

# Performance Plan

July 01, 2017



**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 FY2017-18, the OSPD was appropriated \$ 89,699,687 and FTE of approximately 811. This is comprised of 491 attorneys; 163 investigators, paralegals and social workers (including 8 social workers dedicated to juvenile work); 122 administrative assistants and 35 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.

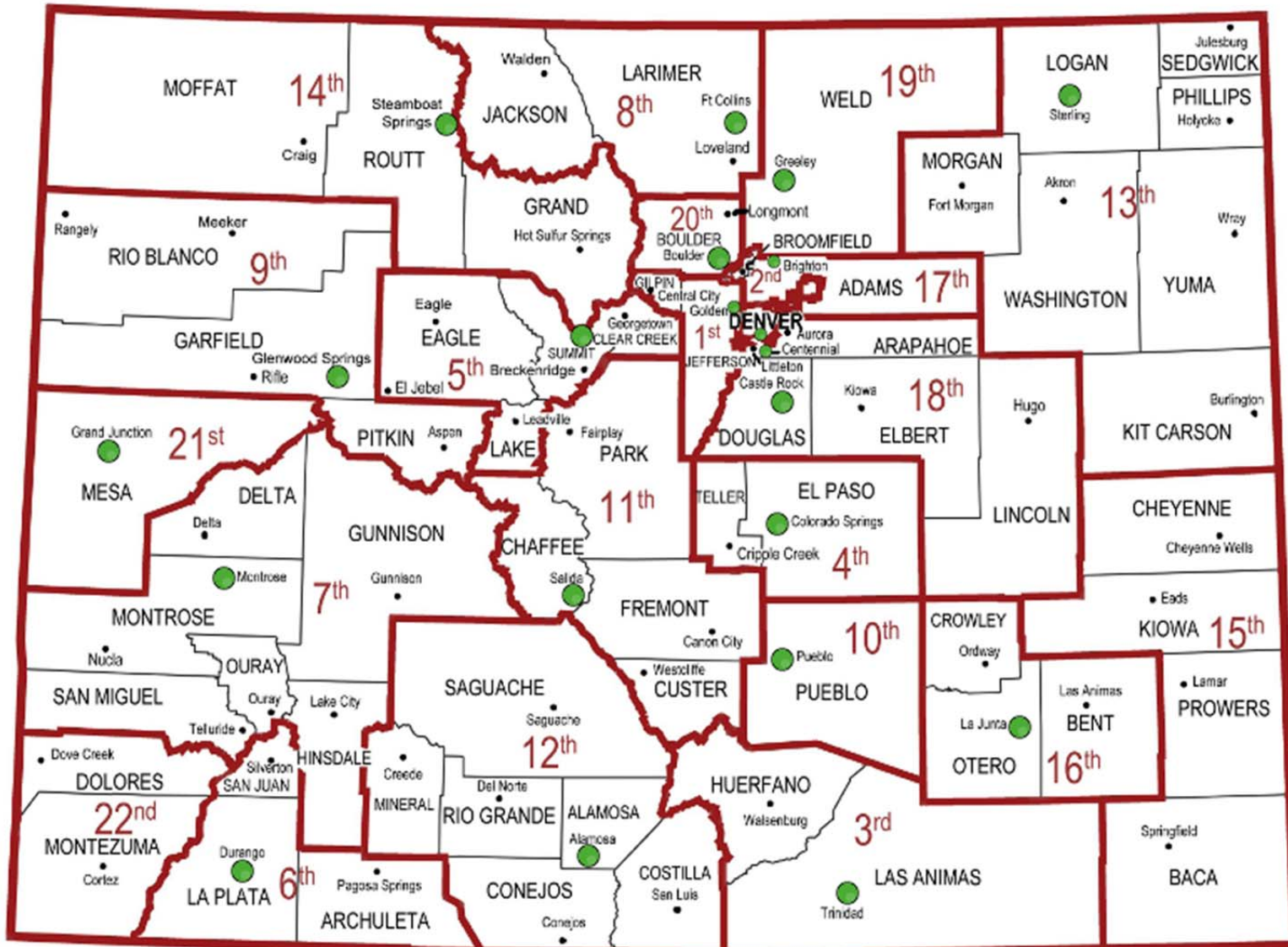
This changing environment presents a compounding challenge to the OSPD's need to achieve the staffing levels that are required to provide effective representation. We regularly monitor and evaluate internal processes and policies to achieve our mission, vision and goals.

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

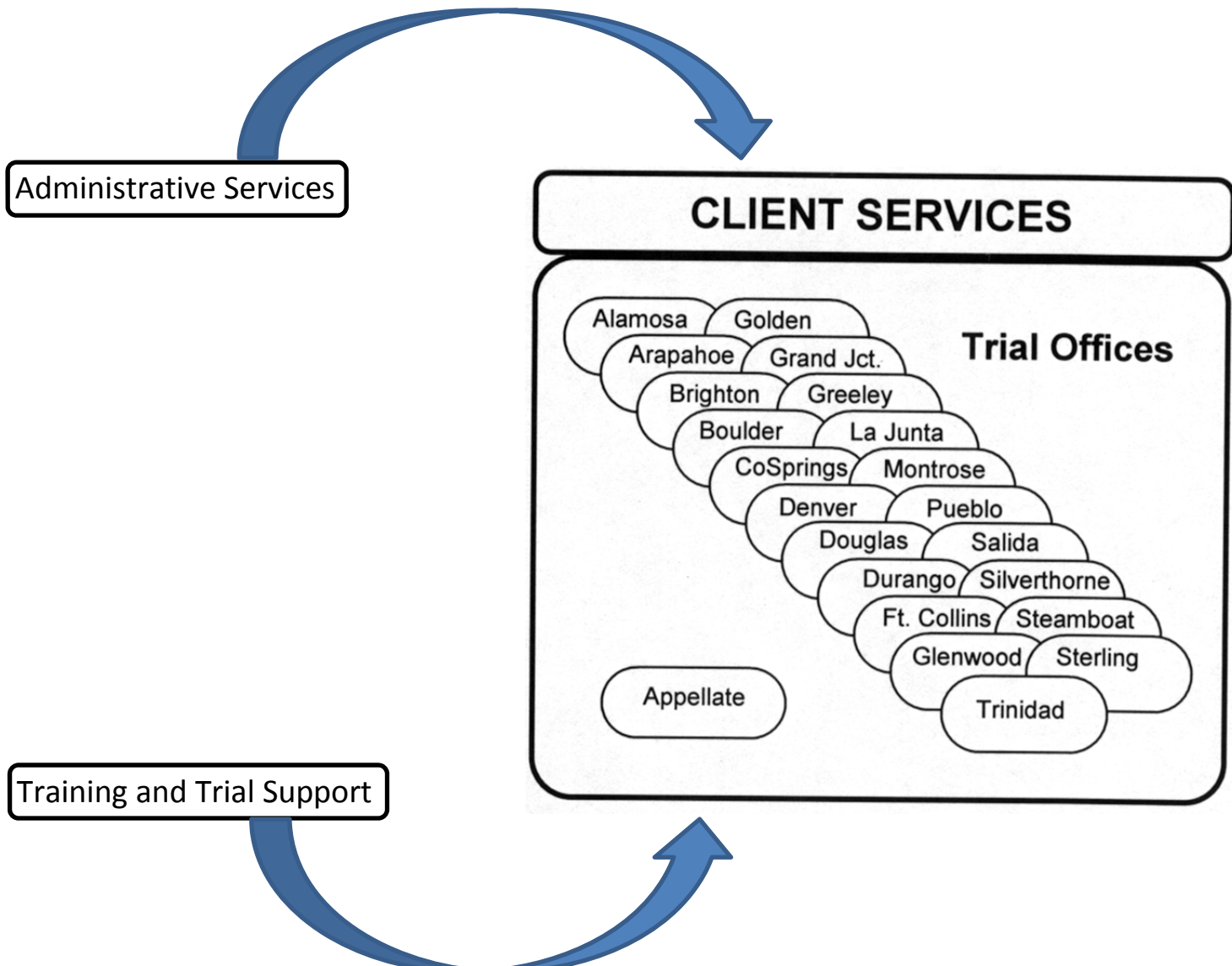
Constitutional, Statutory and other authority for the OSPD is established pursuant to:

- 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).

