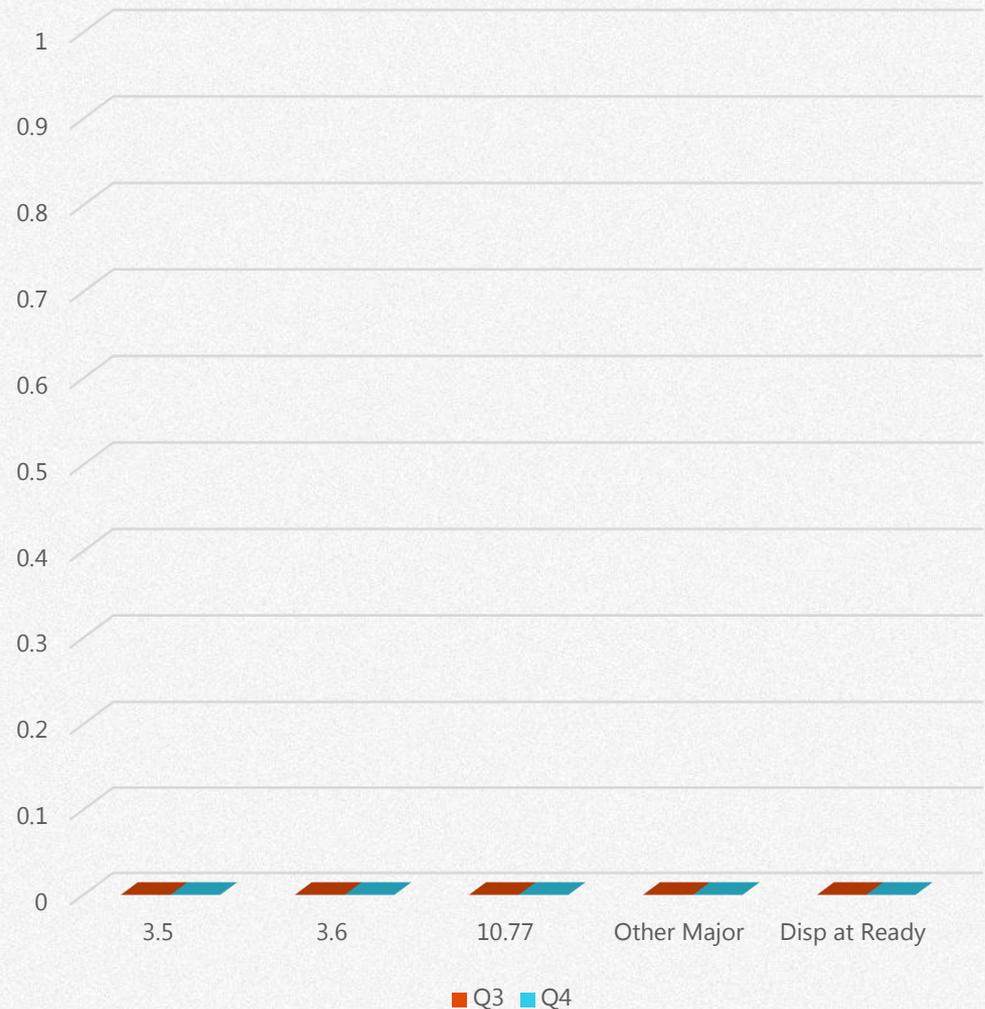
## Superior Court – Number of key motions filed

*This metric measures the number of times Superior Court Defenders file certain key motions that are most indicative of the effort being put into defending cases.*

*The displayed chart is a preview of the data that will be published. Data started being collected partway through Q3 2015 so will not be reported until Q4 2015.*

*Please [see Glossary](#) for further explanation about these motion types.*

Key Motions Filed 2015



# Performance Metrics

## Superior Court and District Court

### Number of Formal Complaints about Public Defenders

*This metric measures the number of Formal Complaints filed with OPD about public defenders. Formal Complaints are defined as written complaints that state a specific and addressable complaint about a public defender's representation on a case, filed by a client<sup>1</sup>. OPD has a very specific Complaint Resolution Process.*

***Trend: Complaints have been on a significant downward trend since data was collected starting 2009.***

## Formal Complaints Against Public Defenders



1. OPD does not accept complaints filed by people other than actual clients of public defenders. Furthermore, complaints received in a form other than in writing are not regarded as formal complaints and therefore not logged in the figures on this slide.

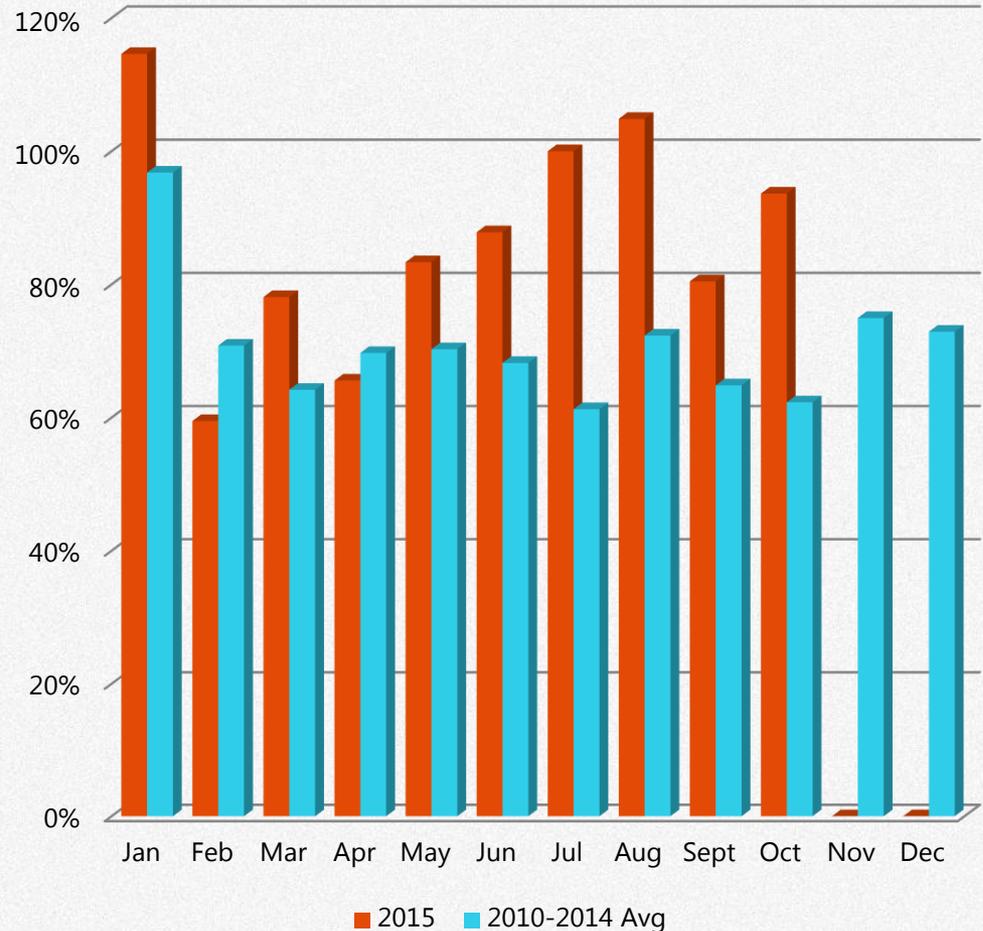
# Performance Metrics

**Superior Court** - % of cases appointed to counsel YTD

*This metric measures the percentage of cases filed in Superior Court that are actually appointed to counsel and plots it over time. This percentage can be indicative of the success of early resolution programs.*

**Trend:** Compared to historical data, a higher percentage of cases are being appointed to counsel YTD. A number of factors can explain this though the operative factor(s) has not been identified so far.

