

Performance Plan

July 01, 2015



Office of the State Public Defender

DOUGLAS K. WILSON
Colorado State Public Defender

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Performance Plan

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STRATEGIC COMPONENT

MISSION

The single overriding role of the Office of the State Public Defender is to fulfill requirements outlined in the United States and Colorado Constitutions as well as in Colorado Statutes, which establish the right to a level of criminal defense counsel services for indigent individuals charged with the commission of a crime in Colorado that is commensurate with the level of services available to those that are not indigent and in accordance with the American Bar Association standards relating to the administration of criminal justice, the defense function.

VISION

The Office of the State Public Defender's vision is to develop, maintain and support our passionate and dedicated team so that they can continue providing the best possible quality of criminal defense representation for each and every one of our clients.

History

In 1963, the United States Supreme Court issued *Gideon v. Wainwright*, 372 U.S. 335 (1963), ensuring the right of the indigent accused to representation of counsel in criminal cases. During that same year, the Colorado General Assembly passed the Colorado Public Defender Act in response to the Supreme Court's decision in *Gideon*. This Act authorized Colorado counties to either establish a public defender's office or remain under the previous ad hoc system of appointing counsel for indigent citizens accused of criminal offenses. Four county public defender offices were established under the Act. These offices were located in Denver, Brighton, Pueblo and Durango.

In 1970, the State Legislature passed the Administrative Re-Organization Act. Pursuant to this Act, the State began to oversee the court system, which assumed responsibility for the appointment and funding of counsel for indigent defendants. The Office of the State Public Defender was created in a bill carried by the late Senator Ralph Cole and became an independent state agency.

Description

The Office of the State Public Defender (OSPD) is a single purpose program that is devoted to providing reasonable and effective criminal defense representation to indigent persons charged with crimes except where there is a conflict of interest. They are indigent people who are faced with the possibility of incarceration who are unable to afford private counsel and without counsel would otherwise be denied their constitutional right to a fair trial. A critical element in meeting these requirements is the need to maintain the attorney-client relationship.

Attorneys, investigators and legal support staff are necessary to provide effective representation of counsel as mandated by the federal and state constitutions, Colorado Revised Statutes, Colorado Court Rules, American Bar Association standards, and the Colorado Rules of Professional Conduct. The OSPD system is the most efficient means of meeting these requirements.

The OSPD is an independent agency within the Judicial Branch of Colorado State Government. The Court makes the appointment when a defendant qualifies for public defender services pursuant to applicable case law and Chief Justice Directives.

In order to fulfill our responsibility in criminal proceedings, our office operates as a single purpose program which works with cases heard at two different levels of the state court system – the trial court level and the appellate court level. The trial court offices maintain 21 regional trial offices which cover the State's 22 judicial districts and 64 counties. *See the Trial Office Map on page 4.* The appellate office supports statewide indigent criminal cases heard at the Court of Appeals and the Supreme Court. The staff in these offices are entirely devoted to the processing of cases as assigned by the court. All administrative and support functions for these offices are handled centrally through the State Administrative Office in Denver. *See the OSPD Functional Organization Chart on page 5.*

The Public Defender System is directed at the state level by the Colorado State Public Defender, Douglas K. Wilson. A State Administrative Office provides centralized, state-wide administrative services and coordinates all office support functions to assist our regional trial offices and appellate division in providing services to clients. The administrative functions delivered by the State Administrative Office include:

- all program direction, analysis, and planning, including statistical compilation and development;
- workforce development, training, personnel policy, compensation analysis and practice development, and payroll and benefits coordination and administration;
- legislative affairs and statutory analysis;
- intragovernmental and intergovernmental affairs;
- budget analysis, development, allocation and management;
- financial management, analysis, tracking, transaction processing, procurement, and accounting;
- facilities planning, development, and lease negotiating;
- contracts and grants management; and
- development, distribution and maintenance of the agency's computer information and telecommunication systems.

To support the OSPD in the representation of their cases, in FY2015-16, the OSPD was appropriated \$ 86,828,235 and FTE of approximately 783. This is comprised of 488 attorneys; 149 investigators, paralegals and social workers (including 8 social workers dedicated to juvenile work); 114 administrative assistants and 32 centralized management and support positions. *See the Organization Chart on page 6.*

Environmental Scan

While our primary function of providing criminal defense representation will not change, the criminal justice environment in which we operate is changing. For example, caseload continues to grow and the cases that we handle are becoming more complex. This is reflected in an increase in both the number and severity of charges.

Many other factors have compounded these case growth trends adding increasing complexity to the types of cases and the workload required to represent these cases. These changes compound existing workload conditions to make it more difficult and time consuming for attorneys to provide effective representation, including changes in the court such as:

- staffing,
- docket organization,
- the use of specialty courts,
- changes in prosecutorial practice and procedures;
- newly enacted criminal offenses;
- changes in classes of criminal offenses;
- changes in criminal penalties;
- changes to the time it takes to process a case;
- changes in the types, quality, complexity and quantity of evidence; and
- history and documentation associated with a case.

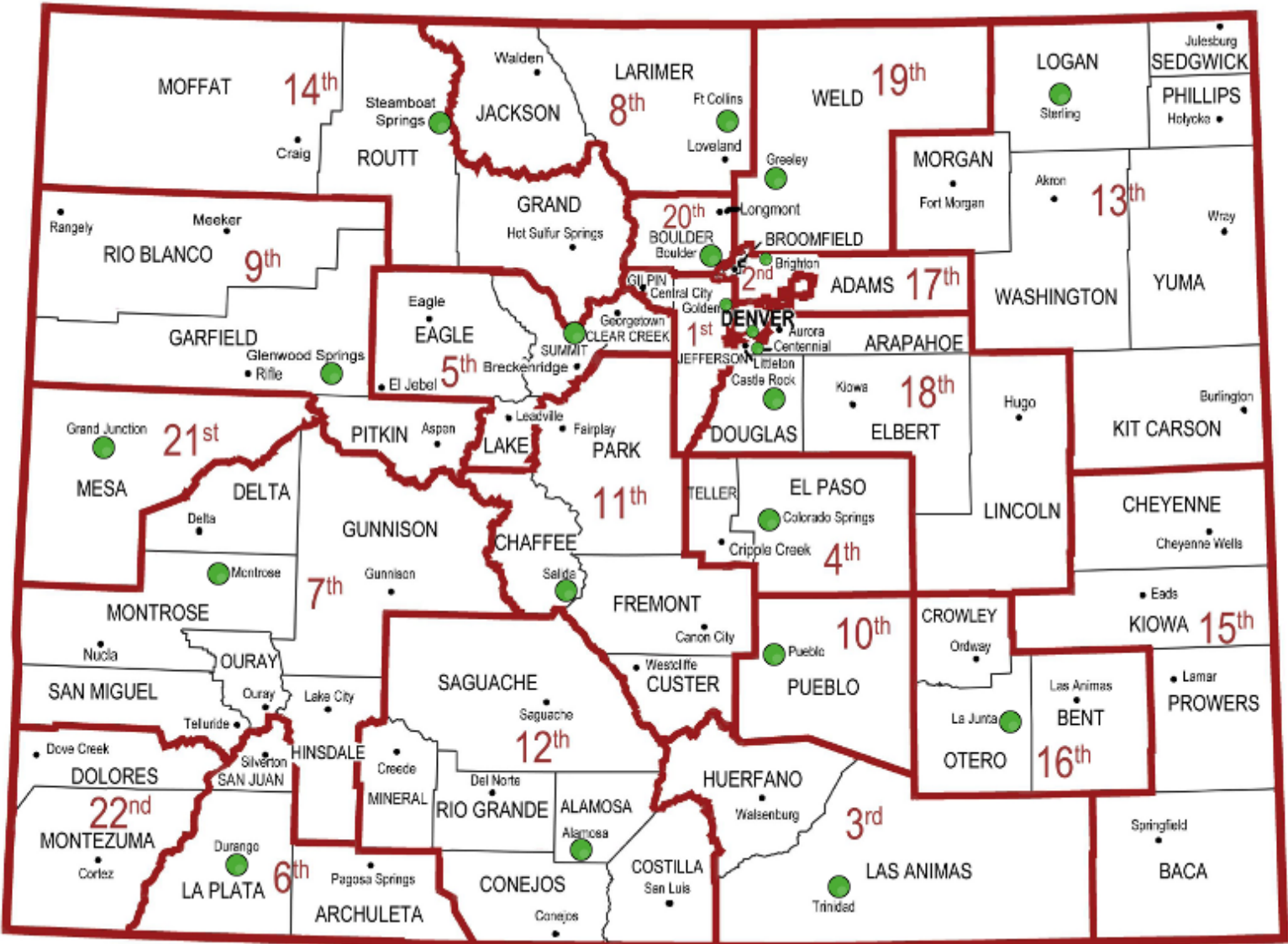
This changing environment presents a compounding challenge to the OSPD's need to achieve the staffing levels that are required to provide effective representation. We regularly monitor and evaluate internal processes and policies to achieve our mission, vision and goals.

