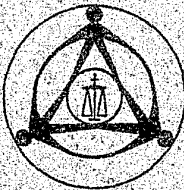


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FEDERAL BUREAU OF INVESTIGATION
 ADMINISTRATION OF THE COURTS
 PROJECT
 REPORT



THE AMERICAN UNIVERSITY

Criminal Courts Technical Assistance Project
 Institute for Studies in Justice and Social Behavior
 The American University Law School
 Washington, D.C.

RECOMMENDATIONS ON
ADMINISTRATION AND EVALUATION
OF THE PILOT
PUBLIC DEFENDER PROJECT
STATE OF VIRGINIA

January, 1974

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Organizations undertaking such projects under Federal Government sponsorship are encouraged to express their own judgment freely. Therefore, points of view or opinions stated in this report do not necessarily represent the official position of the Department of Justice. The contractor is solely responsible for the factual accuracy of all material presented in this publication.

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I. INTRODUCTION

In November 1972, the state of Virginia launched a pilot public defender project with the opening in Waynesboro of the first of three scheduled pilot public defender field offices. This pilot program, authorized by the Virginia General Assembly and funded through the State's Division of Justice and Crime Prevention (S.P.A.) is designed to provide representation to indigents at the misdemeanor, felony and post-conviction levels, as well as to represent youngsters in juvenile proceedings. A second office opened in eastern Virginia at Virginia Beach and the opening of a third pilot office, postponed because of funding limitations, is slated for Fairfax County. The remainder of the state will continue to be provided with indigent defense services by the previous system of assigned private counsel.

Administration of the pilot project is legislatively vested in a Public Defender Commission with the specific responsibility for providing overall policy supervision and assuring that the services provided conform with the enabling statute. The Commission is also responsible for providing the General Assembly in November 1974 with an evaluation of the project's operation and an evaluation of the relative merits of the services provided by public defenders in the pilot offices vis-a-vis defense services funded through the current system of court-appointed counsel.

To conduct this evaluation, a uniform data base and standardized office policies were needed. In this regard, the Executive Director of the Public Defender Commission, Overton Pollard, requested assistance through LEAA's Criminal Courts Technical Assistance Project at the

American University in developing a standardized and comprehensive data recording system for the pilot offices and recommending improvements in office organization as well as suggesting an appropriate methodology for conducting the evaluation.

A two-man consultant team from the National Legal Aid and Defender Association conducted a site visit September 19-21 meeting with Mr. Pollard at the Public Defender Commission office in Richmond, as well as reviewing operations of the pilot offices in Virginia Beach and Waynesboro. In the latter two communities, the consultants interviewed the court clerks of the District Court, Circuit Court and Juvenile Court* as well as local officials involved in the project's operation.

* The District Court has misdemeanor jurisdiction and conducts probable cause hearings in felony cases. The Circuit Court proceeds in the trial of a felony matter after there has been a bindover order from the District Court. The Juvenile Court proceeds in delinquency matters.

II. ANALYSIS OF EXISTING SITUATION

The three pilot public defender field offices have been planned to serve diverse areas of the state. The Virginia Beach office is located in the southeast coastal region; the Waynesboro office is in the western area (Augusta County) and also serves Staunton and Owensborough. The planned Fairfax County office will be located in the heavily populated northern portion of the Washington, D. C. metropolitan area. As noted earlier, the remainder of the state is provided with indigent defense services through the existing assigned counsel system.

The Public Defender Commission in charge of the pilot project consists of five lawyer members, with Mr. Pollard serving as Executive Director on a part-time basis. Since he is principally engaged in the private practice of law, he performs Commission functions from his private law office in Richmond, Virginia, which is over 100 miles from each of the defender offices.

In conformity with the State Planning Agency Grant Award, each of the two operating defender offices is administered by a full-time public defender. Each defender has a full-time secretary and a full-time investigator. The Virginia Beach Public Defender has three assistant public defenders, while the Waynesboro Public Defender has two assistant public defenders. Each of the assistant public defenders is part-time and engages in private practice in addition to his defender work. Each assistant operates out of his own private law office, utilizes his own private secretary, and maintains his own case files.

III. RECOMMENDATIONS REGARDING REPORTING PRACTICES

A. Develop Case Docketing System

In order to ensure that attorneys cover their court assignments and to enable them to readily determine the next court date as well as the progress made in each case, an active case docketing system should be developed. Such a system will require the maintenance of three separate files for each active case:

1. the open case file itself, which should include all pertinent material such as client and witness statements, motions, pleadings, etc.,
2. an index card maintained at the defender office, and
3. a docket book or calendar.

All cases should be identified by a public defender file number. Active cases may be filed alphabetically. Inactive cases, however, should be filed by public defender number since alphabetical order becomes awkward when the dead case file becomes extensive, as it will after the first year of the program's operation.

The open case file should be kept by each attorney in his office. However, an index card for each active case should be maintained at the main office and readily available to the secretary and chief defender. It should contain the name and address of the defendant, the charge, the file number, the next court date, and a summary of what occurred on each day the case was in court. With this record, the chief defender of each office can keep track of individual cases and determine their stage and progress without bothering the assigned attorney. The card on active cases should be maintained in alphabetical order and filed permanently in alphabetical order when the case is closed as a cross check. The

docket book or calendar should contain the next court appearance for each trial case so that the central office can properly notify defendants on bond of their next court day and provide such information to relatives of the defendant, as well as make certain that each case is covered on its court day.

B. Collect Data Routinely on Standardized Forms

Sample recommended forms for individual case records as well as staff attorney caseload summaries are included in Appendix A. These forms have been designed for potential use in the pilot offices to provide current information regarding individual cases, assist in developing client interviews, as well as to indicate periodically the level of activity of the project's operations. Taken together the reporting forms should provide a composite picture of case activity for individual attorneys as well as the office as a whole.

The forms suggested here should be examined carefully by the Executive Director and his entire staff, professional and non-professional. An all day meeting of the staff, including secretaries, investigators, and staff attorneys, should be arranged to review each form and changes should be made where advisable. It is essential that each staff member understands the forms and that agreement on reporting procedures and the importance of accuracy and completeness in reporting be established before any new methods are employed. The specific terminology and purpose of the individual forms are described below:

1. Definition of "Case"

The term "case" refers to any charge or group of charges arising out of one transaction confronting one defendant in a single court

proceeding at one level of proceedings. Where separate charges arising out of separate transactions that would have normally been tried separately are disposed of at one time as part of a plea bargain, each charge is considered a separate case. Levels of proceedings are divided into trial, appellate, and collateral attack in the trial court. Thus, under the definition, a case includes the bond hearing, the probable cause hearing and all other trial court proceedings arising out of one transaction, even though several distinct trial courts are involved. If the trial verdict is appealed, then statistically the appeal is another case. If a collateral attack proceeding, habeas corpus or other post-conviction relief is sought in the matter, this action represents another case. Where the collateral attack is appealed, a third case would result. Where two or more defendants are joined together for one joint trial, each defendant represents a separate case.

2. Explanation of Forms

a. Form #1--Client Interview Form

The various categories of information are intended as checks and reminders to the interviewer of information that is generally considered important. According to the team's information, the investigator in one of the offices is able to use an electronic recording device for interviews. Such a technique should be encouraged and this interview form should not replace electronic recordation of interviews. However, it is suggested that the interviewer follow the interview

form and when the recording is transcribed, that it be transcribed into the suggested interview form.

It is recommended that all initial client interviews be conducted by the assigned attorney and not by an investigator. While investigators should be introduced to the client by the attorney and may from time to time obtain supplementary information from the client, initial interviews (except interviews to determine financial eligibility) should be conducted by the assigned lawyer so that a good relationship between client and attorney can be established at the outset. The attorney conducted interview can also raise significant questions essential to the development of the case and a theory for its defense -- i.e., the possibilities of such situations as entrapment, self-defense, or insanity. An attorney is not only in a position to best recognize such situations, but is also best able to develop an appropriate line of questioning necessary to fully explore such possibilities.

b. Form #2--Daily Case Report

This form is intended to be utilized by the attorney assigned to the case. The Virginia experimental project is unusual in that while the Defender Director of each of the two offices is full-time and operates out of the defender office, his assistants are part-time and work from their private law offices. As a result, the Director of each office has no way of reviewing and keeping current with the progress of the cases assigned to assistants as the cases progress. The Director of

the Virginia Beach office does maintain a monthly court schedule of the court duties of each assistant; the Director of the Waynesboro office, however, does not keep such records. It would be valuable for the director of each office to have readily available in the defender office an up-to-date summary of each case assigned to an assistant. The index card maintained for each case at the main office can be utilized to note the progress of the case. At the end of each day the defender secretary should check the master calendar of court dates, telephone each attorney who had a court appearance for a defender case and record what transpired in the case on the index card.

c. Form #3--Attorney Case Summary Report

The assigned counsel should complete this form at the conclusion of each case. The original completed form should be delivered to the defender office, with a copy retained by the attorney for his monthly report.

d. Form #4--Attorney (Office) Monthly Report

Within three days after the month's close each attorney should turn in this report to the local defender. The report contains a summary of all cases that he closed for the month as well as other court work in connection with all cases, including open cases. This form, like the comprehensive Monthly Attorney Office Report (form #6) can be utilized as both the attorney monthly summary and the office monthly summary. It

is suggested that if form #4 is adopted as the attorney report, it should also be used to complete the office report.

e. Form #5--Monthly Investigation Report

This report should be completed by the investigator and delivered to the local defender within three days of the end of the month. It summarizes the investigator's activities. Because each of the offices has only one investigator, a copy of each monthly report may be sent to the Public Defender Commission Office in Richmond.

f. Form #6--Attorney Report-Monthly Office Report

This form is presented as an alternative attorney and office monthly summary. Form number 6 differs from form number 4 in that it provides a cumulative summary of case status for the individual monthly total.

In addition to the forms discussed above, a copy of the FY '73 Annual Report of the Maryland Public Defender is included in Appendix B as a suggestion for possible annual data presentation.

IV. RECOMMENDATIONS FOR IMPROVING THE OPERATIONS OF THE PROJECT

A. Continue to Strive for High Quality Representation

During the team's site visit, various aspects of defender services were discussed with both the staff of each office as well as the Executive Director. Such matters as performing intake functions adequately, and assuring the proper elements and sufficient scope of representation were discussed. Among those areas deemed of high priority for the project to deal were the following:

1. Attorneys should enter the case at the earliest possible time -- immediately after arrest or before arrest (where the client becomes aware that he is a principal suspect).

2. The client should be free on bond if possible and bond motions, where appropriate, should be made promptly.

3. Established standards for determining eligibility were important in assuring the private bar and the public that only those who were financially unable to hire their own attorney utilized the project's service. In this regard, however, the consultants advised that eligibility be assessed by either the judge or another agency so that the initial interview between the client and the attorney did not focus on determining the client's resources.

B. Employ All Attorneys on a Full-time Basis When the Second Year of the Grant is Renewed.

The fragmentation in terms of staff organization in each defender office can be detrimental to the development of an effective defender program. With assistant defenders working out of their own private law offices, the possibility of developing cooperation and coordination among attorneys as well as encouraging attorney supervision and specialization becomes

very difficult. Moreover, where the defender is part-time conflicts may develop between his private and his defender practice. During the initial grant period, neither the grant provisions nor the budget permit the employment of experienced assistant public defenders on a full-time basis and the experimental nature of the project discourages full-time attorney effort. However, when the grant is renewed for the second year, each attorney employed by the Commission should have full-time employment status at an adequate salary and have a private office in a defender suite.

C. Develop Staff Capabilities to Explore Alternatives to Incarceration

Currently no staff are employed with the professional capabilities to develop alternatives to incarceration. Personnel such as social workers with such capabilities are invaluable since, presumably, many of the defender clients will be convicted and could benefit considerably from intelligently developed rehabilitation programs rather than simple incarceration in a penitentiary or jail.

D. Create Staff Capability for Developing Alternatives to Money Bond

Since the defender clients are indigent, very few will be able to obtain funds for a bond for pretrial release. However, chances of acquittal or probation increase if the accused is free during the pretrial stage.* Thus, the Defender Commission should request that the grant renewal for the second year include funding for such staff functions. One social worker with para-professional assistance in each office to perform both the pre-trial and post-trial functions suggested here should

* See Commentary to Standard 1.1, Standards Relating to Pre-Trial Release. American Bar Association, 1968.

be added experimentally until complete caseload statistics are developed. Once the programs have operated for a year, a reassessment of support staff requirements should be made.

E. Develop an Appellate and Post-Conviction Capability

Since the project has just gotten started, there is no appellate or other post-conviction caseload. However, second year operations may require such a capability. Consideration should be given to locating a post-conviction defender unit in either Richmond or in the Waynesboro office. Either location has its advantage. Richmond houses both the Virginia Supreme Court as well as the University of Richmond Law School which could be utilized for student assistance. On the other hand, an office in Waynesboro would be approximately ten miles from Charlottesville, the site of the University of Virginia Law School where a law student appellate program might be developed. In any case, the centralized appellate office should serve both of the Virginia defender offices.

V. RECOMMENDATIONS REGARDING EVALUATION METHODOLOGY

A review of the Circuit and District Court docket records indicates that it would be impossible to reconstruct a case history from docket entries. The Circuit Court clerks report some court statistics to the Virginia Supreme Court of Appeals; however the reports do not, among other things, distinguish assigned cases from retained cases, indicate the outcome or sentences imposed, or note pre-trial motions and rulings. Hence the only way to obtain statistical information about assigned private counsel cases for comparison with defender cases would be by a case by case file examination.

Accordingly, the team concludes that no worthwhile statistical comparisons of assigned counsel and public defender services could be made unless the state was committed to a relatively expensive evaluation program.

However, an effective evaluation could be undertaken less expensively by utilizing the statistics produced by the recommended forms on the current project and comparing this data with information on the previous appointed counsel system gathered through interviews. Such interviews could be conducted with persons aware and involved in the previous system's operation -- i.e., judges, prosecutors, local and state bar leaders, private practitioners, clients, leaders from the client community, and leaders in the community generally. Such an evaluation would require careful preparation and consultation with criminal justice system officials in the state and should include prepared questions covering the following areas:

A. Prompt Disposition

Does the defender organization dispose of cases in less time, more time, or in about the same time, from arrest to final order, as private assigned counsel? Form 4, parts F and G, and form 6, parts F and G will provide statistical information about the defender agency's disposal time. Part G of forms 4 and 6 will also indicate which element in the system, i.e., the court, prosecutor or defender is principally responsible for delay in dispositions. The measure proposed here may also provide information on the impact of the organized defenders on the overall administration of justice by determining time for disposition.

B. Adequacy of Preparation and Thoroughness of Representation

Does a better attorney client relationship exist between the defender attorney and his client, or between the court-appointed attorney and his indigent client? Form 1 is designed to encourage the defender attorney to fully and thoroughly interview the client and develop all facts. However, that is only the first stage. The defender attorney should periodically see his assigned client and fully advise the client of the progress in the case. While good results are very important to client satisfaction, it is equally important that the defenders demonstrate a sincere interest in the client. Frequent consultation with the client is also an essential ingredient to adequate preparation.

Forms 3 and 4 require reporting of the number of motions and hearings in a case, thus providing statistics on adequacy of representation. The reporting requirements may also serve as a constant reminder for attorneys of the possibility of filing such motions. Forms 3 and 4 also report the

amount of attorney and investigator contact with the client. Form 5 reports on the extensiveness of office investigative procedures and serves as a constant reminder as to the kind of investigation that should normally be provided. By providing such information on these forms, it would be hoped that a future evaluator could then assess the preparedness, skill and expertise involved in the defender cases. It is also expected that requiring reporting of client contact will encourage more frequent client contact.

It should be noted that the criteria above are consistent with the objective of improving the criminal justice system as a whole and more particularly defense services to the indigent criminally accused. In Standards Relating to the Prosecution and Defense Function, (Standard 3.6 March, 1970) the American Bar Association recommends that the attorney, "inform the accused of his rights and take all necessary action to indicate such rights." The standard further provides that the attorney must consider all procedural steps available, including motions and pretrial release. It is hoped that the forms will enable an evaluator to assess how well that standard has been followed by the defender agency.

C, Measuring Results for the Client in Terms of Disposition

Obviously the number and percentages of acquittals is of the utmost importance in assessing the quality of a criminal legal defense service, hence the won and lost record is a statistic to be reported. However, that statistic alone is not a sole indicator of the quality of the system. Regardless of whether one approves of the plea negotiation process, it is a part of the Virginia criminal justice system. In many cases, it

takes as much preparation and skill to plea negotiate effectively as it does to try a case. What must be determined, therefore, is which pleas were effectuated as the result of skillful, effective representation and which pleas of guilty involved little or no effective representation. Moreover, even when a guilty verdict after trial is the outcome, the defense lawyer may still have achieved a substantial victory by a judgment on a lesser included charge. In such cases where a conviction of a lesser offense than the one charged results, appropriate credit must be given.

Another factor demonstrating effectiveness of representation is the dismissal of a case without trial. Occasionally such a disposition results because the prosecutor exercised his discretion based on his own assessment of the case. But many dismissals without trial are the result of the efforts of the defense attorney who successfully prosecuted pre-trial motions or investigated until he uncovered facts exonerating his client which he disclosed to the prosecutor. Where the dismissal occurred because the defense attorney won a hard fought motion to suppress evidence, proper statistical credit should be given for that achievement. Where the dismissals resulted because of extensive investigation by the defense which uncovered evidence of innocence or made the case impossible to prosecute, appropriate recognition is also in order.

Such efforts must be reduced to a measurable statistic so that the effectiveness of representation may be measured in more than the one dimension of a won and lost record. As a result, form 4 in Section B 2 addresses itself not only to pleas of guilty, but to the results of the negotiation by counting specifically pleas to lesser charges, and which result in

other charges being dismissed and/or probation. Form 4, in section B3 records dismissals in a way that one may assess the defense effort that achieved the dismissal. Similarly, B4 and B5 in form 4 and section B of form 6 measure more than won and lost statistics by identifying guilty results where a greater offense was charged and not guilty judgments of companion charges. In addition, both forms 4 and 6 in section C provide statistics on the severity of sentences imposed.

