



**Department of
PUBLIC DEFENSE**

*Upholding the Constitution,
one client at a time.*

King County Department of Public Defense

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TTY Relay 711

July 27, 2018

Dear Public Defense Advisory Board Members,

We would like to meet with you next week to discuss an alarming effort to undermine the independence of the King County Department of Public Defense.

On July 16, DPD signed the People's Moratorium, which called on King County officials to pause construction of the new King County youth jail and courthouse and meet with community stakeholders about repurposing the site. More than 100 other organizations, including some of the most significant civil rights voices in King County, including NWIRP, Legal Voice, and Columbia Legal Services, simultaneously signed on to the Moratorium. DPD wrote a companion letter explaining why we oppose youth incarceration and describing how harmful prosecutorial practices perpetuate juvenile incarceration.

It is not surprising that DPD's position was unpopular with the public officials who support moving forward with construction of the youth jail and courthouse. As the Board is aware, the authority and duty to advocate independently, which was provided under the Charter provision and ordinance that established DPD, is of greatest consequence when the position we take is different than other public officials, including those who appoint our Director and those who set out budget. Negative consequences of independent advocacy by way of budget retaliation or removal of a Director were specifically anticipated and guarded against when DPD was established.

It is our understanding that, as a direct consequences of joining the People's Moratorium and raising issues about juvenile justice practices, Interim Public Defender Anita Khandelwal will not be considered as the next Public Defender, and DPD's budget has been indirectly threatened. This undermines two core principles of a robust and principled public defender office: independence and a commitment to opposing governmental actions that threaten individual liberties

As the Board knows, under the Charter Amendment approved by voters in November 2013, the King County Public Director has not only the authority but the duty to "foster and promote system improvements, efficiencies, access to justice and equity in the criminal justice system." To ensure this duty could be and would be fulfilled despite the obvious potential for political pressure in an appointed position, the Charter promised that "[e]lected officials shall not interfere with the exercise of these duties

by the department.” When the Department and this Board were created, the potential for de facto control via budget reduction or non-reappointment of the Director were explicitly discussed, and the Charter language was written and pursued to provide specific assurance against such pressures

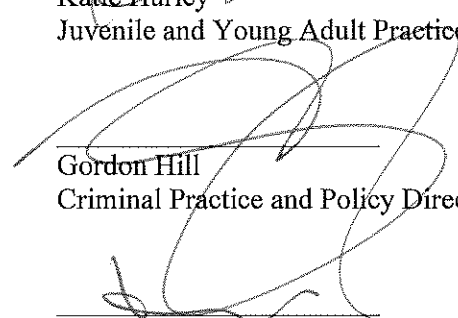
We must combat threats to punish the King County Public Defender for taking a public policy position different from other King County elected officials. The charter and the creation of the Public Defense Advisory Board are safeguards against the political interference we now face. As we’re sure the Board will agree, these threats undermine the independence of public defense and our ability to fight for justice on behalf of our clients. After you learn from the Interim Director what has occurred over the past ten days, we are confident that you will take immediate, unequivocal, public steps to denounce the retaliation expressed in the context of reappointment and the budget.

Unless this situation is decisively rectified, all future Directors will know that unless they modify their advocacy positions to conform to what will be tolerated by elected officials, they face the loss of their position and/or the hobbling of the Department – precisely the scenario that the Charter Amendment was meant to ward off.

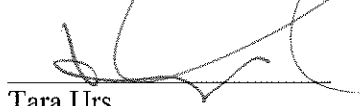
Sincerely,



Katie Hurley
Juvenile and Young Adult Practice and Policy Director



Gordon Hill
Criminal Practice and Policy Director



Tara Urs
Civil Practice and Policy Director