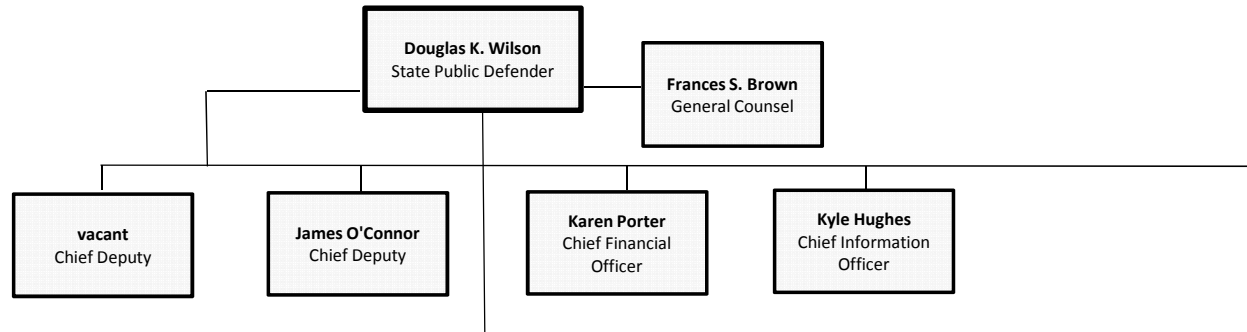
# Trial Office Map



# Functional Organization Chart



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



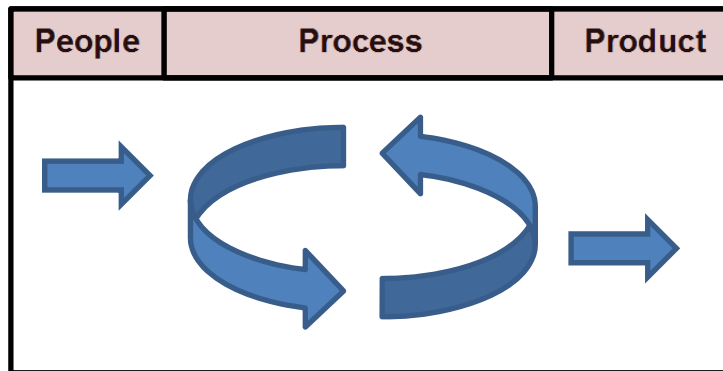
REGIONAL TRIAL OFFICES							APPELLATE
Alamosa Trial Office, 12th Judicial District  Regional Trial Office Chief <b>Amanda Hopkins</b>  Office Manager <b>Angelica Hart</b>	Arapahoe Trial Office, 18th Judicial District  Regional Trial Office Chief <b>James Karbach</b>  Office Manager <b>Cheryl Healy</b>	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>Sarah Quinn</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>Meghan Layfield</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>Tuesday Puls</b>	Fort Collins Trial Office, 8th Judicial District  Regional Trial Office Chief <b>Norm Townsend</b>  Office Manager <b>Karlee Gettman</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>James Merson</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 Zapletal</b>  Office Manager <b>Val Barnica</b>	Pueblo Trial Office, 10th Judicial District  Regional Trial Office Chief <b>Albert Singleton</b>  Office Manager <b>Marisa Herrera</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

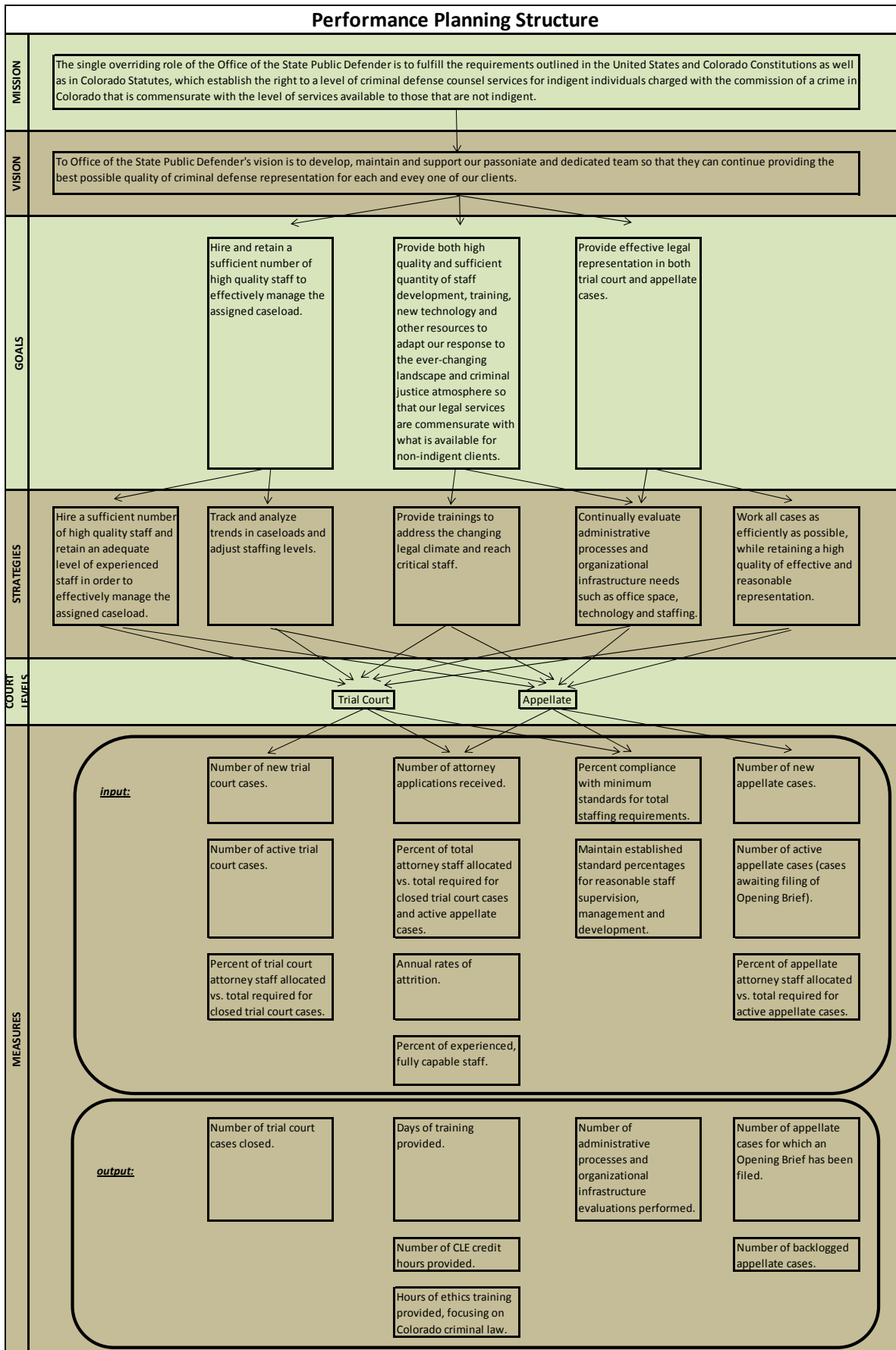
1. Number of new trial court cases.
2. Number of active trial court cases.
3. Percent of trial court attorney staff allocated vs. total required for closed trial court cases.
4. Number of attorney applications received.
5. Percent of total attorney staff allocated versus total required for closed trial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

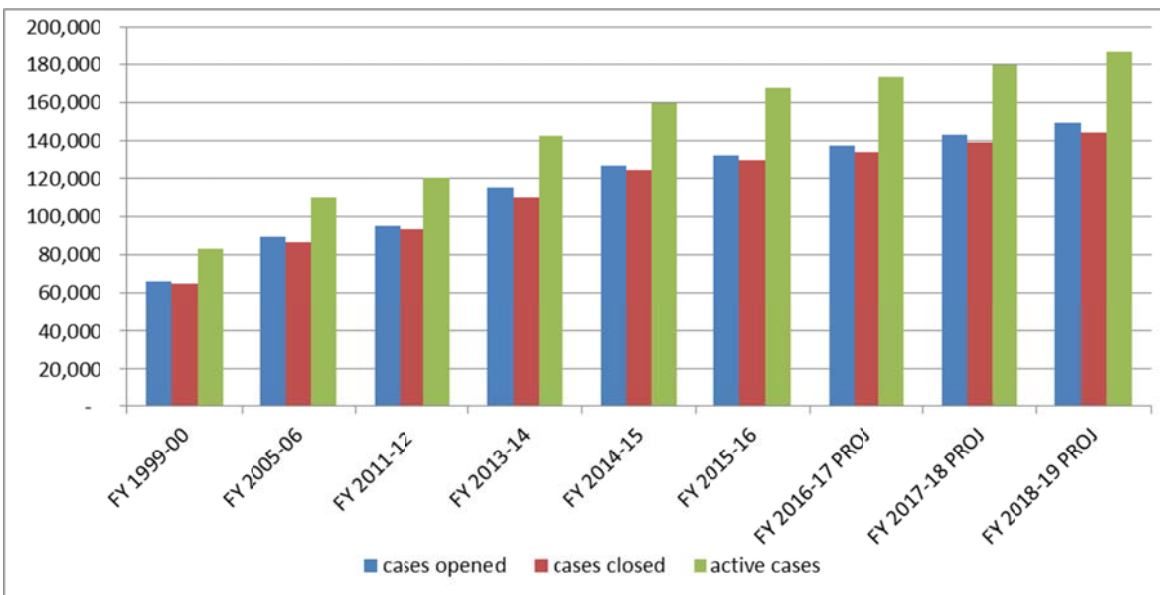
### OVERALL OSPD CASE TRENDS

**Total Cases.** The OSPD tracks and monitors its caseload in three separate categories, opened cases, closed cases and active cases. Since FY 1999-00 the OSPD 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. Since then, the overall CRG has increased to 4.4 percent in FY 2014-15 and 4.5 percent in FY 2015-16.

Over the past 2 years, the OSPD 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. Also during this time, the OSPD experienced an increase in its juvenile caseload, again due to recent legislation, specifically the *Juvenile Defense* bill.

The table below shows the increase in caseload beginning in FY 2013-14, (which included six months of *Rothgery* as it was implemented mid-year), the full impact in FY 2014-15, and leveling off a bit in FY 2015-16.

