

# Performance Plan

July 01, 2016



**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 1969, 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 FY2016-17, the OSPD was appropriated \$ 86,426,501 and FTE of approximately 786. This is comprised of 490 attorneys; 149 investigators, paralegals and social workers (including 8 social workers dedicated to juvenile work); 115 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.

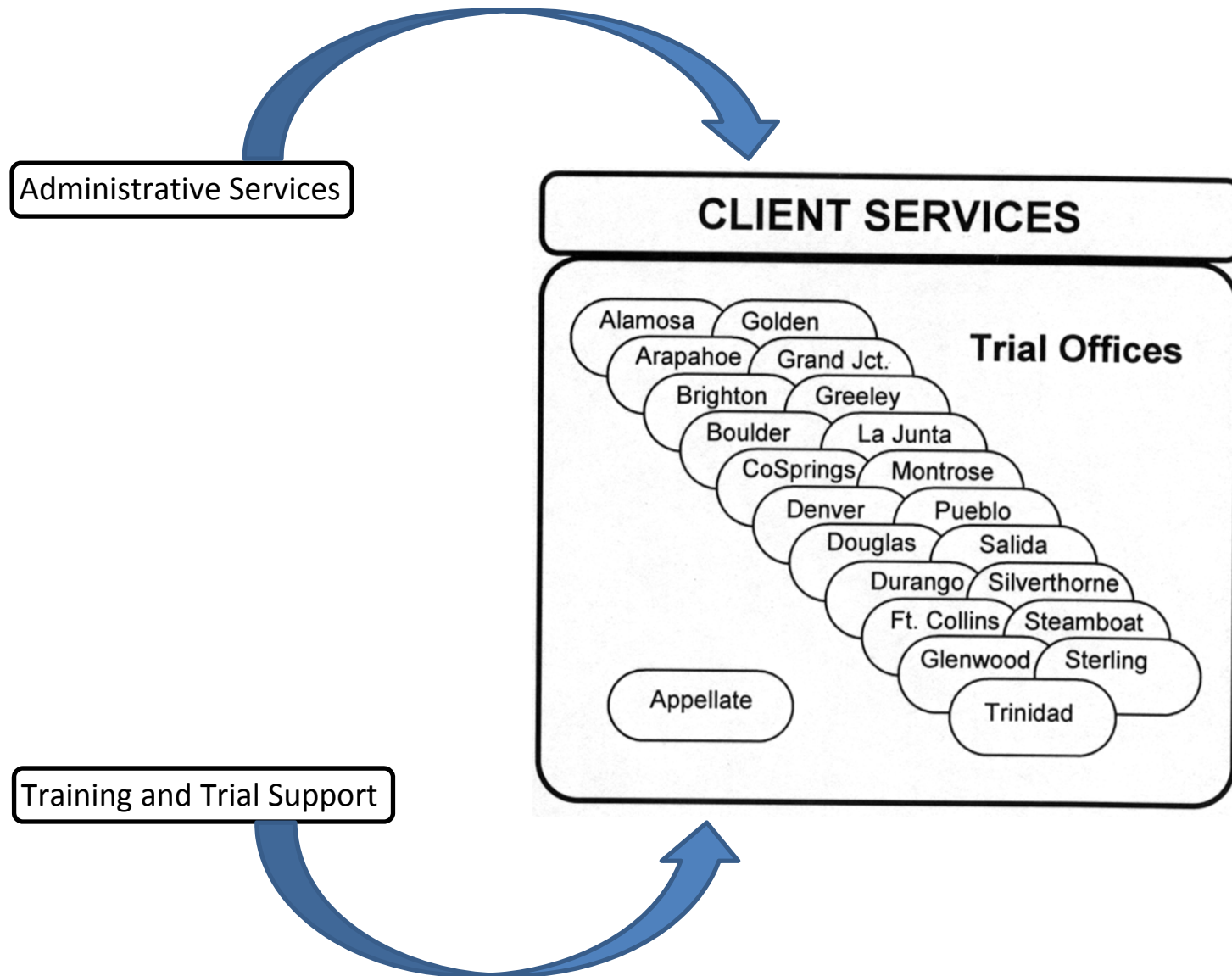
## **Constitutional, Statutory and other authority**

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

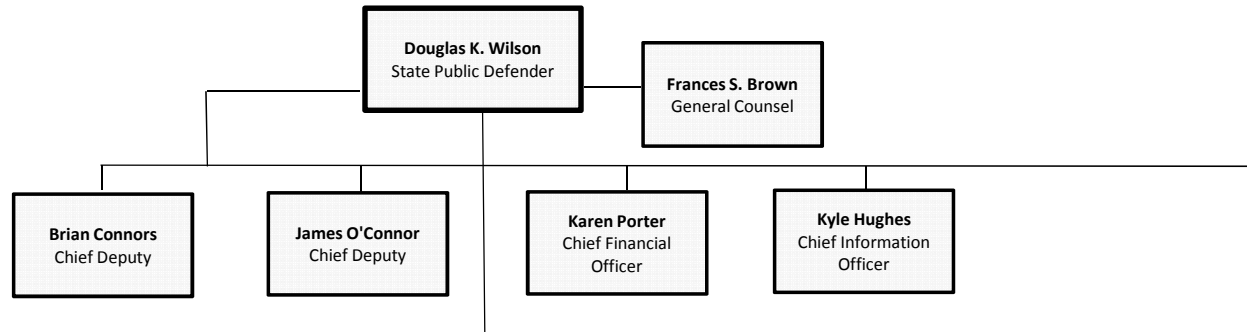
- U.S. CONSTITUTION AMEND. VI;
- COLO. CONST. Art. II, § 16;
- C.R.S. § 21-1-101 *et seq.*;
- Chief Justice Directive 04-04, as amended;
- ABA STANDARDS FOR CRIMINAL JUSTICE;
- Colo. Rules of Professional Conduct (Colo. RPC);
- *Gideon v. Wainwright*, 372 U.S. 335 (1963);
- *Alabama v. Shelton*, 535 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).



# Functional Organization Chart



**Office of the State Public Defender Organizational Chart**



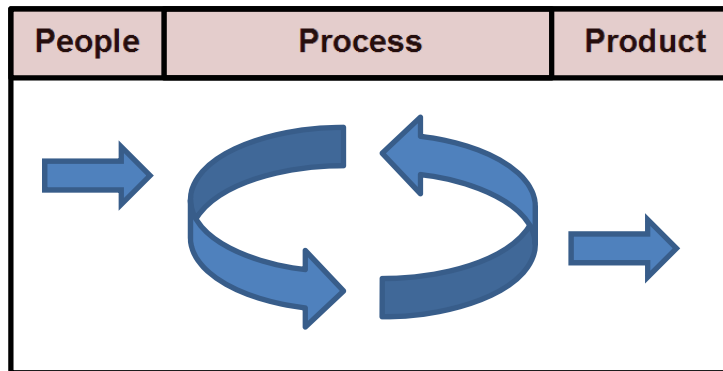
REGIONAL TRIAL OFFICES							APPELLATE
Alamosa Trial Office, 12th Judicial District  Regional Trial Office Chief <b>Amanda Hopkins</b>  Office Manager <b>Angelica Hart</b>	Arapahoe Trial Office, 18th Judicial District  Regional Trial Office Chief <b>James Karbach</b>  Office Manager <b>Cheryl Healy</b>	Boulder Trial Office, 20th Judicial District  Regional Trial Office Chief <b>Megan Ring</b>  Office Manager <b>Elizabeth Cantor</b>	Brighton Trial Office, 17th Judicial District  Regional Trial Office Chief <b>Tamara Brady</b>  Office Manager <b>Kim Windholz</b>	Colorado Springs Trial Office, 4th Judicial District  Regional Trial Office Chief <b>Rosalie Roy</b>  Office Manager <b>Norie Spooner</b>	Denver Trial Office, 2nd Judicial District  Regional Trial Office Chief <b>Chris Baumann</b>  Office Manager <b>Veronica Knights</b>	Dillon Trial Office, 5th Judicial District  Regional Trial Office Chief <b>Thea Reiff</b>  Office Manager <b>Laura Cisco</b>	Appellate Office  Appellate Division Chief <b>Karen Taylor</b>  Office Manager <b>Jenèe Bowden</b>
Douglas Trial Office, 18th Judicial District  Regional Trial Office Chief <b>Ara Ohanian</b>  Office Manager <b>Amy Mendigorin</b>	Durango Trial Office, 6th & 22nd Judicial Districts  Regional Trial Office Chief <b>Justin Bogan</b>  Office Manager <b>Jennifer Stahl</b>	Fort Collins Trial Office, 8th Judicial District  Regional Trial Office Chief <b>Norm Townsend</b>  Office Manager <b>Karlee Lucero</b>	Glenwood Springs Trial Office, 9th Judicial District  Regional Trial Office Chief <b>Tina Fang</b>  Office Manager <b>Carol Vanica</b>	Golden Trial Office, 1st Judicial District  Regional Trial Office Chief <b>Mitchell Ahnstedt</b>  Office Manager <b>Sara Bollig</b>	Grand Junction Trial Office, 22nd Judicial District  Regional Trial Office Chief <b>Steve Colvin</b>  Office Manager <b>Sheila Hurd</b>	Greeley Trial Office, 19th Judicial District  Regional Trial Office Chief <b>Kevin Strobel</b>  Office Manager <b>Terri Cook</b>	
La Junta Trial Office, 15th & 16th Judicial Districts  Regional Trial Office Chief <b>Raymond Torrez</b>  Office Manager <b>Raquel Romero</b>	Montrose Trial Office, 7th Judicial District  Regional Trial Office Chief <b>Kori Keil</b>  Office Manager <b>Val Barnica</b>	Pueblo Trial Office, 10th Judicial District  Regional Trial Office Chief <b>Albert Singleton</b>  Office Manager <b>Cindy Pacheco</b>	Salida Trial Office, 11th Judicial District  Regional Trial Office Chief <b>Daniel Zettler</b>  Office Manager <b>Carol Mattson</b>	Steamboat Springs Trial Office, 14th Judicial District  Regional Trial Office Chief <b>Sheryl Uhlmann</b>  Office Manager <b>Erin Biggs</b>	Sterling Trial Office, 13rd Judicial District  Regional Trial Office Chief <b>Thomas Ward</b>  Office Manager <b>Mandy Scoular</b>	Trinidad Trial Office, 3rd Judicial District  Regional Trial Office Chief <b>Patrick McCarville</b>  Office Manager <b>Juanita Gonzalez</b>	



