PUBLIC DEFENSE RFP 2007 – RESPONSES TO QUESTIONS FROM THE AUGUST 2 PROPOSERS' CONFERENCE

August 10, 2007

Question #1: Are there any plans to re-examine the size of the Secondary agency?
Answer #1: The size of the Secondary agency will be examined during the contract negotiations. We will be examining the best way to provide counsel for conflicts.

Question #2: What is the composition of the RFP review panel?
Answer #2: The composition of the RFP review panel will be the same as in 2004 with six-members. Three members will be City of Seattle employees and three will be independent members. One member will likely be a retired judge. We will publicize the panel within one to two weeks.

Question #3/4: What is the status of the public defense audit? What is the timeframe for the release of the public defense audit?

Answer #3/4: On August 6, 2007, the City Auditor released the public defense audit. It can be found at: http://www.seattle.gov/audit/docs/PublicDefenseServicesAudit.pdf

Question #5: Over the past three years, how does the number of projected number of case assignments compare to the actual numbers of cases closed?
Answer #5: ACA's workload has been projected at 6,168 case credits. See the chart below for number of cases open and closed.

ACA Case Credits

	Opened Cases*	Closed Cases*	
2005	not available	4,164	
2006	8,583	5,909	
2007	3,776	3,134	through May

TDA is funded for a minimum of 2 attorneys even if the number of case credits is less than 760.

TDA Case Credits

	Opened Cases	RALJ Opened	Total Opened*	Closed Cases	RALJ Closed	Total Closed*
2005			618			571
2006	644	106	750	427	14	441
2007 through June	252	52	304	228	7	235

RALJ cases are paid 2 case credits upon assignment and 2 case credits upon closure. Writs receive a total of 3 credits (2 on assignment and 1 on closure).

Question #6: What is OPM's comfort level with those case assignment projections?
Answer #6: Driving While License Suspended in the Third Degree (DWLS 3) cases have had a significant affect on case assignments. Other case types have remained fairly stable.

Question #7: Given that the number of police officers that will be hired over the next several years is going to increase, how does that factor into OPM's projections for cases assigned?
Answer #7: For the Neighborhood Policing Staffing Plan, the City will hire an average of 21 officers in each of the next five years for a total of 105. These officers would be net, new officers above and beyond the yearly average of 55 retirements. Seattle, like other major metropolitan cities, is having a difficult time actually meeting hiring goals.

It is difficult to estimate what affect these additional officers will have on case assignments. Since 2004, 49 new police officer positions have been created – but do not appear to have had an effect on case filings. Other policy changes (like the DWLS Court ruling and subsequent state legislation) have had a much greater effect.

Question #8: What is the average length of time from case assignment to case closed?
Answer #8: See chart below. This chart shows the number of days until the case was closed in ACA's case management system. Actual time to when the case was resolved in court is slightly less (there is a lag between when the case resolves and when the case is closed in ACA's case management system).

2005		
# of cases	**Avg. # days**	
975	57	probation violations
3,772	84	1 credit cases
2006		
# of cases	**Avg. # days**	
1,483	92	probation violations
4,981	110	1 credit cases

Question #9: How long does it take for case closures to match-up to the new assigned cases?
Answer #9: Many cases close within 90 days. In April 2007, the city began paying for absconds up front. Previously, the defendant would have had been on warrant status for 12 months before the city would pay for the case. Now, the city pays up-front for the abscond cases.

Question #10: What is the percentage of cases that go onto warrant status?
Answer #10: In 2005 and 2006, 10% - 11% of ACA's cases were closed because the defendant absconded.

Question #11: Will there be any changes in the Seattle Municipal Court judicial structure?
Answer #11: There are eight judges in SMC this year, and there will be eight judges next year. SMC did make some calendar changes in March of 2007 and there may be future refinements.

Question #12: Will there be a city audit of the Seattle Municipal Court?
Answer #12: The City Auditor reports to the City Council. Council members are the ones who need to request an audit.

Question #13: What is the city's variance in caseload?
Answer #13: The city of Seattle pays by the number of cases closed. We can estimate the caseload, but the Primary Defender is paid for the actual number of cases closed.