### Overall Case Trends

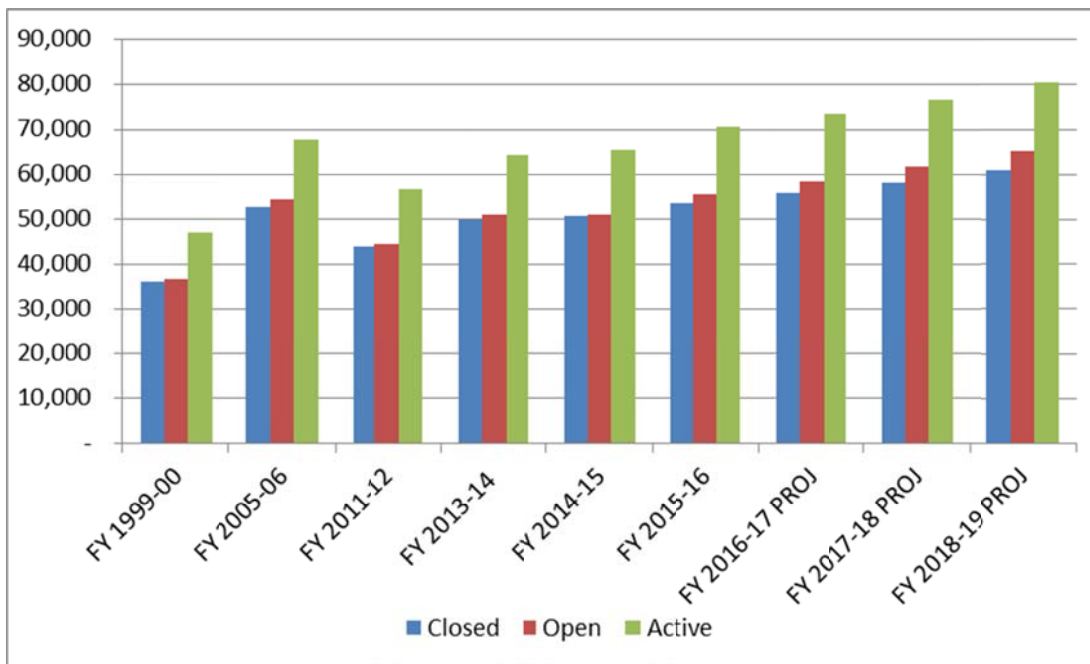


**Felony Cases.** In FY 2015-16 the OSPD had 70,587 active felony cases, an increase of just over 7.6 percent over the prior year. The felony case growth had peaked in FY 2005-06 when the OSPD handled 67,886 cases and had been steadily decreasing through FY 2011-12 down to 56,631. However, over the past 4 years, the OSPD has experienced almost a 25 percent increase in its active felony cases. The Judicial Department District Courts are also reporting significant increases with a statewide 12.47 percent increase in felony filings just 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 misdemeanor and juvenile defendant cases.

Felony cases make up approximately 42 percent of our cases yet require just over 52 percent of our FTE resources.

### Felony Case Trends

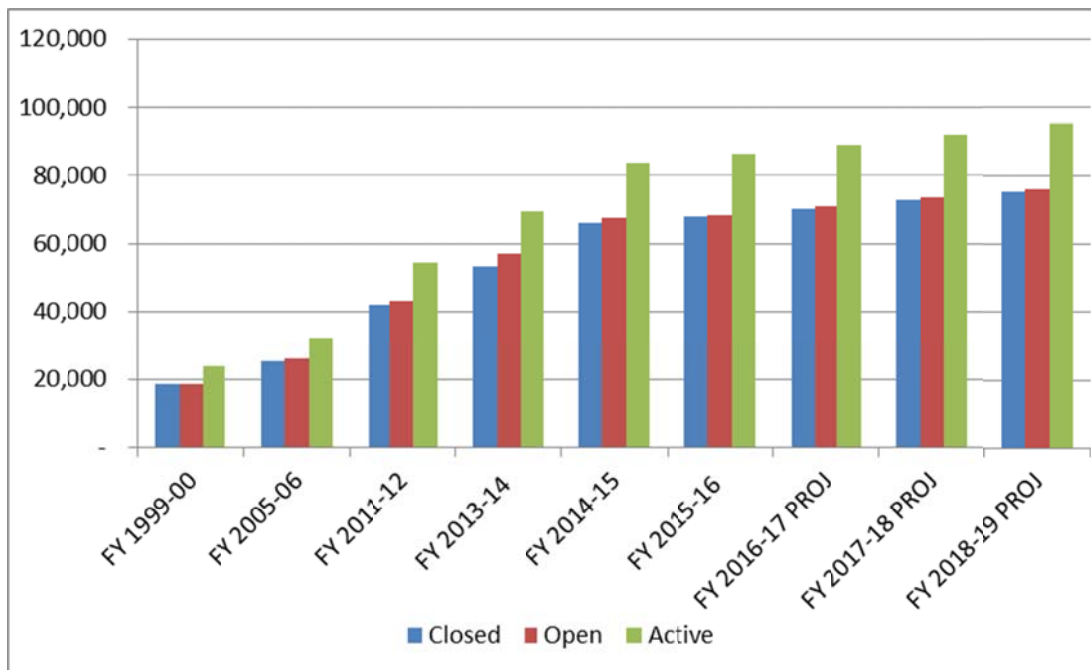


**Misdemeanor Cases.** Misdemeanor case growth in each category of opened, closed and active caseload continued at a relatively predictable rate of 5 percent to 6 percent annual CRG through FY 2005-06. In FY 2012-13 the OSPD handled 56,625 cases which was a 4.1 percent increase from FY 2011-12.

In FY 2013-14 the OSPD had 69,407 active misdemeanor cases, a 22.6 percent increase from the prior year. In FY 2014-15 the number of active misdemeanor cases surged to 83,869, and in FY 2015-16 the number of active cases continued its upward trend to 86,280. While some of this is attributed to normal case growth, the impact of *Rothgery* is definitely the driving force. The table below demonstrates the dramatic increase.

Misdemeanor cases represent about 52 percent of our overall caseload yet only require about 41 percent of our FTE resources.

### Misdemeanor Case Trends

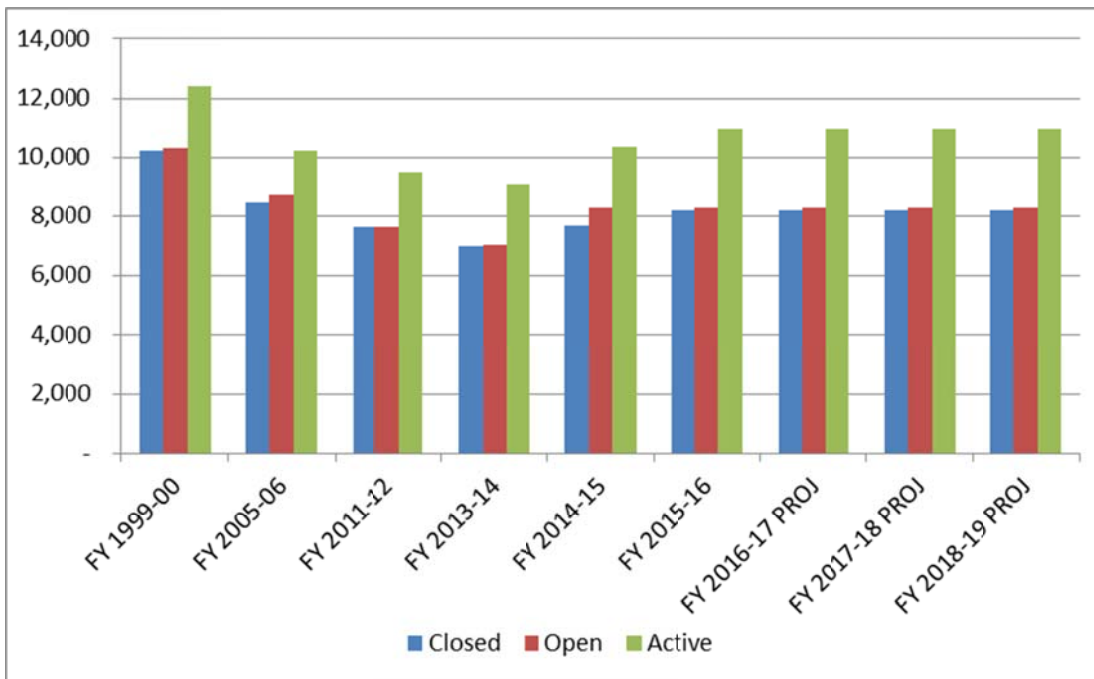


**Juvenile Cases.** Since FY 1999-00, juvenile cases had continued to gradually decline. However, this decline has slowed since FY 2004-05, falling from a decline of about 4 percent annual CRG through FY 2004-05 to a decline of nearly 2.7 percent annual CRG through FY 2013-14. Active juvenile cases handled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

Although the juvenile caseload had dropped for almost a decade, H.B. 14-1032 (commonly known as the *Juvenile Defense* bill) now requires the OSPD to be present at detention hearings, allows the court to appoint the OSPD when the parents refuse to provide counsel, allows the court to appoint the OSPD 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 in FY 2015-16 the number of active juvenile cases rose to 10,947, a 21 percent increase in its active caseload in the past 2 years.

Juvenile cases represent about 6 percent of our caseload and require about 7 percent of our FTE resources.

### 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 2015-16 the OSPD was appointed on 132,388 new cases. 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 at 8.5 percent identifies where the biggest increase is and is the direct result of the *Rothgery* bill.

Since the *Rothgery* 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 OSPD experienced the full impact. The office saw a 52.7 percent increase in its new misdemeanor cases once the bill was fully annualized increasing the number of new cases from 44,299 in FY 2012-13 to 67,644 in FY 2014-15. It has since begun to level off as the number of new cases opened in FY 2015-16 rose to 68,437, a 1.17 percent increase over the prior year.

The impact of H.B. 14-1032, the *Juvenile Defense* Bill, has also contributed to the increase in new juvenile cases over the past 2 years. The legislation went into effect on November 1, 2014 resulting in an increase in new cases from 7,040 in FY 2013-14 to 8,267 in FY 2015-16, a 17.43 percent increase.

The table on the following page details the total cases opened by case class from FY 1999-00 through FY 2015-16 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 implementation of *Rothgery*, as to not include the significant increase due to this legislation.