## Operational Component/Processes

### 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.

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#### **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

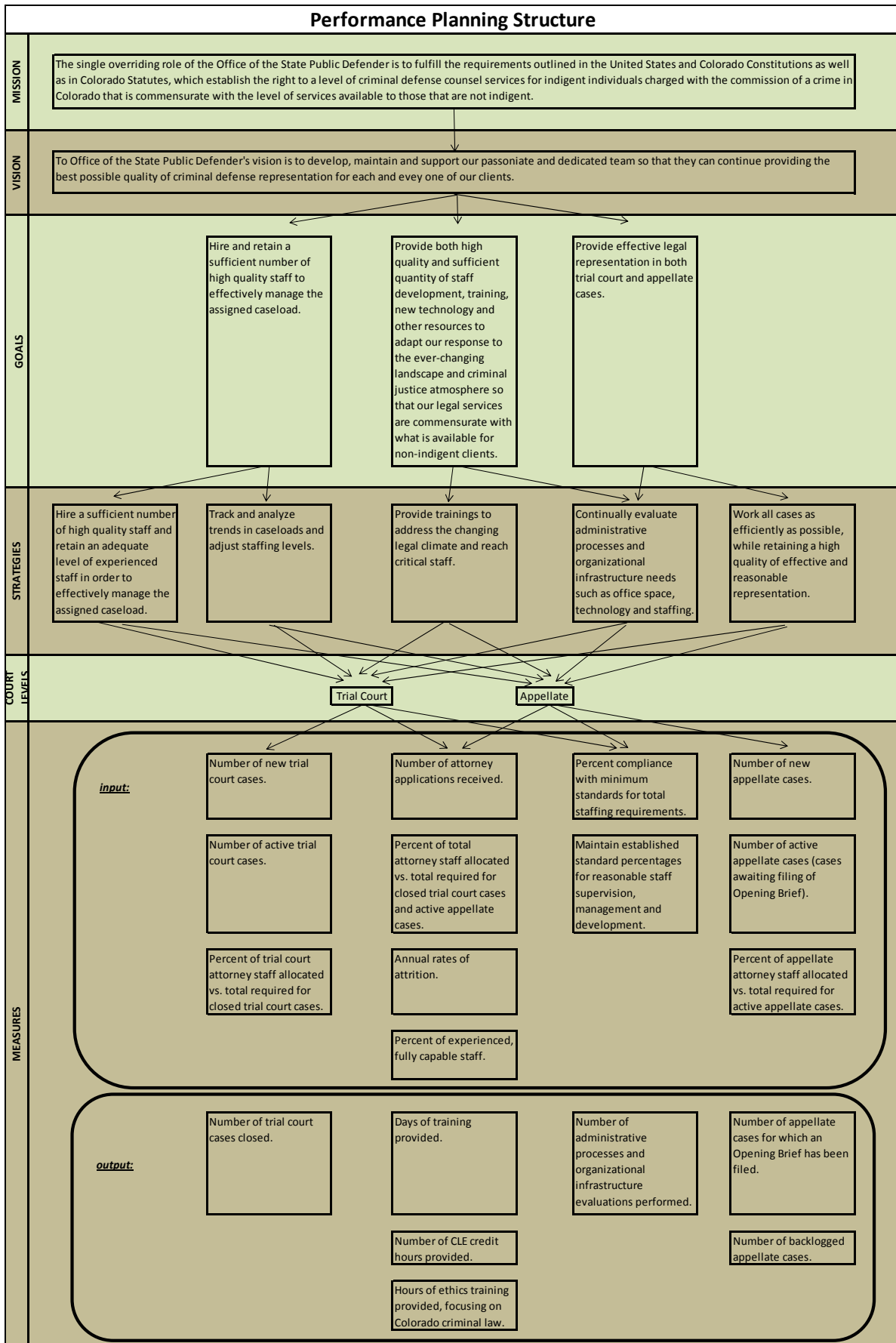
1. Number of new trial court cases.
2. Number of active trial court cases.
3. Percent of trial court attorney staff allocated vs. total required for closed trial court cases.
4. Number of attorney applications received.
5. Percent of total attorney staff allocated versus total required for closed trial 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

## **REGIONAL TRIAL OFFICE CASELOAD**

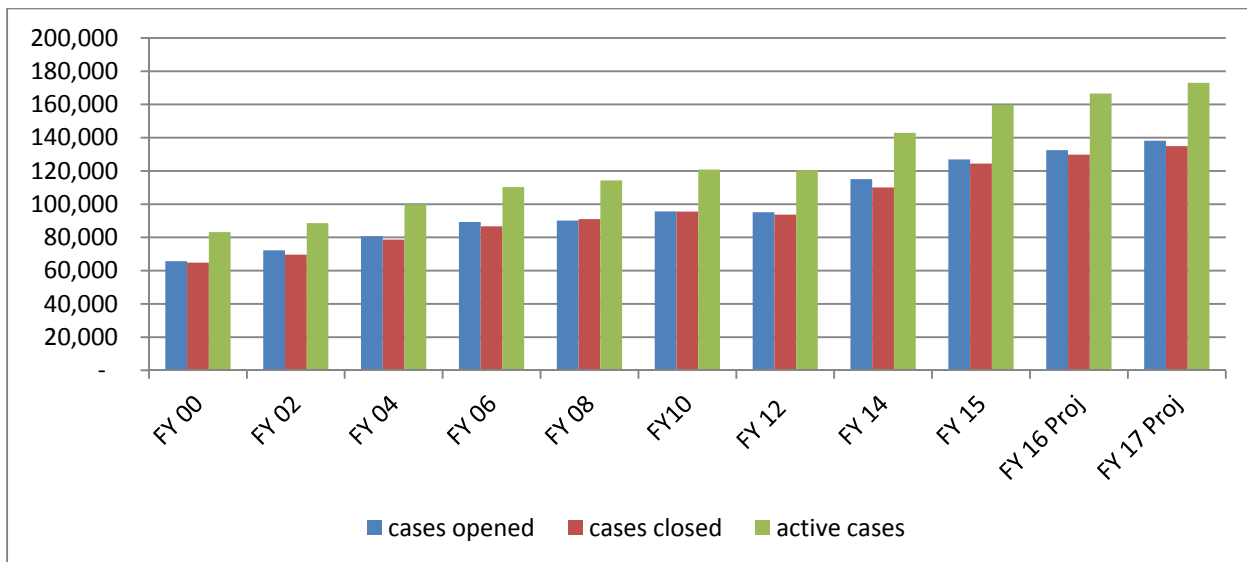
### **OVERALL OSPD CASE TRENDS**

**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 percent.

In FY 2014-15 the overall CRG continued to increase to an average 4.4 percent. 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. In addition, for the first time in years, the Office experienced an increase in its Juvenile caseload, again due to recent legislation.

The table below shows the overall caseload increase we experienced in FY 2013-14 which included six months of *Rothgery*, the annualized increase in FY 2014-15, along with projected caseload.

