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OFFICE OF THE DEFENDER GENERAL

Seventeenth Annual Report

Fiscal Year 1993

June 1994

SEP 23 1994

OFFICE OF THE DEFENDER GENERAL

ACQUISITIONS

Seventeenth Annual Report

Pursuant to Vermont Statutes Annotated, Title 13 §5256, I am pleased to present the Seventeenth Annual Report of the Office of the Defender General. This report summarizes the activities of the Office of the Defender General for Fiscal Year 1993. You may recall that I assumed the position of Defender General effective March 1, 1993, two-thirds through FY 93.

As expected, the job of Defender General has presented a considerable personal challenge to me, and this time has also been challenging to all connected with public defense. I am pleased to report that we have successfully transitioned from the leadership of my predecessor to a posture where we feel responsibly confident that we can avoid the invocation of caseload relief measures. Furthermore, we remain hopeful that, with the Legislature's acceptance of the Governor's Recommended Budget for FY 95, the Office of Defender General may finally be able to break the vexing cycle of routinely needing supplemental appropriations in order to successfully discharge our statutory and constitutional mandates.

Our ability to make these strides is wholly dependent upon the unceasing dedication of the staff of public defense offices, and the historical willingness of members of the private bar, functioning as assigned counsel, to shoulder significant workloads without significant compensation. My fondest hope is that my previous suggestion to assigned counsel that the State of Vermont will more fairly compensate them for their work will prove to be prophetic.

The numbers contained in this report do not begin to tell the full tale of the incredible crush of human needs which our staff faces daily. Although the data suggests that our caseloads have remained stable, or perhaps declined slightly, the stressful realities of providing quality legal representation to indigent persons remain unabated. The radical increases in the filing of juvenile petitions complete with frequently contested petitions for termination of parental rights, coupled with an increase in percentage of felony cases handled, documents this truth. The work of public defender and assigned counsel staff in assuring that the criminal justice system lives up to its promise of fairness and due process continues to be seriously challenging.



Robert Appel
Defender General
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June 1994

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I. PURPOSE

The Office of the Defender General, in accordance with statutory mandate, provides legal representation: to indigent persons accused of criminal offenses carrying a penalty of imprisonment or of a fine of more than \$1,000.00; for children who are the subject of juvenile proceedings as alleged delinquents or as children in need of care and supervision (CHINS); for other parties to juvenile proceedings; for children in the custody of the Commissioner of Social and Rehabilitation Services; for persons in the custody of the Commissioner of Corrections; and, for needy persons in extradition or parole proceedings. Title 13 Vermont Statutes Annotated Sections 5232, 5233, 5253; Title 33 V.S.A. Sections 658 and 659; Vermont Supreme Court Administrative Order No. 4, Section 1.

II. STATUS OF PUBLIC DEFENDER SYSTEM

The provision of effective assistance of counsel to indigent defendants and others entitled to representation in Vermont faces considerable challenges. The fundamental problem continues to be one of resources keeping pace with caseload demands. Based upon past fiscal years, current staffing, and caseload patterns, the following trends and factors have had, and will continue to have impact upon the public defense mission: a continuing pattern of caseload escalation; an increase in the number of homicide cases in which representation is handled by public defenders and assigned counsel; continued increases in the reporting and prosecution of child abuse, neglect, delinquency and sexual assault cases; and increases in the costs of criminal litigation. Increased public awareness and vigorous prosecution of certain categories of cases, such as sex, motor vehicle, and drug offenses, that were formerly less prevalent in the judicial system, have strained court dockets. For public defenders, the complexity and volume of caseloads assigned in recent years and continuing through FY 93 and into FY 94 have pressed the constitutional and statutory obligations to provide effective assistance of counsel beyond the sustainable capacity of current staffing.

During FY 88, Public Defenders and Assigned Counsel Contractors made unprecedented efforts to provide capable representation. However, to respond effectively to the volume of cases, the public defense system increased reliance upon caseload relief measures such as the hiring of temporary employees and assignment of cases to private counsel to provide representation for the poor in FY 88. Beginning in FY 89, the Defender General embarked upon a three-year program of rebuilding and reorganizing Vermont's public defense system to eliminate the necessity of invoking expensive caseload relief measures. Three new public defender positions were authorized, and the assigned counsel contract system for conflict of interest cases was strengthened. This rebuilding program continued in FY 90 as two attorney positions were added. Additional staffing was also provided to meet the demands of new driving under the influence legislation. Thereafter, these modest increases were effectively negated by staff and appropriation reductions in FY 91 and continuing into FY 92.

Unfortunately, the increase in the public defender caseload has continued unabated while the aforementioned rebuilding program has not.

In its Appropriations Act for FY 94, the Legislature added three new public defender staff attorney positions, complete with the minimal funding required to fill these three new slots, \$75,000. However, with the beginning of FY 94, the Administration imposed a 2% across the board recision for all state programs. This two percent recision in our public defense program negated \$65,353 of this \$75,000 funding increase. Therefore, although the Legislature acknowledged our need for additional public defender staff attorneys, and provided funding for these new positions, we simply have been, and will remain, unable to fill these slots without additional funds. The State's budget may establish the staffing level of the public defender system, but it has no effect on the demand for defense services or the nature of those services.

III. HISTORY

In 1972, the Vermont General Assembly created the Office of the Defender General, thereby establishing one of the nation's first state-wide public defense systems. This legislative initiative was entirely consistent with a long-standing Vermont tradition of providing counsel to indigent defendants in serious criminal cases. As early as 1872, the Vermont General Assembly took a preeminent lead in protecting the rights of defendants. Unlike most states, which have had the notion of public defense thrust upon them pursuant to the decisions of the federal judiciary, the Vermont Legislature created a state-supported system of assigning counsel from the private bar to represent indigent criminal defendants on an ad hoc basis. Most states either failed to recognize the constitutional right or had no means for fulfilling the obligation.

In 1932, the United States Supreme Court held in Powell v. Alabama that appointment of counsel was necessary in capital cases where the accused is ignorant, illiterate and unable to afford an attorney. In 1963, the Court discarded these special circumstances in its landmark case, Gideon v. Wainwright, stating that a defendant in a felony case who is unable to afford counsel has a right to be defended by an attorney who is appointed and paid by the state.

During this period, the Vermont assigned counsel system was administered by the Supreme Court. Due to the increasing and unpredictable costs of providing counsel to indigent criminal defendants, in 1969 the House Appropriations Committee requested that the Court conduct a study to ascertain means to improve the assigned counsel system in order to gain better fiscal control. Chief Justice James Holden appointed a committee to recommend improvements to the system, and several studies were commissioned.

In 1971, Vermont's Judicial Council recommended to the Vermont General Assembly that a state-wide public defender system be established. Under the direction of then District Court Judge Hilton J. Dier, Jr. (who retired in 1989 after having served as a Superior Court Judge since 1975), a pilot program was conducted in Addison

County during 1971-2. By comparing the assigned counsel system with public defense, the committee found that the overall cost per case was twenty-three percent less expensive when managed by the public defender.

Experts testified that a public defense system would result in a more effective criminal justice system. Consequently, the Legislature enacted a significant portion of the model Public Defender Act which became law on July 1, 1972. Title 13 V.S.A., Ch. 163.

Soon after Vermont established its state-wide system, the U.S. Supreme Court held in Argersinger v. Hamlin (1972) that indigent criminal defendants were entitled to counsel for any criminal charge which could result in any term of imprisonment, whether the charge was a felony or a misdemeanor. Vermont accurately anticipated the Court's decision in Scott v. Illinois (1979) where the Court reaffirmed Argersinger allowing a judge to make a pre-trial determination whether the defendant would not be sentenced to confinement if convicted of a misdemeanor charge. If the court determines that imprisonment will not be imposed after conviction, the defendant does not have a constitutional right to counsel. Three years prior to the Scott decision, the Vermont Legislature codified the pre-determination rule in 13 V.S.A. Section 5201(4)(B).

