

LAW OFFICE OF THE PUBLIC DEFENDER



Delivering America's Promise of Justice for All

# 2007-2008

ANNUAL REPORT



MARICOPA COUNTY

# CONTENTS

# FY08 Annual Report

---

|                                    |    |
|------------------------------------|----|
| purpose and goals                  | 3  |
| department initiatives             | 4  |
| training and diversity             | 12 |
| organizational chart               | 16 |
| budgeting and managing for results | 18 |
| statistical abstracts              | 20 |

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

# FY08 Annual Report

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.

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

Page 3

# DEPARTMENT INITIATIVES

The Maricopa County Public Defender's Office (MCPD) initiated or participated in several efforts to enhance services and processes this year. The Office was presented with several opportunities to advocate for system-wide and internal process improvements through a variety of initiatives. The following reports summarize our efforts this year.

## TRIAL

### Veterans Issues

The MCPD has been working aggressively to address legal and mental health concerns of veterans. In early 2008, the Office established a working group comprised of local and national representatives to address veterans' issues. A series of small group meetings and teleconferences were conducted. In June, several experts traveled to Phoenix to participate in two very well-attended presentations at the Arizona Public Defender Association's Annual Conference. In August, the Office hosted a planning meeting that included Justice Michael Ryan from the Arizona Supreme Court, Judge Kenneth Fields from the Maricopa County Superior Court, former County Attorney Richard Romley, and

representatives from Congressman Harry Mitchell's office, US Vets, the Veterans' Administration, Adult Probation, the law firm of Snell & Wilmer and the Phoenix Police Department. In September, we worked with Maricopa County Court Administration on another excellent training program: representatives from Buffalo, New York's highly successful veterans' court provided an overview of their court, including strategies for establishing a new court. Once again, a wide range of participants attended, including representatives from the courts, veterans groups, probation, law



enforcement and the private bar. In October, the Presiding Judge of the Maricopa County Superior Court signed Administrative Order 2008-129, establishing a Veterans Treatment Court Exploratory Committee, to be chaired by Judge Kenneth Fields.

We have been involved in a number of other "hands-on" initiatives. For example, the

process for obtaining military medical information has been streamlined. Records can now be requested via fax, mail, or in person. Receipt of the records takes place in a matter of days. This process improvement was a



# FY08 Annual Report

collaborative effort between the MCPD and Phoenix area Veterans' Administration (VA) representatives. In addition, access to VA services for qualifying veterans also has significantly improved. In fact, the VA now often initiates the contact with the Office to inform us that a veteran has been arrested or incarcerated. This contact often occurs before the MCPD is aware of the new case. This improvement in communication is reflective of the overall effort by the Office to conduct multi-agency coordination in providing services to veterans. MCPD's November/December 2008 Newsletter, which is distributed to defense counsel and judges throughout the state, was devoted to criminal justice issues impacting veterans. Finally, we are currently working with Snell & Wilmer and veterans groups to create a written resource guide that can be used by attorneys, probation officers, judges and veterans to access services in a more timely and efficient manner.

## Juveniles in Adult Court

The Office formed a Juvenile in Adult Court (JAC) Unit in January 2008. JAC is comprised of four attorneys, two mitigation specialists, and two investigators. JAC was formed to provide specialized representation for the juveniles who have been transferred for prosecution as adults or whose cases were "direct filed" as adult cases. JAC was formed in response to the United

States Supreme Court decision in *Roper v. Simmons*, which recognized scientific research establishing that the juvenile brain does not mature until as late as age 22. The research found that juveniles frequently engage in immature decision-making, impulsivity, risk-taking, are vulnerable to peer pressure and false confession, and fail to understand the long-term consequences of their actions.

JAC was formed to address these unique challenges posed by teenagers charged with criminal activity. It is comprised of a core group of attorneys, mitigation specialists and investigators with specialized knowledge needed to represent this population effectively and efficiently. The cases assigned to this Unit are generally of a more serious nature. It will take several years to acquire sufficient data to gauge the impact this specialized approach has had in the overall outcome of these cases, but we anticipate that this group's specialized skills and training will result in a more efficient and productive use of our personnel.

## Entitlement Specialist

MCPD's Adult Division is spearheading an effort to create a job position for an in-custody entitlement specialist to "pre-screen" eligible inmates for AHCCCS and other entitlements. Currently, the Maricopa County Probation Department (APD) conducts a

# DEPARTMENT INITIATIVES

---

similar process for newly sentenced probationers. If, after completion of a pre-screen instrument, the probationer meets the eligibility requirements for AHCCCS, the individual is referred to the appropriate Department of Economic Security (DES) office to complete and submit the application within a designated time frame.

Focusing on a similar concept for incarcerated adult defendants, representatives from the Office, MCSO, Correctional Health Services, APD, Magellan Behavioral Health Services, DBHS and DES have discussed the need for an entitlement specialist in the jail to also conduct pre-screens so that incarcerated defendants have continuity of care by accessing benefits immediately upon their release from the jail.

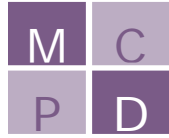
## Criminal Mental Health

This year, the Office's Criminal Mental Health Unit continued providing outreach and training to the Arizona Department of Employment Security Division of Developmental Disabilities (DDD). We have worked with their criminal justice liaison and more directly with their support coordinators and teams over the past year. This increased communication has reduced some consumers' initial contacts with the criminal justice system, as well as recidivism in consumers who have had previous contact with the system. We focused on working with the DDD on

cases or issues involving consumers with high risk clinical behaviors since providing the proper level of community based support results in the greatest decrease in criminal justice contacts. Next, we will be working with the DDD and Maricopa County Adult Probation's seriously mentally ill and sex offender units to ensure that defendants with developmental disabilities have adequate support to fully participate with their probation terms. This will have the benefit of fewer violations and revocations, saving criminal justice resources at many different levels.

Frequently, individuals receive care for their mental illnesses for the first time when they are incarcerated in the Maricopa County jails. To promote continuity of care, these individuals are encouraged to seek evaluations from the local Regional Behavioral Health Authority (RBHA), Magellan. Providing clinical stability in the community enables the person to be law abiding and productive.

Through ongoing communications with Magellan, plans are underway to streamline this self-referral process. We are working with Magellan, Correctional Health Services, and MCSO to make the individuals' telephonic contacts with Magellan more efficient. MCPD is also developing a screening process, so that defendants' applications are accurate and complete. Ultimately, individuals with mental



# FY08 Annual Report

illnesses who receive SMI case management are more successful in obtaining and maintaining pre-trial release, thus reducing the number of incarcerated individuals who rely on Correctional Health supports.

Our Criminal Mental Health Unit strives to work with community providers and Correctional Health Services (CHS) to guarantee continuity of proper levels of medical and psychiatric care for incarcerated defendants. Enhanced communications with the new CHS administration have helped the defense community and the treatment providers identify issues, including medication on court dates, medication formulary concerns, and helping impaired defendants communicate their needs to CHS. Such improvements should reduce the needs for continuances and the use of the Rule 11 process, thus saving judicial resources.

## Proposition 100

Proposition 100, a 2006 amendment to Article 2, Section 22 (A) of the Arizona Constitution, made a number of offenses nonbondable if the individual charged is in the country illegally. The charges covered by this new law are very broad, including offenses for which many defendants had previously been released on their own recognizance or on very low bonds. Many times the charges are based on issues involving complicated evidentiary matters, such as allegations that items

used for identification (e.g., like a defendant's Mexican driver's license) were not properly issued by Mexican authorities or that a defendant's lack of paperwork may be indicative of illegal status. The application of this law has raised numerous issues regarding its scope, the level of proof required to hold someone nonbondable, and the time and manner under which such proof must be provided.

The overwhelming majority of these cases are filed in the Regional Court Centers, which is a primary center for public defender practice. Consequently, the Office has been at the forefront of litigation concerning this novel new law. In addition to challenging the overall constitutionality of Proposition 100, the Office filed two special actions seeking clarification of the due





# DEPARTMENT INITIATIVES

process rights of defendants. During the pendency of the litigation, the Office met with the Administrative Office of the Courts and other stakeholders to craft procedures for implementing Proposition 100 in an effort to safeguard the due process rights of those individuals impacted by the proposition.

In *Segura* and *Tovar v. Cunanan*, the Court of Appeals adopted MCPD's position on the necessity of establishing minimum standards and stated, "if the State alleges that a defendant is not entitled to bail under the Arizona Constitution, due process requires that the defendant receives a full hearing at which the defendant may be represented by counsel, cross-examine witnesses, and present evidence." This opinion provided the framework for recent modifications to the Arizona Rules of Criminal Procedures.

## Public Defender Clinic

The Office and Arizona State University's Sandra Day O'Connor College of Law have teamed up to establish the Public Defender Clinic. Under the supervision of Public Defenders and Adjunct Professors Dan Lowrance and Jeff Roth, students enrolled in the clinic represent indigent defendants in criminal



cases. Students work at the MCPD's downtown Phoenix location. Most of their cases involve lower level drug charges, providing an opportunity to address challenging issues relating to search and seizure and the admissibility of scientific evidence. Casework includes interviewing and counseling clients, obtaining discovery, preparing legal motions and presenting them in court, interviewing witnesses, engaging in plea negotiations, and representing clients at trial.

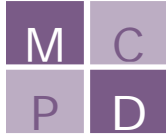
## JUVENILE

On July 1, 2008, the Juvenile Division of the MCPD's Office became a separate office: the Office of the Maricopa County Juvenile Public Defender.

During the period covered by this annual report, however, it was a vibrant part of the Office. Staff in the Juvenile Division were involved in programs to reduce crime in our community by participating and hosting forums, speaking at valley schools, staffing teen court and providing general legal information to the public. The purpose of the forums is to inform citizens of their constitutional rights, basic laws, and how to remain safe during police interaction.

Children of Maricopa County receive information regarding the law and their





# FY08 Annual Report

rights by attending in-school presentations, attending "Teen Court," or calling the Office with a legal question. The goal is to prevent children from becoming involved in the justice system by providing them with information about laws that impact their age group. Teen Court serves a dual purpose. The attorneys, court staff, and jurors are teens from a local high school who learn about the law by being involved in a pseudo court process. The defendant, a youth who is participating in diversion for a misdemeanor offense, experiences the legal system and is able to correct his behavior before becoming entrenched in criminal activity. The Public Defenders who assist in Teen Court provide mentoring to the court participants, thus ensuring they understand the way the system works and the type of consequences that await individuals that break the law. The Office's participation in community programs leads to fewer youth becoming involved in the system and safer neighborhoods.