Constitutional, Statutory and other authority

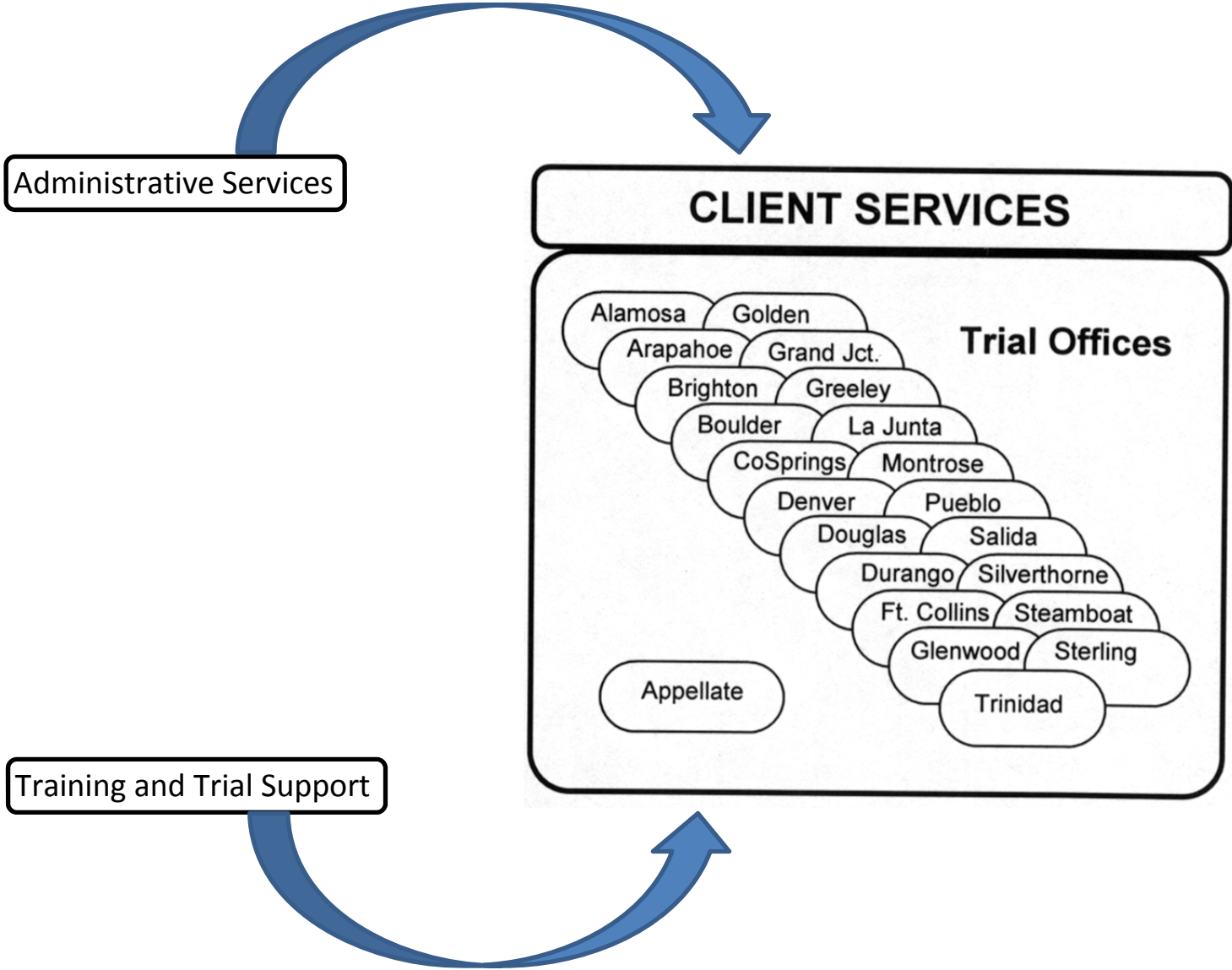
Constitutional, Statutory and other authority for the OSPD is established pursuant to:

- U.S. CONSTITUTION AMEND. VI;
- COLO. CONST. Art. II, § 16;
- C.R.S. § 21-1-101 *et seq.*;
- Chief Justice Directive 04-04, as amended;
- ABA STANDARDS FOR CRIMINAL JUSTICE;
- Colo. Rules of Professional Conduct (Colo. RPC);
- *Gideon v. Wainwright*, 372 U.S. 335 (1963);
- *Alabama v. Shelton*, 535 U.S. 654 (2002);
- *Rothgery v. Gillespie County*, 554 U.S. 191;
- *Nikander v. District Court*, 711 P.2d 1260 (Colo. 1986);
- *Allen v. People*, 157 Colo. 582, 404 P.2d 266 (1965); and
- *In Re Gault*, 387 U.S. 1 (1967).

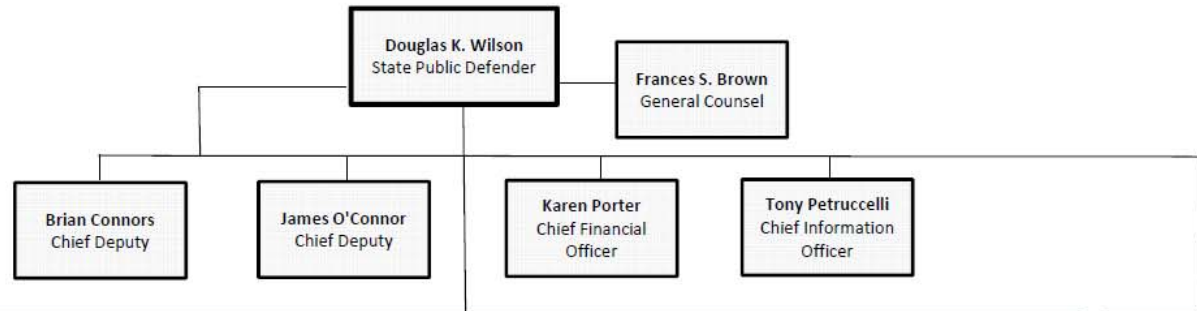
Trial Office Map



Functional Organization Chart



Office of the State Public Defender Organizational Chart

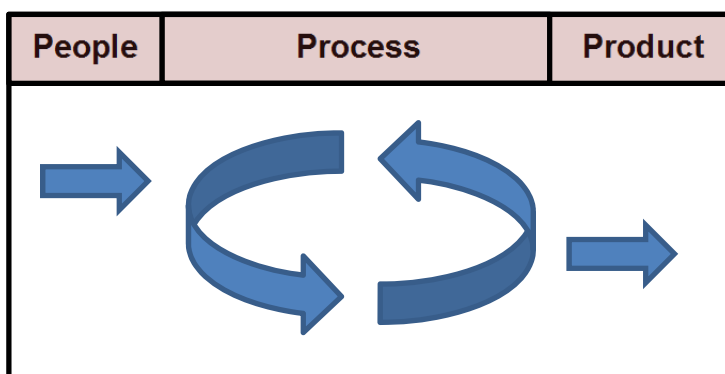


REGIONAL TRIAL OFFICES							APPELLATE
Alamosa Trial Office, 12th Judicial District Regional Trial Office Chief Amanda Hopkins Office Manager Angelica Hart	Arapahoe Trial Office, 18th Judicial District Regional Trial Office Chief James Karbach Office Manager Cheryl Healy	Boulder Trial Office, 20th Judicial District Regional Trial Office Chief Megan Ring Office Manager Michelle Griffin	Brighton Trial Office, 17th Judicial District Regional Trial Office Chief Scott Evans Office Manager Kim Windholz	Colorado Springs Trial Office, 4th Judicial District Regional Trial Office Chief Rosalie Roy Office Manager Norie Spooner	Denver Trial Office, 2nd Judicial District Regional Trial Office Chief Chris Baumann Office Manager Jeanie Vela	Dillon Trial Office, 5th Judicial District Regional Trial Office Chief Thea Reiff Office Manager Sandy Tidwell	Appellate Office Appellate Division Chief Karen Taylor Office Manager Jenèe Bowden
Douglas Trial Office, 18th Judicial District Regional Trial Office Chief Ara Ohanian Office Manager Amy Mendigorin	Durango Trial Office, 6th & 22nd Judicial Districts Regional Trial Office Chief Justin Bogan Office Manager Jennifer Stahl	Fort Collins Trial Office, 8th Judicial District Regional Trial Office Chief Norm Townsend Office Manager Karlee Lucero	Glenwood Springs Trial Office, 9th Judicial District Regional Trial Office Chief Tina Fang Office Manager Carol Vanica	Golden Trial Office, 4th Judicial District Regional Trial Office Chief Mitchell Ahnstedt Office Manager Sara Bollig	Grand Junction Trial Office, 22nd Judicial District Regional Trial Office Chief Steve Colvin Office Manager Sheila Hurd	Greeley Trial Office, 19th Judicial District Regional Trial Office Chief Kevin Strobel Office Manager Terri Cook	
La Junta Trial Office, 15th & 16th Judicial Districts Regional Trial Office Chief Raymond Torrez Office Manager Joy Klein	Montrose Trial Office, 7th Judicial District Regional Trial Office Chief Kori Keil Office Manager Val Barnica	Pueblo Trial Office, 10th Judicial District Regional Trial Office Chief David Lipka Office Manager Cindy Pacheco	Salida Trial Office, 11th Judicial District Regional Trial Office Chief Daniel Zettler Office Manager Carol Mattson	Steamboat Springs Trial Office, 14th Judicial District Regional Trial Office Chief Sheryl Uhlmann Office Manager Erin Biggs	Sterling Trial Office, 13rd Judicial District Regional Trial Office Chief Thomas Ward Office Manager Jeri Kloberdanz	Trinidad Trial Office, 3rd Judicial District Regional Trial Office Chief Patrick McCarville Office Manager Juanita Gonzalez	

OPERATIONAL COMPONENT

Goals, Strategies and Measures

In order to achieve our mission of providing high-quality, effective criminal defense representation for each of our clients, the OSPD ensured that our goals, strategies and measures addressed our people, our process and our product.



To this end, we have developed three overarching goals, five strategies and nineteen measures, all focused on improving service to our customers. We continue to analyze and further refine the concepts included in this document throughout the year using a variety of platforms, topics such as juvenile defense, performance ratings, attrition and office staffing.

Although we have multiple connections among our goals, strategies and measures, they all tie directly to our vision and our mission. Furthermore, as part of our organizational infrastructure planning, these components are continually being reviewed and further refined.

Goals:

1. Hire and retain a sufficient number of high quality staff to effectively manage the assigned caseload.
2. Provide both high quality and sufficient quantity of staff development, training, new technology and other resources to adapt our response to the ever-changing landscape and criminal justice atmosphere so that our legal services are commensurate with what is available for non-indigent clients.
3. Provide effective legal representation in both trial court and appellate cases.

Strategies:

1. Hire a sufficient number of high quality staff and retain an adequate level of experienced staff in order to effectively manage the assigned caseload.

2. Track and analyze trends in caseloads and adjust staffing levels.
3. Provide trainings to address the changing legal climate and reach critical staff.
4. Continually evaluate administrative processes and organizational infrastructure needs such as office space, technology and staffing.
5. Work all cases as efficiently as possible, while retaining a high quality of effective and reasonable representation.