## Benton County Superior Court % of Cases Appointed to Counsel



# Financial Metrics

## Superior Court - Contracts Budget

*This metric measures Biennium-to-date ("BTD") actual vs budgeted expenditures.*

***Trend: This budget line item is significantly under-expended.***

Superior Court Contracts Line Item  
Biennium-to-date Nov 2015



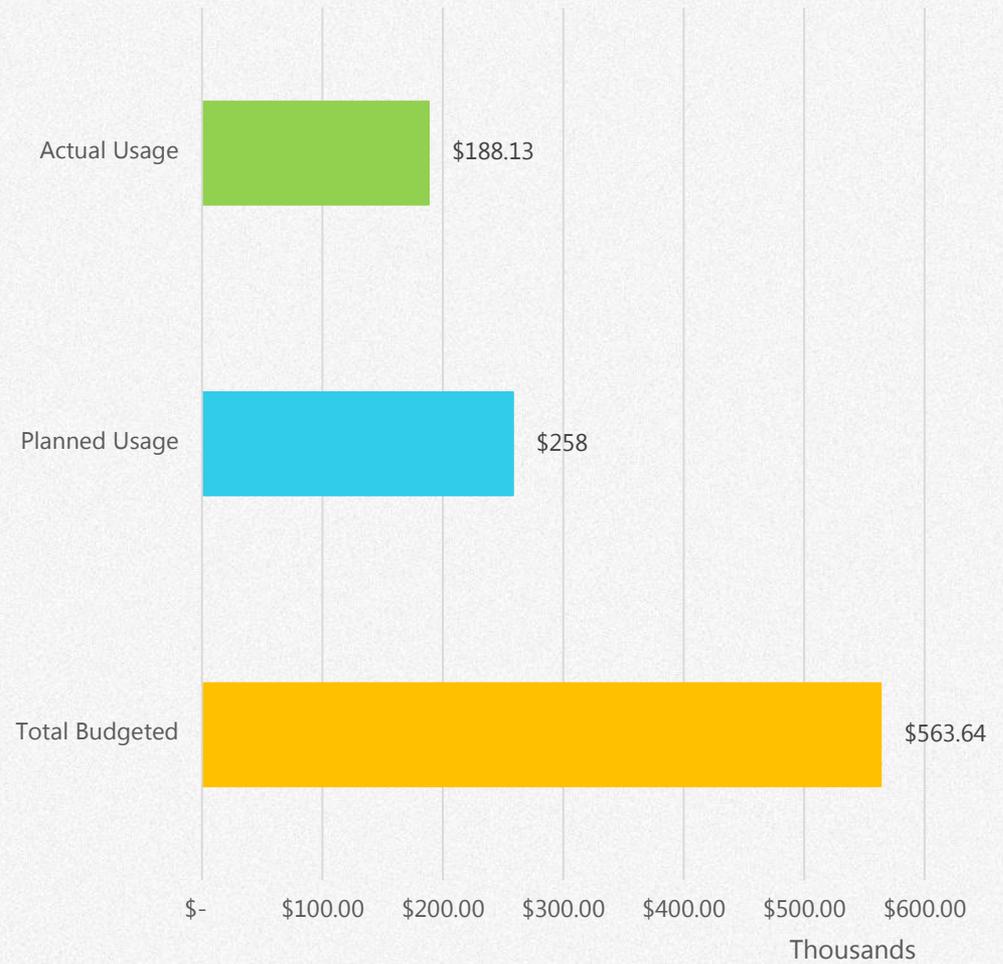
# Financial Metrics

## Superior Court - Professional Services Budget

*This metric measures Biennium-to-date ("BTD") actual vs budgeted expenditures.*

***Trend: This budget line item is significantly under-expended.***

Superior Court Prof Services Line Item  
Biennium-to-date Nov 2015



# Facts, Figures & Metrics District Court

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*Caseload Trends (Filings)*

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*Caseload Trends  
(Appointments)*

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*Performance Metrics  
(Trials Held)*

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*Performance Metrics (Jail  
Visits)*

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*Performance Metrics  
(Requests for funding)*

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*Performance Metrics (Key  
motions filed)*

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*Performance Metrics (% of  
cases assigned to counsel)*

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*Financial Metrics*

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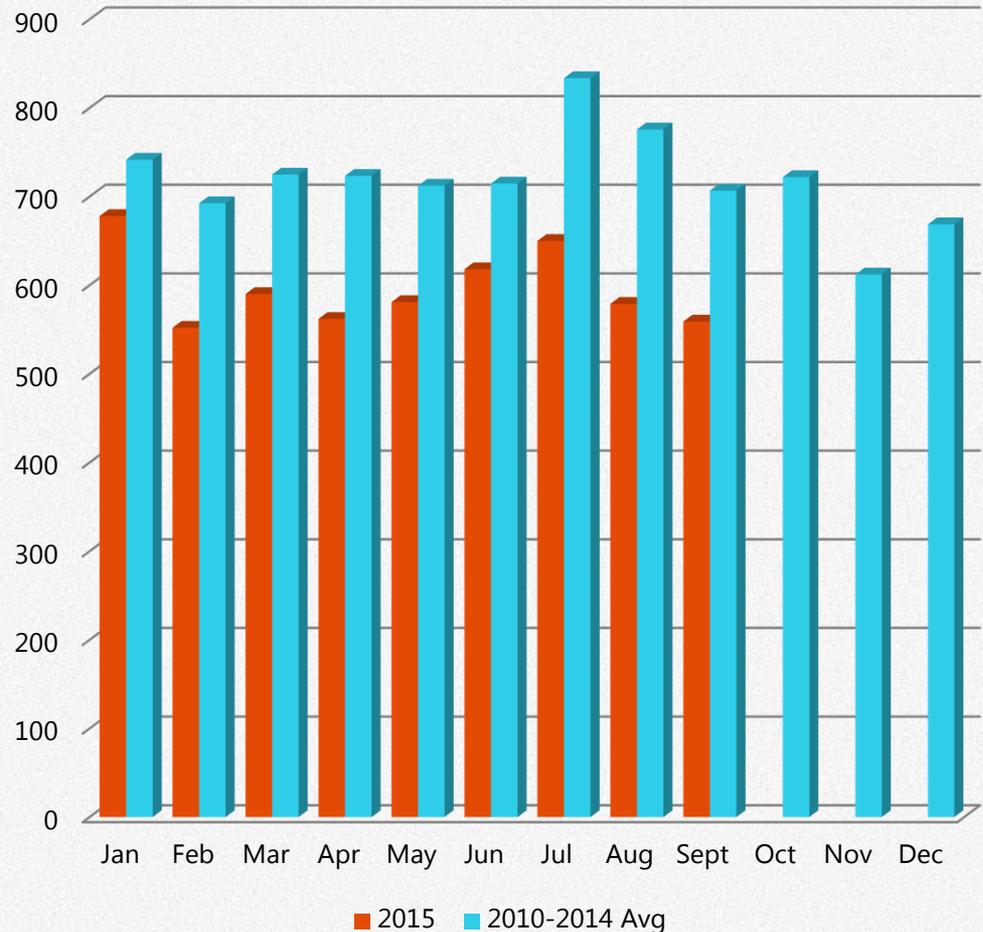
# Caseload Trends

District Court - Filings YTD

*"Filings" represents the aggregate number of cases filed in court without regard to whether they are actually appointed to a public defender.*

***Trend: Based on available data<sup>1</sup> it appears that there is a noticeable downward trend to case filings in 2015.***

## Benton County District Court 2015 Filings Trend



<sup>1</sup> Data for case filings is obtained from the [Washington State Courts](#) website. Data for District Court filings generally lag at least a month, if not two, behind.

