

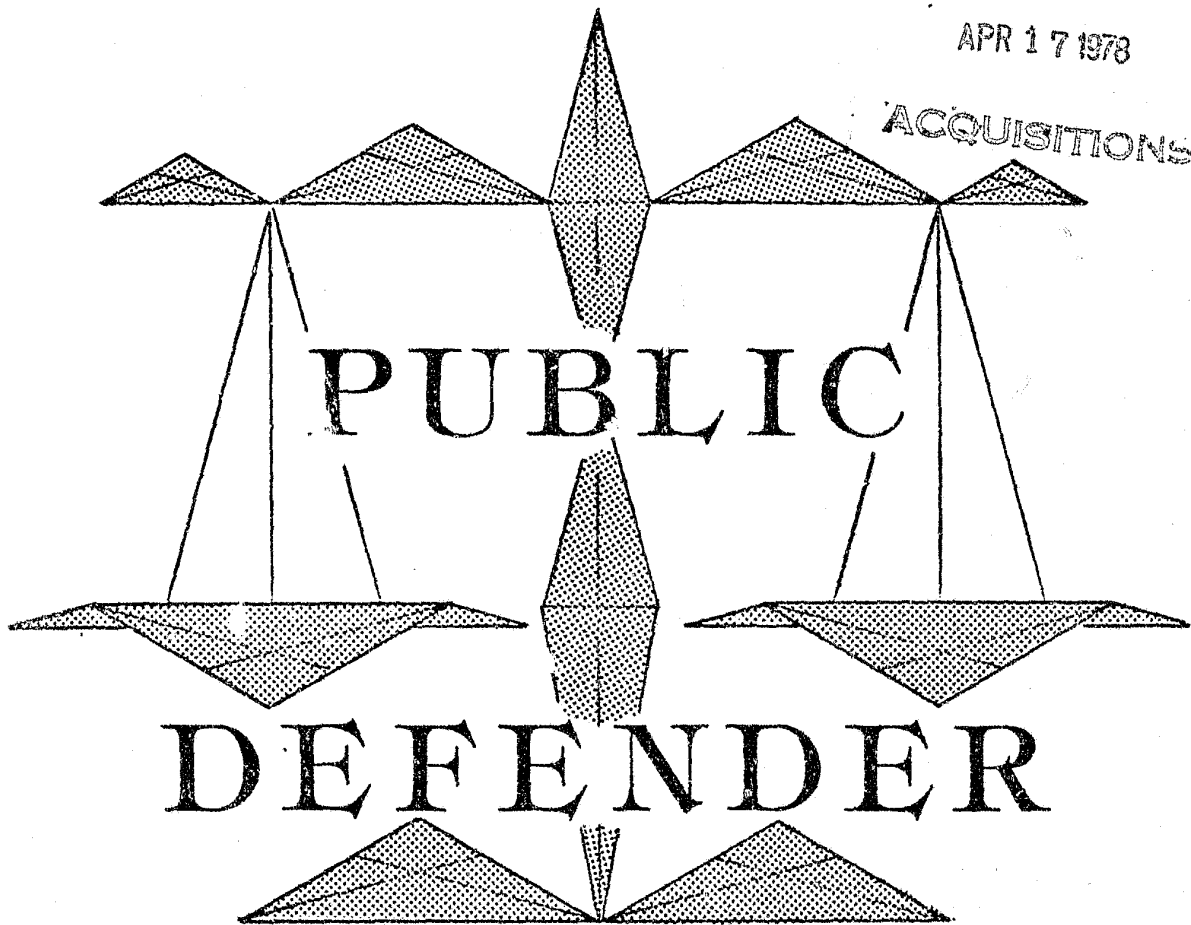
ANNUAL REPORT

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ACQUISITIONS



COUNTY OF SANTA CLARA
CALIFORNIA

Office of the Public Defender
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46690

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PUBLIC DEFENDER

County of Santa Clara
California

ANNUAL REPORT

FISCAL YEAR 1976-77

I. JURISDICTION AND AUTHORITY

Santa Clara County Ordinance Code Section A22-51 and California Government Code Section 22706 authorize the Public Defender to provide legal representation to persons financially unable to employ private counsel in criminal and related cases, to minors in Juvenile Court proceedings, and to alleged mentally ill persons.* Since 1974, the California Legislature has extended the responsibilities of public defenders to civil cases -- requiring that legal assistance be provided in adoptions (Civil Code sec. 237.5), commitments of developmentally disabled persons (Health and Safety Code secs. 38009.2 and 38451), and probate conservatorships (Probate Code secs. 1461.5, 1606, and 2006).

The Santa Clara County Public Defender's office endeavors to provide vigorous, competent legal representation in compliance with statutory and constitutional requirements and professional standards. This assistance is provided in all of the courts of Santa Clara County (including Superior, Juvenile, Municipal and Justice Courts) and in the State Appellate and Federal Courts in appeals and writ proceedings.

* Although indigency is not required for public defender representation for minors in juvenile cases (W&I Code §700) or mentally ill persons (W&I Code §5276), reimbursement for legal services by parents or guardians is statutorily authorized.

II. OPERATIONS

A. General Activities

1. Legal Division: During FY 1976-77, the Department opened 25,936 new cases, compared to 24,304 cases during the previous year -- an increase of 6.3%. The legal staff (averaging 54.5 attorneys throughout the year) made 65,299 court appearances, for an average rate of 475.9 new cases and 1,198 court appearances per attorney, or 2.2 new cases and 5.4 court appearances per staff attorney every working day. The attorneys conducted 285 jury trials, 732 motion hearings, and 1,938 felony preliminary hearings. The average cost-per-case was \$98.51, compared to appointed private counsel costs of \$584.29 per case in conflict cases.*

All applicants for services were carefully screened to insure that services were provided only to qualified persons unable to afford private counsel. As a result, 2,508 applicants were either rejected, referred to bar association referral panels, or they secured private counsel after partial services

The largest caseload increase occurred in the Juvenile Court -- 3,295 cases compared to 2,677 the previous year for an increase of 23.1%. This resulted from new Juvenile Court legislation (AB 3121) which became effective January 1, 1977. (See discussion infra at p.5.) A substantial 13% increase was also experienced in Mental Health cases -- from 5,064 to 5,723 cases.

* Total cost for private counsel appointments during 1976-77 was \$610,003 for 1,044 claims paid. See Appendix H.

The following compares cases opened in each major case category with the cases opened during the previous year:

	<u>1975-76</u>	<u>1976-77</u>	<u>% (\pm)</u>
Felonies	4,796	5,492*	+13.7
Misdemeanors	10,186	10,998*	+ 7.9
Juveniles	2,677	3,295	+23.1
Mental Health	5,064	5,723**	+13.0
Special Proceedings	<u>1,539</u>	<u>428*</u>	<u>(-) 72.2</u>
	24,262	25,936	+ 6.9

These cases required 33,333 legal, investigative, and social worker interviews.

2. Investigation Division: The growth in the Department's Investigation Division workload activity by case category was as follows:

	<u>1975-76</u>	<u>1976-77</u>	<u>% (\pm)</u>
Felonies	587	641	+ 9.2
Misdemeanors	846	879	+ 3.9
Juvenile	131	230	+75.6
Mental Health	<u>4</u>	<u>5</u>	<u>+25.0</u>
	1,568	1,755	+11.9

* The felony case count includes 626 felony probation violation cases which were previously counted as "Special Proceedings." Likewise, the misdemeanor cases include probation violation cases which were formerly counted as "Special Proceedings." These are more accurately counted as felonies or misdemeanors. Without these changes, the felony increase would be 4.6% and the misdemeanor increase 3.5%, and Special Proceedings would be 1527 total cases, or a slight decrease of 0.99%.

** This figure includes 1,175 cases which required court representation and 4,211 cases of non-court legal representation.

Not reflected in the above figures is the work of subpoenaing witnesses which absorbed large blocks of investigative time in cases which required no other services; these are not reflected in the caseload count. The Department's investigators also interviewed 4,621 witnesses compared to 4,291 during the previous year, an increase of 7.7%.

3. Administrative Services Division: This division provides important secretarial and clerical services needed to prepare and process case files, correspondence, and legal briefs, transcribe recorded statements, calendar court appearances, receive office visitors, operate telephones and other office equipment, and record workload statistics. During 1976-77, the staff of this division opened and processed 25,936 new case files, calendared 65,299 court appearances, and received more than 10,000 office visitors, and prepared legal memoranda and briefs in support of more than 700 motions, writs and appeals.