Measures:

Input

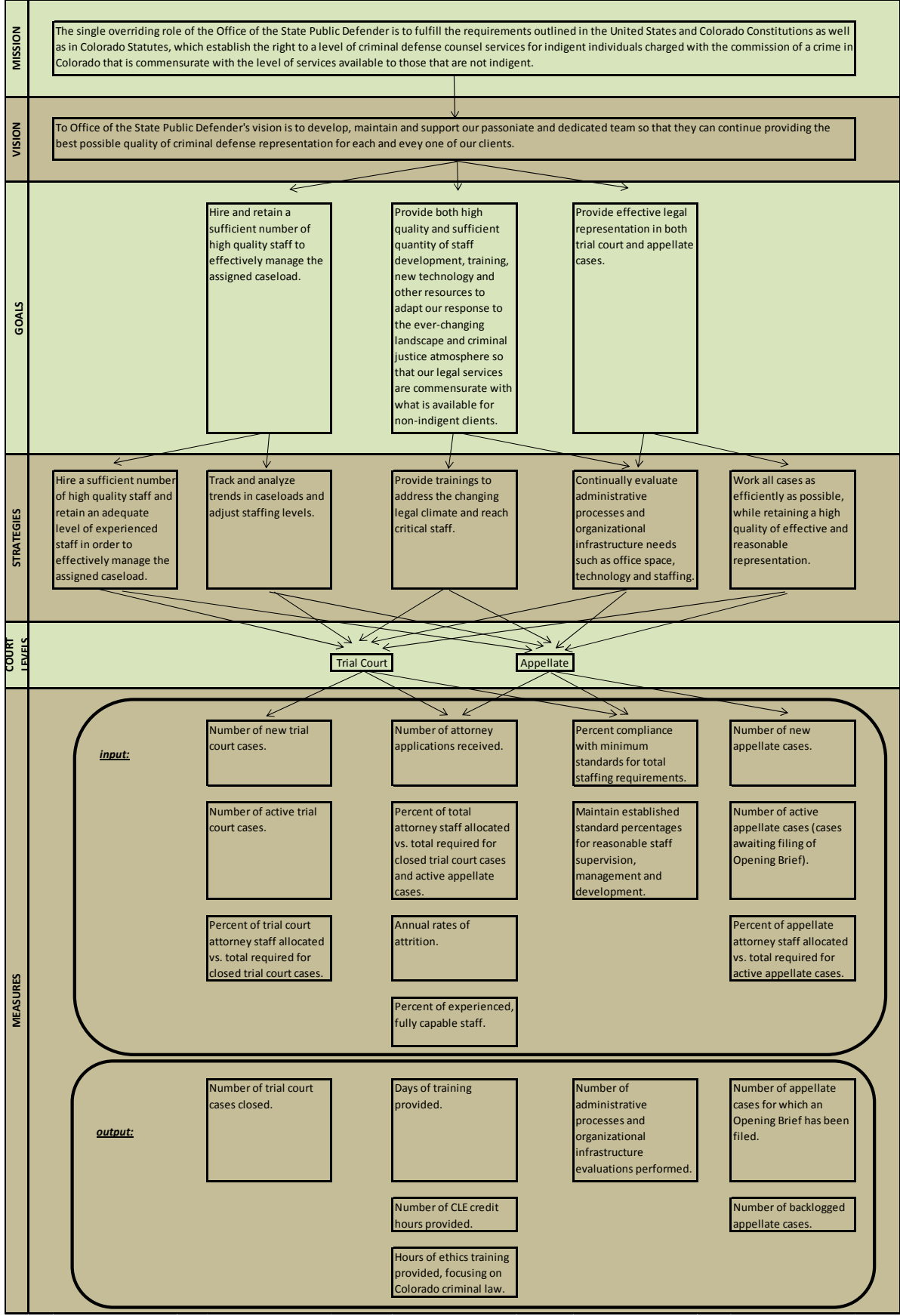
1. Number of new trial court cases.
2. Number of active trial court cases.
3. Percent of trial court attorney staff allocated vs. total required for closed trial court cases.
4. Number of attorney applications received.
5. Percent of total attorney staff allocated versus total required for closed trial court cases and active appellate cases.
6. Annual rates of attrition.
7. Percent of experienced, fully capable staff.
8. Percent compliance with minimum standards for total staffing requirements.
9. Maintain established standard percentages for reasonable staff supervision, management and development.
10. Number of new appellate cases.
11. Number of active appellate cases (cases awaiting filing of Opening Brief).
12. Percent of appellate attorney staff allocated vs. total required for active appellate cases.

Output

13. Number of trial court cases closed.
14. Days of training provided.
15. Number of CLE credit hours provided.
16. Hours of ethics training provided, focusing on Colorado criminal law.
17. Number of administrative processes and organizational infrastructure evaluations performed.
18. Number of appellate cases for which an Opening Brief has been filed.
19. Number of backlogged appellate cases.

To see a pictorial representation of the relationships among our mission, vision, goals, strategies and measures. *See our Performance Planning Structure on page 9.*

Performance Planning Structure



Performance Evaluation

Caseload Trends - REGIONAL TRIAL OFFICE CASELOAD

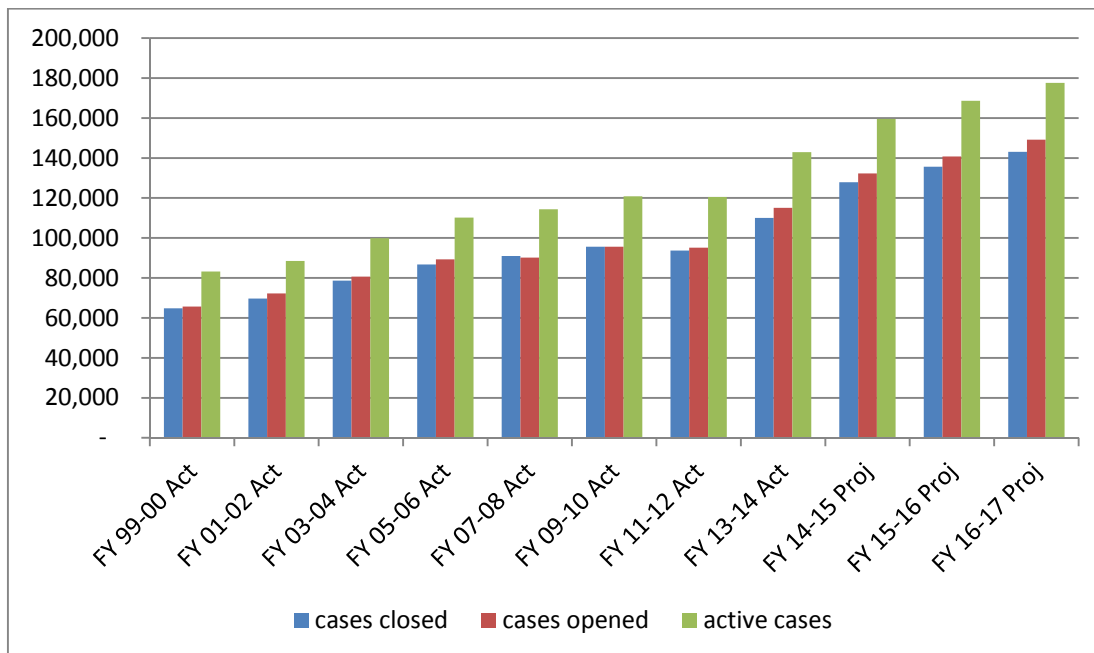
OVERALL OSPD CASE TRENDS

Total Cases. The Office tracks and monitors its caseload in three separate categories, Opened Cases, Closed Cases and Active Cases. Since FY 1999-00 the Office has tracked its annual Caseload Rate of Growth (CRG) which had been growing steadily in the early years reaching peaks around 5 percent in FY 2005-06. Up until FY2012-13, it had stabilized at nearly 3.2%.

In FY 2013-14 the overall CRG has begun to rise again, to an average 4%. During this time, the Office experienced a significant increase in its Misdemeanor caseload primarily due to legislation enacted on January 1, 2014. H.B. 13-1210 (commonly known as the *Rothgery* bill) amended CRS 16-7-301(4)(a), striking the section of law requiring defendants in misdemeanors, petty offenses and traffic offenses to first discuss plea negotiations with the prosecution prior to being assigned defense counsel.

The table below shows the overall caseload increase we have experienced in FY 2013-14 with just six months of implementation of *Rothgery*, along with the annualized projected increase expected in future years.

Caseload Trends & Projection

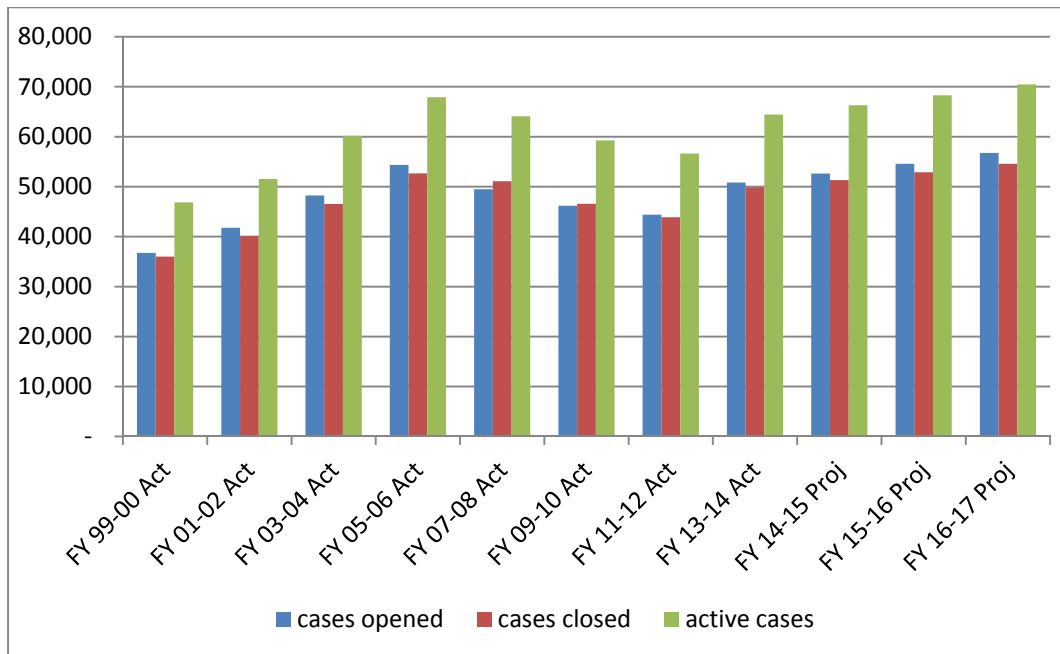


Felony Cases. In FY 2013-14 the Office had 64,450 active felony cases, an increase of 7.6% over the prior year. This is the second year in a row of a significant increase as the office experienced a 5.8% increase the prior year. The felony case growth had peaked in FY 2005-06 when the Office handled 67,886 cases and had been steadily decreasing through FY 2011-12.

