Washington State Judicial Branch
2027-29 Biennial Budget
Continuing Simple Possession Advocacy and Representation (SPAR)

Agency: Office of Public Defense

Decision Package Code/Title: M6 – Continuing SPAR Program Budget

Agency Recommendation Summary Text:
The Office of Public Defense (OPD) requests funding to continue service capacity in the Simple Possession Advocacy and Representation Program (SPAR) authorized at RCW 2.70.200 as part of the Legislature's "*Blake* fix." SPAR helps local governments provide the constitutional right to counsel for simple drug possession misdemeanors and connects clients to services they need to build better futures. The 2025-27 biennial budget reduced SPAR funding by roughly half and the beginning assumptions for the 2027-29 biennial budget cut the program entirely, at the same time as local requests for funding are on the rise. (General Fund – State)

Fiscal Summary:

	FY 2028	FY 2029	Biennial	FY 2030	FY 2031	Biennial
Staffing						
FTEs	3.00	3.00	**3.00**	3.00	3.00	**3.00**
Operating Expenditures						
Fund 001-1	$5,037,000	$5,037,000	**$10,074,000**	$5,037,000	$5,037,000	**$10,074,000**
Total Expenditures						
	$5,037,000	**$5,037,000**	**$10,074,000**	**$5,037,000**	**$5,037,000**	**$10,074,000**

Package Description:
In response to *State v. Blake* (197 Wash.2d 170) the 2023 Legislature passed 2E2SSB 5536 addressing simple possession and public use of drugs as misdemeanor crimes and bolstering treatment and recovery services for substance use disorder. Among its many components, the omnibus bill included funding and authority for the Office of Public Defense (OPD), codified at RCW 2.70.200. In response, OPD developed and implemented the Simple Possession Advocacy and Representation (SPAR) program.

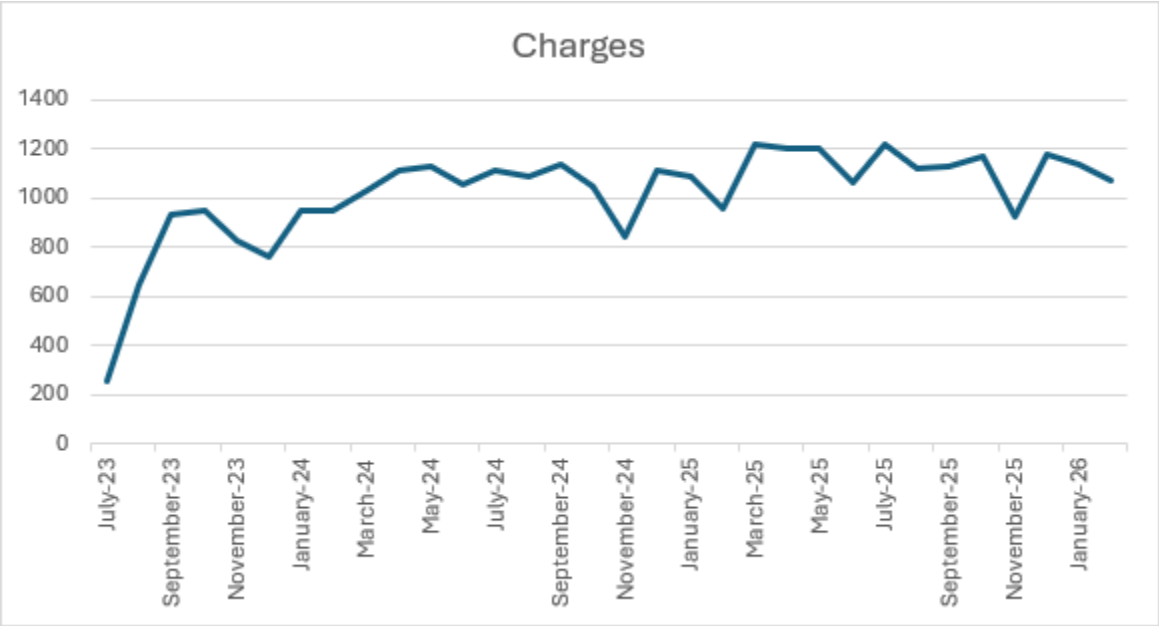
RCW 2.70.200 authorizes OPD to reimburse small and mid-size local governments for eligible public defense costs related to simple drug possession or public use charges, or to directly contract with public defense professionals to deliver services on cases involving these charges. OPD's statutory authority complements the state and federal constitutional right to counsel.

