

Annual Report

Maricopa County Office of the Public Defender

2011-2012

MARICOPA COUNTY OFFICE OF THE PUBLIC DEFENDER

620 W. Jackson Street, Suite 4015, Phoenix, AZ 85042

(602) 506-7711

pdinfo@mail.maricopa.gov

Annual Report

Maricopa County Office of the Public Defender

Mission

The mission of the Office of the Public Defender is to provide quality legal representation to indigent individuals assigned to us by the court, thus safeguarding the fundamental legal rights of each member of the community.

Goals

The Maricopa County Public Defender's Office provides tremendous value to the community by serving an important public safety function. We seek effective dispositions for addressing the underlying problems that contribute to our clients' criminal behavior, thus providing them with their best chance to become productive and law-abiding individuals. Our goals are:

- To protect the rights of our clients, to guarantee that clients receive equal protection under the law, regardless of race, creed, national origin or socioeconomic status, and to ensure that all ethical and constitutional responsibilities and mandates are fulfilled;
- To obtain and promote dispositions that are effective in reducing recidivism, improving clients' well-being, and enhancing quality of life for all;
- To work in partnership with other agencies to improve access to justice, develop rational justice system policies, and maintain appropriate caseload and performance standards;
- To enhance the professionalism and productivity of all staff; and
- To perform our obligations in a fiscally responsible manner including maintaining cost effectiveness by limiting the percentage of increase in the annual cost per case to no more than the percentage of increase in the overall annual funding of the County's criminal justice group.

DEFEND ~ PROTECT ~ ENHANCE ~ PROMOTE ~ IMPROVE ENSURE ~

PARTNER ~ RESPOND ~ PRODUCE ~ RESOLVE ACHIEVE ~ REPRESENT

~ LEAD

Department Initiatives

In FY12, the Maricopa County Public Defender's Office continued to support initiatives addressing the root causes of offenders' criminal behavior and reducing recidivism. The reduction in recidivism enhances public safety and reduces future demands on the criminal justice system.

Veterans Court is now a reality. Phase 1 of this court, focused on veterans who are probation violators, began in February, 2011. The Regional Homeless Court (RHC), which had been limited to municipal matters, is in the process of being expanded to misdemeanors in the Maricopa County Justice Courts. The RHC brings the homeless population and the regional limited jurisdiction courts together in one accessible location to resolve lingering post-adjudicated and pre-adjudicated matters for homeless individuals who are on the road to becoming productive members of our community. Courts are thus able to quash warrants and close stale files while defendants are able to settle obligations which inhibit employment and block the reinstatement of driving privileges.

In addition, the Continuity of Care Court continues to expand. This court, which is staffed by a mitigation specialist, gathers information within days of the arrest of mentally ill defendants. The information gathered by our staff in this court has resulted in at-risk inmates receiving critical medication while incarcerated and evidence based plea offers focused on the root causes of these offenders' criminal behavior being provided at the RCC and EDC. We will continue to work on expansion of Veterans Court, Homeless Court and the Continuity of Care Court. New legislation from the 2012 Session expanding the types of individuals eligible for diversion programs. Streamlining the ability of homeless courts to handle matters from other courts should assist us in these efforts.

To enhance and best manage our efforts regarding specialty, therapeutic courts in Maricopa County, the Office created a new group Specialty Court Group to consolidate our operations in the following areas:

- Drug Court
- DUI Court
- Spanish-speaking DUI Court
- Veterans' Court
- Veterans' Drug Court
- Domestic Violence Court
- Mental Health Court
- JTOP
- Youthful Sex Offender Court
- Continuity of Care Court
- Unsupervised Probation Court
- PSRB
- Homeless Court

In March 2012, the Maricopa County Adult Probation Department and Superior Court held a celebration honoring the 20th anniversary of the Adult Drug Court in Maricopa County. The mission of drug court is to reduce substance abuse and recidivism by assessing the risk and

need of individual offenders and providing a continuum of treatment, services, supervision, rewards and sanctions. The contribution of Public Defender's Office to the success of the drug court program was acknowledged during the celebration. As part of the celebration, a short [Drug Court 20th Anniversary](#) video was shown which included comments from MCPD attorneys.