During the early years of the public defense program, Defender General Robert West attracted a substantial amount of federal money to support the program. This initiative partially defrayed the expense generated by the expanding federal mandates requiring that states provide counsel to indigent persons.

Defender General James L. Morse (now an Associate Justice of the Supreme Court) successfully anticipated imminent federal cutbacks. This allowed for a smooth transition from reliance upon federal monies to state funding. In addition to this initiative, in 1978, Defender General Morse inaugurated Vermont's first public defense contracts. By contracting with experienced criminal defense lawyers for an amount that was less than the cost to run a staff office, the State saved money.

Although the proponents of Vermont's public defense system were correct in predicting significant savings over assigned counsel representation, they could not foresee the explosion in caseload as a result of these federal decisions. The caseload expanded at such high rates that supplemental appropriations were needed to provide required counsel. With the increase in caseload came an increase in the number of conflict cases. This required a more active assigned counsel system to handle conflict cases.

In 1981, Defender General Andrew Crane recommended a restructuring of the assigned counsel program. The system of assigning counsel was expensive, unpredictable, and sometimes resulted in the assignment of counsel that were unfamiliar with criminal practice. On July 1, 1982, Defender General Crane entered into contracts with private attorneys to provide criminal defense in conflict cases. The system provided savings to the State because a ceiling was placed upon the costs at the

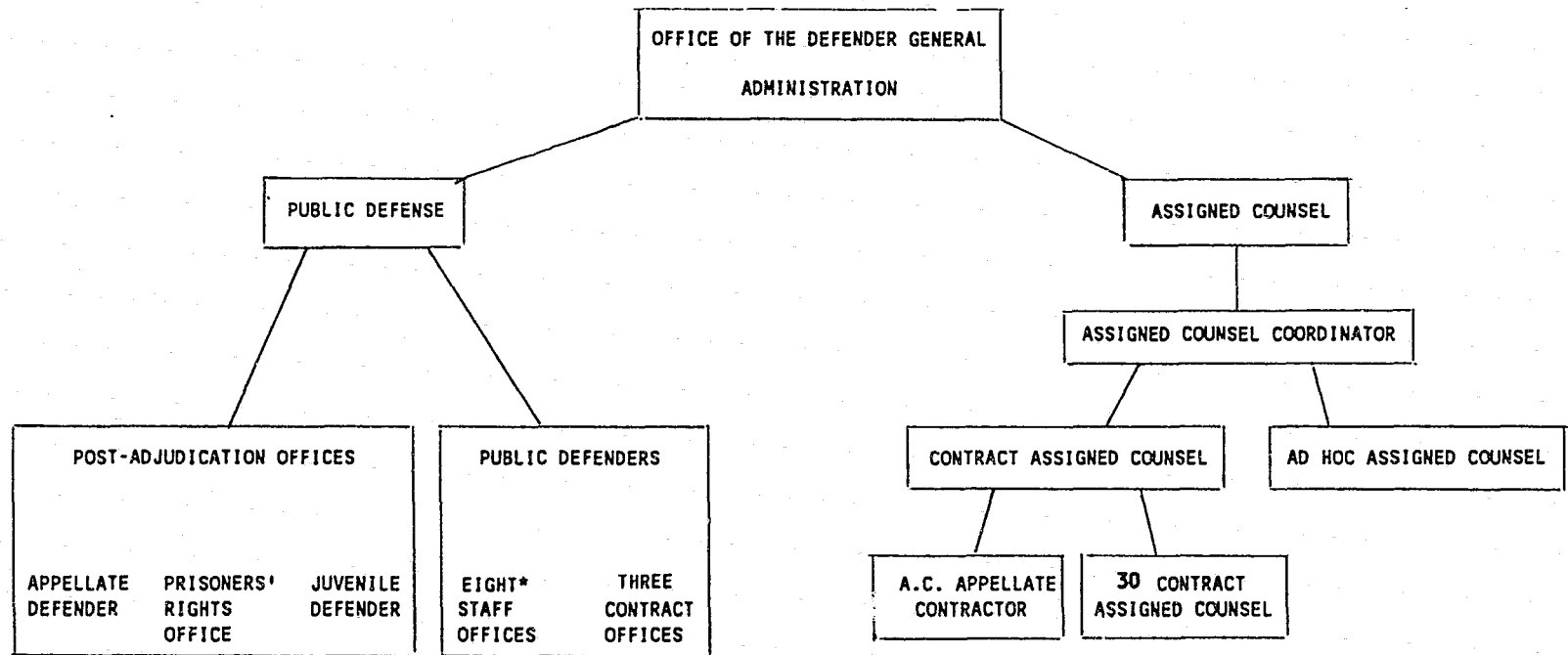
beginning of the fiscal year (modeled after the public defense contracts). In July, 1986, Defender General David Curtis implemented a "split contract" system for contract assigned counsel to provide at least two contract assigned counsel for each county, further strengthening the system's capacity to absorb conflict of interest cases. (Unfortunately, given the modest funds available to support this Assigned Counsel Contract tier of our program, we have not been able to attract at least two contractors in each of the state's fourteen counties, with resulting negative fiscal impact. See Section IV (B) below.)

In 1988 and 1989, Defender General Walter Morris (now a District Court Judge) successfully sought additional funding necessary to maintain the number of contractors and thereby to limit the number of cases assigned to the more expensive ad hoc assigned counsel. As Defender General, Judge Morris also recognized that the combination of increasing caseloads and unchanged funding would eventually discourage practitioners from entering into such contracts.

IV. PROGRAM STRUCTURE

To the extent that its services are required by the United States Constitution and the Vermont Statutes, the Office of the Defender General is unique in state government. Vermont laws governing the services of the Office require the Defender General to administer both the public defense and assigned counsel programs. The Defender General directly supervises the public defense staff. The assigned counsel program is managed by an Assigned Counsel Coordinator, in consultation with the Defender General.

A public defender is assigned once a presiding judge has determined that an individual is financially eligible for public defense services and subject to an incarcerative penalty, even if that incarcerative sentence may initially be suspended. See State v. Derosa, Vt. Supreme Court 10/8/93. Ours is a three-tiered system. First, assignments are made to the local public defender. Second, in the event of a conflict of interest, the appointment is shifted to a local assigned counsel contractor. If the conflict situation continues because, for example, the case involves more than two co-defendants charged with the same crime, the court assigns another local assigned counsel contractor (some counties have three contractors and the majority have two). Third, if the public defender and all of the local assigned counsel contractors have a conflict of interest, the court will appoint an attorney from the private bar on an ad hoc basis. See Supreme Court Administrative Order No. 4, Sections 3 and 4, and 13 V.S.A. Section 5205 and 5272.



*Addison supplemented by contract

A. Public Defense

There are eleven public defense field offices located throughout the State. Entering FY 93, eight of these offices are full-time staff offices: Addison County (a single staff attorney without clerical support located in a room rented from a local attorney in Middlebury); Bennington County (located in Bennington); Chittenden County (located in Burlington); Franklin and Grand Isle Counties (served from an office in St. Albans); Lamoille County (located in Hyde Park); Orleans County (located in Newport); Rutland County (located in Rutland City); and Windham County (located in Brattleboro).

Three of the offices are public defense contract offices, private law firms that have entered into a contract with the Defender General to provide public defense services. In FY 93, they were: Rubin, Rona, Kidney and Myer (Washington County); Griffin, Levine and Buehler (Windsor and Orange Counties); and Sleigh and Williams (Caledonia and Essex Counties). Please note that Sleigh and Williams also contracted in FY 94 to provide some additional public defender capacity to our overburdened Orleans County office in Newport.