This decision package restores funding to the original appropriation level (FY 2025) to allow SPAR to meaningfully assist with indigent defense services for population-eligible jurisdictions providing public defense for simple possession and public use charges. Funding for this program is especially urgent in light of the reduced caseloads for public defenders mandated by the Washington Supreme Court.

As provided in RCW 2.70.200, a local jurisdiction under the population threshold may apply for SPAR funding on a reimbursement grant basis or ask OPD to contract directly with indigent defense attorneys to provide services in their jurisdiction.

In recognition that quality public defense extends beyond attorney services, SPAR also supplies contracted defense social service workers to misdemeanor attorneys handling simple possession and public use cases across the state.

Simple possession and public use charging is steady. Every local government applying for Fiscal Year 2026 SPAR funding reported that they expect possession and public use charges in their jurisdiction to increase or stay steady. This experience is consistent with statewide charging trends, which appear to be stabilizing after climbing sharply in 2023 and 2024.



Most SPAR applicants report that the new caseload standards for public defenders pose a significant funding challenge. Thus, SPAR funding is an important and vital reimbursement that helps jurisdictions ease the strain on an already overburdened public defense system.

Local governments need assistance in meeting the constitutional duty to provide counsel. SPAR's reimbursement for misdemeanor defense costs is unique. SPAR offers targeted funding for public defense costs in the liminal space between drug possession as a criminal matter and drug possession as a behavioral health matter. At a time when public defense funding is especially critical, SPAR grant recipients have uniformly communicated to OPD that the program is enormously helpful to ensure the right to counsel and related client support.

- For Fiscal Year 2025 SPAR awarded funding to 32 city and county grant recipients and reimbursed approximately $2.2 million for recipients' public defense costs related to possession and public use charges.

- In Fiscal Year 2026 local governments applied for $2.8 million in grant funding, but due to budget cuts OPD was able to fund only about 30% of the applicants and awarded successful applicants half (or less) of what they needed. SPAR expects even less funding to be awarded in Fiscal Year 2027.

- Additionally, in Fiscal Year 2025 SPAR successfully implemented the statutory option to contract directly with indigent defense attorneys at the request of four jurisdictions: the City of Vancouver, the City of Kennewick, the City of Richland, and the City of West Richland. While this option proved successful for the local jurisdictions, reduced state appropriations prevent SPAR from contracting directly with attorneys in the 2025-27 biennium.

In practice, SPAR is successful. Its reimbursement grants are utilized by economically diverse recipients. Its contracted defense social service workers are supporting attorneys and serving clients in multiple jurisdictions. As noted, with the new misdemeanor caseload caps in effect, local need for assistance with public defense costs is greater than ever.

SPAR funding is providing critical social service worker assistance. In addition to reimbursing eligible local costs, the SPAR program is developing a vigorous pool of statewide contracted social service workers to aid misdemeanor public defenders in delivering client-centered services.

Defense social work services help drug-involved clients engage meaningfully with their public defense attorneys, with improved chances for reduced recidivism and better health outcomes. The benefits of social service workers in public defense cases are well-documented, with research suggesting that public defense social work services "may result in more clients being released pretrial, more charge downgrades, and less jail time."[1] However, without SPAR, few local jurisdictions in Washington have the capacity to implement and administer this important resource. SPAR supplied contract social service workers in 22 jurisdictions in Fiscal Year 2026.