Thus, the reporting forms suggested by the team are not keyed in with any court record-keeping system, but designed, rather, to assist a future evaluator of the pilot project in compiling quickly an objective meaningful picture of the activities of the defenders and the quality of representation provided. Moreover, the suggested forms, if maintained accurately and reported promptly, should facilitate supervision by the executive director and the commission.

VI. SUMMARY

The forms recommended for use by the Pilot Public Defender Project are geared to both the current operations of the program as well as its possible expansion. The forms suggested here will be helpful to the Commission and the defender offices in maintaining records and statistics in the coming year. The information thereby collected will allow for an accurate, uniform and comprehensive data base which can be utilized for purposes of both administration and evaluation. Such a record-keeping system should also go a long way toward upgrading the program's capability for providing effective services, and it is hoped that these forms will contribute to that goal.

This data base should be considered the minimum for record collection. The potential analysis and interpretation of this data may well lead to modifications of forms used as well as suggest the need for additional data. For this purpose, the Maryland Public Defender Report can be a useful guide in utilizing such data effectively.

A P P E N D I X A
R E C O M M E N D E D F O R M S

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MONTHLY (MONTHLY) OFFICE REPORT

(To be compiled by head of each office)

Month of _____ 19____ Location of office _____

	No. During Month				Cumulative Total from 19			
	Misdem.	Fel.	Appeal	P.C.	Misdem.	Fel.	Appeal	P.C.
A. Pending cases:								
1. No. of new cases								
1. No. of new charges								
B. Dispositions:**								
1. P.b. withdraw-								
a) Def. ineligible								
b) Priv. atty.ret.								
c) Conflict								
d) Other								
2. Plicas of Guilty-								
a) As charged								
b) To lesser charge								
c) dismissal of companion charge								
d) To Probation								
3. Dismissed-								
a) At prob.c. hear.								
b) After motion sust.								
c) During or aft.tr.								
d) Petition dismissed w/o evid.hearing								
e) Petition dismissed after evid.hearing								
f) After investigation & discussion with prosecutor								
4. Bench trials								
a) As charged								
b) Lesser incl.off.								
c) 1 or more charges								
d) Not guilty								
5. Jury trials -								
a) As charged								
b) Lesser incl. off.								
c) 1 or more charges								
d) Not guilty								
6. Other action -								
a) Pet.to app. den.								
b) Affirmances								
c) Pet.to app. gr.								
d) Reversals								
e) Rev. & remand								
f) Aff'd sent.ord.								
g) Rem. w/spec.dir.								
h) P.C. pet.granted:								
1.new trial ord.								
2.outright acquit.								

* Each indictment or complaint is a separate charge

** Dispositions are reported by case rather than by charge

MONTHLY INVESTIGATION REPORT
(To be completed by investigators and attorneys)

No. of cases investigated _____

No. of persons interviewed _____

Crime scene investigations _____

Consultations with experts _____

Diagram and chart preparation
(List cases in which special charts or diagrams were prepared)

Name of Client	Def. File No.
----------------	---------------

_____	_____
-------	-------

_____	_____
-------	-------

_____	_____
-------	-------

Other (Explain) _____

D. COURT APPEARANCES IN COMPLETED CASES

1. Bail release hearing _____
2. Probable cause hearings _____
3. Arraignments _____
4. Continuances _____
5. Other _____

E. PRE-TRIAL MOTIONS PRESENTED IN COMPLETED CASES

1. Motion to reduce bond
 Granted _____
 Denied _____
 Total _____
2. Motion to suppress evidence
 Granted _____
 Denied _____
 Total _____
3. Motion to suppress identification
 Granted _____
 Denied _____
 Total _____
4. Motion to suppress defendant's statements
 Granted _____
 Denied _____
 Total _____
5. Other motions:

 Total _____

F. AVERAGE MONTHLY TIME SPAN IN COMPLETED CASES

1. Arrest to first contact with P. D.
2. Arrest to first court appearance
3. Arrest to trial
4. Arrest to completion of trial, including sentencing
5. Average amount of time spent per case (8 hrs. = 1 day)
6. Notice of appeal to filing of petition for leave to appeal
7. Granting of leave to filing brief
8. Filing of state's brief to filing of reply brief
9. Notice of appeal to decision

Misdem.	Felonies	Appeals
		//////
		//////
		//////
		//////
//////	//////	
//////	//////	
//////	//////	

G. NO. OF CONTINUANCES - TOTAL ALL CASES DISPOSED OF DURING MONTH

1. Motion of Prosecution _____
2. Motion of Defense _____
3. Order of Court w/a Motion _____
4. By Agreement of the Parties _____

B. DISPOSITIONS

	Misdem.	Felonies	Appeals	Post-Conv.
1. Public defender withdrew:				
a. Defendant financially ineligible				
b. Private attorney retained				
c. Conflict of interest				
d. Other				
2. Pleas of guilty:			//////	//////
a. Guilty as charged			//////	//////
b. Guilty to lesser charge			//////	//////
c. Guilty with dismissal of companion charges			//////	//////
d. To probation				
3. Dismissed:			//////	//////
a. At probable cause hearing			//////	//////
b. After pre-trial motion sustained			//////	//////
c. During or after trial			//////	//////
d. Petition dismissed without evidentiary hearing	//////	//////	//////	
e. Petition dismissed after evidentiary hearing	//////	//////	//////	
f. After investigation and discussion with the prosecutor				
4. Bench trials:			//////	//////
a. Guilty as charged			//////	//////
b. Guilty of lesser included offense			//////	//////
c. Guilty on one or more charges			//////	//////
d. Not guilty			//////	//////
5. Jury trials:			//////	//////
a. Guilty as charged			//////	//////
b. Guilty of lesser included offense			//////	//////
c. Guilty on one or more charges			//////	//////
d. Not guilty			//////	//////
6. Other action:	//////	//////		//////
a. Petition for leave to appeal denied	//////	//////		//////
b. Affirmances	//////	//////		//////
c. Petition for leave to appeal granted	//////	//////		//////
d. Reversals	//////	//////		//////
e. Reverse and remand	//////	//////		//////
f. Affirmed, but sentence reduced	//////	//////		//////
g. Remanded with special direction	//////	//////		//////
h. Post-conviction petition granted:	//////	//////		//////
i. New trial ordered	//////	//////		//////
ii. Outright acquittal	//////	//////		//////
i. Post-conviction petition denied	//////	//////		//////

C. SENTENCES IMPOSED

	Misdemeanors	Felonies
1. Probation or suspended sentence		
2. Fine only		
3. Probation with jail time		
4. Penitentiary 2 years or less	//////	
5. Two - five years	//////	
6. Five - ten years	//////	
7. Ten - twenty years	//////	
8. Twenty - 50 years	//////	
9. Fifty years or more	//////	
10. Capital punishment	//////	

ATTORNEY (OFFICE) MONTHLY REPORT
(To be completed by each attorney monthly)

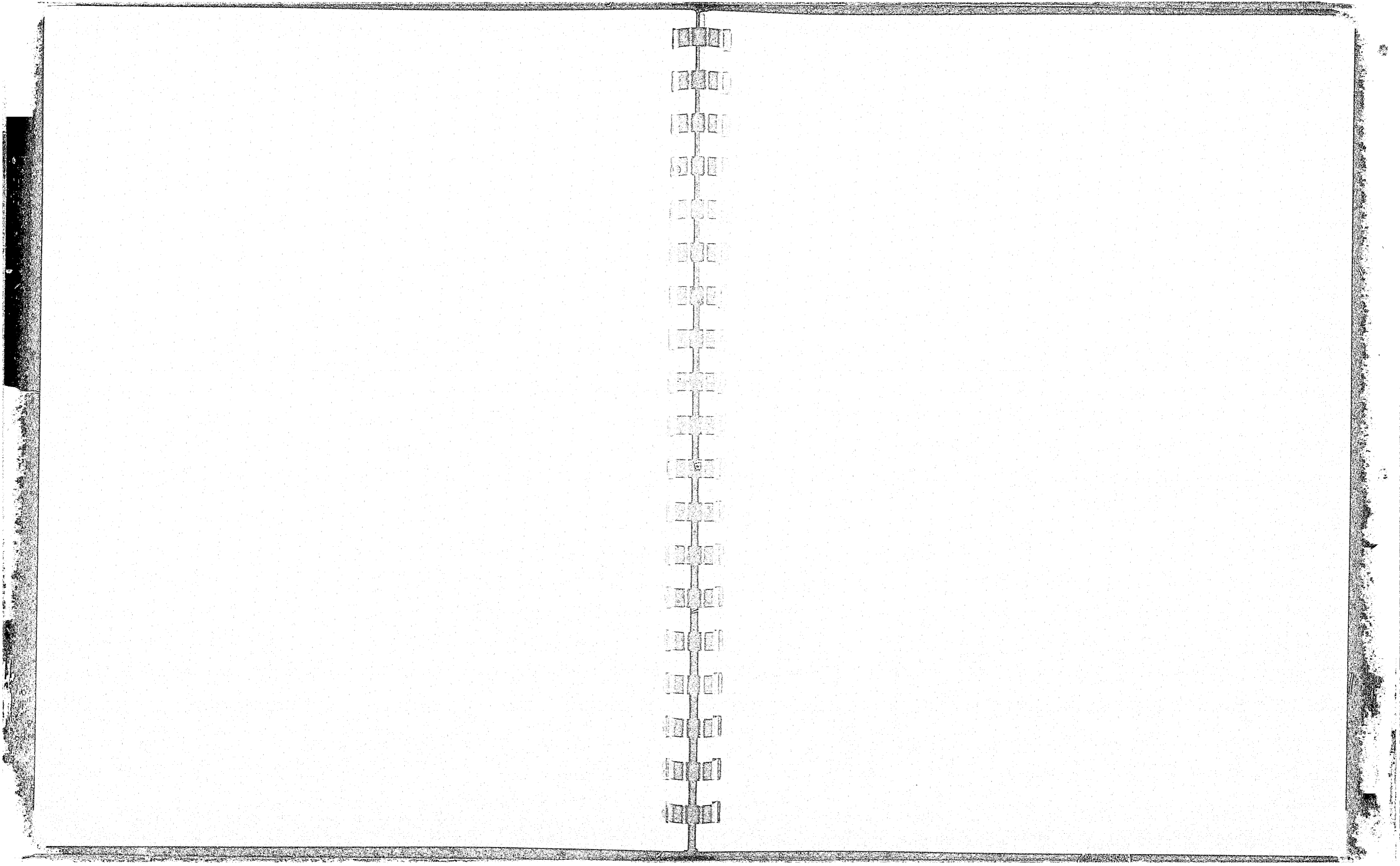
Name of Attorney _____ Month of _____ 1973

Location of Office _____

A. PENDING CASES

- | | |
|---|--|
| 1. No. of new cases: | 1'. No. of new charges:* |
| a. Felonies _____ | a. Felonies _____ |
| b. Misdemeanors _____ | b. Misdemeanors _____ |
| c. Appeals _____ | c. Appeals _____ |
| d. Post-conviction _____ | d. Post-conviction _____ |
| Total New Cases _____ | Total New Charges _____ |
| 2. No. of pending cases carried into month: | 3. No. of clients free on bond: |
| a. Felonies _____ | a. Felonies _____ |
| b. Misdemeanors _____ | b. Misdemeanors _____ |
| c. Appeals** _____ | c. Appeals _____ |
| d. Post-conviction _____ | Total Bailed Clients _____ |
| Total Cases Carried from Previous Month _____ | |
| 4. No. of cases closed during month: | 5. No. of cases carried into next month: |
| a. Felonies _____ | a. Felonies _____ |
| b. Misdemeanors _____ | b. Misdemeanors _____ |
| c. Appeals _____ | c. Appeals _____ |
| d. Post-conviction _____ | d. Post-conviction _____ |
| Total Cases Closed _____ | Total Cases Carried Forward _____ |

* Count each indictment or complaint as a separate charge for statistical purposes.
 ** If a trial court case has been completed, enter it as a closed case and enter the appeal as a new case. In this space enter only cases which were appeals during month.



FORM 3 Continued

III

a. Pre-trial Motions Filed:
(Check appropriate box)

Discovery Motions _____

M/Bill of Particulars _____

M/Dismiss _____

M/Suppress Evidence -

Search and Seizure _____

M/Suppress Defendant's
Statements _____

M/Suppress Identification

Evidence _____

M/Severance _____

M/Reduce Bail _____

Other Motions _____

b. Post-trial Motions:

M/Probation _____

M/New Trial _____

M/Arrest of Judgment _____

Other Motions _____

Notice of Appeal Filed
Yes _____ No _____

M/for Transcripts Granted _____
Denied _____

Client Interviewed by _____

Evidentiary Hearing Held	Granted	Denied

1. Attorney _____ No. of Times _____

Approximate total time spent with client outside of court _____
Approximate total time spent in investigation, research & review _____

2. Investigator _____ No. of Times _____

Approximate time spent with client outside of court _____
Approximate time spent in investigation _____

(This form is to be filled out in DUPLICATE at the close of the case, one form to be provided to the chief defender of the office and the second form retained permanently in the file.)

CASE SUMMARY

Attorney _____ Ct. Docket No. _____
Defendant _____ Public Defender File No. _____
Date of Appointment _____ Date of First Interview _____ Place _____
Date of Arrest _____ Date of Disposition _____
Felony _____ Date Client Released on Bail _____
Misdemeanor _____ Date of Final Trial _____

Court Disposition:

I. Court Appearances

- a. Bail Release Hearings
b. Probable Cause Hearings
c. Arraignments
d. No. of Continuances
Prosecution Motion
Defendant's Motion
By Agreement
Court's Continuance
Reason for Extraordinary Delay

- Dismissed
a. No Probable Cause Hearing
b. After Pretrial Motion Sustained
c. During or After Trial
d. After investigation and discussion with prosecutor
Bench Trial
a. Guilty as Charged
b. Guilty of lesser
c. Guilty (on one or more Charges)
d. Not Guilty (on one or more Charges)
e. Not Guilty

II. Manner of Disposition

- Withdrew
a. Ineligible
b. Retained Pvt. Atty.
c. Conflict of Interest
d. Other
Pl a of Guilty
a. As Charged
b. Reduced
c. One or More Other Charges Dismissed
d. Probation

- Jury Trials
a. Guilty as Charged
b. Guilty of Lesser
c. Guilty (on one or more Charges)
d. Not Guilty (on one or more Charges)
e. Not Guilty

Sentence _____

- No. of Continuances
a. Motion of Prosecutor
b. Motion of Defense
c. Court Order w/o Motion from either part
d. By Agreement of each Party

STATEMENTS TO POLICE

PHYSICAL EVIDENCE

IDENTIFICATION

Vol. _____ Invol. _____

Yes _____ No _____

Yes _____ No _____

Oral _____ Signed _____

When and where seized _____

Where _____

Contents of Statement _____

When _____

Lineup (others viewed) _____

Where _____

What seized _____

Show up _____

When _____

Circumstances _____

Complainant's Name _____ Complainant's Address _____

Address of Offense _____

Defendant's physical characteristics on the date of the offense charged:

Beard _____ Mustache _____ Style of hair _____ Eye glasses _____

Scars _____ Clothing description: _____

Occurrence Witnesses

Name _____ Address _____

Defendant's Witnesses

Name _____ Address _____

Other Possible Witnesses

Name _____ Address _____

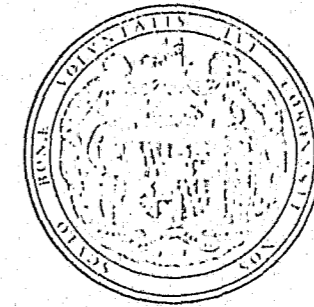
SYNOPSIS OF DEFENDANT'S STATEMENT
(Include full interview, either on reverse side or attach additional pages.)

POLICE VERSION OF CASE

Possible Areas for Investigation _____

A P P E N D I X B

ANNUAL REPORT, OFFICE OF THE PUBLIC DEFENDER FOR THE
STATE OF MARYLAND, JUNE 1973



SECOND REPORT
OF THE OFFICE OF
THE PUBLIC DEFENDER
FOR THE STATE OF MARYLAND

FISCAL YEAR 1973

Operational Period

July 1, 1972 - June 30, 1973

ALAN HAMILTON MURRELL
PUBLIC DEFENDER

Central Offices
800 Equitable Building
Baltimore, Maryland 21202

BOARD OF TRUSTEES
Honorable James K. Cullen, Chairman
Alfred L. Scanlan, Esq.
William W. Cahill, Jr., Esq.

Section 11, Article 27A

"On or before the 30th day of September of each year, the Public Defender shall submit a report to the BOARD OF TRUSTEES AND TO THE Governor and to the General Assembly. The report shall include pertinent data concerning the operations of the Office of the Public Defender including: projected needs; a breakdown of the number and type of classes handled and relative dispositions; recommendations for statutory changes including changes in the criminal law or court rules as may be appropriate or necessary for the improvement of the system of criminal justice and control of crime and rehabilitation of offenders."

INTRODUCTION

In 1967 the President's Commission on Law Enforcement and Administration of Justice said in its summary report, "Many of the Criminal Justice Systems difficulties stem from its reluctance to change old ways or to put the same proposition in reverse, its reluctance to try new ones".

The Public Defender System came into legislative existence July 1, 1971 excepting Section 3 of Article 27A providing for the Office of the Public Defender and statewide legal and supportive personnel to take effect January 1, 1972.