B. Special Problems -- Mental Health and Juvenile Court Legislation.

New mental health and juvenile court legislation had a substantial impact upon the Department's workload during 1976-77. These included: requiring more intensive prosecution of juvenile offenders (Ch. 1071, 1976 Stats. (AB 3121)); requiring defender services in public and private probate

conservatorship proceedings (Ch. 1357, 1976 Stats. (AB 1417)); requiring defender services in Lanterman-Petris-Short (LPS) Act conservatorship proceedings for the developmentally disabled (Ch. 694, 1975 Stats. (AB 1421), amending Health and Safety Code sec. 416.95); requiring appointment of the public defender in judicial proceedings to commit developmentally disabled persons residing in state hospitals* (Ch. 1364, 1976 Stats. (AB 3800), adding Health and Safety Code sec. 38009.2).

The following reports the impact of these new laws on the Department's Juvenile Court and Mental Health Sections:

1. Juvenile Court Section -- AB 3121.

The features of this bill which affected the Department's workload included a requirement that the district attorney appear at all stages of every juvenile court proceeding, thereby making the process more formal and adversary; designation of numerous criminal offenses that, if committed by a minor of the age of 16 years or older, raises a presumption that such a minor is "unfit" for juvenile court treatment; and placement of the burden of proof on the defense to show that such a minor is suitable for juvenile court treatment.

As a result, additional public defender staffing was requested to meet these new burdens. Four new positions were

* Heretofore, the Department was required to represent developmentally disabled persons in probate conservatorships (Prob. Code sec. 1461.5) and on petitions for writs of habeas corpus at new state hospital commitments (Health and Safety Code sec. 38451 (formerly sec. 38121)).

allowed including one (1) attorney, one (1) investigator, one (1) legal stenographer, and one (1) social worker. Three other positions (two (2) attorneys and one (1) legal aide) were approved but frozen to determine if the increased workload would later warrant filling those positions. In April, 1977, two of the latter three positions (one (1) attorney and one (1) legal aide) were unfrozen to meet the workload increase.*

As anticipated, AB 3121 had a substantial impact on workload during the last four months of FY 1976-77, when the district attorney's staff became fully operational in the juvenile court. During that period, the monthly caseload in delinquency matters (Welf. & Insts. Code sec. 602) increased 45%, and more significantly, contested dispositional hearings increased by 40%.

2. Mental Health Section -- AB 1417, AB 1421, and AB 3800.

AB 1417. This legislation requires that the Department provide legal assistance to probate conservatees in: 1) all new public guardian conservatorship petitions; 2) selected new private conservatorship petitions; 3) all annual reviews of new conservatorships; and 4) all reviews of existing public and private conservatorships over a three-year period.

These duties were placed upon an already overloaded Mental Health Section staff of two attorneys and one legal aide.

* In August, 1977, during the 1977-78 budget hearing, the remaining attorney position was unfrozen and re-allocated to the Mental Health Section. (See discussion infra.)

(During FY 1975-76, they provided legal services to 5,064 persons -- an increase of 152.7% over the previous year.)

In February, 1977, an additional temporary (extra-help) attorney was authorized to cope with these new duties until the summer budget session when an additional attorney was allowed (reallocated from the frozen juvenile court attorney position) to handle these cases and those of the developmentally disabled. (See below.)

AB 1421 and AB 3800. These statutes require public defender representation for the developmentally disabled.* During 1976-77 a total of 109 such cases were received. While the number of these cases was relatively small, they took considerably more time because of difficulties in communication with developmentally disabled persons. The assistance in these cases frequently involves arranging alternative community placements to support requests for out-patient release. Such services can be performed more effectively and economically by social worker support staff.

C. Achievements.

1. Dispositional "Success" Rates In Trials And Settlements.

An assessment of staff effectiveness can be made on the

* Agnew State Hospital (a facility located in the County) is a regional center for developmentally disabled persons and includes non-residents as well as residents of the County. Reimbursement for services to out-of-county residents is authorized and has been referred to the County Counsel for action.

basis of favorable case dispositions, including acquittals, dismissals and reduced charges. The following presents these "success" rates in trials, preliminary hearings, motions, and settlements during the year:

TRIALS

FELONIES (Superior Court)

	<u>Jury Trials</u>	<u>Court Trials</u>
Found Not Guilty	13	3
Found Guilty Lesser Offense	72	14
Found Guilty as Charged	<u>38</u>	<u>6</u>
<u>Totals</u>	123*	23
<u>**Success Rates</u>	<u>69% [54%]</u>	<u>74% [55.5%]</u>

*(Includes 17 murder trials of which 7 defendants were found not guilty and 7 were found guilty of lesser charges -- an 83% success rate.)

** (Includes total of acquittals and lesser findings. Percentages in brackets show rates of previous year.)

MISDEMEANORS (Municipal and Justice Courts)

Found Not Guilty	49
Found Guilty Lesser Charge	19
Found Guilty as Charged	<u>94</u>
<u>Total</u>	162
<u>Success Rate:</u>	<u>42% [39%]</u>

PRELIMINARY HEARINGS (Felonies in Municipal/Justice Courts)

Dismissals	290
Diversions	40
Pleaded Guilty to Lesser Charges	78
Pleaded Guilty as Charged	60
Held to Answer on Lesser Charge	192
Held to Answer as Charged	<u>1,556</u>
<u>Total</u>	2,216
<u>*Success Rate:</u>	<u>29.7% [32%]</u>

*(Includes dismissals, diversions, and pleas and findings on lesser charges.)

MOTIONS (Municipal and Justice Courts)

To Suppress Illegally Seized Evidence (Penal Code §1538.5 and Other Motions:

Motions Granted	168
Motions Denied	<u>169</u>
<u>Total</u>	337
<u>Success Rate:</u>	<u>50% [60%]</u>

SETTLEMENTS

Felonies

Dismissals Before Trial	92
Pleaded Guilty to Lesser Charge	1221
Pleaded Guilty as Charged (With and Without Conditions)	<u>326</u>
<u>Total</u>	1639
<u>*Success Rate:</u>	<u>80% [81%]</u>

*(Includes dismissals and pleas to lesser charges.)

Misdemeanors

Diversions	283
Dismissals Before Trial	1367
Pleaded to Lesser Charges	2659
Pleaded Guilty as Charged (With or Without Conditions)	<u>2884</u>
<u>Total</u>	7193
<u>Success Rate:</u>	<u>59.9% [60.2%]</u>

2. Juvenile Court Social Services Program. In the Spring of 1976 the Department's first social worker position (Grade V) was filled by Ms. Lynne Woodward. She holds a Master's Degree and has an extensive background in child protective services. In March 1977, a second social worker position (Grade IV) was authorized and was filled by Ms. Sandra Clark. These positions were allowed to provide necessary support services in child neglect cases (Wel. & Insts. Code §300 (formerly Wel. & Insts. Code §600)). (See discussion of the origin and justification for these support services in the 1975-76 Annual Report, pp. 10-11.)

During 1976-77, social work support services were required in 335 cases. The social workers made 2776 personal contacts and interviews and 171 court appearances, and they prepared and submitted alternative dispositions in 200 cases, of which 156 were fully accepted by the court and 23 were partially accepted -- a success rate of 89.5%.

In addition to providing a necessary adjunct to legal assistance in such cases, the social workers assisted clients in attempting to modify their behavior to avoid further difficulty and involvement in the juvenile justice system. The following are several examples of their successful casework:

A mother of four children had experienced an emotional breakdown and psychiatric hospitalization following the crib death of her infant. She requested voluntary court placement of her children during her illness. She recuperated but the court denied her request for return of the children from their foster home because the court's supervising social worker felt the mother "was not ready for them." Our MSW determined that the mother's "parenting strengths" were sufficient to allow for her children's return and was able to provide persuasive information to convince the court to return the children and ultimately to terminate wardship.

A 35-year old husband who was incarcerated for severe wife beating stemming from chronic alcohol abuse was enrolled in the Sidney Mills Alcohol Rehabilitation Program, which he successfully completed, and was able to end the destructive relationship with his wife, enroll in college and begin work on his contractor's license. Supportive counseling was provided by our MSW during the duration of his stay at Mills. He was extremely grateful that his public defender recognized and supported his need for alcohol treatment rather than incarceration.

A 14-year old boy whose father was deceased and whose mother was overwhelmed with responsibilities turned to a life of petty crimes in desperation, feeling no one cared for him. Our MSW learned of his intense suicidal ideation based on the fact that at the age of eight he had witnessed his father's suicide. The court, in light of the real reasons for the boy's self-destructive behavior, changed its disposition from the California Youth Authority to private institutional placement where the boy could receive psychiatric help for his depression.

