

# Annual Report

Maricopa County Office of the Public Defender

## 2015-2016

MARICOPA COUNTY OFFICE OF THE PUBLIC DEFENDER

620 W. Jackson Street, Suite 4015, Phoenix, AZ 85003

(602) 506-7711

[pdinfo@mail.maricopa.gov](mailto:pdinfo@mail.maricopa.gov)

# Annual Report

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*Maricopa County Office of the Public Defender*

## Mission

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

## Goals

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The Maricopa County Public Defender's Office provides tremendous value to the community. Our goals are:

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

*defend ~ protect ~ enhance ~ promote ~ improve ~ ensure ~*

*partner ~ respond ~ produce ~ resolve ~ achieve ~ represent ~ lead*

## Department Initiatives

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During the past year, the MCPD took a number of steps to improve the ability of our Trial Division to handle the increasing complexity of criminal cases in an effective and efficient manner. In addition to expanding our Training Program (discussed *infra*), we added 6 Mentor Supervisor positions to assist Attorney Supervisors with direct supervision and mentoring of newer attorneys and provide additional mentoring to prepare intermediate attorneys for more serious caseloads at an accelerated rate. As a result, we were able to significantly increase the number of serious cases being handled by our office.

Our Early Representation Unit also initiated a number of improvements. In an effort to manage the increase in Justice Court representation and to ensure high quality representation in Justice Court practice, the Office reorganized to create a Justice Court Unit and added a Justice Court Attorney Supervisor. The lawyers who practice in the Justice Courts throughout the County now report to one supervisor who comes to the position with 12 years of experience in the Office and an expertise in DUI cases, which are the majority of the cases handled by our office in the Justice Courts. In addition, the Mesa RCC/EDC Unit began a pilot project with the implementation of a Client Intake Form. With the assistance of support staff, clients receive an intake sheet to complete at their first appearance in the Mesa RCC/EDC. The completed form is given to the assigned attorney and maintained in the client's file. The Client Intake Form was created by a team of lawyers and support staff. The team included Mitigation Specialists and attorneys with expertise in Criminal Mental Health issues and Immigration issues. The goal is to engage clients who have significant wait times in the high volume courts while providing counsel with valuable information about the clients' current employment, family connections, immigration status, medical history, mental health history and other information potentially relevant to their criminal defense. If our clients and lawyers find the form useful we will expand the use to the other high volume courts throughout the Office and offer the form to the other indigent defense offices.

## Training Activities

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

In anticipation of further State and County budget issues that impact PDTF funding, MCPD continues to operate with fiscal constraints. We used limited funds for both out-of-state travel and in-state training. Our conservative approach resulted in a training reserve of \$175,011 at the end of the fiscal year.

Most of our courses are taught by experienced MCPD employees. This practice saves money on speaker's fees and develops a faculty of our own experts, which increases our office's reputation for leadership in education. Most of our seminars are paperless, and our digital course materials, complete with hyperlinks to WestlawNext, are available on the Public Defender Homepage.

During the first year of employment, attorneys and many paralegals attend three week-long courses. Introduction to Criminal Defense covers the basics of criminal defense practice, including all that attorneys need to know in order to correctly advise and advocate for clients. Pretrial Practice focuses on improving motion practice in order to achieve a favorable settlement or work up the case for trial. Trial Skills takes a hypothetical case to trial to give attorneys a chance to learn and apply basic trial advocacy skills. First year attorneys also attend the State Bar Professionalism Course, which we offer every spring.

We provide specialized training for experienced attorneys by offering several different week-long courses. In Advanced Trial Advocacy, attorneys attend short presentations and meet in small groups to practice all parts of a criminal trial with jurors and witnesses played by paid actors; topics include jury selection, opening statement, evidence and objections, cross-examination, closing argument, and preserving the record for appeal. Sex Crimes Defense helps attorneys understand the elements and defenses to different types of sex crimes, practice pretrial litigation, conduct the trial, advocate at sentencing, make effective arguments concerning sex offender probation and registration, and understand the collateral consequences faced by clients after a sex crime conviction. In Homicide Defense, attorneys learn about homicide charges, sentencing ranges, and defenses, pretrial litigation and plea proposals, forensic evidence, and dealing with the media in high-profile cases.