Also, the Office assists youth with sealing their juvenile record at the appropriate time to minimize stigma and obstacles to their progress. Additionally, Public Defenders provide legal assistance to children offered diversion through the Probation Department. Former



clients of the Public Defender's Office are sent instructions and forms for sealing their juvenile record upon their eighteenth birthday. If a juvenile has questions, they can contact the Office and an attorney will assist them in completing the forms. Further, the attorneys assist youth who are offered diversion through the Probation Department with questions concerning their legal rights. A

probation officer can contact the Office and have the child speak with an attorney; thus enabling the child to make an informed decision of whether or not to participate in the diversion program.

One of the newest ventures the Office has undertaken is working with the Arizona Department of Juvenile Corrections as an advisory board member to assist the Department in continuing to improve the programs and treatment of its wards. Advisory Board members are able to tour the facilities and meet with the youth to obtain information about their care and programs. This first-hand experience allows board members to make insightful suggestions for helping the Department assist youth in making meaningful changes that will allow the youth to transition safely back into their communities.

# DEPARTMENT INITIATIVES

---

Further, over the past year the Juvenile Division worked collaboratively with Juvenile Probation, the County Attorney's Office, Juvenile Court Judges and community providers to create detention alternatives and a new detention index screening tool. Research reveals that children who are never incarcerated have lower recidivism rates than their counterparts. As a result of the research, the juvenile court stakeholders are working on initiatives to ensure fewer children are placed in the detention centers. The stakeholders have met to expand and create detention alternative services and create a new detention index screening tool to eliminate the subjective detention of children who are not a danger to themselves or the community.

Members of MCPD's Juvenile Division served the legal community by participating in continuing education programs. Over the past year, attorneys gave presentations at the State Bar, Arizona Public Defender Association, Pima County Public Defender Office, and the Southwest Juvenile Defender Summit.

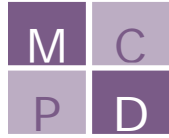
Lastly, the Office, led by the Juvenile Division, arranged Rights Restoration Projects in conjunction with the ACLU. The purpose of the project was to assist citizens with felony records restore their civil liberties and set aside their judgment of guilty so they are better able to be productive members of their communities.

The restoration of citizens' civil liberties enhances their marketability and access to housing and other government assistance programs. As a result of restoring their civil liberties, these citizens are able to create a better life for themselves and their families.

## APPEALS

The Office's Appellate Division remained the primary provider of legal services in Maricopa County for juvenile and adult indigent individuals seeking (1) appellate review of delinquency orders or guilty verdicts, (2) appellate review of Title 36, mental health court, inpatient treatment orders and (3) post-conviction relief review of a case pursuant to Rule 32.

Each appellate attorney maintains a diverse mix of cases ranging in difficulty from Proposition 200 drug possession cases, for which probation is the mandatory sentence, to first degree capital murder cases, for which the death penalty has been imposed. In addition to maintaining a full appellate caseload, the attorneys in the Division regularly contribute to the continuing legal education of attorneys and judges by writing articles for legal publications and by presenting at training programs sponsored by the MCPD, the Arizona Public Defender Association, the Arizona Attorneys for Criminal Justice, the State Bar of Arizona and the Supreme Court of Arizona.



# FY08 Annual Report

## MENTAL HEALTH

The Mental Health Division of the MCPD is involved in many activities that concern citizens with mental health issues. The Division participated in meetings, worked with the new Regional Behavioral Health Authority, and provided training to new doctors for benefit of the mentally ill. A member from the Division attends meetings of the Commission of Justice System Intervention for the Seriously Mentally Ill, Arizona State Hospital's guilty except insane and Maricopa County Superior Court Comprehensive Mental Health Court. An Office representative provides the groups with insightful information regarding the effect their proposed decisions will have on the mental health community. Further, staff participation ensures that the Division remains current on the way the mentally ill are treated in the criminal system.

During fiscal year 2008, Maricopa County contracted with Magellan, a new regional behavioral health provider.



The change in behavioral health provider greatly affected the mentally ill population of Maricopa County. To facilitate a smooth transition, the Mental Health Division collaborated with Magellan to locate community services for the mentally ill. The Division's assistance allowed the mentally ill population to have a continuum of care during the transition.

Lastly, the Mental Health Division continues to provide training to students in the medical science program regarding court ordered evaluations and treatment processes. Mental Health is a very specialized area of the law. The rules that govern mental health evaluations and treatment are very specific. The attorneys provide the students with a detailed overview of the process and explain the legal theory behind the laws. The students are able to view the court-ordered evaluations from a legal perspective and appreciate the need to protect all citizen's right to liberty.



# TRAINING ACTIVITIES

We have continued to make our “New Attorney Training Program” a top priority. The MCPD offers this two-week program to county public defender offices throughout the state. We presented the program three times this past year, enabling participation by more than seventy-five defender attorneys from throughout the state.

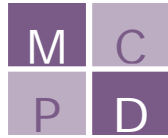
In October, we brought nationally-recognized trainer Ira Mickenburg to Phoenix for a full-day seminar on *Brady* and *Crawford* issues. Fifty-eight attorneys from around the state attended this very insightful seminar.

The Arizona Supreme Court and Rule 6.8 of the Arizona Rules of Criminal Procedure require all lawyers involved in death penalty litigation to receive a minimum of six hours of continuing legal education (CLE) in this area. In December, the “Annual Death Penalty Conference” was, once again, very successful. We collaborated with the Federal Public Defender’s Capital Habeas Division, the Maricopa County Legal Defender and the Maricopa County Legal Advocate to present nationally recognized experts for training needed in the ever-changing field of death penalty law. Without this seminar, many capital case litigators in Arizona would find it more difficult and expensive to qualify to represent clients facing the death penalty. Our role is particularly critical due to the current shortage of qualified capital defense attorneys in Maricopa County. This year’s highlights included Arizona Supreme Court Justice Andrew

Hurwitz’s presentation on appellate issues, Maricopa County Superior Court Criminal Assistant Presiding Judge Timothy Ryan’s presentation on case processing, a U.S. Supreme Court Update by Christina Swarns from the New York Office of the Legal Defense Fund, and a presentation on Mitigation/Mental Health Issues from Russ Stetler, a nationally-known expert in this field.

In January, MCPD sponsored a statewide seminar, “Crash Course 101.” The course, presented by MCPD attorneys and investigators, provided attorneys and investigators with the basics regarding accident reconstruction and the human factors that lead to collisions. We also brought back Mr. Mickenburg, who gave an excellent presentation on the critical area of making proper objections.

In March, the 12th Annual “MCPD Trial Skills College” was conducted at the ASU Sandra Day O’Connor School of Law. The trial college stressed cross-examination, impeachment, jury communication techniques and voir dire. Because the costs of the college facilities are minimal, MCPD is able to offer training by instructors with national reputations for excellence in their profession. Terrence McCarthy, the Executive Director of the Federal Public Defender’s Office of the Northern District of Illinois and an expert on cross-examination, taught impeachment and cross-examination. Mr. McCarthy is a highly skilled trainer who is sought by many, and among



# FY08 Annual Report

other things, teaches at the National Criminal Defense College and the Western Trial Advocacy Institute. Jury consultants Lisa DeCaro and Leonard Matheo presented on Communication Techniques for Successful Advocacy.

In May, we collaborated with the Arizona Prosecuting Attorney Advisory Council to offer the Supreme Court-mandated Professionalism Course to forty-one attendees from both public defense and prosecution offices.

In June, the Office co-sponsored the "Sixth Annual Arizona Public Defender Association Conference." This year was another resounding success. We boasted nearly 1,200 attendees and 220 faculty while hosting 135 sessions that offered up to 18 hours of CLE, including 14.75 hours of professional ethics.

We continue to present an average of two "brown bag" training sessions each month for attorneys and support staff. Most of the sessions focus on new developments in the law and practical methods of effective advocacy.

The MCPD also held training sessions for attorneys and support staff on conversational Spanish and advanced Spanish legal terminology to better serve our expanding Spanish-speaking population.

Due to advances in technology, including the Superior Court's case management systems (e.g., iCIS and eFiling), computer-related training has grown significantly. The MCPD offered over 144 technology classes this past fiscal year that were related to current job functions for the



attorneys and support staff, including iCIS, IRIS (Indigent Representation Information System), eFiling, New Employee Computer Training and PowerPoint classes.

The Public Defender Training Fund has enabled the MCPD to send a number of lawyers and staff to quality out-of-state seminars. This practice provides an exchange of valuable new ideas and concepts to our Office. The out-of-state seminars have allowed us to improve the day-to-day representation of our clients and to enhance the professionalism of our entire Office. The seminar evaluation system implemented last year has exceeded our expectations. Feedback received has proven beneficial in making decisions regarding sending attorneys to costly out-of-state seminars and allowed us to re-evaluate seminars for legitimacy. The MCPD has made every effort to ensure that the seminars are meeting our high standards and that information gained at the seminars is shared with the rest of the Office.

# TRAINING ACTIVITIES

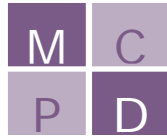
Our Office training newsletter, *for The Defense*, continues to be an effective training tool for defenders across the state. We strive to make it as interesting and educational as possible.