While representation provided by Vermont's public defenders continues to be of high caliber, the quality of services is threatened by high caseloads. By way of example, it is not uncommon for a single public defender to be actively representing 100 clients simultaneously. Our public defenders have had to cope with significant increases in the number of certain serious felonies and juvenile cases without corresponding increases in public defense staff. See table attached entitled, "Defender General-Public Defense, Added Juvenile Cases," which graphically displays the 39.6% increase for FY 93 over FY 91 in juvenile clients assigned to public defenders. Additionally, the percentage of felony clients in public defense has increased from 13.2% in FY 89, to 14% in FY 91, to 16.7% in FY 93.

Both field offices and post-trial offices are managed by the Office of the Defender General in Montpelier. The Defender General also relies upon an assistant and an accountant to assist in the business management of both programs.

Post-trial representation for Public Defense clients is provided through three post-adjudication offices based in Montpelier. If initial conflicts of interest no longer exist after disposition of a case, those offices may, and do, serve assigned counsel clients as well.

1. Appellate Defender

The Appellate Defenders prepare briefs and argue appeals before the Vermont Supreme Court for clients who decide to exercise their right to appeal their convictions or sentences. In addition to their principal work of briefing and arguing appeals, the Appellate Defenders assist public defenders in bail appeals and other proceedings before the Supreme Court, and they represent clients in appeals that are taken up by the State. For example, if the State decides to appeal a pretrial ruling suppressing a

confession of a public defense client, or to challenge a final decision of the court in a juvenile case, the Appellate Defenders will respond on the client's behalf. The Appellate Defenders are assisted by one Administrative Secretary.

Despite a continuing rise in appeals handled, until the beginning of FY 94, briefs were being filed in a timely fashion rather than in response to court orders following missed deadlines, and requests for extensions. However, fiscal constraints have required the reduction of staff by half a position. Since early in FY 93, the Appellate Defenders have consisted of one full time attorney, one 4/5 time attorney, and one 1/2 time attorney. Given that parties have a right to appeal any criminal conviction or any determination in juvenile proceedings, the workload of the Appellate Defender office continues to increase dramatically. In FY 92, there were 70 new appeals added to the Appellate Defenders' caseload. In FY 93, the number of appeals added was 130, an increase of 86% over the preceding year. Unfortunately, we are now seeing an increase in our appellate backlog, and a renewal of the former untoward practice of routinely needing to file requests for extensions of time.

The high number of juvenile matters on appeal challenges our limited capacity given the Supreme Court's position that any juvenile appeal be given our highest priority. With the expected passage of Proposal 7, the constitutional amendment allowing persons suspected of committing violent felonies to be held without bail, we anticipate that our Appellate Defenders will be handling approximately 80 de novo bail appeals annually. Therefore, our Appellate Defenders' Office is in critical need of additional attorney time.

2. Prisoners' Rights Office

Pursuant to 13 V.S.A. §§5253(a), 5232(2) and 5233(a)(1), the Office of the Defender General is responsible for providing legal services to persons in the custody of the Commissioner of Corrections. This responsibility, broadened by statutory amendment in 1973, is fulfilled by the Prisoners' Rights Office. The staff of this office consists of two attorneys, one investigator and one secretary who have the duty of providing representation to more than 1,000 persons who are in the custody of the Commissioner of Corrections at any given time. During FY 93, the Department of Corrections reported over 2,500 admissions of persons sentenced to the custody of the Commissioner. Although this number includes neither detentioners nor incapacitated persons admissions, it is four times what it was a mere seventeen years ago. Meanwhile, the staffing pattern of our Prisoners' Rights Office remains as it was 17 years ago: that is, two attorneys, one investigator and one secretary.

The scope of the legal issues addressed by the Prisoners' Rights Office is limited to the conviction which resulted in a prisoner's incarceration and to the conditions under which the prisoner is confined, such as mistreatment by staff and inadequacy of physical facilities. As the prison population in Vermont has grown far faster than correctional capacity and as special needs groups (e.g.; youthful offenders, sex offenders, offenders with mental health needs) have appeared within that population,

the demands for legal services have greatly increased. The present staffing level, unchanged for many years, is increasingly inadequate, and it has been necessary to prioritize the issues to which the staff will devote its efforts.

3. Juvenile Defender

The Office of the Juvenile Defender represents children who are in state custody as a result of abuse, neglect, unmanageability or delinquency. Representation includes: administrative and dispositional review proceedings; outreach and representation of juveniles in restrictive and secure facilities (including Woodside and out-of-state institutions); representation of juveniles in CHINS, termination of parental rights, and delinquency proceedings; and technical assistance to public defenders representing juveniles in CHINS or delinquency proceedings. The office consists of one and a half attorneys and one and a half investigators.

During FY 93, the Office of the Juvenile Defender participated in 930 Administrative Review hearings (a 10% increase over FY 92), and 290 Dispositional Review hearings; it monitored the placement of 308 juveniles in the Woodside Facility (an increase of 35% over the preceding year). The office also represents children in out-of-state placement hearings, habeas corpus proceedings and at Eighteen-Month Court Reviews to assure that the children's custody and permanency planning is in their best interests. As more and more abused and severely emotionally disturbed children come into state custody, the Juvenile Defender's Office actively supports efforts to improve the juvenile court process and efforts to provide a coordinated system of treatment for those children.

The large number of juveniles confined in the Woodside facility has added significantly to the amount of legal and paralegal work required of the Juvenile Defender's Office. In recent years there have been more admissions, an increased average length of stay, a higher average daily population and more use of physical restraints. In response to litigation filed by the Juvenile Defender's Office, the Department of Social and Rehabilitation Services has implemented hearing procedures for admitting and releasing juveniles to and from Woodside. These changes, while important for safeguarding the rights of juveniles, have required a substantial increase in workload, travel time and expense for the staff of the Juvenile Defender's Office to assure that the juveniles confined at the facility receive appropriate treatment opportunities and placements.

B. Assigned Counsel

Assigned Counsel contracts were entered into with twenty-eight law firms or individual attorneys in FY 93. We were able to increase this number to thirty-two such contracts in FY 94. Despite efforts in recent years to achieve a more equitable compensation by reallocating the contract amounts for all counties based upon their past caseload, adequacy of compensation for assigned counsel contractors continues to be of major concern. A significant indicator of the seriousness of the problem is that

experienced and effective assigned counsel contractors are declining to renew their contracts in increasing numbers due to the low rate of compensation in relation to caseloads. Recently, about a third of the participating firms decline each year to renew their contracts.

The Assigned Counsel Contractors bring stability and savings to the budget. Beginning in FY 86, the Defender General established a "split" system of assigned counsel contracts in each county, to reduce the number of "third tier" conflicts requiring ad hoc assignment of counsel from the private bar. The objective is to assure that in most counties, there are at least two contractors to take conflict cases. This initiative has functioned very well as a cost containment measure within the assigned counsel program, notwithstanding systemic pressures resulting from the sheer volume of new cases. Caseloads in these offices have increased dramatically in recent years; added cases increased by 20% in FY 92 alone, and by 84% over the last four years. Much of this phenomenal climb in caseload is caused by the incredible rise in Assigned Counsel Contractors' added juvenile clients which has nearly doubled in the past four years. In FY 91, Assigned Counsel Contractors added 871 juvenile clients, while in FY 93 that number had risen to 1555.

The Defender General has a contract with an Assigned Counsel Coordinator to oversee the daily operations of the program. The Defender General and the Assigned Counsel Coordinator continue to closely monitor costs of the assigned counsel program, especially those for ad hoc, or random assignment of counsel by the courts. Of course, the contractual system was never designed to handle all assigned counsel cases. There will always be a need for some ad hoc appointments to handle multiple conflict of interest cases. Nonetheless, the Office of Defender General in conjunction with the Assigned Counsel Coordinator continues to take appropriate steps to control the costs and reduce the number of conflicts, to the extent that this is possible.