We provide ongoing training on technology, including our case management system JustWare and trial presentation software Trial Director and CaseMap. We brought in our Westlaw representative to teach a five part course on WestlawNext. We supplemented this course with hands-on research projects in which law clerks guided students through application of the research tools.

With the Arizona Public Defender Association (APDA), we co-sponsored the APDA Annual Conference, attended by over 1200 defense attorneys and staff from across the state. At the preconference, we offered intensive courses on Crimmigration, Motivational Interviewing, Social Media Investigation, and Constitutional Capital Jury Selection. At the main conference, we ran an average of ten course offerings at a time for three full days. Our keynote speaker, Dean Strang, known his defense work in the film Making a Murderer, discussed police and prosecutor misconduct and the effect of the media on criminal cases.

We continue our partnership with the Federal Defender's Capital Habeas Division to offer trainings specifically dealing with capital punishment. The Annual Death Penalty Conference was attended by 280 attorneys and staff. It included keynote speaker Jonathan Rapping from Gideon's Promise, who discussed challenging today's criminal justice narrative and reviving the hero image of the public defender.

We began our own Supervisor Series training, tailored for and attended by all supervisors from every department in our office. Specialists from various Maricopa County departments taught courses on Performance Management; Harassment, Discrimination, and Retaliation; ADA and FMLA; and Hiring and Recruiting.

We supplement this training with monthly new employee training, lunchtime lectures, employee benefits and wellness, and publication of our newsletter for The Defense.