A young mother, new to California with no family or friends here, was referred to the police for creating a drunken disturbance. In the process of the police investigation, it was determined, based on the report of a hostile neighbor with whom she had refused a sexual relationship, that she was an unfit mother and that her young baby should be removed from her custody. We were able to show that this woman was a very caring, more than adequate mother. Her argument with a neighbor did not interfere with her parenting abilities in any way. The District Attorney dismissed her case in the interest of justice.

A 15-year old, illiterate boy had been institutionalized since age seven in a foster home and group homes as a chronic delinquent. As a result of our MSW's assistance, he was returned to his mother's custody and an appropriate day treatment facility where he could have psychiatric treatment and remedial education for his severe emotional and learning difficulties. Before that, both he and his mother had been considered total failures. The child's delinquent behavior was his way of rebelling against separation from his mother, and since his return home he has made substantial gains. Through casework intervention, the mother now sees herself as having sufficient parenting skills to be able to help her son with his problems and is providing a supportive family environment for him. He has exhibited no further delinquent behavior since his return home.

These "success" stories would not have been possible without the supportive services provided by the Department's social workers as a necessary adjunct to provision of competent counsel in compliance with professional standards. Similar support services in adult cases at sentencing are also required.

3. Community Worker Services by Rev. Henry Rountree.

During 1976, Rev. Henry Rountree joined the Department to fill its second CETA-funded Community Worker position. In addition

to being an ordained minister, Rev. Rountree had experience in community social service activities; this enabled him to provide the legal staff with supportive services to assist clients with problems related to their basic survival needs, (i.e., food, clothing, housing, job training, educational opportunities, and mental health and medical services) which were related to their legal difficulties. As an ordained minister, he was also able to provide counseling services and to perform marriage ceremonies for inmates. In addition, he aided attorney-client relations by explaining the criminal justice system and office procedures to clients, encouraging them to appear in court when required or to surrender after failing to appear, and supplying information to attorneys on available community agencies for dispositional alternatives to assist clients with special problems.

The following is a list of services performed by Rev. Rountree during 1976-77:

Emergency Referrals for Services:

Food	274
Clothing	31
Shelter	83
Transportation (bus)	4
Mental health	15
Medical	<u>12</u>
	419

Matrimonial:

Weddings performed	43
Marital counseling	<u>106</u>
	149

Client Supportive Services:

Counseling	853
Dispositional alternative assistance	59
Supportive surrenders	72
Street survival counseling	42
	<u>1026</u>

Public Relations Contacts:

Churches	53*
Civic organizations	<u>4</u>
	57

*(Churches provided community, financial and other support.)

In the course of these activities, Rev. Rountree also enlisted voluntary community support. The value of the free services provided by these community groups and individuals was considerable. These agencies and groups, which provided both services and funds to clients, included: the Salvation Army, the San Jose Rescue Mission, Friends Outside, House of Hospitality, Community Friends, the Santa Clara County Information and Referral Agency, the St. Paul Baptist Church, the Church of Philadelphia, Bible Baptist Church, the St. Jude Episcopal Church, the Prayer Garden Church of God in Christ, and the Ministers' Community Hotline.

Specific examples of the services provided by Rev. Rountree are the following:

A 25-year old client was released from Elmwood Men's Rehabilitation Center and was offered a construction job on condition that he obtain a pair of steel reinforced work shoes which cost \$54. He did not have this sum but Rev. Rountree arranged with a San Jose shoe store to extend credit to the young man backed by a church guarantee for the repayment. The client received his shoes on credit, got the job which paid him \$6 per hour, has since repaid the shoe store, and is doing well.

A 22-year old client had been "on the road" for a year, was destitute, and had been arrested for stealing food. Though a petty theft charge against him was dismissed, he was depressed and suicidal. He was referred to Rev. Rountree who aided him to return to his home state of Washington, at his request, where his father had just had a heart attack and his mother was alone. Rev. Rountree contacted several agencies and arranged for bus fare, food, and shelter for the client who later wrote that he had obtained a good paying job and was taking care of his parents.

A 29-year old client was charged with drunk driving and had five prior convictions. He was otherwise a law-abiding citizen and self-employed, but he had a fear of jail which caused him to consider running away. Rev. Rountree determined that the client's homosexual tendencies were responsible for his excessive use of alcohol, and when his case came up in court, the probation officer and the judge were amenable to a fine with an alternative program of counseling instead of jail.

Another client, in his late 20's with a five-year record of alcoholism, was charged with breaking a store window to steal two cans of beer. Lacking rapport with his attorney and faced with a violation of felony probation, the client wanted to run away. A mediation-counseling session was set up with the client and his attorney which resulted in the client remaining sober and making his court appearances. In the course of doing this the client telephoned Rev. Rountree on 14 separate occasions and Rev. Rountree made four crisis visits to his home. Thereafter, the client improved his relationship with his attorney and controlled his drinking. (In appreciation for the help he received, the client showed up one day at the office with his guitar to entertain the clerical staff.)

In four separate cases, emergency services were provided to clients who were senior citizens and were on social security or waiting to be qualified and had stolen food because of their hunger. These clients received counseling on survival tactics for senior citizens and the names, addresses and telephone numbers of contacts who could help them obtain their social security, welfare, food, clothing, shelter, and retirement jobs. As a result they are now able to survive without violating the law.

In addition to his regular office duties, Rev. Rountree indirectly aided the work of the Department and the entire criminal justice system by a "street ministry" -- helping young people in trouble with the law. In the course of this, he encouraged persons who were wanted by the police to surrender, and he often accompanied them. During 1976-77 he arranged for the surrender of 72 such persons. He has also aided such persons in seeking to return to self-supporting, law-abiding life-styles by conducting community workshops on "street survival" and "understanding the justice system." Forty-two individuals were assisted in these activities.

Finally, Rev. Rountree has given talks to various church and civic groups about the work of the public defender's office and the criminal justice system -- providing better public understanding for the need and importance of effective assistance of counsel.

The County of Santa Clara and this Department have benefited greatly from Rev. Rountree's services. Unfortunately, the only available position for him in the Department has been Community Worker, Grade I -- a basic "trainee" position far below his personal qualifications and worth. Efforts have been made to upgrade this position but without success as of this writing. Rev. Rountree's work has amply proven both the value and need of this Department for the kind of services which he has so ably provided.

III. NEW PROGRAMS AND PROJECTS

A. Training and Supervision

1. LEAA Training Project. The Department's three-year LEAA-funded training project was concluded on October 31, 1976. It had provided a total of \$136,357 in training services and equipment. Robert A. Weeks, a senior deputy, ably directed the program which provided entry-level training for all new lawyers (including mock trial exercises, introductions to the court system, court personnel and court room observations, and viewing of video tape lectures) and in-service training programs for the entire legal staff, including special seminars, lectures by guest speakers, discussions, and staff meetings. The project also supplied video tape equipment which was used to develop an extensive video tape library consisting of nearly 200 video tapes which is one of the largest defender office video tape libraries in the country. The contents of this library were listed by Mr. Weeks in a six-page "Video Tape-Inventory and Index" which permits staff attorneys to readily locate useful video tapes that are relevant to particular problems or cases.

The project also financed the development and publication of extensive written materials including:

- A two-volume looseleaf notebook of training memoranda and publications on a variety of criminal defense subjects;
- a one-volume, loose-leaf notebook of the Department's Policies and Procedures Manual, provided to each attorney;

- legal memoranda periodically issued to inform the staff on current topics and new developments, designed to maintain their professional competence;
- a trial notebook for each attorney with divider tabs listing key points and issues for proper case preparation.

The project's training officer also provided supervision of new attorneys after their initial entry-level training. This included in-court observations and critiques by the training officer and direct supervision during their first trials. Brief follow-up training sessions were also conducted when required.

Upon its conclusion, the program was evaluated by the National Center for Defense Management of the National Legal Aid and Defender Association. Three highly qualified defender consultants (Professor Shelvin Singer of Chicago, Ill., Professor Norman Lefstein of Durham, Nor. Carolina, and Gustav Goldberger, Director of NCDM, Washington, D.C.) visited the office, interviewed staff members, judges and other criminal justice personnel, and prepared an extensive report, entitled "Training Program Assessment -- Office of the Public Defender, Santa Clara County, California." The consultants recommended continuing and improving the Department's training capability, including:

- retention of the position of training officer;
- provision for continuous staff feedback;
- preparation of a written schedule of training events over a nine to twelve-month period;

- specification of the duties of training officer;
- continuation of entry-level training for new attorneys for a period of at least three weeks;
- extension of the content of entry level training to include the study and briefing of cases dealing with substantive criminal law and procedure as well as mock trial exercises;
- participation of senior attorneys in training exercises;
- continued monitoring and supervision of new attorneys following entry-level training, assisted by senior deputies (e.g., a "buddy" system), continuing for as long as two years with more intensive orientations on transfer to a new section and supplemented with special training manuals;
- continued in-service training with greater involvement of senior staff and with adequate advance publicity;
- culling-out and editing of video tapes that are no longer useful, and publication of a regular schedule for tape viewings;
- improved training of legal aides including techniques of interviewing with video taped mock interview exercises with greater opportunity for observation of pretrial conferences and court proceedings;
- regular meetings by training officer or another senior deputy with the investigators to review recent legal developments and other work-related subjects;
- development of sample checklists of questions for the investigators in questioning on various types of offenses in order to avoid repeat interviews due to missed information.

