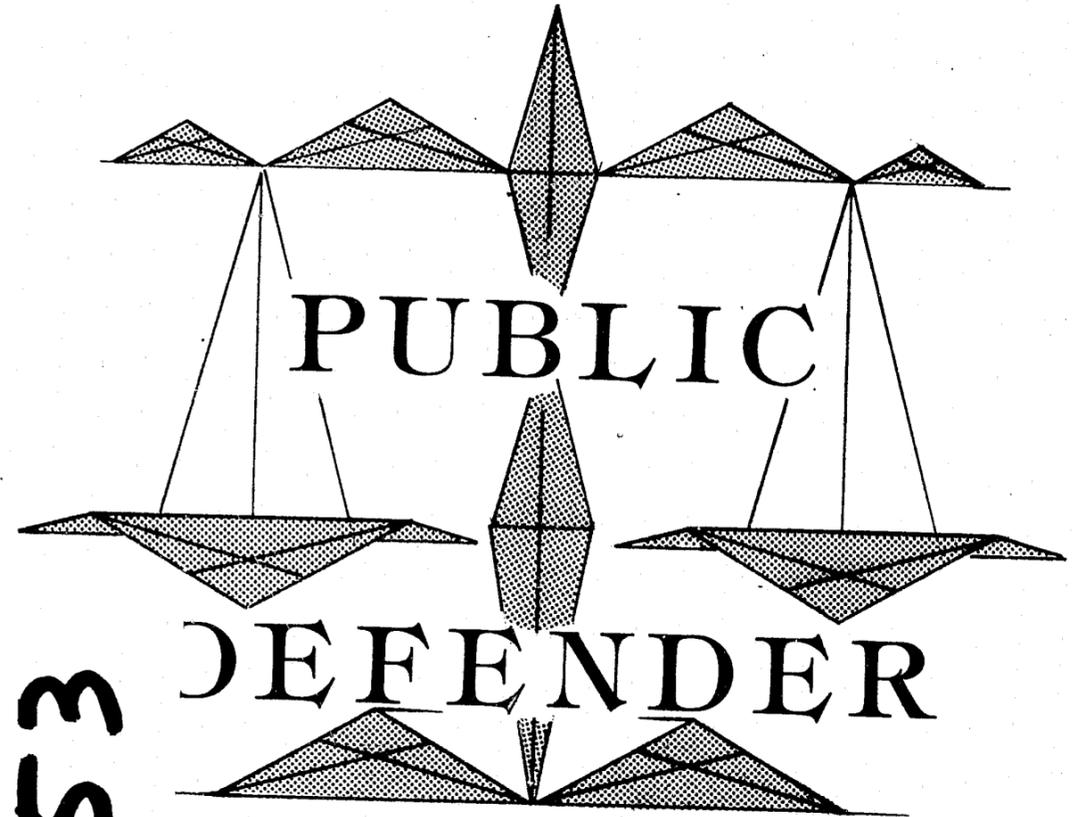


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ANNUAL REPORT 1980»«1981



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JNTY OF SANTA CLARA
CALIFORNIA

County of Santa Clara
California

ANNUAL REPORT -- 1980-81 **NCJRS**

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County of Santa Clara

California

ANNUAL REPORT

FISCAL YEAR 1980-81

The Public Defender is required to provide legal services to persons financially unable to employ private counsel in criminal cases, in juvenile cases, and in mental health and certain civil proceedings. (See Santa Clara County Ordinance Code, Sec. A2-51; Cal. Gov. Code Sec. 22706.)

I. GENERAL WORKLOAD ACTIVITY

During FY 1980-81, the Public Defender received a total of 26,061 new cases.¹ This was an increase of 9%.² 2,447 applicants were financially ineligible and were denied services under financial criteria approved by the Board of Supervisors. 1,037 cases were rejected due to conflicts of interest. The legal staff numbered 55.6 attorneys. The caseload averaged 471 cases per attorney.³

1. "Cases" are defined as person-applicants, i.e., each defendant, juvenile or mental health client who applies for services after request, court referral or appointment is considered a "case."

2. This increase is calculated on the basis of an adjustment due to prior clerical errors in counting Special Proceedings and Mental Health cases. Prior year caseloads have been reduced to adjust for the errors.

3. The felony caseload average was 204; the misdemeanor caseload was 649; and the juvenile caseload was 625. (See Five-Year Public Defender Attorney Caseload, Appendix G.) These caseloads are substantially above the recommended state and national standards of 150 cases per felony attorney and 400 cases per attorney for misdemeanors.

Court appearances totaled 75,655, or 1,360 per attorney. Trials, hearings and motions numbered 9,844.

The following charts present a detailed comparison of case categories and trials and hearings:

<u>CASE CATEGORIES</u>			
	<u>1980-81</u>	<u>1979-80</u>	<u>% Change (+/-)</u>
Homicides	44	36	+22.2
Other Felonies	6,745	6,081	+10.9
Felony Probation Violations	1,072	797	+34.5
Felony Special Proceedings	194*	185*	+ 4.9
Misdemeanors	10,789	10,146	+ 6.3
Misd. Probation Violations	554	372	+48.9
Misd. Special Proceedings	112	N/A	
Mental Health	2,741	2,160*	+26.9
Juveniles	3,788	4,419	-14.3
Writs	22	20	+10.0
	<u>26,061</u>	<u>23,906</u>	<u>+ 9.0</u>

*Estimates. The category "Special Proceedings" was revised at mid-year to include proceedings requiring a new case file, such as insanity and addiction proceedings, habeas corpus, witness representation, etc.

<u>TRIALS, HEARINGS AND MOTIONS</u>			
	<u>1980-81</u>	<u>1979-80</u>	<u>% Change</u>
<u>Felonies</u>			
Trials	78	130	-40.0
Motions (995/1538.5)	800	1,922	-41.6
Preliminary Examinations	2,683	2,031	+32.1
<u>Misdemeanors</u>			
Trials	86	86	-0-
Motions	1,203	1,047	+14.9

Trials, Hearings and Motions--Cont.