Given the above described increases in caseloads without commensurate increases in funding, it has become increasingly difficult to find prospective contractors in certain counties. By way of example, for FY 94, we were unable to retain a second contractor in Orleans County. As a direct result, through the first half of FY 94, there was a 115% increase in the number of clients in Orleans County requiring the assignment of the most expensive tier of service provision, ad hoc attorneys. By way of comparison, for FY 94, finally we were successful in recruiting a second assigned counsel contractor in Orange County. Again, for the first half of FY 94, we saw a 85.2% decrease in the number of clients requiring ad hoc attorneys. This same dynamic is shown in Franklin/Grand Isle Counties, where we added a third assigned counsel contractor, and for the first half of FY 94, we observe a 69.4% decline in the number of clients requiring ad hoc appointments.

The data certainly supports our view that this Assigned Counsel Contractor tier is the most under-funded aspect of the public defense program at this time. The Office of Defender General spent much time with Administration officials during the summer of 1993 to mutually address these longstanding concerns. As a result of these

meetings, the Administration is recommending significantly increasing funds to both compensate existing contractors, and to entice additional contractors into the fold. This approach, if accepted by the Legislature, should result in a decreased need for ad hoc assignments, the third tier, as this is the most expensive manner of providing indigent defense services.

V. DEMAND FOR SERVICES

One of the measures of the demand for defense services is the number of Added Clients during a fiscal year. The constant influx of new cases, coupled with cases pending, creates the "caseload" (i.e., the total number of cases, criminal or juvenile, for which offices are responsible during the fiscal year). Added client statistics illustrate the total demand on an office or the system's resources during the fiscal year. Most cases turn over rapidly and few individual cases have a lengthy life expectancy. Ideally, the majority of defense work occurs when a case is opened, when the events and circumstances surrounding a charge are still fresh in memory.

Largely as a result of revisions in the statute regarding Driving License Suspended (DLS), the public defense caseload of added clients declined by 0.8% during FY 92. Given a change in case reporting instructions with respect to "charges partially handled," public defense added clients facially dropped by 11% from FY 92 to FY 93. However, when the partially handled case number is repeated in FY 93 at the prior year's level, there is an actual increase in public defender cases added of 2.5%. The number of DLS cases dropped from 2,404 in FY 91 to 1,275 in FY 92, to 762 in FY 93. In fact, the system's juvenile caseload, as measured by added clients, increased by 20%. Thus, while the total number of cases declined, the reduction was among the least serious and demanding cases; the more complex and time-consuming cases continue to increase. Throughout the system, public defenders experienced the same increasing demand for services guaranteed by the Constitution which has stressed the system's resources for more than a decade.

PUBLIC DEFENSE FY 1993: STATE-WIDE

CASES ADDED

	<u>Felonies</u>		<u>Misdemeanors</u>		<u>Juvenile</u>		<u>Misc.</u>		<u>Total</u>
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>
Charges	2115	16.9	6696	53.6	2000	16.0	1694	13.6	12,505
Clients	1581	16.7	4778	50.6	1813	19.2	1278	13.5	9,450

CASES DISPOSED

	<u>Felonies</u>		<u>Misdemeanors</u>		<u>Juvenile</u>		<u>Misc.</u>		<u>Total</u>
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>
Charges	2039	16.8	6375	52.7	2046	16.9	1647	13.6	12,107
Clients	1572	17.3	4558	50.3	1785	19.5	1169	12.9	9,084

DISPOSITION RESULTS

I. TRIALS

	<u>Felonies</u>		<u>Misdemeanors</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Guilty	8	34.8	27	43.6
Not Guilty	6	26.1	25	40.3
Insan. Def.-Guilty	0	0.0	0	0.0
N.G. Insanity	1	4.4	0	0.0
Guilty LIO	6	26.1	0	0.0
Hung Jury	1	4.4	0	0.0
Mistrial	0	0.0	1	1.6
Court Dismissal	1	4.4	9	14.5
TOTAL	23	100.0	62	100.0

II. OTHER DISPOSITIONS

	<u>Felonies</u>		<u>Misdemeanors</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Guilty as Charged (Plea)	758	45.6	3687	63.9
Guilty Reduced Charge	32	1.9	177	3.1
Guilty Fel. Reduced to Misd.	353	21.2	0	0.0
Transfer to Juv. Court	12	0.7	52	0.9
Dismissed by State's Attorney:				
Bargain Companion Charge(s)	252	15.1	991	17.2
Insufficient Evidence	73	4.4	229	4.0
Diversion	45	2.7	145	2.5
Other	63	3.8	282	4.9
Dismissed by Court	76	4.6	207	3.6
TOTAL	1664	100.0	5770	100.0

CONVICTIONS

	<u>Felonies</u>		<u>F. Reduced to M.</u>		<u>Misdemeanors</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Incarceration	501	62.6	158	44.3	1607	41.3
Probation	154	19.2	141	39.5	959	24.6
Deferred Sentence	128	16.0	15	4.2	67	1.7
Fine Only	18	2.2	43	12.0	1257	32.3
TOTAL	801	100.0	357	100.0	3890	100.0

TYPES OF CRIMES

FELONIES

Felonies-Serious Crimes Against Persons/Property:	No.	%	Felonies-Fraud	No.	%
Arson	18		Embezzlement	10	
Assault & Robbery	12		Extortion	1	
Larceny from Person	7		False Personation	3	
TOTAL	37	0.3	False Token	140	
			Forgery	42	
Felonies-Serious Crimes Against Persons:			Perjury	0	
Aggravated Assault	85		Utt. Forged Instr.	88	
Kidnapping & Unlaw. Rest.	23		Welfare Fraud	54	
Lewd & Lascivious	137		TOTAL	338	2.8
Manslaughter	3				
Murder	14		Felonies-Drug Related		
Sexual Assault	158		Fraud to Procure	32	
TOTAL	420	3.5	Possession Reg. Drug	75	
			Sale Regulated Drug	30	
			TOTAL	137	1.1
Felonies-Serious Crimes Against Property:					
Burglary	280		Felonies-Motor Vehicle:		
Grand Larceny	133		DWI	282	
Receiving Stolen Property	55		Other	8	
Retail Theft	58		TOTAL	290	2.4
Unlawful Mischief	13				
Unlawful Trespass	39		Felonies-Other:		
TOTAL	628	5.2	Escape	45	
			Obstruction of Justice	15	
			Impede Police Officer	24	
			Miscellaneous	105	
			TOTAL	189	1.6

MISDEMEANORS

Misdemeanors-Fraud		No.	%	Misdemeanors-Drug Related:		No.	%
Bad Check		176		Fraud to Procure Drugs		0	
False Statement		89		Possession Marijuana		158	
Welfare Fraud		<u>0</u>		Other		<u>44</u>	
	TOTAL	265	2.2		TOTAL	202	1.7
Misdemeanors-Disorderly and Endangering Crimes:				Misdemeanors-Property:			
Annoying Telephone Calls		42		Petit Larceny		259	
Disorderly Conduct		364		Receiving Stolen Prop.		89	
Viol. Abuse Order		271		Retail Theft		260	
Viol. Cond. of Release		225		Theft of Services		22	
Reckless Endangering		30		Unlawful Mischief		409	
Simple Assault		1026		Unlawful Trespass		<u>180</u>	
Simple Assault-Police		62			TOTAL	1219	10.1
Possession Malt Bev.		<u>149</u>					
	TOTAL	2169	17.9	Misdemeanors-Miscel.:		158	1.3

Misdemeanor Motor Vehicle Offenses:

	No.	%
Careless & Negligent	106	
Driving to Endanger	33	
Driving W/ License Suspended	762	
Driving While Intoxicated	1155	
Elude Police Officer	107	
Leaving Scene Accident	129	
Operating W/O Owner's Consent	<u>70</u>	
	TOTAL	2362 19.5

OTHER

Non-Criminal Proceedings		No.	%	Juvenile		No.	%
Contempt		30		Children in Need of			
Extradition		101		Care & Supervision		1262	
Post-Conviction Relief		1		Juvenile Delinquents		<u>784</u>	
Violation of Probation		1425			TOTAL	2046	16.9
Sentence Reconsideration		26					
Appeal		2					
Other		<u>62</u>					
	TOTAL	1647	13.6				