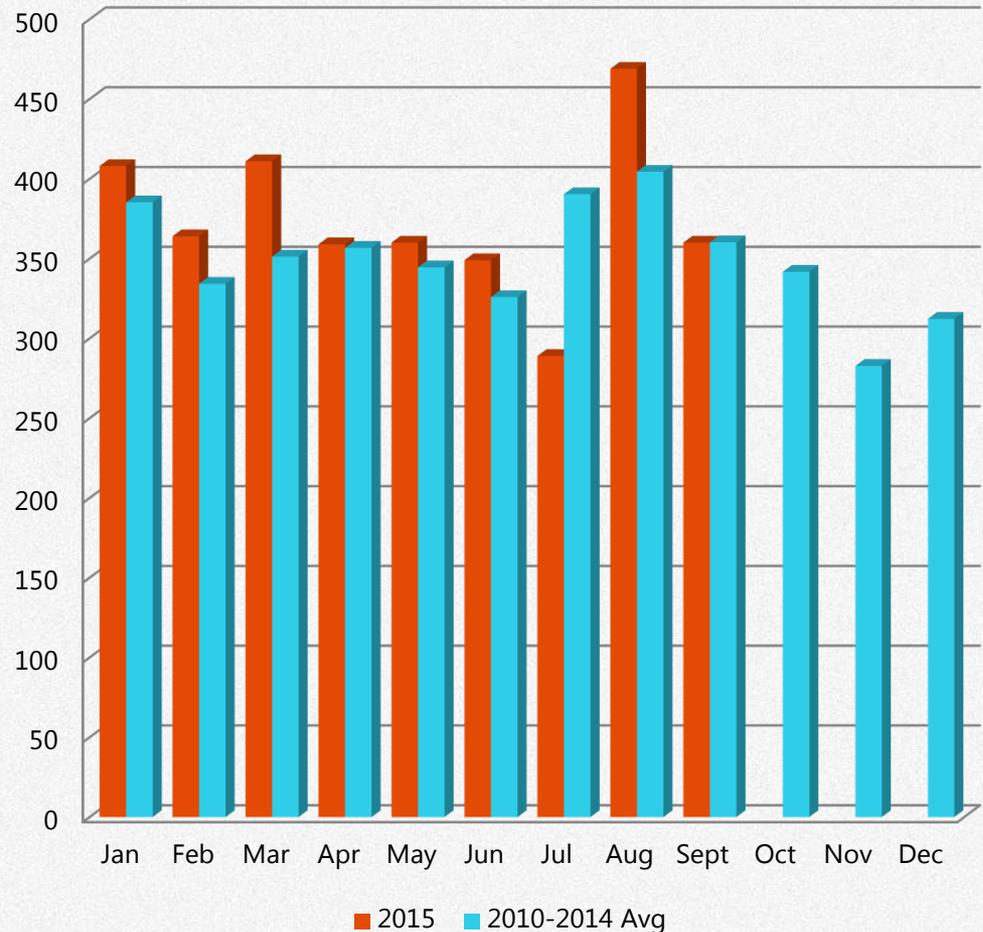
# Caseload Trends

District Court - Appointments YTD

*"Appointments" represents the portion of overall filed cases that are actually appointed to public defenders.*

*Trend: despite the downward trend in filings, appointments are trending at or above historic levels, indicating that a higher percentage of filed cases are qualifying for public defense representation.*

## Benton County District Court 2015 Appointments Trend



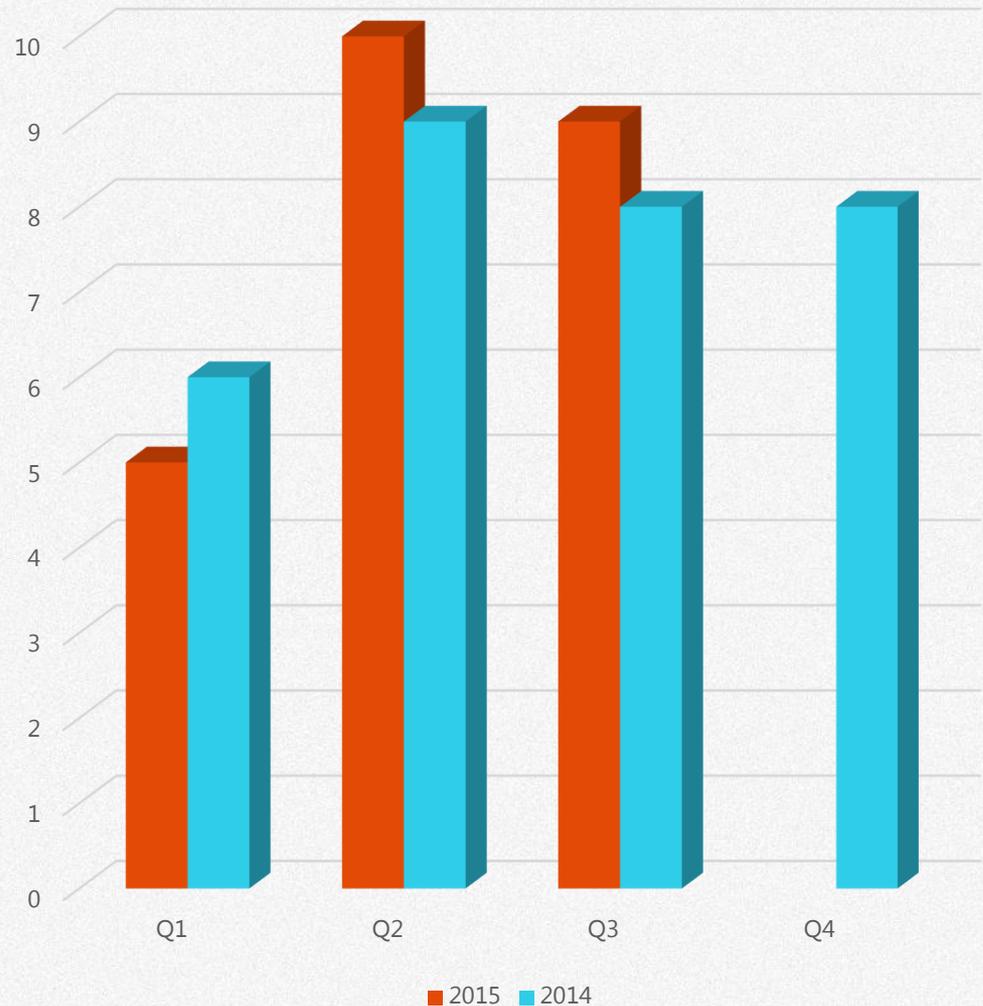
# Performance Metrics

## District Court - Trials Held YTD

*The number of trials held is an important metric to monitor since it is indicative of the relative effectiveness of public defense representation. NOTE: data collection methodology has now been modified to collect only trials conducted by public defenders.*

***Trend: YTD, number of trials is above figures from last year. While this only represents a small percentage of appointed cases, this metric must be taken into account together with other effectiveness metrics (following) to gauge the effectiveness of local public defense.***

District Court Public Defender Trials



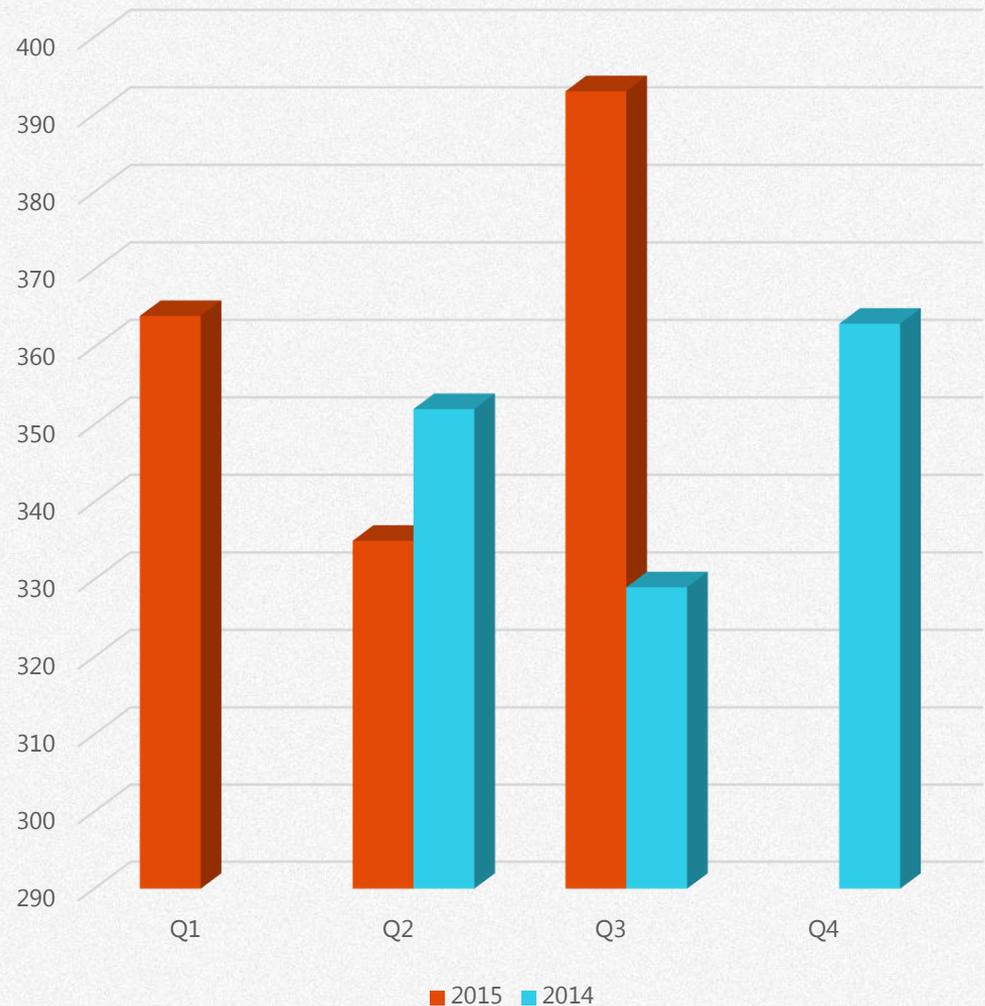
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*Data collection started May 1, 2014 with an announcement at the Continuing Legal Education (CLE) seminar held that quarter. At least as compared to 2014, 2015 numbers remain at a good level. As more data is collected, a better gauge for a baseline and desired levels will be available.*

Number of Jail Visits by Public Defenders



Note: data is collected on a "per visit" basis. Since public defenders regularly and routinely visit more than one client for any given visit to the jail, the actual number of clients visited in jail is far greater than the number reflective of the volume of visits.