	<u>1980-81</u>	<u>1979-80</u>	<u>% Change</u>
<u>Juvenile</u>			
Jurisdiction	2,507	2,498	+ .36
Detention	554	595	-.69
Fitness	890	897	-.80
Dispositions	554	595	-.69
Motions	51	53	-.38
<u>Mental</u>			
LPS Trials	619	545	+ 13.6
Probate Conserv.	12	4	+300.0
Develop. Disabled	13	8	+162.0
<u>TOTALS:</u>	<u>10,050</u>	<u>10,411</u>	<u>- 3.4</u>

INVESTIGATION DIVISION ACTIVITY

The Investigation Division, consisting of 14 investigators, handled a total of 1,945 cases during the year, compared to 2,091 cases during the previous year. These cases consisted of the following categories:

	<u>1980-81</u>	<u>1979-80</u>	<u>% Change</u>
<u>Adults</u>			
Felony	712	714	+ 0.003
Misdemeanor	1,023	920	+ 11.2
Mental	3	2	+ 50.0
Service Requests	9	7	+ 28.6
Financial	3	1	+300.0
Advice & Assistance	14	23	- 39.2
Subtotal:	<u>1,764</u>	<u>1,667</u>	<u>+ 5.8</u>
<u>Juveniles</u>			
Felony	116	262	- 55.8
Misdemeanor	65	162	- 39.9
Subtotal:	<u>181</u>	<u>424</u>	<u>- 57.4</u>
<u>Misc. Services</u>	<u>1,882</u>	<u>3,150</u>	<u>- 40.3</u>

Investigation Division Activity--Cont.

	<u>1980-81</u>	<u>1979-80</u>	<u>% Change</u>
<u>Interviews</u>			
Field	3,229	3,574	- 9.7
Office	<u>1,792</u>	<u>2,780</u>	<u>-35.5</u>
	5,021	6,354	-21.0

II. SUCCESS RATES

Favorable case dispositions, including acquittals, dismissals and reduced charges, provide an indication of the department's effectiveness. These "success rates" during the year were as follows:

TRIALS

Felonies (Superior Court)

Found Not Guilty	17
Found Guilty Lesser	12
Found Guilty as Charged	<u>53</u>
<u>Total</u>	82*

Success Rate**: .353 [.492]

*Includes 5 murder trials in which 2 defendants were found guilty of lesser charges.

**Includes totals of acquittals and lesser findings. Figure in brackets shows rate for prior year.

Misdemeanors

<u>Municipal Courts</u>	<u>Guilty</u>	<u>Not Guilty</u>
San Jose	19	14
Santa Clara	19	10
Sunnyvale	1	0
Palo Alto	10	4
Los Gatos	2	2
Morgan Hill/Gilroy	<u>3</u>	<u>2</u>
<u>Total</u>	54	32

Success Rate: .372 [.392]

PRELIMINARY HEARINGS

<u>Dispositions*</u>	<u>Dism.</u>	<u>N/HTA</u>	<u>Div.</u>	<u>Estey.</u>	<u>PG/M</u>	<u>PG/F</u>	<u>HTA</u>
San Jose	290	19	97	151	494	606	1,708
Palo Alto	106	8	18	19	152	82	356
Los Gatos	8	2	11	1	21	28	53
M.Hill/Gilroy	<u>20</u>	<u>7</u>	<u>3</u>	<u>2</u>	<u>53</u>	<u>20</u>	<u>49</u>
<u>Totals</u>	424	36	129	173	720	736	2,166

Total Dispositions: 4,384 [3,434 = +27.7%]

Success Rate**: .338 [.333]

*Disposition abbreviations: Dism. = Dismissals; N/HTA = Not held to answer; Div. = Diversion; Estey. = Esteybar motion granted; PG/M = Plead guilty to a misdemeanor; PG/F = Plead guilty to a felony; HTA = Held to answer.

**Includes Dism., N/HTA, Div., Estey., PG/M.

SETTLEMENTS

Felonies

Dismissals Before Trial	316
Pleaded Guilty to Lesser Charge	533
Pleaded Guilty as Charged	<u>642</u>
<u>Total</u>	1,491

Success Rate: .569 [.687]

Misdemeanors

	<u>Diversion</u>	<u>Dismiss.</u>	<u>Pleaded Guilty</u>
San Jose	171	1,309	2,159
Santa Clara	3	319	1,499
Sunnyvale	0	78	391
Palo Alto	11	129	294
Los Gatos	11	35	99
M.Hill/Gilroy	<u>6</u>	<u>63</u>	<u>299</u>
<u>Totals</u>	192	1,933	5,241

Total Dispositions: 7,365 [6,714 = +9.9%]

Success Rate: .288 [.176]

MOTIONS, WRITS AND APPEALS

	<u>Relief Granted</u>	<u>Relief Denied</u>
PC 995 Motions	48	56
PC 1538.5 Motions	60	82
Appeals	0	2
Writs	4	8
Petitions for Hearing in Supreme Court	<u>1</u>	<u>4</u>
<u>Total</u>	113	152

Total Cases: 265

Success Rate: .426 [.451]

RE-CAP

	<u>1980-81</u>	<u>1979-80</u>
<u>Trials and Hearings</u>		
Felonies	.353	.492
Misdemeanors	.372	.392
Preliminary Hearings	.338	.333
<u>Settlements</u>		
Felonies	.569	.687
Misdemeanors	.288	.276
<u>Motions, Writs and Appeals</u>	.426	.451
<u>Overall "Success" Average:</u>	.391 [.438]	

III. SPECIAL PROBLEMS:

Midyear Workload Crisis. During January, 1981, the Department experienced a severe workload crisis due to a dramatic increase in felony cases. This resulted in the need to declare "workload conflicts" in 179 cases to avoid incompetence. The Board of Supervisors responded on February 24, 1981, by granting five (5) attorney positions and two (2) legal aides. Four (4) attorneys were assigned to the felony team of the superior court, increasing the felony trial staff to 19 attorneys. One (1) new attorney was also added to the preliminary examination staff.

Reimbursement for Counsel Fees Under Penal Code §987.8.

The top goal of the Department during the fiscal year was to work with the County's Revenue and Systems Agency and the courts to improve reimbursement fees for counsel costs. Earlier, lack of referrals by the courts and failure of clients to appear for financial interviews were major problems, with less than 10% of those receiving public defender services being interviewed by the Department of Revenue. As a result of several meetings with representatives of the courts and the county, forms were revised, procedures were rewritten, and the referral process was improved. As a result, during FY 1980-81 public defender reimbursements amounted to \$38,274, exceeding the prior years by over 100%.