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 Actuals to FY 2020-21 Projected																									
SUMMARY OF OSPD OPENED CASES	Average Equivalent Cases Per Yr/FTE 2016	2016 % of Total Cases	2016 % of wkld	CRG in Cases 2000- 2016	CRG in wkld 2000- 2016	2000	2000	2013	2013	2014	2014	2015	2015	2016	2016	2017	2017	2018	2018	2019	2019	2020	2020	2021	2021
						Open	Res. Alloc.	Open	Res. Alloc.	Open	Res. Alloc.	Open	Res. Alloc.	Open	Res. Alloc.	Open	Res. Alloc.	Open	Res. Alloc.	Proj	Res. Alloc.	Proj	Res. Alloc.	Proj	Res. Alloc.
Felony 1	4.8	0.1%		1.7%	3.2%	107	17.8	129	26.8	129	27.0	82	16.8	140	29.3	145	30.3	151	31.5	157	32.8	164	34.2	171	35.8
Felony 2	31.9	0.7%		2.0%	2.0%	709	22.4	484	15.1	591	18.5	792	24.9	977	30.6	1,021	32.0	1,070	33.6	1,123	35.2	1,180	37.0	1,243	39.0
Sex Assaults (F2-F4)	31.6	0.6%		-1.0%	-0.9%	956	29.7	923	29.5	926	29.7	901	28.6	808	25.6	811	25.7	814	25.8	817	25.9	821	26.0	824	26.1
Sex Assaults (F5-F6)**	201.3	0.4%				-	-	-	-	521	2.6	508	2.5	465	2.3	586	2.9	741	3.7	939	4.7	1,193	5.9	1,519	7.5
Felony 3	98.0	3.6%		-0.6%	0.0%	5,216	49.0	6,109	62.4	5,338	54.6	4,670	47.7	4,763	48.6	4,788	48.9	4,813	49.1	4,839	49.4	4,865	49.7	4,891	49.9
Felony 4	150.7	6.7%		-0.1%	1.6%	9,020	45.1	9,186	60.9	9,003	59.8	8,027	53.3	8,818	58.5	8,883	58.9	8,949	59.4	9,017	59.8	9,086	60.3	9,158	60.8
Felony 5	150.7	4.9%		3.2%	5.0%	3,892	19.5	4,475	29.6	4,682	31.0	5,531	36.7	6,435	42.7	6,653	44.1	6,880	45.7	7,116	47.2	7,362	48.9	7,618	50.6
Felony 6	235.2	9.1%		11.4%	14.8%	2,137	5.6	7,275	30.9	8,876	37.7	10,420	44.3	12,058	51.3	13,601	57.8	15,364	65.3	17,384	73.9	19,700	83.8	22,360	95.1
<b>Subtotal Felony Trial &amp; PreTrial</b>	<b>119.3</b>	<b>26.0%</b>	<b>51.6%</b>	<b>2.8%</b>	<b>2.7%</b>	<b>22,037</b>	<b>189.1</b>	<b>28,581</b>	<b>255.1</b>	<b>30,066</b>	<b>260.9</b>	<b>30,931</b>	<b>254.8</b>	<b>34,464</b>	<b>288.9</b>	<b>36,488</b>	<b>300.8</b>	<b>38,782</b>	<b>314.0</b>	<b>41,391</b>	<b>328.9</b>	<b>44,370</b>	<b>345.7</b>	<b>47,785</b>	<b>364.7</b>
Misc. Proceedings		6.0%		-1.2%	0.0%	14,682	-	7,488	-	9,282	-	8,269	-	7,909	-	8,080	-	8,270	-	8,479	-	8,713	-	8,973	-
Revocation of Probation	923.6	10.0%		3.5%	3.5%	-	-	10,892	11.8	11,395	12.3	11,754	12.7	13,260	14.4	13,907	15.1	14,603	15.8	15,352	16.6	16,159	17.5	17,029	18.4
Appeals		0.0%		3.6%	0.0%	22	-	52	-	41	-	45	-	39	-	41	-	44	-	46	-	49	-	52	-
Original Proceedings		0.0%		11.8%	0.0%	2	-	7	-	59	-	29	-	12	-	13	-	14	-	15	-	17	-	18	-
Partial Service		0.0%		0.0%	0.0%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Subtotal Felony Other Proceedings</b>	<b>1,478.0</b>	<b>16.0%</b>		<b>2.3%</b>	<b>18.6%</b>	<b>14,706</b>	<b>-</b>	<b>18,439</b>	<b>11.8</b>	<b>20,777</b>	<b>12.3</b>	<b>20,097</b>	<b>12.7</b>	<b>21,220</b>	<b>14.4</b>	<b>22,041</b>	<b>15.1</b>	<b>22,930</b>	<b>15.8</b>	<b>23,893</b>	<b>16.6</b>	<b>24,937</b>	<b>17.5</b>	<b>26,072</b>	<b>18.4</b>
<b>Total Felony</b>	<b>183.6</b>	<b>42.1%</b>	<b>54.2%</b>	<b>2.6%</b>	<b>3.0%</b>	<b>36,743</b>	<b>189.1</b>	<b>47,020</b>	<b>266.9</b>	<b>50,843</b>	<b>273.2</b>	<b>51,028</b>	<b>267.5</b>	<b>55,684</b>	<b>303.2</b>	<b>58,529</b>	<b>315.8</b>	<b>61,712</b>	<b>329.8</b>	<b>65,284</b>	<b>345.6</b>	<b>69,308</b>	<b>363.2</b>	<b>73,857</b>	<b>383.2</b>
Misdemeanor 1	172.5	12.3%		10.4%	11.5%	3,332	16.7	10,945	62.2	13,570	77.6	16,038	92.7	16,342	94.7	16,853	97.7	17,360	100.6	17,825	103.3	18,268	105.9	18,669	108.2
Sex Assault (M1)	172.0	0.4%		2.6%	3.2%	381	2.0	489	2.9	518	3.1	621	3.7	572	3.3	589	3.4	608	3.5	631	3.7	658	3.8	691	4.0
Sex Assault (M2)	159.0	0.0%		-27.4%	-26.7%	169	0.9	4	0.0	5	-	13	0.1	1	0.0	1	0.0	1	0.0	1	0.0	1	0.0	1	0.0
Sex Assault (M3)**	328.8	0.0%		9.1%	0.1%	-	-	-	-	6	-	10	0.0	3	0.0	3	0.0	3	0.0	3	0.0	3	0.0	3	0.0
Misdemeanor 2	313.3	3.7%		3.5%	5.5%	2,804	6.6	4,388	13.9	4,538	14.4	5,093	16.1	4,836	15.4	4,853	15.5	4,870	15.5	4,889	15.6	4,907	15.7	4,925	15.7
Misdemeanor 3/Traffic/PO	313.1	21.3%		8.1%	10.1%	18,139	19.2	16,902	53.9	22,404	71.8	27,859	89.6	28,220	90.1	29,087	92.9	29,977	95.8	30,884	98.7	31,796	101.6	32,698	104.4
<b>Subtotal Misd Trial &amp; PreTrial</b>	<b>245.4</b>	<b>37.7%</b>	<b>36.4%</b>	<b>7.9%</b>	<b>9.8%</b>	<b>14,825</b>	<b>45.4</b>	<b>32,728</b>	<b>132.8</b>	<b>41,041</b>	<b>166.9</b>	<b>49,634</b>	<b>202.2</b>	<b>49,974</b>	<b>203.6</b>	<b>51,385</b>	<b>209.5</b>	<b>52,810</b>	<b>215.4</b>	<b>54,232</b>	<b>221.2</b>	<b>55,633</b>	<b>226.9</b>	<b>56,986</b>	<b>232.4</b>
Misc. Proceedings		3.2%		7.9%	0.0%	3,763	-	2,703	-	5,133	-	4,972	-	4,298	-	4,402	-	4,546	-	4,737	-	4,987	-	5,307	-