Charges Partially Handled: 898

ASSIGNED COUNSEL FY 1993: STATE-WIDE

CASES ADDED

	<u>Felonies</u>		<u>Misdemeanors</u>		<u>Juvenile</u>		<u>Misc.</u>		<u>Total</u>
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>
Charges	1136	22.5	1695	33.6	1977	39.1	243	4.8	5,051
Clients	707	19.5	1013	27.9	1726	47.5	188	5.2	3,634

CASES DISPOSED

	<u>Felonies</u>		<u>Misdemeanors</u>		<u>Juvenile</u>		<u>Misc.</u>		<u>Total</u>
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>
Charges	913	20.8	1423	32.4	1809	41.2	246	5.6	4,391
Clients	616	19.9	823	26.6	1491	48.2	164	5.3	3,094

DISPOSITION RESULTS

I. TRIALS

	<u>Felonies</u>		<u>Misdemeanors</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Guilty	19	51.4	11	52.4
Not Guilty	8	21.6	8	38.1
Insan. Def.-Guilty	0	0.0	0	0.0
N.G. Insanity	0	0.0	0	0.0
Guilty LIO	1	2.7	0	0.0
Hung Jury	5	13.5	0	0.0
Mistrial	1	2.7	0	0.0
Court Dismissal	3	8.1	2	9.5
TOTAL	37	100.0	21	100.0

II. OTHER DISPOSITIONS

	<u>Felonies</u>		<u>Misdemeanors</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Guilty as Charged (Plea)	383	51.3	744	59.2
Guilty Reduced Charge	7	0.9	42	3.3
Guilty Fel. Reduced to Misd.	93	12.5	0	0.0
Transfer to Juv. Court	8	1.1	8	0.6
Dismissed by State's Attorney:				
Bargain Companion Charge(s)	148	19.8	292	23.2
Insufficient Evidence	35	4.7	65	5.2
Diversion	22	3.0	19	1.5
Other	31	4.2	49	3.9
Dismissed by Court	19	2.6	37	3.0
TOTAL	746	100.0	1256	100.0

CONVICTIONS

	<u>Felonies</u>		<u>F. Reduced to M.</u>		<u>Misdemeanors</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Incarceration	233	57.0	34	37.6	394	49.5
Probation	103	25.2	43	46.2	233	29.3
Deferred Sentence	71	17.4	5	5.4	33	4.2
Fine Only	2	0.5	11	11.8	136	17.1
TOTAL	409	100.0	93	100.0	796	100.0

TYPES OF CRIMES

FELONIES

Felonies-Serious Crimes Against Persons/Property:	No.	%	Felonies-Fraud	No.	%
Arson	10		Embezzlement	11	
Assault & Robbery	13		Extortion	1	
Larceny from Person	3		False Personation	1	
TOTAL	26	0.6	False Token	33	
Felonies-Serious Crimes Against Persons:			Forgery	9	
Aggravated Assault	45		Perjury	6	
Kidnapping	15		Utt. Forged Instr.	29	
Lewd & Lascivious	43		Welfare Fraud	1	
Unlawful Restraint	1		TOTAL	91	2.1
Murder	11		Felonies-Drug Related		
Sexual Assault	56		Fraud to Procure	9	
TOTAL	171	3.9	Dispensing	22	
Felonies-Serious Crimes Against Property:			Possession with Intent to Sell	18	
Burglary	273		TOTAL	49	1.1
Grand Larceny	82		Felonies-Motor Vehicle:		
Receiving Stolen Property	39		Motor Vehicle Felony	17	
Retail Theft	15		TOTAL	17	0.4
Unlawful Mischief	21		Felonies-Other:		
Unlawful Trespass	19		Escape	10	
TOTAL	449	10.2	Obstruction of Justice	14	
			Impede Police Officer	11	
			Miscellaneous	75	
			TOTAL	110	2.5

MISDEMEANORS

Misdemeanors-Fraud		No.	%	Misdemeanors-Drug Related:		No.	%
Bad Check		14		Fraud to Procure Drugs		0	
False Statement		20		Possession Marijuana		28	
Welfare Fraud		<u>0</u>		Possession Pills		<u>6</u>	
	TOTAL	34	0.8		TOTAL	34	0.8
Misdemeanors-Disorderly and Endangering Crimes:				Misdemeanors-Property:			
Annoying Telephone Calls		11		Petit Larceny		127	
Disorderly Conduct		70		Receiving Stolen Prop.		48	
Viol. Abuse Order		72		Retail Theft		49	
Viol. Cond. of Release		93		Theft of Services		7	
Reckless Endangering		12		Unlawful Mischief		114	
Simple Assault		332		Unlawful Trespass		<u>51</u>	
Simple Assault-Police		23			TOTAL	396	9.0
Poss/Furn. Malt Bev.		<u>28</u>					
	TOTAL	641	14.6	Misdemeanors-Miscel.:		52	1.2

Misdemeanor Motor Vehicle Offenses:

	No.	%
Careless & Negligent	12	
Driving to Endanger	8	
Driving W/ License Suspended	83	
Driving While Intoxicated	105	
Elude Police Officer	11	
Leaving Scene Accident	16	
Operating W/O Owner's Consent	<u>31</u>	
	TOTAL	266
		6.1

OTHER

Non-Criminal Proceedings		No.	%	Juvenile		No.	%
Contempt		7		Children in Need of			
Extradition		9		Care & Supervision		1488	
Post-Conviction Relief		20		Juvenile Delinquents		<u>321</u>	
Violation of Probation		157			TOTAL	1809	41.2
Sentence Reconsideration		26					
Appeals		7					
Other		<u>20</u>					
	TOTAL	246	5.6				

Charges Partially Handled: 278

OFFICE OF THE DEFENDER GENERAL
EXPENDITURES BY PROGRAM AND APPROPRIATION

Public Defense

<u>Fiscal Year</u>	<u>Personal Services</u>	<u>Operating</u>	<u>Total</u>
1985	\$1,598,993	\$285,000	\$1,883,993
1986	1,751,877	332,400	2,084,277
1987	1,887,381	346,996	2,234,377
1988	2,066,413	361,229	2,427,642
1989	2,463,623	459,848	2,923,471
1990	2,801,630	481,700	3,283,330
1991	2,958,850	454,933	3,413,783
1992	2,836,287	409,818	3,246,105
1993	2,782,460	410,283	3,192,743