These recommendations have provided valuable goals for the Department to improve its training program which is vital to maintaining professional competence. The evaluation also

noted the many important accomplishments of the LEAA-funded program and the excellent work of the Department's first training officer, Robert A. Weeks, whose diligence and leadership over the 3-year period of the grant provided the Department with one of the best public defender training programs in the country.

2. New Training Officer Position and Activities. Additional staffing authorized at midyear enabled the Department to carry out the primary recommendation of the training program evaluators -- the establishment of a permanent training officer position. This was made a one-year rotating assignment and was given "Lead-Attorney" designation, allowing a five percent salary differential. Philip H. Pennypacker, a senior deputy, was selected to fill the position during calendar year 1977.

During the last half of 1976-77, the training officer carried on the following activities:

- Entry-Level Training. Each new attorney received approximately two weeks of training, including demonstrations, clinical exercises, and court room observations.
- Continuing Legal Education. Bimonthly programs of one hour duration were presented to staff attorneys by senior deputies whose presentations were capsulized in outlines for distribution. Emphasis was on topics of practical importance, such as the new sentencing law (SB 42), changes in the law of evidence, and eyewitness identification.

- Small Group and Individualized Training. Attorneys being re-assigned were provided small-group lectures or individual discussions on particular problems involved in the new assignment. This training included in-court observation and critiques.
- Training Manuals. A 238-page entry-level training manual was completed, covering a broad range of topics. A preliminary examination manual was also completed and distributed.
- Ethics Program. An innovative video taped series of panel discussions on defense ethics and professional responsibility was initiated covering specific problem areas -- illustrated by skits performed by staff members.
- Training Advisory Group. A training advisory group was organized to assist and advise the training officer on training needs and goals. Surveys were also conducted to improve feedback and assess training needs.
- Seminars. Training seminars presented by outside organizations were publicized within the Department and staff members were selected for attendance and required to report back to the staff.

3. New Superior Court "Lead Attorney" Position. In addition to the Training Officer Lead Attorney position, the Department also received approval in early 1977 for designation of a second Lead Attorney as a supervising position in the Superior Court Felony Trial Section. This position was also made a rotating assignment with the period of rotation set at six months. After a careful survey of the available senior deputies, Grant M. Armstrong was selected as the first deputy assigned to this position. He has provided excellent assistance to the Assistant Public Defender in charge of the Superior Court in supervising

the felony trial staff and in particular the new lawyers assigned to the Felony Trial Section; he has also been in charge of the settlement calendar, relieving the trial staff for more demanding trial preparation, and he has provided a close liaison with the Presiding Judge of the Criminal Division of the Superior Court -- providing the Department with a long overdue supervisory capability. The effect of this has been that felony deputies are better prepared and are ready to proceed with trial or dispose of their cases expeditiously without unnecessary delay.

B. Appointments and Promotions.

In December, 1976, Assistant Public Defender Fred S. Lucero was appointed to the Superior Court of Santa Clara County. Judge Lucero had served as a deputy public defender since the Department began operations in 1965. In 1972, he was appointed to fill the Department's newly created second Assistant Public Defender position. He served as chief of the Municipal Court Division and later headed the Superior Court Division.

The vacancy created by Judge Lucero's resignation was filled by the appointment of Ronald A. Norman. At the time of his appointment Mr. Norman was a senior trial deputy. He first joined the office in 1968, following admission to the bar and graduation from Hastings College of Law, where he had been a member of the Order of the Coif. In the course of his

service as a trial lawyer, Mr. Norman compiled an outstanding record in every category of assignment in the Department.

In March, 1977, Rose Elizabeth Bird, a former member of the staff, was appointed Chief Justice of the Supreme Court of California by Governor Edmund G. Brown, Jr. In 1974, Chief Justice Bird resigned from her position as senior trial deputy, having served with distinction for a period of seven years; at that time she became the Secretary of Agriculture and Services in the Governor's cabinet. During the proceedings to confirm her appointment to the Supreme Court, in February, 1977, the Public Defender was privileged to testify and was later invited to speak at the investiture ceremony held in Sacramento.

Another former member of the Department, the Hon. Taketsugu Takei, was appointed to the Superior Court of Santa Clara County in July, 1976. Before that, Judge Takei served as a senior trial deputy public defender and had been with the office from 1965 until 1975 when he resigned to become Director of the California Department of Consumer Affairs.

In September, 1976, Public Defender Sheldon Portman was appointed to the American Bar Association's Standing Committee on Legal Aid and Indigent Defendants -- a special nine-member committee responsible for advising the Board of Governors of the ABA on activities in the legal aid and defender area. One

of the Committee's primary projects during 1976-77 in which Mr. Portman had a key role was a proposal to provide federal funding to aid state and local defender programs throughout the country.

C. Internal Office Administration.

In early 1977, new departmental goals were formulated for the coming year. Staff suggestions were solicited by means of an office survey. This process resulted in the formulation of 22 separate administrative goals which were prioritized and given target dates. A new quarterly progress goals' chart was also designed to monitor progress in achieving these goals.

Among the high-priority goals listed were: reorganization of the Department's statistical reporting format for greater compactness and ease of reading; organization of a social services section to provide support services at sentencing of juveniles and adults and to respond to emergency social problems of clients; development of a client grievance procedure; and acquisition of additional office space for short and long-term growth.

D. Law Reform Activities.

1. State Bar Ethics Committee Opinion. In response to a request by the Public Defender, the State Bar Ethics Committee, in April, 1977, issued an opinion declaring improper a frequent

practice by certain deputy district attorneys of informing trial jurors of inadmissible evidence following an acquittal. In Opinion No. 1976-39, the State Bar Committee concluded that this conduct was "improper and unethical," in violation of Rule 7-106(D) of the State Bar Rules of Professional Conduct, which prohibits questions or comments intended to harass, embarrass, or influence future jury service.

2. Public Guardian Staffing. During 1976, Deputy Public Defender Alan Tieger discovered that public defender clients, who were under temporary conservatorships for mental illness under the Lanterman-Petris-Short Act, were not receiving proper care and treatment, as required by law, due to inadequate staffing in the Public Guardian's Office. (As the conservator in such cases, the Public Guardian's Office is required to insure proper care and treatment of the conservatees.) After a careful investigation, Mr. Tieger prepared an extensive report which was submitted to the presiding judge of the Superior Court, who in turn requested and obtained an appropriation of additional funds from the Board of Supervisors to increase the Public Guardian's staff.

3. Work Furlough Release for Child Care. During early 1977, Deputy Public Defender Nazario A. Gonzales represented a female defendant who was sentenced to the County Jail. She was the mother of several small children, including a paraplegic

who required constant care. Mr. Gonzales sought to arrange for the woman's day-time release (while her husband was away from home at his job) so that the defendant could care for her children and return to the jail at night. At first, this was denied by the Sheriff's Department on the ground that non-salaried child care did not qualify for release under the Work Furlough Law. However, after much negotiation Mr. Gonzales succeeded in persuading the Sheriff's Department to allow the client to be released.

Following this experience, Mr. Gonzales drafted a proposal to amend the Work Furlough Law to specifically include release for the "care of children," in the definition of "employment." Assemblywoman Leona Egeland sponsored this legislation which was enacted into law during the 1977 session of the State Legislature.