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

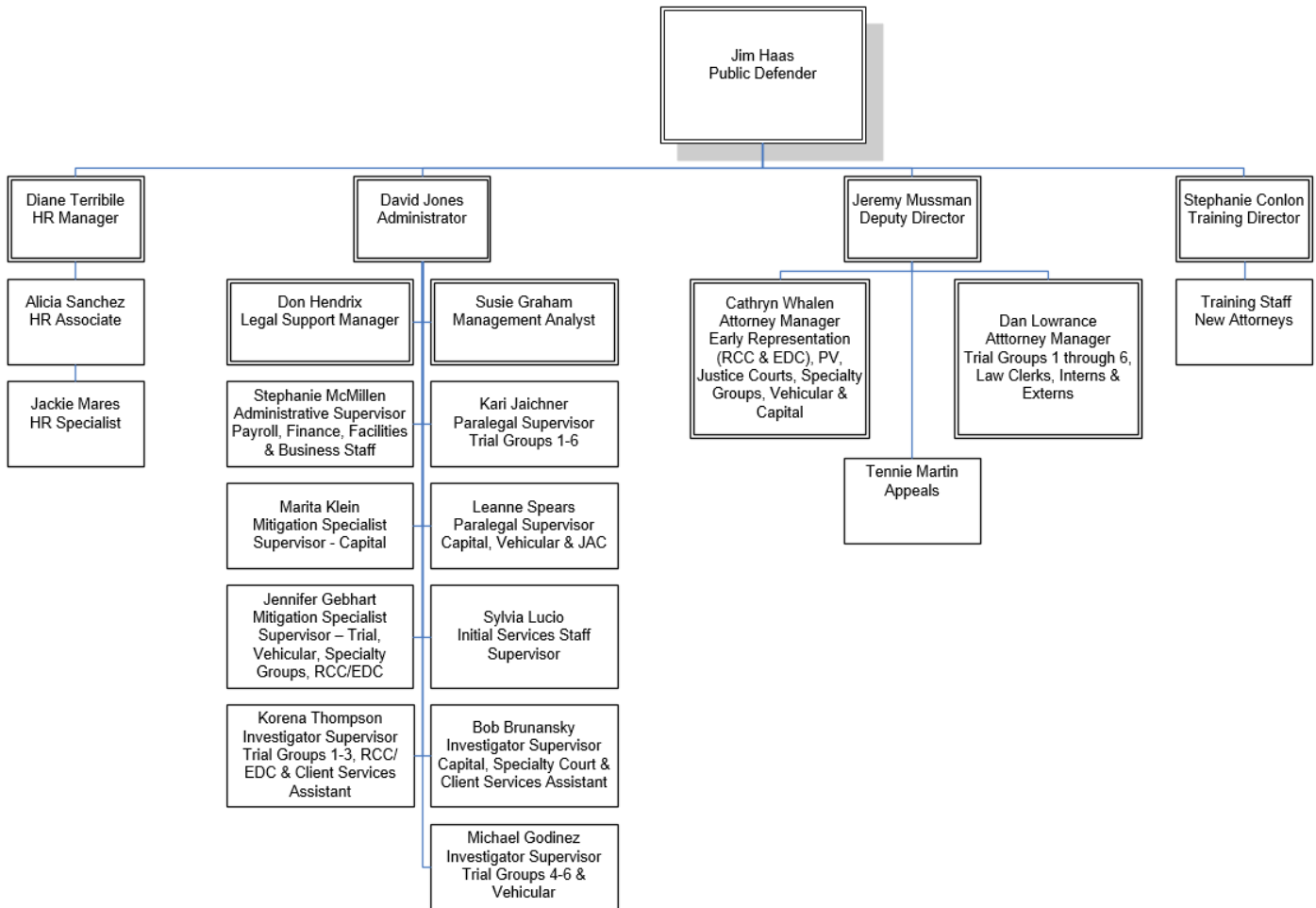
## Training Events Summary

TITLE OF CONFERENCE/TRAINING	DATE(S)	# OF ATTENDEES
Exploring The Way You're Wired	07/07/15	31
Public Defender New Employee Training	07/08/15	16
New Attorney Training #1: Intro to Criminal Defense	07/13/15	29
Interstate Compact	08/07/15	16
Mail Merge For Word 2010	08/12/15	6
Justice Court Training	08/14/15	10
New Attorney Training #2: Pretrial Practice	08/17/15	29
Mail Merge for Word 2010	08/26/15	6
CaseMap Refresher	08/31/15	15
CaseMap Refresher	09/01/15	19
CaseMap Fast Track	09/02/15	6
New Attorney Training #3: Trial Skills	09/14/15	29
Public Defender New Employee Training	09/16/15	8
Managing Employees' Timecard	09/23/15	22
Public Defender New Employee Training	10/14/15	5
New Attorney Training #1: Intro To Criminal Defense	10/19/15	10
Fitness Facility Tour	10/20/15	8
Nationwide Deferred Compensation	10/27/15	6
Westlaw Next Training	10/27/15	5
Westlaw Next Training	10/27/15	6
Public Defender Supervisor Series	10/29/15	38
Technology for Trial: Own That Courtroom	10/30/15	22
Bookmarking & Hyperlinking for Paralegals	11/03/15	10
Technology for Trial: Own That Courtroom	11/05/15	12