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# Performance Metrics

## District Court - Number of Requests for Funding

*Responsibility for approving funding requests has only recently been delegated by District Court to this office (2Q 2015). As such, it is too early to have collected data to publish. It is anticipated that data for 3Q 2015 (and onward thereafter) will be available and published in the next Quarterly Report.*

*This metric measures the number of times District Court Defenders request funding for investigative services. This can be indicative of the effort they put into defending the cases they are assigned.*

### **Trend:**

# Performance Metrics

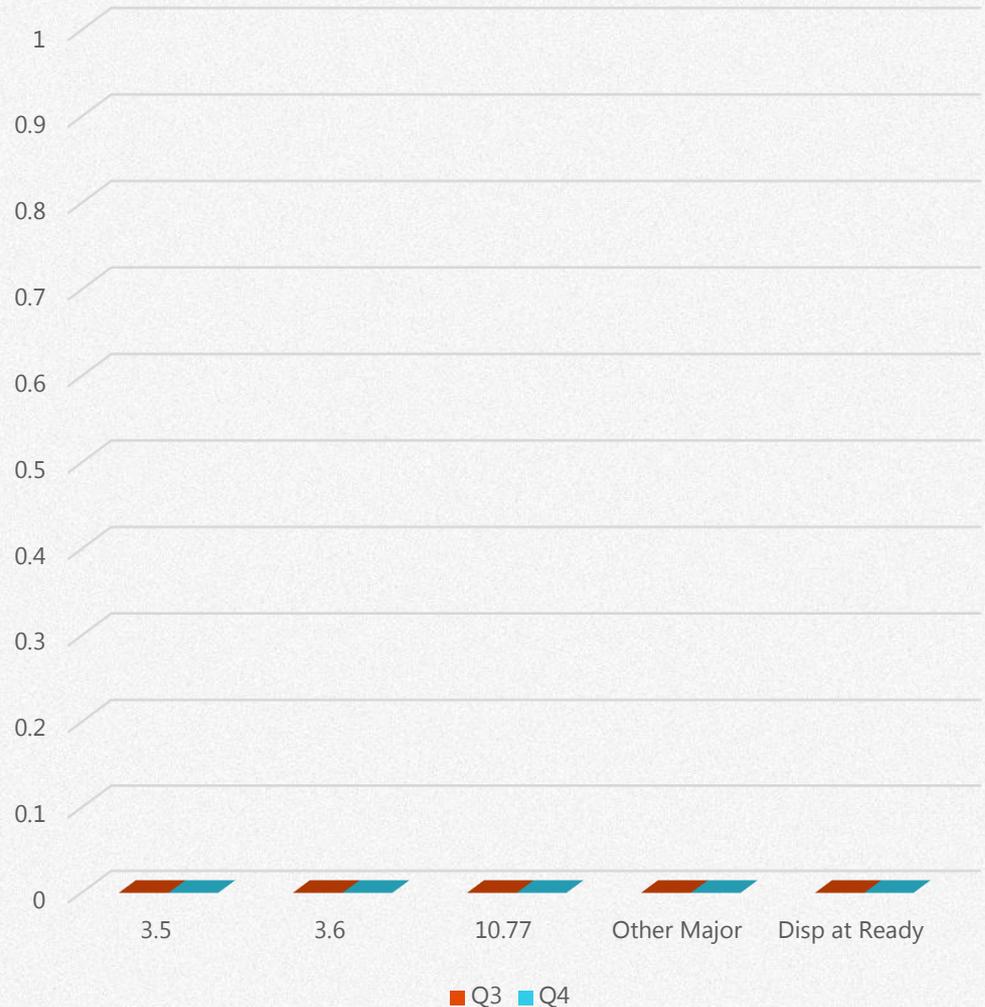
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Key Motions Filed 2015



# Performance Metrics

## Superior Court and District Court

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***Trend: Complaints have been on a significant downward trend since data was collected starting 2009.***

## Formal Complaints Against Public Defenders



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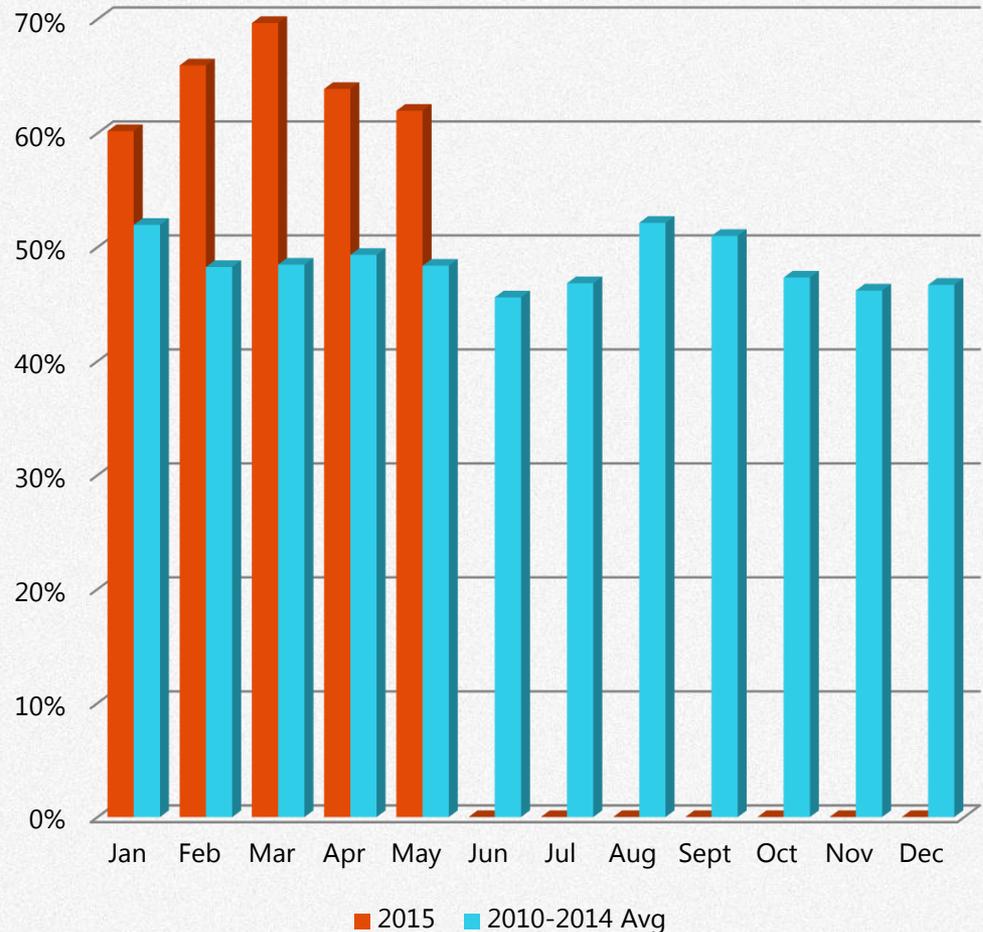
# Performance Metrics

**District Court** - % of cases appointed to counsel YTD

*This metric measures the percentage of cases filed in District Court that are actually appointed to counsel and plots it over time. This percentage can be indicative of the success of early resolution programs.*

**Trend:** *As compared to recent years, a significantly higher percentage of cases filed are being appointed public defense counsel. It is unclear at this time whether this apparently sustained trend is due to a large proportion of defendants qualifying for public defense counsel or to fewer cases being resolved at arraignment.*