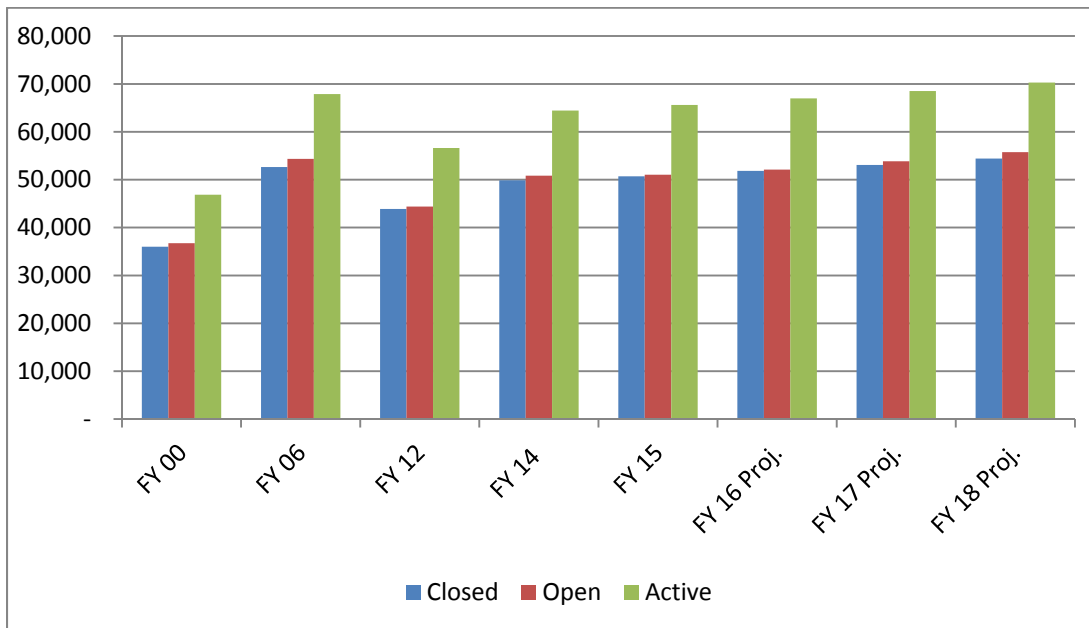
**Overall Case Trends**



**Felony Cases.** In FY 2014-15 the Office had 65,594 active felony cases, an increase of only 1.8 percent over 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 down to 56,631. In the following 2 years, FY 2012-13 and FY 2013-14 the Office experienced significant increases of 5.8 percent and 7.6 percent respectively, thus this past year's 1.8 percent has shown some stabilization. Although the overall increase was only 1.8 percent, it's important to note that the increase in the Office's Trial/Pre-trial caseload did not show the same decrease yet maintained a 5.8 percent increase over the prior year. One additional statistic that parallels this same trend is the 7.74 percent increase reported by the District Courts in their criminal filings this past year.

Felony cases, primarily the Trial/Pre-trial 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.

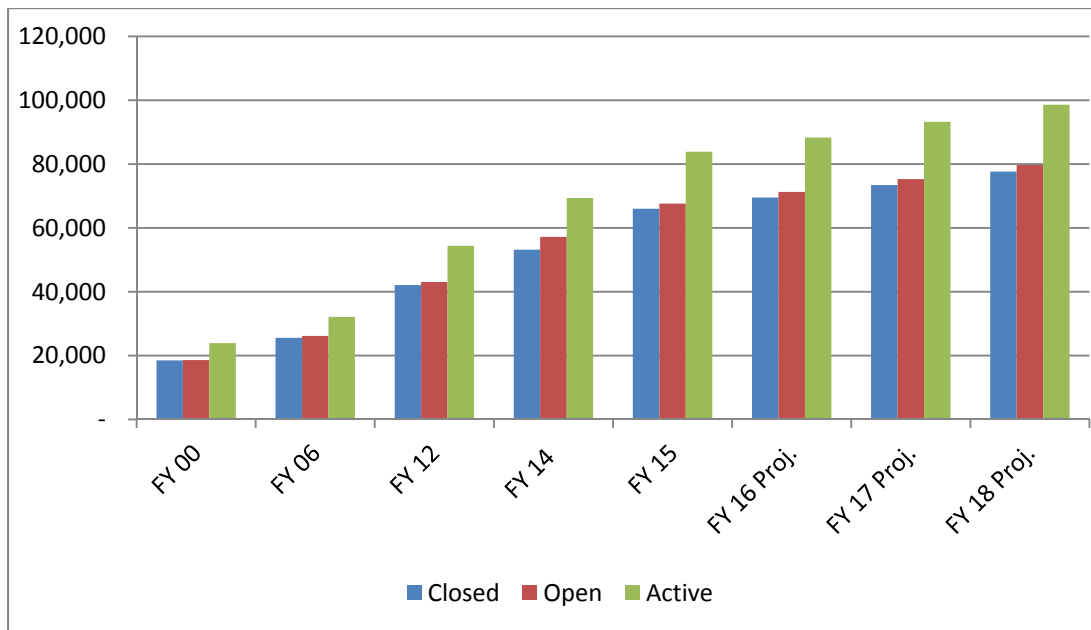
**Felony Case Trends**



**Misdemeanor Cases.** Misdemeanor case growth in each category of Opened, Closed and Active caseload continued at a relatively predictable rate of around 5 percent to 6 percent annual CRG through FY 2005-06. In FY 2012-13 the Office handled 56,625 cases which is a 4.1 percent increase from FY 2011-12, and increases the annual CRG since FY 1999-00 to just under 8 percent.

In FY 2013-14 the Office had 69,407 active misdemeanor cases, a 22.6 percent increase from the prior year, and in FY14-15 the number of active misdemeanor cases surged to 83,869. While some of this is attributed to normal case growth, the impact of H.B. 13-1210 is definitely the driving force. The table below demonstrates the dramatic increase.

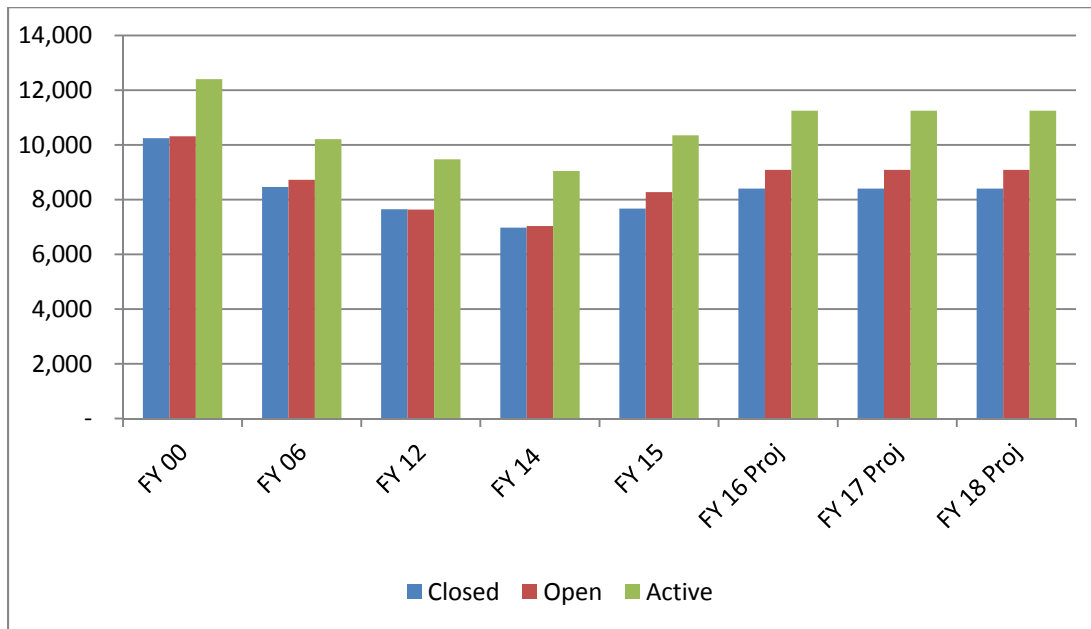
**Misdemeanor Case Trends**



**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 percent annual CRG through FY 2004-05 to a decline of nearly 2.7 percent 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 percent decrease. However, with the implementation of H.B. 14-1032, the number of active Juvenile cases rose to 10,351 in FY2014-15, a 14.4 percent increase over the prior year.

Although the Juvenile caseload for the Office had dropped over recent years, H.B. 14-1032 (commonly known as the *Juvenile Defense* bill) now requires 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. This legislation went into effect November 1, 2014 and the increase seen this past year represents the first eight months. Total active caseload is projected to reach 11,252 in FY 2015-16 when annualized for the year.

**Juvenile Case Trends**



## **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 2014-15 the Office was appointed on 126,947 new cases which was an increase of 10.3 percent over FY 2013-14. The CRG for Opened Cases since FY 1999-00 was 3.2 percent through FY 2012-13 and now has risen to 4.5 percent. The CRG for misdemeanor cases alone has now jumped to 9 percent which is the direct result of the *Rothgery* bill.

Since this bill did not take effect until January 1, 2014, the increase in total new opened misdemeanor cases for FY 2013-14 included just six months yet by the end of FY 2014-15 the Office experienced the full impact. Over the past 2 years, new cases went from 44,299 in FY 2012-13 to 67,644 in FY 2014-15, a 52.7 percent increase.