Felony cases require the greatest attorney effort, time and dedication of other resources. They cost the State the most money, and increasingly draw Public Defender resources away from Misdemeanant and Juvenile defendant cases. Many changes to criminal law since 2000 have resulted in a push to raise what were formerly Misdemeanor offenses to the Felony level and to increase the class and penalty of felony offenses, as well as to treat Juvenile Felony cases as Adult Felony cases.

Compounding the drain on our current resources are the two announced capital punishment cases in which the Office is involved. These cases impact trial attorney resources, yet draw from appellate and support staff as well.

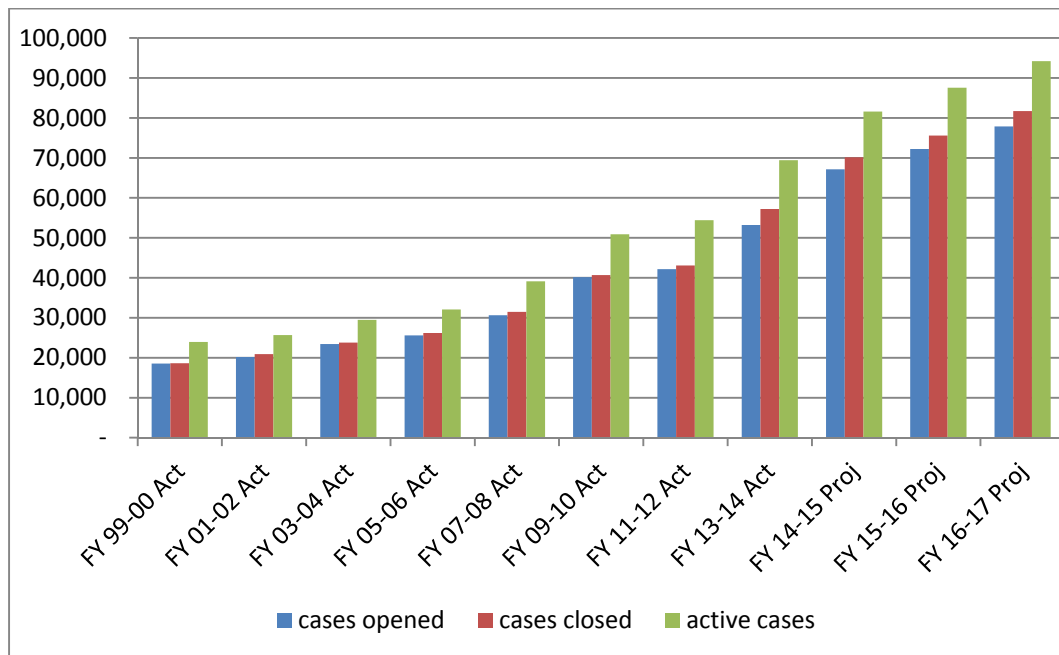
Felony Trends & Projections



Misdemeanor Cases. Misdemeanor case growth in each category of Opened, Closed and Active caseload continued at a relatively predictable rate of around 5% to 6% annual CRG through FY 2005-06. In FY 2012-13 the Office handled 56,625 cases which is a 4.1% increase from FY 2010-12, and increases the annual CRG since FY 1999-00 to just under 8%.

In FY 2013-14 the Office had 69,407 active misdemeanor cases, a 22.6% increase from the prior year. While some of this is attributed to normal case growth, the impact of H.B. 13-1210 is definitely the driving force and is further discussed in the next section. The table below demonstrates the dramatic increase.

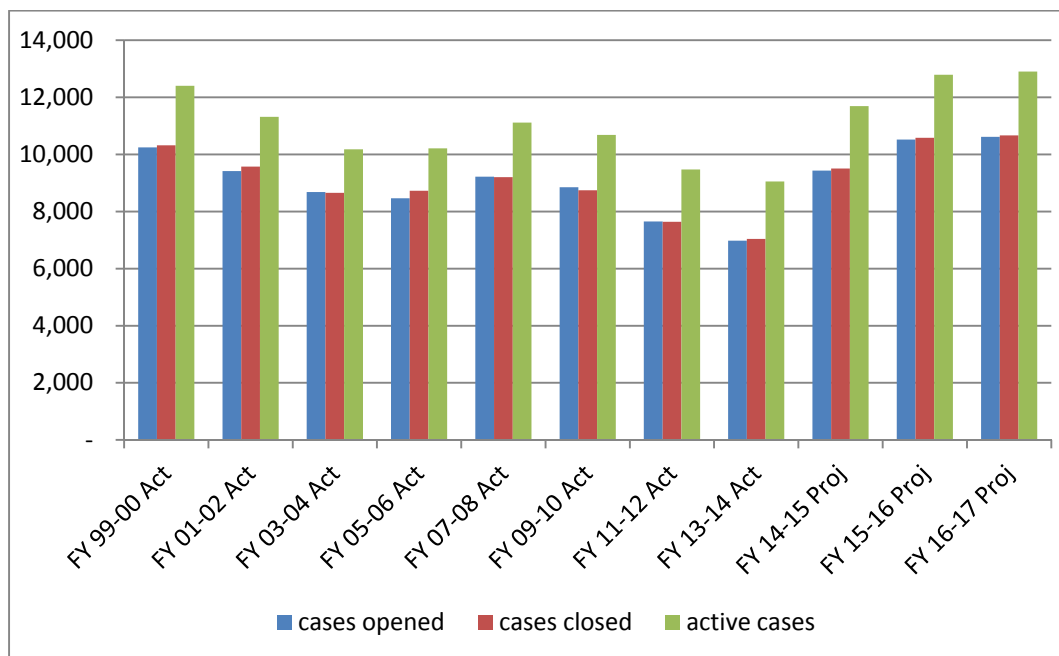
Misdemeanor Trends & Projections



Juvenile Cases. Since FY 1999-00, Juvenile cases have continued to gradually decline. However, this decline has slowed since FY 2004-05, falling from a decline of about 4% annual CRG through FY 2004-05 to a decline of nearly 2.7% annual CRG through FY 2013-14. Active Juvenile cases handled by the Office dropped from 9,090 in FY 2012-13 to 9,050 in FY 2013-14, a 0.4% decrease.

Although the Juvenile caseload for the Office had dropped over recent years, H.B. 14-1032 (commonly known as the *Juvenile Defense* bill) will require the Office to be present at detention hearings, allows the court to appoint the Office when the parents refuse to provide counsel, allows the court to appoint the Office when the court deems it to be in the best interest of the child, and further specifies the conditions under which a juvenile can waive counsel. These changes are expected to increase the number of Juvenile cases for which the Office is appointed and reverse the previous downward caseload trend. This legislation goes into effect November 1, 2014 and, based on estimates from the Juvenile Defense Attorney Interim Committee, is expected to increase caseload by approximately 3,000 cases annually.

Juvenile Trends & Projections



REGIONAL TRIAL OFFICE CASELOAD

OPENED CASE TRENDS

Cases Opened. Opened cases are the Public Defender's share of total cases filed in the courts state wide. In FY 2013-14 the Office was appointed on 115,107 new cases which was an increase of 16.8% over FY 2012-13. The CRG for Opened Cases since FY 1999-00 was 3.2% through FY 2012-13 and now has risen to 4.1%. Most of this increase is likely a direct result of the *Rothgery* bill.

Since this bill did not take effect until January 1, 2014, the total new opened misdemeanor cases for FY 2013-14 only includes six months of the expected increase. When comparing the second 6 months of new misdemeanor cases to the first 6 months, the Office experienced an average increase of just over 1,400 cases per month. If this trend continues, the Office projects an annualized increase of almost 17,000 new opened misdemeanor cases which is expected to increase the total opened cases for FY 2014-15 to just over 132,000 cases.

The table on the following page details the total cases opened by case class from FY 1999-00 through FY 2013-14 and projected forward using the annual CRG for cases since FY 1999-00, along with an annualized impact for the *Rothgery* bill, and the projected impact due to legislation enacted in the Juvenile area. The largest increase is expected in the misdemeanor categories.

FTE requirement information is provided in this table for comparison purposes only since the OSPD only uses actual and projected closed case data to measure workload requirements associated with its annual budget requests and resource needs. Note that the Office estimates they relinquish approximately 10% of their total Opened cases annually due to conflict withdrawals and other reasons.