File Room Organization. Another major problem during 1980-81 was that the Department's file room was seriously backlogged,

disorganized and overcrowded due to our clerical staff inadequacies. Attorneys were unwilling to return files for fear that they would be lost and unable to be retrieved. In one instance, a misplaced file resulted in court delay and a defendant's extended incarceration which led to criticism of the Department by an appellate court in an appeal of that defendant's case. During the year, the Department's Administrative Support Officer, Jim Peckham, aided by a new file clerk and other clerical staff, completely reorganized the file room, and reduced the backlog, thereby accomplishing this vital goal.

IV. ACHIEVEMENTS

Jail Overcrowding Social Worker Position. The Social Worker Grade V position, authorized during 1979-80, became effective in January, 1981. This position was aimed at helping alleviate jail overcrowding by alternatives to incarceration. Unfortunately, this program had to be terminated in July, 1981, due to budget reductions. However, from January to July, 1981, our social worker succeeded in arranging early releases for a total of 45 inmates, reducing jail custody time for these inmates by about 2,245 days. At \$33 per day (the cost for custody of prisoners placed in the San Mateo facility at San Bruno), this saved the County about \$74,085 -- compared to the cost of \$12,221 for the position during that period. Accordingly, we hope that it will be possible to restore this position in the near future, particularly as it also serves the duty of counsel to develop such alternatives and obtain early releases.

Office of Traffic Safety Clerical Position. The Department was successful in obtaining a grant of \$20,690 from the California Office of Traffic Safety to employ a Clerk III during 1981 for clerical services related to the defense of 2,000 drinking driver cases. By the end of the year, 2,946 cases were actually processed. This project allowed efficient handling of the increased load of DUI cases from stepped up enforcement funded by OTS, and it allowed a separation of the Department's drinking driver calendar, improving efficiency and clerical morale.

Acquisition of Word Processing Equipment. In the Spring of 1981, the Department obtained approval from the Board of Supervisors for word processing equipment. After a careful survey, we selected a Dictaphone Dual Display Word Processor with two terminals (CRTs and keyboards), a dual disk drive, and a printer. This equipment has improved efficiency and enabled our limited stenographic staff to handle an increased load of typing. The WP is extremely versatile and has many text editing features, and has a data processing capability.

V. FINANCIAL DATA AND CASE COSTS

A summary of actual expenditures and revenues for fiscal year 1980-81 compared to the previous year is as follows:

<u>Expenditures</u>	<u>1979-80</u>	<u>1980-81</u>
Salaries	\$3,601,025	\$4,137,411
Overtime Meals	-0-	9
Telephone Services	32,485	50,193
Insurance	10,626	17,874
Witness Expense	2,514	2,637
Maintenance - Equip.	57	59
Office Expense	17,636	11,663
Prof. & Special Services	31,198	8,921
Data Processing	3,872	6,729
Forensic Lab Work	-0-	13,143
Rent - Equip.	5,226	6,723
Educational Expense	200	78
Books & Publications	-0-	8,942
Memberships	1,730	380
Reimbursement of Bar Dues	5,020	6,515
Printing	4,501	6,794
Psychiatric/Psychological Experts	-0-	14,080
Transportation & Travel	3,205	2,661
Automobile Mileage	17,051	14,622
Automobile Services	30,220	69,568
Postage	2,075	2,217
TOTAL EXPENDITURES	\$3,768,641	\$4,381,218
<u>Revenue</u>		
State Reimbursement	217,380	282,392
Collections - Legal Services	5,003	40,773
TOTAL REVENUE	\$ 222,383	\$ 323,165

Case Costs

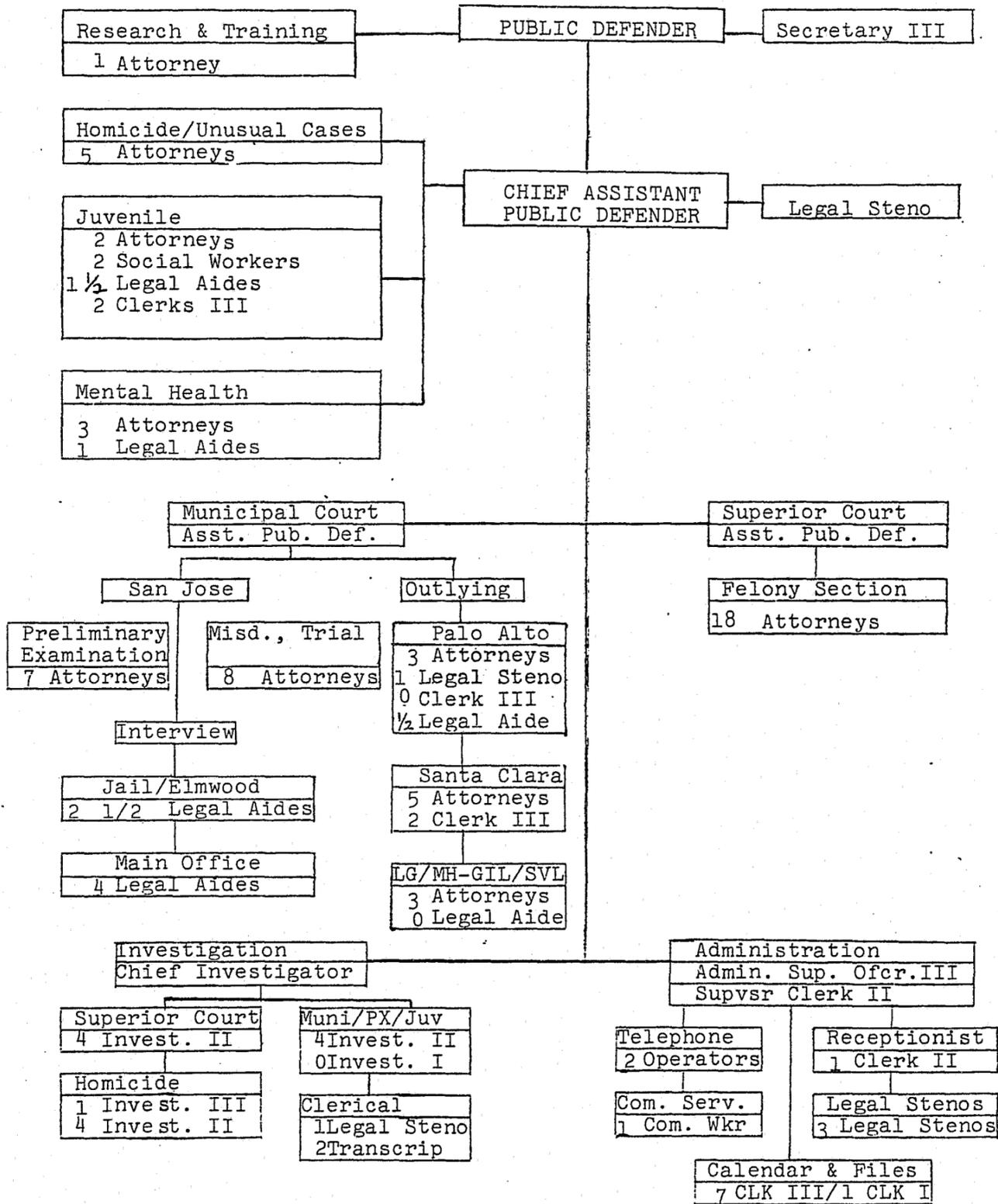
The cost-per-case by case categories was as follows:

	<u>Cases¹</u>	<u>Cost</u>	<u>Cost Per Case</u>
Felonies in Municipal Court	5,652	\$ 605,182	\$ 107
Felonies in Superior Court	4,162	1,157,028	278
<hr/>			
Felonies	5,652 ²	\$1,762,210	\$ 312 ²
187 & Extraordinary	37	528,809	14,292
Misdemeanors	9,335	1,248,348	134
Juvenile	3,697	571,474	155 ³
Mental Health	2,741	246,146	90
Felony Probation Violations	1,029	24,231	24
TOTAL	22,491²	\$4,381,218	\$ 195

1. As counted in equivalent full service cases (Conflict and Secured Private Counsel Cases at 1/2 weight, Reject and Refer to Bar cases not counted).
2. All cases in Superior Court were first felonies in Municipal Court so the average cost of a felony overall is the cost in Municipal Court plus the cost in Superior Court divided by the caseload count for Felonies in Municipal Court. The Department total caseload count excludes the felonies in Superior Court for the same reason.
3. Increase due to accidental distribution of Social Work costs across all programs in FY 1979-80.

JUNE 30, 1981

PUBLIC DEFENDER STAFFING CHART



APPENDIX A

DEPARTMENTAL STAFF

(As of June 30, 1981)

PUBLIC DEFENDER: Sheldon Portman
 ACTING CHIEF ASST. PUBLIC DEFENDER: Norwood A. Nedom
 ASSISTANT PUBLIC DEFENDER: Ronald A. Norman
 ACTING ASSISTANT PUBLIC DEFENDER: Grant M. Armstrong

LEGAL DIVISION

Deputy Public Defenders:

Attorney IV	Katherine V. Alexander William L. Campbell N. A. Christensen William B. Cottrell Nazario A. Gonzales Mark B. Harmon John C. Horning, Jr. David C. Johnson Carl L. Lambert David M. Mann Kevin P. Morrison	Thomas F. Mueller George R. Overton Gregory C. Paraskou Robert K. Regan C. Randall Schneider Donald V. Scattoli Lloyd G. Stephens W. Steve Stevens Cris M. Story Patricia J. Tiedeman Robert A. Weeks
Attorney III	John B. Aaron Marilyn L. Carmichael Francis C. Cavagnaro Barbara B. Fargo Jette Garland Charles N. Goldman Edward A. Gomez Esau Herrera	Michael A. Kresser Jeffrey A. Kroeber Alan M. Lagod Rosemary S. Morrison Benjamin W. Reese Deborah A. Ryan Bryan R. Shechmeister James M. Thompson
Attorney II	Barbara L. DiPietro Ralph H. Dixon Stephen B. Elrick Michelle A. Forbes Katherine J. Houston Aram B. James	Donald L. Johnson Virginia Marcoida Kenneth L. Shapero John M. Sullivan David A. Tauber Mary E. Yale
Attorney I	Arthur Bocanegra Randy I. Danto Oliver Goe Lynne N. Henderson Steven H. Nakano	Samuel J. Polverino Stuart C. Rich Thomas J. Spielbauer Glenn P. Sugihara

Social Workers:	Jess C. Herrera	Joy N. Dutcher
Legal Aides	Peggy Banks Edward Davila Robert Miranda Anthony Rivera	Bernardo Saucedo Timothy R. Volkmann Marion Whittaker

INVESTIGATION DIVISION

Chief Public Defender Investigator:	Jerry F. O'Connell	
Public Defender Investigators:		
Investigator III	Patrick J. Judge	
Investigator II	Dorothy Ansberry Alayne Bolster Angel L. Campos William J. Cross Cynthia J. Getta David E. Gonzales	Marion D. Ide Edward G. Kelley Russell Kuebel Angel Martinez John P. McCarron John Vegas
Investigator Assts.	Karen Mason	Susan Brundage

ADMINISTRATIVE SERVICES

Administrative Support Officer	James Francis Peckham	
Supervising Clerk	Toni Rose	
Legal Stenographers	Fay L. Busey Margaret A. Clark Denise McCullough Hilda Rendon	Rochelle Schultz Barbara Stensrud Terry L. Stevens
Clerks:	Shirley Boone Lucy Daily June Eckett Judith L. Fenton Yolanda Garcia Caroline Johnson Estelle Knudson	Katherine Malley Beverly McCullough Rachel Sandoval Kathy Schaefer Deborah J. Schmidt Sylvia Treat Georgeanne Wence
Telephone Operators:	Henry A. Vallejo	Dorothy Ward
Community Worker:	Calvin Robinson	

ROSTER OF STUDENT ASSISTANTS AND INTERNS

DURING 1980-81

RESEARCH INTERN PROGRAM

University of Santa Clara Law School:	Rita Careson Kathy Akao
Golden Gate Law School:	Larry Boesch

SOCIAL WORKER INTERN PROGRAM

San Jose State University:	Patrice Otten
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**County of Santa Clara
California**

WORKLOAD ACTIVITY REPORT
FISCAL YEAR 1980-81

I. SUMMARY - CASES OPENED

A. SUPERIOR COURT DIVISION

1. Felony Defendants		4,334
2. Probation Violation Proceedings		1,072
3. Juvenile Court		
a. Neglected/Abused Minors (W&I §300)	212	
b. Habitually Disobedient Minors (W&I §601)	48	
c. Minors Violating Criminal Law (W&I §602)	2,783*	
d. Traffic Violations	4	
e. Termination of Parental Status (CC §232)	6	
f. Reviews other than Annual Reviews, Modifications, Changes of Placement, 388, 730, 777 (when not with other charges), 778, Advice & Assistance	733	
Total		3,788
4. Mental Health**		
a. Mentally Ill (LPS)	1,068	
b. Developmentally Disabled (DD)	141	
c. Probate Conservatorships (PC)	54	
Total**		2,741
5. Special Proceedings (NGI, 1368, MDSO, CRC, Writ of H/C, Rep. Witness)		97
6. Appeals and Writs		22
<u>TOTAL SUPERIOR COURT</u>		<u>12,054</u>

* Includes 2 homicides.