In May 2012, MCPD Attorney Manager Dan Carrion co-chaired the Arizona Problem Solving Courts Conference: Collaborating for Positive Change, a two day conference held at Arizona State University West campus sponsored by the Arizona Association of Drug Court Professionals (AADCP), ASU Center for Applied Behavioral Health Policy and the Pacific Southwest Addiction Technology Transfer Center. This conference brought together more than 250 professionals from all areas of criminal justice and behavioral health, including judges, public defenders, prosecutors, probation officers, recovery coaches and seven graduates, counselors, and social workers, to provide the most up-to-date research and education on problem-solving courts. Collaborating partners for the event included representatives from the Office, the National Drug Court Institute, Arizona Governor's Office for Children, Youth & Families, Arizona Prosecuting Attorneys' Advisory Council (APAAC), Maricopa County Superior Court, Supreme Court of Arizona, David's Hope, and county probation departments from across the state.

In June, 2012, the National Association of Counties selected Project SAFE: Improving Outcomes of Transferred Juveniles on Adult Probation as one of the 2012 NACo Achievement Award winners. The goal of Project SAFE (Swift Accountable Fair Enforcement) is to immediately address the drug and alcohol use by transferred juvenile probationers in the Adult Court. An attorney and two mitigation specialists work closely with the Court and the Adult Probation Department in ensuring the success of the transferred youth in the program. After one year, the program has shown decreases in the number of new arrests petitions to revoke probation, and probations sent to prison.

Finally, the Office continues to devote considerable efforts to other evidence based initiatives by working with the courts and prosecution on potential expansion of diversion programs, working with Arizona Attorneys for Criminal Justice and a nationally recognized expert on an in-depth report of evidence-based practices, serving as a member of the Department of Justice's LEEC's Reentry Committee, serving on the County's SMI Commission, speaking at community forums on evidence based practices, working with Magellan and Correctional Health Services to address the ever-widening gap in mental health services to our clients caused by recent budget cuts, serving on the Executive Committee of the County's recently created Jail to Community Services reentry committee and working with the Adult Probation Department on several training programs regarding expanded use of evidence based practices.

Training Activities

The Public Defender Training Fund (PDTF) continues to be vital to the Office's mission. It enables the Office to provide high-quality training for our employees, giving them the necessary resources and tools to provide effective representation. Further, the PDTF enables the Office to serve as a leader and primary sponsor for several statewide indigent defense training programs.

In anticipation of ongoing State and County budget issues, as well as a decrease in PDTF funding, the Office continued to operate with several fiscal constraints. We maintained our moratorium on out-of-state travel (with limited exceptions) and restrictions on in-state training. Our conservative approach resulted in a training reserve of \$181,447.12 at the end of the fiscal year, which helps us start the new year on a strong footing.

Training new public defenders from around the state remains a high priority. This year, our new training director revised the Office's curriculum for new attorneys, which included new speakers and materials in digital format. During the first year of employment, attorneys attend a three part training regiment including Introduction to Criminal Defense, Pretrial Practice, and Trial Skills. First year attorneys also attend the State Bar Professionalism Course.

We also train attorneys with two to four years of experience by providing trial advocacy technique courses. Our Fall Trial College focuses on case themes and theory, opening statements, voir dire, and closing argument. It is taught by nationally known speaker Ira Mickenberg. Participants met in small groups, brought a case of their own, and developed a theme through which to tell their client's story of innocence in opening statement. They practiced asking voir dire questions to expose jurors least open to believing their clients' innocence. Attorneys practiced tying in the evidence and applicable law to support a legal theory of innocence in closing argument.

Spring Trial College focuses on cross-examination, witness control, evidence, objections, impeachment, and motive and bias. This year, we did not hire speakers and, instead, our own trial attorneys presented short lectures. The participants met in small groups to apply the techniques learned. They cross examined, controlled, impeached, and showed motive and bias of witnesses played by actors. Participants received valuable feedback from mentor attorneys.

We supplement this training with the APDA Annual Conference (which the Office co-sponsors), the Annual Death Penalty Conference, bi-monthly brown-bag lectures, technology training, and publication of our Office newsletter for The Defense. We continue our partnership with the Federal Defender's Capital Habeas Division to offer quarterly trainings on Capital Appeals and Rule 32 proceedings. The trainings have been well attended and received.