IV. FINANCIAL DATA

The following is a summary of actual expenditures and revenues for 1976-77 compared to the previous year:

<u>Expenditures</u>	<u>1975-76</u>	<u>1976-77</u>
Salaries	\$1,720,320.35	\$2,380,522.00
Overtime Meals	-0-	322.00
Communications	5,157.03	-0-*
Telephone Services	33,173.60	30,608.20
Insurance	575.00	-0-
Jury & Witness Expense	1,418.69	1,450.00
Maintenance-Equip.	28.00	25.00
Office Expense	16,950.90	19,999.00
Meter Postage	1,466.60	1,615.00
Prof. & Special Services	23,206.78	22,591.00
Data Processing	37,282.91	7,205.00
Rent - Equip.	5,508.63	5,054.00
Rent - Structures	94,749.00	27,062.00
Educational Expense	551.70	2,116.00
Memberships	1,750.00	1,800.00
Transportation & Travel	1,692.61	3,308.00
Automobile Mileage	11,183.52	11,491.00
Automobile Services	40,786.67	38,865.00
	<u>\$1,995,801.99</u>	<u>\$2,554,033.00</u>
 <u>Revenue</u>		
State Reimbursement	36,636.00	32,011.55
Collections - Legal Services	2,805.00	13,906.00
	<u>\$39,441.00</u>	<u>\$45,917.55</u>

* Assumed by Communications Section - GSA.

1001 Authorized
1001-1002: 110

ORGANIZATION AND STAFFING CHANGES

- (1) All attorneys (except Public Defender, Chief Asst. Public Defender and Asst. Public Defenders) are alternate class 9 IV, III, II and I.
- (2) Also provides services for the Asst. Public Defenders and the Admin. Asst.
- (3) CETA positions.



DEPARTMENTAL STAFF

(As of June 30, 1977)

PUBLIC DEFENDER: Sheldon Portman

CHIEF ASST. PUBLIC DEFENDER: Howard A. Siegel

ASST. PUBLIC DEFENDERS: Norwood A. Nedom
Ronald A. Norman

LEGAL DIVISION

Deputy Public Defenders:

Attorneys IV

Grant M. Armstrong
William L. Campbell
N.A. (Tony) Christensen
William B. Cottrell
Nazario A. Gonzales
John C. Horning, Jr.
Thomas F. Mueller
Robert K. Regan

Morris Schachter
C. Randall Schneider
Donald V. Seratti
Lloyd G. Stephens
W. Steve Stevens
W. Richard Such
Robert A. Weeks
John L. Williams

Attorneys III

Frank D. Berry
Mark B. Harmon
Carl L. Lambert
David M. Mann
George R. Overton

Gregory C. Paraskou
Philip H. Pennypacker
Wesley J. Schroeder
David I. Semco
Cris L. Story

Attorneys II

Katharine V. Alexander
Allen Fleishman
Jette Garland
Sabre Gilmartin
Charles N. Goldman
Nancy Hoffman
David C. Johnson
Michael A. Kresser
Bruce P. LoPucki

Kevin P. Morrison
Denalee X. Peterson
Benjamin W. Reese
George B. Richardson
Carolyn B. Rose
Patricia J. Tiedeman
Alan W. Tieger
Jeffrey P. Tone

Attorneys I

Marilyn Carmichael
Francis C. Cavagnaro
Raymond A. Cota
William H. Curtiss
Dennis W. Del Ponte
Barbara B. Fargo
Edward A. Gomez
Timothy H. Hallahan

Esau Herrera
Jeffrey A. Kroeber
Alan M. Lagod
Emalie Ortega
Rise R. Pichon
Rosemary Seiter
James M. Thompson

<u>Social Workers:</u>	Lynne Woodward	Sandra R. Clark
<u>Legal Aides:</u>	Ernest R. Barrios Silvia A. Felix Francisco G. Fernandez Thomas R. Hill Aram B. James	Mark A. Quintero Deborah A. Ryan Olivia Sahagun Bernardo Saucedo Richard A. Torres

INVESTIGATION DIVISION:

<u>Chief Public Defender</u> <u>Investigator:</u>	Jerry F. O'Connell
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Public Defender
Investigators:

Investigator III	Patrick J. Judge	
Investigator II	Cynthia J. Getta David E. Gonzales Marion D. Ide Edward G. Kelley	John P. McCarron Bernard W. Merrill Alexander Safonoff
Investigator I	Dorothy D. Ansberry Alayne D. Bolster	Angel L. Campos Thomas L. Kitchens
Investigator Asst.	Deborah F. Howard	John Vegas

ADMINISTRATIVE SERVICES:

<u>Administrative Asst.:</u>	John W. Osborne	
<u>Supervising Clerk:</u>	Toni Rose	
<u>Legal Stenographers:</u>	Kathleen A. Atwood Maria A. Bradway Fay L. Busey Margaret A. Clark Kathleen V. Corral	Edith W. Dorey Mary M. Freer Elizabeth A. Hughes Donna V. Moore Sally E. Wert
<u>Clerks:</u>	Lupe Beltran Alicia Blanco Alice Corona Margaret DelVillar Linda Gaitan Yolanda Garcia Susan Griffin	Pamela Hereford Joan Mallory Belinda Ramirez Rachel Sandoval Betty Speck Ha To
<u>Telephone Operators:</u>	Dorothy Ward	Virginia Aranda
<u>Community Workers:</u>	Calvin M. Robinson	Henry Rountree

ROSTER OF STUDENT ASSISTANTS AND INTERNS
DURING 1976-77

JUVENILE COURT INTERN PROGRAM:

Univ. of Santa Clara School of Law: Dennis Aftergut
Donna Ambrogi
William Buckholz
Christina Fernandez
Edmund Fimbres
Kenneth Loff

RESEARCH INTERN PROGRAM:

Univ. of Santa Clara School of Law: Judith Barry
Jose Gastelum
Dee Goodman

SOCIAL WORKER INTERN PROGRAM:

Univ. of California at Berkeley: Olivia Palacio

San Jose State University: Marynella Sanchez
Janis Guissi

VOLUNTEERS:

Lawyers: Margaret Gampell

Law Students: Stanford Law School: Richard Hill
Timothy C. Rutherford

Univ. of Santa Clara: Burton Alan Nadler

WORKLOAD ACTIVITY REPORT

FISCAL YEAR 1976-77

I. SUMMARY - CASES OPENED

1. Felony Defendants	5,018
2. Superior Court Prob. Viol. Proceedings	474
3. Misdemeanor Defendants	
a. Drunk Driving (V.C. §23102a)	3,568
b. Others	6,957
c. Prob. Viol. Proceedings	473
4. Juvenile Court Clients	3,270
5. Mental Illness Clients	
a. L.P.S. (W&I §5000 et seq.)	1,403
b. Developmentally Disabled (W&I §6500 et seq.)	109
6. Special Proceedings	401
7. Appeals and Briefs Filed	27
8. Adoption Proceedings (CC §232)	25
TOTAL	21,725*
9. Court Appearances (All Courts)	65,299

II. SUPERIOR COURT DIVISION

A. SUPERIOR COURT - CRIMINAL

9. Cases	
a. Informations	2,243
b. Indictments	86
c. Certifications (849b)	94
d. Appointed After Arraignment Cal.	15
e. Probation Violations	474
f. Special Proceedings (NGI, 1368, MDSO, CRC, Writ H/C, Represent Witness)	401
TOTAL	3,318
g. Court Appearances	16,677

II.A. (cont'd)

10. Settlements Without Trial	
a. PG as Charged at PT	240
b. PG to Lesser Felony at PT	826
c. PG to Misdemeanor at PT	42
d. Dismissed at PT	61
e. PG as Charged at or during trial	86
f. PG to Lesser Felony at or during trial	325
g. PG to Misdemeanor at or during trial	28
h. Dismissed at or during trial	31
i. Diverted	2
TOTAL	1,641

11. Trials	
a. PG as Charged by CT/JT	5/36
b. PG to Lesser Felony by CT/JT	11/68
c. PG of Misdemeanor by CT/JT	0
d. FNG by CT/JT	1/7
e. FNGI by CT/JT	0/1
f. Dismissed	1/0
TOTAL	18/112

12. Motions	
a. 995	100
b. 1538.5	206
c. Others (HOP, Discovery, W/D as Atty.)	246
TOTAL	552

13. Financial Rejects	
a. SPC	131
b. Conflict Declared	222
c. Motion to W/D (Finan. Rej.)	0
d. Other (RTB, Appointed/ Accepted after RTB)	0
TOTAL	353

* This figure does not include the 4211 cases of non-court legal representation provided to persons alleged to be mentally ill.

