

December 11, 2017

## **CITY COUNCIL AGENDA MEMORANDUM**

### **SUBJECT**

Resolution authorizing execution of an agreement for public defense services, including an option to renew, with Stein, Lotzkar and Starr, P.S., Inc., to provide public defense services for the period January 1, 2018 through December 31, 2021, in the amount of \$804,144 per year plus all applicable taxes for up to 1,812 cases annually, plus other sums as provided for therein, including appeals and court costs.

### **FISCAL IMPACT**

The cost of this contract is estimated to be \$804,144 plus all applicable taxes for up to 1,812 cases assigned during the 2018 calendar year. Additional cases over 1,812 cases per year will be paid at a rate of \$400 per case. For each subsequent year after 2018, the contract shall increase at the annual Seattle-Tacoma-Bellevue CPI-W for the month of June. For 2019 the base rate will be \$804,144 increased by the June 2018 CPI-W. The contract includes an option to renew for an additional four years with the same terms. Separate from the base amount the contract includes \$400,000 over the four-year term for appeals, court costs and other expenses. Sufficient funding exists within the 2017-2018 General Fund budget to fund this contract. Funding for subsequent years will be requested as part of the 2019-2020 and 2021-2022 biennial budget processes.

### **STAFF CONTACT**

Mary Kate Berens, Deputy City Manager, 452-4096  
*City Manager's Office*

### **POLICY CONSIDERATION**

This action does not raise significant policy considerations, but rather is the continuation of an existing service. Under state and federal law, a person subject to criminal prosecution is entitled to be defended by counsel. Under this governing law, if the accused cannot afford their own attorney, one will be appointed for them by the court.

As part of the City's commitment to a safe community, Bellevue prosecutes misdemeanors committed within the city. This function completes the important work of deterring crime by following to completion the process started when police officers make arrests and issues tickets. To provide this service, the City employs prosecutors, and contracts with King County for court services. Public defense services have historically been provided by contract.

### **BACKGROUND**

Since the mid-1980's, the City has provided public defense services to indigent defendants accused of misdemeanor or gross misdemeanor offenses which occurred within the City by contracting with private individuals/firms that provide such services. The latest contract for public defense services expires on December 31, 2017.

In October, the City issued a Request for Proposals (RFP) for the provision of public defense services. The RFP requested that interested individuals/firms submit proposals for a four year period,

commencing January 1, 2018, with the option to renew for an additional four year term. The RFP was posted on the city website, as well as in local newspapers. Interested parties were able to download the RFP packet from the website.

Only one law firm responded to the RFP, which is the incumbent provider, Stein, Lotzkar and Starr, P.S., Inc. (SLS). No further inquiries were received from any law firms. In past solicitations for services, the City found that it either had too large of a caseload for smaller firms to provide services, too small of a case load for larger firms or the fees charged by a larger firm were significantly more.

Since the proposal submitted by SLS was in alignment with the City's expectations and the requirements set forth in the RFP, they were selected as the successful candidate. The City and SLS entered into contract negotiations and the parties arrived at a mutually agreeable contract subject to Council approval. The amount of this proposed contract is more than the previous contract but is still within the range of expectations of the City for such services.

The City has the largest caseload of any City contracting with King County for court services. Special operations like the recent prostitution sting in Bellevue, causes the number of cases to increase which in turn increases the need for public defense services. Moreover, effective first quarter 2018, the City will be using video court for a substantial portion of its in-custody cases. It is anticipated that video court will reduce transport and staffing costs because we will no longer need to transport all our defendants from various jails throughout the region. It will also increase safety because hearings will be conducted while the defendant is confined in jail. The risk of escape from court will be greatly reduced, making the community safer.

In addition, the Revised Code of Washington requires governmental entities and public defense firms to adhere to standards developed by the Washington State Bar Association. These standards require the hiring of specialized staff such as investigators and social workers. Such requirements have made it more costly for defense firms to provide services, which in turn, makes it more costly for the City. Moreover, City-specific requirements help to contribute to the increase in costs. For instance, the City requires a Bellevue office and seasoned public defenders. Generally, seasoned attorneys assess cases quicker and are more efficient in the court which results in cost saving. While it costs more initially to attract and retain a seasoned attorney, there is a cost savings to the City over time. While the cost has increased, historically recoupment of public defender fees ordered to be paid by indigent defendants who have been convicted of an offense has partially offset the actual costs of the contract.

#### **EFFECTIVE DATE**

If approved, this Resolution becomes effective immediately upon Council adoption.

#### **OPTIONS**

1. Adopt the Resolution authorizing execution of an agreement for public defense services, including an option to renew, with Stein, Lotzkar and Starr, P.S., Inc., to provide public defense services for the period January 1, 2018 through December 31, 2021, in the amount of \$804,144 per year plus all applicable taxes for up to 1,812 cases annually, plus other sums as provided for therein, including appeals and court costs.
2. Do not adopt the Resolution and provide alternative direction to staff.

**RECOMMENDATION**

Option 1

**MOTION**

Move to adopt Resolution No. 9354 authorizing execution of an agreement for public defense services, including an option to renew, with Stein, Lotzkar and Starr, P.S., Inc., to provide public defense services for the period January 1, 2018 through December 31, 2021, in the amount of \$804,144 per year plus all applicable taxes for up to 1,812 cases annually, plus other sums as provided for therein, including appeals and court costs.

**ATTACHMENTS**

Proposed Resolution No. 9354

**AVAILABLE IN COUNCIL DOCUMENT LIBRARY**

Contract for Public Defense Services