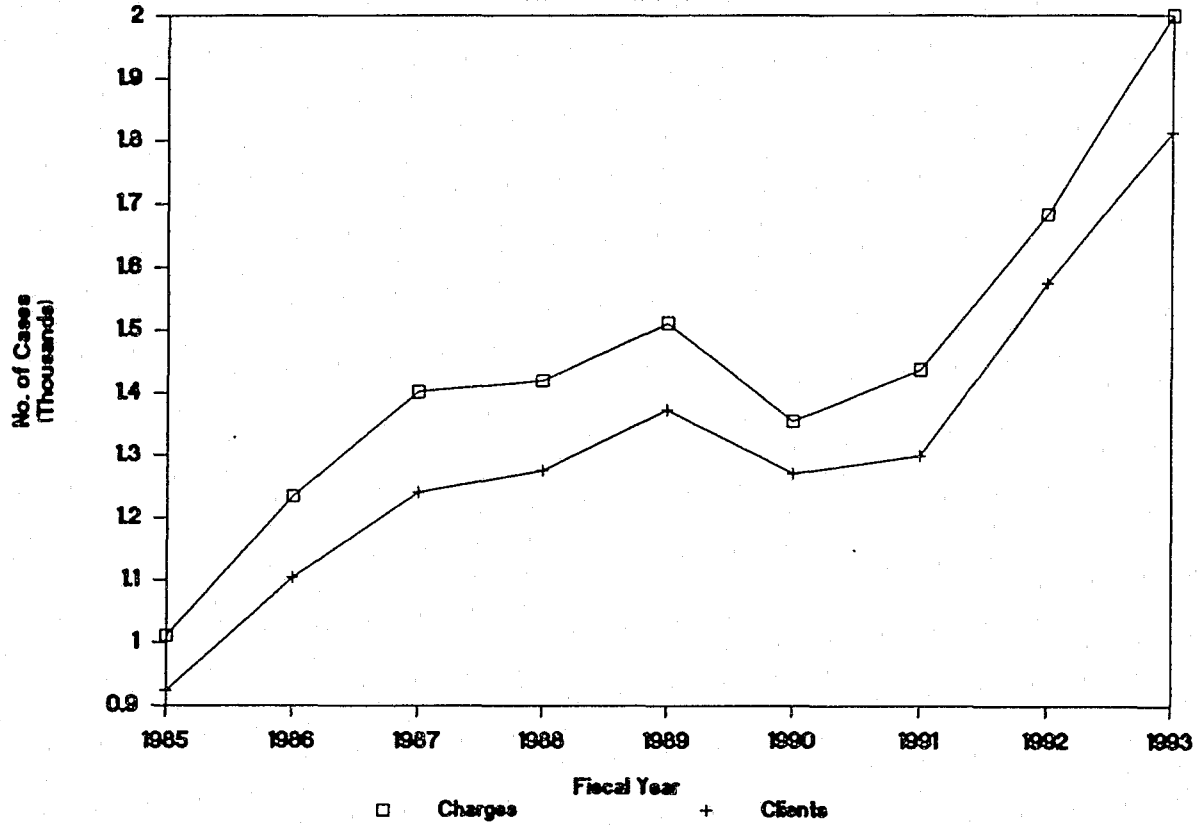
Note: FY 1990 expenditures include \$59,828 and FY 1991 expenditures include \$20,955 of expenses related to flooding in central offices

Assigned Counsel

<u>Fiscal Year</u>	<u>Personal Services</u>	<u>Operating</u>	<u>Total</u>
1985	\$657,685	\$18,000	\$675,685
1986	672,121	21,400	693,521
1987	634,119	22,139	656,258
1988	759,817	29,966	789,783
1989	886,311	31,475	917,786
1990	919,978	35,041	955,019
1991	1,165,897	30,234	1,196,131
1992	1,020,997	30,811	1,051,808
1993	970,145	33,977	1,004,122