By enactment of Article 27A (The Public Defender Statute), the Maryland Legislature in establishing the Office of the Public Defender in the Executive Branch of the Government of the State of Maryland, turned its back on the old ways and embarked upon a new order of things in the legal representation of the poor, for whom in the past equal justice under the law was indeed a mockery, and the adversary system of criminal justice in its traditional form either was ineffective or did not work at all.

In brief, under the Act, the Governor of Maryland is vested with the exclusive authority to appoint a Board of Trustees, consisting of three members, to oversee the operation of the Public Defender System, and who in turn appoint the Public Defender.

The Public Defender, with the approval of the Board, has the power to appoint the District Defenders, and as many Assistant Public Defenders as may be required for the proper performance of the duties of the office, and as provided in the Budget. All of the Assistant Public Defenders serve at the pleasure of the Public Defender, and he serves at the pleasure of the Board of Trustees, there being no tenure in any of the legal positions in the System. The State is divided into twelve operational Districts, conforming to the geographic boundaries of the

District Court, as set forth in Article 26, Section 140 of the Annotated Code. Each District is headed by a District Defender responsible for all defense activities in his District, reporting directly to the Office of the Public Defender. See Exhibit A (Organizational Chart)

With the District Defenders given almost complete autonomy in their individual jurisdictions, problems peculiar to the locality can be more speedily and satisfactorily handled, while still adhering to the same basic standards governing the provision of effective Public Defender services, from time of arrest through to ultimate disposition of the case.

This most unusual operational chain of command permits, among other things, the employment throughout the entire system of both staff and panel trial lawyers selected for their proven expertise in the criminal law field, thus equalizing the professionalization of legal services for the indigent accused at a level of that afforded a defendant financially able to employ his own counsel. As viewed by this office, the role of defense counsel involves multiple obligations. Toward his client he is counselor and advocate; toward the State prosecutor he is a professional adversary; and toward the Court he is both advocate for his client and counselor to the Court; his obligation to his client in the role of advocate, whether as a member of the Public Defender staff, or as panel attorney, requires his conduct of the case not to be governed by any personal views of rights and justice, but only by the fundamental task of furthering his client's interest to the fullest extent that the law permits. Functioning within this professional code, the Maryland Public Defender System is simply a single "law firm" devoting its entire efforts exclusively to the representation of the indigent accused.

REPORT OF THE PUBLIC DEFENDER
Fiscal Year 1973

The operations of the twelve individual Public Defender Districts for the period July 1, 1972 to June 30, 1973 are summarized as follows.

DISTRICT NO. 1
Baltimore City

District Defender
Norman N. Yankellow

800 Equitable Building
Baltimore, Maryland 21202

Total Population: 905,787

No. of Panel Attorneys: 339

No. of District Courts: 14 (9 Criminal — 5 Traffic)

No. of Juvenile Courts: 8 (7 Masters and 1 Judge)

No. of Criminal Courts (Supreme Bench Level): 10

The District 1 Public Defender's Office closed out its first full year of operation manned by a full-time staff of 50 lawyers supported by 16 secretaries, 30 investigators, 22 Public Defender Aides. This staff was responsible, in conjunction with panel attorneys, for providing representation in 17,188 completed criminal trials. Moreover, the staff provided other defense services, i.e. counsel for line-ups, police interrogations, bail reductions, violations of probation, etc. in 14,410 other instances. All told, the District 1 Office provided legal representation in 31,637 separate instances. Each full-time staff member provided on the average over 600 instances of representation during the 1973 fiscal year. That same attorney provided individual representation in 300 full criminal trials for 300 different defendants.

This caseload, of course, varied according to the individual attorney's responsibility. Attorneys in the District Court, due to that Court's greater caseload, closed out considerably more cases than those on the Supreme Bench level who further had the additional responsibility of screening all possible cases for assignment to panel attorneys. During this same fiscal year period, 339 different lawyers participated in the handling of cases as panel attorneys in District 1.

For their services, these panel attorneys were paid well in excess of \$400,000, a figure never before approached in the annals of criminal defense in Baltimore City. During this second year of operation, Baltimore City accepted some 19,147 different defendants as Public Defender clients, representing 53.1% of the entire caseload of the Public Defender System.

The overview of the operation of District 1 Public Defender's Office presents a picture of an efficient and successful handling of indigent cases; a vast improvement over the plight of the poor in the past. There are many problems still to be ironed out, but with the continued cooperation of the Bench, the private Bar, the State's Attorneys and all other members of the Criminal Justice System, there will be continued progress.

The Public Defender has sought involvement in the community and has participated with many organizations and the news media in presenting information about the Public Defender System. Throughout the year the District 1 Public Defender participated as a member of the Mayor's Coordinating Council on Criminal Justice. He also cooperated with a number of

student projects involving evaluation of Public Defender concepts, including Washington and Jefferson College, the Johns Hopkins University, American University, Loyola College and the University of Maryland Law School. On numerous occasions, staff attorneys talked to church, civic and school groups throughout the State. Such groups included the American Civil Liberties Union, the ASAP Seminar, the Exchange Club of Baltimore, the Kiwanis Club of Baltimore, the Baltimore City Grand Jury, Woodlawn Senior High School, Loyola College, Baltimore City Bar Association, the Queensbury Recreation Center, the University of Baltimore Law School, the Health and Welfare Council's Correctional Group, WBAL TV on Law Day, the Guilford School and numerous other occasions not duly noted. The reception by these various groups has been gratifying and these experiences have proved to be most valuable both to the Public Defenders involved and to the public.

DISTRICT COURTS

During fiscal year 1973, in order to meet the sudden upsurge of caseload brought about by the Supreme Court's decision in *Argersinger v. Hamlin*, decided on June 12, 1972, it was necessary to staff the 10 different parts of the District Court of Baltimore City with 19 attorneys, all experienced and most of whom tried cases in the District Court for considerable periods of time before being hired as a full-time member of the Public Defender's Office. Representation was provided to 5,082 different defendants during the 1973 fiscal year. This represents a caseload of nearly 478 separate episodes of representation by each staff attorney during the past year or slightly better than 2 cases per Court day per man. Not only did the staff attorneys assigned to the District Court handle the aforementioned caseload, but they also assumed the burden of trying all appeal cases from the District Court to the Supreme Bench of Baltimore, plus many representations in line-ups, etc.

The majority of these attorneys, seeking to broaden their experience, have also provided representation in a number of trials at the Supreme Bench level after indictment. These hard working dedicated attorneys make the Public Defender system worthwhile and readily illustrates that the public is getting dollar value for dollar spent.

The handling of cases in the District Court has evolved virtually to complete handling by the Public Defender staff. Only in case of conflict are cases assigned to panel attorneys.

During the past year, we have seen the average date from arrest to trial reduced to some 9 days in Baltimore City District Court, a commendable figure which, undoubtedly, could not have been accomplished without the availability of the Public Defender. The private Bar, simply, cannot meet this staggering caseload in such a short time period with the same degree of efficiency and economy as do the staff attorneys. There is simply not enough time to prepare for trial after assignment by this Office; nor could the private lawyers afford to work for the same dollar that we utilize to employ staff attorneys.

The present work-up of the District Court case, refined after a year and a half's operation, shows excellent results as to representation of indigent persons needing the Public Defender representation in that Court. An investigator is assigned to each of the 10 District Courts each day and interviews all

persons held in the police lock-ups. He further checks the Court dockets of the night before to determine other potential Public Defender clients. After a person qualifies for Public Defender services, his case is worked up, offense reports are ordered from the Baltimore City Police Department, the defendant is interviewed, potential witnesses are interviewed, and investigation is made as required for the appropriate defense of the individual case. This system assures thorough case preparation for the individual defendant and enables the Public Defender System, within hours of arrest, to begin representation of all indigent defendants. The investigator assigned to the District Court also assists the Assistant Public Defender with his caseload daily. The present staff for the handling of District Court cases appears to be adequate for the handling of the caseload as it exists. That caseload, over the last 9 months of the year, remained relatively stable at slightly in excess of 800 cases per month. Absent from another dramatic change in the law, the number of Public Defender clients in the District Court is most likely not change. It should be noted that the Public Defender representation amounts to approximately 32% of the caseload of the District Courts. The remaining 68% being represented by the private Bar.

JUVENILE COURT

Having helped reduce the extraordinary backlog of cases in the Juvenile Court during our first 6 months of operation, District 1 Office of the Public Defender has continued its accomplishments during the last year by providing meaningful representation to all juvenile defendants who qualified for our services. The staff in the Juvenile Court has been increased to 11 lawyers, 80% of whom are provided for by Federal funds under an LEAA Grant. These lawyers are supported by 11 Public Defender Aides and 2 secretaries. All juveniles who come before the Baltimore City Juvenile Court are interviewed by members of the Public Defender staff. These interviews ascertain the eligibility of the juveniles for Public Defender services, interview the juvenile, interview his parents and witnesses, and compile all other information that may be necessary to the individual case. These interviews are conducted in the main by the Public Defender Aide, who further assists the attorney in trial preparation, help maintain statistics and, in fact, aid in all aspects of the Juvenile Court operation.

Each day approximately 40 to 50 juveniles were interviewed at arraignment proceedings. Representation was actually provided during the 1973 fiscal year to 5,112 different juvenile respondents, representing a caseload of approximately 1,414 cases per attorney per year. In addition thereto, special problems such as detention hearings, violations of probation, etc. necessitated further appearances in Court by these same attorneys 1,414 additional times. The operation in the Juvenile Court appears to be highly successful, which, in turn, is due wholly to the interest and dedication of the staff involved.

CRIMINAL COURT

During the first 6 months of operation, the vast majority of cases eligible for Public Defender services which would eventually be tried in the Criminal Court of Baltimore were assigned to the District Public Defender to panel attorneys. That procedure proved to be highly inefficient and unsatisfactory. Cases were dismissed, not pressed or not indicted; all through little or no effort on the part of the assigned attorney. Assigned panel sought cases which would eventually be tried out and,

moreover, the assignment of frivolous cases proved to be expensive to the Public Defender System. The screening process which evolved has proven to be both efficient and successful. Eight (8) trial attorneys with highest qualifications are assigned to the Supreme Bench level. These attorneys rotate as Administrative Assistant on a weekly basis. During their period of duty, they screen all cases which are received in the Public Defender's Office for trial on the Supreme Bench level. The cases are evaluated by the attorney as to complexity and seriousness and are assigned in accordance with the experience of the attorney available on the District 1 panel. The success of this mode of operation has been evidenced by fewer complaints on behalf of defendants as to assigned counsel.

Furthermore, Supreme Bench attorneys have reacted to assuming a greater and greater caseload on their individual parts as Public Defender funds were depleted for payment to panel attorneys. The problem was simply that the \$920,000 allotted in our budget for panel attorney fees was insufficient to adequately pay members of the private Bar who had made themselves available to the various panels. Although fees were time and time again drastically reduced by the District Public Defenders to keep within budgetary limits, there was still expended nearly \$1,200,000 for panel attorney fees. Of this amount, more than one-third went to members of the Baltimore City Bar. With 339 lawyers participating, the amounts collected by the individual panel attorney has declined considerably on the average. In face of this financial dilemma, nearly 40% of the Supreme Bench caseload is now being absorbed by Public Defender staff. The remaining 60% has been and will continue to be assigned to the panel attorneys.

COLLATERAL PROCEEDINGS

During the first six months of operation, a most troublesome area in District 1 was the handling of post convictions, defective delinquents, habeas corpus proceedings and violations of probation by assigned panel attorneys. Many of these proceedings are exceedingly time consuming and are for the most part frivolous in nature. This proved to be an extremely expensive portion of the Public Defender operation. Coupled with the monetary factor was a growing reluctance of the members of the private Bar to handle such proceedings. To meet this problem head-on, a staff of 5 lawyers have been assigned to this area, supported by 5 Public Defender Aides and 1 secretary. Today, virtually all of the aforementioned proceedings, excepting defective delinquent hearings, are now being handled by the staff attorneys.

These lawyers have been handling, individually, between 20 and 30 such hearings per month; a considerable caseload in view of the complexity of the habeas corpus and post conviction proceedings. They also have assumed the defense of many cases on the Supreme Bench level, and have assisted in providing representation to the District Court when needed. As a result of providing a staff for collateral proceedings, there has evolved an extremely competent group of specialists giving superior representation to all indigents in this field.

APPEALS

The problems of management of Appellate proceedings has required the assignment of 1 full-time Assistant Public Defender, together with a secretary and investigator to this area of representation. All appeals are screened by this Assistant and his investigator both as to eligibility of the individual

appellant and as to the nature and complexity of the appeal. Ninety percent (90%) of all appeals are thereafter assigned to a special Appellate panel of private attorneys. The remaining 10% of appeal cases represents areas of special interest retained by members of the Public Defender staff.

It is envisioned in the future, in view of the effectiveness of the appellate operation in Baltimore City, that this division will be transferred under the jurisdiction of the Central Public Defender Office for the handling of appeals statewide in a similar manner.

INVESTIGATORS

The investigative staff of the District 1 Office has grown to 30 full-time employees. While they operate under the direct supervision of the Chief of the statewide Public Defender System it has become necessary because of the complexity of their duties to designate certain members of the staff to supervise various investigative functions. Although the operation of investigative services in District 1 has been efficient (all that is asked of the investigators has been accomplished in an exemplary manner) there is imminent danger that giving additional responsibility and supervisory capacity to a few members of the staff will cause considerable staff dissension if these individuals are not given an increase in grade over those who they must supervise. The various functions of the investigative services consist of the following assignments: a general supervisor for District 1; a review desk; 10 investigators assigned daily to each of the District Courts; 3 investigators assigned daily to the Baltimore City Jail; 1 investigator who investigates all appellate proceedings; 4 investigators who are assigned to the District 1 Office for the purpose of interviewing walk-in clients; and 10 of whom are placed on special assignments to do investigation on a case-by-case basis, providing such services for both staff and panel attorneys in all Courts, including the Supreme Bench, District Court and Juvenile Court.

The Public Defender Investigator has proven to be a dedicated employee who through his perseverance and diligence has enabled in many instances the indigent defendant to present a complete defense heretofore unavailable.

Field Investigations	
Total Investigations	1,205
Requested by Staff Attorneys	1,040
Requested by Panel Attorneys	165
	<hr/>
Felony Investigations	982
Misdemeanor Investigations	223
	<hr/>
	1,205
	<hr/>
Adult Defendants	1,053
Juvenile Defendants	152
	<hr/>
	1,205
	<hr/>
Office Operations	
Applicants Accepted	2,571
Applicants Rejected	616
Applicants Referred	1,221
(Legal Aid, Lawyer Referral or other appropriate agency)	
	<hr/>
Total Office Contracts	4,408

SECRETARIES

The secretarial staff of the District 1 Office now comprises 16 stenographers who only through their tremendous loyalty and devotion provide stenographic services to 50 lawyers and 30 investigators, as well as to supervise the maintenance of files, handle phone inquiries and messages, etc. One (1) secretary is assigned to the District Public Defender; 1 to the Assistant who handles appeals; 4 are assigned to the Supreme Bench attorneys; 2 to the Juvenile Court; 2 to the investigators; 1 to the District Court attorneys; 2 to the Collateral Proceedings attorneys; and 3 exclusively for the maintenance of the files.

Again a particular note of appreciation must be extended to these dedicated employees without whom the whole District 1 operation would founder.

PUBLIC DEFENDER TRAINING PROGRAMS

The District 1 Public Defender's Office in its effort to provide the best representation possible to all who qualify for its services has initiated several different training programs. First, an in-house training program has been provided for the investigator and Public Defender Aide staff. Throughout the Fall and Winter months and early Spring of fiscal year 1973, twice weekly sessions were conducted at which time the various members of the Public Defender staff and outside lecturers discussed with the investigators and aides various aspects of their duties, particularly with regard to the art of interviewing and the handling of the individual client. We were fortunate during these sessions to have experts from the Baltimore City Police Department, the Federal Narcotics Bureau and other agencies to provide lectures and films for us.

Additionally, a day long seminar was held at the University of Maryland, Adult Education Center, concerning the role of the police and Courts. Judge Gerstung of the District Court and Judge Rasin of the Second Circuit Court provided a most interesting insight as to what those Courts consider to be their functions. Lieutenant Ford of the Washington, D.C. Metropolitan Police Department presented our personnel with an excellent insight as to police techniques; while Professor Tomlinson of the University of Maryland Law School brought us up to date with recent constitutional developments in the criminal law through Supreme Court decisions.

Other seminars are planned in the future, one, in particular, will emphasize the correct procedures for interviewing criminal defendants, particularly with regard to the defense aspects of his case.

The staff attorneys meet at least on a monthly basis to discuss various problems within their areas of expertise and are kept up to date with recent developments in the Courts and in the criminal law.

Furthermore, for the last 2 years, a joint seminar has been held with the State's Attorney's Association at the Adult Education Center, University of Maryland, at the time the Courts hold their Judicial Conference. This past Spring, a 3 day seminar was conducted covering a large number of topics regarding problems peculiar both to the defense and the prosecution, with particular emphasis on the forensic sciences. These seminars have been a worthwhile experience, and it is hoped that they will be continued in the future.

Another equally successful program has been developed with the University of Baltimore Law School and the University of Maryland Law School. Intern Programs have been initiated wherein law students are given credit for work done in the Office of the Public Defender. During the fiscal year 1973, 48

Students from these law schools participated in Public Defender work. These students took part in actual trials, did considerable legal research and, in many instances, filled in for investigators, fulfilling his role in an exemplary manner. These Intern Programs, we believe, are extremely beneficial to the student. They enable the student to relate his academic work to the practical application of the law. Moreover, the Public Defender System is able to provide more service to the public by virtue of the additional man hours provided through this program.

Of particular note is Professor Peter Smith's class of the University of Maryland Law School which operates exclusively in the Juvenile Court. Eight (8) students, in conjunction with Professor Smith, handled individual cases of juvenile respondents; several of which brought about meaningful litigation in the juvenile area.