TITLE OF CONFERENCE/TRAINING	DATE(S)	# OF ATTENDEES
Technology for Trial: Own That Courtroom	11/09/15	13
Westlaw Next Paralegal Training	11/09/15	14
Public Speaking	11/10/15	7
Adding Experts in JustWare	11/17/15	11
Public Speaking	11/17/15	6
Adding Experts in JustWare	11/18/15	11
Westlaw Next Legal Research & Writing Paralegal Training	11/18/15	13
Public Defender Supervisor Series: FMLA, ADA, Hiring and Recruiting, Fair Labor	11/19/15	34
Interstate Compact	11/20/15	12
Adding Experts in Justware	11/24/15	14
Healthy Holidays. Healthy You. Healthy Weight. Nutrition	11/24/15	13
Death Penalty Conference	12/02/15	150
Discovery in Early Representation Courts	12/04/15	12
JustWare: Adding Alerts	12/09/15	28
Public Defender New Employee Training	12/09/15	5
Alpha Program	12/15/15	11
Maintaining Healthy Habits at Work, Avoiding Workplace Overeating, Nutrition	12/15/15	16
Public Defender New Employee Orientation	12/23/15	6
Sex Crimes College	01/06/16	85
New Attorney Training #1: Intro to Criminal Defense	01/11/16	18
Check Welfare Stops After Rodriguez v. United States	01/14/16	44
Learning How To Use My iPhone	01/19/16	8
Arizona Veterans Stand Down Volunteer Session	01/22/16	36
Public Defender New Employee Training	02/03/16	2
Using Maps For Capital Mitigation	02/04/16	24
New Attorney Training #2: Pretrial Practice	02/08/16	24
CaseMap Fast Track	02/24/16	6
DUI Defense	02/26/16	25
Adding Experts in JustWare	03/01/16	12
Advanced Trial College	03/01/16	29
Adding Experts in JustWare	03/02/16	11
Adding Experts in JustWare	03/03/16	14
Writing Evaluations	03/04/16	40
Take Your Closing Arguments to a New Level Dialogue Technique	03/11/16	26
New Attorney Training #3: Trial Skills	03/14/16	25
Public Defender New Employee Training	03/16/16	3
Bookmarking/Hyperlinking for Paralegals	03/23/16	8
Public Speaking	03/23/16	6
Clear for Investigators	03/29/16	10
Clear for Investigators	03/29/16	4
Clear for Investigators	03/29/16	11

TITLE OF CONFERENCE/TRAINING	DATE(S)	# OF ATTENDEES
Public Speaking	03/30/16	4
Cyber Security Awareness	04/06/16	129
Immigration Update for Justice Courts	04/07/16	11
Cyber Security Awareness	04/11/16	86
Benefits Enrollment	04/12/16	10
Public Defender New Employee Training	04/12/16	10
Westlaw Next Refresher	04/12/16	18
Cyber Security Awareness	04/13/16	98
Benefits Enrollment	04/15/16	6
Cyber Security Awareness	04/15/16	74
New Attorney Training #1: Intro to Criminal Defense	04/18/16	12
Cyber Security Awareness	04/19/16	28
Benefits Enrollment	04/20/16	18
DUI Defense	04/22/16	11
Benefits Enrollment	05/03/16	22
Trial Director Training	05/03/16	6
Trial Director Training	05/03/16	9
Homicide Defense Seminar	05/04/16	91
Trial Director Training	05/04/16	8
Trial Director Training	05/04/16	8
Trial Director Training	05/05/16	7
Trial Director Training	05/05/16	8
Drug Courts Overview for EDC/RCC	05/06/16	13
Drug Courts Overview for EDC/RCC	05/10/16	30
Public Defender New Employee Training	05/10/16	8
New Attorney Training #2: Pretrial Practice	05/23/16	11
ACLU Capital Punishment Project Presents Making The Team Work	06/01/16	26
Workplace Ergonomics	06/14/16	9
Trial Director Training	06/15/16	7
Workplace Ergonomics	06/15/16	11
New Attorney Training #3: Trial Skills	06/27/16	7

# Organizational Chart



## Managing for Results, Statistics and Budgeting

The Public Defender's Office came in under budget in FY16. New staff were added to the non-capital felony unit during FY16 to allow the Office to assume representation for additional cases that otherwise would have been sent out to other department(s). Furthermore, the administrative unit of The Office was restructured and additional positions were added to the Human Resource area. In addition to the new staff, a market compression analysis was conducted on the Justice System Clerk market ranges to try to positively impact retention and hiring. Much-needed salary adjustments were subsequently provided to those employees paid most disproportionately to their experience. The Office received no additional funding for the staffing increases and salary adjustments during FY16. However, the new positions and salary rates were included in the request, and have been funded, for the full FY17 budget year.