II.A. (cont'd)

14. Appeals and Writs	
a. Appeals Handled	9
b. Briefs Filed	18
c. Appellate Decision favorable/unfavorable	2/6
d. Petitions for Writ Filed	13
e. Preemptory Writs favorable/unfavorable	4/14
f. Petitions for Hearing in Supreme Court Filed	8
g. Petitions for Hearing in Supreme Court favorable/unfavorable	3/5
h. Petitions for Rehearing Filed	8
i. Petitions for Rehearing favorable/unfavorable	0/10
TOTAL	100

II. B. HOMICIDES

15. Cases Opened	50
16. Settled Without Trial	
a. PG to 1st degree	1
b. PG to 2nd degree	5
c. PG to Manslaughter	6
d. Dismissed	6
TOTAL	18
17. Trials	
a. PG 1st degree by CT/JT	1/2
b. PG 2nd degree by CT/JT	2/1
c. PG Manslaughter by CT/JT	1/3
d. FNGI by CT/JT	1/1
e. PNG by CT/JT	1/4
TOTAL	6/11

II. C. JUVENILE COURT CASES

18. Cases Opened	
a. Neglected/Abused Minors (W&I \$300)	145
b. Habitually Disobedient Minors (W&I \$601)	222
c. Minors Violating Criminal Laws (W&I \$602)	2,547
d. Termination of Parental Status/Adoption (CC \$232 et seq.)	25
e. Traffic cases (V.C. \$23102, 23103, 23194, 20002a)	163
f. Other Cases (W&I \$775, 776, 777, A&A)	193
TOTAL	3,295
19. Detention Hearings	
a. Minor Released	587
b. Minor Detained	1,054
c. Petition Dismissed	125
d. Petition Admitted/Non-Resident Minor	160
TOTAL	1,926
20. Fitness Hearings	
a. Found Fit	21
b. Found Unfit	77
21. Jurisdictional Hearings	
a. Petition Found True	195
b. Petition Found Not True	47
22. Dispositional Hearings	
a. Contested - Sustained/Dismissed	283
b. Uncontested	277
TOTAL	900
23. Settlements Without Trial	
a. Petition Admitted as filed	989
b. Petition Admitted to Lesser Allegation	600
c. Petition Dismissed	222
TOTAL	1,811

II. C. (cont'd)

24. <u>Court Appearances</u>	6,149
25. <u>Conflicts Declared</u>	196
26. <u>Social Worker Activity</u>	
a. Number of Cases Referred	335
b. Number of Cases Referred to Interns	7
c. Number of Contacts and Interviews	2,776
27. <u>Alternatives Developed by Social Worker/Disposition</u>	
a. Accepted by Court in Full	156
b. Accepted by Court in Part	23
c. Rejected by Court	21
28. <u>Court Appearances by Social Worker</u>	171

II. D. MENTAL ILLNESS SECTION

29. <u>Case Activity</u>	
a. Writ h/c - 14 day Cert./30 day Temp. Conserv.	384
b. Petition for Perm. Conserv./Rehearing/90-day Post Cert./Probate	700
c. DD h/c Writ	37
d. DD Trial	16
e. DD Hearing	38
TOTAL	1,175
30. <u>Non-Court Legal Representation</u>	
a. Advice and Assistance	3,414
b. Interviewed for writ; declines hearing	642
c. DD Interviews	155
TOTAL	4,211

II.D. (cont'd)

31. <u>Court Appearances</u>	2,915
32. <u>Writ of Habeas Corpus (14 day/30 day/Temp. Conserv./DD Commit.)</u>	
a. Writ Granted	32
b. Writ Denied	108
c. Writ Withdrawn	85
d. Writ Discharged Prior to Hearing	118
e. Writ Continued	7
TOTAL	350
33. <u>Petition for Permanent Conserv. and/or Rehearing, DD Trial</u>	
a. LPS Conservator appointed/denied at trial	7
b. Probate Conserv. Appointed/denied at trial	17
c. DD released/not released at trial	2
d. 90/day Post.Cert. Granted/Denied/Unopposed at trial	145
e. Negotiated dismissals of conservatorships LPS/Prob.	707
f. Negotiated acceptance of conservatorships LPS/Prob.	313
TOTAL	1,191

III. MUNICIPAL COURT DIVISION

A. SAN JOSE MUNICIPAL COURT

34. <u>Cases Opened</u>	
a. Felony Defendants	3,136
b. Misdemeanor Drunk Driving (23102a)	1,897
c. All other Misdemeanor Defendants	3,768
d. Probation Violation Proceedings	308
TOTAL	9,109

III. A. (cont'd)

35. <u>Felony Defendants</u>	
a. HTA as Charged	1,010
b. HTA to Lesser	125
c. PX Waived	325
d. PG as Charged (849b)	36
e. PG to Lesser (849b)	31
f. Dismissed	170
g. Diversion	6
h. PG to Misdemeanor	212
i. Esteybar Motion	134
TOTAL	2,049
36. <u>Misdemeanors</u>	
a. PG as Charged at PT	1,458
b. PG to Lesser at PT	1,149
c. Dismissed at PT	592
d. Diverted at PT	156
e. PG as Charged at or during trial	157
f. PG to Lesser at or during trial	280
g. Dismissed at or during trial	162
h. Diverted at or during trial	1
i. FG by trial	44
j. FNG by trial	25
k. FG of Lesser by trial	13
TOTAL	4,037
37. <u>Court Appearances</u>	21,901
38. <u>Motions</u>	
a. Granted - 1538.5/ others	82
b. Withdrawn - 1538.5/others	64
c. Denied - 1538.5/ others	130
TOTAL	276
39. <u>Motions to Withdraw (Finan.Ineligibility)</u>	43

III. A. (cont'd)

40. <u>Financial Rejects, RTB, and Conflicts</u>	
a. Rejects	697
b. RTB	322
c. Accepted after RTB	21
d. Appointed by Court after Reject or RTB	22
e. SPC	299
f. Conflicts	242
TOTAL	1,603

III. B. PALO ALTO MUNICIPAL COURT

41. <u>Cases Opened</u>	
a. Felony Defendants	653
b. Misdemeanor Drunk Driving (23102a)	563
c. All other Misdemeanor Defendants	1,208
d. Probation Violation Proceedings	35
TOTAL	2,459
42. <u>Felony Defendants</u>	
a. HTA as Charged	216
b. HTA to Lesser	24
c. PX Waived	34
d. PG as Charged (849b)	2
e. PG to Lesser (849b)	7
f. Dismissed	37
g. Diversion	5
h. PG to Misdemeanor	50
i. Esteybar Motion	0
TOTAL	375

III. B. (cont'd)

43. <u>Misdemeanors</u>	
a. PG as Charged at PT	502
b. PG to Lesser at PT	346
c. Dismissed at PT	142
d. Diverted at PT	33
e. PG as Charged at or during trial	29
f. PG to Lesser at or during trial	52
g. Dismissed at or during trial	52
h. Diverted at or during trial	3
i. PG by trial	2
j. FNG by trial	5
k. PG of Lesser by trial	1
TOTAL	1,167
44. <u>Court appearances</u>	6,549
45. <u>Motions</u>	
a. Granted - 1538.5/others	12
b. Withdrawn -- 1538.5/others	5
c. Denied - 1538.5/others	5
TOTAL	22
46. <u>Motions to Withdraw (Finan.Ineligibility)</u>	23
47. <u>Financial Rejects, RIB, and Conflicts</u>	
a. Rejects	308
b. RIB	102
c. Accepted after RIB	0
d. Appointed by Court after Reject or RIB	10
e. SPC	74
f. Conflicts	83
TOTAL	577

III. C. SUNNYVALE MUNICIPAL COURT

48. <u>Cases Opened</u>	
a. Felony Defendants	319
b. Misdemeanor Drunk Driving (23102a)	231
c. All other Misdemeanor Defendants	541
d. Probation Violation Proceedings	31
TOTAL	1,122
49. <u>Felony Defendants</u>	
a. HTA as Charged	90
b. HTA to Lesser	10
c. PX Waived	31
d. PG as Charged (849b)	3
e. PG to Lesser (849b)	7
f. Dismissed	44
g. Diversion	9
h. PG to Misdemeanor	32
i. Esteybar Motion	31
TOTAL	257
50. <u>Misdemeanors</u>	
a. PG as Charged at PT	129
b. PG to Lesser at PT	190
c. Dismissed at PT	125
d. Diverted at PT	21
e. PG as Charged at or during trial	7
f. PG to Lesser at or during trial	16
g. Dismissed at or during trial	40
h. Diverted at or during trial	5
i. PG by trial	11
j. FNG by trial	3
k. PG of Lesser by trial	2
TOTAL	549
51. <u>Court Appearances</u>	3,208

III. C. (cont'd)

52. <u>Motions</u>	
a. Granted -	
1538.5/others	26
b. Withdrawn -	
1538.5/others	5
c. Denied -	
1538.5/others	12
TOTAL	43

53. <u>Motions to Withdraw</u> <u>(Finan. Ineligibility)</u>	9
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54. <u>Financial Rejects,</u> <u>RTB, and Conflicts</u>	
a. Rejects	65
b. RTB	58
c. Accepted after RTB	7
d. Appointed by Court after Reject or RTB	13
e. SPC	32
f. Conflicts	21
TOTAL	196