** The separate categories of Mental Health files opened during the first half of FY 80-81 were not broken out, but the total of the LPS, DD and PC cases opened equaled 1,338. This number plus 140 "Non-Court Legal Service" cases results in a total of 1,478. For the second half of FY 80-81, "Non-Court Legal Service" was eliminated because those figures are now included in figuring LPS, DD and PC cases. The "Total" is the correct "Total Cases Opened" figure for the entire fiscal year.

APPENDIX D-1

An Equal Opportunity Employer

W.A.R. - FY 80-81

I. Summary - Cases Opened (cont.)

B. MUNICIPAL COURT DIVISION

1. Felony	6,563
2. Misdemeanor	10,789
3. Probation Violations	554
4. Special Proceedings (Extradition, representing witness, Advice & Assistance)	56
TOTAL MUNICIPAL COURT	<u>17,962</u>

II. COURT ACTIVITY

A. COURT APPEARANCES

1. Sup. Court Div.	28,542
2. Muni. Court Div.	47,113
TOTAL	<u>75,655</u>

B. CONFLICTS DECLARED

1. Sup. Ct.--Crim.	400
2. Juvenile	182
3. Muni. Ct. Div.	
a. Felony	543
b. Misdemeanor	91
TOTAL CONFLICTS	<u>1,216</u>

C. DISPOSITIONS - SUPERIOR COURT DIVISION

1. <u>Superior Ct.--Crim.</u>	
a. Pleas/Guilty	1,172
b. Ct/Jry Trials	2/76
c. Dismissed	314
d. Total	<u>1,562</u>
2. <u>Sup. Ct. --Juvie</u>	
a. Detention Hrngs.	1,844
b. Cont. Juris Hrngs	949
c. Pet. Admitted	1,215
d. Pet. Dismissed	343
e. Prima Facie Hrngs	5
f. Dispo. Hrngs	554
g. Annual Reviews	255
h. Fitness Hrngs.	76
i. Total	<u>5,241</u>

3. Sup. Ct.--Mental Health

a. Writs	421
b. Consent Calendar	2,994
c. Trials CT/JT	632/10
d. Total	<u>4,057</u>

TOTAL DISPOSITIONS--SUPERIOR CT. DIVISION 10,860

D. DISPOSITIONS - MUNICIPAL COURT DIVISION

1. <u>Felony Cases</u>	
a. HTA	2,166
b. PG Felony	736
c. PX Waived	250
d. Dism/Not HTA	517
e. SPC/RTB/REJ	797
f. PG Misd/Esty.	895
g. Total	<u>5,361</u>
2. <u>Misdemeanor Cases</u>	
a. Pleas/Guilty	5,241
b. Dism/Divert	2,144
c. FG CT/JT	54
d. FNG CT/JT	32
e. SPC/RTB/REJ	2,182
f. Total	<u>9,653</u>

E. TOTAL DISPOSITIONS--SUPERIOR & MUNICIPAL COURT DIVISIONS 25,875

III. SUPERIOR COURT - CRIMINAL CASES

<u>CASES SERVICED</u>	
a. Informations Filed	2,799
b. Certifications Filed	1,329
c. Indictments Filed	0
d. Appt/Accept after Arr.	182
e. Probation Violations	1,072
f. Special Proceedings (Writ H/C, Rep. witness, Cert. of Rehab., A/A, Extension Hrngs. in NGI, MDSO, Exclusion Hrngs. in CRC, MDSO trials upon return)	97
Total	<u>5,458</u>

APPENDIX D-2

III. Sup. Ct. - Crim. Cases (cont.)

<u>COURT APPEARANCES</u>	<u>16,365</u>
<u>DISPOSITIONS W/O TRIAL</u>	
g. PG as Charged	642
h. PG to Lesser	526
i. Dism/Diverted	314
j. SPC	117
k. Conflict (by D)	397
l. RTB/REJ	18
Total	<u>2,014</u>

<u>TRIALS</u>	
m. FG as Charged CT/JT	1/49
n. FG Lesser Fel. CT/JT	/9
o. FG Misd CT/JT	1
p. FNGI CT/JT	/4
q. FNG CT/JT	<u>1/12</u>
Total	<u>2/75</u>

<u>MOTIONS</u>	
r. 995 Grtd/Den.	156
s. 1538.5 Grtd/Den.	168
t. Other (HOP, Discovery, W/D as atty, ROST, New Trial, Dismissal, Ballard, BRB, MOR)	414
Total	<u>738</u>

IV. SUPERIOR COURT - HOMICIDES

<u>CASES OPENED</u>	<u>44</u>
---------------------	-----------

<u>COURT APPEARANCES</u>	<u>595</u>
<u>DISPOSITIONS W/O TRIAL</u>	
a. PG to 1st ^o	0
b. PG to 2nd ^o	3
c. PG to Manslaughter	4
d. Dismissed	1
e. Not HTA	1
f. Not Indicted	0
g. No Charges Filed	2
h. SPC	2
i. Conflicts by D	5
Total	<u>18</u>

<u>TRIAL ACTIVITY</u>	
j. HTA	27
k. Death CT/JT	1
l. FG 1st ^o CT/JT	/2
m. FG 2nd ^o CT/JT	2
n. FG Mansl. CT/JT	0
o. FNGI CT/JT	0
p. FNG CT/JT	0
Total	<u>32</u>

IV. Sup. Ct. - Homicides (cont.)

<u>CASES PENDING</u>	<u>262</u>
<u>MOTIONS</u>	
q. 995 Grtd/Den.	8
r. 1538.5 Grtd/Den.	9
s. Other (See III.t.)	45
Total	<u>62</u>

V. SUPERIOR COURT - JUVENILE SECTION

<u>CASES OPENED</u>	
a. W&I \$300	212
b. W&I \$601	48
c. W&I \$602	2,783
d. Traffic	4
e. CC \$232	6
f. Other Cases	733
Total	<u>3,788</u>