DISTRICT NO. 2
Dorchester, Wicomico, Somerset
& Worcester Counties

District Defender
Alfred T. Truitt, Jr.

1 Plaza East
Salisbury, Maryland 21801

P.O. Box 140
Berlin, Maryland 21181

Prince William Street
Princess Anne, Maryland 21853

Total Population: 127,007

No. of Panel Attorneys: 50

No. of District Courts: 4

No. of Circuit Courts: 4 (Juvenile)

The District 2 Office of the Public Defender, now firmly established in its permanent headquarters located at 1 Plaza East, Salisbury, Maryland, has successfully completed its first full year of operation in the face of a dramatic increase in caseload. That caseload could, in no way, have been anticipated when the System started in light of the projection of figures for the years immediately preceding the establishment of the Public Defender System, as appointments made by the Court were minimal.

Statistical data indicates that 1,178 cases were completed by the District 2 Office, a 30% increase over the initial 6 months Public Defender operation which, in itself, was a significant increase over previous appointments. The District is now staffed, in addition to the District Public Defender, with 2 Assistant Public Defenders, 1 of whom is on a part-time basis, secretaries and 1 investigator. Offices are also maintained in Berlin, Maryland as well as Princess Anne, Maryland.

During the 1973 fiscal year, the local Bar in District 2 has been most cooperative; the number of private attorneys available for the panels now having been increased to 50. The relationship with the Bar and the sharing of the caseload with staff attorneys in this District has been particularly gratifying.

If the caseload should continue to grow at its present rate, it may well be absorbed by thrusting more caseload to the staff and, hopefully, by the continuing increased cooperation of the private Bar. If there is this increase in caseload, additional secretarial help will be needed in this immediate future.

DISTRICT NO. 3
Queen Anne's, Talbot, Cecil,
Caroline and Kent Counties

District Defender
John W. Sause, Jr.

115 Lawyers Row
Centreville, Maryland 21617

204 E. Main Street
Elkton, Maryland 21821

118 Market Street
Denton, Maryland 21629

Total Population: 131,322

No. of Panel Attorneys: 45

No. of District Courts: 5

No. of Circuit Courts: 5
(Juvenile)

District 3, well in command of its operation during its initial months, has equally met the challenge during its first full year of operation.

Faced with the demands of 10 Courts, widely separated into 5 Counties and an ever increasing caseload, District 3, in cooperation with the Courts and the local Bar, has more than furnished adequate defense services to indigent defendants throughout the area. During 1973, the number of private attorneys who have made themselves available as panel attorneys has significantly increased to 45.

In the meantime, the staff has grown with an additional part-time Assistant Public Defender to 2 Assistants in addition to the District Public Defender. One (1) investigator services the 3 staff attorneys and the panel attorneys, while 1 secretary serves the entire staff. Offices are maintained in Centreville, Maryland which is the headquarters of District 3, Elkton, Maryland and in Denton, Maryland. During the fiscal year, 541 cases were accepted as Public Defender clients, with 60% of those cases being assigned to panel attorneys.

DISTRICT NO. 4
Charles, St. Mary's
and Calvert Counties

District Defender
Franklin B. Olmsted

206 Court House
La Plata, Maryland 20646
138 Court Square Building
Leonardtown, Maryland 20650
Court House
Prince Frederick, Maryland 20678

Total Population: 115,748

No. of Panel Attorneys: 72

No. of District Courts: 3

No. of Circuit Courts: 3
(Juvenile)

The Public Defender's Office for District 4, comprising of Charles, St. Mary's and Calvert Counties is staffed by a District Public Defender, an Assistant Public Defender, 3 secretaries and an investigator. The headquarters is located in La Plata, Maryland with branch offices in Leonardtown and Prince Frederick.

For the fiscal year 1973, we accepted for representation 1,114 cases on an average of 85 cases a month. Of the cases accepted, 68% were assigned to panel attorneys and 32% were handled by staff lawyers. During this period, 72 panel attorneys participated in Public Defender work. While 1973 experienced a 40% increase of caseload over the first 6 months of operation, it is expected for fiscal year 1974 that the caseload will increase only to 90 cases per month. This anticipated increase could normally be absorbed by existing staff if it were not for the diverse location of the Courts in the tri-county area. Even based upon the present caseload, an additional Assistant Public Defender is needed to economically handle the District Court trials in Calvert County. The present investigative needs do not require any additional help in this area.

DISTRICT NO. 5
Prince George's County

District Defender
Edward P. Camus

14821 Pratt Street
Upper Marlboro, Maryland 20870

5418 Oxon Hill Road
Oxon Hill, Maryland 20021

208 County Service Building
Hyattsville, Maryland 20781

Total Population: 661,082

No. of Panel Attorneys: 146

No. of District Courts: 3

No. of Circuit Courts: 1
(Juvenile)

U.S. Commissioner: 1

District 5's headquarters is located in Upper Marlboro, Maryland with branch offices in Oxon Hill, Maryland and Hyattsville, Maryland. Presently, the office is staffed with 4 secretaries, 3 investigators, 2 Public Defender Aides and 6 staff attorneys.

During the past year, with the help of the Supreme Court and other causes, our caseload increased approximately 20% over the preceding period. To handle this caseload, we had no increase in staff and thus, the individual responsibility for the accomplishment of our task was pushed to its limit.

The number of reported cases continues to increase over last year, even though the FBI and the local police statistics indicate that crime is on the decline. If their figures are accurate, it is hard to explain why we are getting far more cases than last year.

During this last year we instituted, with the aid of the State's Attorney's Office and the District Court Judges, a pre-trial release program in the District Court. Daily, the new "jailees" are interviewed by either our Public Defender Aide, investigator or available attorney in order to secure an affidavit of indigency and to bring to the attention of the District Court Judge any facts pertinent in a bond hearing. Daily, a District Court Judge holds bond hearings for all new jailees and those asking for a review of their bond. This has resulted in more reasonable bonds for defendants and has decreased our jail population considerably. Thus, while the county has saved a considerable sum of money, we have increased tremendously our work load by pursuing this program which is averaging 200 cases per month.

Our liaison with the District Court and Circuit Court Judges appears more than adequate, and we have had no complaints from the Bench regarding our services.

Our workings with the Sheriff's Department appear to have resulted in better conditions at our local jail. Daily, we have at least 1 of our staff in the jail to receive specific and general complaints, including jail conditions. We perform this service in order to build confidence in the defendants of our representation of them and our broad interest in their welfare.

The Upper Marlboro District Court has just opened another Court room. Two (2) rooms will be operating there on a full time basis; 2 are operating in Oxon Hill and 2 are operating in Hyattsville. Thus, 6 District Courts operate daily, placing additional daily case burden upon our staff. We are handling Juvenile Court proceedings entirely through panel attorneys for lack of available staff.

The investigators being requested by panel attorneys have increased drastically over last year. Our staff attorneys handle a considerable number of Circuit Court cases that need investigations, and we find ourselves unable to handle such investigations with 3 investigators. Presently, our investigators are assisting in each District Court on a daily basis and thus, at least half their day is taken up in the Courts, leaving very little time for the investigations necessary.

With 3 investigators and 2 Public Defender Aides actively handling case investigations, etc., 1 additional secretary is needed to exclusively handle the dictation and paper work generated therefrom.

One (1) additional typist-clerk is needed to handle the more routine duties and specifically to work on our collection procedure and all the associated paper work that results from our caseload.

DISTRICT NO. 6
Montgomery County

District Defender
James McKenna

414 Hungerford Drive
Rockville, Maryland 20850

Total Population: 522,809

No. of Panel Attorneys: 177

No. of District Courts: 6
(Juvenile)

U.S. Commissioner: 1

No. of Circuit Courts: 1

The Montgomery County Public Defender, J. James McKenna, took office on April 1, 1973 after John J. Mitchell was appointed Judge in the District Court. This District is staffed by the Public Defender, 5 Assistant Public Defenders, 4 full-time secretaries, 3 investigators and 1 interviewer.

Each of the District Courts are handled almost entirely by staff attorneys. One (1) exception to this is the Juvenile Court which is being handled by attorneys from the Bar Association on a daily basis. This is a pilot program whereby an attorney is assigned to all the cases in Juvenile Court on a particular day. In the Circuit Court, there is 1 staff attorney available to handle most bench warrants, some Circuit Court cases and all arraignments. By providing a staff attorney to stand-in at arraignments for the panel attorneys, there has been a great deal of cost savings for panel attorneys. The remaining cases which our staff is unable to handle are paneled out to an attorney on the panel list. Two hundred seventeen (217) members of the Montgomery County Bar Association make their services available to the Public Defender System and this number is increasing daily.

The investigators interview the prospective clients to see if they qualify for the service of the Public Defender, investigate and interview witnesses for both the staff and panel lawyers' cases, visit the lock-up and local jail and are available to screen problem calls. In addition, 1 investigator has been assigned to the Circuit Court arraignment along with the staff attorney in order that each defendant at arraignment who has not already been interviewed can be. This enables the Courts to proceed with the arraignment instead of continuing the case until a later date.

With the increase of 3 more full-time secretaries since this time last year, this District has been able to initiate new filing systems, begin a motion form file for staff and panel attorneys, and handle problems and questions that arise from both attorneys and clients. This is in addition to the usual legal secretarial work that is done day by day.

There have been several improvements in the composition and operation of our Office over the past year. The staff has grown from 3 Assistant Public Defenders to 5, and we have acquired 3 more secretaries. These acquisitions are necessary to keep pace with our ever increasing caseload.

In view of the ever increasing workload at the District Court level, especially Juvenile causes, it will soon be necessary to add 1 more investigator to our staff. This would enable 1 investigator to handle all interviews in the Detention Center, Reformatory or State Institutions without taking an investigator away from the District Court. Finally, it would be very

beneficial to have a law clerk in the office able to draw up motions and do research that would free our staff attorneys for more important tasks.

DISTRICT NO. 7
Anne Arundel County

District Defender
T. Joseph Touhey

Maryland National Bank Bldg.
Annapolis, Maryland 21401

91 Aquahart Road
Glen Burnie, Maryland 21061

Total Population: 298,042

No. of Panel Attorneys: 41

No. of District Courts: 3

No. of Circuit Courts: 1
(Juvenile)

The operational activities of the Office of the Public Defender in Anne Arundel County are headquartered at the Maryland National Bank Building, Church Circle, Annapolis, Maryland, adjacent to the Anne Arundel County Circuit Court. Additionally, this District maintains a branch office in Glen Burnie, Maryland in a suite of offices contiguous with the District Court of Maryland which operates 3 Court rooms at this location. District 7 is staffed by a total of 7 experienced trial attorneys in addition to the District Public Defender, 4 investigators and 4 secretaries.

With this present compliment of attorneys and investigators, the daily operational plan for this office provides for the appearance of 5 staff attorneys at the Circuit Court and District Court in Annapolis, together with 2 investigators. Additionally, 2 staff attorneys and 2 investigators maintain daily office hours at the District Court facility in Glen Burnie, during all Court sessions and working hours. Attorneys are required to make daily appearances in Court, and stand available to receive cases referred to them by the Presiding Judge or by Court Commissioners. Of those attorneys assigned to the Circuit Court in Annapolis, 1 attorney provides daily representation to indigents in the District Court, while 1 attorney is regularly assigned to Juvenile proceedings at the Circuit Court level. The remaining 3 staff attorneys assigned to the Circuit Court in Annapolis provide representation at the Circuit Court level in as many cases as feasible.

During the fiscal year of operations between July, 1972 through June, 1973, the records of District 7 reflect that a total of 1,818 cases were received for representation. Of that total number of cases received, 1,391 were closed. Of the total number received for representation, 109 cases were assigned to panel attorneys, the remainder of cases were handled by staff attorneys assigned to this office. The records of this office further reflect that a total of 417 individuals applied for representation

by this office but were declined representation based on a financial disclosure of assets sufficient to retain private counsel.

With regard to future operations of this office, it is anticipated that the present staff is adequate to meet current needs. In the event, however, that the caseload for this Jurisdiction would increase by 10% within the next 6 months of operations, it is suggested that the addition of 1 staff attorney to the existing staff would be necessary to meet the mounting caseload and at the same time, maintain the same high standard of performance by all personnel. Additionally, it is anticipated that during the next calendar year, a District Court building will be constructed in Annapolis with the result that this office will be required to provide staff attorneys and investigators at 3 different Court locations. At the time of the commencement of operation of this new Court facility, it is similarly expected that an additional staff attorney will be required in addition to 1 investigator to provide adequate service to the public at each of the 3 Court facilities.

DISTRICT NO. 8
Baltimore County

District Defender
Paul J. Feeley
101 Jefferson Building
Towson, Maryland 21204

Total Population: 620,409
No. of Panel Attorneys: 111
No. of District Courts: 7
No. of Circuit Courts: 1
(Juvenile)

The Public Defender's Office for District 8 consists of 5 Assistant Public Defenders, 1 of whom functions as the first assistant to the District Public Defender, 1 investigator who doubles in the District Court since he is an attorney, and 2 secretaries.

There are 7 separate District Courts spread throughout Baltimore County which comprises District 8. These Courts held a total of 26 morning and afternoon criminal sessions. Each of these sessions are attended by 1 of our staff attorneys in order to represent any indigent defendants called for trial at the session.

Panel attorneys are not appointed to represent any defendants at the District Court level. Our staff attorneys are also present in any Preliminary hearings held in the District Court. At the Circuit Court level, most all of the defendants are represented by panel attorneys selected from a list of 111 such attorneys. The total number of cases handled during the year by the District 8 Office was 2,025 of which 520 were in the Circuit Court and 1,505 in the District Court. At the end of the fiscal year, there were 176 cases which have been assigned to members of the panel awaiting trial on the Circuit Court level and 138 cases awaiting trial by our staff attorneys at the District Court level. The figures showing the number of cases reported by the office during this year would indicate a caseload increase of 13% over the comparable figures representing the first 6 months of operation of the Public Defender System.

We see no appreciable change in the number of defendants that our office deals with and we, therefore, anticipate that we can fulfill our responsibilities under the present system during 1974 fiscal year at the same number of personnel as at present.

DISTRICT NO. 9
Harford County

District Defender
Henry C. Engel, Jr.
Equitable Building
Bel Air, Maryland 21014

Total Population: 115,378
No. of Panel Attorneys: 14
No. of District Courts: 3
No. of Circuit Courts: 1
(Juvenile -- 1 Master)

The District 9 Office shifted from a County Public Defender's Office of some 6 years experience to a State Office on July 1, 1972. Inasmuch as the County Bar Association, the Courts and other interested parties were used to working with a Public Defender System, the transition was quite smooth and the Office has progressed accordingly. On October 2, 1972, the office moved to its expanded quarters in the Equitable Building, adjacent to the Bel Air District Courts of District No. 9. The staff comprises a District Public Defender and 2 Assistant Public Defenders, the second having been added to the staff on January 3, 1973. There is also an investigator assigned to the District and a secretary. The personnel situation appears to be stable; however, inasmuch as the staff handles a large percentage of the office cases, all appeals and other proceedings, entailing a considerable amount of secretarial work, it is anticipated that an additional office secretary might be necessary in the future.

Fourteen (14) members of the Harford County Bar have made themselves available to the Office as panel attorneys, but on a rather limited basis.

During the fiscal year just ended, the Office accepted 753 defendants for representation, a substantial increase over its last year as a County Office when 448 defendants were accepted. A portion of the increase is, of course, attributable to the Argersinger decision and, also, to the close proximity now of the Office to the main operation of the District Court. The staff provides service to the District Court which sits at 2 Divisions at Bel Air and, also, sits 2 days a week in remote locations at Aberdeen and Havre de Grace, Maryland. We also provide service in both of the Circuit Courts and before the Juvenile Master.

As stated, the Harford County Bar, Bench and other related Law Enforcement and Judicial Agencies were all familiar with the operation of the Public Defender System and the atmosphere of good cooperation between all concerned has continued to exist through our seventh year of operation. This, we feel, has made it much easier for the Office to provide adequate representation and service to our clients.

DISTRICT NO. 10
Howard and Carroll Counties

District Defender
Bernard F. Goldberg

3691 Park Avenue
Ellicott City, Maryland 21043

16 Court Street
Westminster, Maryland 21157

Total Population: 130,917

No. of Panel Attorneys: 46

No. of District Courts: 3

No. of Circuit Courts: 3
(Juvenile—1 Master)

The headquarters for District 10 Offices of the Public Defender is located in Ellicott City, Maryland with a branch office in Westminster, Maryland. The staff is comprised of a District Public Defender and 2 Assistant Public Defenders. Each of the Assistant Public Defenders is in the respective offices as set forth above. Each of the 2 offices is assigned 1 secretary and 1 investigator.

During the 1973 fiscal year, the District 10 Office accepted 1,148 indigent defendants as clients, a 20% increase over the first 6 months of operation.

The 3 attorneys, together with 46 panel attorneys from the Bars of Howard and Carroll Counties, have provided the necessary representation for these defendants.

The District operation continues to progress with minimal difficulties, although there is a very apparent need for additional supportive services to the staff and panel attorneys, i.e. at least 1 additional investigator will be necessary in the immediate future.

DISTRICT NO. 11
Frederick and Washington Counties

District Defender
William R. Leckemby, Jr.

18 West Church Street
Frederick, Maryland 21701

*120 W. Washington Street
Hagerstown, Maryland 21740

Total Population: 188,756

No. of Panel Attorneys: 39

No. of District Courts: 3

No. of Circuit Courts: 1
(Juvenile)

Frederick and Washington Counties comprise District 11. The operations for the office are headquartered in Frederick, Maryland with a branch office in Hagerstown, Maryland. The District Public Defender handles the caseload for Frederick County assisted by a secretary and an investigator. An addi-

tional investigator and secretary assist the Assistant Public Defender who handles the caseload for Washington County.