OSPD Trial Office Cases Opened, by Case Class with Attorney FTE Requirements FY 1999-00 Actual to FY 2019-20 Projected

SUMMARY OF OSPD OPENED CASES	Av. Equiv Cases per Yr/FTE 2014	2014 % Total Cases	14 Yr CRG in Cases	CRG in Workload Since 2000	2020 Proj	2020 Res. Alloc.	2019 Proj	2019 Res. Alloc.	2018 Proj	2018 Res. Alloc.	2017 Proj	2017 Res. Alloc.	2016 Proj	2016 Res. Alloc.	2015 Proj	2015 Res. Alloc.	2014 Open	2014 Res. Alloc.	2013 Open	2013 Res. Alloc.	2000 Open	2000 OSP Res. Alloc Rqt
Felony 1	4.8	0%	1.3%	3.0%	171	35.9	162	34.0	154	32.3	147	30.8	140	29.4	134	28.1	129	27.0	129	26.8	107	17.8
Felony 2	31.9	1%	-1.3%	-1.3%	690	21.6	669	21.0	651	20.4	634	19.9	618	19.4	604	18.9	591	18.5	484	15.1	709	22.4
Sex Assaults (F2-F4)	31.2	1%	-0.2%	0.0%	979	31.6	969	31.2	960	30.9	951	30.6	942	30.3	934	30.0	926	29.7	923	29.5	956	29.7
Sex Assaults (F5-F6) **	201.3	0%			858	4.3	788	3.9	724	3.6	666	3.3	613	3.0	565	2.8	521	2.6	-	-	-	-
Felony 3	97.8	5%	0.2%	0.8%	5,692	58.2	5,629	57.5	5,568	56.9	5,509	56.3	5,451	55.7	5,394	55.1	5,338	54.6	6,109	62.4	5,216	49.0
Felony 4	150.7	8%	0.0%	2.0%	9,610	63.8	9,502	63.1	9,396	62.4	9,293	61.7	9,194	61.0	9,097	60.4	9,003	59.8	9,186	60.9	9,020	45.1
Felony 5 **	151.0	4%	1.3%	3.4%	5,155	34.1	5,071	33.6	4,989	33.0	4,910	32.5	4,832	32.0	4,756	31.5	4,682	31.0	4,475	29.6	3,892	19.5
Felony 6 **	235.1	8%	10.7%	14.6%	18,255	77.6	16,101	68.5	14,233	60.5	12,609	53.6	11,194	47.6	9,958	42.3	8,876	37.7	7,275	30.9	2,137	5.6
Subtotal Felony Trial & PreTrial	115.3	26%	2.2%	2.3%	41,410	327.1	38,892	312.8	36,676	300.0	34,718	288.6	32,984	278.4	31,442	269.2	30,066	260.8	28,581	255.1	22,037	189.1
Misc. Proceedings		8%	-3.2%	0.0%	9,574	-	9,523	-	9,473	-	9,424	-	9,376	-	9,329	-	9,282	-	7,488	-	14,682	-
Revocation of Probation	926.0	10%			13,670	14.8	13,240	14.3	12,832	13.9	12,444	13.4	12,076	13.0	11,727	12.7	11,395	12.3	10,892	11.8	-	-
Appeals		0%	4.6%	0.0%	71	-	64	-	59	-	53	-	49	-	45	-	41	-	52	-	22	-
Original Proceedings		0%	27.3%	0.0%	249	-	194	-	152	-	119	-	94	-	74	-	59	-	7	-	2	-
Partial Service		0%	0.0%	0.0%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Subtotal Felony Other Proceedings		18%	2.5%	20.3%	23,564	14.8	23,022	14.3	22,515	13.9	22,041	13.4	21,595	13.0	21,174	12.7	20,777	12.3	18,439	11.8	14,706	-
Total Felony	186.1	44%	2.3%	2.7%	64,974	341.8	61,914	327.0	59,191	313.9	56,759	302.1	54,579	291.4	52,616	281.8	50,843	273.2	47,020	266.9	36,743	189.1
Misdemeanor 1	174.9	12%	10.6%	11.6%	24,457	139.9	22,477	128.7	20,678	118.5	19,042	109.2	17,552	100.8	16,195	93.1	13,570	77.6	10,945	62.2	3,332	16.7
Sex Assault (M1)	168.2	0%	2.2%	3.1%	619	3.7	602	3.6	588	3.5	574	3.4	562	3.3	551	3.3	518	3.1	489	2.9	381	2.0
Sex Assault (M2)	173.5	0%	-22.2%	-21.8%	9	0.1	9	0.1	9	0.1	9	0.1	9	0.1	9	0.1	5	0.0	4	0.0	169	0.9
Sex Assault (M3) **	352.4	0%			12	0.0	12	0.0	12	0.0	12	0.0	12	0.0	12	0.0	6	0.0	-	-	-	-
Misdemeanor 2	315.5	4%	3.5%	5.8%	5,819	18.6	5,542	17.7	5,293	16.9	5,070	16.1	4,870	15.5	4,688	14.9	4,538	14.4	4,388	13.9	2,804	6.6
Misdemeanor 3/Traffic/PO **	312.2	19%	7.5%	9.9%	42,177	135.7	38,613	124.2	35,451	114.0	32,642	104.9	30,139	96.9	27,906	89.7	22,404	71.8	16,902	53.9	8,139	19.2
Subtotal Misd Trial & PreTrial	245.9	36%	7.5%	9.7%	73,093	297.9	67,255	274.2	62,031	252.9	57,349	233.8	53,144	216.5	49,361	201.0	41,041	166.9	32,728	132.8	14,825	45.4
Misc. Proceedings		4%	2.2%	0.0%	8,299	-	8,133	-	7,977	-	7,831	-	7,693	-	7,563	-	5,133	-	2,703	-	3,763	-
Revocation of Probation	939.8	9%			23,397	25.1	20,602	22.1	18,236	19.5	16,220	17.4	14,492	15.5	13,002	13.9	10,859	11.6	8,716	9.2	-	-
Appeals		0%	11.5%	0.0%	502	-	409	-	336	-	279	-	234	-	198	-	169	-	143	-	37	-
Original Proceedings		0%	24.7%	0.0%	40	-	36	-	32	-	28	-	26	-	24	-	22	-	9	-	1	-
Partial Service		0%	0.0%	0.0%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Subtotal Misd Other Proceedings		14%	10.9%	19.8%	32,238	25.1	29,180	22.1	26,581	19.5	24,358	17.4	22,444	15.5	20,787	13.9	16,183	11.6	11,571	9.2	3,801	-
Total Misdemeanor	320.7	50%	8.3%	10.3%	105,331	323.0	96,435	296.3	88,613	272.5	81,707	251.1	75,589	232.0	70,148	214.9	57,224	178.4	44,299	142.1	18,626	45.4
Juvenile Felony	196.2	2%	-3.8%	-2.4%	1,974	10.1	1,971	10.0	1,967	10.0	1,964	10.0	1,962	10.0	1,959	10.0	1,777	9.1	1,662	8.5	3,071	12.7
Juvenile Misdemeanor	195.0	2%	-2.2%	-0.8%	2,296	11.8	2,271	11.6	2,246	11.5	2,222	11.4	2,199	11.3	2,177	11.2	1,931	9.9	2,080	10.6	2,653	11.0
Subtotal Juv Trial & PreTrial	195.6	3%	-3.1%	-1.6%	4,270	21.8	4,241	21.7	4,213	21.5	4,187	21.4	4,161	21.3	4,136	21.1	3,708	19.0	3,742	19.1	5,724	23.7
Misc. Proceedings		1%	-9.4%	0.0%	1,219	-	1,205	-	1,192	-	1,179	-	1,167	-	1,155	-	1,143	-	963	-	4,585	-
Detention Hearings (HB 14-1032)		0%	0.0%	0.0%	3,000	12.0	3,000	12.0	3,000	12.0	3,000	12.0	3,000	12.0	3,000	12.0	2,000	8.0	-	-	-	-
Revocation of Probation	929.7	2%			2,390	2.6	2,346	2.5	2,305	2.5	2,265	2.4	2,228	2.4	2,192	2.4	2,159	2.3	2,487	2.7	-	-
Appeals		0%	0.0%	0.0%	-	-	-	-	-	-	-	-	-	-	-	-	11	-	19	-	11	-
Original Proceedings		0%	23.9%	0.0%	62	-	51	-	42	-	34	-	28	-	23	-	19	-	7	-	-	-
Partial Service		0%	0.0%	0.0%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Subtotal Juv Other Proceedings		3%	-2.3%	9.0%	6,671	14.6	6,602	14.5	6,538	14.5	6,479	14.4	6,423	14.4	6,370	10.4	3,332	2.3	3,476	2.7	4,596	-
Total Juvenile	330.8	6%	-2.7%	-0.8%	10,941	36.4	10,843	36.2	10,752	36.0	10,665	35.8	10,583	35.7	10,506	31.5	7,040	21.3	7,218	21.8	10,320	23.7
Supervision/Management Standard		0%	0.0%	4.0%		70.1		66.0		62.2		58.9		55.9		52.8		44.7		40.7		25.8
Total Trial/Pretrial	152.3	65%	4.1%	4.0%	118,773	646.8	110,388	608.6	102,920	574.5	96,254	543.8	90,289	516.2	84,938	491.3	74,815	491.4	65,051	447.8	42,586	284.0
Total Misc. Proceedings		14%	4.4%	0.0%	19,093		18,862		18,643		18,434		18,235		18,046		15,558		11,154		8,475	
Detention Hearings (HB 14-1032)					3,000	12.0	3,000	12.0	3,000	12.0	3,000	12.0	3,000	12.0	3,000	12.0	2,000	8.0	-	-	-	-
Total Probation Revocations	847.7	21%	3.8%	5.2%	39,457	42.4	36,188	38.9	33,372	35.9	30,929	33.2	28,796	30.9	26,922	28.9	24,413	28.8	22,095	26.0	14,555	14.1
Total Appeals		0%	8.6%	-100.0%	573		473		395		333		283		243		221		214		70	0.1
Total Original Proceedings		0%	28.5%	-100.0%	351		280		225		182		148		121		100		23		3	0.0
Total Partial Service		0%	0.0%	0.0%	-		-		-		-		-		-		-		-		-	-
Other Proceedings total		35%	4.1%		62,474	54.4	58,804	50.9	55,635	47.9	52,878	45.2	50,462	42.9	47,331	36.9	40,292		33,486		23,103	
Total All	221.3	100%	4.1%	4.1%	181,246	771.4	169,192	725.5	158,555	684.6	149,132	647.9	140,751	615.0	132,270	581.0	115,107	520.2	98,537	473.8	65,689	298.1

FTE requirement information is provided here for comparison purposes only. The OSPD uses closed cased data to measure its workload requirements associated with its annual budget requests and resource needs.

REGIONAL TRIAL OFFICE CASELOAD

CLOSED (“TERMINATED”) CASE TRENDS

Closed Cases. In FY 2013-14 the Office closed 110,044 cases, a 12.4% increase over last years’ 97,872 cases. Closed Cases grew rapidly through FY 2005-06 and had stabilized up until last fiscal year. The Closed Cases CRG since FY 1999-00 is now at 3.9% percent which shows an increase from last year’s 3.2%. While the primary reason for this increase from 3.2% to 3.9% can be attributed to the *Rothgery* bill, the increase in the felony closed cases is also a contributing factor.