## Benton County District Court % of Cases Appointed to Counsel



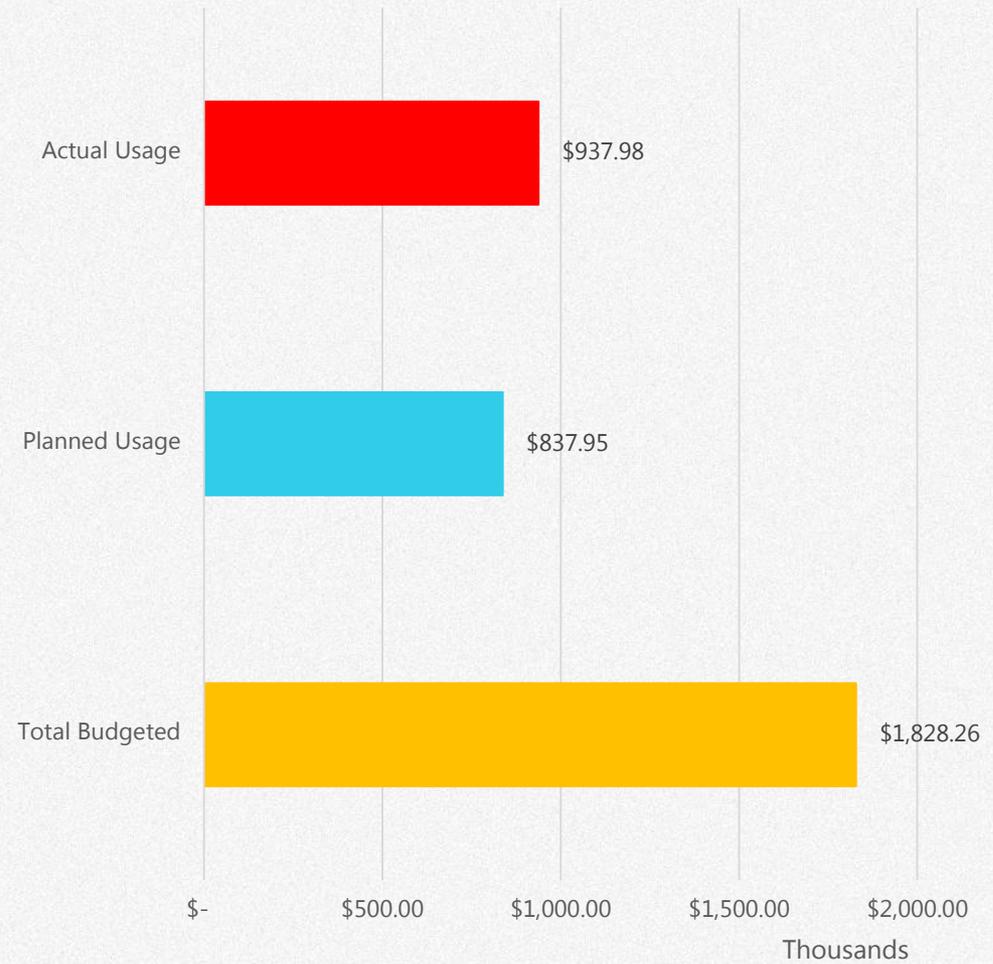
# Financial Metrics

## District Court - Overall Budget

*These metrics measure Biennium-to-date ("BTD") actual vs budgeted expenditures and makes a forecast for the end-of-biennium status of this budget line item .*

***Trend: Despite being slightly over-budget for this point in the biennial budget cycle, this budget line item is still predicted to finish the year with at most a minor deficit, if not a surplus.***

### District Court Contract Services Biennium-to-date Nov 2015



# Facts, Figures & Metrics Juvenile Court

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*Caseload Trends (Filings)*

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*Performance Metrics  
(Trials held)*

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*Performance Metrics  
(Detention visits)*

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*Performance Metrics  
(Requests for funding)*

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*Performance Metrics (Key  
motions filed)*

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*Performance Metrics  
(Attorney Complaints)*

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*Financial Metrics*

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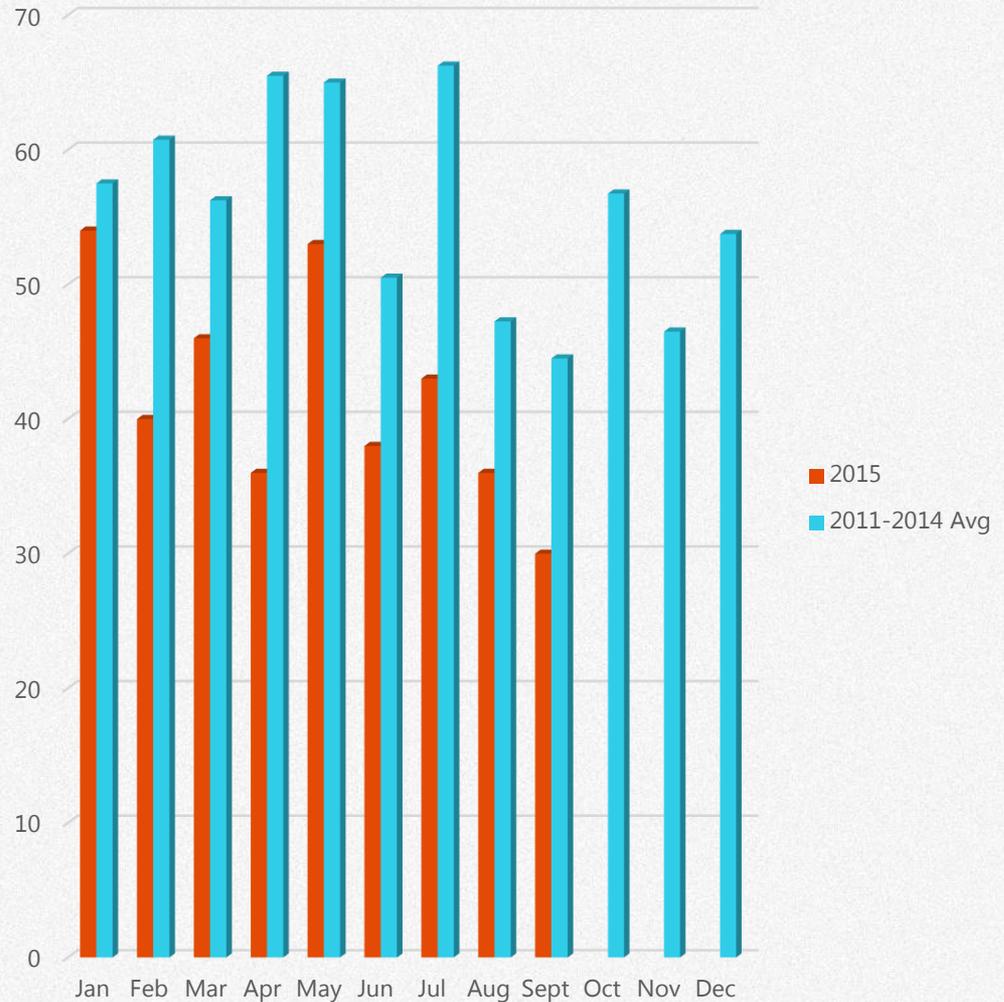
# Caseload Trends

## Juvenile Court - Filings YTD

*In Juvenile Court, all juvenile defendants are presumed to be indigent and appointed defense counsel. Therefore the difference between filed and appointed cases is minimal and insignificant.*

*Trend: Based on available data<sup>1</sup> it appears that there is a noticeable downward trend to case filings in 2015.*

### Benton County Juvenile Offender Filings



<sup>1</sup> Data for case filings is obtained from the [Washington State Courts](#) website.