The work load during the 1973 fiscal year substantially increased to 1,059 cases accepted, representing a 67% increase over the first 6 months of operation. Through the cooperation of 39 members of the private Bar on the District 11 panel, we have been able to handle the increase with little problem. With the continued growth of District 11, it is reasonable to conclude that there will be a continued caseload increase which, most likely, will necessitate the employment of additional staff in the future.

DISTRICT NO. 12
Allegany and Garrett Counties

District Defender
Paul J. Stakem

227 Algonquin Hotel
Cumberland, Maryland 21502

Total Population: 105,520

No. of Panel Attorneys: 11

No. of District Courts: 2

No. of Circuit Courts: 1
(Juvenile)

The Public Defender's Office in District No. 12, consisting of Allegany and Garrett Counties, is manned by 1 District Public Defender and 1 secretary operating from Offices located in Cumberland, Maryland. There are no Assistant Public Defenders or investigators assigned to this Office.

During the past fiscal year, District No. 12 has accepted 449 indigent defendants as clients.

Eleven (11) members of the Allegany and Garrett County Bars presently comprise the panel for District No. 12, with 9 of these attorneys residing in Allegany County. The majority of cases defended by this Office in Allegany County are handled by the District Public Defender, and nearly all of the cases defended by this Office in Garrett County and assigned to the 2 panel attorneys operating in that area, with the assistance of the District Public Defender and panel attorneys from Allegany County when necessary.

As the system is presently operating, it does not appear that there will be any particular case or work load problems through June, 1974. The District Public Defender and the panel attorneys are able to handle the present caseload without any great difficulty, and it does not appear necessary that additional staff attorneys be assigned to District No. 12 at the present time.

The only addition to the staff in District No. 12 which would appear desirable at the present time would be that of an investigator who could assist the District Public Defender and panel attorneys in both Allegany and Garrett Counties.

Population figures secured from Population Division, Federal Government, Suitland, Maryland (7.19/73).

PROJECTED NEEDS

The Decision of the Supreme Court in *Argersinger vs. Hamlin*, No. 70-5015 on June 12, 1972 for all practical purposes emasculated Section 2 (2) of Article 27A of the Annotated Code of Maryland (the Public Defender Statute), which limited representation by the Office of the Public Defender to those indigents accused of a "serious crime", i.e., any felony or misdemeanor for penalty for which involved the possibility of confinement for more than three months or a fine of more than \$500.00. The Decision holds that no accused person may be deprived of his liberty as a result of any criminal prosecution in which he is denied the assistance of counsel without regard to whether the crime charged is a misdemeanor or a felony, or the duration of the jail sentence, thus opening for possible Public Defender representation all indigents charged with violation of:

a) Article 66^{1/2} of the Annotated Code of Maryland (Traffic Laws), practically all moving violation sections thereof carrying a minimum penalty of two months imprisonment.

b) Section 123 of Article 27 of the Annotated Code of Maryland (Criminal Code), Disorderly Conduct carrying penalty of sixty days imprisonment, plus \$50.00 fine.

c) Section 88 of Article 27 of the Annotated Code of Maryland (Criminal Code), Desertion and Non-support of Wife and Child, carrying three years imprisonment and fine of \$100.00.

The impact of *Argersinger* upon the Public Defender System is dramatically pointed up by a comparison of the statistical data contained in the First Report of this office for the operational period January 1, 1972 to June 30, 1972, and the present report. In the six months pre-*Argersinger*, the statewide District caseload totaled 16,276 (see p. 27, First Report of Public Defender). If the same rate had continued throughout the twelve months we would have processed 32,552 cases. However, as shown on page 17 of this report, the twelve Districts, for the period of July 1, 1972 to June 30, 1973, processed 52,117 cases, or an overall increase of 82%. As set forth in the fiscal summary of the Department of Fiscal Services to the 1973 Legislature, "The size of the Public Defender Program is not within the control of the Agency, as every indigent defendant must be supplied counsel at State expense and the number of defendants is beyond the control of the Judiciary or the Office of the Public Defender". Thus it appears that the Agency is only funded by the Executive to handle 32,925 of the 45,570 new cases, plus 20,886 pending of the caseload projected for the Fiscal Year 1974".

That an eighteen months old System, starting entirely from "scratch", has been able to efficiently absorb such a climatic increase and demand for defender services, is due almost entirely to the tremendous loyalty and devotion to duty of the entire Public Defender legal staff, administrative personnel, and the splendid cooperation of the Bench and organized bar.

The plain and inescapable fact is that we cannot continue indefinitely to handle a caseload of such proportions or effectively furnish collateral defense services meeting the Legislative Mandate of Article 27A without either fiscal insolvency or loss of dedicated personnel. Necessarily, the alternatives are specific enactment of legislation leading to relief on certain types of cases, or diminution of Public Defender standards of professional representation.

* A small percentage of traffic case representation was eliminated by Senate Bill 1046 (1973), effective July 1, 1973.

RECOMMENDED LEGISLATION

Section 11 of Article 27A requires this Office to recommend necessary Statutory changes in the Criminal Law. Without infringing on the priority and presentation by the Commission on Criminal Law of the proposed Criminal Code to the Legislature, we can think of nothing more urgent and vital in proposed legislation than to follow the suggestion of the Supreme Court to reclassify specific non-violent crimes wherein the accused indigent now has a constitutional right to counsel. We accordingly again suggest legislation be enacted whereby:

a) All charges of Non-support, now criminal offenses under Section 88 of Article 27 of the Annotated Code, be treated as civil proceedings and processed in the Equity Courts of this State. Precedent for this is presented by Section 66 of Article 16 of the Annotated Code of Maryland, wherein all Paternity cases formerly criminal (bactardy) are now civil proceedings.

Strangely enough, under the present Law of this State, a person failing to support his legitimate children is guilty of a misdemeanor, tried in the Criminal Court, and faces imprisonment of three years; whereas, if he fails to support his illegitimate children, proceedings against him are civil, and handled in the Equity Court.

b) That the penalty for Disorderly Conduct, under Article 27 Sec. 123 of the Annotated Code of Maryland, be amended to provide for a fine only.

c) A Constitutional Amendment to remove majority of Traffic Violations under Article 66^{1/2} from the Court System, and transferred to a Specialized Administrative Body.

It is estimated, and our experience to date indicates, that enactment of such legislation would reduce present caseload in specific traffic, non-support hearings, and disorderly conduct trials, by 8-10,000 cases.

d) Section 7 (d) of Article 27A should be amended to provide for the Office of the Public Defender to docket a lien in appropriate cases for the reasonable value of legal services upon *personalty*, as well as all real property (exclusive of residence). Section 7 (e) should also be amended to provide that the Lien Docket in Baltimore City be maintained in the Office of the Clerk of the Superior Court of Baltimore City, rather than as now vested in the Office of the Court of the Supreme Bench, and that all liens whether arising out of the Circuit Court or the District Court, be maintained in one lien docket per jurisdiction, and preferably at the Circuit Court level. The reasons for the suggested amendments in chronological order are as follows:

1. Very few persons who qualify for our services own real estate, whereas many have some personal property.

2. That the Office of the Clerk of the Supreme Bench has neither the staff nor facilities to maintain a Lien Docket, and if vested in the Clerk of the Superior Court of Baltimore City would greatly assist the searchers and other persons interested in liens and judgments.

3. That docketing all liens at the Circuit Court originally rather than dividing between the District Court and the Circuit Court would avoid duplication of lien records and services of processing personnel.

4. Legislation patterned after the Welfare Fraud Law, Article 27, Section 230A, affording a criminal sanction against someone who defrauds the Office of the Public Defender of legal services through false and fraudulent statements as to assets and liabilities. Under the present status the only criminal sanction available is that of perjury, which in many cases might not be sustainable because of failure to administer oaths.

ignorance of the implications involved in the execution of the application for defender services, etc.

In the meantime, we are pledged to carry out our legislative and moral commitments to assure effective assistance and continuity of counsel to the thousands of indigents accused, from time of arrest to ultimate disposition in the Courts of this State. Because this objective cannot be accomplished within our present budget fiscal limitations, the proposed Public Defender Budget for Fiscal Year 1975 reflects the basic minimum legal and supportive personnel to meet our responsibilities. (See Exhibit B)

PUBLIC DEFENDER STAFF vs ASSIGNED COUNSEL

Section 6 of Article 27A delineates the appointment, duties, and respective responsibilities of the District Public Defender and panel attorneys of the individual District.

Section 6 (b) states that, "except in those cases where representation is provided by an attorney in the Office of the Public Defender, the District Public Defender shall appoint attorneys from the appropriate panels to represent indigents, the maximum use of panel attorneys shall be made insofar as practicable".

This office has construed "practicable" to mean within budget limitations and availability of competent criminal trial lawyers, and as of the present date we are working daily with total statewide panels numbering 1,091. Because of attempts to amend Section 6 (b) in the 1973 Legislature through H.B. 5533, later vetoed by the Governor, and due to what seems to be a misunderstanding in some legal and legislative circles of the problems that are involved in the assignment of counsel, it might be well to bear in mind the revolutionary changes since 1963 when the Supreme Court, in Gideon vs Wainwright (372 U.S. 355), exploded onto the scene requiring counsel for all indigents accused of felonies, up to Argersinger vs Hamlin (407 U.S. 25, 1972), mandating a Constitutional Right to anyone accused of any crime in which there is any possibility of incarceration. With Public Defender statewide indigent representation standing now at almost 60,000 cases annually, it is impractical and fiscally impossible to expect private practitioners, no matter where located, to undertake the mass of representation of the indigent accused. In many localities, particularly in the rural areas, there are not sufficient attorneys available at the private bar, nor it is realistic to assume that private counsel, most of whom are non-criminal practitioners, can undertake competently the complex and constantly changing representation.

Numerous studies, including that of the President's Commission on Law Enforcement (1970), National Conference on Legal Manpower Needs (1970), and Virginia Bar Association Report to the Governor and General Assembly of Virginia (1971), all conclude that an exclusive defender legal system has the advantage of both economy and efficiency over the organized bar Indigent Defense Program, either Court appointed or administratively assigned. Nevertheless, our experience during the past eighteen months has solidified our stated position that only the combination of a professional Public Defender staff and private criminal practitioners, depending upon and working hand-in-hand with each other, can furnish the expert type of defense services to the indigent accused, as mandated by the Maryland Legislature under Article 27A, and to which he or she is constitutionally and morally entitled.

The dispersion of indigent cases to panel or staff attorneys is left entirely up to the District Defender as he knows the

problems peculiar to his District and how best to effectively handle the caseload within the budget limitations. A review of the reports on the individual Districts and statistical data pertaining thereto clearly establishes that the results obtained for our clients represents the joint efforts of professional advocates, both staff and private, operating in the highest traditions of the Bar.

THE PLEA BARGAINING PRACTICE

We think the position of the Office of the Public Defender on the disposition of cases through the so-called plea bargaining process should be clearly stated.

In our opinion the entire practice of plea bargaining as carried on today is completely repugnant to the adversary system in that it destroys the presumption of innocence, prostitutes the lawyer-client relationship, and encourages defense counsel to ignore his fundamental duty of furthering his client's interest to the fullest extent that the law permits, substituting, therefore, the bargain basement atmosphere of plea negotiating on the exclusive premise of a reduced sentence for a crime of which his client may not be guilty or of which the State could not prove his or her guilt at an adversary trial.

To quote from the recent report of the National Advisory Commission on Criminal Justice on Standards and Goals: "Plea negotiation not only serves no legitimate function in the processing of criminal defendants, but it also encourages irrationality in court process, burdens the exercise of individual rights and endangers the right of innocent defendants to be acquitted".

Basically, whether a defendant is convicted should depend exclusively upon the evidence to convict him of the charges, while the disposition to be made of the convicted defendant should depend upon what action best serves rehabilitation and deterrent requisites. Necessarily, these fundamental factors are lost in the horse trading of plea negotiations, wherein the defense counsel endeavors to sell a guilty plea to his client in exchange for a promise of a lenient or lesser sentence, while the prosecutor makes concessions on the basis of an overloaded trial docket, local jail conditions or both.

Ironically enough, plea bargaining would have little if any place in the administration of criminal justice were the prosecutor to only charge the defendant with offenses for which the admissible evidence was sufficient to support a guilty verdict. The reason for not doing so, lies almost exclusively in the fact that in Baltimore City, as in most urban areas, the police place multiple charges in line with the prosecution's theory that placing the defendant in the position of facing a number of charges of greater and lesser degree facilitates the "inevitable" bargaining for pleas of guilty.

Plea bargaining per se violates, therefore, fundamental principles of due process of law in general, the judicial process in particular, erodes law enforcement, and public respect for the entire system of criminal justice.

Irrespective of the degrading impact that plea bargaining has upon the public concept of criminal justice, it is generally condoned on the premise that it is not possible with present resources to actually try even a fraction of those persons charged by the State. While the short answer might lie in more intelligent screening of charges by the State, this office does not believe that the end justifies the means, and takes issue that plea bargaining should be considered an essential or indispensable element in the criminal process.

In light of the various decisions of the Supreme Court⁶ in those cases where the client consents with full knowledge of all of the contingencies involved and after confronted with the results of a thorough work-up of the facts and applicable law of the case against him, our staff is authorized in their best professional judgment to discuss with the prosecution in advance of any scheduled trial date, the possibilities of the entry of a plea. This practice may indeed slow down the assembly line speeding bodies of the indigent accused through the System. It must, however, be remembered that where there are reasonably disputed questions of law and fact, *the law itself should not provide an incentive for either the State or the accused to waive through plea bargaining a full and fair resolution of the issues in an adversary trial.* It is within this context of due process that our professional staff will continue to function to the end of advancing the true administration of criminal justice.

COLLECTION PROCEDURES AND IMPACT OF RECENT DECISIONS

Section 7 (c, d, f) of the Act requires the Public Defender in the name of the State to collect all monies due to the State by way of reimbursement from those defendants who have or reasonably expect to have means to meet some part of the expenses for services rendered to them by the Office of the Public Defender. As set forth elsewhere in this report, the individual District Offices have assessed expenses of representation, collected and deposited to the credit of the State Treasurer's Office, the Fiscal Year, a total of \$47,351.23 cash.

We have been circumspect in the administration of Section 7. One reason was the question of its constitutionality by virtue of the Supreme Court decision in *Strange vs Kansas* (40 U.S. Law Week 4711) of June 12, 1972, wherein it was held that the Kansas Public Defender recoupment of the Indigent Legal Expenses Act was in violation of the equal protection clause of the U.S. Constitution. Secondly, was our inherent concern that the State, after forcing counsel not of his choice upon an indigent could end up becoming the largest priority judgment lien holder against any future assets that he or she may require.

On August 1, 1972, the Attorney General of Maryland rendered an opinion holding Section 7 (c, d, f) of Article 27A, in light of *Strange vs Kansas supra*, was constitutional since among other things it does not deny any substantive exemption to other debtors, and thereby avoids the constitutional infirmities found in the Kansas Defender Statute. We have accordingly been reviewing our administrative procedures for determining criteria of indigency under the Act and entering into arrangements with the new State Agency, Central Collection Unit, of The Department of Budget and Fiscal Planning, Section 71 (c-1) of Article 41, created by the 1973 Legislature (H.B. 1608), to handle collections of outstanding expenses of representations. In this connection it is pertinent to point out that the California Appellate Court, in *People vs Jones* (Clearinghouse #9808, April 12, 1973), held that assessment of Public Defender attorneys fees to an indigent who was found not-guilty must be based, "on present ability to pay". The Court did not reach the inter-

⁶ *Moote vs Michigan*, 355 U.S. 155 (1957); *McCarthy vs U.S.*, 394 U.S. 459 (1969); *Boykin vs Alabama*, 395 U.S. 238 (1969); *Brady vs U.S.*, 742 (1970); *North Carolina vs Alford*, 400 U.S. 25 (1970); *Santobello vs New York*, 401 U.S. 257 (1971).

See also *People vs Byrd*, 12 Mich. App. 186 (1968), Levin (J) concurring opinion on plea bargaining.

esting constitutional issue of whether an indigent defendant found not-guilty could be forced to reimburse the State for the reasonable cost of defender services, but it seems obvious the present trend of the Courts is to require representation based upon the financial status of the accused at the time of arrest and/or placing of charges irrespective of his earning capacity.

This follows to some extent Section 7 (a) of the Act that, "eligibility for the services of the Office of the Public Defender shall be determined on the basis of the need of the person", and throws open the door to Public Defender representation of countless numbers of persons without cash at the time of arrest, but with other finances and future earning capacity, and who would not be ordinarily eligible for our services. The only realistic solution seems to lie in the removal of many minor offenses from the Criminal Court System and transfer to non-judicial entities, or changing certain criminal acts to Civil proceedings. Recommendations along this line within constitutional guidelines appear elsewhere in this report.

In any event, our experience during the past months indicates that despite all safeguards that might be evolved in the area of eligibility, etc., that some percentage of our clients will attempt to defraud the State, but hopefully such incidents can be kept to the minimum.

REIMBURSEMENTS RECEIVED FROM DEFENDENTS DISTRICTS 1-12

July 1, 1972 to June 30, 1973

District Number	Amount
1	\$ 7,395.50
2	1,219.35
3	2,458.50
4	3,217.50
5	7,215.46
6	2,910.51
7	12,140.00
8	6,266.07
9	596.25
10	3,451.00
11	301.00
12	220.00
TOTAL	\$47,351.23

EXPANSION OF CONSTITUTIONAL RIGHT TO COUNSEL

On May 14, 1973, the U.S. Supreme Court, in *Gagnon vs Scarpelli* (#71-1225), held that a probationer as well as a parolee is entitled to first, a preliminary, and then a final hearing prior to any revocation of probation or parole. The Court further held that counsel should be provided in those cases where, after having been informed of his right to request counsel, a probationer makes a request based on a timely claim that he has not committed the alleged violation of the condition upon which he is at liberty, or that even if the violation is uncontested there are substantial reasons which justify or mitigate or make revocation inappropriate, or that where the reasons are sufficiently complex or otherwise difficult to develop, the State will be required to provide at its expense counsel for all indigent probationers or parolees.