For FY 2014-15 the Office is projected to close just under 128,000 cases. This large increase is expected for a few reasons. First, the *Rothgery* bill didn’t go into effect until January 1, 2014. Since the average time it takes to close these types of cases is three to four months, last year only included a few months of these closed cases. We estimate the full increase in caseload from these cases will be seen next year as more of these cases are resolved.

Second, the *Juvenile Defense* bill will go into effect on November 1, 2014. We project the increase in closed cases will be approximately 2,000 cases next year and 3,000 projected cases in the following years.

The table on the following page details the total cases closed, by case class, from FY 1999-00 through FY 2013-14 and projected forward using the annual CRG for cases since FY 1999-00, as well as projected cases for the recent legislation identified above. This table also includes trial attorney FTE required (Resource Allocation Requirement) for each category by year. It is this Closed case FTE data that the Public Defender uses to estimate its current and projected staffing resource needs.

OSPД Trial Office Cases Closed, by Case Class with Attorney FTE Requirements FY 1999-00 Actual to FY 2019-20 Projected

SUMMARY OF OSPД CASES CLOSED	Equivalent Cases Per Year/FTE 2014	2014 % Total Cases	14 Yr CRG in Cases	CRG in Workload Since 2000	2020 Proj	2020 Res. Alloc.	2019 Proj	2019 Res. Alloc.	2018 Proj	2018 Res. Alloc.	2017 Proj	2017 Res. Alloc.	2016 Proj	2016 Res. Alloc.	2015 Proj	2015 Res. Alloc.	2014 Closed	2014 Res. Alloc.	2013 Closed	2013 Res. Alloc.	2000 Closed	2000 Res. Alloc.
Felony 1	4.9	0%	2.1%	2.9%	106	22	101	21	96	20	91	18.8	87	18.0	84	17.2	80	16.5	91	18.6	60	11
Felony 2	32.1	0%	-2.4%	-2.1%	296	9	288	9	280	9	273	8.5	267	8.3	261	8.1	256	8.0	243	7.5	360	11
Sex Assaults (F2-F4)	31.3	1%	1.6%	1.2%	756	24	737	24	719	23	702	22.5	686	21.9	670	21.4	655	20.9	724	23.2	521	18
Sex Assaults (F5-F6) **	201.3	0%			719	4	671	3	626	3	586	2.9	549	2.7	514	2.6	483	2.4	-	-	-	-
Felony 3	97.8	4%	0.9%	1.3%	4,550	47	4,477	46	4,405	45	4,335	44.3	4,267	43.6	4,201	43.0	4,137	42.3	4,167	42.6	3,652	35
Felony 4	150.6	6%	0.0%	1.6%	7,229	48	7,147	47	7,068	47	6,990	46.4	6,914	45.9	6,840	45.4	6,768	44.9	6,857	45.5	6,814	36
Felony 5	150.9	3%	0.9%	2.3%	3,734	25	3,686	24	3,639	24	3,593	23.8	3,548	23.5	3,504	23.2	3,461	22.9	3,598	23.8	3,039	17
Felony 6	235.1	6%	7.6%	13.3%	11,317	48	10,195	43	9,216	39	8,358	35.5	7,604	32.3	6,938	29.5	6,349	27.0	5,895	25.1	2,280	5
Subtotal Felony Trial & PreTrial	120.0	20%	2.0%	2.4%	28,708	226	27,301	218	26,049	210	24,928	202.8	23,922	196.3	23,013	190.4	22,189	184.9	21,575	186.3	16,726	132
Misc. Proceedings	8%		-3.1%	0.0%	9,549	-	9,495	-	9,442	-	9,390	-	9,339	-	9,289	-	9,240	-	7,480	-	14,344	-
Probation Revocations	926.1	10%			13,465	14.5	13,044	14.1	12,642	13.7	12,259	13.2	11,893	12.8	11,544	12.5	11,211	12.1	10,716	11.6	-	-
Appeals	0%		8.3%	0.0%	103	-	90	-	80	-	70	-	62	-	55	-	49	-	41	-	16	-
Original Proceedings	0%		31.5%	0.0%	156	-	126	-	102	-	83	-	67	-	55	-	45	-	10	-	-	-
Partial Service	6%		2.7%	0.0%	8,652	-	8,368	-	8,098	-	7,840	-	7,595	-	7,360	-	7,136	-	6,464	-	4,913	-
Subtotal Felony Other Proceedings	25%	2.6%	20.2%	31,925	14.5	31,124	14.1	30,364	13.7	29,643	13.2	28,957	12.8	28,304	12.5	27,681	12.1	24,711	11.6	19,273	-	
Total Felony	253.1	45%	2.4%	2.9%	60,633	240.8	58,425	231.8	56,413	223.6	54,571	216.1	52,878	209.2	51,316	202.9	49,870	197.0	46,286	197.9	35,999	132
Misdemeanor 1	175.4	9%	9.8%	10.1%	19,789	112	18,093	103	16,558	94	15,166	86.2	13,904	79.1	12,758	72.6	10,100	57.6	9,541	54.6	2,713	15
Sex Assault (M1)	168.0	0%	2.6%	3.3%	578	3	567	3	557	3	547	3.3	537	3.2	528	3.1	447	2.7	414	2.4	313	2
Sex Assault (M2)	159.0	0%	-24.8%	-27.9%	2	0	2	0	2	0	2	0.0	2	0.0	2	0.0	2	0.0	14	0.1	109	1
Sex Assault (M3) **	341.9	0%			8	0	8	0	8	0	8	0.0	8	0.0	8	0.0	7	0.0	-	-	-	-
Misdemeanor 2	315.0	3%	3.7%	5.4%	7,571	24	6,835	22	6,194	20	5,634	17.9	5,143	16.3	4,711	15.0	3,733	11.9	6,240	19.6	2,233	6
Misdemeanor 3/Traffic/PO	312.8	15%	6.1%	9.1%	28,951	93	26,879	86	25,011	80	23,325	74.7	21,801	69.8	20,422	65.3	16,526	52.8	12,212	39.3	7,176	16
Subtotal Misd Trial & PreTrial	246.6	28%	6.6%	8.7%	56,900	232	52,386	214	48,331	197	44,683	182.1	41,396	168.4	38,428	156.1	30,815	125.0	28,421	116.0	12,544	39
Misc. Proceedings	4%		1.9%	0.0%	7,577	-	7,454	-	7,336	-	7,223	-	7,116	-	7,014	-	4,846	-	2,684	-	3,713	-
Probation Revocations	940.8	9%			20,519	21.9	18,384	19.6	16,524	17.6	14,897	15.9	13,471	14.4	12,215	13.0	10,422	11.1	8,629	9.1	-	-
Appeals	0%		14.4%	0.0%	422	-	349	-	291	-	245	-	208	-	178	-	157	-	132	-	24	-
Original Proceedings	0%		25.1%	0.0%	39	-	35	-	32	-	29	-	27	-	25	-	23	-	7	-	1	-
Partial Service	6%		8.4%	0.0%	13,769	-	12,671	-	11,683	-	10,794	-	9,991	-	9,267	-	6,934	-	4,601	-	2,253	-
Subtotal Misd Other Proceedings	20%	9.9%	19.5%	9.3%	42,328	22	38,893	20	35,866	18	33,188	15.9	30,813	14.4	28,699	13.0	22,382	11.1	16,053	9.1	5,991	-
Total Misdemeanor	391.1	48%	7.8%	9.3%	99,228	254	91,279	234	84,197	215	77,871	198.0	72,209	182.8	67,127	169.1	53,197	136.0	44,474	125.1	18,535	39
Juvenile Felony	195.6	1%	-4.2%	-2.4%	1,395	7	1,393	7	1,391	7	1,390	7.1	1,388	7.1	1,386	7.1	1,262	6.5	1,384	7.0	2,310	9
Juvenile Misdemeanor	194.8	1%	-2.3%	0.2%	1,952	10	1,925	10	1,899	10	1,874	9.6	1,849	9.5	1,826	9.4	1,617	8.3	1,766	9.0	2,244	8
Subtotal Juv Trial and PreTrial	195.2	3%	-3.2%	-1.0%	3,347	17	3,318	17	3,290	17	3,263	16.7	3,237	16.6	3,212	16.5	2,879	14.8	3,150	16.0	4,554	17
Misc. Proceedings	1%		-9.2%	0.0%	1,213	-	1,205	-	1,196	-	1,187	-	1,179	-	1,171	-	1,163	-	736	-	4,519	-
Detention Hearings (HB 14-1032)	0%		0.0%	0.0%	3,000	12	3,000	12	3,000	12	3,000	12.0	3,000	12.0	2,000	8.0	-	-	-	-	-	-
Probation Revocations	929.5	2%			2,411	2.6	2,357	2.5	2,307	2.5	2,262	2.4	2,221	2.4	2,183	2.3	2,147	2.3	2,421	2.6	-	-
Appeals	0%		1.9%	0.0%	-	-	-	-	-	-	-	-	-	-	-	-	13	-	17	-	10	-
Original Proceedings	0%		28.1%	0.0%	128	-	101	-	79	-	63	-	49	-	39	-	31	-	8	-	-	-
Partial Service	1%		-3.1%	0.0%	849	-	845	-	841	-	838	-	834	-	831	-	744	-	780	-	1,162	-
Subtotal Juv Other Proceedings	4%	-2.3%	8.9%	7,601	15	7,507	15	7,424	14	7,350	14.4	7,284	14.4	6,224	10.3	4,098	2.3	3,962	2.6	5,691	-	
Total Juvenile	408.9	6%	-2.7%	0.0%	10,948	32	10,825	32	10,714	31	10,613	31.2	10,521	31.0	9,436	26.8	6,977	17.1	7,112	18.7	10,245	17
Supervision/Management of ALL		0%	0.0%	4.0%		61.4		58.4		55.7		53.3		51.0		48.6		35.0		34.2		20.2
Total Trial/Pretrial	155.4	51%	3.7%	4.0%	88,955	475.9	83,005	448.6	77,670	423.9	72,875	401.6	68,554	381.4	64,653	363.0	55,883	359.6	53,146	352.5	33,824	208.7
Total Misc. Proceedings		14%	4.4%	0.0%	18,339	-	18,153	-	17,974	-	17,801	-	17,635	-	17,474	-	15,249	-	10,900	-	8,308	-
Total Detention Hearings (HB 14-1032)					3,000	12.0	3,000	12.0	3,000	12.0	3,000	12.0	3,000	12.0	2,000	8.0	-	-	-	-	-	-
Total Prob Revocations	932.8	22%	3.7%	4.5%	36,395	39.1	33,785	36.3	31,474	33.8	29,419	31.6	27,585	29.6	25,942	27.8	23,780	25.5	21,766	23.3	14,268	13.8
Total Appeals		0%	11.1%	0.0%	525	-	440	-	371	-	315	-	270	-	233	-	219	-	190	-	50	-
Total Original Proceedings		0%	38.8%	0.0%	324	-	262	-	213	-	174	-	143	-	119	-	99	-	25	-	1	-
Total Partial Service		13%	4.2%	0.0%	23,270	-	21,884	-	20,622	-	19,472	-	18,420	-	17,458	-	14,814	-	11,845	-	8,328	-
Total Other Proceedings		49%	4.1%		81,854	51.1	77,524	48.3	73,654	45.8	70,181	43.6	67,053	41.6	63,226	35.8	54,161		44,726		30,955	
Total All	285.7	100%	3.9%	4.0%	170,809	588.4	160,529	555.3	151,323	525.4	143,056	498.4	135,608	474.0	127,879	447.4	110,044	385.1	97,872	375.8	64,779	222.5