# Performance Metrics

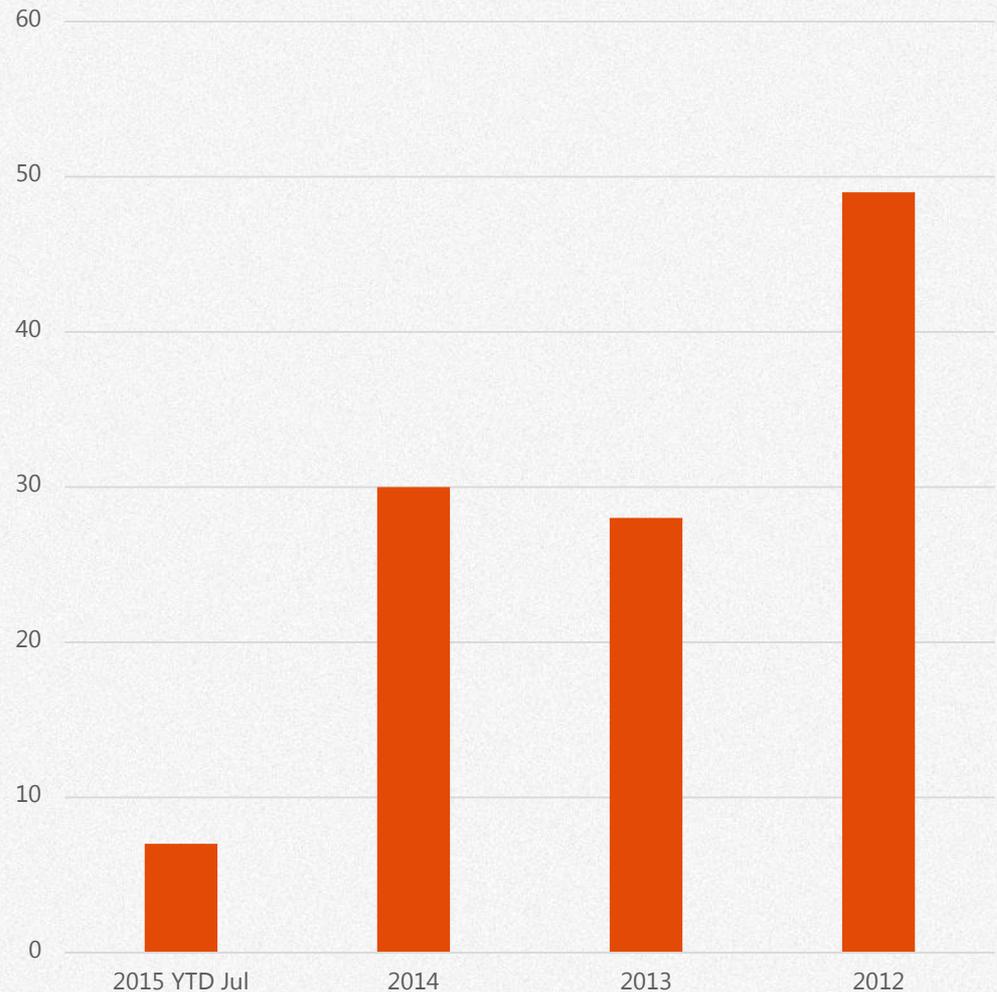
## Juvenile Court - Trials Held YTD

*The number of trials held is an important metric to monitor since it is indicative of the relative effectiveness of public defense representation.*

### **Trend:**

***There is a troubling and significant downward trend in trials held in juvenile court. While this can be caused by a number of different factors, some investigation needs to be done to determine whether there is cause for concern about effectiveness of representation.***

Juvenile Court  
Number of trials annually



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# Performance Metrics

## Juvenile Court – Detention Visits YTD

*This metric measures the number of times Juvenile defenders visited their clients in the Benton & Franklin Counties Juvenile Detention Facility and has been identified as an important measure of the effectiveness of representation.*

*Since contracted public defenders are not required to sign in at this time when they visit clients who are being held in juvenile detention, there is currently no way to track this metric. OPD is working with juvenile justice staff to devise a method to track this important metric in the new year (2016).*

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# Performance Metrics

## Juvenile Court - Number of Requests for Funding

*This metric measures the number of times Juvenile Court Defenders request funding for investigative services. This can be indicative of the effort they put into defending the cases they are assigned.*

### **Trend:**

*Responsibility for approving funding requests has only recently been delegated by Superior Court, Juvenile Division, to this office (1Q 2015). As such, it is too early to have collected data to publish. It is anticipated that data for 4Q 2015 (and onward thereafter) will be available and published in the next Quarterly Report.*

# Performance Metrics

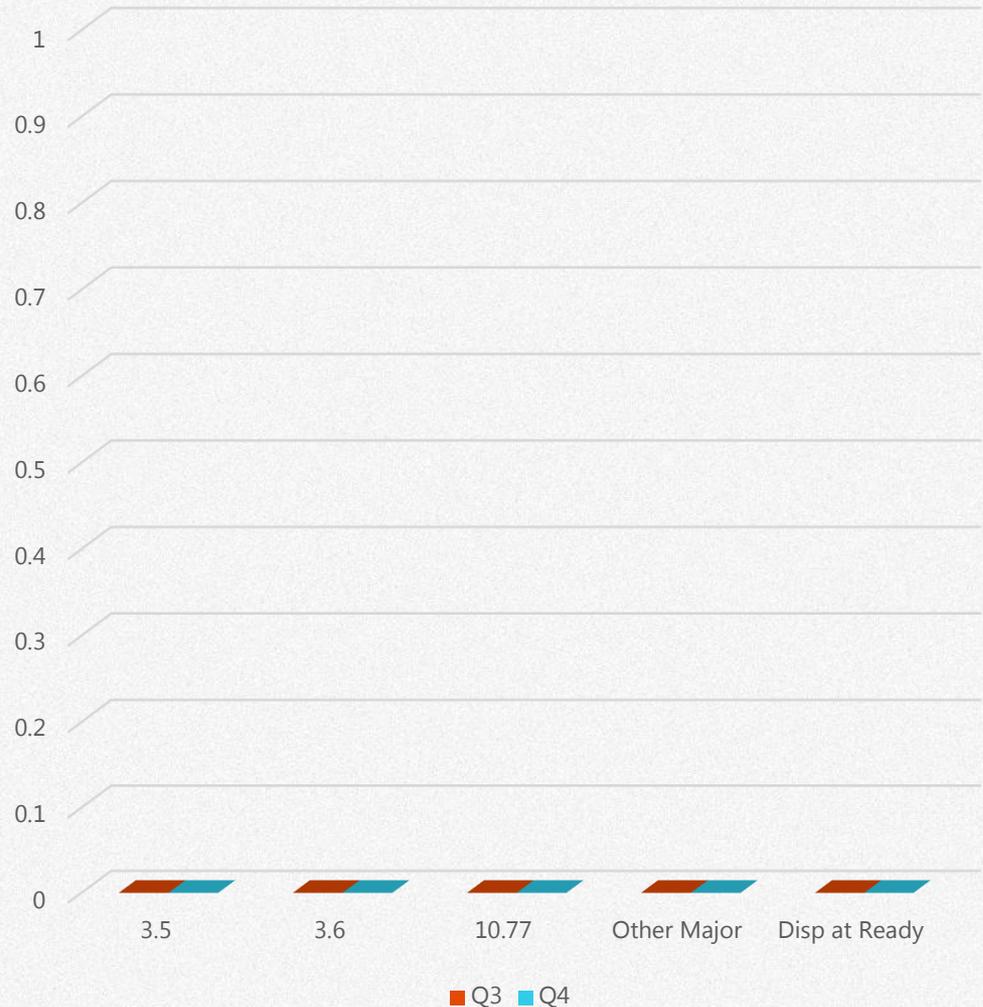
**District Court**— Number of key motions filed

*This metric measures the number of times Juvenile Court Defenders file certain key motions that are most indicative of the effort being put into defending cases.*

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*Please [see Glossary](#) for further explanation about these motion types.*

Key Motions Filed 2015



# Performance Metrics

## Superior Court and District Court

### Number of Formal Complaints about Public Defenders

*This metric measures the number of Formal Complaints filed with OPD about public defenders. Formal Complaints are defined as written complaints that state a specific and addressable complaint about a public defender's representation on a case, filed by a client. OPD has a very specific Complaint Resolution Process.*

***Trend: Complaints have been on a significant downward trend since data was collected starting 2009.***

## Formal Complaints Against Public Defenders



The data on complaints includes complaints received about public defenders assigned to the Juvenile Defense Unit.

# Staffing

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*Staffing Overview*

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*Superior Court Staffing  
Allocation*

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*Superior Court Special  
Teams*

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*District Court Staffing  
Allocation*

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*District Court Special  
Teams*

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# Staffing Overview

## People

BFOPD provides public defense services in Benton County Courts in two different ways:

Through fully employed **Staff Defenders**, and using **Contract Defenders**.

Contract defenders are further divided between “monthly compensation” contractors (paid a fixed monthly compensation for “up to” a total number of cases per year and “by the case” contractors (paid for cases appointed as needed only).