III. D. SANTA CLARA MUNICIPAL COURT

55. <u>Cases Opened</u>	
a. <u>Felony Defendants</u>	304
b. <u>Misdemeanor Drunk</u> <u>Driving (23102a)</u>	394
c. <u>All other Misdemeanor</u> <u>Defendants</u>	508
d. <u>Probation Viola-</u> <u>tion Proceedings</u>	33
TOTAL	1,139

56. <u>Felony Defendants</u>	
a. <u>HTA as Charged</u>	84
b. <u>HTA to Lesser</u>	6
c. <u>PX Waived</u>	78
d. <u>PG as Charged (849b)</u>	7
e. <u>PG to Lesser (849b)</u>	4
f. <u>Dismissed</u>	11
g. <u>Diversion</u>	9
h. <u>PG to Misdemeanor</u>	38
i. <u>Esteybar Motion</u>	2
TOTAL	239

III. D. (cont'd)

57. <u>Misdemeanors</u>	
a. <u>PG as Charged</u> <u>at PT</u>	256
b. <u>PG to Lesser at</u> <u>PT</u>	208
c. <u>Dismissed at PT</u>	99
d. <u>Diverted at PT</u>	22
e. <u>PG as Charged at</u> <u>or during trial</u>	1
f. <u>PG to Lesser at</u> <u>or during trial</u>	2
g. <u>Dismissed at or</u> <u>during trial</u>	5
h. <u>Diverted at or</u> <u>during trial</u>	1
i. <u>FG by trial</u>	4
j. <u>FNG by trial</u>	3
k. <u>FG of Lesser by</u> <u>trial</u>	1
TOTAL	602

58. <u>Court Appearances</u>	3,089
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59. <u>Motions</u>	
a. <u>Granted -</u> <u>1538.5/others</u>	14
b. <u>Withdrawn -</u> <u>1538.5/others</u>	5
c. <u>Denied - 1538.5/</u> <u>others</u>	7
TOTAL	26

60. <u>Motions to Withdraw</u> <u>(Finan. Ineligibility)</u>	3
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61. <u>Financial Rejects,</u> <u>RTB, and Conflicts</u>	
a. <u>Rejects</u>	73
b. <u>RTB</u>	41
c. <u>Accepted after RTB</u>	9
d. <u>Appointed by Court</u> <u>after Reject or RTB</u>	11
e. <u>SPC</u>	41
f. <u>Conflicts</u>	37
TOTAL	212

III. E. LOS GATOS MUNICIPAL COURT

62. <u>Cases Opened</u>	
a. Felony Defendants	264
b. Misdemeanor Drunk Driving (23102a)	317
c. All other Misdemeanor Defendants	477
d. Probation Violation Proceedings	37
TOTAL	1,095
63. <u>Felony Defendants</u>	
a. HTA as Charged	87
b. HTA to Lesser	16
c. PX Waived	20
d. PG as Charged (849b)	5
e. PG to Lesser (849b)	15
f. Dismissed	15
g. Diversion	4
h. PG to Misdemeanor	21
i. Esteybar Motion	26
TOTAL	209
64. <u>Misdemeanors</u>	
a. PG as Charged at PT	162
b. PG to Lesser at PT	228
c. Dismissed at PT	53
d. Diverted at PT	19
e. PG as Charged at or during trial	13
f. PG to Lesser at or during trial	13
g. Dismissed at or during trial	21
h. Diverted at or during trial	8
i. PG by trial	17
j. PNG by trial	4
k. PG of Lesser by trial	1
TOTAL	539
65. <u>Court Appearances</u>	2,900

III. E. (cont'd)

66. <u>Motions</u>	
a. Granted - 1538.5/others	22
b. Withdrawn - 1538.5/others	5
c. Denied - 1538.5/others	7
TOTAL	34
67. <u>Motions to Withdraw (Finan. Ineligibility)</u>	37
68. <u>Financial Rejects, RTB, and Conflicts</u>	
a. Rejects	113
b. RTB	60
c. Accepted after RTB	2
d. Appointed by Court after Reject or RTB	6
e. SPC	27
f. Conflicts	3
TOTAL	211

III. F. MORGAN HILL/GILROY JUSTICE COURT

69. <u>Cases Opened</u>	
a. Felony Defendants	191
b. Misdemeanor Drunk Driving (23102a)	266
c. All other Misdemeanor Defendants	455
d. Probation Violation Proceedings	29
TOTAL	941
70. <u>Felony Defendants</u>	
a. HTA as Charged	69
b. HTA to Lesser	11
c. PX Waived	13
d. PG as Charged (849b)	7
e. PG to Lesser (849b)	14
f. Dismissed	13
g. Diversion	7
h. PG to Misdemeanor	22
i. Esteybar Motion	7
TOTAL	163

III. F. (cont'd)

71. <u>Misdemeanors</u>	
a. PG as Charged at PT	163
b. PG to Lesser at PT	170
c. Dismissed at PT	63
d. Diverted at PT	11
e. PG as Charged at or during trial	7
f. PG to Lesser at or during trial	5
g. Dismissed at or during trial	13
h. Diverted at or during trial	3
i. FG by trial	16
j. FNG by trial	9
k. FG of Lesser by trial	<u>1</u>
TOTAL	461
72. <u>Court Appearances</u>	1,911
73. <u>Motions</u>	
a. Granted - 1538.5/others	12
b. Withdrawn - 1538.5/others	5
c. Denied - 1538.5/ others	<u>8</u>
TOTAL	25
74. <u>Motions to Withdraw (Finan. Ineligibility)</u>	10
75. <u>Financial Rejects, RTB, and Conflicts</u>	
a. Rejects	43
b. RTB	11
c. Accepted after RTB	0
d. Appointed by Court after Reject or RTB	28
e. SPC	11
f. Conflicts	<u>11</u>
TOTAL	104

IV. INVESTIGATION DIVISION

76. <u>Case Activity</u>	
a. Felony	641
b. Misdemeanor	879
c. Juvenile	230
d. Mental Illness	5
e. Other Investi- gation	<u>25</u>
TOTAL	1,780
77. <u>Interviews</u>	4,621

County of Santa Clara
California

INVESTIGATION DIVISION REPORT

Fiscal Year 1976 - 1977

(JULY 1, 1977)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Total Referred	116	127	122	145	157	146	156	166	190	143	173	153	1794
CRIMES	101	107	105	131	137	120	139	139	168	127	149	129	1552
Felony	49	52	52	56	54	43	57	50	59	63	54	52	641
Misdemeanor	49	53	51	70	78	85	81	89	106	60	94	75*	891
Mental	0	0	0	1	1	0	1	0	1	0	0	1	5
Outside Com-													
munity Service	0	1	2	2	2	2	0	0	1	3	0	0	13
Financial													
Stability	0	0	0	0	2	0	0	0	0	0	1	0	3
Advice and													
Assistance	3	1	0	0	2	0	0	0	1	1	0	1	9
CRIMES	15	20	17	14	20	14	17	27	22	16	24	24	230
Felony	10	11	11	7	12	7	9	13	16	8	11	13	128
Misdemeanor	5	9	6	7	8	7	8	14	6	8	13	11	102

Services	90	2	54	112	63	102	197	212	108	187	162	166*	1495
Field Interviews	225	236	276	223	257	276	187	301	313	258	271	273	3096
Office Interviews	115	142	129	58	97	140	161	113	123	121	150	176	1525
Cases Pending													Average
End of Month		118	177	223	176	184	80	129	98	150	175	113**	per month

*Includes 20 cases by the Misdemeanor Trial Team Asst. Investigators and
17 Services for the Misdemeanor Trial Team by the Asst. Investigators