REGIONAL TRIAL OFFICE CASELOAD

ACTIVE CASE TRENDS

Active Cases. Active caseload incorporates all cases that are actively represented in a given year: the total new opened cases received in a year, plus the remaining unfinished cases opened in the previous year that have not yet been completed and closed, and therefore are carried into the new year as existing workload and caseload. In FY 2013-14 the Office carried 142,907 Active Cases, an increase of 13.8% over the prior years' 125,606 cases. As seen with both the new opened and closed cases, this large increase is primarily the result of the *Rothgery* bill.

The table on the next page details the total cases actively carried each year by case class from FY 1999-00 through FY 2013-14 and projected forward using the annual CRG for cases since FY 1999-00 along with the projected increase once both the *Rothgery* and *Juvenile Defense* bills are fully enacted.

This table also includes trial attorney FTE required for each caseload by year yet is provided for comparison purposes only. The workload for these active cases is not completed in one year, but overlaps years. It is closed case FTE data that the Public Defender uses to estimate its current and projected staffing resource needs.

The more meaningful data in this table is the number of cases represented by case type and case class, since it is this data that is used to develop the comparable national caseload standards and staffing requirements outlined by the American Bar Association (ABA). Note that the ABA standards apply caps to the total number of cases carried in a given year by an attorney (the Active Cases), whereas OSPD FTE requirements are based upon weighted workload measurement of the time required to bring a case to full completion.

OSPD Trial Office Active Cases, by Case Class with Attorney FTE Requirements FY 1999-00 Actual to FY 2019-20 Projected

SUMMARY OF OSPD ACTIVE CASES	Av. Equiv Cases per Yr/FTE 2014	2014 % Total Cases	14 Yr CRG in Cases	CRG in Workload Since 2000	2020 Proj	2020 Res. Alloc.	2019 Proj	2019 Res. Alloc.	2018 Proj	2018 Res. Alloc.	2017 Proj	2017 Res. Alloc.	2016 Proj	2016 Res. Alloc.	2015 Proj	2015 Res. Alloc.	2014 Active	2014 Res. Alloc.	2013 Active	2013 Res. Alloc.	2000 Active	2000 Res. Alloc.
Felony 1	4.8	0%	2.4%	4.1%	233	48	225	47	217	45	209	43	202	42	195	40	189	39	189	39	135	22
Felony 2	32.1	0%	-1.0%	-1.1%	583	18	570	18	558	17	547	17	536	17	526	16	517	16	465	14	598	19
Sex Assaults (F2-F4)	31.3	1%	3.1%	3.4%	1,530	49	1,476	47	1,424	46	1,375	44	1,328	43	1,284	41	1,241	40	1,279	41	808	25
Sex Assaults (F5-F6)	2,411.3	0%			1,060	5	982	5	911	5	847	4	788	4	734	4	684	0	-	-	-	-
Felony 3	97.8	4%	1.1%	1.8%	6,416	66	6,313	65	6,213	64	6,116	63	6,021	62	5,929	61	5,839	60	6,052	62	4,998	46
Felony 4	150.7	7%	0.3%	2.4%	10,514	70	10,394	69	10,276	68	10,162	67	10,051	66	9,944	66	9,839	65	9,811	65	9,473	47
Felony 5	150.9	3%	1.3%	3.5%	5,371	36	5,290	35	5,209	35	5,131	34	5,054	33	4,979	33	4,905	32	4,904	32	4,092	20
Felony 6	235.1	6%	8.6%	12.6%	16,699	71	14,957	64	13,436	57	12,103	51	10,932	46	9,899	42	8,985	38	7,806	33	2,823	7
Subtotal Felony Trial & PreTrial	110.7	23%	2.5%	3.2%	42,407	362.9	40,207	348.8	38,246	335.9	36,490	324.1	34,912	313.3	33,489	303.3	32,199	290.9	30,506	286.7	22,927	186.3
Misc. Proceedings		8%	-3.3%	0.0%	11,217	-	11,187	-	11,156	-	11,127	-	11,097	-	11,068	-	11,040	-	9,275	-	17,760	-
Probation Revocation	926.3	10%			16,186	17	15,756	17	15,343	17	14,946	16	14,565	16	14,200	15	13,848	15	13,175	14		
Appeals		0%	7.5%	0.0%	150	-	131	-	115	-	102	-	90	-	80	-	72	-	74	-	26	-
Original Proceedings		0%	34.1%	0.0%	254	-	198	-	155	-	122	-	96	-	76	-	61	-	12	-	1	-
Partial Service		5%	1.2%	0.0%	8,154	-	7,984	-	7,821	-	7,665	-	7,514	-	7,369	-	7,230	-	6,849	-	6,153	-
Subtotal Felony Other Proceedings	23%	2.2%	21.9%	35,961	17.5	35,256	17.0	34,591	16.6	33,962	16.1	33,364	15.7	32,794	15.3	32,251	14.9	29,385	14.2	23,940	-	
Total Felony	210.7	45%	2.3%	3.6%	78,368	380.4	75,463	365.8	72,837	352.5	70,452	340.3	68,276	329.0	66,283	318.6	64,540	305.8	59,891	301.0	46,867	186.3
Misdemeanor 1	174.9	10%	10.3%	11.3%	24,640	140	22,541	128	20,637	118	18,909	108	17,339	99	15,912	91	14,251	81	12,590	72	3,619	18
Sex Assault (M1)	167.8	0%	3.8%	4.8%	-	-	-	-	-	-	-	-	-	-	-	-	672	4	634	4	398	2
Sex Assault (M2)	177.6	0%	-23.5%	-23.1%	4	0	4	0	4	0	4	0	4	0	4	0	4	0	16	0	169	1
Sex Assault (M3)	352.4	0%			16	0	16	0	16	0	16	0	16	0	16	0	8	0	-	-	-	-
Misdemeanor 2	315.6	3%	3.8%	6.2%	2,999	10	2,721	9	2,477	8	2,265	7	2,078	7	1,914	6	4,928	16	8,057	25	2,937	7
Misdemeanor 3/Traffic/PO	312.6	17%	7.3%	9.7%	45,401	145	41,986	134	38,924	124	36,173	115	33,700	107	31,471	100	23,974	77	16,477	53	8,995	21
Subtotal Misd Trial & PreTrial	246.5	31%	7.4%	9.7%	73,061	295.2	67,267	271.5	62,058	250.1	57,367	230.8	53,137	213.4	49,317	197.6	43,837	177.8	37,774	154.2	16,118	48.8
Misc. Proceedings		4%	1.8%	0.0%	8,825	-	8,669	-	8,521	-	8,381	-	8,250	-	8,125	-	5,889	-	3,253	-	4,409	-
Probation Revocation	941.2	9%			24,125	26	21,719	23	19,619	21	17,779	19	16,162	17	14,736	16	12,507	13	10,278	11		
Appeals		0%	13.2%	0.0%	845	-	692	-	571	-	474	-	396	-	334	-	283	-	241	-	50	-
Original Proceedings		0%	26.2%	0.0%	55	-	47	-	41	-	36	-	32	-	29	-	26	-	11	-	1	-
Partial Service		5%	5.4%	0.0%	12,256	-	11,499	-	10,808	-	10,175	-	9,595	-	9,062	-	7,065	-	5,068	-	3,362	-
Subtotal Misd Other Proceedings	1,924.3	18%	8.8%	20.9%	46,106	25.8	42,626	23.2	39,559	21.0	36,845	19.0	34,435	17.2	32,285	15.7	25,570	13.3	18,851	10.9	7,822	-
Total Misdemeanor	363.1	49%	7.9%	10.2%	119,167	321.0	109,893	294.7	101,617	271.1	94,213	249.8	87,572	230.6	81,602	213.3	69,407	191.1	56,625	165.1	23,940	48.8
Juvenile Felony	195.1	1%	-3.0%	-1.3%	2,132	11	2,129	11	2,127	11	2,124	11	2,121	11	2,119	11	1,907	10	1,893	10	2,928	12
Juvenile Misdemeanor	194.2	2%	-1.3%	0.4%	2,823	15	2,776	14	2,731	14	2,687	14	2,646	14	2,605	13	2,288	12	2,431	12	2,752	11
Subtotal Juv Trial & PreTrial	194.6	3%	-2.1%	-0.5%	4,955	25.4	4,905	25.2	4,858	25.0	4,811	24.7	4,767	24.5	4,724	24.3	4,195	21.6	4,324	22.1	5,680	23.0
Misc. Proceedings		1%	-9.4%	0.0%	1,405	-	1,396	-	1,388	-	1,380	-	1,372	-	1,364	-	1,356	-	948	-	5,362	-
Detention Hearings (HB 14-1032)		0%	0.0%	0.0%	3,000	12	3,000	12	3,000	12	3,000	12	3,000	12	2,000	8	-	-	-	-	-	-
Probation Revocation	928.9	2%			2,924	3	2,880	3	2,838	3	2,798	3	2,760	3	2,723	3	2,688	3	2,945	3		
Appeals		0%	1.9%	0.0%	-	-	-	-	-	-	-	-	-	-	-	-	22	-	28	-	17	-
Original Proceedings		0%	29.4%	0.0%	159	-	124	-	97	-	75	-	59	-	46	-	36	-	8	-	-	-
Partial Service		1%	-4.1%	0.0%	844	-	841	-	839	-	837	-	835	-	833	-	753	-	837	-	1,346	-
Subtotal Juv Other Proceedings	1,677.7	3%	-2.3%	10.2%	8,331	15.1	8,242	15.1	8,162	15.1	8,090	15.0	8,025	15.0	6,966	10.9	4,855	2.9	4,766	3.2	6,725	-
Total Juvenile	370.2	6%	-2.2%	0.4%	13,287	40.6	13,147	40.3	13,019	40.0	12,901	39.7	12,792	39.5	11,690	35.2	9,050	24.4	9,090	25.3	12,405	23.0
Supervision/Management	0.0	0%	0.0%	4.7%		74.2		70.1		66.4		63.0		59.9		56.7				46.3	25.8	
Total Trial/Pretrial	148.8	56%	4.3%	4.7%	120,424	683.6	112,380	645.5	105,161	611.0	98,669	579.7	92,816	551.2	87,529	525.2	80,231	539.3	72,604	509.4	44,725	283.9
Total Misc. Proceedings		13%	4.2%	0.0%	21,447	-	21,252	-	21,065	-	20,888	-	20,719	-	20,557	-	18,085	-	13,476	-	10,131	-
Detention Hearings (HB 14-1032)					3,000	12.0	3,000	12.0	3,000	12.0	3,000	12.0	3,000	12.0	2,000	8.0	-	-	-	-	-	-
Total Probation Revocations	848.1	20%	3.7%	5.9%	43,235	46.4	40,355	43.3	37,799	40.6	35,523	38.1	33,487	35.9	31,659	34.0	29,043	34.2	26,398	31.1	17,400	15.3
Total Appeals		0%	10.5%	-100.0%	995	-	823	-	686	-	576	-	487	-	414	-	377	-	343	-	93	0.1
Total Original Proceedings		0%	34.2%	-100.0%	468	-	369	-	293	-	233	-	187	-	151	-	123	-	31	-	2	0.0
Total Partial Service		11%	2.4%	-100.0%	21,253	-	20,325	-	19,468	-	18,677	-	17,944	-	17,264	-	15,048	-	12,754	-	10,861	8.0
Other Proceedings total	44%	3.5%			90,398	58.4	86,124	55.3	82,312	52.6	78,897	50.1	75,824	47.9	72,046	42.0	62,676		53,002		38,487	
Total All	249.2	100%	3.9%	5.2%	210,822	816.2	198,503	770.9	187,473	729.9	177,566	692.8	168,640	659.0	159,575	623.8	142,907	573.6	125,606	540.5	83,212	283.9