Question #14: This question involves jails and the contract with King County. What are the projections for pre-trial detainees awaiting trial who are sent to Yakima and what will be the impacts for the Primary and Secondary defenders?
Answer #14: The current cap at King County for all city misdemeanants is 330; Seattle's share is 222. When the cities consistently exceed the cap, some pre-trial defendants may be sent to Yakima for part of their pre-trial time. In 2007, the city sent defendants to Yakima for about 3 weeks in July. The number of pre-trial defendants has ranged from 1 – 11 people.

After pre-trial defendants are sent to Yakima, the jail population coordinator will notify by email the supervising misdemeanant defense attorney(s). Inmates whose cases have been set for trial will be brought back 2 – 3 working days before their trial. Attorneys may request that inmates be brought back earlier. Inmates who are sent to Yakima for the period between arraignment and the pre-trial hearing will be brought back on the Thursday before the scheduled Monday pre-trial hearing. Attorneys may request that defendants be brought back earlier. The phone numbers for the two defense agencies are on the speed dial in the housing units (similar to King County). In addition, attorneys may also use video visitation to communicate with their clients at Yakima. Currently, there are video visitation stations at the primary defender's office as well as at the Court.

Question #15: The RFP mentions jail facilities in King County. Can you clarify that?
Answer #15: The facilities are the Regional Justice Center and the King County Correctional Facility. We do not anticipate sending people to other jails. Some sentenced offenders with jail sentences of 1 – 2 days (primarily DUI Commitments) have served their sentence at the Renton Jail. The Renton Jail is only used for sentenced offenders with very short sentences who are out of custody at the time of sentencing.

Question #16: How many defendants are sent to the Regional Justice Center versus the King County Correctional Facility?
Answer #16: The city does not have data on this (King County just reports the total number of city inmates). According to the attorneys, very few SMC defendants are housed at the RJC. When this occurs, it's generally because the defendant also has a charge from another agency (e.g. defendant is booked on a felony charge by Federal Way police; also has a SMC case).

Question #17: Does the Kenny Scale attached reflect the pay scale for the Primary Defender?
Answer #17: There was not a Kenny Scale attached to this year's RFP. The city bases attorney funding according to the King County Kenny Scale.

Question #18: Does the monetary amount for the Primary Defender reflect the 1% increase in base pay on the Kenny Scale?
Answer #18: The amount reflects the 2007 Kenny Scale that was in effect as of April 27, 2007. OPM then used a general inflation rate of 3.5% to estimate the 2008 amounts. The 2008 contract will be based on the actual 2008 Kenny Scale used by King County OPD.

Question #19: How will OPM announce the review panel?
Answer #19: We will announce the RFP review panel on the website and email it to applicants.

Question #20: Regarding the retired judge, will he have had experience in municipal court or superior court?
Answer #20: The city will share this information when the review panel is announced.

Question #21: What is the base minimum pay for the Secondary defender?
Answer #21: The Secondary defender is guaranteed funding for two attorneys (the equivalent of 760 case credits). If the agency workload falls below that, then OPM will pay the difference up to the 760. If the Secondary agency is assigned more than 760 case credits, then OPM will pay for the actual number of cases.

Question #22: How will the agencies be notified about the panel and the review panel?
Answer #22: OPM will post information about the review panel onto the website and email this information to the four agencies here at this meeting.

Question #23: What is the dispute resolution process about case credits?
Answer #23: Over the past three years, there hasn't been a dispute over case credits. Each month, the Primary Defender submits a closed case report. OPM reviews the closed case report and pay that month's invoice. Questions about each month's closed case report are then sent back to the agency. Any adjustments are made in the subsequent month's billing.

Question #24: Will the defenders need to have access to Municipal Court Information System (MCIS)?
Answer #24: Yes, the Primary Defender will need to have access to MCIS.

Question #25: This question involves the format of the closed case reports. Can you email a sample of the current closed case report?
Answer #25: Please see the attached sample closed case report. Please note that Page 12 of the RFP states that Primary and Secondary Defenders will be required to provide the City with monthly electronic reports in single line spreadsheet format on all closed cases. The city uses the Microsoft Excel spreadsheet program.