Revocation of Probation	932.7	10.5%		13.2%	13.2%	-	-	8,716	9.2	10,859	11.6	12,817	13.7	13,932	14.9	14,802	15.9	15,788	16.9	16,899	18.1	18,144	19.5	19,526	20.9
Appeals		0.2%		11.7%	0.0%	37	-	143	-	169	-	206	-	216	-	247	-	284	-	329	-	385	-	452	-
Original Proceedings		0.0%		19.4%	0.0%	1	-	9	-	22	-	15	-	17	-	20	-	23	-	27	-	32	-	38	-
Partial Service		0.0%		0.0%	0.0%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Subtotal Misd Other Proceedings</b>	<b>1,236.1</b>	<b>13.9%</b>		<b>10.4%</b>	<b>18.9%</b>	<b>3,801</b>	<b>-</b>	<b>11,571</b>	<b>9.2</b>	<b>16,183</b>	<b>11.6</b>	<b>18,010</b>	<b>13.7</b>	<b>18,463</b>	<b>14.9</b>	<b>19,471</b>	<b>15.9</b>	<b>20,641</b>	<b>16.9</b>	<b>21,993</b>	<b>18.1</b>	<b>23,547</b>	<b>19.5</b>	<b>25,323</b>	<b>20.9</b>
<b>Total Misdemeanor</b>	<b>313.1</b>	<b>51.7%</b>	<b>39.1%</b>	<b>8.5%</b>	<b>10.3%</b>	<b>18,626</b>	<b>45.4</b>	<b>44,299</b>	<b>142.1</b>	<b>57,224</b>	<b>178.4</b>	<b>67,644</b>	<b>215.9</b>	<b>68,437</b>	<b>218.6</b>	<b>70,856</b>	<b>225.4</b>	<b>73,451</b>	<b>232.3</b>	<b>76,225</b>	<b>239.4</b>	<b>79,180</b>	<b>246.4</b>	<b>82,309</b>	<b>253.3</b>
Juvenile Felony	147.9	1.8%		-1.5%	1.6%	3,071	12.7	1,662	8.5	1,777	9.1	2,224	14.5	2,426	16.4	2,426	16.4	2,426	16.4	2,426	16.4	2,426	16.4	2,426	16.4
Juvenile Misdemeanor	143.2	2.1%		0.2%	3.5%	2,653	11.0	2,080	10.6	1,931	9.9	2,747	18.1	2,734	19.1	2,734	19.1	2,734	19.1	2,734	19.1	2,734	19.1	2,734	19.1
<b>Subtotal Juv Trial &amp; PreTrial</b>	<b>145.3</b>	<b>3.9%</b>	<b>6.3%</b>	<b>-0.6%</b>	<b>2.6%</b>	<b>5,724</b>	<b>23.7</b>	<b>3,742</b>	<b>19.1</b>	<b>3,708</b>	<b>19.0</b>	<b>4,971</b>	<b>32.6</b>	<b>5,160</b>	<b>35.5</b>	<b>5,160</b>	<b>35.5</b>	<b>5,160</b>	<b>35.5</b>	<b>5,160</b>	<b>35.5</b>	<b>5,160</b>	<b>35.5</b>	<b>5,160</b>	<b>35.5</b>
Misc. Proceedings		0.7%		3.5%	0.0%	4,585	-	963	-	1,143	-	1,027	-	947	-	947	-	947	-	947	-	947	-	947	-
Revocation of Probation	925.3	1.6%		-6.4%	-6.4%	-	-	2,487	2.7	2,159	2.3	2,263	2.4	2,138	2.3	2,138	2.3	2,138	2.3	2,138	2.3	2,138	2.3	2,138	2.3
Appeals		0.0%		3.1%	0.0%	11	-	19	-	11	-	11	-	18	-	18	-	18	-	18	-	18	-	18	-
Original Proceedings		0.0%		10.6%	0.0%	-	-	7	-	19	-	3	-	4	-	4	-	4	-	4	-	4	-	4	-
Partial Service		0.0%		0.0%	0.0%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Subtotal Juv Other Proceedings</b>	<b>1,344.7</b>	<b>2.3%</b>		<b>-2.4%</b>	<b>7.8%</b>	<b>4,596</b>	<b>-</b>	<b>3,476</b>	<b>2.7</b>	<b>3,332</b>	<b>2.3</b>	<b>3,304</b>	<b>2.4</b>	<b>3,107</b>	<b>2.3</b>	<b>3,107</b>	<b>2.3</b>	<b>3,107</b>	<b>2.3</b>	<b>3,107</b>	<b>2.3</b>	<b>3,107</b>	<b>2.3</b>	<b>3,107</b>	<b>2.3</b>
<b>Total Juvenile</b>	<b>218.6</b>	<b>6.2%</b>	<b>6.8%</b>	<b>-1.4%</b>	<b>3.0%</b>	<b>10,320</b>	<b>23.7</b>	<b>7,218</b>	<b>21.8</b>	<b>7,040</b>	<b>21.3</b>	<b>8,275</b>	<b>35.1</b>	<b>8,267</b>	<b>37.8</b>	<b>8,267</b>	<b>37.8</b>	<b>8,267</b>	<b>37.8</b>	<b>8,267</b>	<b>37.8</b>	<b>8,267</b>	<b>37.8</b>	<b>8,267</b>	<b>37.8</b>
<b>Summary</b>		<b>0.0%</b>		<b>0.0%</b>	<b>0.0%</b>																				
<b>Total Trial/Pretrial</b>	<b>169.7</b>	<b>67.7%</b>	<b>94.4%</b>	<b>4.8%</b>	<b>4.6%</b>	<b>42,586</b>	<b>258.2</b>	<b>65,051</b>	<b>447.8</b>	<b>74,815</b>	<b>446.8</b>	<b>85,536</b>	<b>489.6</b>	<b>89,598</b>	<b>528.0</b>	<b>93,033</b>	<b>547.5</b>	<b>96,751</b>	<b>579.2</b>	<b>100,783</b>	<b>614.5</b>	<b>105,164</b>	<b>654.1</b>	<b>109,931</b>	<b>698.6</b>
Total Misc. Proceedings		9.9%		1.6%	0.0%	8,475	-	11,154	-	15,568	-	14,268	-	13,154	-	13,430	-	13,762	-	14,164	-	14,647	-	15,227	-
Total Probation Revocations	928.0	22.2%		6.0%	4.3%	14,555	-	22,095	26.0	24,413	28.8	26,834	28.8	29,330	31.6	30,847	34.1	32,529	37.0	34,389	40.3	36,441	44.2	38,692	48.8
Total Appeals		0.2%		8.9%	0.0%	70	-	214	-	221	-	262	-	273	-	306	-	346	-	394	-	452	-	523	-
Total Original Proceedings		0.0%		16.2%	0.0%	3	-	23	-	100	-	47	-	33	-	37	-	41	-	46	-	52	-	60	-
Total Partial Service		0.0%		0.0%	0.0%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Other Proceedings</b>	<b>1,353.9</b>	<b>32.3%</b>	<b>5.6%</b>	<b>3.9%</b>	<b>24.3%</b>	<b>23,103</b>	<b>-</b>	<b>33,486</b>	<b>-</b>	<b>40,292</b>	<b>28.8</b>	<b>41,411</b>	<b>28.8</b>	<b>42,790</b>	<b>31.6</b>	<b>44,619</b>	<b>34.1</b>	<b>46,678</b>	<b>37.0</b>	<b>48,993</b>	<b>40.3</b>	<b>51,591</b>	<b>44.2</b>	<b>54,502</b>	<b>48.8</b>
<b>Supervision/Management Standard</b>				<b>0.0%</b>	<b>6.2%</b>		<b>25.8</b>		<b>40.7</b>		<b>44.7</b>		<b>60.3</b>		<b>67.2</b>		<b>67.4&lt;/</b>								