FTE requirement information is provided here for comparison purposes only. The OSPD uses closed cased data to measure its workload requirements associated with its annual budget requests and resource needs.

APPELLATE DIVISION CASELOAD

APPELLATE CASE TRENDS

Overall Appellate Cases. The Office of the State Public Defender maintains a centralized Appellate Division (The Division) that represents Felony appeals from every jurisdiction in the state and from all indigent clients throughout the state, regardless of who may have represented them in prior court proceedings (e.g. court-appointed, Alternate Defense Counsel and private attorneys). The Division is expected to carry 1,341 cases this year (FY 2014-15), including 592 new cases and 749 backlog cases carried over from previous years. This 1,341 number represents those cases where an Opening Brief is expected to be filed and is the phase during which the most resources are required. After the brief is filed, the case remains active as it progresses through the entire appellate process. The Division estimates there are currently just over 1,000 cases at various stages within this process and the work involved extends well into subsequent years.

Since FY 1999-00, Total Appellate Cases have grown at an annual rate of 3.6%. Although the growth has leveled off in the past couple of years, the time and resources required to prepare an Opening Brief has increased due to the significant increase of the record length for each case. The length of the record has doubled in recent years. In addition, the Division is currently assisting on three announced capital punishment cases, for which ABA guidelines suggests using a specialist to assist with motions practice and record preservation. The shifting of the associated resources this past year has had a direct effect on the ability to reduce the Division's caseload. The backlog of cases over the past year has increased from 671 to 749 which exceeds the NLADA acceptable standards by 470 cases for FY 2013-14.

To address this growing backlog, the Division received additional FTE and funding for FY 2014-15. Positions are being filled and, once the Division is fully staffed, we expect that the full impact of these additional resources will be realized in the reduction of backlog cases over the next several years.

The Division also received two additional FTE and funding for FY 2014-15 to assist and centralize the appellate process for both county court and juvenile appeals. For the first quarter of FY2014-15, the Division had been assigned 70 such appeals, and is working on achieving improved administrative efficiencies as well as increased representational effectiveness provided in these cases.

OSPD Appellate Division Caseload FY 1999-00 to FY 2019-20

	Total Atty FTE for Appeals	New Cases	Briefs Filed by PD	Cases Resolved Other Ways	Total Cases Closed	Cases awaiting filing of initial brief	Standard Caseload per NLADA	'Backlog' Cases in excess of NLADA standards	Change in Backlog
FY 00	25	487			387	369	325	44	100
FY 08	29.00	606	465	121	586	611	373	238	20
FY 09*	31.75	627	450	205	655	583	331	252	14
FY 10	31.75	602	427	124	551	634	331	303	51
FY 11	34.75	575	415	142	557	652	331	321	18
FY 12	34.75	589	460	133	593	648	331	317	-4
FY 13	33.75	585	427	135	562	671	315	356	39
FY 14	31.75	573	367	127	495	749	279	470	114
FY 15 Est.	41.25	592	507	130	638	703	363	340	-129
FY 16 Est.	41.25	592	507	130	638	658	363	295	-46
FY 17 Est.	41.25	592	507	130	638	612	363	249	-46
FY 18 Est.	41.25	592	507	130	638	566	363	203	-46
FY 19 Est.	41.25	592	507	130	638	520	363	157	-46
FY 20 Est.	41.25	592	507	130	638	475	363	112	-46

* In FY 09, "Cases Resolved Other Ways" includes 80 briefs filed by contracted attorneys.

Performance Measures:

		FY 12-13 (actual)	FY 13-14 (actual)	FY 14-15 (projected)	FY 15-16 (projected)	FY 16-17 (projected)
<i>Input Measures</i>						
MEASURE 1:	Target	97,507	112,447	132,270	140,751	149,132
Number of new trial court cases.	Actual	98,537	115,107			
MEASURE 2:	Target	125,381	140,320	159,575	168,640	177,566
Number of active trial court cases.	Actual	125,606	142,907			
MEASURE 3:	Target	100%	100%	100%	100%	100%
Percent of trial court attorney staff allocated vs. total required for closed trial court cases.	Actual	93.8%	96.1%			
MEASURE 4:	Target	480	480	480	480	480
Number of attorney applications received.	Actual	713	722			
MEASURE 5:	Target	100%	100%	100%	100%	100%
Percent of total attorney staff allocated vs. total required for closed trial court cases and active appellate cases.	Actual	92.3%	93.2%			

		FY 12-13 (actual)	FY 13-14 (actual)	FY 14-15 (projected)	FY 15-16 (projected)	FY 16-17 (projected)
MEASURE 6:						
Annual rates of attrition:	Target	12%	12%	12%	12%	12%
Attorneys	Actual	12%	9%			
Investigators	Actual	13%	7%			
Administrative Assistants	Actual	21%	16%			
Total All Employees	Actual	13%	9%			
MEASURE 7:						
Percent of experienced, fully capable staff (journey level or higher):	Target	70%	70%	70%	70%	70%
Attorneys	Actual	42%	41%			
Investigators	Actual	51%	45%			
Legal Assistants	Actual	47%	46%			
Total All Employees	Actual	47%	44%			
MEASURE 8:						
Percent compliance with minimum standards for total staffing requirements	Target	100%	100%	100%	100%	100%
	Actual	82.7%	84.0%			
MEASURE 9:						
Maintain established standard percentages for reasonable staff supervision, management and development	Target	10%	12%	12%	12%	12%
	Actual	9.8%	9.2%			

		FY 12-13 (actual)	FY 13-14 (actual)	FY 14-15 (projected)	FY 15-16 (projected)	FY 16-17 (projected)
MEASURE 10:	Target	598	597	592	592	592
Number of new appellate cases.	Actual	585	573			
MEASURE 11:	Target	1,255	1,268	1,341	1,295	1,250
Number of active appellate cases (cases awaiting filing of Opening Brief).	Actual	1,233	1,244			
MEASURE 12:	Target	100%	100%	100%	100%	100%
Percent of appellate attorney staff allocated vs. total required for active appellate cases.	Actual	78.9%	69.6%			
<i>Output Measures:</i>						
MEASURE 13:	Target	97,527	121,449	127,879	135,608	143,056
Number of trial court cases closed.	Actual	97,872	110,044			
MEASURE 14:	Target		137	106	104	104
Days of training provided.	Actual	n/a (new measure)	137			
MEASURE 15:	Target	15	15	15	15	15
Number of CLE credits provided.	Actual	15	15			

		FY 12-13 (actual)	FY 13-14 (actual)	FY 14-15 (projected)	FY 15-16 (projected)	FY 16-17 (projected)
MEASURE 16:	Target	3	3	3	3	3
Hours of ethics training provided, focusing on Colorado criminal law.	Actual	3	3			
MEASURE 17:	Target		15	15	15	15
Number of administrative processes and organizational infrastructure evaluations performed.	Actual	n/a (new measure)	15			
MEASURE 18:	Target	484	471	507	507	507
Number of appellate cases for which an Opening Brief has been filed.	Actual	427	367			
MEASURE 19:	Target	671	697	703	658	612
Number of backlogged appellate cases.	Actual	671	749			