October 2013
King County Bar Association Bar Bulletin

Public Defense Charter Amendment on Nov. 5 Ballot
By Andrew Prazuch

After a year of hearings on changes to the public defense system in King County, on November 5 voters will be asked to ratify an amendment to the King County Charter that would permanently establish a Department of Public Defense.

Voters will be asked, “Shall the King County Charter be amended to create an appointed office of county public defender, a department of public defense, and a public defense advisory board, and require the executive to consult with the county public defender on the executive’s bargaining with employees of the department of public defense?”

While the Metropolitan King County Council has already approved on its own authority merging the four previously independent, nonprofit public defense agencies into a new county department, supporters of the change argue that amending the King County Charter to shape this new system will result in a stronger and purportedly more independent public defense system. Future county executives and councils would not be able to make changes to the department structure without voter consent.

Supporters argue that this gives the person leading the department of Public Defense more independence to speak out and challenge the County on behalf of indigent clients. As outlined in the commentary on page 32, “The proposed charter amendment has two important provisions that should be a foundation for implementing this independence.” First, “The department of public defense shall also foster and promote system improvements, efficiencies, access to justice and equity in the criminal justice system;” and, second, elected officials “shall not interfere with the exercise of these duties by the department.”

Under the charter amendment, a “county public defender” position would be created, similar to the county prosecutor, with the biggest difference being that the defender would be appointed and not elected as the prosecutor is. The county executive would appoint the county public defender from a list of candidates approved by an advisory board (which includes a King County Bar Association representative). The county public defender could be removed from office by the county executive only for just cause, with the County Council having the authority to override that decision.

The charter amendment was unanimously approved by the County Council on July 1.

The statement in support of the measure in the voter’s pamphlet was written by Christie Hedman, executive director of the Washington Defender Association, and Prof. Jacqueline McMurtrie of the University of Washington School of Law, who also serves as director of the Innocence Project Northwest. They note that “this amendment protects the strengths of our nationally recognized public defense system.”

No individuals or organizations came forward with a statement in opposition.

Additional information is available online at www.kcba.org/publicdefense.