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



| Title of Conference/Training                                    | Date(s)                             | # of attendees |
|---|-------------------------------------|----------------|
| Interstate Compact - Brown Bag                                  | July 20, 2007                       | 12             |
| Car Fax - Brown Bag   | August 3, 2007                      | 14             |
| NCTI's Real Colors & Survival Skills for Managers & Supervisors | August 7, 2007                      | 28             |
| Car Fax - Brown Bag   | August 8, 2007                      | 17             |
| Case Citation - Support Staff Training                          | August 9, 2007                      | 8              |
| Car Fax - Brown Bag   | August 9, 2007                      | 13             |
| Defending Forensic DNA  | August 16, 2007                     | 25             |
| Melting Ice - Brown Bag   | August 22, 2007                     | 34             |
| Correctional Health Services - Brown Bag                        | August 24, 2007                     | 0              |
| IRIS Time Sheets  | July - September 2007               | 79             |
| PowerPoint Advanced - Brown Bag                                 | July - September 2007               | 2              |
| PowerPoint Basics - Brown Bag                                   | July - September 2007               | 45             |
| Special Actions for Secretaries - Brown Bag                     | September 1, 2007                   | 30             |
| History of Civil Rights in Arizona - Brown Bag                  | September 14, 2007                  | 16             |
| History of the 6th Amendment - Brown Bag                        | September 28, 2007                  | 18             |
| Brady/Crawford Seminar  | October 5, 2007                     | 58             |
| Immigration Consequences - Brown Bag                            | October 15, 2007                    | 31             |
| Last Hours with a Condemned Inmate - Brown Bag                  | October 18, 2007                    | 30             |
| Accurint Investigations Training                                | October 19, 2007                    | 10             |
| Photo Line-Up Made Easy - Brown Bag                             | October 24, 2007                    | 22             |
| Visio Training/Overview - Brown Bag                             | November 1, 2007                    | 21             |
| Support Staff Training  | October 30 – November 1, 2007       | 7              |
| Word Tips and Tricks  | October – November 2007             | 30             |
| Chromosomal Lab Tour  | November 14, 2007                   | 8              |
| Death Penalty 2007  | December 6-7, 2007                  | 193            |
| Prop 100: Law & Procedure Update - Brown Bag                    | December 14, 2007                   | 28             |
| Criminal eFiling Training                                       | November 27, 2007 & January 7, 2008 | 3              |



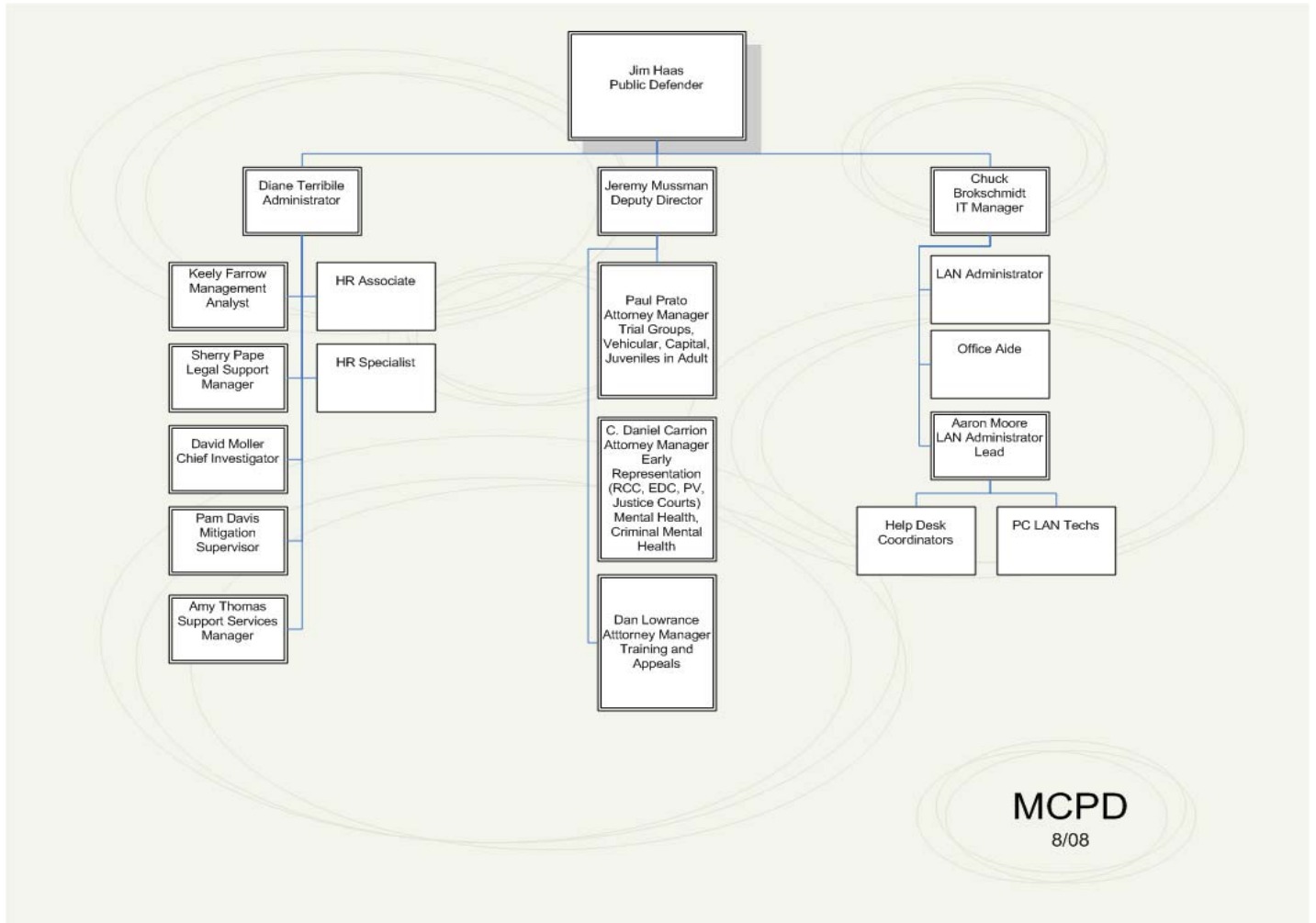


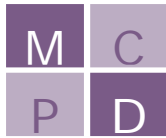
# FY08 Annual Report

| Title of Conference/Training                           | Date(s)                             | # of attendees |
|--|-------------------------------------|----------------|
| Mitigation Seminar                                     | January 7-11, 2008                  | 11             |
| New Hire Process Overview                              | January 16, 2008                    | 14             |
| Crash Course 101                                       | January 24, 2008                    | 36             |
| Objections/Advocacy Seminar                            | January 25, 2008                    | 42             |
| Living Wills - Brown Bag                               | February 1, 2008                    | 34             |
| Support Staff Training                                 | February 4-5, 2008                  | 2              |
| Psychotropic Medications & Criminal Behavior           | February 6, 2008                    | 41             |
| ATSA Risk Assessment - Brown Bag                       | February 8, 2008                    | 0              |
| Notary Refresher                                       | February 13, 2008                   | 15             |
| iCIS View Only   | August 21, 2007 & February 22, 2008 | 15             |
| JBOSS Training - GSA                                   | February 25-29, 2008                | 3              |
| MCLAP Seminar  | February 29, 2008                   | 53             |
| Basic Computer Skills                                  | March 7, 2008                       | 2              |
| Non-Immigration Lawyer's Guide to Citizenship          | March 28, 2008                      | 18             |
| IRIS – Follow Up Training                              | December 2007 – April 2008          | 77             |
| IRIS – Potential Conflicts Process                     | February – April 2008               | 389            |
| Mitigation Training: Capital Team Building             | March 31-April 2, 2008              | 27             |
| IRIS – New Procedures                                  | April 1 & 3, 2008                   | 9              |
| DUI Updates  | April 11, 2008                      | 42             |
| Death Investigations – Brown Bag                       | April 15, 2008                      | 29             |
| Westlaw Training Beginners                             | April 17, 2008                      | 6              |
| Objections Workshop                                    | April 18, 2008                      | 42             |
| Westlaw Training Advanced                              | April 30, 2008                      | 8              |
| Interstate Compact                                     | May 1, 2008                         | 19             |
| IRIS – Updating and Closing Cases                      | May 1, 2008                         | 45             |
| Brown Bag with Judge Ryan                              | May 15, 2008                        | 37             |
| Spring Professionalism Course                          | May 16, 2008                        | 41             |
| Don't Be A Victim - Brown Bag                          | May 20, 2008                        | 23             |
| Redaction of Personal Information from Public Records  | June 6, 2008                        | 10             |
| Westlaw Training— Searches - Brown Bag                 | June 13, 2008                       | 6              |
| Risk Assessments: Psychosexual Assessments - Brown Bag | June 13, 2008                       | 38             |
| Records and Support Staff Training                     | May 12-13, 2008                     | 2              |
| 12 <sup>th</sup> Annual Trial Skills College           | March 12-14, 2008                   | 24             |
| IRIS – Adding Other Case People                        | September 2007 – May 2008           | 26             |
| IRIS – Case Management                                 | July 2007- June 2008                | 55             |
| IRIS- Initiation, Updating and Closing                 | September 2007 – June 2008          | 14             |
| Records and Support Staff Training                     | June 4-5, 2008                      | 1              |
| 6 <sup>th</sup> Annual APDA Conference                 | June 16-18, 2008                    | 856            |