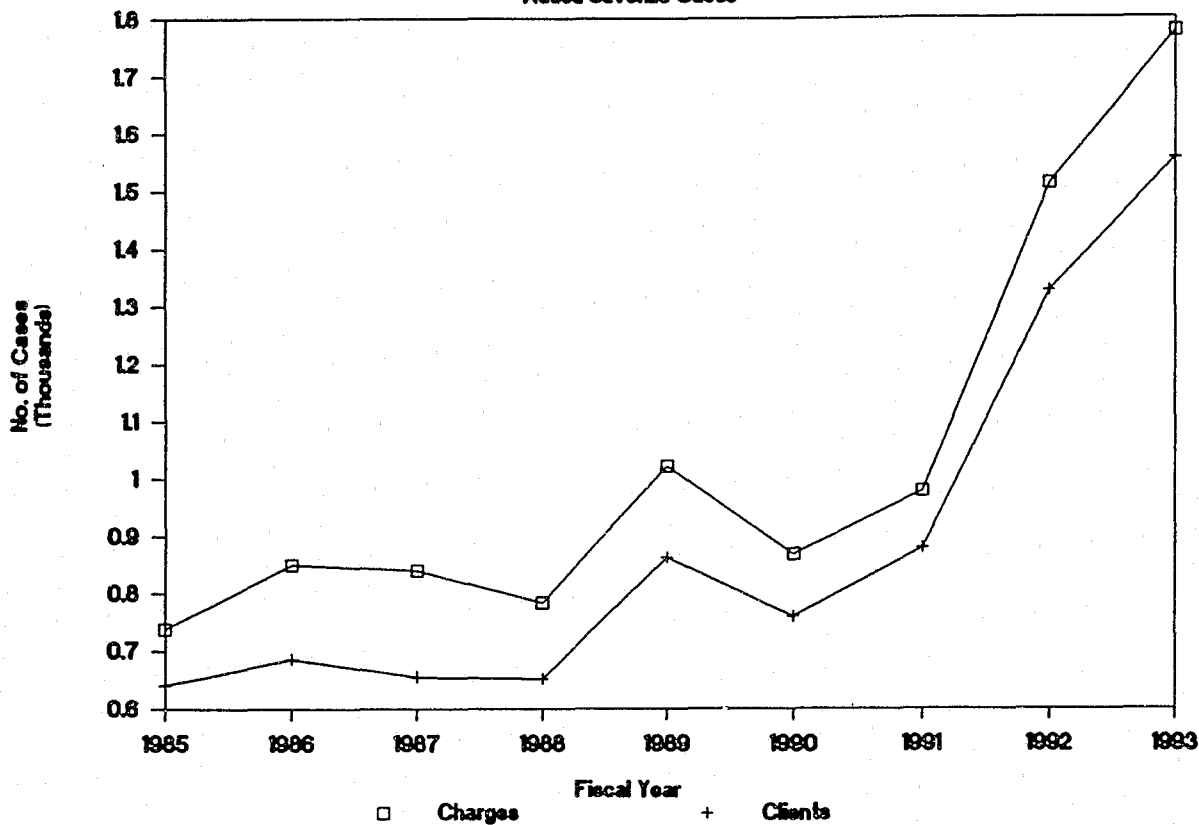
DEFENDER GENERAL - PUBLIC DEFENSE

Added Juvenile Cases



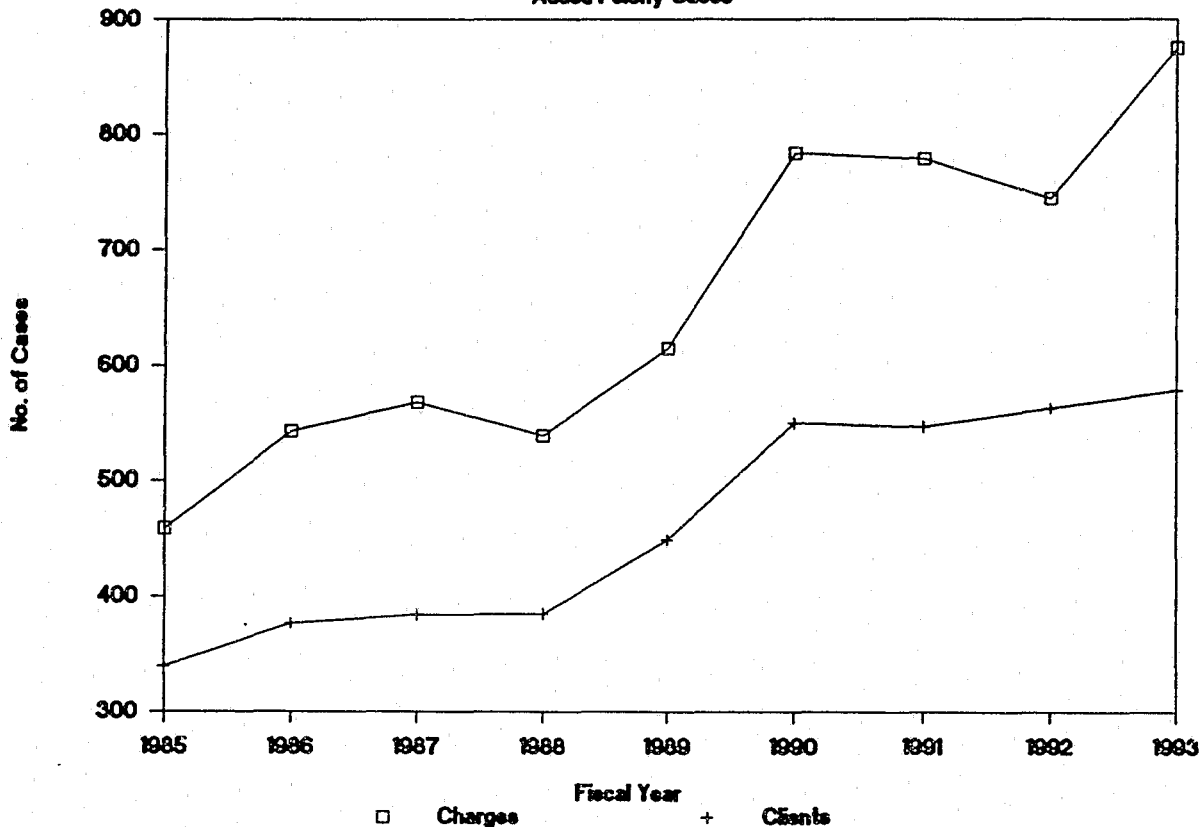
DEFENDER GENERAL - AC CONTRACTORS

Added Juvenile Cases



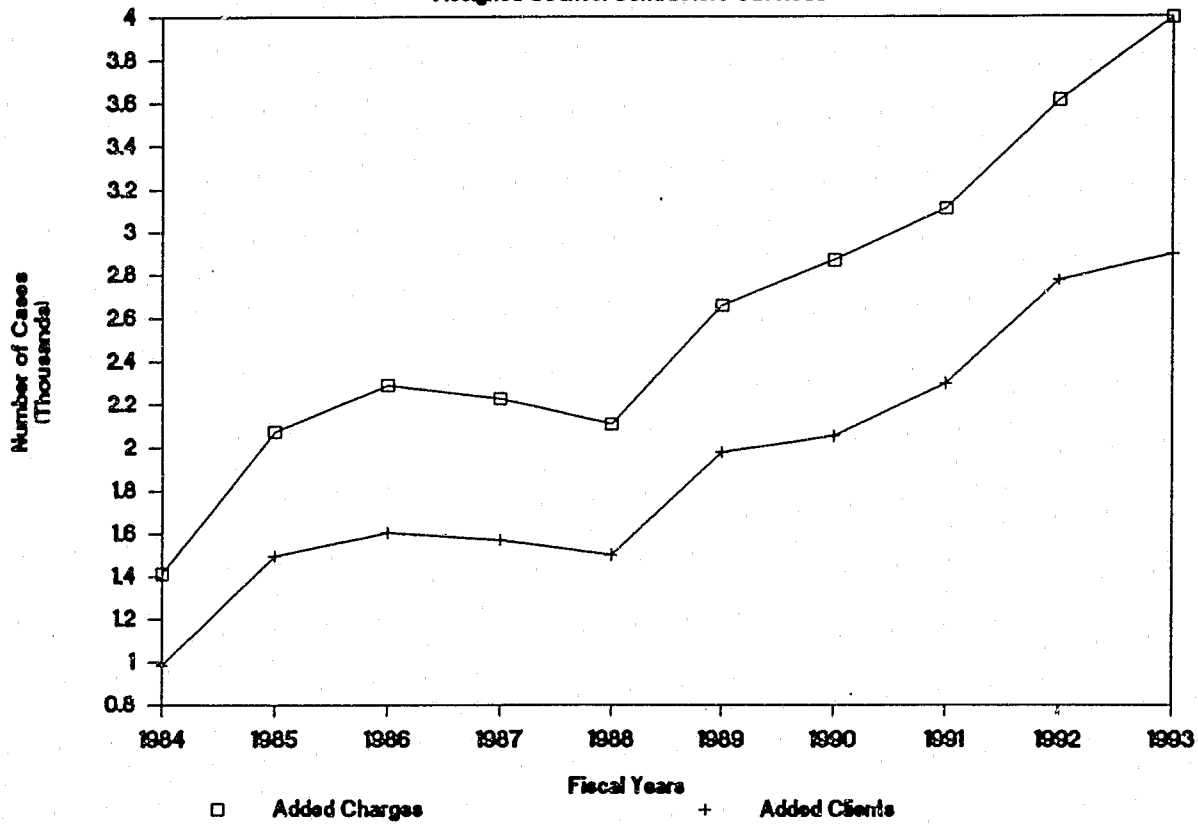
DEFENDER GENERAL - AC CONTRACTORS

Added Felony Cases



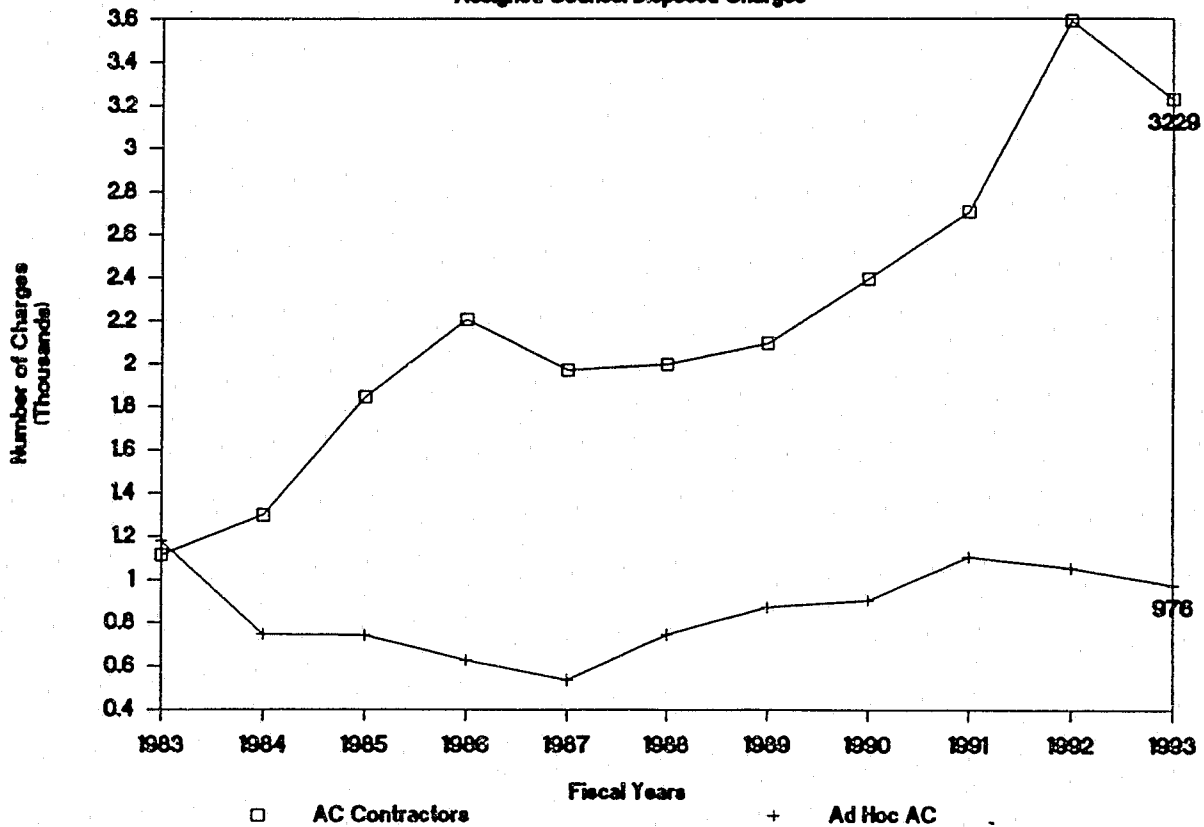
Office of the Defender General

Assigned Counsel Contractors Caseload



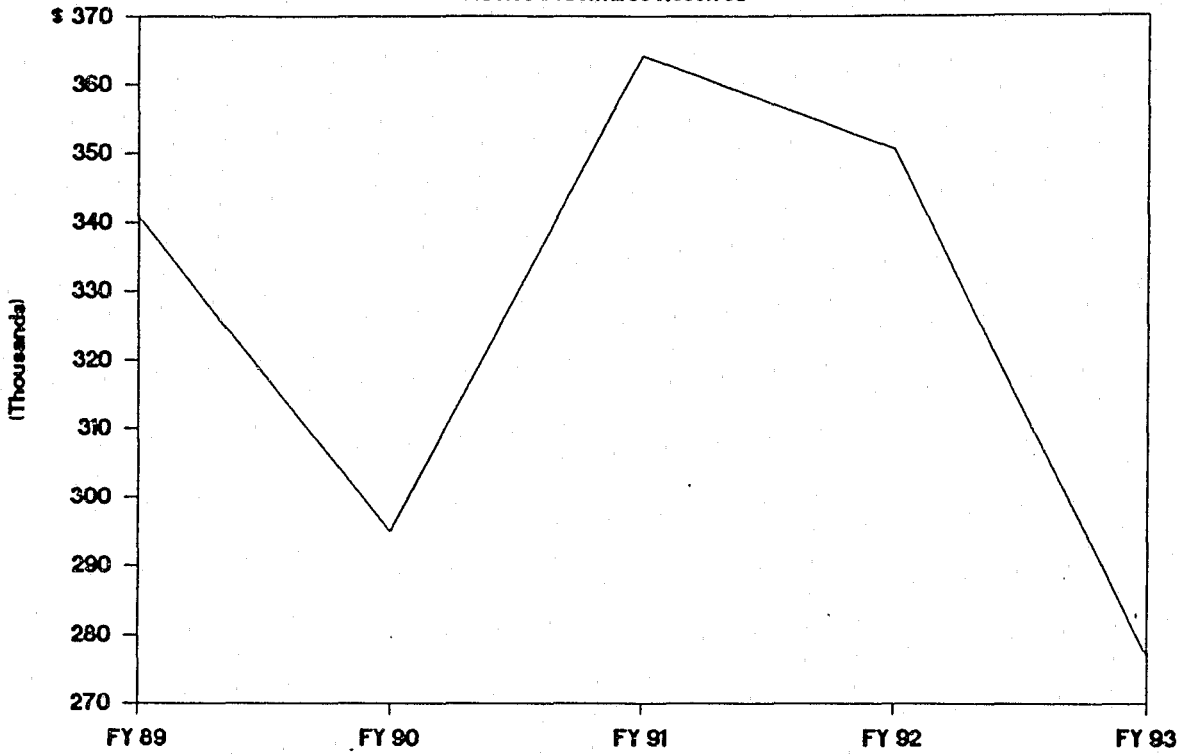
Office of the Defender General

Assigned Counsel Disposed Charges



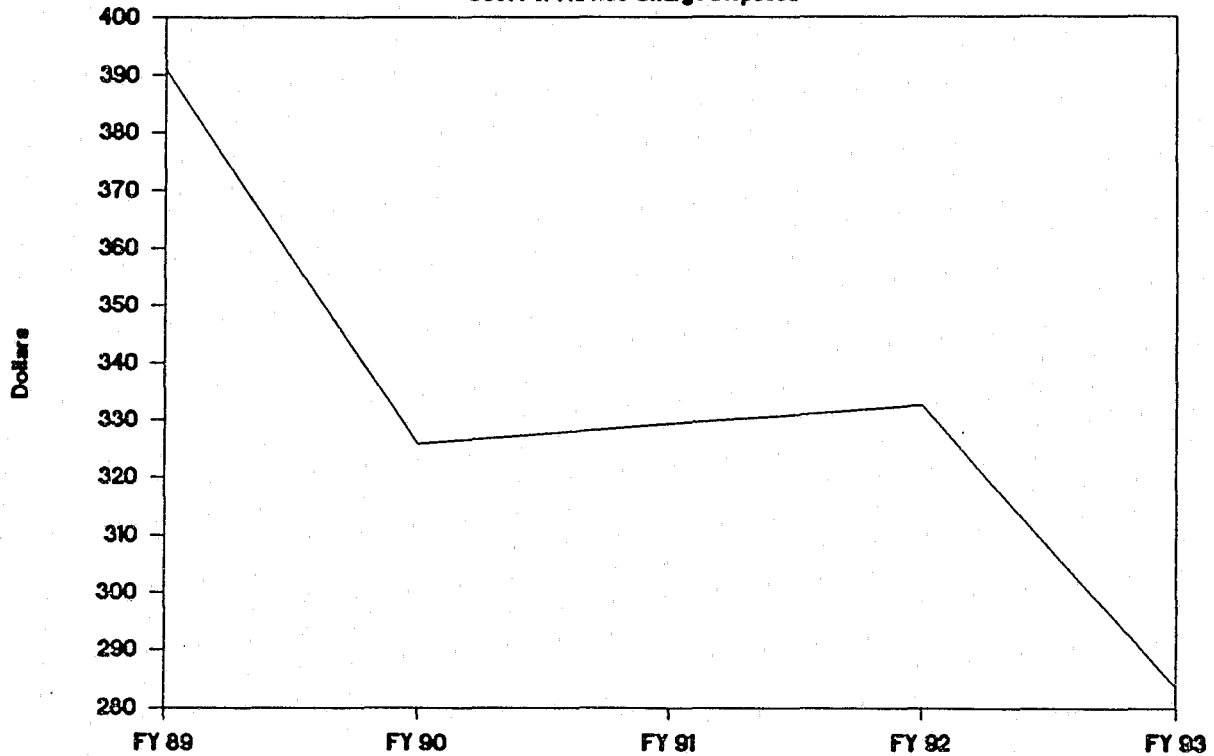
Office of the Defender General

Ad Hoc Debentures Received



Office of the Defender General

Cost Per Ad Hoc Charge Disposed



COMPARISON OF PUBLIC DEFENSE, ASSIGNED COUNSEL CONTRACTORS,
AND AD HOC ASSIGNED COUNSEL DISPOSED CHARGES

<u>Fiscal Year</u>	<u>AC Contractors</u>	<u>Percent of Total</u>	<u>Ad Hoc Counsel</u>	<u>Percent of Total</u>	<u>Public Defense</u>	<u>Percent of Total</u>
1984	1,298	.12	748	.07	8,421	.81