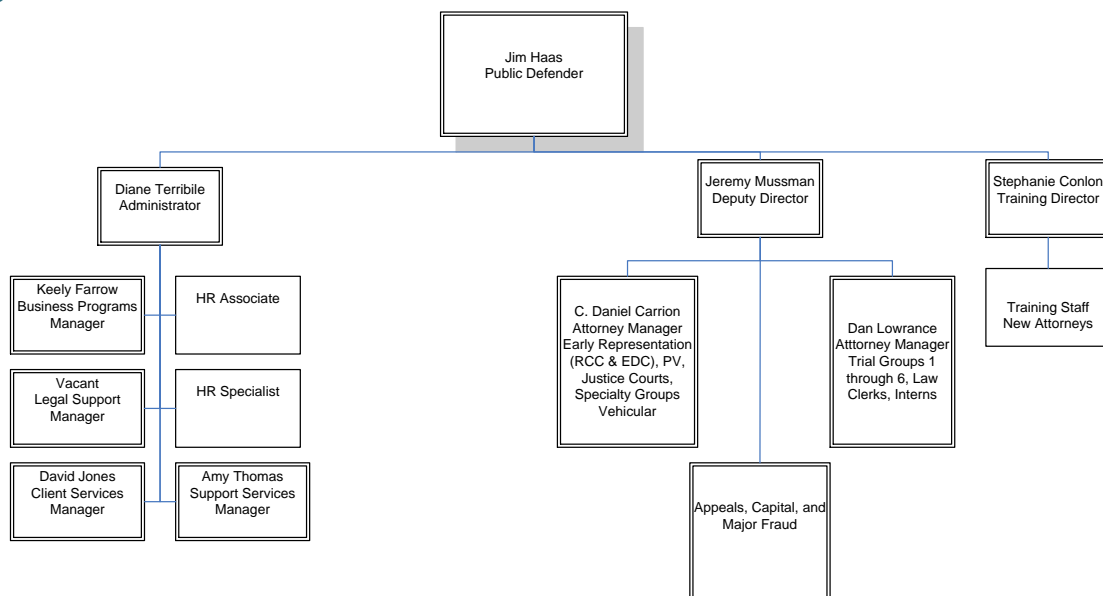
In summary, the Public Defender Training Fund remains a cost-effective and dynamic tool for training public defenders and staff.

Training Events Summary

Title of Conference/Training	Date(s)	# of attendees
The Cannabis Chef and the K-9 Brown Bag	August 4, 2011	30
PowerPoint and Courtroom Presentations	August 24, 2011	12
Capital Direct Appeals and PCR Training Series: Litigating Brady Claims	August 26, 2011	40
Fall Trial College	November 16-17, 2011	41
Annual Death Penalty	December 7-9, 2011	309
Public Service Loan Forgiveness Webinar	August 11, 2011	10
Westlaw General Refresher Westlaw Next	September 16, 2011	4
Mentally Ill Offender in the Criminal Justice System Webinar	August 26, 2011	15
Justice Court Training	August 19, 2011	11
Coordinating State & Federal Sentencing to (Possibly) Benefit Your Client	September 30, 2011	32
Capital Direct Appeals and PCR Training Series	October 20-21, 2011	41
CHS: Medical Charges	November 2, 2011	21
iCIS View for PD	July 1, 2011 – June 30, 2012	51
IRIS Case Management	July 1, 2011 – June 30, 2012	50
E-Filing Through IRIS	July 1, 2011 – June 30, 2012	1
IRIS - Case Initiation	July 1, 2011 – June 30, 2012	4
IRIS – Updating and Closing Cases	July 1, 2011 – June 30, 2012	4
Criminal E-Filing	July 1, 2011 – June 30, 2012	35
Adding Other Case People	July 1, 2011 – June 30, 2012	1
NEO Computer/Scanner	July 1, 2011 – June 30, 2012	48
PPT 101	July 1, 2011 – June 30, 2012	9
PPT Advanced Formatting	July 1, 2011 – June 30, 2012	4
PPT Animation	July 1, 2011 – June 30, 2012	3
PPT Inserting Objects	July 1, 2011 – June 30, 2012	4
IRIS Follow Up	March 22, 2012	10
IRIS Time Sheets	July 1, 2011 – June 30, 2012	7
MS Word/Outlook Overview	February 14, 2012	1
Editing Audio with Window Movie Maker	March 29, 2012	10
New Rules of Evidence SBOA	October 6, 2011	21
DNA Testing Innocence Project Brown Bag	October 28, 2011	52
Juror Voir Dire Training Capital Attorneys	October 12-13, 2011	21
Interview Tips & Techniques For Attorneys	November 15, 2011	38
Westlaw General Refresher/Ethics	December 1, 2011	5
Class 6 Undesignated Project	October 20, 2011	10
Webinar Innovations in Public Defense	November 30, 2011	8
TASC Program Overview RCC/EDC DT	November 22, 2011	12