The impact of H.B. 14-1032, the *Juvenile Defense Bill*, has also contributed to the significant increase in new cases this year. Total cases jumped from 7,040 in FY 2013-14 to 8,275 in FY 2014-15, a 17.5 percent increase. However, since this legislation went into effect on November 1, 2014, the full impact won't be seen until this next year.

The table on the following page details the total cases opened by case class from FY 1999-00 through FY 2014-15 and projected forward using the annual CRG for cases since FY 1999-00. However, the projection for misdemeanor cases for future years utilizes the CRG experienced prior to the impact of *Rothgery*.

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.



OSPD Trial Office Cases Opened, by Case Class with Attorney FTE Requirements																
FY 1999-00 Actual to FY 2017-18 Projected																
SUMMARY OF OSPD OPENED CASES	Equivalent Cases per Yr/FTE	2015 % Total Cases	15 Yr CRG in Cases	15 Yr CRG in Wkld	2018 Proj	2018 Res. Alloc.	2017 Proj	2017 Res. Alloc.	2016 Proj	2016 Res. Alloc.	2015 Open	2015 Res. Alloc.	2014 Open	2014 Res. Alloc.	2000 Open	2000 Res. Alloc.
Felony 1	4.9	0.1%	-1.8%	-0.4%	85	17.4	83	17.0	82	16.7	82	16.8	129	27.0	107	17.8
Felony 2	31.8	0.6%	0.7%	0.7%	850	26.8	826	26.0	804	25.3	792	24.9	591	18.5	709	22.4
Sex Assaults (F2-F4)	31.5	0.7%	-0.4%	-0.3%	901	28.6	895	28.4	889	28.2	901	28.6	926	29.7	956	29.7
Sex Assaults (F5-F6) **	201.3	0.4%			498	2.5	498	2.5	498	2.5	508	2.5	521	2.6	-	-
Felony 3	97.9	3.7%	-0.7%	-0.2%	4,641	47.4	4,619	47.2	4,598	47.0	4,670	47.7	5,338	54.6	5,216	49.0
Felony 4	150.7	6.3%	-0.8%	1.1%	7,969	52.9	7,934	52.7	7,900	52.4	8,027	53.3	9,003	59.8	9,020	45.1
Felony 5 **	150.9	4.4%	4.3%	4.3%	5,728	38.0	5,642	37.4	5,558	36.8	5,531	36.7	4,682	31.0	3,892	19.5
Felony 6 **	235.1	8.2%	11.1%	14.8%	14,310	60.9	12,811	54.5	11,487	48.8	10,420	44.3	8,876	37.7	2,137	5.6
<b>Subtotal Felony Trial &amp; PreTrial</b>	<b>121.4</b>	<b>24.4%</b>	<b>2.3%</b>	<b>2.0%</b>	<b>34,982</b>	<b>274.3</b>	<b>33,308</b>	<b>265.6</b>	<b>31,815</b>	<b>257.8</b>	<b>30,931</b>	<b>254.8</b>	<b>30,066</b>	<b>260.9</b>	<b>22,037</b>	<b>189.1</b>
Misc. Proceedings		6.5%	2.3%	0.0%	8,626	-	8,503	-	8,384	-	8,269	-	9,282	-	14,682	-
Revocation of Probation	927.0	9.3%	1.9%	1.7%	11,991	12.9	11,910	12.8	11,831	12.8	11,754	12.7	11,395	12.3	-	-
Appeals		0.0%	4.9%	0.0%	55	-	51	-	48	-	45	-	41	-	22	-
Original Proceedings		0.0%	19.5%	0.0%	97	-	63	-	42	-	29	-	59	-	2	-
Partial Service		0.0%	0.0%	0.0%	-	-	-	-	-	-	-	-	-	-	-	-
<b>Subtotal Felony Other Proceedings</b>	<b>1,585.1</b>	<b>15.8%</b>	<b>2.1%</b>	<b>1.7%</b>	<b>20,769</b>	<b>12.9</b>	<b>20,528</b>	<b>12.8</b>	<b>20,305</b>	<b>12.8</b>	<b>20,097</b>	<b>12.7</b>	<b>20,777</b>	<b>12.3</b>	<b>14,706</b>	<b>-</b>
<b>Total Felony</b>	<b>190.8</b>	<b>40.2%</b>	<b>2.2%</b>	<b>2.3%</b>	<b>55,751</b>	<b>287.3</b>	<b>53,836</b>	<b>278.5</b>	<b>52,120</b>	<b>270.6</b>	<b>51,028</b>	<b>267.5</b>	<b>50,843</b>	<b>273.2</b>	<b>36,743</b>	<b>189.1</b>
Misdemeanor 1	173.1	12.6%	11.0%	12.1%	18,709	108.1	17,771	102.7	16,882	97.5	16,038	92.7	13,570	77.6	3,332	16.7
Sex Assault (M1)	167.3	0.5%	3.3%	4.2%	631	3.8	626	3.7	623	3.7	621	3.7	518	3.1	381	2.0
Sex Assault (M2)	176.0	0.0%	-15.7%	-15.4%	13	0.1	13	0.1	13	0.1	13	0.1	5	-	169	0.9
Sex Assault (M3) **	312.1	0.0%	17.3%	0.2%	10	0.0	10	0.0	10	0.0	10	0.0	6	-	-	-
Misdemeanor 2	315.5	4.0%	4.1%	6.1%	5,271	16.7	5,202	16.5	5,143	16.3	5,093	16.1	4,538	14.4	2,804	6.6
Misdemeanor 3/Traffic/PO **	311.1	21.9%	8.5%	10.8%	32,331	103.9	30,711	98.7	29,224	93.9	27,859	89.6	22,404	71.8	8,139	19.2
<b>Subtotal Misd Trial &amp; PreTrial</b>	<b>245.5</b>	<b>39.1%</b>	<b>8.4%</b>	<b>10.5%</b>	<b>56,965</b>	<b>232.6</b>	<b>54,333</b>	<b>221.7</b>	<b>51,894</b>	<b>211.6</b>	<b>49,634</b>	<b>202.2</b>	<b>41,041</b>	<b>166.9</b>	<b>14,825</b>	<b>45.4</b>
Misc. Proceedings		3.9%	8.3%	0.0%	5,659	-	5,411	-	5,182	-	4,972	-	5,133	-	3,763	-
Revocation of Probation	935.8	10.1%	12.3%	14.1%	16,788	17.9	15,281	16.3	13,968	14.9	12,817	13.7	10,859	11.6	-	-
Appeals		0.2%	12.1%	0.0%	298	-	262	-	231	-	206	-	169	-	37	-
Original Proceedings		0.0%	19.8%	0.0%	17	-	16	-	15	-	15	-	22	-	1	-
Partial Service		0.0%	0.0%	0.0%	-	-	-	-	-	-	-	-	-	-	-	-
<b>Subtotal Misd Other Proceedings</b>	<b>1,315.0</b>	<b>14.2%</b>	<b>10.9%</b>	<b>14.1%</b>	<b>22,763</b>	<b>17.9</b>	<b>20,970</b>	<b>16.3</b>	<b>19,397</b>	<b>14.9</b>	<b>18,010</b>	<b>13.7</b>	<b>16,183</b>	<b>11.6</b>	<b>3,801</b>	<b>-</b>
<b>Total Misdemeanor</b>	<b>313.4</b>	<b>53.3%</b>	<b>9.0%</b>	<b>11.0%</b>	<b>79,728</b>	<b>250.5</b>	<b>75,303</b>	<b>238.1</b>	<b>71,291</b>	<b>226.5</b>	<b>67,644</b>	<b>215.9</b>	<b>57,224</b>	<b>178.4</b>	<b>18,626</b>	<b>45.4</b>
Juvenile Felony	152.9	1.8%	-2.1%	0.9%	2,515	16.4	2,515	16.4	2,515	16.4	2,224	14.5	1,777	9.1	3,071	12.7
Juvenile Misdemeanor	151.7	2.2%	0.2%	3.4%	3,118	20.5	3,118	20.5	3,118	20.5	2,747	18.1	1,931	9.9	2,653	11.0
<b>Subtotal Juv Trial &amp; PreTrial</b>	<b>152.3</b>	<b>3.9%</b>	<b>-0.9%</b>	<b>2.2%</b>	<b>5,633</b>	<b>37.0</b>	<b>5,633</b>	<b>37.0</b>	<b>5,633</b>	<b>37.0</b>	<b>4,971</b>	<b>32.6</b>	<b>3,708</b>	<b>19.0</b>	<b>5,724</b>	<b>23.7</b>
Misc. Proceedings		0.8%	-0.7%	0.0%	1,006	-	1,006	-	1,006	-	1,027	-	1,143	-	4,585	-
Revocation of Probation	926.0	1.8%	-2.8%	-6.6%	2,411	2.6	2,411	2.6	2,411	2.6	2,263	2.4	2,159	2.3	-	-
Appeals		0.0%	0.0%	0.0%	20	-	20	-	20	-	11	-	11	-	11	-
Original Proceedings		0.0%	9.7%	0.0%	19	-	19	-	19	-	3	-	19	-	-	-
Partial Service		0.0%	0.0%	0.0%	-	-	-	-	-	-	-	-	-	-	-	-
<b>Subtotal Juv Other Proceedings</b>	<b>1,352.0</b>	<b>2.6%</b>	<b>-2.2%</b>	<b>-6.6%</b>	<b>3,456</b>	<b>2.6</b>	<b>3,456</b>	<b>2.6</b>	<b>3,456</b>	<b>2.6</b>	<b>3,304</b>	<b>2.4</b>	<b>3,332</b>	<b>2.3</b>	<b>4,596</b>	<b>-</b>
<b>Total Juvenile</b>	<b>235.8</b>	<b>6.5%</b>	<b>-1.5%</b>	<b>2.7%</b>	<b>9,089</b>	<b>39.6</b>	<b>9,089</b>	<b>39.6</b>	<b>9,089</b>	<b>39.6</b>	<b>8,275</b>	<b>35.1</b>	<b>7,040</b>	<b>21.3</b>	<b>10,320</b>	<b>23.7</b>
<b>Summary</b>																
<b>Total Trial/Pretrial</b>	<b>174.7</b>	<b>67.4%</b>	<b>4.8%</b>	<b>4.4%</b>	<b>97,581</b>	<b>567.3</b>	<b>93,274</b>	<b>537.3</b>	<b>89,342</b>	<b>506.4</b>	<b>85,536</b>	<b>489.6</b>	<b>74,815</b>	<b>446.8</b>	<b>42,586</b>	<b>258.2</b>
Total Misc. Proceedings		11.2%	8.4%	0.0%	15,292	-	14,921	-	14,573	-	14,268	-	15,558	-	8,475	-
Total Probation Revocations	931.1	21.1%	13.1%	3.4%	31,190	36.1	29,603	33.4	28,210	30.3	26,834	28.8	24,413	28.8	14,555	-
Total Appeals		0.2%	9.2%	0.0%	373	-	333	-	299	-	262	-	221	-	70	-
Total Original Proceedings		0.0%	20.1%	0.0%	132	-	98	-	76	-	47	-	100	-	3	-
Total Partial Service		0.0%	0.0%	0.0%	-	-	-	-	-	-	-	-	-	-	-	-
<b>Other Proceedings total</b>	<b>1,437.0</b>	<b>32.6%</b>	<b>4.0%</b>	<b>3.4%</b>	<b>46,988</b>	<b>36.1</b>	<b>44,953</b>	<b>33.4</b>	<b>43,158</b>	<b>30.3</b>	<b>41,411</b>	<b>28.8</b>	<b>40,292</b>	<b>28.8</b>	<b>23,103</b>	<b>-</b>
<b>Supervision/Management Standard</b>		<b>0.0%</b>	<b>-</b>	<b>0.1</b>	<b>-</b>	<b>68.3</b>	<b>-</b>	<b>66.6</b>	<b>-</b>	<b>65.1</b>	<b>-</b>	<b>60.3</b>	<b>-</b>	<b>44.7</b>	<b>-</b>	<b>25.8</b>
<b>Total All Cases and Other Proceedings</b>	<b>219.3</b>	<b>100.0%</b>	<b>4.5%</b>	<b>4.9%</b>	<b>144,568</b>	<b>678.5</b>	<b>138,228</b>	<b>642.5</b>	<b>132,500</b>	<b>601.9</b>	<b>126,947</b>	<b>578.8</b>	<b>115,107</b>	<b>520.3</b>	<b>65,689</b>	<b>284.0</b>