1985	1,845	.16	743	.06	9,294	.78
1986	2,206	.16	629	.05	10,462	.79
1987	1,970	.14	537	.04	11,311	.82
1988	1,997	.14	747	.05	11,823	.81
1989	2,095	.14	872	.06	11,803	.80
1990	2,395	.15	905	.05	12,985	.80
1991	2,706	.15	1,106	.06	14,356	.79
1992	3,592	.19	1,054	.05	14,755	.76
1993	3,229	.20	976	.06	12,107	.74

COMPARISON OF PUBLIC DEFENSE, ASSIGNED COUNSEL CONTRACTORS,
AND AD HOC ASSIGNED COUNSEL EXPENDITURES

<u>Fiscal Year</u>	<u>AC Contractors</u>	<u>Percent of Total</u>	<u>Ad Hoc Counsel</u>	<u>Percent of Total</u>	<u>Public Defense</u>	<u>Percent of Total</u>
1985	\$424,728	.16	\$250,957	.10	\$1,883,993	.74
1986	453,922	.16	239,599	.09	2,084,277	.75
1987	449,448	.16	206,810	.07	2,234,377	.77
1988	487,243	.15	302,540	.09	2,427,642	.76
1989	568,956	.15	348,830	.09	2,923,471	.76
1990	624,624	.15	330,395	.08	3,223,502	.77
1991	653,623	.14	542,508	.12	3,392,829	.74
1992	653,368	.15	398,440	.09	3,246,105	.76
1993	645,710	.15	358,412	.09	3,192,743	.76