<u>DETENTION HEARINGS</u>	
g. Released	374
h. Detained	1,470
Total	<u>1,844</u>

<u>JURISDICTIONAL HRNGS.</u>	
i. Uncont. Pet. Adm.	1,215
j. Pet. Dismissed	343
k. Cont. Pet. Sustained	931
l. Cont. Pet. Not Sust.	18
Total	<u>2,507</u>

<u>OTHER HEARINGS</u>	
m. Prima Facie	5
n. Dispositional Hrngs.	554
o. Annual Reviews	255
<u>Fitness Hearings</u>	
p. Found Fit	10
q. Found Unfit	66
Total	<u>890</u>

<u>CONFLICTS</u>	
	<u>182</u>
<u>MOTIONS</u>	
r. 1538.5	16
s. Others	35
Total	<u>51</u>

<u>COURT APPEARANCES</u>	<u>7,349</u>
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<u>SOCIAL WORKER ACTIVITY</u>	
t. Cases Referred	265
u. Court Appearances	227
v. Alternatives Devel.	174
w. Active Cases (as of 6/30/81)	36

VI. SUPERIOR COURT - MENTAL HEALTH SECTION

<u>CASES OPENED</u>	
a. LPS	*1,068
b. PC	* 141
c. DD	* 54
Total	<u>**2,741</u>

<u>COURT REPRESENTATION</u>	
d. LPS	3,788
e. PC	276
f. DD	161
Total	<u>4,225</u>

<u>NON-COURT REPRESENTATION</u>	
g. LPS	240
h. PC	140
i. DD	65
Total	<u>445</u>

<u>I. LPS</u>	
j. Appts./Reappts.	
1. Opened	***582
2. Non-Trial Ct Rep.	1,537
k. Accountings	
3. Opened	***111
4. Non-Trial Ct Rep.	1,102
l. Rehearings	
5. Opened	****46
6. Non-Trial Ct Rep.	****46
m. Writs	
7. Opened	***175
8. Court Rep.	302
n. Miscellaneous	
9. Opened	***32
10. Court Rep.	71
o. Non-Court Opened	237
p. Trials: E.H./Jury	614/5

<u>II. PROBATE CONSERV.</u>	
q. Appointments	
11. Opened	***34
12. Non-Trial Ct Rep.	135
r. PC Accountings	
13. Opened	***20
14. Court Rep.	107
s. Petitions to Term.	
15. Opened	***3
16. Non-Trial Ct Rep.	8
t. Miscellaneous	
17. Opened	***8
18. Court Rep.	20
u. Non-Court Opened	136
v. Trials: Court/Jury	6/6

VI. Sup. Ct. - Mental Health (cont.)

<u>III. DEVEL. DISABLED</u>	
w. Appointments	
19. Opened	***23
20. Non-Trial Ct. Rep.	88
x. Writs	
21. Opened	***15
22. Court Rep.	42
y. Non-Court Opened	112
z. Trials: Court/Jury	13/0

* These separate categories not broken out during first half of FY 80-81, therefore totals are for only last half of FY 80-81.

** Total represents sum of all LPS, PC and DD cases opened during entire FY 80-81, including "Non-Court Representation" matters.

*** New Category. We started breaking out these figures in January 1981 so that we will be able to distinguish between the number of cases opened as opposed to the number of court appearances.

**** "Rehearing" figures not kept separately until last half of FY 80-81.

VII. SUPERIOR COURT - RESEARCH SECTION

a. 995 Memos Prepared & Filed	108
b. 1538.5 Memos Prep. & Filed	151
c. 995 Motions Grtd/Den.	48/56
d. 1538.5 Motions Grtd/Den.	60/82
e. Briefs on Appeal Filed	1
f. App. Decisions Fav./Unfav.	0/2
g. Petitions for Writs Filed	16
h. Writs Grtd./Den.	1/4
i. Petitions for Hrng. in Supreme Ct. Filed	0
j. Petitions for Hrng. in Supreme Ct. Grtd./Denied	0
k. Petitions for Rehearing Grtd./Den.	0
l. Other Support Research (Trial Briefs; Evidentiary Matters, Jury Instructions, etc.)	35

VIII. INVESTIGATION DIVISION

Case Activity	
a. Felony	712
b. Misdemeanor	1,023
c. Juvenile	181
d. Mental Illness	3
e. Other Investigation	26
TOTAL	<u>1,945</u>

Interviews	<u>5,021</u>
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IX. MUNICIPAL COURT - SAN JOSE

CASES OPENED	
a. Felony	4,857
b. Misdemeanor	4,822
c. Probation Viol.	291
d. Special Proceedings (Extradition, Advice & Assistance, Represent Witness)	53
TOTAL	<u>10,023</u>

COURT APPEARANCES	<u>26,272</u>
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FELONY CASES	
e. HTA	1,708
f. PX Waived	180
g. PG Felony	606
h. Not HTA	19
i. Dismissed	290
j. Diverted	97
k. PG Misdemeanor	494
l. Esteybar Motion	151
m. Conflict	441
n. SPC	226
o. RTB/REJ	320
TOTAL	<u>4,532</u>

MISDEMEANOR CASES	
p. PG	2,159
q. Dismissed	1,309
r. Diverted	171
s. FG CT/JT	/19
t. FNG CT/JT	/14
u. Conflict	69
v. SPC	85
w. RTB/REJ	710
TOTAL	<u>4,536</u>

MOTIONS	
x. 1538.5	318
y. Others (HOP, Discovery, W/D as Atty., ROST, New Trial, Dismissed, Ballard, BRB, MOR)	368
TOTAL	<u>686</u>

X. MUNICIPAL COURT - SANTA CLARA

CASES OPENED	
a. Misdemeanor	3,269
b. Probation Viol.	157
TOTAL	<u>3,426</u>

COURT APPEARANCES	<u>9,179</u>
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MISDEMEANOR CASES	
c. PG	1,499
d. Dismissed	319
e. Diverted	3
f. FG CT/JT	/19
g. FNG CT/JT	/10
h. Conflict	10
i. SPC	76
j. RTB/REJ	718
TOTAL	<u>2,654</u>

MOTIONS	
k. 1538.5	90
l. Others	271
TOTAL	<u>361</u>

XI. MUNICIPAL COURT - SUNNYVALE

CASES OPENED	
a. Misdemeanor	741
b. Probation Viol.	27
TOTAL	<u>768</u>

COURT APPEARANCES	<u>1,698</u>
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MISDEMEANOR CASES	
c. PG	391
d. Dismissed	78
e. Diverted	0
f. FG CT/JT	1
g. FNG CT/JT	0
h. Conflict	0
i. SPC	23
j. RTB/REJ	66
TOTAL	<u>292</u>