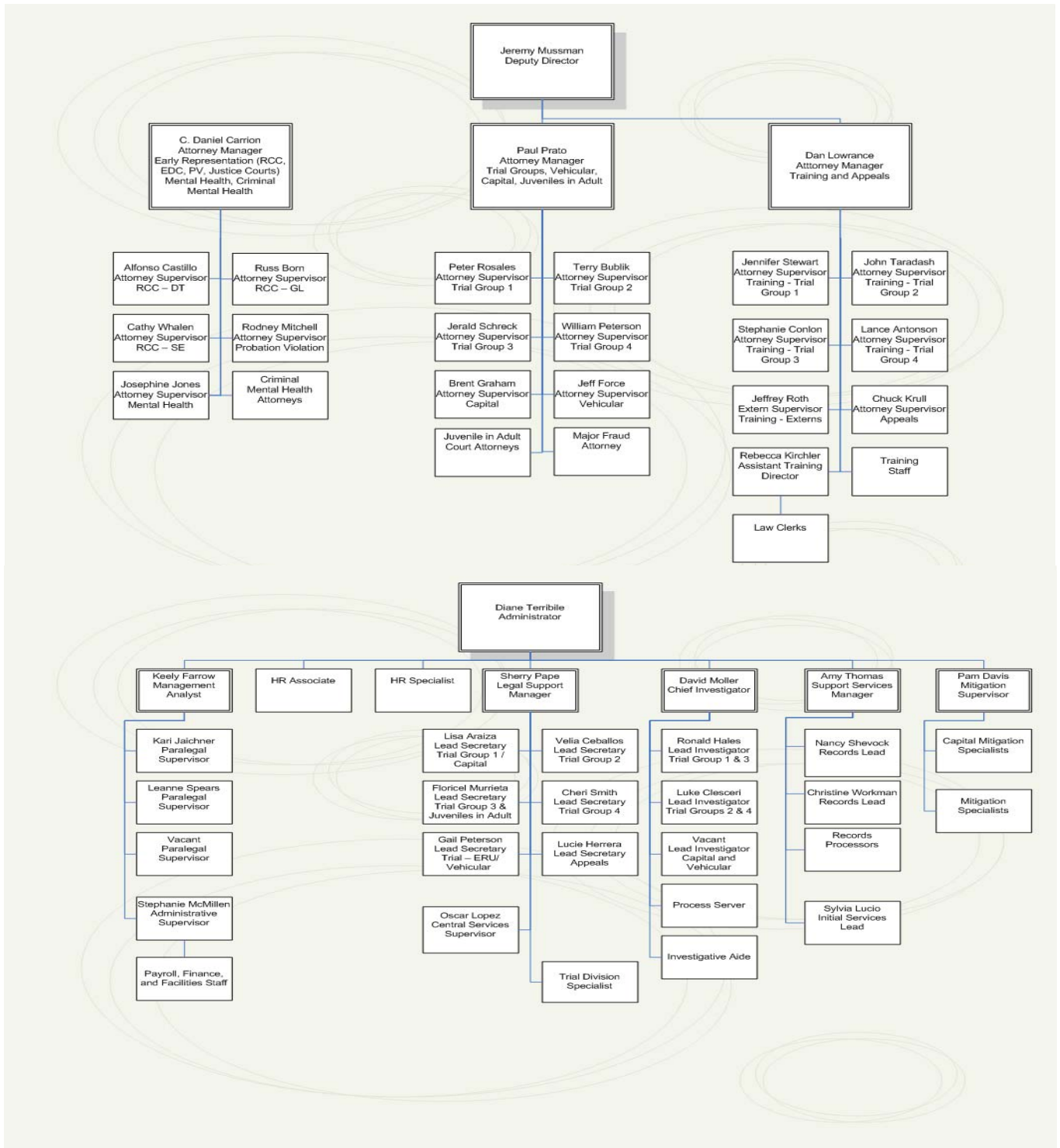


# ORGANIZATIONAL CHART





# FY08 Annual Report

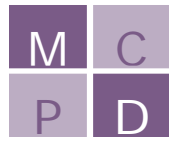


# BUDGET ABSTRACT

MARICOPA COUNTY PUBLIC DEFENDER'S OFFICE  
BUDGET  
7/1/07 THROUGH 6/30/08

| <b>ACCOUNT</b>                       | <b>EXPENDITURES</b>    |
|--------------------------------------|------------------------|
| SALARIES & BENEFITS                  | \$39,196,075.00        |
| GENERAL SUPPLIES                     | \$423,988.00           |
| FUEL                                 | \$19,793.00            |
| NON-CAPITAL EQUIPMENT                | \$1,804.00             |
| LEGAL SERVICES                       | \$1,305,149.00         |
| OTHER SERVICES                       | \$418,278.00           |
| RENT & OPERATING LEASES              | \$666,952.00           |
| REPAIRS AND MAINTENANCE              | \$24,756.00            |
| INTERNAL SERVICE CHARGES             | \$69,169.00            |
| TRAVEL AND EDUCATION                 | \$340,267.00           |
| POSTAGE/FREIGHT/SHIPPING             | \$40,560.00            |
| CAPITAL EQUIPMENT                    | \$0.00                 |
| VEHICLES                             | \$0.00                 |
| DEBT SERVICES (Technology Financing) | \$131,483.00           |
| <b>TOTAL EXPENDITURES</b>            | <b>\$42,638,274.00</b> |

| <b>APPROPRIATIONS</b>             | <b>AMOUNT</b>          |
|-----------------------------------|------------------------|
| GENERAL FUNDS                     | \$40,506,784.00        |
| TRAINING SPECIAL REVENUE FUND     | \$558,323.00           |
| FILL THE GAP SPECIAL REVENUE FUND | \$1,630,600.00         |
| DEA GRANT                         | \$387,261.00           |
| <b>TOTAL APPROPRIATIONS</b>       | <b>\$43,082,968.00</b> |



## B u d g e t i n g   a n d   M a n a g i n g   f o r   R e s u l t s

A comprehensive and integrated management system, Managing for Results (MfR), was established in 2000. MfR is intended to improve the effectiveness and efficiency of services provided to Maricopa County citizens. Planning, budgeting, reporting, evaluating, and decision-making comprise the MfR process.

The first MfR strategic plan for the Public Defender's Office was developed and implemented in fall 2001. In FY02, the Office began submitting quarterly reports that provided detailed performance measurement data and commentary. Data reported includes projections and historical actuals for case assignment, case resolution, expenses, and attorney workload figures (% over caseload standard). Yearly review and revision of the Public Defender's strategic plan is conducted by Office budget/statistical staff in coordination with the Office of Management and Budget.



Maintaining such a detailed reporting system has enabled the Office to better communicate and plan with County Management. MfR statistical and financial data merged with Budgeting for Results analyses provides the backbone used to allocate/develop budgets for the Indigent Representation offices, including the Public Defender's Office.

Since the inception of MfR, the Office has received an honorable mention for the County's Strategic Fitness award in FY05, and the "Managing for Results Achievement Award" for FY06 efforts.

The Public Defender's Office continually prioritizes enhancing and maintaining strategic fitness.

## ALL DIVISIONS

| Case Assignments and Staffing Model   |                                  |                       |   |
|---------------------------------------|----------------------------------|-----------------------|---|
| Case Type                             | FY08 Assigned Cases <sup>1</sup> | Standard <sup>2</sup> | Attorneys to Meet Standard <sup>3</sup> |
| Capital                               | 14                               | 2.0                   | 7.0                                     |
| All other Homicide                    | 189                              | 11.4                  | 16.6                                    |
| Class 2-3 Felony                      | 5,709                            |                       | 63.1                                    |
| <i>Class 2 &amp; 3 in RCC/EDC</i>     | 2,438                            | 184.3                 | 13.2                                    |
| <i>Class 2 &amp; 3 not RCC/EDC</i>    | 3,271                            | 65.5                  | 49.9                                    |
| DUI                                   | 2,206                            |                       | 8.3                                     |
| <i>DUI in RCC/EDC</i>                 | 1,616                            | 432.0                 | 3.7                                     |
| <i>DUI not RCC/EDC</i>                | 590                              | 129.0                 | 4.6                                     |
| Class 4-6 Felony                      | 18,903                           |                       | 55.3                                    |
| <i>Class 4-6 Felony in RCC/EDC</i>    | 14,663                           | 532.6                 | 27.5                                    |
| <i>Class 4-6 Felony not RCC/EDC</i>   | 4,240                            | 152.6                 | 27.8                                    |
| Violation of Probation                | 15,904                           | 1004.0                | 15.8                                    |
| Misdemeanor                           | 3,276                            | 407.6                 | 8.0                                     |
| Trial Excluding Capital               | 46,187                           | N/A                   | 167.1                                   |
| Juvenile Felony                       | 2,885                            | 144.9                 | 19.9                                    |
| Juvenile Misdemeanor and Incurability | 5,265                            | 278.6                 | 18.9                                    |
| Juvenile Violation of Probation       | 1,869                            | 360.1                 | 5.2                                     |
| Juvenile Division Total               | 10,019                           | N/A                   | 44.0                                    |
| Mental Health                         | 2,818                            | 278.6                 | 10.1                                    |
| Non-Capital Appeals                   | 314                              | 24.0                  | 13.1                                    |
| Capital Appeals                       | 4                                | 2.0                   | 2.0                                     |
| All Criminal Appeals                  | 318                              |                       | 15.1                                    |
| Plea PCR (Appeal/PCR)                 | 527                              | 240.0                 | 2.2                                     |
| Trial PCR (PCR)                       | 128                              | 18.0                  | 7.1                                     |
| Juvenile Appeal                       | 46                               | 36.0                  | 1.3                                     |
| Appeals Division Total                | 1,019                            | 294.0                 | 25.7                                    |
| Total of Above                        | 60,057                           | N/A                   | 276.7                                   |

1 Assigned Cases are calculated as total cases opened during the time period, minus cases closed during the time period with the following dispositions: no complaint, administrative transfer, and workload withdrawal cases.

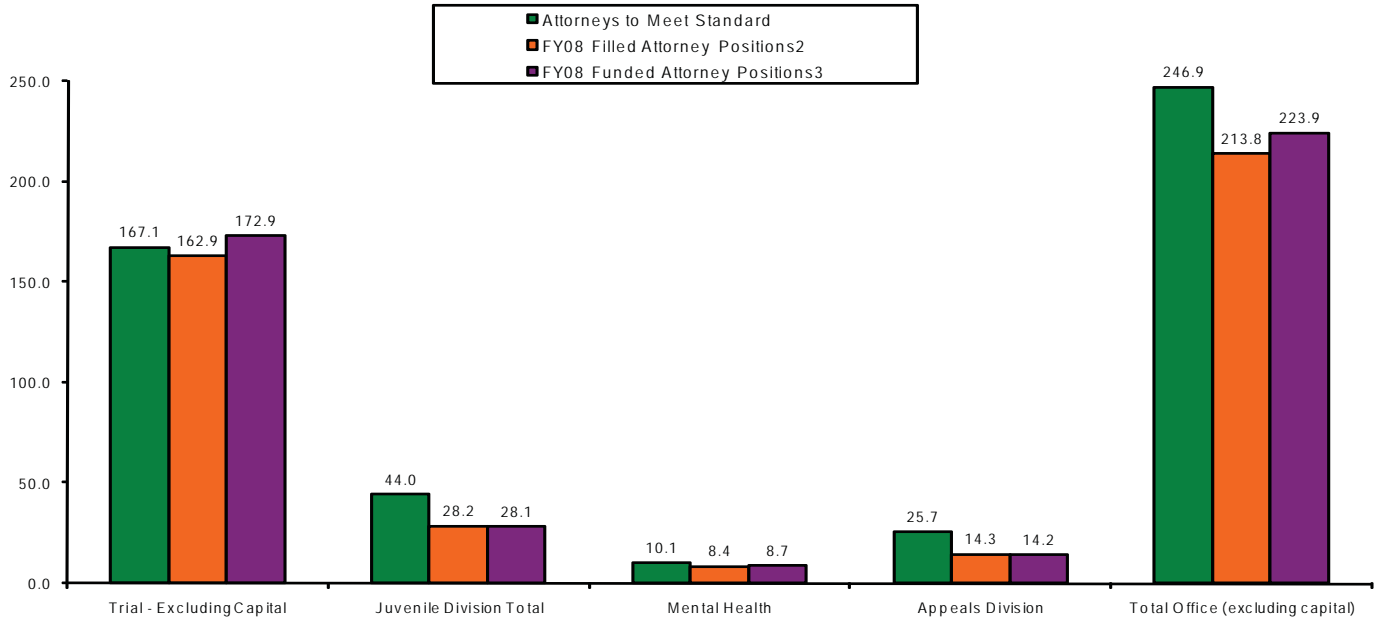
2 Standard column represents the established caseload standard. The majority of the standards were developed during the Spangenberg Case Weighting Study conducted in 2003.