The need for social service workers is even more urgent since the Washington State Bar Association revised its standards for indigent defense in September 2024. Under that guidance, by July 3, 2028, a minimum of one full-time mitigation specialist or social worker should be provided for every three full-time attorneys. Washington State Bar Association, Standards for Indigent Defense Services, Standard Four, p. 12-14.

In the first three quarters of Fiscal Year 2026, SPAR contracted social service workers served 399 clients, a remarkable impact given that SPAR had just five contractors available during that period. Even more clients could be reached with more funding for additional contractors.

Beyond the numbers, three examples illustrate the value of SPAR defense social work:

- A client had been houseless since he was a teenager, and faced barriers to treatment, housing and employment because he lacked identity documents. A SPAR-contracted defense social service worker walked him through each step of the complicated process of obtaining documents and fee waivers from the various states he's lived in. This led to the client receiving a birth certificate, a Social Security card, a driver's license, and finally transportation to his appointments. The social service worker helped him stay organized and on track to meet his goals. He also applied for medical insurance, state benefits, and emergency housing. He started drug treatment and a temporary job through an employment agency. He is now feeling optimistic about staying healthy and finding long-term employment and housing.

- A very young adult's abusive family home situation greatly contributed to substance usage and mental health struggles. While supporting the client throughout his criminal case and helping to ensure transportation to each court hearing despite lack of public transit in the area, the SPAR defense social service worker also assisted the client to address the underlying concerns that helped lead to the client's court involvement. The social service worker located a supportive housing community that offers long-term peer support and services specifically catered toward young adults, enabling the client to leave the family home and seek safety while remaining

[1] Anderson, J. M., Buenaventura, M., & Heaton, P. (2019), *The Effects of Holistic Defense on Criminal Justice Outcomes,* Harvard Law Review*,* 132(3), 819–893; Matei, A., Hussemann, J., & Siegel, J. (2021, March), *Assessing a Social Worker Model of Public Defense,* Justice Policy Center*;* Buchanan, S., & Orme, J. (2018), *Impact of Social Work Practice in Public Defense. Journal of Social Service Research,* 45(3), 336–347.

housed. This individual is now positioned to continue participating in mental health treatment while living in their own apartment.

- A client who had been held in jail pre-trial was being released from custody. He had no housing and no personal belongings or services in place - no phone, clothing, hygiene items, money, benefits, or health insurance. His SPAR defense social service worker arranged for critical items ahead of his release, obtaining clothing and hygiene items from clothing banks and a free phone from a community agency. The social service worker helped him apply for Social Security and medical insurance ahead of his release. The social service worker applied for Lifeline for phone service, and contacted an Oxford House to find sober housing for the client and advocated to waive the entrance fee so the client could be housed immediately upon his release from jail.

These successes probably would not have been possible without a SPAR defense social service worker assisting these individuals. State funding for SPAR makes these and other successes possible.

Fully describe and quantify expected impacts on state residents.
SPAR delivers quantifiable positive impact to thousands of Washington residents facing misdemeanor drug charges. Since November 2023, SPAR has served people in more than 50 discrete jurisdictions and reimbursed thousands of qualifying public defense case assignments. Likewise, since SPAR's defense social work program began in earnest in the spring of 2025, the program has served over 400 individuals and provided over 4,000 direct services hours.

Explain what alternatives were explored by the agency and why this was the best option chosen.
OPD has no options available to continue SPAR grants and services under its statutory authority, other than asking for continued funding. The funding detailed in this decision package is based on the program's past grant history, as well as on current SPAR social work contract capacity and modest growth in that area by the end of Fiscal Year 2029.

What are the consequences of not funding this request?
Without the requested funding, local governments will bear the full cost of public defense for simple possession and public use drug cases, at a time when local resources for public defense are stretched thin. Without the requested funding, defense social work services will cease to be available for public defense clients in most jurisdictions.