The Supreme Court decision followed the Maryland Court of Special Appeals in *LaQuay vs State* (16 Md. Appel 709), wherein Chief Judge Charles E. Orth, Jr., for the Court, held,

CONTINUED

1 OF 2

STATISTICAL REPORT—
ALL PUBLIC DEFENDER DISTRICTS

July 1, 1972 - June 30, 1973

It has been said that statistics in government are usually presented to justify the existence of the agency, but in our case the figures submitted not only indicate the tangible overall work load and end-results of our activity during the Fiscal Year, but in analysis points out the differences that exist in our clients background, make-up, and criminal proclivity from District to District.

As Baltimore City, District No. 1, represents 57.9% of the total State caseload, we have set forth its operation statistically in the District, Supreme Bench, and Juvenile Courts, and for purposes of comparison in combination with the other Districts.

It is interesting to note that of the total number of Public Defender clients which we represented in all Districts during the period, 19.7% were subjected to incarceration or juvenile detention centers, while 80.3% were released under some form of supervision, or as the result of dismissals or findings of innocence. See Exhibit D.

The significance of these figures while perhaps indicating the professional competency of our Public Defender personnel, also reflects the great strides made since our inception, January 1, 1972, by all of the components of the Criminal Justice System in Maryland (Public Defender, State's Attorney, and Bench), to handle such a caseload at all judicial levels, yet at the same time affording the accused a speedy, just, and fair trial. "Assembly line justice", so familiar in the past, and particularly to the indigent accused, is now ended. More than ever before trial issues are being narrowed, rules of evidence strictly adhered to, and prosecution testimony and evidence more carefully examined and evaluated, to the end that no matter what the ultimate disposition of the case may be, none of our clients will be able to truthfully say that he or she did not receive equal justice under the law.

"If it reasonably appears that due process would be so affronted by lack of assistance of counsel, the Public Defender should provide representation, and if the Public Defender declines to do so the Court should appoint counsel".

Statewide statistics on the number of original and revocation hearings can only be approximated, but number at least 8000 annually, of which the vast majority qualify as indigents.

In June 1972, as a result of the holding in *Anderson vs Solomon* (Civil Action #70-247-T), the U.S. District Court for the District of Maryland faced the challenge of the constitutionality of committing persons to hospitals for the mentally disordered without affording such persons a basic hearing in which they would be entitled to present evidence of sanity. A settlement of the issues resulted in certain Regulations adopted by the State Department of Health and Mental Hygiene, requiring an administrative hearing be held prior to or immediately following the involuntary mental hospitalization of any person, and that each proposed patient be notified of his right to consult and to have legal counsel. The number of such commitments has been estimated between 7-8000 annually.

To date this office has taken the position that absent a specific Constitutional Right to Counsel, we are obligated only to furnish representation to a qualified indigent in pending State Court proceedings, as the language of Section 4 (2) of Article 27A refers to specific Courts, and Section 4 (2-c) pertains to representation only to the Courts of this State, and not where someone is facing involuntary admission under the affidavit or diagnostic statement of two qualified psychiatrists. Necessarily, where there is some specific action pending in a State Court initiated by an inmate committed to one of the mental institutions and who meets our qualifications of indigency, full consideration has been and will be given to representation by this office. We believe the position that we have assumed is legally and morally valid, and any change will simply have to await a future Supreme Court decision on the Constitutional Right of Counsel in cases of this nature.

INVESTIGATIVE SERVICES

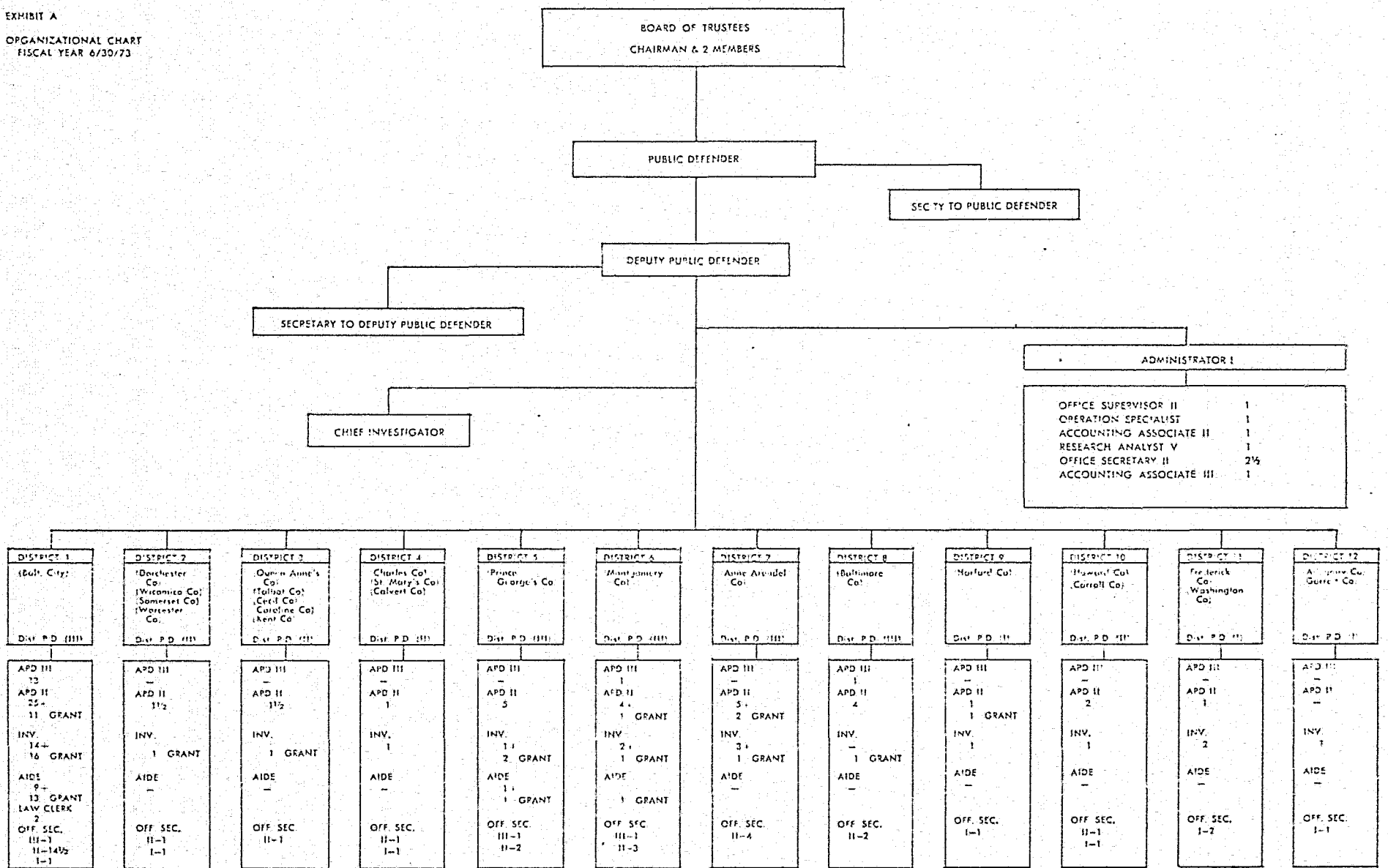
The Investigative Division is headed by a Chief Investigator attached to the staff of the Public Defender, and reporting directly to him on the over-all operation and deployment of investigation personnel throughout the twelve Districts* of the System. Specific direction and responsibility for the workload of the investigator, both for the staff and panel attorneys in the assigned District is left entirely up to the District Defender. All investigative personnel must meet the rigid requirements and qualifications of the Public Defender System as established by the Maryland State Department of Personnel, and are full time employees. Recruitment for these very sensitive and important positions started in April 1972, after certification from the Department of qualified applicants.

Our experience to date with investigative personnel has established what most of the staff and panel attorneys already knew, i.e., that no more vital weapon of defense exists than the securing and correlating of the facts of the case by a professional investigator.*

* See Exhibit A for deployment by district.

MARYLAND PUBLIC DEFENDER SYSTEM

EXHIBIT A
ORGANIZATIONAL CHART
FISCAL YEAR 6/30/73



	1973 ACTUAL	1974 APPROPRIATION	1975 REQUEST
Number of Authorized Positions	153	178	179
Salaries and Wages	1,962,520	2,288,858	2,566,489
Technical and Special Fees	1,294,935	1,050,000	1,661,000
Communication	53,436	48,749	55,573
Travel	33,325	28,200	34,658
Food			
Fuel and Utilities			
Motor Vehicle Operation and Maintenance	1,467	930	1,526
Contractual Services	266,736	464,057	300,000
Supplies and Materials	34,459	103,725	35,837
Equipment - Replacement			
Equipment - Additional	54,976	16,145	3,000
Grants, Subsidies and Contributions			
Fixed Charges	127,717	189,349	196,923
Land and Structures			
Total Operating Expenses	572,116	851,155	627,517
Total Expenditure	3,829,571	4,190,013	4,855,006
Original General Fund Appropriation	3,708,159		
Transfer of General Fund Appropriation	121,422		
Total General Fund Appropriation	3,829,581		
Less: General Fund Reversion	10		
Net General Fund Expenditure	3,829,571	4,190,013	4,855,006

Exhibit C

CLASSIFICATION OF EMPLOYMENT	1974 Gen. Fd. Pos.	1974 Grant Fd. (LEAA)	Total For 1974	1975 Request Gen. Fd.	1975 * Request Grant Fd. (LEAA)	High Impact Grant Fd. (LEAA)	Total Request 1975
Public Defender	1		1	1			1
Deputy Public Defender	1		1	1			1
Administrative Assistant Public Defender	1		1				
District Public Defender III	5		5	5			5
District Public Defender II	4		4	4			4
District Public Defender I	3		3	3			3
Assistant Public Defender III	15		15	15		5	20
Assistant Public Defender II	51	15	66	53	15		68
Chief Investigator, Public Defender	1		1	1			1
Investigator, Public Defender	29	23	52	29	23		52
Public Defender Aide	10	15	25	10	15	2	27
Law Clerk	2		2	2			2
Administrator I	1		1	1			1
Office Supervisor II	1		1	1			1
Operations Specialist I	1		1	1			1
Accounting Associate III	1		1	1			1
Accounting Associate II	1		1	1			1
Office Secretary III	4		4	4			4
Office Secretary II	32		32	32			32
Office Secretary I	8		8	8		2	10
Research Analyst V	1		1	1			1
Administrative Aide II	1		1	1			1
Administrative Aide I	1		1	1			1
Personnel Associate I	1		1	1			1
Stenographer - Clerk III	1		1	1			1
Typist - Clerk I	1		1	1			1
Total	178	53	231	179	53	9	241

* Grant Funds - LEAA - Available Only Through March 31, 1975.

DISTRICT NO. 1 - 12
 CASES: All Courts
 PERIOD: July 1, 1972 to June 30, 1973
 TOTAL WORKLOAD

District No.	Total Cases Accepted	Other Defense Services	Workload	
			Total	Percentage
1	19,447	14,449	33,896	57%
2	1,113	73	1,216	2%
3	539	168	707	1%
4	1,027	378	1,405	2%
5	3,637	3,355	6,992	12%
6	2,807	710	3,517	6%
7	2,203	479	2,682	5%
8	2,426	2,295	4,721	8%
9	665	14	679	1%
10	1,143	322	1,465	3%
11	1,050	192	1,242	2%
12	533	62	595	1%
Total	36,620	22,497	59,117	100%

DISTRICT NO. 1 - 12
 Court: All Courts
 Period: July 1, 1972 to June 30, 1973

Total Number of Cases Completed 50,827
 Total Expenditures (Including LEAA Grants).....\$4,363,364.45
 Average Cost Per Case (Including Payments to Panel Attorneys)..... \$85.85
 Total Fees Paid Panel Attorneys \$1,178,672.78
 Average Cost Per Case of Payments to Panel Attorneys..... \$154.08

DISTRICT NO. 1 - 12
 Statistical Report
 Period: July 1, 1972 to June 30, 1973
 Percent of Workload Completed

	DISTRICT NO. 1			DISTRICTS NO. 2 - 12			TOTALS		
	Cases Completed	Other Defense Services	Total	Cases Completed	Other Defense Services	Total	Cases Completed	Other Defense Services	Total
Cases Completed	14,957	11,449	26,406	13,373	8,046	21,419	28,330	22,495	50,827
Percent Completed			57.9%			42.1%			100%
By District No. 1			57.9%						
By Districts 2 - 12						42.1%			
Total									100%

EXHIBIT D

DISTRICT NO. 1 - 12
 STATE JUDICIAL DEPT.
 COUNTY: All Counties
 PERIOD: July 1, 1972 to June 30, 1973
 Percent Released

	DISTRICT NO. 1				DISTRICTS NO. 2 - 12			TOTALS			
	Juv.	Dist.	Crim. Ct. Supreme Bench	Total	Juv.	Dist.	Total	Juv.	Dist.	Crim.	Total
Total Cases	5199	9082	2616	17188	1770	12106	13876	7260	21188	2616	31064
Less:											
Private Counsel	(388)	(872)	(115)	(1365)	(28)	(304)	(332)	(377)	(1256)	(115)	(1778)
Held for Grand Jury		(866)		(866)		(50)	(50)		(956)		(956)
Net Cases Completed	5112	7310	2471	14957	1741	11632	13373	6883	18976	2471	28330
Less:											
Jail/Correctional Institutions	618	1359	913	2890	211	2352	2563	829	3711	913	4453
Released	4494	5951	1558	12067	1530	9280	10810	6054	15265	1558	23877
Percent Released	86%	81.8%	59.9%	80.7%	86%	79.1%	78.6%	83.5%	80.1%	59.9%	80.3%

DISTRICT NO. 1 - 12
 STATE JUDICIAL DEPT.
 COUNTY: All Counties
 PERIOD: July 1, 1972 to June 30, 1973
 Percent of Cases Completed

	DISTRICT NO. 1				DISTRICTS NO. 2 - 12			TOTALS			
	Juv.	Dist.	Crim. Ct. Supreme Bench	Total	Juv.	Dist.	Total	Juv.	Dist.	Crim.	Total
Cases Completed	5112	7310	2471	14957	1741	11632	13373	6883	18976	2471	28330
Percent Completed											
By District No. 1				52.8%							
By Districts 2 - 12							47.2%				
Total											100%

WORKLOAD

The Office of the Public Defender provided counsel for _____ 23,604
 indigent defendants, facing a total of charges _____ 39,580

DISPOSITION

Private counsel was retained in _____ 1,401
 cases: Of the balance represented _____ 54.6
 defendants were held for the Grand Jury
 representing approximately _____ 4%

Prison/Jail/Correctional Institution terms were received in _____ 4,562
 cases, representing approximately _____ 22%

The balance of _____ 16,785
 defendants were released, either under some sort of
 supervision or as a result of dismissals or findings of
 innocence, representing approximately _____ 78%
 of the total cases.

ACTIVITY

The daily average of completed cases was _____ 86

PROFILE

The overall profile of the average defendant seeking
 representation by the office of the Public Defender is
 a young _____ 28
 year - old male who represents _____ 61.6%
 of the defendants, with an unemployment rate of _____ 61.6%

The majority of the defendants or approximately _____ 86%
 are male.

Approximately _____ 32%
 are head of household.

Those shown on welfare are _____ 12.1%

Those addicted to drugs in one form or another are _____ 30.7%

The average education in years is _____ 10

Of the total charges, _____ 71%
 are misdemeanors.