## ***REGIONAL TRIAL OFFICE CASELOAD***

### **CLOSED (“TERMINATED”) CASE TRENDS**

**Closed Cases.** In FY 2015-16 the Office closed 129,764 cases, a 4.3 percent increase over last years’ 124,416 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 2015-16, the CRG since FY 1999-00 has now been at 4.4 percent for the past 2 years.

The table on the following page details the total cases closed, by case class, from FY 1999-00 through FY 2015-16 and projected forward using the annual CRG for cases since FY 1999-00, This table also includes trial attorney FTE required (the “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 Actuals to FY 2020-21 Projected																									
SUMMARY OF OSPD CLOSED CASES	Average Equivalent Cases Per Year/FTE 2016	2016 % of Total Cases	2016 % of wkld	CRG in Cases Since 2000	CRG in Wkld Since 2000	2000 Closed	2000 Res. Alloc	2013 Closed	2013 Res. Alloc.	2014 Closed	2014 Res. Alloc.	2015 Closed	2015 Res. Alloc.	2016 Closed	2016 Res. Alloc.	2017 Proj	2017 Res. Alloc.	2018 Proj	2018 Res. Alloc.	2019 Proj	2019 Res. Alloc.	2020 Proj	2020 Res. Alloc.	2021 Proj	2021 Res. Alloc.
Felony 1	4.8	0.1%		1.7%	2.5%	60	11	91	18.6	80	16.5	69	14.5	79	16.4	81	16.8	84	17.3	86	17.9	89	18.4	92	19.0
Felony 2	32.1	0.4%		1.9%	2.1%	360	11	243	7.5	256	8.0	328	10.3	487	15.2	509	15.9	532	16.6	558	17.4	586	18.3	617	19.3
Sex Assaults (F2-F4)	31.7	0.4%		0.2%	-0.2%	521	18	724	23.2	655	20.9	663	21.3	542	17.1	549	17.3	556	17.6	563	17.8	571	18.1	579	18.3
Sex Assaults (F5-F6) **	31.8	0.3%				-	-	-	-	483	15.5	449	14.0	422	13.3	422	13.3	422	13.3	422	13.3	422	13.3	422	13.3
Felony 3	97.8	2.7%		-0.2%	0.2%	3,652	35	4,167	42.6	4,137	42.3	3,620	37.0	3,532	36.1	3,559	36.4	3,586	36.7	3,614	36.9	3,642	37.2	3,671	37.5
Felony 4	150.5	4.8%		-0.5%	0.9%	6,814	36	6,857	45.5	6,768	44.9	6,443	42.8	6,279	41.7	6,310	41.9	6,342	42.1	6,374	42.3	6,407	42.6	6,440	42.8
Felony 5	150.5	3.7%		3.0%	4.2%	3,039	17	3,598	23.8	3,461	22.9	4,046	26.8	4,845	32.2	5,004	33.3	5,170	34.4	5,343	35.5	5,524	36.7	5,712	38.0
Felony 6	235.2	7.3%		9.3%	14.3%	2,280	5	5,895	25.1	6,349	27.0	7,965	33.9	9,417	40.0	10,454	44.4	11,630	49.4	12,967	55.1	14,492	61.6	16,236	69.0
Subtotal Felony Trial & PreTrial	120.8	19.7%	48.1%	2.7%	3.0%	16,726	132	21,575	186.3	22,189	198.0	23,583	200.5	25,603	211.9	26,887	219.3	28,322	227.3	29,928	236.2	31,734	246.1	33,770	257.1
Misc. Proceedings		6.1%		-1.5%	0.0%	14,344	-	7,480	-	9,240	-	8,407	-	7,887	-	8,035	-	8,197	-	8,374	-	8,568	-	8,782	-
Probation Revocations	922.8	9.8%		2.5%	2.6%	-	-	10,716	11.6	11,211	12.1	11,687	12.6	12,760	13.8	13,297	14.4	13,871	15.0	14,485	15.7	15,142	16.4	15,846	17.2
Appeals		0.0%		5.7%	0.0%	16	-	41	-	49	-	40	-	39	-	42	-	46	-	50	-	55	-	60	-
Original Proceedings		0.0%		16.8%	0.0%	-	-	10	-	45	-	39	-	11	-	12	-	13	-	14	-	15	-	17	-
Partial Service		5.7%		2.5%	0.0%	4,913	-	6,464	-	7,136	-	6,954	-	7,345	-	7,571	-	7,806	-	8,052	-	8,308	-	8,576	-
Subtotal Felony Other Proceedings	2,027.9	21.6%		2.4%	18.4%	19,273	-	24,711	11.6	27,681	12.1	27,127	12.6	28,042	13.8	28,956	14.4	29,932	15.0	30,975	15.7	32,089	16.4	33,280	17.2
Total Felony	237.6	41.3%	51.3%	2.5%	3.4%	35,999	132.3	46,286	197.9	49,870	210.1	50,710	213.1	53,645	225.8	55,844	233.7	58,254	242.4	60,903	252.0	63,822	262.6	67,050	274.3
Misdemeanor 1	172.0	10.2%		10.4%	10.8%	2,713	14.9	9,541	54.6	10,100	57.6	12,677	73.1	13,219	76.9	13,682	79.6	14,135	82.2	14,569	84.7	14,979	87.1	15,353	89.3
Sex Assault (M1)	167.6	0.4%		2.7%	3.4%	313	1.7	414	2.4	447	2.7	459	2.7	481	2.9	489	2.9	498	3.0	507	3.0	517	3.1	526	3.1
Sex Assault (M2)	167.6	0.0%		-100.0%	-100.0%	109	1.2	14	0.1	2	0.0	7	0.0	-	-	-	-	-	-	-	-	-	-	-	-
Sex Assault (M3) **	290.0	0.0%		9.1%	0.1%	-	-	-	-	7	0.0	8	0.0	3	0.0	3	0.0	3	0.0	3	0.0	3	0.0	3	0.0
Misdemeanor 2	312.4	3.1%		3.8%	5.3%	2,233	5.7	6,240	19.6	3,733	11.9	4,129	13.1	4,069	13.0	4,220	13.5	4,380	14.0	4,546	14.6	4,720	15.1	4,899	15.7
Misdemeanor 3/Traffic/PO	311.4	18.4%		7.8%	10.5%	7,176	15.6	12,212	39.3	16,526	52.8	22,064	70.8	23,840	76.6	24,208	77.8	24,564	78.9	24,901	80.0	25,209	81.0	25,475	81.8
Subtotal Misd Trial & PreTrial	245.7	32.1%	38.5%	7.8%	9.6%	12,544	39.0	28,421	116.0	30,815	125.0	39,344	159.8	41,612	169.3	42,603	173.8	43,579	178.1	44,527	182.3	45,427	186.3	46,256	189.9
Misc. Proceedings		3.2%		7.9%	0.0%	3,713	-	2,684	-	4,846	-	4,971	-	4,154	-	4,234	-	4,329	-	4,439	-	4,565	-	4,705	-
Probation Revocations	933.3	10.6%		13.5%	13.9%	-	-	8,629	9.1	10,422	11.1	12,697	13.6	13,758	14.7	14,769	15.8	15,931	17.1	17,259	18.5	18,768	20.1	20,469	21.9
Appeals		0.2%		14.5%	0.0%	24	-	132	-	157	-	173	-	209	-	235	-	266	-	305	-	352	-	411	-
Original Proceedings		0.0%		17.9%	0.0%	1	-	7	-	23	-	15	-	14	-	16	-	18	-	20	-	23	-	26	-
Partial Service		6.3%		8.4%	0.0%	2,253	-	4,601	-	6,934	-	8,831	-	8,157	-	8,352	-	8,551	-	8,752	-	8,953	-	9,148	-
Subtotal Misd Other Proceedings	1,783.7	20.3%		9.7%	18.8%	5,991	-	16,053	9.1	22,382	11.1	26,687	13.6	26,292	14.7	27,605	15.8	29,094	17.1	30,775	18.5	32,660	20.1	34,760	21.9
Total Misdemeanor	368.9	52.3%	41.8%	8.5%	10.2%	18,535	39.0	44,474	125.1	53,197	136.0	66,031	173.3	67,994	184.1	70,207	189.6	72,673	195.2	75,302	200.8	78,087	206.4	81,016	211.9
Juvenile Felony	142.7	1.4%		-1.7%	2.0%	2,310	9.0	1,384	7.0	1,262	6.5	1,490	10.9	1,761	12.3	1,761	12.3	1,761	12.3	1,761	12.3	1,761	12.3	1,761	12.3
Juvenile Misdemeanor	142.8	1.7%		0.0%	4.3%	2,244	8.0	1,766	9.0	1,617	8.3	1,998	14.5	2,250	15.8	2,250	15.8	2,250	15.8	2,250	15.8	2,250	15.8	2,250	15.8
Subtotal Juv Trial and PreTrial	142.8	3.1%	6.4%	-0.8%	3.2%	4,554	17.1	3,150	16.0	2,879	14.8	3,488	25.4	4,011	28.1	4,011	28.1	4,011	28.1	4,011	28.1	4,011	28.1	4,011	28.1
Misc. Proceedings		0.7%		2.7%	0.0%	4,519	-	736	-	1,163	-	909	-	912	-	912	-	912	-	912	-	912	-	912	-
Probation Revocations	923.2	1.7%		-6.1%	-6.1%	-	-	2,421	2.6	2,147	2.3	2,272	2.4	2,220	2.4	2,220	2.4	2,220	2.4	2,220	2.4	2,220	2.4	2,220	2.4
Appeals		0.0%		4.7%	0.0%	10	-	17	-	13	-	10	-	21	-	21	-	21	-	21	-	21	-	21	-
Original Proceedings		0.0%		10.6%	0.0%	-	-	8	-	31	-	3	-	4	-	4	-	4	-	4	-	4	-	4	-
Partial Service		0.8%		-0.6%	0.0%	1,162	-	780	-	744	-	995	-	1,047	-	1,047	-	1,047	-	1,047	-	1,047	-	1,047	-
Subtotal Juv Other Proceedings	1,748.3	3.2%		-1.9%	8.0%	5,691	-	3,962	2.6	4,098	2.3	4,189	2.4	4,204	2.4	4,204	2.4	4,204	2.4	4,204	2.4	4,204	2.4	4,204	2.4
Total Juvenile	269.3	6.3%	6.9%	-1.4%	3.7%	10,245	17.1	7,112	18.7	6,977	17.1	7,675	27.8	8,215	30.5	8,215	30.5	8,215	30.5	8,215	30.5	8,215	30.5	8,215	30.5
<b>Summary</b>																									
Total Trial/Pretrial	174.0	54.9%	93.0%	4.8%	5.0%	33,824	188.4	53,146	318.3	55,883	337.7	66,413	385.7	71,226	409.4	73,501	421.1	75,912	433.5	78,466	446.6	81,172	460.5	84,037	475.2
Total Misc. Proceedings		10.0%		1.2%	0.0%	22,576	-	10,900	-	15,249	-	14,287	-	12,953	-	13,181	-	13,437	-	13,725	-	14,045	-	14,399	-
Total Prob Revocations	927.8	22.1%		5.7%	5.8%	-	-	21,766	23.3	23,780	25.5	26,656	28.6	28,738	31.0	30,285	32.6	32,021	34.5	33,964	36.6	36,130	38.9	38,535	41.5
Total Appeals		0.2%		11.1%	0.0%	50	-	190	-	219	-	223	-	269	-	298	-	333	-	376	-	428	-	492	-
Total Original Proceedings		0.0%		23.4%	0.0%	1	-	25	-	99	-	57	-	29	-	32	-	35	-	38	-	42	-	47	-
Total Partial Service		12.8%		4.4%	0.0%	8,328	-	11,845	-	14,814	-	16,780	-	16,549	-	16,969	-	17,404	-	17,851	-	18,308	-	18,771	-
Total Other Proceedings	1,890.0	45.1%	6.3%	4.1%	24.2%	30,955	-	44,726	23.3	54,161	25.5	58,003	28.6	58,538	31.0	60,765	32.6	63,230	34.5	65,953	36.6	68,953	38.9	72,245	41.5
Supervision/Management of ALL					6.1%		20.2		34.2		35.0		49.4		52.2		52.9		54.2		55.8		57.5		60.1
Total All Cases and Other Proceedings	263.5	100.0%	100.0%	4.4%	5.5%	64,779.0	208.6	97,872.0	375.8	110,044.0	385.1	124,416.0	463.7	129,764.0	492.5	134,266.4	506.6	139,142.4	522.3	144,419.6	539.0	150,124.5	556.9	156,281.4	576.8

\*\* Starting in 2014, M3 sex assaults are broken out from the Misdemeanor 3/Traffic/PO category and F5 and F6 sex assaults are broken out from the F5 and F6 categories.

## **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 2015-16 the OSPD carried 167,814 active cases, an increase of 5 percent over the prior years' 159,814 cases. As seen with both the new opened and closed cases, the increase in the OSPD's active cases over the previous year has dropped back to the percentages experienced prior to implementation 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 2015-16 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.