*Cases Pending

Nov. 1
Dec. 1
Feb. 1
Mar. 4
Apr. 12
May 23

Submitted

J. F. J'Connell
Chief Investigator

Pending 10 Homicides

SE, HAS, NF, JFO

PUBLIC DEFENDER

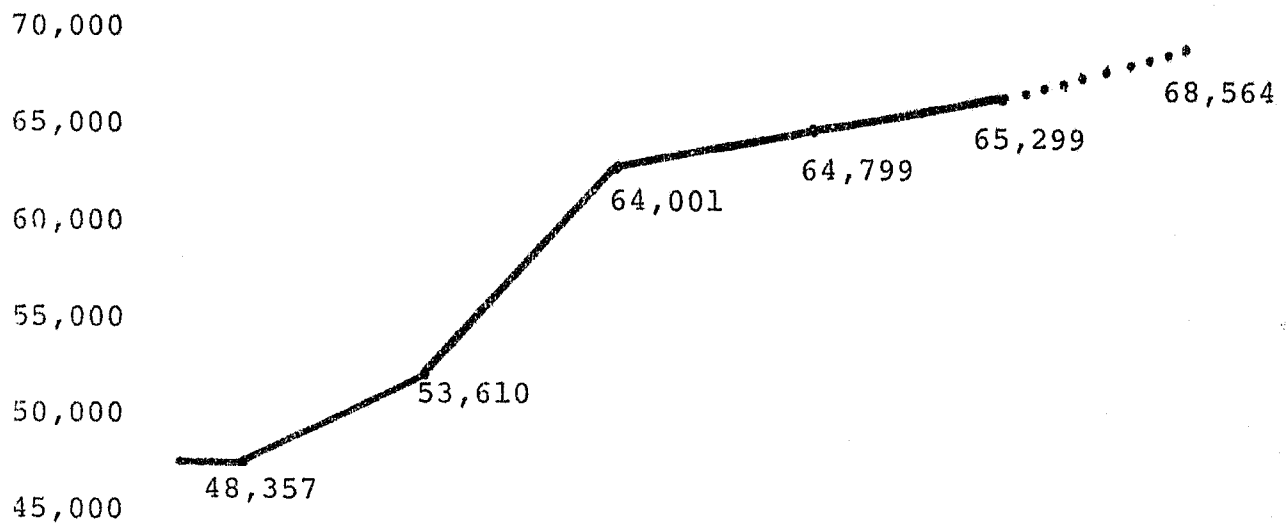
- INVESTIGATION SECTION -

FIVE YEAR STATISTIC COMPARISON (7/01/77)

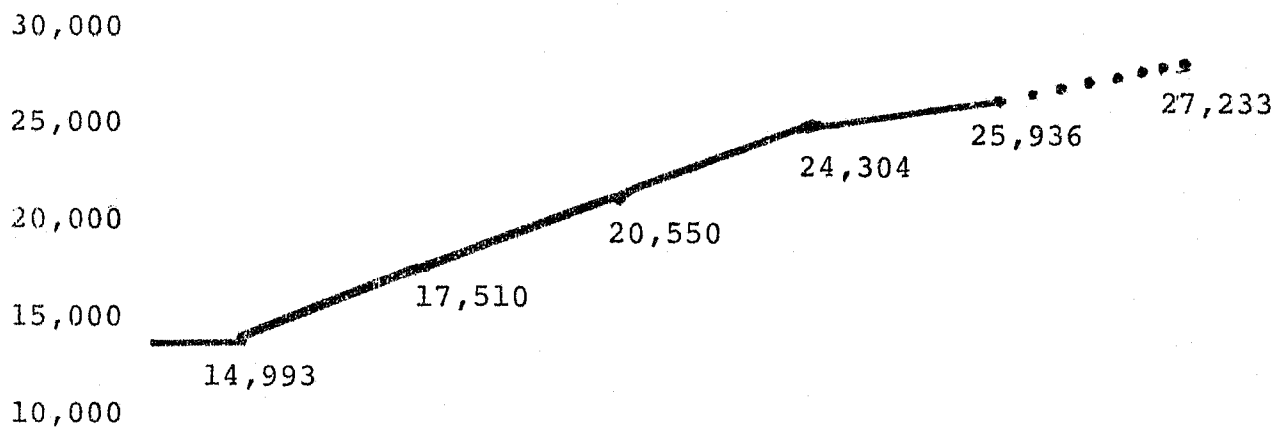
	<u>1972-73</u>	<u>1973-74</u>	<u>1974-75</u>	<u>1975-76</u>	<u>1976-77</u>	<u>PERCENTAGE INCREASE-DECREASE</u>
ADULT FELONY	562	448	580	587	641	+ .092
ADULT MISDEMEANOR	860	909	994	846	891	+ .053
ADULT OTHER	33	21	9	27	30	+ .111
ADULT TOTAL	1455	1378	1583	1460	1552	+ .063
JUVENILE FELONY	95	91	113	82	128	+ .561
JUVENILE MISDEMEANOR	72	53	116	49	102	+1.08
JUVENILE TOTAL	167	144	229	131	230	+ .755
ALL TOTAL	1622	1522	1840	1591	1794	+ .121
SERVICES	1200	1245	917	869	1495	+ .720
PER AVERAGE PENDING PER MONTH	90	95	176	121	148	+ .223
FIELD INTERVIEWS	2982	3260	3039	2851	3096	+ .085
OFFICE INTERVIEWS	928	930	974	1444	1525	+ .056
SUICIDES	29	24	37	24	36	+ .50

Jerry F. O'Connell
Chief Investigator

COURT APPEARANCES



CASES OPENED



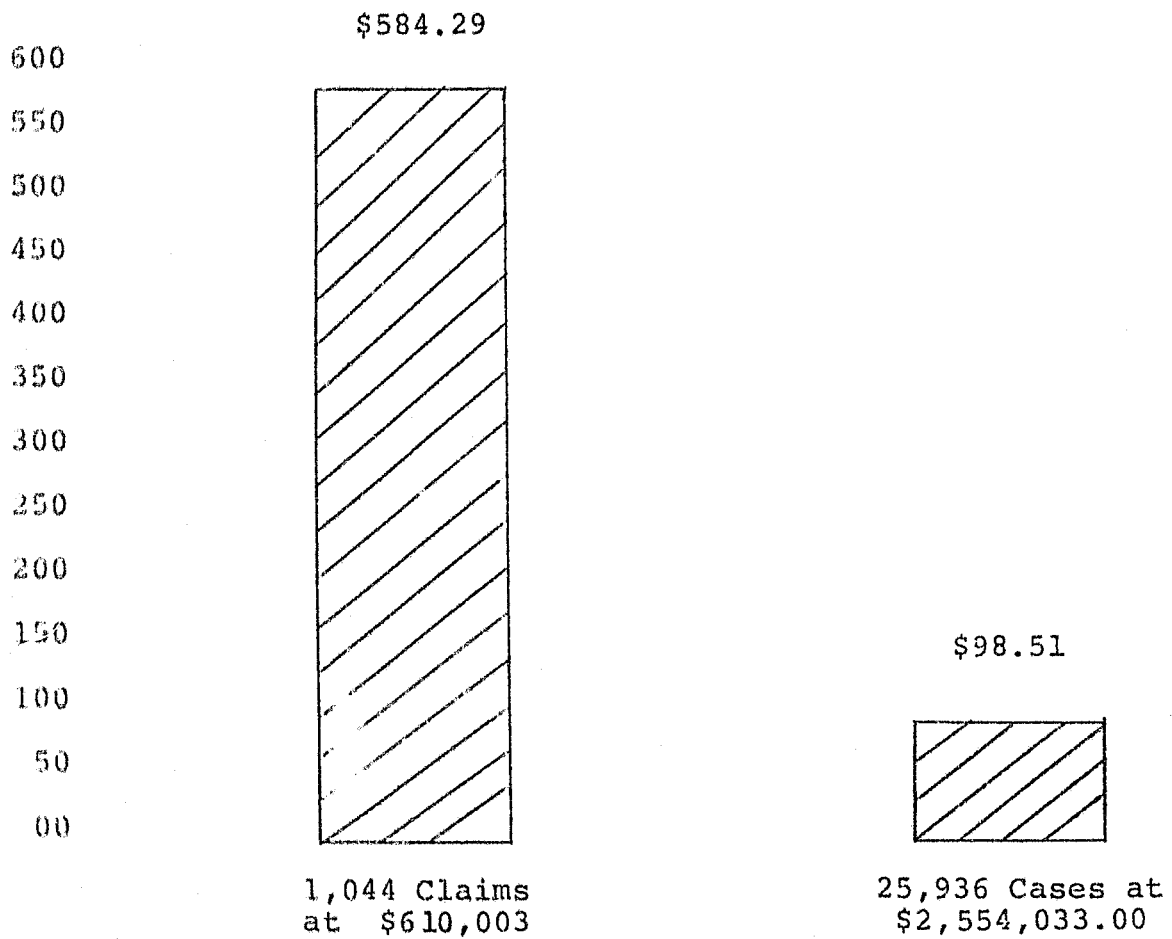
ACTUAL	ACTUAL	ACTUAL	ACTUAL	ACTUAL	PROJECTED
1972-73	1973-74	1974-75	1975-76	1976-77	1977-78

COST PER CASE

1976-77

COURT APPOINTED COUNSEL

PUBLIC DEFENDER



END