DISTRICT NO. 1 - 12
 MUNICIPAL COURT
 CRIMINAL CASES (EXCEPT JUVENILE CAUSES)
 PERIOD: July 1, 1977 to June 30, 1978

	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	TOTAL
Total Cases Completed	1382	1374	1451	1475	1469	1428	1367	1317	1247	1174	1107	1017	12867
Total Charges Involved	1727	1717	1811	1827	1817	1771	1717	1647	1577	1507	1437	1347	17277
Not Shown	8	11											29
TYPES OF CHARGES													
Felony	365	443	447	773	524	1048	1060	753	707	933	1040	945	10159
Misdemeanor	1277	1274	1404	1052	945	729	557	894	870	244	667	372	6708
Not Shown	8	0											10
DISPOSITION OF CHARGES													
A. Fine and Costs	326	371	371	428	392	363	431	371	375	470	437	422	4787
B. Jail/Prison Term	70	204	204	152	122	112	124	127	125	122	121	122	1222
C. PW/PW	12	12	12	12	12	12	12	12	12	12	12	12	122
D. Not Guilty	12	12	12	12	12	12	12	12	12	12	12	12	122
E. Dismissed	12	12	12	12	12	12	12	12	12	12	12	12	122
F. Held for Grand Jury	12	12	12	12	12	12	12	12	12	12	12	12	122
G. S/S & Probation	12	12	12	12	12	12	12	12	12	12	12	12	122
H. S/S	12	12	12	12	12	12	12	12	12	12	12	12	122
I. Hospital Term	12	12	12	12	12	12	12	12	12	12	12	12	122
J. Charge (S) Returned	12	12	12	12	12	12	12	12	12	12	12	12	122
K. Slet	12	12	12	12	12	12	12	12	12	12	12	12	122
L. Nolle Prosequi	12	12	12	12	12	12	12	12	12	12	12	12	122
M. Retained Counsel	12	12	12	12	12	12	12	12	12	12	12	12	122
N. Other	12	12	12	12	12	12	12	12	12	12	12	12	122
O. Not Shown	12	12	12	12	12	12	12	12	12	12	12	12	122
DEFENDANT CHARACTERISTICS													
A. Race/Ethnicity													
1. Caucasian	662	724	694	653	715	822	882	777	818	686	627	625	10172
2. Negro	707	721	704	702	702	702	702	702	702	702	702	702	7022
3. Puerto Rican	12	12	12	12	12	12	12	12	12	12	12	12	122
4. American Indian	12	12	12	12	12	12	12	12	12	12	12	12	122
5. Other	12	12	12	12	12	12	12	12	12	12	12	12	122
6. Other	12	12	12	12	12	12	12	12	12	12	12	12	122
7. Not Shown	12	12	12	12	12	12	12	12	12	12	12	12	122

	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	TOTAL
B. Sex													
1. Male	1231	1111	1259	1255	1241	1249	1205	1156	1058	1012	978	1000	12038
2. Female	146	263	192	220	228	172	162	191	149	165	159	147	1829
C. Age													
0-20 years	362	415	517	511	484	504	622	472	437	455	627	516	6038
21-30 years	215	220	213	213	213	213	213	213	213	213	213	213	2132
31-40 years	12	12	12	12	12	12	12	12	12	12	12	12	122
41-50 years	12	12	12	12	12	12	12	12	12	12	12	12	122
51-60 years	12	12	12	12	12	12	12	12	12	12	12	12	122
61-70 years	12	12	12	12	12	12	12	12	12	12	12	12	122
70 & over	12	12	12	12	12	12	12	12	12	12	12	12	122
Not Shown	12	12	12	12	12	12	12	12	12	12	12	12	122
D. Head of Household													
	595	610	678	652	624	617	685	550	663	723	767	479	7721
E. Welfare Recipient													
	268	250	212	216	175	170	176	231	226	233	283	336	2832
F. Addictions													
1. Alcohol	257	250	224	261	243	228	218	267	264	327	370	336	3169
2. Narcotics	111	111	111	111	111	111	111	111	111	111	111	111	1112
3. Potassium	12	12	12	12	12	12	12	12	12	12	12	12	122
4. Non-narcotic	12	12	12	12	12	12	12	12	12	12	12	12	122
5. Other	12	12	12	12	12	12	12	12	12	12	12	12	122
6. Not Shown	12	12	12	12	12	12	12	12	12	12	12	12	122
G. Employed													
	528	510	628	663	652	618	633	461	522	470	611	573	7056
H. Unemployed													
	12	12	12	12	12	12	12	12	12	12	12	12	122
I. Education (Avg. Years)													
	12	12	12	12	12	12	12	12	12	12	12	12	122
DISPOSITION (DEFENDANT)													
1. Released/Supervised	1070	1273	1654	1533	1257	1339	1318	1054	1057	1358	1795	1124	16272
2. Held for Grand Jury	12	12	12	12	12	12	12	12	12	12	12	12	122
3. Jail/Prison Term	12	12	12	12	12	12	12	12	12	12	12	12	122
4. Private Counsel	12	12	12	12	12	12	12	12	12	12	12	12	122
5. Other	12	12	12	12	12	12	12	12	12	12	12	12	122

DISTRICT NO. 1
 DETAILED STATISTICAL REPORT
 COURT: District - 9 Criminal & 5 Traffic
 PERIOD: July 1, 1972 to June 30, 1973

WOPPLICAD

The Office of the Public Defender provided counsel for _____ 9,062
 indigent defendants, facing a total of charges _____ 15,167

DISPOSITION

Private counsel was retained in _____ 872
 cases. Of the balance represented _____ 666
 defendants were held for the Grand Jury
 representing approximately _____ 10.5%

Prison/Jail/Correctional Institution terms were received in _____ 1329
 cases, representing approximately _____ 16%

The balance of _____ 6015
 defendants were released, either under some sort of
 supervision or as a result of dismissals or findings of
 innocence, representing approximately _____ 82%
 of the total cases.

ACTIVITY

The daily average of completed cases was _____ 29.5

PROFILE

The overall profile of the average defendant seeking
 representation by the office of the Public Defender is
 a young _____ 26
 year-old Negro who represents _____ 75%
 of the defendants, with an unemployment rate of _____ 65%

The majority of the defendants or approximately _____ 81%
 are male.

Approximately _____ 36%
 are head of household.

Those shown on welfare are _____ 20%

Those addicted to drugs in one form or another are _____ 34%

The average weekly wage of those shown is _____ \$67
 while the average education in years is _____ 10

Of the total charges, _____ 78%
 are misdemeanors.

DISTRICT NO. 1
 SPANISH ISLET COURT
 COUNTY OF SAN JUAN - Criminal & Traffic
 PERIOD: July 1, 1972 to June 30, 1973

	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	TOTAL
Total Cases Completed	777	838	847	811	811	822	831	828	844	838	848	861	9872
Total Charges Received	1337	1461	1437	1412	1422	1412	1417	1413	1418	1420	1420	1420	14127

TYPES OF CHARGES

Felony	77	117	112	117	111	110	115	117	112	111	110	111	1311
Misdemeanor	1160	1344	1325	1295	1311	1302	1302	1296	1306	1309	1310	1309	12816

DISPOSITION OF CHARGES

A. Fine and Costs	206	242	162	263	266	216	277	232	265	252	236	172	2677
B. Jail/Prison Term	151	121	111	111	111	111	111	111	111	111	111	111	1111
C. Prob/Prob	111	111	111	111	111	111	111	111	111	111	111	111	1111
D. Not Guilty	111	111	111	111	111	111	111	111	111	111	111	111	1111
E. Dismissed	111	111	111	111	111	111	111	111	111	111	111	111	1111
F. Held for Grand Jury	111	111	111	111	111	111	111	111	111	111	111	111	1111
G. S/S & Probation	77	111	111	111	111	111	111	111	111	111	111	111	1111
H. S/S	111	111	111	111	111	111	111	111	111	111	111	111	1111
I. Hospital Term	111	111	111	111	111	111	111	111	111	111	111	111	1111
J. Charge(s) Reduced	111	111	111	111	111	111	111	111	111	111	111	111	1111
K. Stay	111	111	111	111	111	111	111	111	111	111	111	111	1111
L. Held Inmate	111	111	111	111	111	111	111	111	111	111	111	111	1111
M. Retained Counsel	111	111	111	111	111	111	111	111	111	111	111	111	1111
N. Other	111	111	111	111	111	111	111	111	111	111	111	111	1111

DEFENDANT CHARACTERISTICS

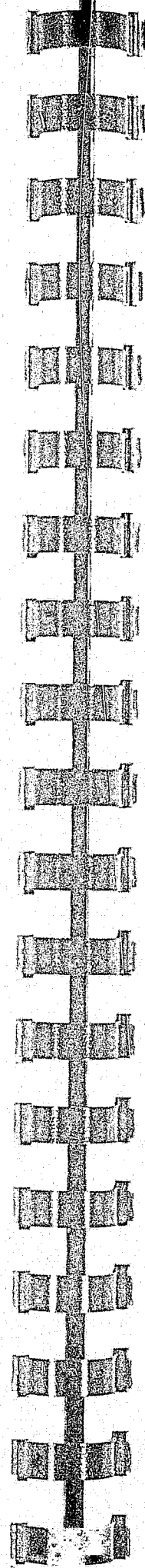
A. Racial/Ethnic Groups

1. Caucasian	226	185	167	172	162	162	166	162	163	161	162	122	2131
2. Negro	111	111	111	111	111	111	111	111	111	111	111	111	1111
3. Puerto Rican	1	1	1	1	1	1	1	1	1	1	1	1	11
4. American Indian	1	1	1	1	1	1	1	1	1	1	1	1	11
5. Oriental	1	1	1	1	1	1	1	1	1	1	1	1	11
6. Other	1	1	1	1	1	1	1	1	1	1	1	1	11

	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	TOTAL
B. Sex													
1. Male	430	450	451	452	451	452	451	452	451	452	451	452	5411
2. Female	227	228	228	229	229	229	229	229	229	229	229	229	2291
C. Age													
0-20 years	111	111	111	111	111	111	111	111	111	111	111	111	1111
21-30 years	111	111	111	111	111	111	111	111	111	111	111	111	1111
31-40 years	111	111	111	111	111	111	111	111	111	111	111	111	1111
41-50 years	111	111	111	111	111	111	111	111	111	111	111	111	1111
51-60 years	111	111	111	111	111	111	111	111	111	111	111	111	1111
61-70 years	111	111	111	111	111	111	111	111	111	111	111	111	1111
70 and over	111	111	111	111	111	111	111	111	111	111	111	111	1111
D. Head of Household	111	111	111	111	111	111	111	111	111	111	111	111	1111
E. Welfare Recipient	111	111	111	111	111	111	111	111	111	111	111	111	1111
F. Addictive													
1. Alcohol	111	111	111	111	111	111	111	111	111	111	111	111	1111
2. Narcotics	111	111	111	111	111	111	111	111	111	111	111	111	1111
3. Ketamine	111	111	111	111	111	111	111	111	111	111	111	111	1111
4. Non-Narcotic	111	111	111	111	111	111	111	111	111	111	111	111	1111
5. Other	111	111	111	111	111	111	111	111	111	111	111	111	1111
G. Employed	111	111	111	111	111	111	111	111	111	111	111	111	1111
Wage by Income (Avg.)	111	111	111	111	111	111	111	111	111	111	111	111	1111
H. Unemployed	111	111	111	111	111	111	111	111	111	111	111	111	1111
I. Education (Avg. Years)	10	10	10	10	10	10	10	10	10	10	10	10	10

DISPOSITION (DEFENDANT)

1. Released/Supervised	111	111	111	111	111	111	111	111	111	111	111	111	1111
2. Held for Grand Jury	111	111	111	111	111	111	111	111	111	111	111	111	1111
3. Jail/Prison Term	111	111	111	111	111	111	111	111	111	111	111	111	1111
4. Private Counsel	111	111	111	111	111	111	111	111	111	111	111	111	1111
5. Other	111	111	111	111	111	111	111	111	111	111	111	111	1111



Handwritten notes on the right page, including a heading "Introduction" and several paragraphs of text. The handwriting is in cursive and somewhat faded.

Introduction

The first part of the document discusses the importance of maintaining accurate records. It emphasizes the need for consistency and attention to detail in all entries. The second part covers the various methods used to collect and analyze data, highlighting the advantages and disadvantages of each approach. The final section provides a summary of the findings and offers recommendations for future research.

DISTRICT NO. 1
 STATISTICAL REPORT
 COURT: Criminal, 8 Courts (Supreme Bench of Lalle. City)
 PERIOD: July 1, 1972 to June 30, 1973

	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	TOTAL
Total Cases Completed	30	35	137	175	171	201	211	235	211	188	213	205	2016
Total Charges Involved	41	43	177	223	213	24	217	217	217	207	1278	147	4132
Not Shown	3												3
TYPES OF CHARGES													
Felony	16	17	69	105	97	37	151	210	64	265	150	235	1262
Misdemeanor	25	26	113	118	74	64	167	117	153	143	168	232	1874
Not Shown													1
DISPOSITION OF CHARGES													
A. Pile and Costs		1	1							23	6	21	57
B. Jail/Prison Term	6	6	12	59	41	2	24	216	37	202	367	109	1636
C. Fines/IDV	3	6	3	6	2	1				5	13	25	65
D. Not Guilty		2	11	2	24	34	12	51	30	51	164	11	367
E. Dismissed	4	5	6	7	26	2	24	12	5	31	67	11	183
F. Held for Grand Jury													3
G. S/S & Probation		25	23	21	12	10	22	31	12	17	12	14	201
H. S/S		2	1	3	1	2	1	2	1	5	10	5	50
I. Hospital Term		1											1
J. Charge (if Imposed)													1
K. Stay		20	21	1	1	1	1	1	1	3	2	2	47
L. Lolle Released	2	2	2	2	1	1	1	1	1	1	1	1	13
M. Released Unscold	3	2	1	1	1	1	1	1	1	1	1	1	13
N. Other													1
Not Shown													1
DEFENDANT CHARACTERISTICS													
A. Racial/Ethnic Groups													
1. Caucasian	8	20	22	20	31	16	26	37	25	70	68	62	460
2. Negro	43	27	74	132	100	67	27	172	51	335	451	150	1531
3. Puerto Rican													1
4. American Indian									1		1	1	3
5. Oriental													1
6. Other													1
Not Shown		5	24	10	7	5	32	24	10	13	10	26	201

	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	TOTAL
P. Sex													
1. Male	32	161	104	252	71	65	128	229	71	170	699	270	2115
2. Female	1	1	1	1	1	1	1	1	1	1	1	1	11
C. Age													
0-20 years	7	12	33	35	14	11	20	50	11	58	158	67	549
21-30 years	6	1	7	11	11	11	11	11	11	11	11	11	111
31-40 years	1	1	1	1	1	1	1	1	1	1	1	1	11
41-50 years													1
51-60 years													1
61-70 years													1
70 and over													1
Not Shown													1
D. Head of Household													
Head of Household	4	1	1	1	1	1	1	1	1	1	1	1	11
E. Welfare Recipient													
Welfare Recipient	7	24	6	20	5	2	12	14	3	32	63	70	265
F. Addictions													
1. Alcohol	2	14	8	17	1	3	9	19	5	36	56	28	198
2. Narcotics	1	1	1	1	1	1	1	1	1	1	1	1	11
3. Methamphet	1	1	1	1	1	1	1	1	1	1	1	1	11
4. Non-Narcotic													1
5. Other													1
6. Not shown													1
G. Employed													
Employed	6	15	10	22	11	11	18	18	1	43	75	35	255
Weekly Income (Avr.)	100	100	100	100	100	100	100	100	100	100	100	100	100
H. Unemployed													
Unemployed	11	14	11	10	6	17	92	159	16	167	662	172	1973
I. Education (Avr. Years)													
Education (Avr. Years)	9	9	9	9	11	9	9	9	10	10	9	9	9
DISPOSITION (DEFENDANT)													
1. Released/Supervised													
Released	25	104	60	61	35	30	71	114	50	262	455	182	1505
2. Held for Grand Jury													
Held for Grand Jury	1	1	1	1	1	1	1	1	1	1	1	1	11
3. Jail/Prison Term													
Jail/Prison Term	1	1	1	1	1	1	1	1	1	1	1	1	11
4. Private Counsel													
Private Counsel	1	1	1	1	1	1	1	1	1	1	1	1	11
5. Other (Not Shown)													
Other (Not Shown)	1	1	1	1	1	1	1	1	1	1	1	1	11

DISTRICT NO. 2 - 12
 DETAILED STATISTICAL REPORT
 COURTS: District & Circuit
 JULY 1, 1972 to June 30, 1973

WORKLOAD

The Office of the Public Defender provided counsel for _____ 12,106
 indigent defendants, facing a total of charges _____ 70,112

DISPOSITION

Private counsel was retained in _____ 364
 cases. Of the balance represented _____ 50
 defendants were held for the Grand Jury
 representing approximately _____ .6%

Prison/Jail/Correctional Institution terms were received in _____ 2382
 cases, representing approximately _____ 20.2%

The balance of _____ 5210
 defendants were released, either under some sort of
 supervision or as a result of dismissals or findings of
 innocence, representing approximately _____ 79.1%
 of the total cases.

ACTIVITY

The daily average of completed cases was _____ 16.7%

PROFILE

The overall profile of the average defendant seeking
 representation by the office of the Public Defender is
 a young _____ 26
 year-old Caucasian, who represents _____ 63.6%
 of the defendants, with an unemployment rate of _____ 55.3%

The majority of the defendants or approximately _____ 86.1%
 are male.

Approximately _____ 32.7%
 are head of household.

Those shown on welfare are _____ 7.3%

Those addicted to drugs in one form or another are _____ 26.1%

The average weekly wage of those shown is _____ \$80

The average education in years is _____ 10

Of the total charges, _____ 75.6%
 are misdemeanors.