3 Attorneys to Meet Standard is calculated by dividing cases assigned by the established standard. This represents the annual average caseload for one full time staff attorney in Maricopa County, assuming the attorney handled only that type of case.



## ALL DIVISIONS

### Division Totals Needed Vs. Filled and Funded Attorney Positions



Capital cases and capital attorneys have been excluded from the trial division data to allow us to depict the remaining case types without skewed data. Beginning in FY08, the Public Defender's Office began having capital attorneys track their time in the Indigent Representation Information System timesheets. The intent is to obtain sufficient data needed to develop a reliable standard. Because of the long duration of capital cases, it may take until the end of FY09 to yield a valid standard. Until then, trial division case data will be represented without capital cases or capital attorneys.

# ABSTRACTS

# Statistics

## Case Assignment

| History of Cases Assigned by Case Categories<br>FY04-FY08 Cases Assigned <sup>1,2</sup> |               |               |               |               |               |
|---|---------------|---------------|---------------|---------------|---------------|
| Case Type   | FY04          | FY05          | FY06          | FY07          | FY08          |
| Capital   | 14            | 11            | 12            | 13            | 14            |
| All other Homicide  | 147           | 126           | 119           | 159           | 189           |
| Class 2-3 Felony  | 5,999         | 5,526         | 6,684         | 6,469         | 5,709         |
| <i>Class 2-3 Felony - RCC/EDC</i>   | 293           | 277           | 2,430         | 2,783         | 2,438         |
| <i>Class 2-3 Felony - Non RCC/EDC</i>   | 5,706         | 5,249         | 4,254         | 3,686         | 3,271         |
| DUI   | 2,677         | 2,334         | 2,286         | 2,190         | 2,206         |
| <i>DUI - RCC/EDC</i>  | 612           | 757           | 1,579         | 1,619         | 1,616         |
| <i>DUI - Non RCC/EDC</i>  | 2,065         | 1,577         | 707           | 571           | 590           |
| Class 4-6 Felony  | 18,006        | 17,562        | 18,708        | 18,272        | 18,903        |
| <i>Class 4, 5, &amp; 6 Felony - RCC/EDC</i>   | 9,076         | 9,532         | 13,422        | 14,108        | 14,663        |
| <i>Class 4, 5, &amp; 6 Felony - Non RCC/EDC</i>   | 8,930         | 8,030         | 5,286         | 4,164         | 4,240         |
| Violation of Probation  | 15,941        | 17,811        | 19,603        | 18,646        | 15,904        |
| Misdemeanor   | 4,974         | 4,871         | 3,724         | 3,235         | 3,276         |
| <b>Trial Division Total</b>   | <b>47,758</b> | <b>48,241</b> | <b>51,136</b> | <b>48,984</b> | <b>46,201</b> |
| Juvenile Felony Level Delinquency   | 2,741         | 2,831         | 3,114         | 2,777         | 2,885         |
| Juvenile Misdemeanor Level Delinquency & Incurrigibility                                | 4,348         | 4,130         | 4,244         | 4,969         | 5,265         |
| Juvenile Violation of Probation   | 2,316         | 2,091         | 1,667         | 1,865         | 1,869         |
| <b>Juvenile Division Total</b>  | <b>9,405</b>  | <b>9,052</b>  | <b>9,025</b>  | <b>9,611</b>  | <b>10,019</b> |
| <b>Mental Health Total</b>  | <b>2,203</b>  | <b>2,054</b>  | <b>2,410</b>  | <b>2,546</b>  | <b>2,818</b>  |
| Appeals (includes Capital)  | 316           | 350           | 371           | 436           | 318           |
| Plea PCR (Appeal PCR)   | 958           | 844           | 729           | 626           | 527           |
| Trial PCR (PCR)   | 185           | 145           | 116           | 169           | 128           |
| Juvenile Appeal   | 82            | 70            | 50            | 34            | 46            |
| <b>Appeals Division Total</b>   | <b>1,541</b>  | <b>1,409</b>  | <b>1,266</b>  | <b>1,265</b>  | <b>1,019</b>  |
| <b>Total of Above</b>   | <b>60,907</b> | <b>60,756</b> | <b>63,837</b> | <b>62,406</b> | <b>60,057</b> |

1 A substantial review of historical data was made in June and July 2007. The data here has been updated to reflect any corrections processed at that time for FY03 through FY07.

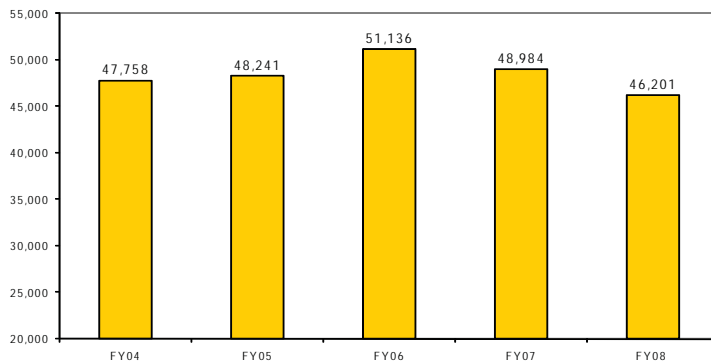
2 Total cases opened minus cases closed during the time period with the following dispositions: no complaint, administrative transfer, and workload withdrawal cases.