MOTIONS	
k. 1538.5	6
l. Others	2
TOTAL	<u>8</u>

XII. MUNICIPAL COURT - PALO ALTO

CASES OPENED	
a. Felony	1,248
b. Misdemeanor	1,244
c. Probation Viol.	22
d. Special Proceedings	1
TOTAL	<u>2,515</u>

COURT APPEARANCES	<u>7,215</u>
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FELONY CASES	
e. HTA	356
f. PX Waived	47
g. PG Felony	82
h. Not HTA	8
i. Dismissed	106
j. Diverted	18
k. PG Misdemeanor	152
l. Esteybar Motion	19
m. Conflict	70
n. SPC	68
o. RTB/REJ	118
TOTAL	<u>1,044</u>

MISDEMEANOR CASES	
p. PG	794
q. Dismissed	129
r. Diverted	11
s. FG CT/JT	/10
t. FNG CT/JT	/4
u. Conflict	8
v. SPC	20
w. RTB/REJ	284
TOTAL	<u>1,260</u>

MOTIONS	
x. 1538.5	14
y. Others	51
TOTAL	<u>65</u>

XIII. MUNICIPAL COURT - LOS GATOS

CASES OPENED	
a. Felony	232
b. Misdemeanor	251
c. Probation Viol.	17
d. Special Proceedings	0
TOTAL	<u>500</u>

COURT APPEARANCES	<u>1,323</u>
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XIII. Muni. Ct. - Los Gatos (cont.)

FELONY CASES	
e. HTA	53
f. PX Waived	8
g. PG Felony	28
h. Not HTA	2
i. Dismissed	8
j. Diverted	11
k. PG Misdemeanor	21
l. Esteybar Motion	1
m. Conflict	20
n. SPC	13
o. RTB/REJ	32
TOTAL	<u>197</u>

MISDEMEANOR CASES	
p. PG	99
q. Dismissed	35
r. Diverted	11
s. FG CT/JT	2
t. FNG CT/JT	2
u. Conflict	3
v. SPC	3
w. RTB/REJ	69
TOTAL	<u>224</u>

MOTIONS	
x. 1538.5	20
y. Others	21
TOTAL	<u>41</u>

XIV. MUNICIPAL COURT - MORGAN HILL/
GILROY

CASES OPENED	
a. Felony	226
b. Misdemeanor	485
c. Probation Viol.	23
d. Special Proceedings	1
TOTAL	<u>734</u>

COURT APPEARANCES	<u>1,543</u>
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FELONY CASES	
e. HTA	49
f. PX Waived	25
g. PG Felony	20
h. Not HTA	7
i. Dismissed	20
j. Diverted	3
k. PG Misdemeanor	53
l. Esteybar Motion	2
m. Conflict	13
n. SPC	10
o. RTB/REJ	10
TOTAL	<u>212</u>

XIV. Muni. Ct. - Morgan Hill/Gilroy
(cont.)

<u>MISDEMEANOR CASES</u>	
p. PG	299
q. Dismissed	63
r. Diverted	6
s. FG CT/JT	3
t. FNG CT/JT	2
u. Conflict	1
v. SPC	6
w. RTB/REJ	68
TOTAL	<u>448</u>
<u>MOTIONS</u>	
x. 1538.5	3
y. Others	39
TOTAL	<u>42</u>

XV. SUPERIOR COURT - CIVIL CONTEMPT

These statistics not included in Workload Activity Report prior to January 1981:

<u>CASES OPENED</u>	<u>3</u>
<u>COURT APPEARANCES</u>	<u>9</u>

INVESTIGATION DIVISION REPORT

Fiscal Year 1980 - 1981

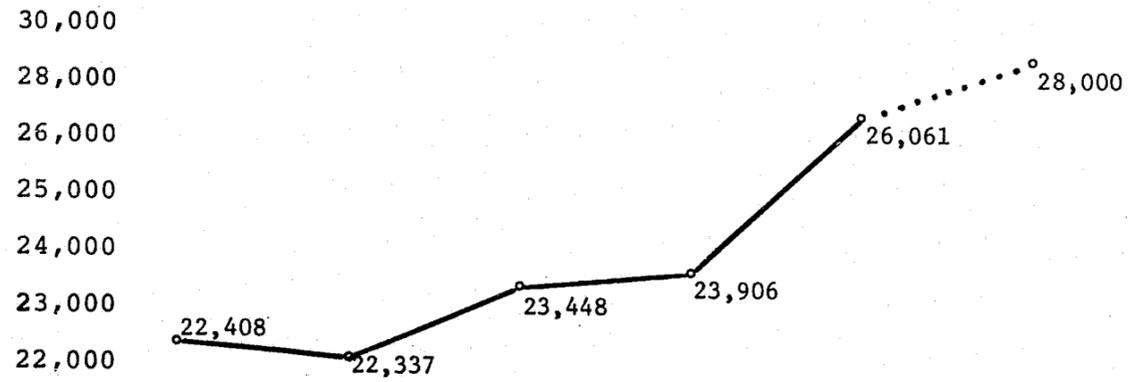
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Total Referred	156	157	179	149	126	142	188	161	189	182	168	148	1945
ADULTS	135	127	158	139	109	129	169	144	175	174	164	141	1764
Felony	70	50	47	58	46	50	64	51	65	82	73	56	712
Misd.	61	75	107	78	62	77	102	91	106	90	90	84	1023
Mental	0	0	1	0	0	1	0	0	0	0	1	0	3
OSR	1	0	2	1	0	0	3	0	1	0	0	1	9
Financial													
Elig.	0	0	0	1	0	0	0	0	1	1	0	0	3
Advice & Assist.	3	2	1	1	1	1	0	2	2	1	0	0	14
JUVENILES	21	30	21	10	17	13	19	17	14	8	4	7	181
Felony	17	15	10	6	12	9	13	14	11	4	0	5	116
Misd.	4	15	11	4	5	4	6	3	3	4	4	2	65
Services	138	175	212	301	142	172	110	160	148	120	119	85	1882
Field Interviews	291	380	242	295	190	209	265	197	312	294	232	322	3229
Office Interviews	128	151	157	151	120	163	185	145	202	181	120	89	1792
Cases Pending End of Month	318	190	295	265	258	274	314	336	289	338	343	345	