**OSPD Trial Office Active Cases, by Case Class with Attorney FTE Requirements  
FY 1999-00 Actual to FY 2020-21**

SUMMARY OF OSPD ACTIVE CASES	Average Equivalent Cases Per Year/FTE 2016	2016 % of Total Cases	2016 % of wkld	CRG in Cases 2000- 2016	CRG in Wkld 2000- 2016	2000	2000	2013	2013	2014	2014	2015	2015	2016	2016	2017	2017	2018	2018	2019	2019	2020	2020	2021	2021	
						Active	Res. Alloc.	Active	Res. Alloc.	Active	Res. Alloc.	Active	Res. Alloc.	Active	Res. Alloc.	Active	Res. Alloc.	Active	Res. Alloc.	Active	Res. Alloc.	Active	Res. Alloc.	Active	Res. Alloc.	Active
Felony 1	4.8	0.1%		2.3%	3.8%	135	22.2	189	38.9	189	39.1	170	35.3	195	40.3	201	41.4	207	42.7	213	43.9	219	45.3	226	46.7	
Felony 2	32.0	0.5%		2.7%	2.7%	598	18.8	465	14.4	517	16.1	666	20.9	916	28.6	958	29.9	1,004	31.4	1,054	32.9	1,108	34.6	1,167	36.4	
Sex Assaults (F2-F4)	31.7	0.6%		1.8%	1.9%	808	24.9	1,279	40.8	1,241	39.7	1,250	39.8	1,067	33.7	1,093	34.5	1,119	35.3	1,147	36.2	1,175	37.1	1,205	38.0	
Sex Assaults (F5-F6)**	201.3	0.4%				-	-	-	-	684	0.3	658	3.3	618	3.1	618	3.1	618	3.1	618	3.1	618	3.1	618	3.1	618
Felony 3	97.9	3.1%		0.3%	0.9%	4,998	46.3	6,052	61.8	5,839	59.7	5,223	53.4	5,236	53.5	5,284	54.0	5,333	54.5	5,382	55.0	5,433	55.5	5,485	56.0	
Felony 4	150.6	5.7%		0.1%	1.9%	9,473	46.8	9,811	65.1	9,839	65.3	9,197	61.1	9,556	63.5	9,681	63.9	9,681	64.3	9,746	64.7	9,812	65.2	9,879	65.6	
Felony 5	150.6	4.2%		3.4%	5.3%	4,092	20.2	4,904	32.5	4,905	32.5	5,889	39.0	6,988	46.4	7,237	48.0	7,495	49.8	7,764	51.5	8,044	53.4	8,335	55.3	
Felony 6	235.2	7.7%		9.9%	13.5%	2,823	7.2	7,806	33.2	8,985	38.2	11,001	46.8	12,848	54.6	14,325	60.9	16,005	68.1	17,919	76.2	20,105	85.5	22,609	96.1	
<b>Subtotal Felony Trial &amp; PreTrial</b>	<b>115.7</b>	<b>22.3%</b>	<b>52.0%</b>	<b>3.1%</b>	<b>3.5%</b>	<b>22,927</b>	<b>186.3</b>	<b>30,506</b>	<b>286.7</b>	<b>32,199</b>	<b>290.9</b>	<b>34,054</b>	<b>299.5</b>	<b>37,424</b>	<b>323.6</b>	<b>39,333</b>	<b>335.7</b>	<b>41,462</b>	<b>349.0</b>	<b>43,842</b>	<b>363.6</b>	<b>46,514</b>	<b>379.6</b>	<b>49,524</b>	<b>397.4</b>	
Misc. Proceedings		5.7%		-1.5%	0.0%	17,760	-	9,275	-	11,040	-	10,080	-	9,583	-	9,766	-	9,965	-	10,185	-	10,425	-	10,691	-	
Probation Revocation	923.7	9.5%		3.3%	3.3%	26	-	74	-	72	-	68	-	65	-	70	-	76	-	82	-	89	-	97	-	
Appeals		0.0%		5.9%	0.0%	1	-	12	-	61	-	42	-	15	-	16	-	18	-	20	-	22	-	24	-	
Original Proceedings		0.0%		18.4%	0.0%	1	-	12	-	61	-	42	-	15	-	16	-	18	-	20	-	22	-	24	-	
Partial Service		4.5%		1.3%	0.0%	6,153	-	6,849	-	7,230	-	6,978	-	7,573	-	7,723	-	7,879	-	8,041	-	8,208	-	8,382	-	
<b>Subtotal Felony Other Proceedings</b>	<b>1,923.4</b>	<b>19.8%</b>	<b>54.8%</b>	<b>2.1%</b>	<b>19.9%</b>	<b>23,940</b>	<b>-</b>	<b>29,385</b>	<b>14.2</b>	<b>32,251</b>	<b>14.9</b>	<b>31,540</b>	<b>15.5</b>	<b>33,163</b>	<b>17.2</b>	<b>34,213</b>	<b>18.0</b>	<b>35,337</b>	<b>18.8</b>	<b>36,541</b>	<b>19.7</b>	<b>37,833</b>	<b>20.7</b>	<b>39,218</b>	<b>21.7</b>	
<b>Total Felony</b>	<b>207.1</b>	<b>42.1%</b>	<b>54.8%</b>	<b>2.6%</b>	<b>3.8%</b>	<b>46,867</b>	<b>186.3</b>	<b>59,891</b>	<b>301.0</b>	<b>64,450</b>	<b>305.8</b>	<b>65,594</b>	<b>315.0</b>	<b>70,587</b>	<b>340.8</b>	<b>73,546</b>	<b>353.7</b>	<b>76,799</b>	<b>367.8</b>	<b>80,384</b>	<b>383.3</b>	<b>84,347</b>	<b>400.3</b>	<b>88,742</b>	<b>419.0</b>	
Misdemeanor 1	172.3	10.7%		10.5%	11.6%	3,619	18.1	12,590	72.0	14,251	81.5	17,236	99.6	17,885	104.4	18,638	108.2	19,275	111.9	19,888	115.5	20,465	118.8	20,992	121.9	
Sex Assault (M1)	168.9	0.4%		4.1%	4.9%	398	2.1	634	3.8	672	4.0	740	4.4	755	4.5	780	4.6	807	4.8	836	4.9	866	5.1	898	5.3	
Sex Assault (M2)	159.0	0.0%		-27.4%	-26.7%	169	0.9	16	0.1	4	0.0	10	0.1	1	0.0	1	0.0	1	0.0	1	0.0	1	0.0	1	0.0	
Sex Assault (M3)**	290.0	0.0%		9.1%	0.1%	-	-	-	-	8	0.0	11	0.0	3	0.0	3	0.0	3	0.0	3	0.0	3	0.0	3	0.0	
Misdemeanor 2	313.1	3.1%		3.6%	5.8%	2,937	6.8	8,057	25.2	4,928	15.6	5,363	17.0	5,208	16.6	5,422	17.3	5,649	18.0	5,886	18.8	6,132	19.6	6,387	20.4	
Misdemeanor 3/Traffic/PO	312.3	19.2%		8.3%	10.5%	8,995	21.0	16,477	53.1	23,974	76.7	30,542	98.1	32,139	102.9	32,792	105.0	33,441	107.1	34,076	109.1	34,683	111.1	35,244	112.9	
<b>Subtotal Misd Trial &amp; PreTrial</b>	<b>245.5</b>	<b>33.4%</b>	<b>36.7%</b>	<b>8.1%</b>	<b>10.1%</b>	<b>16,118</b>	<b>48.8</b>	<b>37,774</b>	<b>154.2</b>	<b>43,837</b>	<b>177.8</b>	<b>53,902</b>	<b>219.1</b>	<b>56,091</b>	<b>228.4</b>	<b>57,637</b>	<b>235.2</b>	<b>59,176</b>	<b>241.8</b>	<b>60,690</b>	<b>248.3</b>	<b>62,151</b>	<b>254.6</b>	<b>63,526</b>	<b>260.5</b>	
Misc. Proceedings		3.1%		8.5%	0.0%	4,409	-	3,253	-	5,689	-	5,815	-	5,133	-	5,284	-	5,464	-	5,678	-	5,927	-	6,214	-	
Probation Revocation	933.6	9.6%		13.0%	13.3%	50	-	10,278	10.9	12,507	13.3	14,922	15.9	16,173	17.3	17,220	18.4	18,408	19.7	19,749	21.2	21,253	22.8	22,927	24.6	
Appeals		0.2%		13.4%	0.0%	50	-	241	-	283	-	334	-	376	-	411	-	450	-	495	-	547	-	605	-	
Original Proceedings		0.0%		19.8%	0.0%	1	-	11	-	26	-	16	-	18	-	21	-	24	-	29	-	34	-	41	-	
Partial Service		5.1%		6.0%	0.0%	3,362	-	5,068	-	7,065	-	8,880	-	8,489	-	8,546	-	8,599	-	8,646	-	8,683	-	8,707	-	
<b>Subtotal Misd Other Proceedings</b>	<b>1,742.7</b>	<b>18.0%</b>	<b>39.5%</b>	<b>8.8%</b>	<b>19.9%</b>	<b>7,822</b>	<b>-</b>	<b>18,851</b>	<b>10.9</b>	<b>25,570</b>	<b>13.3</b>	<b>29,967</b>	<b>15.9</b>	<b>30,189</b>	<b>17.3</b>	<b>31,482</b>	<b>18.4</b>	<b>32,947</b>	<b>19.7</b>	<b>34,597</b>	<b>21.2</b>	<b>36,443</b>	<b>22.8</b>	<b>38,494</b>	<b>24.6</b>	
<b>Total Misdemeanor</b>	<b>351.1</b>	<b>51.4%</b>	<b>39.5%</b>	<b>8.3%</b>	<b>10.6%</b>	<b>23,940</b>	<b>48.8</b>	<b>56,625</b>	<b>165.1</b>	<b>69,407</b>	<b>191.1</b>	<b>83,869</b>	<b>235.1</b>	<b>86,280</b>	<b>245.8</b>	<b>89,118</b>	<b>266.7</b>	<b>92,123</b>	<b>290.0</b>	<b>95,287</b>	<b>316.1</b>	<b>98,594</b>	<b>345.3</b>	<b>102,020</b>	<b>378.1</b>	
Juvenile Felony	165.2	1.6%		-0.5%	2.0%	2,928	11.8	1,893	9.7	1,907	9.8	2,317	13.7	2,687	16.3	2,687	16.3	2,687	16.3	2,687	16.3	2,687	16.3	2,687	16.3	
Juvenile Misdemeanor	162.8	1.9%		1.0%	3.6%	2,752	11.2	2,431	12.4	2,288	11.8	2,982	17.7	3,211	19.7	3,211	19.8	3,211	19.8	3,211	19.8	3,211	19.8	3,211	19.8	
<b>Subtotal Juv Trial &amp; PreTrial</b>	<b>163.9</b>	<b>3.5%</b>	<b>5.8%</b>	<b>0.2%</b>	<b>2.8%</b>	<b>5,680</b>	<b>23.0</b>	<b>4,324</b>	<b>22.1</b>	<b>4,195</b>	<b>21.6</b>	<b>5,299</b>	<b>31.4</b>	<b>5,898</b>	<b>36.0</b>	<b>5,898</b>	<b>36.1</b>	<b>5,898</b>	<b>36.1</b>	<b>5,898</b>	<b>36.1</b>	<b>5,898</b>	<b>36.1</b>	<b>5,898</b>	<b>36.1</b>	
Misc. Proceedings		0.7%		4.5%	0.0%	5,362	-	948	-	1,356	-	1,211	-	1,214	-	1,214	-	1,214	-	1,214	-	1,214	-	1,214	-	
Probation Revocation	923.4	1.6%		-5.0%	-5.0%	2,945	3.2	2,688	2.9	2,815	3.0	2,716	2.9	2,716	2.9	2,716	2.9	2,716	2.9	2,716	2.9	2,716	2.9	2,716	2.9	
Appeals		0.0%		3.2%	0.0%	17	-	28	-	22	-	20	-	28	-	28	-	28	-	28	-	28	-	28	-	
Original Proceedings		0.0%		11.8%	0.0%	-	-	8	-	36	-	5	-	5	-	5	-	5	-	5	-	5	-	5	-	
Partial Service		0.6%		-1.3%	0.0%	1,346	-	837	-	753	-	1,001	-	1,086	-	1,086	-	1,086	-	1,086	-	1,086	-	1,086	-	
<b>Subtotal Juv Other Proceedings</b>	<b>1,716.6</b>	<b>3.0%</b>	<b>-1.8%</b>	<b>8.9%</b>	<b>6.725</b>	<b>-</b>	<b>4,766</b>	<b>3.2</b>	<b>4,855</b>	<b>2.9</b>	<b>5,052</b>	<b>3.0</b>	<b>5,049</b>	<b>2.9</b>	<b>5,049</b>	<b>2.9</b>	<b>5,049</b>	<b>2.9</b>	<b>5,049</b>	<b>2.9</b>	<b>5,049</b>	<b>2.9</b>	<b>5,049</b>	<b>2.9</b>	<b>5,049</b>	
<b>Total Juvenile</b>	<b>281.2</b>	<b>6.5%</b>	<b>6.3%</b>	<b>-0.8%</b>	<b>3.3%</b>	<b>12,405</b>	<b>23.0</b>	<b>9,090</b>	<b>25.3</b>	<b>9,050</b>	<b>24.4</b>	<b>10,351</b>	<b>34.5</b>	<b>10,947</b>	<b>38.9</b>	<b>10,947</b>	<b>33.4</b>	<b>10,947</b>	<b>33.4</b>	<b>10,947</b>	<b>33.4</b>	<b>10,947</b>	<b>33.4</b>	<b>10,947</b>	<b>33.4</b>	
<b>Summary</b>		<b>0.0%</b>		<b>0.0%</b>	<b>0.0%</b>																					
<b>Total Trial/Pretrial</b>	<b>169.1</b>	<b>59.2%</b>	<b>94.0%</b>	<b>5.1%</b>	<b>5.3%</b>	<b>44,725</b>	<b>258.1</b>	<b>72,604</b>	<b>509.4</b>	<b>80,231</b>	<b>490.3</b>	<b>93,255</b>	<b>550.1</b>	<b>99,413</b>	<b>588.0</b>	<b>102,868</b>	<b>607.0</b>	<b>106,536</b>	<b>626.9</b>	<b>110,430</b>	<b>648.0</b>	<b>114,563</b>	<b>670.3</b>	<b>118,948</b>	<b>693.9</b>	
Total Misc. Proceedings		9.5%		1.5%	0.0%	10,131	-	13,476	-	18,085	-	17,106	-	15,930	-	16,263	-	1								