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 2014-15 the Office closed 124,416 cases, a 13.1 percent increase over last years’ 110,044 cases. Closed Cases grew rapidly through FY 2005-06 and had stabilized up until FY 2012-13. The Closed Cases CRG since FY 1999-00 up to this point had been 3.2 percent, increasing to 3.9 percent in FY 2013-14. As of FY 2014-15, the CRG since FY 1999-00 has now reached 4.4 percent.

The primary reason for the increase can be attributed to a full year implementation of the *Rothgery* legislation as well as the *Juvenile Defense* bill that went into effect November 1, 2014.

The table on the following page details the total cases closed, by case class, from FY 1999-00 through FY 2014-15 and projected forward using the annual CRG for cases since FY 1999-00, 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.

**OSPD Trial Office Cases Closed, by Case Class with Attorney FTE Requirements**  
**FY 1999-00 Actual to FY 2017-18 Projected**

<i>Detail</i>	Average Equivalent Cases Per Year/FTE 2015	2015 % Total Cases	15 Yr CRG in Cases	15 Yr CRG in Wkld	2018 Proj	2018 Res. Alloc.	2017 Proj	2017 Res. Alloc.	2016 Proj	2016 Res. Alloc.	2015 Closed	2015 Res. Alloc.	2014 Closed	2014 Res. Alloc.	2000 Closed	2000 Res. Alloc.
Felony 1	4.8	0.1%	0.9%	1.8%	78	16.2	74	15.6	72	15.0	69	14.5	80	16.5	60	11
Felony 2	31.9	0.3%	-0.6%	-0.3%	355	11.1	345	10.8	336	10.5	328	10.3	256	8.0	360	11
Sex Assaults (F2-F4)	31.1	0.5%	1.6%	1.2%	688	23.1	677	22.5	666	21.9	663	21.3	655	20.9	521	18
Sex Assaults (F5-F6) **	32.0	0.4%			449	14.0	449	14.0	449	14.0	449	14.0	483	2.4	-	-
Felony 3	97.8	2.9%	-0.1%	0.4%	3,719	38.0	3,685	37.7	3,652	37.3	3,620	37.0	4,137	42.3	3,652	35
Felony 4	150.6	5.2%	-0.4%	1.1%	6,555	43.5	6,517	43.3	6,480	43.0	6,443	42.8	6,768	44.9	6,814	36
Felony 5	150.9	3.3%	1.9%	3.2%	4,313	28.6	4,221	28.0	4,132	27.4	4,046	26.8	3,461	22.9	3,039	17
Felony 6	235.2	6.4%	8.7%	14.0%	10,142	45.9	9,339	41.4	8,616	37.4	7,965	33.9	6,349	27.0	2,280	5
<b>Subtotal Felony Trial &amp; PreTrial</b>	<b>117.6</b>	<b>19.0%</b>	<b>2.3%</b>	<b>2.8%</b>	<b>26,298</b>	<b>220.5</b>	<b>25,307</b>	<b>213.2</b>	<b>24,403</b>	<b>206.6</b>	<b>23,583</b>	<b>200.5</b>	<b>22,189</b>	<b>184.9</b>	<b>16,726</b>	<b>132</b>
Misc. Proceedings		6.8%	2.6%	0.0%	8,817	-	8,676	-	8,540	-	8,407	-	9,240	-	14,344	-
Probation Revocations	927.4	9.4%	2.1%	1.3%	11,975	13.7	11,876	13.3	11,780	13.0	11,687	12.6	11,211	12.1	-	-
Appeals		0.0%	6.3%	0.0%	53	-	48	-	44	-	40	-	49	-	16	-
Original Proceedings		0.0%	27.9%	0.0%	192	-	109	-	64	-	39	-	45	-	-	-
Partial Service		5.6%	2.3%	0.0%	7,094	-	7,048	-	7,002	-	6,954	-	7,136	-	4,913	-
<b>Subtotal Felony Other Proceedings</b>	<b>2,152.6</b>	<b>21.8%</b>	<b>2.3%</b>	<b>1.3%</b>	<b>28,132</b>	<b>13.7</b>	<b>27,758</b>	<b>13.3</b>	<b>27,429</b>	<b>13.0</b>	<b>27,127</b>	<b>12.6</b>	<b>27,681</b>	<b>12.1</b>	<b>19,273</b>	<b>-</b>
<b>Total Felony</b>	<b>237.9</b>	<b>40.8%</b>	<b>2.3%</b>	<b>3.2%</b>	<b>54,429</b>	<b>234.2</b>	<b>53,065</b>	<b>226.5</b>	<b>51,832</b>	<b>219.5</b>	<b>50,710</b>	<b>213.1</b>	<b>49,870</b>	<b>197.0</b>	<b>35,999</b>	<b>132.3</b>
Misdemeanor 1	173.4	10.2%	10.8%	11.2%	14,917	86.0	14,131	81.5	13,385	77.2	12,677	73.1	10,100	57.6	2,713	14.9
Sex Assault (M1)	169.0	0.4%	2.6%	3.2%	466	2.8	464	2.7	461	2.7	459	2.7	447	2.7	313	1.7
Sex Assault (M2)	180.6	0.0%	-16.7%	-20.6%	7	0.0	7	0.0	7	0.0	7	0.0	2	0.0	109	1.2
Sex Assault (M3) **	318.2	0.0%	15.8%	0.2%	8	0.0	8	0.0	8	0.0	8	0.0	7	0.0	-	-
Misdemeanor 2	315.6	3.3%	4.2%	5.7%	4,903	15.5	4,620	14.6	4,362	13.8	4,129	13.1	3,733	11.9	2,233	5.7
Misdemeanor 3/Traffic/PO	311.6	17.7%	7.8%	10.6%	24,602	79.0	23,699	76.1	22,854	73.3	22,064	70.8	16,526	52.8	7,176	15.6
<b>Subtotal Misd Trial &amp; PreTrial</b>	<b>246.2</b>	<b>31.6%</b>	<b>7.9%</b>	<b>9.8%</b>	<b>44,903</b>	<b>183.3</b>	<b>42,929</b>	<b>175.0</b>	<b>41,078</b>	<b>167.1</b>	<b>39,344</b>	<b>159.8</b>	<b>30,815</b>	<b>125.0</b>	<b>12,544</b>	<b>39.0</b>
Misc. Proceedings		4.0%	8.4%	0.0%	5,662	-	5,413	-	5,184	-	4,971	-	4,846	-	3,713	-
Probation Revocations	936.1	10.2%	12.3%	14.9%	16,643	17.8	15,152	16.2	13,846	14.8	12,697	13.6	10,422	11.1	-	-