Title of Conference/Training	Date(s)	# of attendees
Basics of Neuropsychology Evals in Mitigation	January 24, 2012	51
Basics of Neuropsychology Competency to Proceed	January 31, 2012	33
Spring Professionalism	April 20, 2012	18
Spring Trial College	April 11, 2012	26
Veterans Stand Down Brown Bag	February 1, 2012	56
Webinar: Gathering Social Media	January 26, 2012	18
Drug Court Overview	February 13, 2012	12
Court Tower / Train the Trainer	February 22 & 24, 2012	28
Court Tower / Technology Training	February 2012 thru March 2012	59
Real Colors	February 29, 2012	20
Forensic Tool Box	March 22, 2012	19
APDA Annual Conference	June 20-22, 2012	965
Patron Saints Seminar / Cancelled	June 19, 2012	0
Drug Court Overview	March 21, 2012	33
Interstate Compact Updates	March 23, 2012	14
County Open Enrollment Overview	April 5 & 12, 2012	84
OST / CANCELLED	April 25, 2012	0
Deferred Comp Overview	May 3, 2012	8
Interstate Compact Updates	May 4, 2012	11
Juvenile System Overview	May 17, 2012	33
Westlaw General: Ethics	May 18, 2012	7
Mail Merge - MS Office 2007	June 12 & 14, 2012	19
Taking a Stand Against Bullying: Protecting Everyone	June 12, 2012	64

Organizational Chart



Managing for Results, Statistics and Budgeting

Over the past eight years, the Public Defender's Office has reported strategic and statistical information using Managing for Results (MFR). MFR is a comprehensive and integrated management system that was established in 2000. Four cycles (planning, budgeting, reporting, evaluating) comprise the MFR system which is used heavily in budgetary decision-making.

MFR data is comprised of four types of measures: demand, output, efficiencies, and results. Data reported for these measures in prior years included projections and historical actuals for case assignment (demand), case resolution (output), and expenses by case type (efficiency), as well measures geared for demonstrating effectiveness and/or efficiency (result). As previously reported, the Public Defender's results measures were significantly revamped in FY10. To a large extent, the Office can't control the timeliness or even the effectiveness of representation. The specifics of the cases and the relevant case law, along with the power and authority of Court and County Attorney, restrict our impact on process timeliness and case outcomes. FY12 marks the third year for data in the new structure, allowing further comparison of year-to-year changes in those numbers. The newly established trend for the revamped data allows us to consider the information in part of our ongoing efforts toward monitoring the quality of our representation.

In addition to MFR data, the Office also began using a new fifteen criteria case weighting system in FY10. We were able to retrieve and reevaluate historical data as far back as FY08, under the case weighting structure developed. The additional historical data makes it possible for an even more valuable trend analysis. The Office continues to utilize this data.

Department-wide and individual attorney reports are available to Office management and supervisors. These figures help to quantify the relative difficulty of cases in an effort to understand attorney workloads better. Case weighting information is used in conjunction with the supervisors' more-detailed understanding of their attorney's cases, to assist supervisors in workload leveling. The intention of these efforts is to ensure workloads are not excessive for any particular attorney(s), and to inform supervisors which attorney(s) might have the ability to take additional cases.

Finally, with regard to FY12 budgeting, the Office managed to stay within budget. Achieving such results continues to be a struggle given the volatile nature of public defense representation and the complicating impacts of a struggling economy.



Budget Abstract

ACCOUNT	EXPENDITURES
SALARIES & BENEFITS	\$31,442,986.97
GENERAL SUPPLIES	\$312,143.32
FUEL	\$13,385.51
NON-CAPITAL EQUIPMENT	\$18,101.50
LEGAL SERVICES	\$1,530,120.34
OTHER SERVICES	\$659,280.61
RENT & OPERATING LEASES	\$60,749.51
REPAIRS AND MAINTENANCE	\$13,792.75
INTERNAL SERVICE CHARGES	\$402,766.75
TRAVEL	\$38,912.03
EDUCATION	\$96,659.02
POSTAGE/FREIGHT/SHIPPING	\$41,798.02
CAPITAL EQUIPMENT	\$265,307.02
VEHICLES	\$0.00
DEBT SERVICES (Technology Financing)	\$0.00
TOTAL EXPENDITURES	\$34,896,003.35
APPROPRIATIONS	AMOUNT
GENERAL FUNDS	\$32,986,216.00
TRAINING SPECIAL REVENUE FUND	\$417,720.00
FILL THE GAP SPECIAL REVENUE FUND	\$2,678,475.00
DEA GRANT	\$449,732.00
TOTAL APPROPRIATIONS	\$36,532,143.00

