

BENTON & FRANKLIN COUNTIES SUPERIOR COURT
JUDICIAL RESOLUTION NO. 16-003
ADULT FELONY INDIGENCY SCREENING

WHEREAS, RCW 10.101.020 requires that defendants in, among other types of proceedings, Superior Court adult criminal cases, who seek court appointed counsel, to be screened for indigency by the Superior Court or its designee; and

WHEREAS, in order to increase and improve the efficiency of criminal proceedings, the Benton & Franklin Counties Superior Court wishes to designate the Benton County Office of Public Defense to make such determinations of indigency and keep and maintain records thereof as authorized under RCW 10.101.020, for Superior Court cases filed in Benton County and as set forth herein; and

WHEREAS, it is still desirable, effective, and efficient for the Superior Court to make preliminary verbal inquiry regarding defendant employment and ability to pay for counsel, during court proceedings;

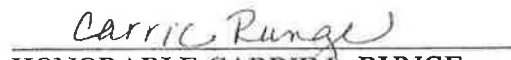
NOW THEREFORE, BE IT RESOLVED, that effective immediately, indigency screening to determine the eligibility of individual adult criminal defendants in Benton County Superior Court Cases shall be accomplished as follows:

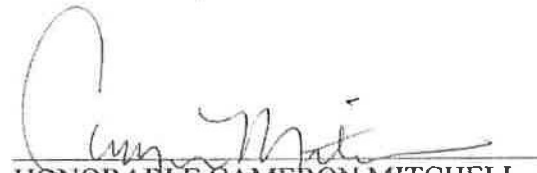
1. Whenever a defendant requests court appointed counsel, the Court shall make a preliminary assessment of the defendant's ability to retain counsel by inquiring verbally of the defendant's income, basic assets, and ability to retain counsel. If, based on this information, the Court believes that the defendant is incapable of retaining private counsel, then the Court shall appoint counsel to represent the defendant. If, based on this colloquy, the Court believes that the defendant is capable of retaining private counsel, the Court may either: a) deny court appointed counsel altogether; or b) require the defendant to complete an Indigency Screening Form for further review and reference by the Court.
2. If, after the preliminary assessment, the Court elects to appoint counsel to represent the defendant, then the defendant shall be directed to complete an Indigency Screening Form and either return it to the court before leaving (if out of custody), or to return it to the court at the next court appearance (if in custody). Completed Indigency Screening Forms shall be forwarded to the Benton County Office of Public Defense for further review as provided herein.
3. The Benton County Office of Public Defense may utilize whatever system it sees fit to review the completed Indigency Screening Forms received from the Court.
4. If the Benton County Office of Public Defense determines that any particular completed Indigency Screening Form appears to indicate that the defendant in question should not have received appointed counsel, then the Benton County Office of Public Defense may inquire of the appointed attorney in question to further investigate, and/or may request that the Court re-screen the defendant for indigency at a future court appearance or other convenient time.

5. In cases where a defendant, who has been able to afford, whether utilizing personal funds or funds provided by another, the services of an attorney but not the necessary services of an investigator, expert, or other professional person, to assist in his/her defense, then such a defendant shall make an application directly to the Benton County Office of Public Defense for funding for such an investigator, expert or other professional person, subject to judicial review at the request of the defendant, if such an application is denied.
5. The designation shall remain in effect until modified or terminated by further resolution of the Court.


HONORABLE ROBERT G. SWISHER
PRESIDING JUDGE
Dated: Feb 25 2016


HONORABLE VIC L. VANDERSCHOOR
ASSISTANT PRESIDING JUDGE
Dated: 2/25/16


HONORABLE CARRIE L. RUNGE
Dated: 2/29/16


HONORABLE CAMERON MITCHELL
Dated: _____


HONORABLE ALEXANDER C. EKSTROM
Dated: February 25, 2016


HONORABLE BRUCE A. SPANNER
Dated: 2/25/16


HONORABLE JACQUELINE SHEA-BROWN
Dated: February 25, 2016