FIVE YEAR COMPARISON
(7-01-81)

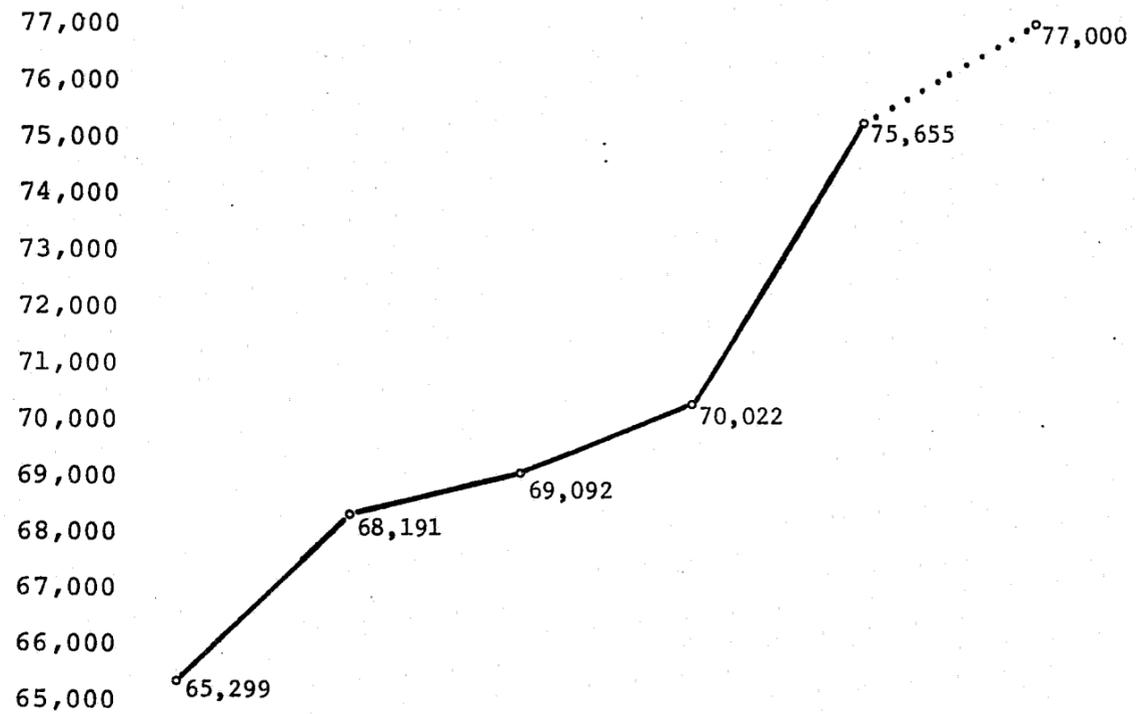
	1976-77	1977-78	1978-79	1979-80	1980-81	% Inc-Dec
ADULT FELONY	641	732	693	714	712	- .3%
ADULT MISD.	891	1007	833	920	1023	+ 11.2%
ADULT OTHER	30	45	36	33	29	- 12.1%
ADULT TOTAL	1552	1784	1562	1667	1764	+ 5.8%
JUVENILE FEL.	128	155	154	262	116	- 55.7%
JUVENILE MISD.	102	130	99	162	65	- 59.8%
JUVENILE TOTAL	230	285	253	424	181	- 57.3%
CASE TOTAL	1794	2069	1815	2091	1945	- 6.9%
SERVICES	1495	2173	2661	3150	1882	- 40.2%
FIELD INTERVIEWS	3096	3115	2771	3574	3229	- 9.6%
OFFICE INTERVIEWS	1525	3246	2709	2780	1792	- 35.5%
HOMICIDES	36	43	36	43	44	+ 2.3%

Jerry F. O'Connell
JERRY F. O'CONNELL
Chief Investigator

CASES OPENED



COURT APPEARANCES



<u>ACTUAL</u> 1976-77	<u>ACTUAL</u> 1977-78	<u>ACTUAL</u> 1978-79	<u>ACTUAL</u> 1979-80	<u>ACTUAL</u> 1980-81	<u>PROJECTED</u> 1981-82
22,408	22,337	23,448	23,906	26,061	28,000
65,299	68,191	69,092	70,022	75,655	77,000

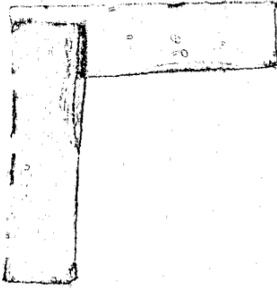
FIVE-YEAR PUBLIC DEFENDER ATTORNEY CASELOAD

TYPE CASES	FISCAL YEAR					5-Year Average Caseload
	76-77	77-78	78-79	79-80	80-81	
<u>Mixed Cases</u>	<u>411</u>	<u>385</u>	<u>434</u>	<u>439</u>	<u>465</u>	427
a. No. of Cases	22,408	22,337	23,448	23,906	26,061	
b. No. of Attys.	54.5	58	54	54.5	55.25	
<u>Felonies*</u>	<u>131</u>	<u>159</u>	<u>207</u>	<u>250</u>	<u>271</u>	204
a. No. of Cases	3,955	4,954	5,990	7,119	8,077	
b. No. of Attys.	30	31	29	28.5	29.75	
<u>Misdemeanors</u>	<u>667</u>	<u>636</u>	<u>612</u>	<u>657</u>	<u>673</u>	649
a. No. of Cases	10,998	10,805	9,484	10,518	11,455	
b. No. of Attys.	16.5	17	15.5	16	17	
<u>Juveniles</u>	<u>549</u>	<u>537</u>	<u>776</u>	<u>631</u>	<u>631</u>	625
a. No. of Cases	3,291	3,762	5,430	4,419	3,788	
b. No. of Attys.	6	7	7	7	6	
<u>Mental Health**</u>	<u>2,082</u>	<u>938</u>	<u>848</u>	<u>702</u>	<u>914</u>	1,097
a. No. of Cases	4,164	2,816	2,544	2,160	2,741	
b. No. of Attys.	2	3	3	3	3	

* This figure includes: Municipal Court Felonies, Superior Court Indictments and Cases Accepted After Arraignment, Homicides, Probation Violations, Special Proceedings and Appeals and Writs. All prior year data revised to correct for clerical errors and revised accounting procedures.

** Revised data for all prior years to correct for clerical errors and revised accounting procedures.

APPENDIX G



END