Is this an expansion or alteration of a current program or service?
This decision package partially restores previous funding levels, which will allow the SPAR program to continue serving local governments and residents statewide.

Decision Package expenditure, FTE and revenue assumptions:

Staffing Assumptions
Beginning July 1, 2027 and ongoing, OPD requires salary, benefits, and associated standard costs to continue funding for 3.0 existing positions.

- Supervising Attorney (1.0 FTE) to manage program and policy development; budget oversight; supervision; and contract and grant management.
- Social Services Manager (1.0 FTE) to develop and implement a strategic social work service plan and standards in providing social work services; manage the recruitment and selection independent contractors to perform social work services regionally; monitor and evaluate independent contractors to track overall performance and ensure contract requirements are being met.
- Program Analyst (1.0 FTE) to assist with the development, preparation and dissemination of program application and funding reimbursement materials, as well as client services contract materials; process

reimbursement requests; obtain program data and create, update and maintain multiple ongoing data projects; assist in the development of educational, methodological or expository materials.

Other Non-Standard Costs

Staff Training (Object E). Funding to support program specific staff trainings beyond standard agency requirements. **TOTAL: $5,000 per year**

Client Emergency Fund (Object E). Funding for SPAR contracted social service workers to assist clients with emergent needs that, if unmet, will prevent a client from complying with court summons, court orders, treatment requirements, or diversion requirements. **TOTAL: $10,000 per year**

Client Service Attorney and Social Work Contracts & Travel (Object N). **TOTAL: $1,935,000 per year**

- Client services contracts with attorneys to deliver indigent defense services on drug possession cases in jurisdictions that have designated SPAR to handle that work. Anticipate funding 4.0 contractor FTEs over the course of the 2027-29 Biennium and costs are based on past program experience.
- Client services contracts with defense social service workers to deliver intensive case management support for indigent clients. Defense social work costs are calculated based on current social work contract capacity and builds in modest growth in 2027-29. Defense social work costs assume 4.5 additional contract FTEs will be added in the 2027-29 biennium, on top of 8 contract FTEs in Fiscal Year 2027 (for a total of 12.5 social work contract FTEs). Defense social work costs also build in a regional contract lead to help the Social Services Manager with the increased monitoring workload that will come with adding contractor FTEs in the 2027-29 biennium.
- Expert, investigator and litigation expenses.
- Training for contractors.
- Other contract management expenses.
- Contractor travel reimbursements per the State Administrative and Accounting Manual.

Grant Reimbursements to Counties and Cities (Object N). City and county grants to reimburse local jurisdictions for eligible expenses on qualifying cases and site visits. The estimate is based on past program history where the higher disbursement year was Fiscal Year 2025 at $2.7 million. **TOTAL: $2,503,000 per year**

	Expenditure by Object	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032	FY 2033
A	**Salaries and Wages**	370,000	370,000	370,000	370,000	370,000	370,000
B	**Employee Benefits**	103,000	103,000	103,000	103,000	103,000	103,000
E	**Goods and Services**	24,000	24,000	24,000	24,000	24,000	24,000
G	**Travel**	6,000	6,000	6,000	6,000	6,000	6,000
J	**Equipment**	6,000	6,000	6,000	6,000	6,000	6,000
N	**Grants, Benefits, and Client Services**	4,438,000	4,438,000	4,438,000	4,438,000	4,438,000	4,438,000
T	**Intra-agency Reimbursements**	90,000	90,000	90,000	90,000	90,000	90,000
	Total Objects	**5,037,000**	**5,037,000**	**5,037,000**	**5,037,000**	**5,037,000**	**5,037,000**

Staffing	Salary	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032	FY 2033
Job Class							
SUPERVISING ATTORNEY	153,000	1.0	1.0	1.0	1.0	1.0	1.0
SOCIAL SERVICES MANAGER	126,000	1.0	1.0	1.0	1.0	1.0	1.0
PROGRAM ANALYST	91,000	1.0	1.0	1.0	1.0	1.0	1.0
Total FTEs		**3.0**	**3.0**	**3.0**	**3.0**	**3.0**	**3.0**