## Standards

BFOPD adheres to the Public Defense Standards mandated by the Washington State Supreme Court.

This means, among other things, that all District Court defenders have caseloads of no more than 400 cases per year, all Superior Court defenders have caseloads of no more than 150 cases per year, and all defenders certify that they have access to appropriate office and interview facilities.

## Quality

BFOPD utilizes an **Enforcement & Empowerment** approach to public defense quality control.

**Enforcement** refers to the enhancing of quality control through rigorous contract compliance and monitoring of key Performance Metrics.

**Empowerment** is accomplished through mentorship opportunities and class-leading Continuing Legal Education (“CLE”) training offered free to all contract and staff public defenders.

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# Staffing Overview

## Management & Administration

### Management

*To improve the management of BFOPD's District Court operations, Sr. Staff Defender Alexandria Sheridan was recently promoted in late 2013 to District Court Supervisor. She assists with day to day oversight as well as policies, procedures and training in District Court.*

### Administration

*Administrative support for District and Superior Court operations includes contract oversight, accounts payable functions, and caseload audit. The caseload audit functions are increasingly important for fiscal and risk management reasons so a sophisticated system of audit checks and balances, including multiple data sources and a custom database is used.*

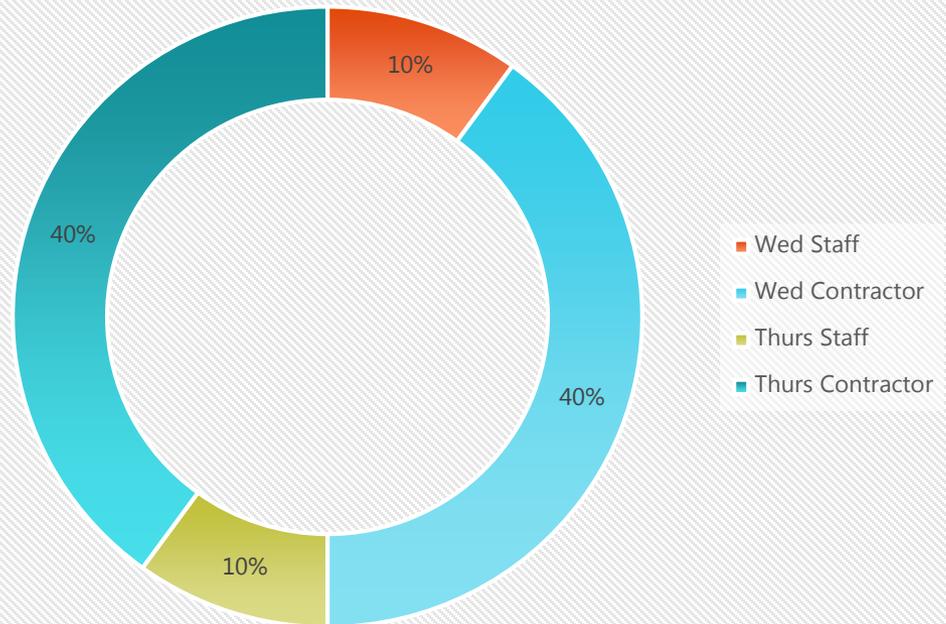
# Staffing Allocation

## Superior Court

*Staffing in Superior Court is divided between the Wednesday and Thursday criminal pre-trial dockets. There is no difference between the dockets except for the different prosecutors who are assigned to each.*

*Development: OPD started the year with five defenders on each docket, matching the five prosecutors on each docket. However, it is understood that the Prosecutor's Office will be adding an additional prosecutor to one of the dockets bringing that docket to a total of six. Once the new prosecutor is added, an evaluation of caseloads and capacity will be conducted to determine when to add a new defender (the funding for which is covered by proceeds from the Public Safety Sales Tax).*

### Benton County Superior Court Staffing



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# Special Teams

## Superior Court

### Legal Financial Obligations

*The Superior Court Clerk's Office is authorized by RCW 9.94A.760 to collect legal financial obligations ("LFOs") imposed in Superior Court convictions. BFOPD provides defense counsel to those indigent defendants facing a potential jail sanction for an alleged failure to pay LFOs as agreed. Currently this is provided by way of a team of two contract defenders each contracted to make two court appearances a month.*

### Civil Commitment

*BFOPD is obligated by law to provide public defense services to indigent individuals subject to involuntary civil commitment pursuant to Washington's Involuntary Treatment Act (RCW Chapter 71.05).*

*Services are currently provided by way of a contract shared by two attorneys who jointly provide services to all Benton & Franklin County cases.*

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# Special Teams

## Superior Court

### Child Support Contempt

*BFOPD is obligated by law to provide public defense counsel to indigent individuals facing Contempt of Court proceedings for failure to pay child support, where incarceration in jail is likely. This primarily occurs in cases prosecuted by Child Support Division of the Prosecutor's Office.*

*Services are provided by a contract public defender.*

### Homicide Defense

*BFOPD provides public defense counsel for all indigent defendants charged with homicide (ie Murder, Manslaughter, Vehicular Homicide etc).*

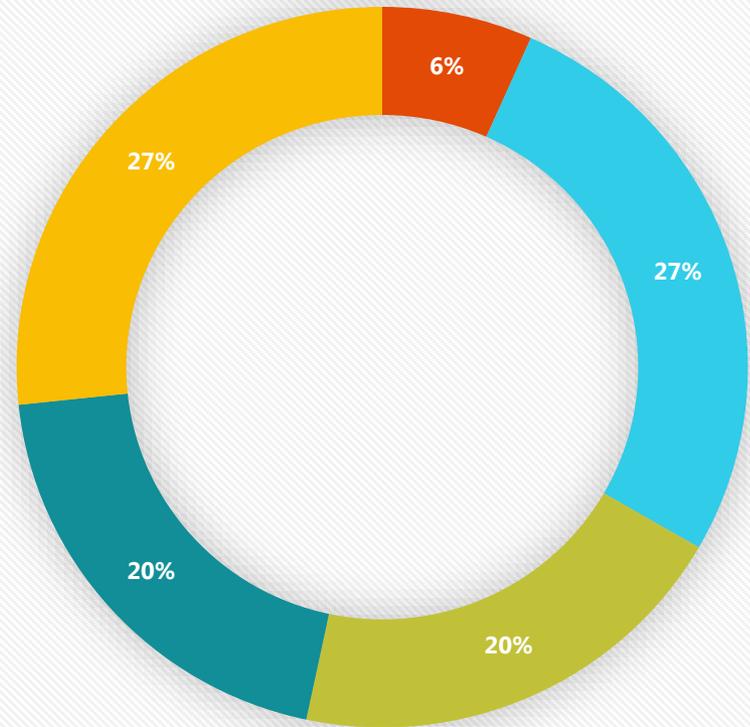
*Services are provided by a special team of specially trained attorneys consisting of 3 contract public defenders and one Sr. Staff Defender.*

# Staffing Allocation

## District Court

*Staffing allocation decisions are made based on caseload forecasts for each docket/jurisdiction. Despite the downward trend earlier in the biennium, there has been a significant upward trend in case appointments in 2015 which is now anticipated to end with almost 700 more case appointments than forecasted. This may be due to significant hiring of law enforcement officers by Benton County agencies due to funding from the Public Safety Sales Tax.*

## Benton County District Court Staffing



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# Special Teams

## District Court

### In-Custody/Probation

*The In-Custody and Probation team consists of four contract attorneys. Collectively, this team provides provisional representation every day to all in-custody defendants at time of initial appearance (both on misdemeanor and felony initial appearances) and also provides defense representation on all District Court probation and fail to pay fine cases.*

### Walk-In Arraignments

*The Walk-In Arraignment Team provides provisional representation to all out-of-custody defendants at time of initial appearance for District Court matters.*

*Public defenders on this team all have District Court defense contracts and are provided additional compensation, on a per-docket basis, for their services on this team.*