Appeals		0.1%	14.1%	0.0%	257	-	223	-	195	-	173	-	157	-	24	-
Original Proceedings		0.0%	19.8%	0.0%	17	-	16	-	16	-	15	-	23	-	1	-
Partial Service		7.1%	9.5%	0.0%	10,194	-	9,700	-	9,247	-	8,831	-	6,934	-	2,253	-
<b>Subtotal Misd Other Proceedings</b>	<b>1,967.5</b>	<b>21.4%</b>	<b>10.5%</b>	<b>14.9%</b>	<b>32,772</b>	<b>17.8</b>	<b>30,505</b>	<b>16.2</b>	<b>28,488</b>	<b>14.8</b>	<b>26,687</b>	<b>13.6</b>	<b>22,382</b>	<b>11.1</b>	<b>5,991</b>	<b>-</b>
<b>Total Misdemeanor</b>	<b>380.9</b>	<b>53.1%</b>	<b>8.8%</b>	<b>10.4%</b>	<b>77,676</b>	<b>201.1</b>	<b>73,434</b>	<b>191.2</b>	<b>69,566</b>	<b>181.9</b>	<b>66,031</b>	<b>173.3</b>	<b>53,197</b>	<b>136.0</b>	<b>18,535</b>	<b>39.0</b>
Juvenile Felony	136.4	1.2%	-2.9%	1.3%	1,656	12.1	1,656	12.1	1,656	12.1	1,490	10.9	1,262	6.5	2,310	9.0
Juvenile Misdemeanor	138.0	1.6%	-0.8%	4.0%	2,198	15.9	2,198	15.9	2,198	15.9	1,996	14.5	1,617	8.3	2,244	8.0
<b>Subtotal Juv Trial and PreTrial</b>	<b>137.3</b>	<b>2.8%</b>	<b>-1.8%</b>	<b>2.7%</b>	<b>3,853</b>	<b>28.1</b>	<b>3,853</b>	<b>28.1</b>	<b>3,853</b>	<b>28.1</b>	<b>3,486</b>	<b>25.4</b>	<b>2,879</b>	<b>14.8</b>	<b>4,554</b>	<b>17.1</b>
Misc. Proceedings		0.7%	-1.4%	0.0%	909	-	909	-	909	-	909	-	1,163	-	4,519	-
Probation Revocations	927.8	1.8%	-2.6%	-6.9%	2,448	2.6	2,448	2.6	2,448	2.6	2,272	2.4	2,147	2.3	-	-
Appeals		0.0%	0.0%	0.0%	23	-	23	-	23	-	10	-	13	-	10	-
Original Proceedings		0.0%	9.7%	0.0%	30	-	30	-	30	-	3	-	31	-	-	-
Partial Service		0.8%	-1.0%	0.0%	1,144	-	1,144	-	1,144	-	995	-	744	-	1,162	-
<b>Subtotal Juv Other Proceedings</b>	<b>1,710.7</b>	<b>3.4%</b>	<b>-2.0%</b>	<b>-6.9%</b>	<b>4,554</b>	<b>2.6</b>	<b>4,554</b>	<b>2.6</b>	<b>4,554</b>	<b>2.6</b>	<b>4,189</b>	<b>2.4</b>	<b>4,098</b>	<b>2.3</b>	<b>5,691</b>	<b>-</b>
<b>Total Juvenile</b>	<b>275.7</b>	<b>6.2%</b>	<b>-1.9%</b>	<b>3.3%</b>	<b>8,407</b>	<b>30.7</b>	<b>8,407</b>	<b>30.7</b>	<b>8,407</b>	<b>30.7</b>	<b>8,407</b>	<b>27.8</b>	<b>6,977</b>	<b>17.1</b>	<b>10,245</b>	<b>17.1</b>
<b>Summary</b>																
<b>Total Trial/Pretrial</b>		<b>53.4%</b>	<b>4.6%</b>	<b>4.9%</b>	<b>75,054</b>	<b>431.9</b>	<b>72,089</b>	<b>416.2</b>	<b>69,335</b>	<b>401.8</b>	<b>66,413</b>	<b>385.7</b>	<b>55,883</b>	<b>324.6</b>	<b>33,824</b>	<b>188.4</b>
Total Misc. Proceedings		11.5%	1.6%	0.0%	15,388	-	14,999	-	14,632	-	14,287	-	15,249	-	22,576	-
Total Prob Revocations		21.4%	5.9%	5.3%	31,066	34.1	29,476	32.2	28,074	30.4	26,656	28.6	23,780	25.5	-	-
Total Appeals		0.2%	10.5%	0.0%	333	-	294	-	262	-	223	-	219	-	50	-
Total Original Proceedings		0.0%	30.9%	0.0%	239	-	155	-	110	-	57	-	99	-	1	-
Total Partial Service		13.5%	4.8%	0.0%	18,431	-	17,892	-	17,392	-	16,780	-	14,814	-	8,328	-
<b>Total Other Proceedings</b>		<b>46.6%</b>	<b>4.3%</b>	<b>5.3%</b>	<b>65,458</b>	<b>34.1</b>	<b>62,817</b>	<b>32.2</b>	<b>60,471</b>	<b>30.4</b>	<b>58,003</b>	<b>28.6</b>	<b>54,161</b>	<b>25.5</b>	<b>30,955</b>	<b>-</b>
<b>Supervision/Management of ALL</b>		<b>0.0%</b>	<b>-</b>	<b>0.1</b>	<b>54.1</b>	<b>54.1</b>	<b>134,906</b>	<b>501.2</b>	<b>129,805</b>	<b>482.7</b>	<b>124,416</b>	<b>463.7</b>	<b>110,044</b>	<b>385.1</b>	<b>64,779</b>	<b>208.6</b>
<b>Total All Cases and Other Proceedings</b>		<b>100.0%</b>	<b>4.4%</b>	<b>5.5%</b>	<b>140,512</b>	<b>520.1</b>	<b>134,906</b>	<b>501.2</b>	<b>129,805</b>	<b>482.7</b>	<b>124,416</b>	<b>463.7</b>	<b>110,044</b>	<b>385.1</b>	<b>64,779</b>	<b>208.6</b>

## **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 2014-15 the Office carried 159,814 Active Cases, an increase of 11.8 percent over the prior years' 142,907 cases. As seen with both the new opened and closed cases, this large increase is primarily the result of both the *Rothgery* and *Juvenile Defense* bills.

The table on the next page details the total cases actively carried each year by case class from FY 1999-00 through FY 2014-15 and projected forward using the annual CRG for cases since FY 1999-00. Both the misdemeanor and juvenile CRG was modified using rates prior to the impact of the new legislation in the projection of future caseloads.