DISTRICT NO. 2-12
 STATE OF NEW YORK
 COUNTY OF ALBANY & Circuit
 RETURNED July 1, 1973 to 200 20, 1973

	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	TOTAL
Total Cases Available	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	12,000
Total Charges Available	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	12,000
Not shown													
TYPES OF CHARGES													
Felony	225	225	143	227	225	172	117	172	141	140	174	166	1,629
Misdemeanor	775	775	857	773	775	828	883	828	859	860	826	834	10,371
Not shown													
DISPOSITION OF CHARGES													
A. Plead guilty	116	121	101	206	132	111	197	141	144	203	175	222	2,028
B. Adjudicated guilty	225	225	143	227	225	172	117	172	141	140	174	166	1,629
C. Plead not guilty	775	775	857	773	775	828	883	828	859	860	826	834	10,371
D. Not guilty	116	121	101	206	132	111	197	141	144	203	175	222	2,028
E. Dismissed	775	775	857	773	775	828	883	828	859	860	826	834	10,371
F. Held for grand jury	116	121	101	206	132	111	197	141	144	203	175	222	2,028
G. W/o disposition	775	775	857	773	775	828	883	828	859	860	826	834	10,371
H. W/o	775	775	857	773	775	828	883	828	859	860	826	834	10,371
I. Forfeited	116	121	101	206	132	111	197	141	144	203	175	222	2,028
J. Charge(s) reduced	116	121	101	206	132	111	197	141	144	203	175	222	2,028
K. Sett	116	121	101	206	132	111	197	141	144	203	175	222	2,028
L. Adjudicated guilty	116	121	101	206	132	111	197	141	144	203	175	222	2,028
M. Adjudicated guilty	116	121	101	206	132	111	197	141	144	203	175	222	2,028
N. Other	116	121	101	206	132	111	197	141	144	203	175	222	2,028
Not shown													
DEPENDENT CHARACTERISTICS													
1. Charge(s)	116	121	101	206	132	111	197	141	144	203	175	222	2,028
2. None	775	775	857	773	775	828	883	828	859	860	826	834	10,371
3. Forfeited	116	121	101	206	132	111	197	141	144	203	175	222	2,028
4. Other	116	121	101	206	132	111	197	141	144	203	175	222	2,028
5. Other	116	121	101	206	132	111	197	141	144	203	175	222	2,028
6. Other	116	121	101	206	132	111	197	141	144	203	175	222	2,028
Not shown													

	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	TOTAL
B. Sex													
1. Male	475	500	315	602	575	575	631	542	549	606	458	502	6,155
2. Female	525	500	685	398	425	425	369	458	451	354	368	422	5,845
C. Age													
0-20 years	225	225	143	227	225	172	117	172	141	140	174	166	1,629
21-25 years	775	775	857	773	775	828	883	828	859	860	826	834	10,371
26-30 years	116	121	101	206	132	111	197	141	144	203	175	222	2,028
31-35 years	116	121	101	206	132	111	197	141	144	203	175	222	2,028
36-40 years	116	121	101	206	132	111	197	141	144	203	175	222	2,028
41-45 years	116	121	101	206	132	111	197	141	144	203	175	222	2,028
46-50 years	116	121	101	206	132	111	197	141	144	203	175	222	2,028
51 & over	116	121	101	206	132	111	197	141	144	203	175	222	2,028
Not shown													
D. Head of Household													
1. Head of Household	225	225	143	227	225	172	117	172	141	140	174	166	1,629
E. Welfare Recipient													
1. Welfare Recipient	116	121	101	206	132	111	197	141	144	203	175	222	2,028
F. Aliens													
1. Alien	75	76	113	116	113	117	155	127	141	146	112	151	1,163
2. Alien	75	76	113	116	113	117	155	127	141	146	112	151	1,163
3. Alien	75	76	113	116	113	117	155	127	141	146	112	151	1,163
4. Alien	75	76	113	116	113	117	155	127	141	146	112	151	1,163
5. Other	75	76	113	116	113	117	155	127	141	146	112	151	1,163
6. Not shown													
G. Employed													
1. Employed	225	225	143	227	225	172	117	172	141	140	174	166	1,629
Weekly Income (avg.)	116	121	101	206	132	111	197	141	144	203	175	222	2,028
H. Unemployed													
1. Unemployed	116	121	101	206	132	111	197	141	144	203	175	222	2,028
I. Education (Avg. Years)													
1. Education (Avg. Years)	116	121	101	206	132	111	197	141	144	203	175	222	2,028
DISPOSITION (DEPENDENT)													
1. Released/Supervised	116	121	101	206	132	111	197	141	144	203	175	222	2,028
2. Held for grand jury	116	121	101	206	132	111	197	141	144	203	175	222	2,028
3. Adjudicated guilty	116	121	101	206	132	111	197	141	144	203	175	222	2,028
4. Forfeited	116	121	101	206	132	111	197	141	144	203	175	222	2,028
5. Other (Not shown)	116	121	101	206	132	111	197	141	144	203	175	222	2,028

JUVENILE PROCEDURES

Elsewhere in this report appear numerous references to our operation in the Juvenile Courts throughout the State. Because of what seems to be a general lack of knowledge of our functioning in the juvenile area, we feel it vitally important that our procedural policy in juvenile cases be clearly stated. It is in fact quite simple. Our staff and panel attorneys operate in the Juvenile Courts on the exclusive premise that the adversary system is the most reliable and just method of fact finding, and that the indigent juvenile has a constitutional if not a moral right to an attorney who will defend him competently and vigorously to the fullest extent of the law, and not attempt to play the role of father, judge, probation officer, or social service worker.

We are fortified in the strength of our advocacy position not only by the results obtained for our juvenile clients as shown in the statistics, but because we earnestly believe that only through such type of legal representation is the accused juvenile or adult afforded a fair and just trial.

DISTRICT NO. 1-12
 JUVENILES
 Detailed Statistical Report
 July 1, 1972 to June 30, 1973

WORKLOAD

The Office of the Public Defender provided counsel for _____ 6883
 indigent defendants, facing a total of charges _____ 8617

DISPOSITION

In addition to the above, private counsel was retained in _____ 377
 cases.

Correctional Institution terms were received in _____ 932
 cases representing approximately _____ 13.3%
 of the total cases.

The balance of _____ 5951
 defendants were released, either under some sort of supervision or as a result of
 dismissals or findings of not delinquent, representing approximately _____ 86.5%
 of the total cases.

The daily average of completed cases was _____ 27.6

The overall profile of the average defendant seeking representation by the
 Office of the Public Defender is a young, approximately _____ 19
 year old Negro who represents _____ 65%
 of the defendants, with an unemployment rate of _____ 53%

The majority of the defendants or approximately _____ 68%
 are male.

Approximately _____ 3%
 are head of household.

Those shown on welfare are _____ 21.5%

Those addicted to alcohol and/or drugs in one form or another are _____ 5.1%

The average education, in years is _____ 12
 Of the total charges, _____ 63.3%

JUVENILE STATISTICS

DISTRICT NO. 1-12

PERIOD: July 1, 1972 to June 30, 1973

	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	TOTAL
TYPE OF CASE:													
Police	250	190	200	183	180	180	180	180	180	180	180	180	180
Admission to Institution	1	1	1	1	1	1	1	1	1	1	1	1	1
Others	1	1	1	1	1	1	1	1	1	1	1	1	1
TOTAL CASES FILED	252	192	202	185	182	182	182	182	182	182	182	182	182
FEELINGS	260	211	200	185	185	185	185	185	185	185	185	185	185
REVISIONS	1	1	1	1	1	1	1	1	1	1	1	1	1
TOTAL CASES FILED	261	212	201	186	186	186	186	186	186	186	186	186	186
DISPOSITION (REQUIREMENTS):													
Referred	212	212	212	212	212	212	212	212	212	212	212	212	212
Committed to Governmental Inst.	1	1	1	1	1	1	1	1	1	1	1	1	1
Referred to Probation	1	1	1	1	1	1	1	1	1	1	1	1	1
Institution for Delinquents	1	1	1	1	1	1	1	1	1	1	1	1	1
Committed or referred to non-Juvenile Institution	1	1	1	1	1	1	1	1	1	1	1	1	1
Other Institution	1	1	1	1	1	1	1	1	1	1	1	1	1
PEACE OFFICERS FILED	180	180	180	180	180	180	180	180	180	180	180	180	180
PEACE OFFICERS COMMITMENTS	79	114	103	116	123	135	142	149	159	137	124	123	1400
NOT INCLUDED IN ABOVE													
Private Counsel	15	28	23	20	14	21	25	13	13	17	20	22	377
Private Counsel	1	1	1	1	1	1	1	1	1	1	1	1	1
Private Counsel	1	1	1	1	1	1	1	1	1	1	1	1	1
No. of days represented													
Exceptions taken													

	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	TOTAL
DISPOSITION BY CATEGORY													
A. RACE													
1. White	123	108	106	107	101	101	101	101	101	101	101	101	101
2. Negro	1	1	1	1	1	1	1	1	1	1	1	1	1
3. American Indian													
4. Oriental													
5. Other	1	1	1	1	1	1	1	1	1	1	1	1	1
B. Sex													
1. Male	369	463	401	372	327	310	321	314	316	316	316	316	316
2. Female	1	1	1	1	1	1	1	1	1	1	1	1	1
C. Age - Time of Offense													
1. Juveniles													
0-15 years	164	111	122	125	120	124	123	121	125	121	120	120	120
16-18 years	1	1	1	1	1	1	1	1	1	1	1	1	1
Not Specified	1	1	1	1	1	1	1	1	1	1	1	1	1
D. Head of Household	1	2	2	5	1	1	1	2	1	1	1	2	27
E. Welfare Recipient	85	110	111	179	130	112	121	110	169	137	125	81	1501
F. Addictions													
1. Alcohol	5	10	6	7	2	1	1	1	1	1	1	1	1
2. Narcotics	11	15	1	1	1	1	1	1	1	1	11	10	10
3. Marijuana	1	1	1	1	1	1	1	1	1	1	1	1	1
4. Non-Narcotic	1	1	1	1	1	1	1	1	1	1	1	1	1
5. Other	1	1	1	1	1	1	1	1	1	1	1	1	1
6. Unknown	1	1	1	1	1	1	1	1	1	1	1	1	1
G. Employed	39	55	66	10	36	15	28	26	53	11	10	10	199
H. Unemployed	383	157	121	636	577	165	177	600	161	100	607	168	600
I. Education (Avg. Yrs.)	6.5	6.4	6.3	6.1	6.2	6.1	6.1	6.1	6.1	6.1	6.1	6.1	6.1

DISTRICT NO. 1
 JUVENILES (U - 7 District & 1 Judge)
 Statistical Report
 July 1, 1972 to June 30, 1973

WORKLOAD

The Office of the Public Defender provided counsel for _____ 5112
 indigent defendants, facing a total of charges _____ 4157

DISPOSITION

In addition to the above, private counsel was retained in _____ 318
 cases.
 Correctional Institution terms were received in _____ 618
 cases representing approximately _____ 17.1
 of the total cases.
 The balance of _____ 1524
 defendants were released, either under some sort of supervision or as a result of
 dismissals or findings of not delinquent, representing approximately _____ 68.7
 of the total cases.
 The daily average of completed cases was _____ 20.7
 The overall profile of the average defendant seeking representation by the
 Office of the Public Defender is a young, approximately _____ 15
 year old negro who represents _____ 66.7
 of the defendants, with an unemployment rate of _____ 52.7
 The majority of the defendants or approximately _____ 66.7
 are male.
 The number of defendants who are head of household _____ 1
 Those shown on welfare are _____ 16.27
 Those addicted to alcohol and/or drugs in the term or another are _____ 1.2
 The average weekly wage of those shown is _____ 3.0
 while the average education in years is _____ 6
 Of the total charges, _____ 10.37
 are misdemeanors.

JUVENILE STATISTICS

DISTRICT NO. 1

PERIOD: July 1, 1977 to June 30, 1978

	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	TOTAL
TYPE OF CASE													
Delinquency	336	306	290	166	288	366	387	334	472	372	366	312	4450
Waiver of Jurisdiction	1	1	1	1	1	1	1	1	1	1	1	1	12
Others (incl. Status)	1	1	1	1	1	1	1	1	1	1	1	1	12
TOTAL CASES FILED	338	308	292	168	290	368	389	336	474	374	368	314	4474
DISPOSITION (REMARKS)													
Released	157	157	163	307	233	168	231	177	296	145	169	152	2110
Committed-Juvenile Inst.	1	1	1	1	1	1	1	1	1	1	1	1	12
Detention Supervision	1	1	1	1	1	1	1	1	1	1	1	1	12
Detention Not Supervised	1	1	1	1	1	1	1	1	1	1	1	1	12
Committed or Detained Non-Juvenile Institution	1	1	1	1	1	1	1	1	1	1	1	1	12
Other Disposition	1	1	1	1	1	1	1	1	1	1	1	1	12
HIGH JUVENILE RECORD	137	146	140	106	220	217	253	194	267	165	206	166	2178
PREVIOUS COMMITTEES	63	54	76	79	105	87	117	120	102	61	92	110	1110
NOT INCLUDED IN ABOVE													
Private Counsel	13	27	31	26	15	26	30	36	40	15	36	22	315
Refused	1	1	1	1	1	1	1	1	1	1	1	1	12
Refused Service	1	1	1	1	1	1	1	1	1	1	1	1	12
No. of Cases Withdrawn	1	1	1	1	1	1	1	1	1	1	1	1	12
Exceptions Unit	1	1	1	1	1	1	1	1	1	1	1	1	12

	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	TOTAL
DISPOSITION BY RACE													
A. Race													
1. Caucasian	27	27	27	11	27	26	20	20	115	61	50	20	571
2. Negro	209	279	263	155	261	342	367	314	359	313	316	292	3880
3. American Indian	1	1	1	1	1	1	1	1	1	1	1	1	12
4. Puerto Rican	1	1	1	1	1	1	1	1	1	1	1	1	12
5. Oriental	1	1	1	1	1	1	1	1	1	1	1	1	12
6. Other	1	1	1	1	1	1	1	1	1	1	1	1	12
DISPOSITION BY SEX													
B. Sex													
1. Male	306	281	274	145	265	345	367	316	463	354	377	320	4411
2. Female	32	27	18	23	25	23	22	20	11	11	19	16	167
DISPOSITION BY AGE - TIME OF OFFENSE													
C. Age - Time of Offense													
1. Juveniles													
6-15 years	112	111	103	218	162	173	178	112	211	113	170	165	2221
16-18 years	226	197	189	150	126	195	210	124	263	261	196	149	2253
DISPOSITION BY HEAD OF HOUSEHOLD													
D. Head of Household	1												1
DISPOSITION BY WELFARE RECIPIENT													
E. Welfare Recipient	20	102	122	157	114	58	55	99	162	126	120	71	1218
DISPOSITION BY ADDICTIONS													
F. Addictions													
1. Alcohol	3	9	1		1	1	3	3		2	1	2	26
2. Narcotics	11	14	1	1	1	1	1	1	1	1	1	1	34
3. Marijuana	1	1	1	1	1	1	1	1	1	1	1	1	12
4. Non-Narcotic	1	1	1	1	1	1	1	1	1	1	1	1	12
5. Other	1	1	1	1	1	1	1	1	1	1	1	1	12
6. Unknown	1	1	1	1	1	1	1	1	1	1	1	1	12
DISPOSITION BY EMPLOYMENT													
G. Employed	26	14	14	34	20	18	19	25	47	24	28	21	352
Avg. Weekly Income	\$12	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10
DISPOSITION BY UNEMPLOYMENT													
H. Unemployed	312	293	278	134	170	250	170	111	127	142	138	145	1826
DISPOSITION BY EDUCATION													
I. Education (Avg. Yrs.)	6	6	6	6	6	6	6	6	6	6	6	6	6

DISTRICT NO. 2 - 12
 JUVENILES
 Detailed Statistical Report
 July 1, 1972 to June 30, 1973

WORKLOAD

The Office of the Public Defender provided counsel for _____ 1761
 indigent defendants, facing a total of charges _____ 1760

DISPOSITION

Private counsel was retained in _____ 29
 cases.

Correctional Institution terms were received in _____ 304
 cases representing approximately _____ 16%
 of the total cases.

The balance of _____ 1427
 defendants were retained, either under some sort of supervision or as a result of
 dismissals or findings of not delinquent, representing approximately _____ 82%
 of the total cases.

The daily average of completed cases was _____ 7

The overall profile of the average defendant being represented by the
 Office of the Public Defender is a young, approximately _____ 14
 year old caucasian who represents _____ 81.5%

of the defendants, with an unemployment rate of _____ 91.7%

The majority of the defendants or approximately _____ 78.3%

are male. Approximately _____ 1.3%

of the defendants are head of households.

Those shown on welfare are _____ 8.8%

Those addicted to alcohol and/or drugs in one form or another are _____ 32.8%

The average weekly wage of those shown is _____ \$5.00

while the average education in years is _____ 11.7%

Of the total charges, _____ 21.7%

are misdemeanors.

JUVENILE STATISTICS

DISTRICT NO. 2-12

PERIOD: July 1, 1972 to June 30, 1973

	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	TOTAL
TITLE OF OFFENSE													
Robbery	51	68	105	117	122	61	111	127	67	107	117	122	1,195
Carjacking													
Other	11	1	1	1	1	1	1	1	1	1	1	1	11
TOTAL CARJACKING	22	12	23	11	13	23	12	13	13	13	12	13	132
Felonyes	51	71	50	62	67	66	16	17	8	18	73	111	518
Misdemeanors	11	1	1	1	1	1	1	1	1	1	1	1	11
TOTAL OFFENSES	100	100	100	100	100	100	100	100	100	100	100	100	1,000
DISPOSITION (RECEIPIENTS)													
Admitted	21	11	17	10	20	26	18	11	10	23	16	16	165
Committed to State	1	1	1	1	1	1	1	1	1	1	1	1	11
Probation	1	1	1	1	1	1	1	1	1	1	1	1	11
Committed to Juvenile Inst.	1	1	1	1	1	1	1	1	1	1	1	1	11
Other Disposition	1	1	1	1	1	1	1	1	1	1	1	1	11
PREVIOUS COMMITMENTS	16	15	27	17	16	18	25	25	27	23	20	13	205
NOT INCLUDED IN ABOVE													
State													
Private Counsel	2	1	2	1	3	2	3	6	1	2	3		25

	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	TOTAL
A. Race													
1. Caucasian	10	63	74	60	77	61	61	112	53	158	57	76	1,000
2. Negro	12	1	1	1	1	1	1	1	1	1	1	1	11
3. Puerto Rican													
4. American Indian													
5. Chinese													
6. Other	1	1	1	1	1	1	1	1	1	1	1	1	11
B. Sex													
1. Male	60	100	100	117	100	65	116	136	64	178	59	102	1,267
2. Female	6	1	1	1	1	1	1	1	1	1	1	1	11
C. Age - Time of Offense													
1. Juveniles													
0-10 years	26	20	16	27	70	54	55	67	17	128	62	18	726
10-14 years	1	1	1	1	1	1	1	1	1	1	1	1	11
Not known	1	1	1	1	1	1	1	1	1	1	1	1	11
D. Head of Household													
E. Welfare Recipient	3	6	22	22	16	11	26	11	7	6	5	13	153
F. Addictions													
1. Alcohol	2	1	5	7	2	3	1	2	2	4	2	1	32
2. Narcotics													
3. Marijuana													
4. Non-narcotic													
5. Other													
6. Unknown	1	1	1	1	1	1	1	1	1	1	1	1	11
G. Employed	10	11	14	6	11	6	6	11	7	17	8	15	111
Avg. Weekly Income	\$10	\$11	\$14	\$6	\$11	\$6	\$6	\$11	\$7	\$17	\$8	\$15	\$111
H. Unemployed	56	115	119	113	101	103	127	108	103	237	126	122	1,000
I. Education (Avg. Yrs.)	9	9	9	9	9	9	9	9	9	9	8	9	9

END

7-11-1944