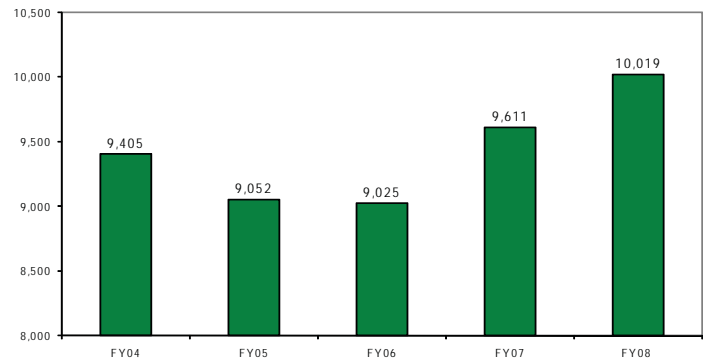


## Case Assignments by Division

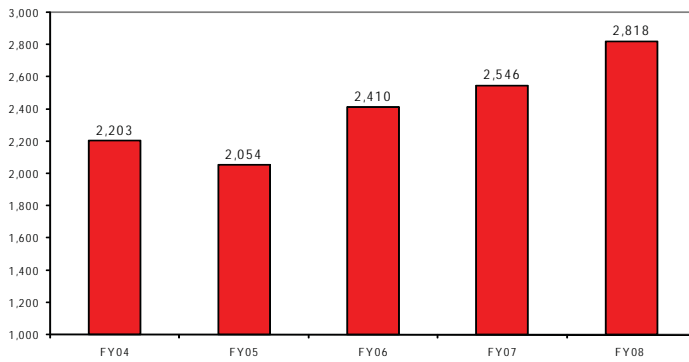
### Trial Division



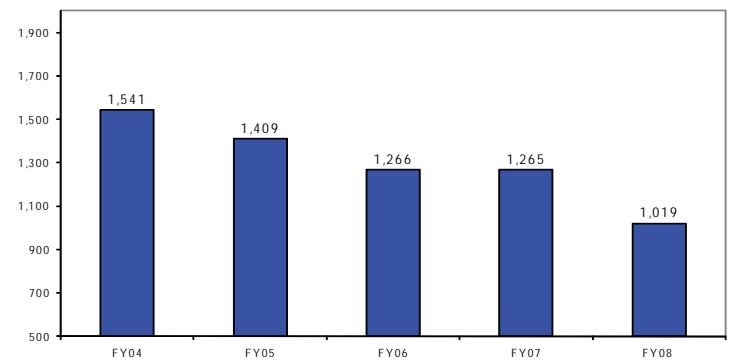
### Juvenile Division



### Mental Health



### Appeals Division

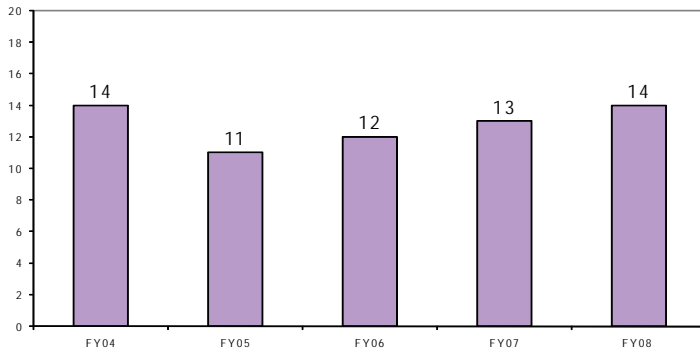


# ABSTRACTS

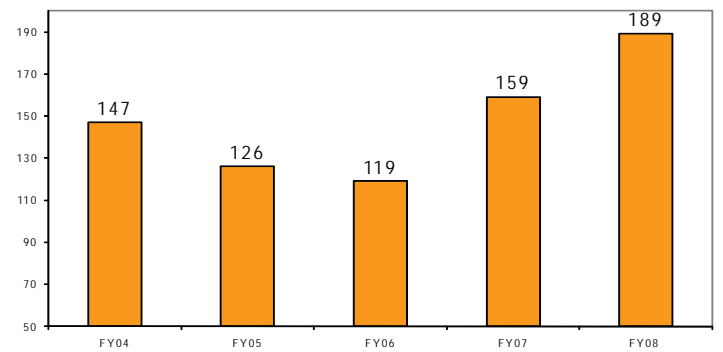
# Statistics

## Case Assignments by Type

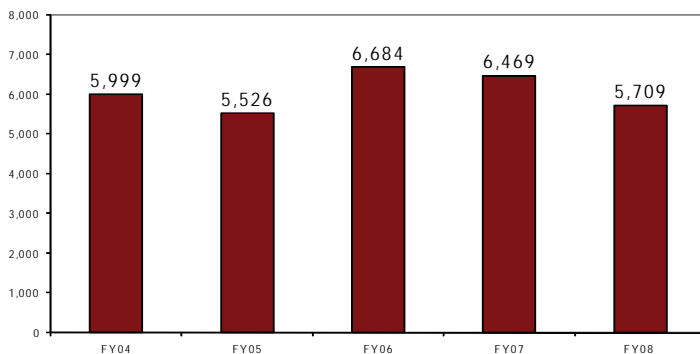
### Capital



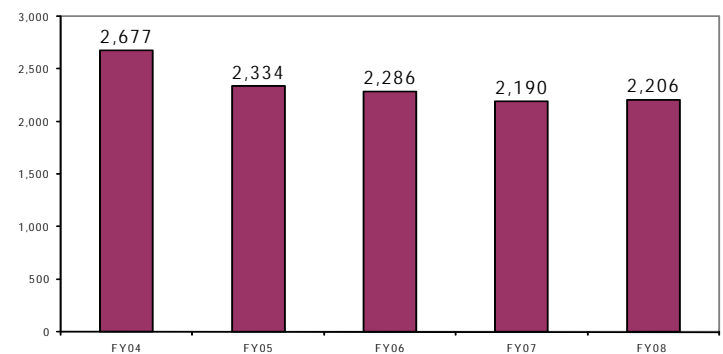
### All Other Homicide



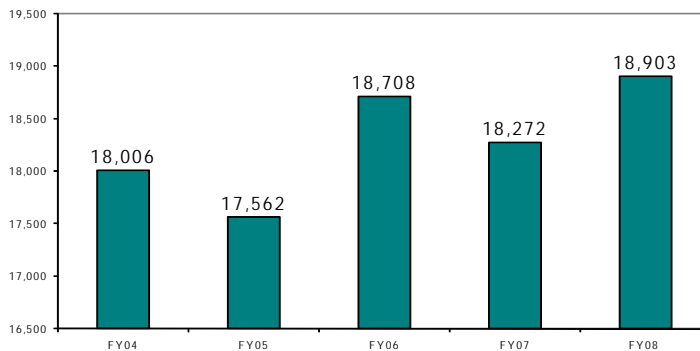
### Class 2-3 Felony



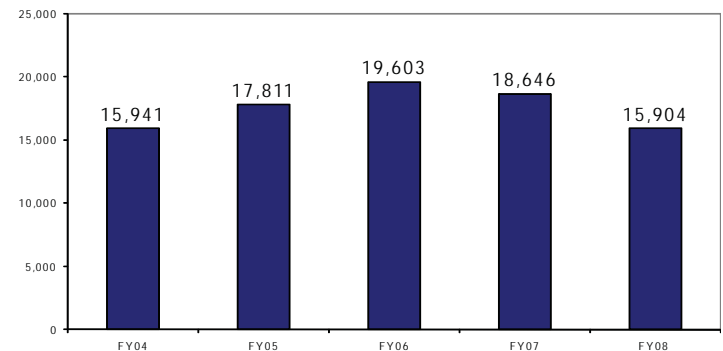
### DUI

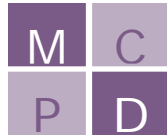


### Class 4-6 Felony



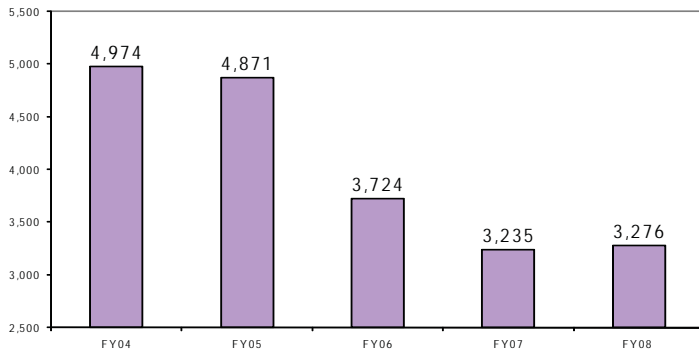
### Violation of Probation



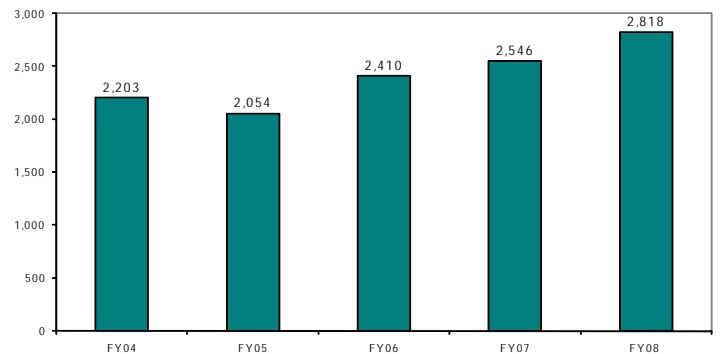


## Case Assignments by Type

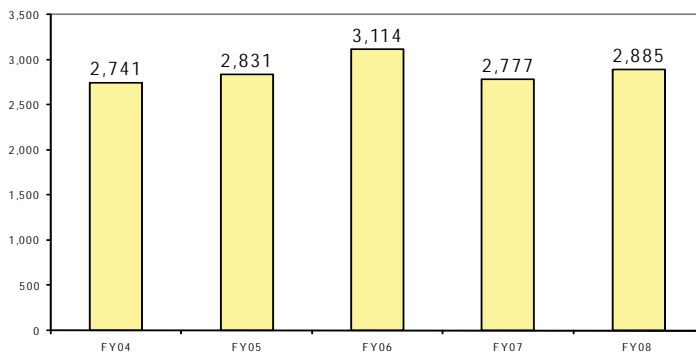
### Misdemeanor



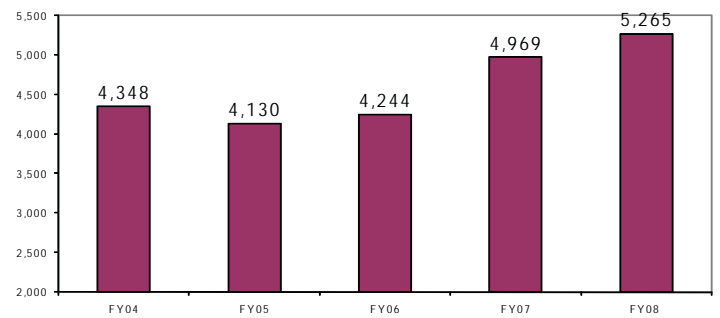
### Mental Health



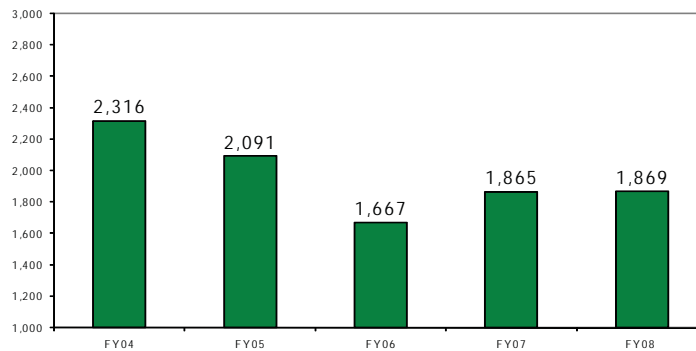
### Juvenile Felony Level Delinquency



### Juvenile Misdemeanor Level Delinquency & Incurrigibility



### Juvenile Violation of Probation

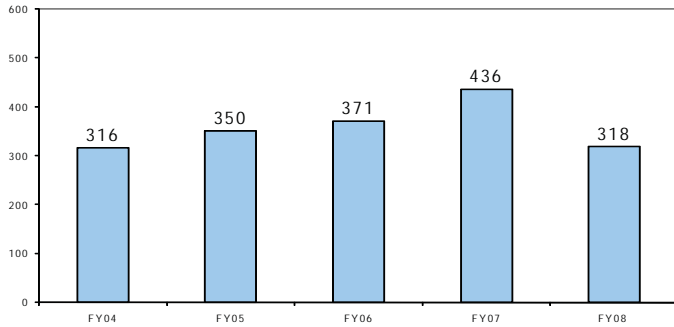


# ABSTRACTS

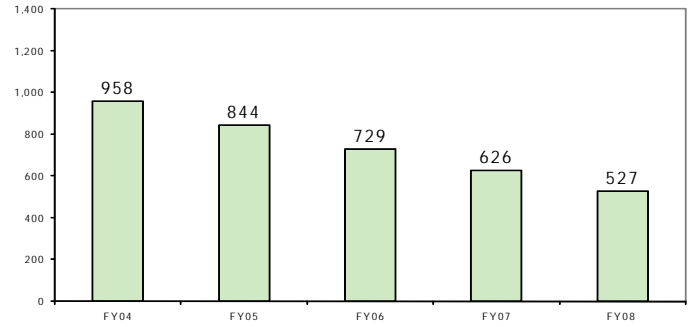
# Statistics

## Case Assignments by Type

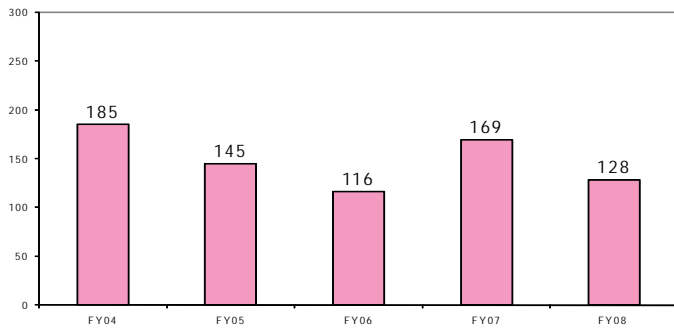
### Appeals (includes Capital)



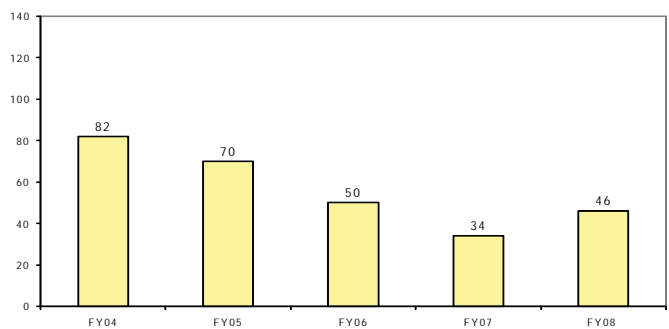
### Plea PCR (Appeal PCR)