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 2017-18 Projected**

SUMMARY OF OSPD ACTIVE CASES	Av. Equiv Cases per Yr/FTE 2015	2015 % Total Cases	15 Yr CRG in Cases	15 Yr CRG in Wkld	2018 Proj	2018 Res. Alloc.	2017 Proj	2017 Res. Alloc.	2016 Proj	2016 Res. Alloc.	2015 Active	2015 Res. Alloc.	2014 Active	2014 Res. Alloc.	2000 Active	2000 Res. Alloc.
Felony 1	4.8	0.1%	1.5%	3.2%	179	37.2	176	36.5	173	35.9	170	35.3	189	39.1	135	22.2
Felony 2	31.9	0.4%	0.7%	0.7%	681	21.4	675	21.2	670	21.0	666	20.9	517	16.1	598	18.8
Sex Assaults (F2-F4)	31.4	0.8%	3.0%	3.2%	1,299	41.4	1,282	40.9	1,266	40.3	1,250	39.8	1,241	39.7	808	24.9
Sex Assaults (F5-F6)	201.3	0.4%			658	3.3	658	3.3	658	3.3	658	3.3	684	0.3	-	-
Felony 3	97.9	3.3%	0.3%	0.9%	5,373	54.9	5,322	54.4	5,272	53.9	5,223	53.4	5,839	59.7	4,998	46.3
Felony 4	150.6	5.8%	-0.2%	1.8%	9,376	62.2	9,315	61.8	9,255	61.4	9,197	61.1	9,839	65.3	9,473	46.8
Felony 5	150.9	3.7%	2.5%	4.5%	6,044	40.1	5,951	39.4	5,921	39.2	5,889	39.0	4,905	32.5	4,092	20.2
Felony 6	235.2	6.9%	9.5%	13.3%	14,232	60.5	13,038	55.4	11,966	50.9	11,001	46.8	8,985	38.2	2,823	7.2
<b>Subtotal Felony Trial &amp; PreTrial</b>	<b>113.7</b>	<b>21.3%</b>	<b>2.7%</b>	<b>3.2%</b>	<b>37,841</b>	<b>320.9</b>	<b>36,418</b>	<b>313.0</b>	<b>35,182</b>	<b>306.0</b>	<b>34,054</b>	<b>299.5</b>	<b>32,199</b>	<b>290.9</b>	<b>22,927</b>	<b>186.3</b>
Misc. Proceedings		6.3%	2.4%	0.0%	10,424	-	10,308	-	10,193	-	10,080	-	11,040	-	17,760	-
Probation Revocation	927.1	9.0%	2.0%	1.8%	14,652	15.8	14,557	15.7	14,464	15.6	14,372	15.5	13,848	14.9		
Appeals		0.0%	6.6%	0.0%	87	-	80	-	73	-	68	-	72	-	26	-
Original Proceedings		0.0%	28.3%	0.0%	200	-	115	-	68	-	42	-	61	-	1	-
Partial Service		4.4%	0.8%	0.0%	7,070	-	7,039	-	7,008	-	6,978	-	7,230	-	6,153	-
<b>Subtotal Felony Other Proceedings</b>	<b>2,034.6</b>	<b>19.7%</b>	<b>1.9%</b>	<b>1.8%</b>	<b>32,434</b>	<b>15.8</b>	<b>32,099</b>	<b>15.7</b>	<b>31,807</b>	<b>15.6</b>	<b>31,540</b>	<b>15.5</b>	<b>32,251</b>	<b>14.9</b>	<b>23,940</b>	<b>-</b>
<b>Total Felony</b>	<b>208.2</b>	<b>41.0%</b>	<b>2.3%</b>	<b>3.6%</b>	<b>70,275</b>	<b>336.7</b>	<b>68,517</b>	<b>328.7</b>	<b>66,988</b>	<b>321.6</b>	<b>65,594</b>	<b>315.0</b>	<b>64,450</b>	<b>305.8</b>	<b>46,867</b>	<b>186.3</b>
Misdemeanor 1	173.1	10.8%	11.0%	12.0%	20,369	117.7	19,271	111.3	18,227	105.3	17,236	99.6	14,251	81.5	3,619	18.1
Sex Assault (M1)	167.4	0.5%	4.2%	5.1%	762	4.6	754	4.5	747	4.5	740	4.4	672	4.0	398	2.1
Sex Assault (M2)	173.5	0.0%	-17.2%	-16.7%	10	0.1	10	0.1	10	0.1	10	0.1	4	0.0	169	0.9
Sex Assault (M3)	321.0	0.0%	18.0%	0.2%	11	0.0	11	0.0	11	0.0	11	0.0	8	0.0	-	-
Misdemeanor 2	315.3	3.4%	4.1%	6.3%	6,441	20.4	6,045	19.2	5,688	18.0	5,363	17.0	4,928	15.6	2,937	6.8
Misdemeanor 3/Traffic/PO	311.5	19.1%	8.5%	10.8%	34,470	110.7	33,063	106.1	31,756	102.0	30,542	98.1	23,974	76.7	8,995	21.0
<b>Subtotal Misd Trial &amp; PreTrial</b>	<b>246.0</b>	<b>33.7%</b>	<b>8.4%</b>	<b>10.5%</b>	<b>62,062</b>	<b>253.4</b>	<b>59,154</b>	<b>241.2</b>	<b>56,438</b>	<b>229.8</b>	<b>53,902</b>	<b>219.1</b>	<b>43,837</b>	<b>177.8</b>	<b>16,118</b>	<b>48.8</b>
Misc. Proceedings		3.6%	8.3%	0.0%	6,687	-	6,372	-	6,082	-	5,815	-	5,689	-	4,409	-
Probation Revocation	936.9	9.3%	12.2%	14.3%	19,656	21.0	17,863	19.1	16,297	17.4	14,922	15.9	12,507	13.3		
Appeals		0.2%	13.5%	0.0%	485	-	426	-	376	-	334	-	283	-	50	-
Original Proceedings		0.0%	20.3%	0.0%	19	-	18	-	17	-	16	-	26	-	1	-
Partial Service		5.6%	6.7%	0.0%	9,717	-	9,418	-	9,139	-	8,880	-	7,065	-	3,362	-
<b>Subtotal Misd Other Proceedings</b>	<b>1,881.6</b>	<b>18.8%</b>	<b>9.4%</b>	<b>14.3%</b>	<b>36,564</b>	<b>21.0</b>	<b>34,097</b>	<b>19.1</b>	<b>31,912</b>	<b>17.4</b>	<b>29,967</b>	<b>15.9</b>	<b>25,570</b>	<b>13.3</b>	<b>7,822</b>	<b>-</b>
<b>Total Misdemeanor</b>	<b>356.8</b>	<b>52.5%</b>	<b>8.7%</b>	<b>11.0%</b>	<b>98,626</b>	<b>301.2</b>	<b>93,251</b>	<b>276.7</b>	<b>88,349</b>	<b>254.8</b>	<b>83,869</b>	<b>235.1</b>	<b>69,407</b>	<b>191.1</b>	<b>23,940</b>	<b>48.8</b>
Juvenile Felony	169.2	1.4%	-1.5%	1.0%	2,536	15.0	2,536	15.0	2,536	15.0	2,317	13.7	1,907	9.8	2,928	11.8
Juvenile Misdemeanor	168.2	1.9%	0.5%	3.1%	3,308	17.3	3,308	17.3	3,308	17.3	2,982	17.7	2,288	11.8	2,752	11.2
<b>Subtotal Juv Trial &amp; PreTrial</b>	<b>168.6</b>	<b>3.3%</b>	<b>-0.5%</b>	<b>2.1%</b>	<b>5,844</b>	<b>32.3</b>	<b>5,844</b>	<b>32.3</b>	<b>5,844</b>	<b>32.3</b>	<b>5,299</b>	<b>31.4</b>	<b>4,195</b>	<b>21.6</b>	<b>5,680</b>	<b>23.0</b>
Misc. Proceedings		0.8%	-0.7%	0.0%	1,211	-	1,211	-	1,211	-	1,211	-	1,356	-	5,362	-
Probation Revocation	926.0	1.8%	-2.3%	-5.4%	2,981	3.2	2,981	3.2	2,981	3.2	2,815	3.0	2,688	2.9		
Appeals		0.0%	1.1%	0.0%	32	-	32	-	32	-	20	-	22	-	17	-
Original Proceedings		0.0%	12.7%	0.0%	35	-	35	-	35	-	5	-	36	-	-	-
Partial Service		0.6%	-2.0%	0.0%	1,148	-	1,148	-	1,148	-	1,001	-	753	-	1,346	-
<b>Subtotal Juv Other Proceedings</b>	<b>1,661.8</b>	<b>3.2%</b>	<b>-1.9%</b>	<b>-5.4%</b>	<b>5,407</b>	<b>3.2</b>	<b>5,407</b>	<b>3.2</b>	<b>5,407</b>	<b>3.2</b>	<b>5,052</b>	<b>3.0</b>	<b>4,855</b>	<b>2.9</b>	<b>6,725</b>	<b>-</b>
<b>Total Juvenile</b>	<b>300.3</b>	<b>6.5%</b>	<b>-1.2%</b>	<b>2.7%</b>	<b>11,252</b>	<b>33.8</b>	<b>11,252</b>	<b>33.8</b>	<b>11,252</b>	<b>33.8</b>	<b>10,351</b>	<b>34.5</b>	<b>9,050</b>	<b>24.4</b>	<b>12,405</b>	<b>23.0</b>
<i>Summary</i>																
<b>Total Trial/Pretrial</b>	<b>169.5</b>	<b>58.4%</b>	<b>5.0%</b>	<b>5.2%</b>	<b>105,747</b>	<b>606.6</b>	<b>101,416</b>	<b>586.5</b>	<b>97,464</b>	<b>568.1</b>	<b>93,255</b>	<b>550.1</b>	<b>80,231</b>	<b>490.3</b>	<b>44,725</b>	<b>258.1</b>
Total Misc. Proceedings		10.7%	8.5%	0.0%	18,322		17,891		17,487		17,106		18,085		10,131	
Total Probation Revocations	931.5	20.1%	13.1%	3.5%	37,290	40.0	35,401	38.0	33,742	36.2	32,109	34.5	29,043	34.2	17,400	
Total Appeals		0.3%	10.6%	0.0%	604		537		481		422		377		93	
Total Original Proceedings		0.0%	25.9%	0.0%	254		168		120		63		123		2	
Total Partial Service		10.5%	3.0%	0.0%	17,936		17,605		17,295		16,859		15,048		10,861	
<b>Other Proceedings total</b>	<b>1,943.6</b>	<b>41.6%</b>	<b>3.7%</b>	<b>3.5%</b>	<b>74,405</b>	<b>40.0</b>	<b>71,603</b>	<b>38.0</b>	<b>69,125</b>	<b>36.2</b>	<b>66,559</b>	<b>34.5</b>	<b>62,676</b>	<b>34.2</b>	<b>38,487</b>	<b>-</b>
<b>Supervision/Management</b>		0.0%	-	0.1		71.3		69.2		67.3		66.7		49.0		25.8
<b>Total All</b>	<b>245.5</b>	<b>100.0%</b>	<b>4.4%</b>	<b>5.7%</b>	<b>180,153</b>	<b>717.9</b>	<b>173,019</b>	<b>693.7</b>	<b>166,589</b>	<b>671.6</b>	<b>159,814</b>	<b>651.1</b>	<b>142,907</b>	<b>573.6</b>	<b>83,212</b>	<b>283.9</b>