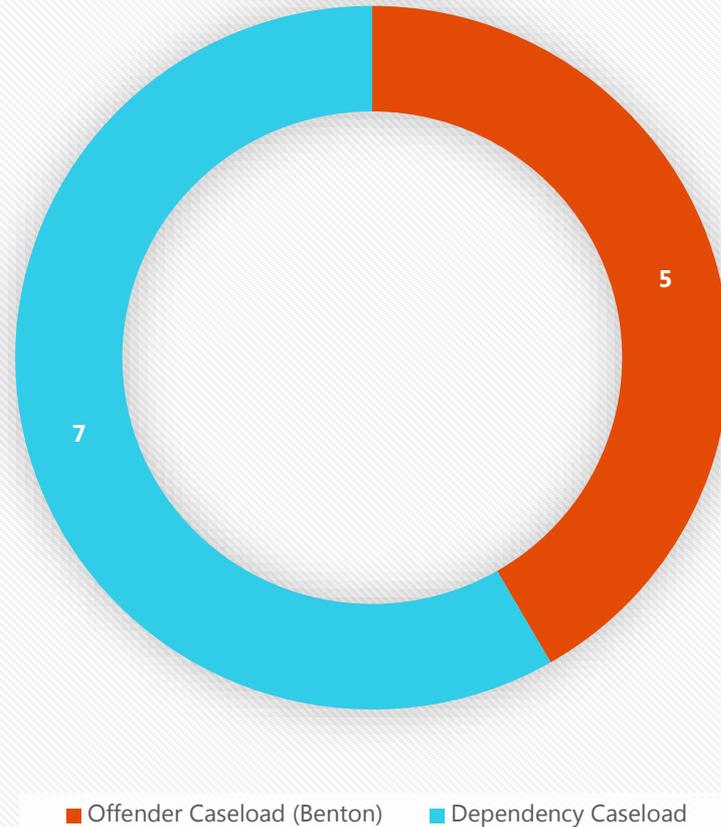
# Staffing Allocation

## Juvenile Court

*Staffing in Juvenile Court is divided between attorneys assigned to an Offender Caseload (juveniles accused of criminal offenses) and Dependency Caseload (children involved in dependency or termination of parental rights cases). The defenders assigned an Offender Caseload are further divided between those who primarily have Benton County caseloads and those who have Franklin County Caseloads. Dependency caseloads are not split between the counties.*

*Staffing has largely been steady proportion-wise over the last many years.*

### Benton & Franklin Counties Juvenile Court Defender staffing breakdown



# Legal

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*Legal Updates Overview*

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*Public Defense  
Improvement Project*

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*Superior Court LFO  
Defense*

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# Legal Updates

*As a professional public defense agency, the Benton & Franklin Counties Office of Public Defense constantly stays abreast of the dynamic legal landscape of public defense services in the State of Washington.*

*In light of this legal landscape, the public defense system is constantly evaluated for opportunities to improve representation of clients, improve fiscal performance, and reduce risk.*

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*The most important legal issue (with significant District Court operational implications) that is being actively analyzed by BFOPD at this time is the effect of the ruling in the case of *Wilbur v. Mt. Vernon*.*

*In light of the *Mt. Vernon* case, a comprehensive Public Defense Improvement Project has been undertaken with the goal of not only ensuring that our local public defense system is the best it can be and is completely legally defensible as adequate, but also that the data to support and defend this position is readily available and visible to the public.*

*The details of the Public Defense Improvement Project have been shared in the 2Q 2015 update. The following pages will contain updates on improvement efforts.*

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# Public Defense Improvement Project

## Informational Resources

*As reported previously, OPD has been working on the following informational resources:*

- 1. **Statement of Basic Rights** – created and published already.*
- 2. **Informational letters describing how to work with public defenders (mandatory for Staff Defenders, recommended for contract defenders)** – in use by Staff Defenders already. Will determine shortly how many contract defenders use this as well.*
- 3. **Complaint resolution informational publication** - created and published already.*
- 4. **72-hour hold informational publication** - created and published already.*
- 5. **Informational publications to assist defendants with their decision to proceed pro se** - created and published already.*

*Additional informational resources being developed.*

- 1. **Informational statements for LFO defendant** – defendants who are facing jail time for failing to pay legal financial obligations have a need for information different than those facing criminal charges. A special set of resources is being created specifically for those clients and cases.*

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# Public Defense Improvement Project

## Metrics and Reporting

A central piece of the Public Defense Improvement Project is the collection, and publishing of certain key metrics that are indicative of public defense effectiveness. This page lists the metrics that are to be collected and published, and the status of the collection and publication efforts.

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### *Metrics reporting progress*

1. *Caseloads (annual)* – tracked and currently reported
2. *Trials held (quarterly)*- tracked and currently reported
3. *Requests for investigator (quarterly)*- tracked and currently reported for Superior and District Court; tracked and soon to be reported for Juvenile Court.
4. *Key motions filed (quarterly)* – tracked for all courts, soon to be reported when a full quarter of data is available.
5. *Cases resolved with dismissal or other favorable results at trial-readiness (quarterly)* – tracked for all courts, soon to be reported when a full quarter of data is available.
6. *Jail visits (quarterly)* – tracked and reported for Benton County Jail (adult facility) housing offenders from District and Superior Courts. No current ability to track for Benton County Juvenile Detention facility but efforts will be made to do so in 2016.

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# Public Defense Improvement Project

## Best Practices

*A number of best practices are being developed that are intended to maximize the effectiveness of public defense representation. These best practices will be mandatory with Staff Defenders and highly recommended for contract defenders<sup>1</sup> and include:*

- 1. Initial consultations with incarcerated clients within 72 hours of notice of appointment*
- 2. Use of a standardized "initial consultation checklist"*
- 3. Use of an introductory letter to clients informing them of the basics of public defense representation as well as the particular public defender's practices and protocols regarding client communication, appointments, and other important issues*
- 4. Routine use of WDA's immigration consulting service (that provides definitive advice on individual cases with potential immigration consequences)*

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# Public Defense Improvement Project

## Focus on Superior Court LFO defense

*The Superior Court legal financial obligation (“LFO”) enforcement docket has come under recent scrutiny from the NW Justice Project as well as the ACLU. After a meeting with stakeholders in late 2015, OPD will be taking the following steps to ensure the best possible representation at these dockets.*

- 1. Establishing public defender “office hours” during which out-of-custody LFO defendants may consult with defenders at the courthouse for matters including their rights when signing agreements to pay LFOs in installments;*
- 2. Developing forms, checklists and practice tools to help keep clients informed about their rights and the LFO collection process, as well as to help defenders advocate effectively for their clients by, among other things, being able to quickly and easily convey their clients’ financial situations to the court for consideration.*
- 3. Requiring defenders to attend LFO defense training through State OPD, Washington Defender’s Association, Washington Association of Criminal Defense Lawyers.*
- 4. Reviewing the compensation structure of LFO defense contracts in light of growing responsibilities, docket volumes and time commitments to ensure that compensation is sufficient to encourage effective representation.*

# Other Updates & Resources

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*Glossary*

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# Glossary

## Terms used in reporting of key motions

### *3.5 Motion*

*A motion filed under Rule 3.5 is used to suppress confessions made by defendants because of technical violations of the law (most frequently Constitutional law).*

### *3.6 Motion*

*A motion filed under Rule 3.6 is used to suppress searches and seizures of defendants and their property because of technical violations of (again mostly constitutional) law.*

### *10.77 Motion*

*A motion filed under RCW 10.77 seeks to have a defendant evaluated for mental competency to stand trial.*

### *Other Maj*

*This category (for purposes of metrics reporting) is for other significant motions filed by public defenders that are instrumental in either dismissing the case or leading to a significantly improved case-resolving plea offer.*

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# Glossary

## Terms used in reporting of key motions

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### *Dism at Ready*

*This category, for purposes of metrics reporting, is for cases where a public defender has prepared a case ostensibly for trial but it is dismissed by the prosecution either at or close to the time for trial readiness.*

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# Glossary

## Key terms explained

### *Appointments*

*With respect to caseload numbers, "appointments" refers to the filings that are actually appointed to public defenders.*

*Appointments should always be a subset of filings.*

### *Dependency Cases*

*Juvenile dependency cases are filed when there is an allegation that a parent is not appropriately caring for a child. Depending on the case, remedies may include a full range of actions including, for the worst cases, termination of parental rights.*

*Benton County provides public defense representation locally for the children in such cases. State OPD provides public defense representation for the parents.*

### *Filings*

*With respect to caseload numbers, "filings" refers to the cases filed by prosecutors, without regard to whether or not they are appointed to public defense counsel or not.*

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# Glossary

## Key terms explained

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### *Offender Cases*

*Juvenile offender cases are filed when there is an allegation that a juvenile has committed a criminal offense.*

### *Professional Services Budget*

*In keeping with Washington's public defense standards, OPD keeps a separate line item that is used for funding professional services (other than public defender services) necessary for the defense of cases.*