## ***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 Counsel, Alternate Defense Counsel and private attorneys). The Division is expected to carry 1,180 cases this year (FY 2016-17), including 558 new cases and 622 backlog cases carried over from previous years. This 1,180 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 1,049 cases at various stages within this process and the work involved extends well into subsequent years.

Since FY 1999-00, the total of new appellate cases had grown steadily before peaking in FY 2008-09, leveling off for a few years and even dropping in recent years. However, we project that new appellate cases will again start to rise as the filing of appeals typically lag a couple years behind the trends experienced in the OSPD's overall felony case filings. The OSPD felony case growth peaked in FY 2005-06, decreased through FY 2011-12 and in the last 4 years has increased nearly 25%.

Although the new caseload 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, which has doubled in recent years. The backlog of cases over the past year decreased from 738 to 622. However, the caseload still exceeds the NLADA acceptable standards by 263 cases for FY 2015-16.

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 nearly 270 cases, handled roughly 124 queries from juvenile attorneys in the trial offices, and held numerous 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 2021-22**

FISCAL YEAR	Total Atty FTE	Mgmt, Super. & Complex Litigation Case FTE	County & Juvenile Appeals FTE	County & Juvenile Cases	Felony Appeals FTE	New Felony 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 in Excess	Cases Phase 2 (after OB filed)	Total Active Felony Cases
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
FY16	47.25	3.0	2.0	221	42.25	511	486	141	627	622	359	263	-112	1049	2234
FY 17 Est.	47.25	3.0	2.0	225	42.25	558	486	132	618	563	359	203	-59	1049	2229
FY 18 Est.	47.25	3.0	2.0	225	42.25	558	486	132	618	503	359	144	-59	1049	2170
FY 19 Est.	47.25	3.0	2.0	225	42.25	558	486	132	618	444	359	85	-59	1049	2110
FY 20 Est.	47.25	3.0	2.0	225	42.25	558	486	132	618	384	359	25	-59	1049	2051
FY 21 Est.	47.25	3.0	2.0	225	42.25	558	486	132	618	325	359	-34	-59	1049	1992
FY 22 Est.	47.25	3.0	2.0	225	42.25	558	486	132	618	266	359	-94	-59	1049	1932

\* FTE included with Felony FTE for these years

## Performance Measures

		FY 14-15 (actual)	FY 15-16 (actual)	FY 16-17 (projected)	FY 17-18 (projected)	FY 18-19 (projected)
<b>MEASURE 1:</b>	<b>Target</b>	<b>132,270</b>	<b>132,500</b>	<b>137,652</b>	<b>143,430</b>	<b>149,776</b>
Number of new trial court cases.	Actual	126,947	132,388			
<b>MEASURE 2:</b>	<b>Target</b>	<b>159,575</b>	<b>166,589</b>	<b>173,612</b>	<b>179,869</b>	<b>186,617</b>
Number of active trial court cases.	Actual	159,814	167,814			
<b>MEASURE 3:</b>	<b>Target</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Percent of trial court attorney staff allocated vs. total required for closed trial court cases.	Actual	92.3%	88.1%			
<b>MEASURE 4:</b>	<b>Target</b>	<b>480</b>	<b>480</b>	<b>500</b>	<b>500</b>	<b>500</b>
Number of attorney applications received.	Actual	615	489			
<b>MEASURE 5:</b>	<b>Target</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Percent of total attorney staff allocated vs. total required for closed trial court cases and active appellate cases.	Actual	92.2%	88.4%			
<b>MEASURE 6:</b>	<b>Target</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>
Annual rates of attrition:						
Attorneys	Actual	12%	12%			
Investigators	Actual	8%	6%			
Administrative Assistants	Actual	18%	18%			
Total All Employees	Actual	11%	11%			
<b>MEASURE 7:</b>	<b>Target</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>
Percent of experienced, fully capable staff (journey level or higher):						
Attorneys	Actual	41%	45%			
Investigators	Actual	44%	54%			
Legal Assistants	Actual	45%	42%			
Total All Employees	Actual	44%	47%			
<b>MEASURE 8:</b>	<b>Target</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
Percent compliance with minimum standards for total staffing requirements	Actual	86.2%	83.3%			
<b>MEASURE 9:</b>	<b>Target</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>
Maintain established standard percentages for reasonable staff supervision, management and development	Actual	8.6%	8.3%			
<b>MEASURE 10:</b>	<b>Target</b>	<b>592</b>	<b>576</b>	<b>558</b>	<b>558</b>	<b>558</b>
Number of new appellate cases.	Actual	533	511			



		FY 14-15 (actual)	FY 15-16 (actual)	FY 16-17 (projected)	FY 17-18 (projected)	FY 18-19 (projected)
<b>MEASURE 11:</b>	<b>Target</b>	<i>n/a</i>	2,299	<b>2,229</b>	<b>2,170</b>	<b>2,110</b>
Number of active appellate cases.	Actual	2,282	2,234			
<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	91.5%	92.0%			
<b>MEASURE 13:</b>	<b>Target</b>	<b>127,879</b>	<b>129,805</b>	<b>134,266</b>	<b>139,142</b>	<b>144,420</b>
Number of trial court cases closed.	Actual	124,416	129,764			
<b>MEASURE 14:</b>	<b>Target</b>	<b>106</b>	<b>106</b>	<b>130</b>	<b>130</b>	<b>130</b>
Days of training provided.	Actual	<b>162</b>	<b>140</b>			
<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	<b>17</b>	<b>30</b>			
<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	16	14			
<b>MEASURE 18:</b>	<b>Target</b>	<b>507</b>	<b>502</b>	<b>486</b>	<b>486</b>	<b>486</b>
Number of appellate cases for which an Opening Brief has been filed.	Actual	422	486			
<b>MEASURE 19:</b>	<b>Target</b>	<b>703</b>	<b>681</b>	<b>563</b>	<b>503</b>	<b>444</b>
Number of backlogged appellate cases.	Actual	738	622			