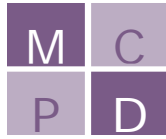


### Trial PCR (PCR)



### Juvenile Appeals





## Case Resolutions

| History of Cases Resolved by Case Categories<br>FY04-FY08 Cases Resolved <sup>1,2</sup> |               |               |               |               |               |
|---|---------------|---------------|---------------|---------------|---------------|
| Case Type   | FY04          | FY05          | FY06          | FY07          | FY08          |
| Capital   | 1             | 3             | 9             | 4             | 8             |
| All other Homicide  | 74            | 85            | 60            | 75            | 86            |
| Class 2-3 Felony  | 4,524         | 4,377         | 4,587         | 4,497         | 3,847         |
| <i>Class 2-3 Felony - RCC/EDC</i>   | 296           | 224           | 1,417         | 1,488         | 1,390         |
| <i>Class 2-3 Felony - Non RCC/EDC</i>   | 4,228         | 4,153         | 3,170         | 3,009         | 2,457         |
| DUI   | 2,093         | 1,832         | 1,869         | 1,522         | 1,676         |
| <i>DUI - RCC/EDC</i>  | 262           | 226           | 987           | 1,056         | 1,114         |
| <i>DUI - Non RCC/EDC</i>  | 1,831         | 1,606         | 882           | 466           | 562           |
| Class 4-6 Felony  | 14,891        | 14,703        | 15,148        | 14,331        | 14,921        |
| <i>Class 4, 5, &amp; 6 Felony - RCC/EDC</i>   | 7,197         | 7,076         | 10,123        | 10,327        | 11,136        |
| <i>Class 4, 5, &amp; 6 Felony - Non RCC/EDC</i>   | 7,694         | 7,627         | 5,025         | 4,004         | 3,785         |
| Violation of Probation  | 14,729        | 16,243        | 17,452        | 17,153        | 14,835        |
| Misdemeanor   | 4,321         | 4,100         | 3,359         | 2,904         | 2,765         |
| <b>Trial Division Total</b>   | <b>40,633</b> | <b>41,343</b> | <b>42,484</b> | <b>40,486</b> | <b>38,138</b> |
| Juvenile Felony Level Delinquency   | 2,550         | 2,451         | 2,949         | 2,569         | 2,852         |
| Juvenile Misdemeanor Level Delinquency & Incurability                                   | 4,151         | 3,776         | 4,226         | 4,403         | 5,137         |
| Juvenile Violation of Probation   | 2,326         | 1,935         | 1,706         | 1,721         | 1,734         |
| <b>Juvenile Division Total</b>  | <b>9,027</b>  | <b>8,162</b>  | <b>8,881</b>  | <b>8,693</b>  | <b>9,723</b>  |
| Mental Health   | 2,161         | 2,023         | 2,369         | 2,452         | 2,712         |
| Appeals (includes Capital)  | 405           | 295           | 313           | 328           | 283           |
| Plea PCR  | 1,154         | 632           | 620           | 501           | 485           |
| Trial PCR   | 148           | 111           | 84            | 69            | 69            |
| Juvenile Appeals  | 65            | 71            | 39            | 32            | 53            |
| <b>Appeals Division Total</b>   | <b>1,772</b>  | <b>1,109</b>  | <b>1,056</b>  | <b>930</b>    | <b>890</b>    |
| <b>Total of All Above</b>   | <b>53,593</b> | <b>52,637</b> | <b>54,790</b> | <b>52,561</b> | <b>51,463</b> |

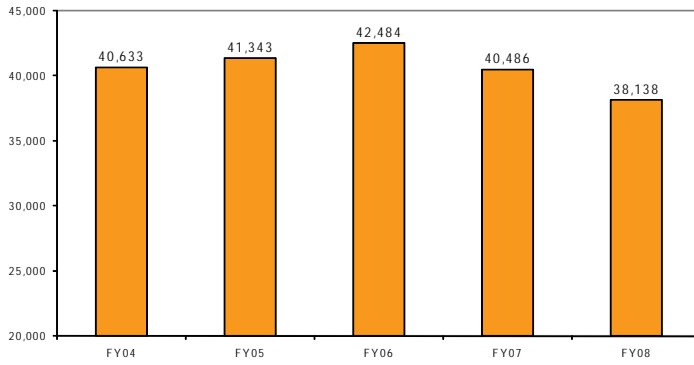
1 A substantial review of historical data was made in June and July 2007. The data here has been updated to reflect any corrections processed at that time for FY03 through FY07.  
 2 Total cases closed during the fiscal year, minus cases closed during the fiscal year that were not resolved by the office 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).