Explanation of standard costs by object:
Salary estimates are current biennium actual rates at Step M.
Benefits are the agency average of 28.01% of salaries.
Goods and Services are the agency average of $3,000 per direct program FTE.
Travel is the agency average of $2,000 per direct program FTE.
Ongoing Equipment is the agency average of $2,000 per direct program FTE.
Direct Program Support for direct supervision and direct financial/contracting support is $14,000 per direct program FTE.
Agency Indirect is calculated at a rate of 10.00% of direct program salaries and benefits.

How does the package relate to the Judicial Branch principal policy objectives?

Fair and Effective Administration of Justice
This decision package sustains funding to assist local jurisdictions in meeting the demand for constitutionally mandated public defenders in drug possession and public use cases, as provided in RCW 2.70.200, as well as providing crucial public defense social services, which help mitigate against the "revolving door" nature of the criminal legal system.

Accessibility
This decision package requests funding that supports an open and accessible court system.

Access to Necessary Representation
This decision package requests funding that directly supports the constitutional guarantee of counsel, and helps support effective implementation with meaningful access to public defense social work services.

Commitment to Effective Court Management
This decision package helps the judicial branch maintain systems and practices that enhance effective court management by encouraging quality defense counsel in courts of limited jurisdiction.

Sufficient Staffing and Support
This decision package supports the presence of quality defense counsel in courts of limited jurisdiction, and the presence of public defense social service workers who help with crucial client support tasks otherwise often left to overburdened attorneys. It also sustains existing OPD FTEs to administer the SPAR Program.

How does the package impact equity in the state?

Address any target populations or communities that will benefit from this proposal.
Thousands of indigent defendants facing drug possession charges benefit from this decision package, which ensures the presence of defense counsel as well as access to a public defense social service worker.

Describe how the agency conducted community outreach and engagement.
SPAR leverages OPD's relationships with city and county associations to advertise the program. It holds Zoom information sessions for interested jurisdictions. SPAR maintains an FAQ on its website. The SPAR Social Services Manager makes personal outreach efforts to dozens of jurisdictions across the state.

Consider which target populations or communities would be disproportionately impacted by this proposal. Explain why and how these equity impacts will be mitigated.
This program itself mitigates equity impacts by focusing on jurisdictions below a certain population threshold, as directed by RCW 2.70.200. SPAR also mitigates equity impacts by ensuring the right to counsel and providing defense social work services for clients who are disproportionately people of color and living in poverty.

Are there impacts to other governmental entities?
This decision package benefits eligible counties and cities by providing grant funding, contracted public defense attorney services, and contracted defense social work services.

Stakeholder response:
At its September 17, 2026, meeting, the OPD Advisory Committee voted to endorse this decision package. Stakeholder response overall is positive. Municipalities in particular appreciate the SPAR funding assistance. Response to SPAR defense social work services is extremely positive. Indigent defense contractors and salaried public defenders alike who are referring clients to the SPAR-contracted social service workers report that the social work component is instrumental in enabling clients to understand and comply with court orders, increasing the likelihood of successful diversion or case dismissals; in coordinating the movement of clients out of jails and into court-ordered treatment; keeping clients engaged in court processes by encouraging participation and removing barriers to participation; and in helping clients achieve stability in the community.

Are there legal or administrative mandates that require this package to be funded?
RCW 2.70.200 directs OPD to provide the services included in this decision package subject to the amounts appropriated for this purpose.

Does current law need to be changed to successfully implement this package?
No.

Are there impacts to state facilities?
No.

Are there other supporting materials that strengthen the case for this request?
- Violent crime drops in Washington as drug offenses skyrocket, latest statistics show • Washington State Standard
- SPAR At-A-Glance Infographic (Attachment A)

Are there information technology impacts?
No.

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