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 1,314 cases this year (FY 2015-16), including 576 new cases and 738 backlog cases carried over from previous years. This 1,314 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 985 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 percent. 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. The Division assisted on three announced capital punishment cases, for which ABA guidelines suggest 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 did decrease from 749 to 738. However, it still exceeds the NLADA acceptable standards by 375 cases for FY 2014-15.

In FY 2014-15 the Division received additional FTE and funding for FY 2014-15 to address this backlog. Positions have been filled and now that 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. This past year these FTE consulted or worked on 177 cases, developed documents unique to the appellate process and held statewide trainings enabling trial offices to achieve improved administrative efficiencies as well as increased representational effectiveness.

**OSPD Appellate Division Caseload FY 1999-00 to FY 2020-21**

<b>FISCAL YEAR</b>	<b>Total Atty FTE</b>	<b>Mgmt, Super. &amp; Complex Litigation Case FTE</b>	<b>County &amp; Juvenile Appeals FTE</b>	<b>County &amp; Juvenile Cases</b>	<b>Felony Appeals FTE</b>	<b>New Felony Cases</b>	<b>Briefs Filed by PD</b>	<b>Cases Resolved Other Ways</b>	<b>Total Cases Closed</b>	<b>Cases awaiting filing of initial brief</b>	<b>Standard Caseload per NLADA</b>	<b>'Backlog' Cases in excess of NLADA standards</b>	<b>Change in Backlog in Excess</b>	<b>Cases Phase 2 (after OB filed)</b>	<b>Total Active Felony Cases</b>
FY 00	25.00	*	n/a	n/a	25.00	487			387	369	325	44	100	69	825
FY 08	29.00	*	n/a	n/a	29.00	606	465	121	586	611	373	238	20	637	1834
FY 09*	31.75	*	n/a	n/a	31.75	627	450	205	655	583	331	252	14	591	1804
FY 10	31.75	*	n/a	n/a	31.75	602	427	124	551	634	331	303	51	599	1784
FY 11	34.75	*	n/a	n/a	34.75	575	415	142	557	652	331	321	18	631	1840
FY 12	34.75	*	n/a	n/a	34.75	589	460	133	593	648	331	317	-4	698	1939
FY 13	34.75	1.0	n/a	n/a	33.75	585	427	135	562	671	315	356	39	848	1931
FY 14	35.75	4.0	n/a	n/a	31.75	573	367	127	495	749	279	470	114	1000	2341
FY 15	47.25	4.0	2.0	177	41.25	533	422	122	544	738	363	375	-95	985	2282
FY 16 Est.	47.25	3.0	2.0	200	42.25	576	502	132	633	681	372	309	-66	1065	2299
FY 17 Est.	47.25	3.0	2.0	200	42.25	576	502	132	633	624	372	252	-57	1065	2322
FY 18 Est.	47.25	3.0	2.0	200	42.25	576	502	132	633	566	372	195	-57	1065	2264
FY 19 Est.	47.25	3.0	2.0	200	42.25	576	502	132	633	509	372	137	-57	1065	2207
FY 20 Est.	47.25	3.0	2.0	200	42.25	576	502	132	633	452	372	80	-57	1065	2150
FY 21 Est.	47.25	3.0	2.0	200	42.25	576	502	132	633	395	372	23	-57	1065	2093

\*FTE included with Felony FTE for these years

## Performance Measures

		FY 13-14 (actual)	FY 14-15 (actual)	FY 15-16 (projected)	FY 16-17 (projected)	FY 17-18 (projected)
<b>MEASURE 1:</b> Number of new trial court cases.	<b>Target</b>	<b>112,447</b>	<b>132,270</b>	<b>132,500</b>	<b>138,228</b>	<b>144,568</b>
	Actual	115,107	126,947			
<b>MEASURE 2:</b> Number of active trial court cases.	<b>Target</b>	<b>140,320</b>	<b>159,575</b>	<b>166,589</b>	<b>173,019</b>	<b>180,153</b>
	Actual	142,907	159,814			
<b>MEASURE 3:</b> Percent of trial court attorney staff allocated vs. total required for closed trial court cases.	<b>Target</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
	Actual	96.1%	92.3%			
<b>MEASURE 4:</b> Number of attorney applications received.	<b>Target</b>	<b>480</b>	<b>480</b>	<b>480</b>	<b>480</b>	<b>480</b>
	Actual	722	615			
<b>MEASURE 5:</b> Percent of total attorney staff allocated vs. total required for closed trial court cases and active appellate cases.	<b>Target</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
	Actual	93.2%	92.2%			
<b>MEASURE 6:</b> Annual rates of attrition:	<b>Target</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>
Attorneys	Actual	9%	12%			
Investigators	Actual	7%	8%			
Administrative Assistants	Actual	16%	18%			
Total All Employees	Actual	9%	11%			
<b>MEASURE 7:</b> Percent of experienced, fully capable staff (journey level or higher):	<b>Target</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>
Attorneys	Actual	41%	41%			
Investigators	Actual	45%	44%			
Legal Assistants	Actual	46%	45%			
Total All Employees	Actual	44%	44%			
<b>MEASURE 8:</b> Percent compliance with minimum standards for total staffing requirements	<b>Target</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
	Actual	84.0%	86.2%			
<b>MEASURE 9:</b> Maintain established standard percentages for reasonable staff supervision, management and development	<b>Target</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>
	Actual	9.2%	8.6%			
<b>MEASURE 10:</b> Number of new appellate cases.	<b>Target</b>	<b>597</b>	<b>592</b>	<b>576</b>	<b>576</b>	<b>576</b>
	Actual	573	533			



		FY 13-14 (actual)	FY 14-15 (actual)	FY 15-16 (projected)	FY 16-17 (projected)	FY 17-18 (projected)
<b>MEASURE 11:</b>	<b>Target</b>	<i>n/a</i>	<i>n/a</i>	<b>2,299</b>	<b>2,322</b>	<b>2,264</b>
Number of active appellate cases.	Actual	2,341	2,282			
<b>MEASURE 12:</b>	<b>Target</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Percent of appellate attorney staff allocated vs. total required for active appellate cases.	Actual	69.6%	91.5%			
<b>MEASURE 13:</b>	<b>Target</b>	<b>121,449</b>	<b>127,879</b>	<b>129,805</b>	<b>134,906</b>	<b>140,512</b>
Number of trial court cases closed.	Actual	110,044	124,416			
<b>MEASURE 14:</b>	<b>Target</b>	<b>137</b>	<b>106</b>	<b>135</b>	<b>135</b>	<b>135</b>
Days of training provided.	Actual	137	162			
<b>MEASURE 15:</b>	<b>Target</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>
Number of CLE credits provided.	Actual	15	17			
<b>MEASURE 16:</b>	<b>Target</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>
Hours of ethics training provided, focusing on Colorado criminal law.	Actual	3	3			
<b>MEASURE 17:</b>	<b>Target</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>
Number of administrative processes and organizational infrastructure evaluations performed.	Actual	15	16			
<b>MEASURE 18:</b>	<b>Target</b>	<b>471</b>	<b>507</b>	<b>502</b>	<b>502</b>	<b>502</b>
Number of appellate cases for which an Opening Brief has been filed.	Actual	367	422			
<b>MEASURE 19:</b>	<b>Target</b>	<b>697</b>	<b>703</b>	<b>681</b>	<b>624</b>	<b>566</b>
Number of backlogged appellate cases.	Actual	749	738			