Question #26: What is the required calendar staffing for the Secondary Defender?
Answer #26: The Secondary Defender does not staff the calendars. However, the Secondary Defender is required for immediate response. This occurs when a defendant of the Secondary Defender has unexpectedly appeared in Court (usually either on a warrant at the in-custody arraignment calendar or the bench warrant add-on calendar) and the Secondary Defender must then appear in court to represent him. This usually occurs about an average of nine times per month. This staffing is in addition to the 2 FTE attorneys.

Question #27: What's the supervision ratio?
Answer #27: One supervisor for every ten attorneys.

Question #28: What is the funding available for staff?
Answer #28: The current amounts for staffing are based upon what the agencies submitted in the previous RFP (with inflation then factored in).

Question #29: What is the CPI Index used?
Answer #29: CPI-W - the Consumer Price Index for Urban Wage Earners and Clerical Workers, an index of prices of goods and services typically purchased by urban wage earners and clerical workers.

Question #30: Will continuity of service be considered in the selection criteria?
Answer #30: OPM will select a Primary Defender and a Secondary Defender based on the selection criteria shown in the RFP.

Question #31: How does immediate response apply to weekend calendars?
Answer #31: Over the past three years, immediate response has not applied to weekend calendars.

On August, 2, the following questions were submitted by the Northwest Defenders Association.

NDA #1: What is the variance per caseload?
See Answer #13.

NDA #2: What has the City projected for case credits to be assigned to the Primary and Secondary Defender during the past three years? What number of credits has actually been assigned to the Primary and Secondary Defenders?
See Answer #5.

NDA #3: What has been the average length of time from assignment to closing of cases assigned to the Primary Defender? The Secondary Defender?
See Answer #8.

NDA #4: Are clients held at any facilities in King County other than the Regional Justice Center and the King County Jail? If so, what facilities and how many clients each year? If no, are there plans to hold clients at facilities in King County other than the King County Jail and the Regional Justice Center?
See Answer #15 and Answer #16.

NDA #5: How many clients have been held, pretrial, each of the past three years in Yakima?
See Answer #14.

NDA #6: Would you provide an example of the Closed Case Report Format now used by the City and the Defenders? Is there any plan to revise the format of that Report?
See Answer #25. At this time, the City does not plan to revise the format of the report for the next contract term.

NDA #7: Does the proposed funding for the 2008 Contract for Legal Services include the recent 1% increase in salary negotiated by the King County Prosecutors?
See Answer #18.

NDA #8: What mechanism, if any, is used to resolve disputes about whether credits have been earned by a Defender agency?
See Answer #23.

NDA #9: In what percentage of cases assigned to either the Primary and Secondary Defender are warrants issued? Do you know how long, on average, cases remain on warrant status?
See Answer #10. We do not know how long, on average, cases remain on warrant status.

NDA #10: What is the dollar figure used by the City for the cost of staff support?
See Answer #28.

NDA #11: Would you describe the technical specifications required for the various reports that must be submitted in electronic form to the City? Are they all Excel or are there other system requirements?
See Answer #25 and the attached closed case sample report. The city would like agencies to send their reports in a Microsoft Excel spreadsheet.

NDA #12: King County is considering removing public defender agencies from its Wide Area Network (WAN). In the past public defender agencies had access to MCIS, the Seattle Municipal Court electronic data system, through the WAN. Is this still the case or does the City have some other means to provide a public defender agency with access? If so, what are the technical requirements?
Agencies need to have access to MCIS. If the agencies are unable to access MCIS via the County's network, the City and the Court will work with the agencies to figure out some other way to access the system.

NDA #13: The RFP says that the Secondary Defender agency is guaranteed two attorneys work/payment. If the City pays for completed cases only, how is payment structured if the case assignments are below the caseload for two attorneys?
This has been handled through a year-end reconciliation.

NDA #14: What is the average length of time from assignment to closing for appeals from Seattle Municipal Court to King County Superior Court?
The six appeals that closed in 2006 took an average of 222 days. This reflects the date the case was closed in the secondary defender's case management system.

NDA #15: If the Primary Defender had a conflict with a client who then is charged in a new matter would the City automatically assign that client to the Primary Defender or would it try to have that client return to the Secondary Defender who previously provided representation?
If the Secondary Defender actively represents a client on a SMC case at the time of the new charge then the Secondary Defender will represent a client on the new charge and any other existing charges. However, if the defendant's case has closed and there is no conflict, then the Primary Defender will represent the defendant.