Statistical Abstracts

Cases Assigned

History of Cases Assigned by Case Categories FY08-FY12 Cases Assigned ^{1,2}					
Case Type	FY08	FY09	FY10	FY11	FY12
Capital	14	7	8	13	9
All other Homicide	189	160	126	129	151
Class 2-3 Felony	5,709	6,352	5,292	5,272	5,322
Class 2-3 Felony - RCC/EDC	2,438	2,835	2,579	2,191	1,996
Class 2-3 Felony - Non RCC/EDC	3,271	3,517	2,713	3,081	3,326
DUI	2,206	2,331	2,052	1,960	1,521
DUI - RCC/EDC	1,616	1,659	1,310	1,236	1,006
DUI - Non RCC/EDC	590	672	742	724	515
Class 4-6 Felony	18,903	16,776	14,279	13,574	13,206
Class 4, 5, & 6 Felony - RCC/EDC	14,663	13,061	11,344	10,269	9,751
Class 4, 5, & 6 Felony - Non RCC/EDC	4,240	3,715	2,935	3,305	3,455
Violation of Probation	15,904	15,235	12,216	12,259	13,358
Misdemeanor	3,276	3,176	2,896	2,763	2,157
Trial Division Total	46,201	44,037	36,869	35,970	35,724
Mental Health Total^{3, 4}	2,818	3,453	3,572	3,521	0
Appeals (includes Capital)	318	371	467	380	272
Plea PCR (Appeal PCR)	527	243	374	191	175
Trial PCR (PCR)	128	70	133	75	78
Juvenile Appeal	46	38	23	1	0
Appeals Division Total	1,019	722	997	647	525
Total of Above	47,220	44,759	37,866	36,617	36,249

¹ Data after 2007 is updated as information is available. Data may not match older reports.

² Total cases opened minus cases closed during the time period with the following dispositions: no complaint, administrative transfer, and workload withdrawal cases.

³ From FY09 to FY11, Mental Health case assignment methodology was revised. In prior years, a new case was created in the event of Judicial Reviews, Annual Reviews or Review Status Hearings. The revised process and procedures were changed so that when such events occurred, the original case was reactivated instead of creating a new case in the Office's case management system.

⁴ Effective FY12, the Mental Health unit was transferred to the Office of the Public Advocate.

Cases Resolved

History of Cases Resolved by Case Categories FY08-FY12 Cases Resolved ^{1,2}					
Case Type	FY08	FY09	FY10	FY11	FY12
Capital	8	8	21	10	4
All other Homicide	86	106	88	63	65
Class 2-3 Felony	3,847	4,276	3,929	3,342	3,409
<i>Class 2-3 Felony - RCC/EDC</i>	1,390	1,496	1,533	1,277	1,070
<i>Class 2-3 Felony - Non RCC/EDC</i>	2,457	2,780	2,396	2,065	2,339
DUI	1,676	2,007	1,738	1,588	1,275
<i>DUI - RCC/EDC</i>	1,114	1,266	1,091	957	736
<i>DUI - Non RCC/EDC</i>	562	741	647	631	539
Class 4-6 Felony	14,921	15,282	12,968	12,096	11,449
<i>Class 4, 5, & 6 Felony - RCC/EDC</i>	11,136	11,175	9,933	9,318	8,420
<i>Class 4, 5, & 6 Felony - Non RCC/EDC</i>	3,785	4,107	3,035	2,778	3,029
Violation of Probation	14,835	14,132	11,783	11,236	11,952
Misdemeanor	2,765	2,827	2,726	2,381	1,993
Trial Division Total	38,138	38,638	33,253	30,716	30,147
Mental Health^{3,4}	2,712	3,358	3,510	1,110	0
Appeals (includes Capital)	283	334	441	379	310
Plea PCR	485	329	223	176	213
Trial PCR	69	47	64	61	41
Juvenile Appeals	53	22	41	5	1
Appeals Division Total	890	732	769	621	565
Total of All Above	41,740	42,728	37,532	32,447	30,712

¹ Data after 2007 is updated as information is available. Data may not match older reports.

² Case resolutions are total cases closed during the fiscal year, minus cases closed during the fiscal year that were not resolved by the office directly (i.e., reduced by cases in which no complaint is filed, private counsel is retained, conflict withdrawals, workload withdrawals, and transfers to another IR department).

³ From FY09 to FY11, Mental Health case assignment methodology was revised. In prior years, a new case was created in the event of Judicial Reviews, Annual Reviews or Review Status Hearings. The revised process and procedures was changed so that when such events occurred, the original case was reactivated instead of creating a new case in IRIS.

⁴ Effective FY12, the Mental Health unit was transferred to the Office of the Public Advocate.