# ABSTRACTS

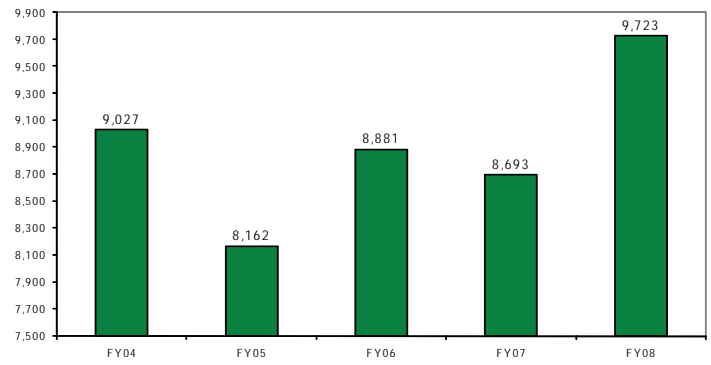
# Statistics

## Case Resolutions by Division

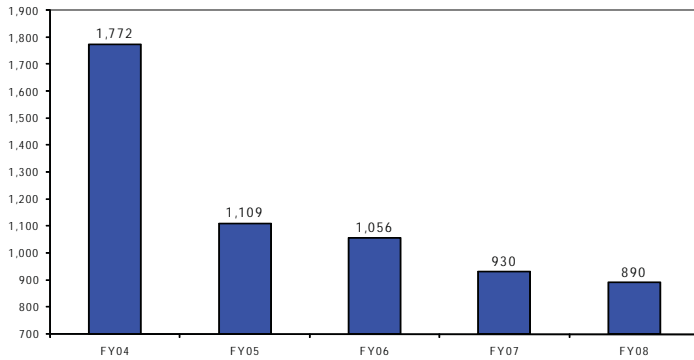
### Trial Division



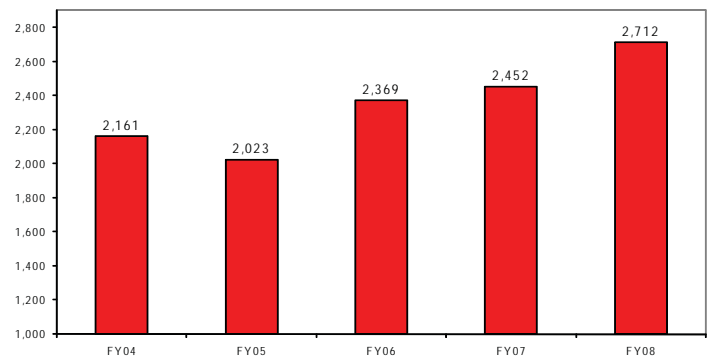
### Juvenile Division

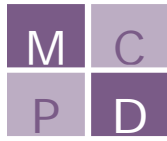


### Appeals Division



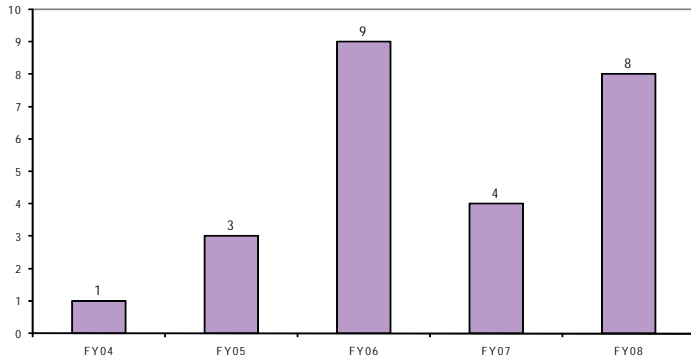
### Mental Health Division



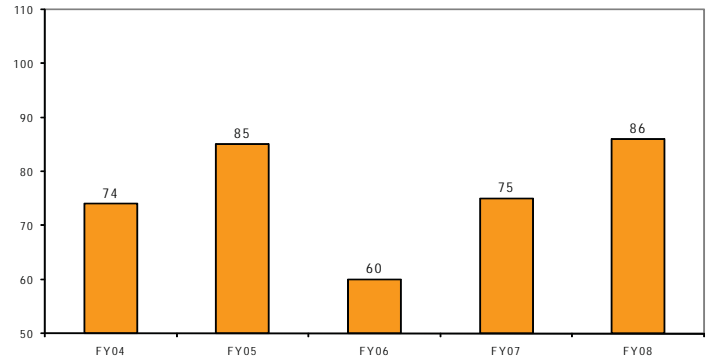


## Case Resolutions by Type

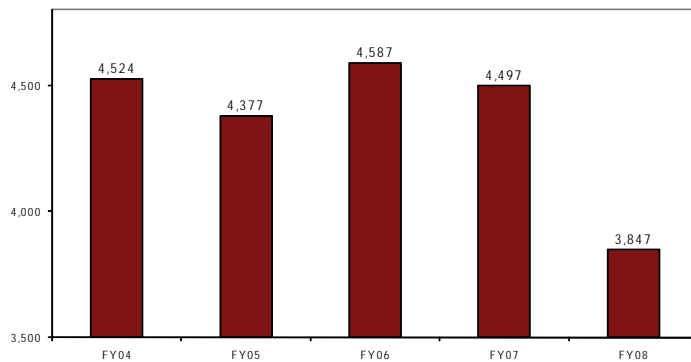
Capital



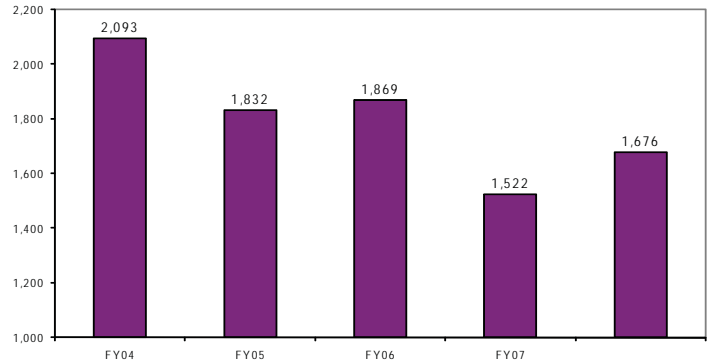
All other Homicide



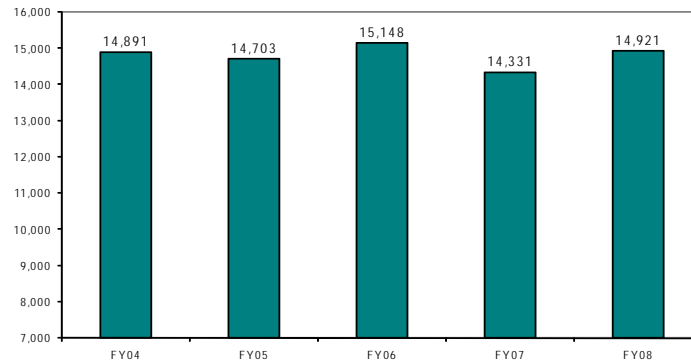
Class 2-3 Felony



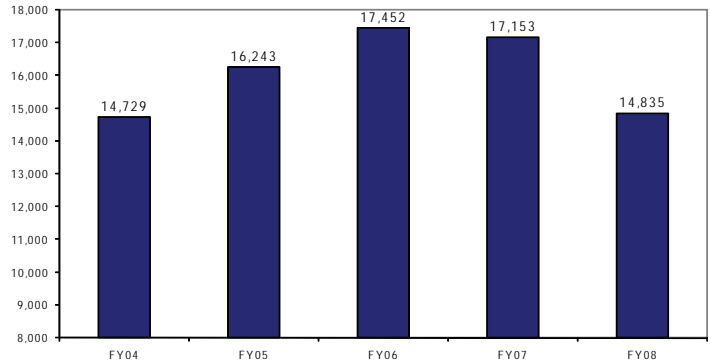
DUI



Class 4-6 Felony



Violation of Probation



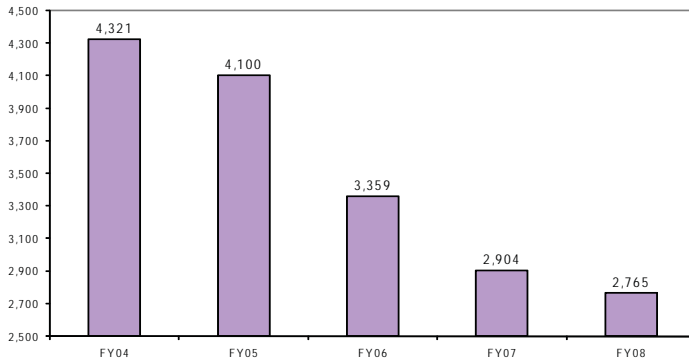


# ABSTRACTS

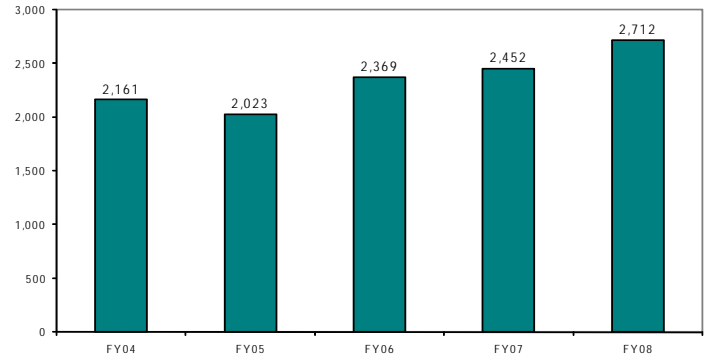
# Statistics

## Case Resolutions by Type

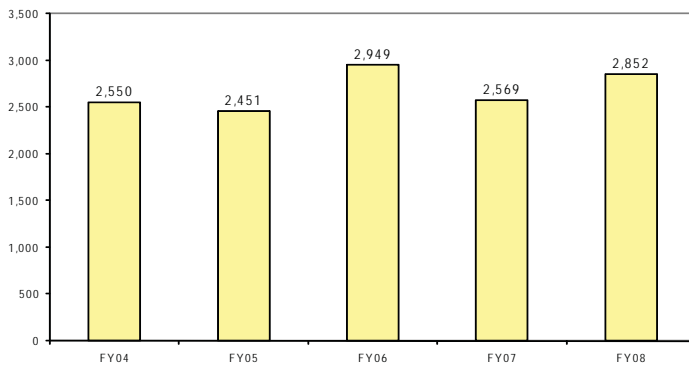
### Misdemeanor



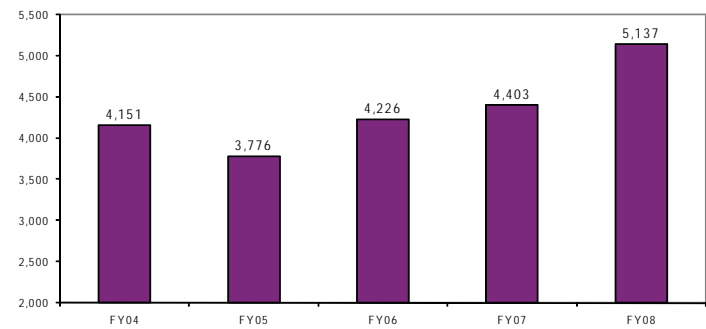
### Mental Health



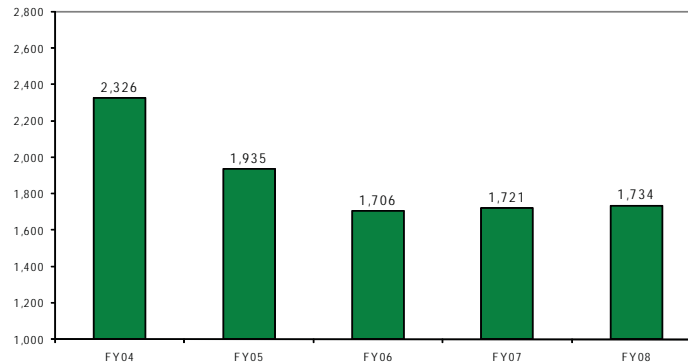
### Juvenile Felony Level Delinquency

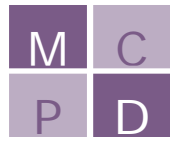


### Juvenile Misdemeanor Level Delinquency & Incurrigibility



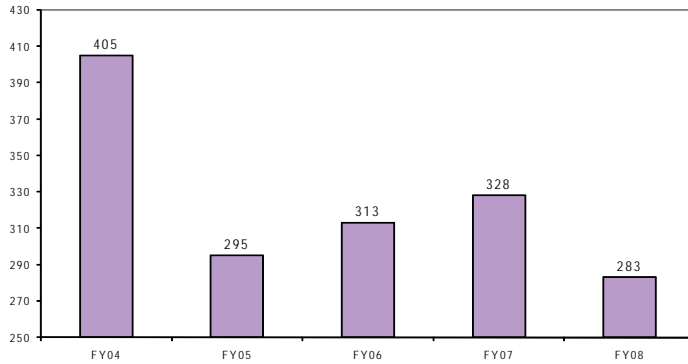
### Juvenile Violation of Probation



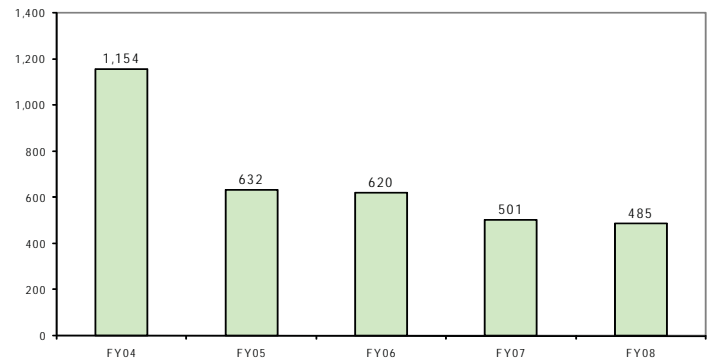


## Case Resolutions by Type

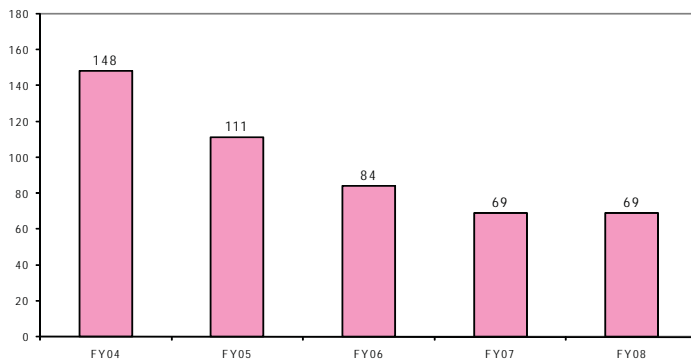
### Appeals (includes Capital)



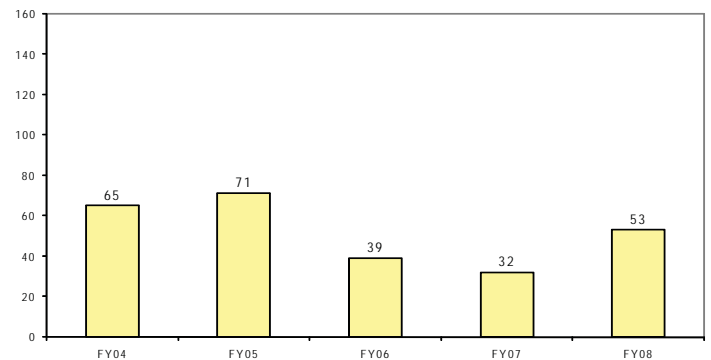
### Plea PCR



### Trial PCR



### Juvenile Appeals



620 West Jackson, Suite 4015  
Phoenix, Arizona 85003  
(602) 506-7711