## Budget Abstract

ACCOUNT	EXPENDITURES
SALARIES & BENEFITS	\$37,761,519.93
GENERAL SUPPLIES	\$479,824.98
FUEL	\$7,458.99
NON-CAPITAL EQUIPMENT	\$79,923.34
LEGAL SERVICES	\$1,614,764.46
OTHER SERVICES	\$289,339.58
RENT & OPERATING LEASES	\$103,747.24
REPAIRS AND MAINTENANCE	\$191,466.36
INTERNAL SERVICE CHARGES	\$800,537.20
TRAVEL	\$50,365.57
EDUCATION	\$135,633.28
POSTAGE/FREIGHT/SHIPPING	\$38,417.12
CAPITAL EQUIPMENT	\$232,857.57
VEHICLES	\$40,321.59
DEBT SERVICES (Technology Financing)	\$0.00
<b>TOTAL EXPENDITURES</b>	<b>\$41,826,177.21</b>

APPROPRIATIONS	AMOUNT
GENERAL FUNDS	\$40,490,466.00
TRAINING SPECIAL REVENUE FUND	\$516,130.00
FILL THE GAP SPECIAL REVENUE FUND	\$1,011,395.00
DEA GRANT	\$237,289.00
<b>TOTAL APPROPRIATIONS</b>	<b>\$42,255,280.00</b>

## Statistical Abstracts

### Cases Assigned

History of Cases Assigned by Case Categories FY12-FY16 Cases Assigned <sup>1,2</sup>					
Case Type	FY12	FY13	FY14	FY15	FY16
Capital	9	15	9	17	15
All other Homicide	151	128	125	120	157
Class 2-3 Felony	5,322	4,449	4,177	3,938	4,291
<i>Class 2-3 Felony - RCC/EDC</i>	1,996	1,715	1,659	1,386	1,478
<i>Class 2-3 Felony - Non RCC/EDC</i>	3,326	2,734	2,518	2,552	2,813
DUI	1,521	1,426	1,328	1,264	1,119
<i>DUI - RCC/EDC</i>	1,006	958	893	847	745
<i>DUI - Non RCC/EDC</i>	515	468	435	417	374
Class 4-6 Felony	13,206	13,429	13,650	13,502	13,642
<i>Class 4, 5, &amp; 6 Felony - RCC/EDC</i>	9,751	10,163	10,044	10,064	10,526
<i>Class 4, 5, &amp; 6 Felony - Non RCC/EDC</i>	3,455	3,266	3,606	3,438	3,116
Violation of Probation	13,358	13,922	14,000	14,947	15,360
Misdemeanor	2,157	2,329	2,261	2,095	1,892
<b>Trial Division Total</b>	<b>35,724</b>	<b>35,698</b>	<b>35,550</b>	<b>35,883</b>	<b>36,476</b>
Appeals (includes Capital)	272	224	301	253	237
Plea PCR (Appeal PCR)	175	168	135	8	1
Trial PCR (PCR)	78	72	59	21	5
Juvenile Appeal	0	0	0	0	0
<b>Appeals Division Total</b>	<b>525</b>	<b>464</b>	<b>495</b>	<b>282</b>	<b>243</b>
Sexually Violent Persons Total	0	0	0	0	11
<b>Total of Above</b>	<b>36,249</b>	<b>36,162</b>	<b>36,045</b>	<b>36,165</b>	<b>36,730</b>

<sup>1</sup>Data after 2007 is updated as information available. Previous year's data may not match older reports.

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

## Cases Resolved

History of Cases Resolved by Case Categories FY12-FY16 Cases Resolved <sup>1,2</sup>					
Case Type	FY12	FY13	FY14	FY15	FY16
Capital	4	8	5	7	5
All other Homicide	65	66	85	69	60
Class 2-3 Felony	3,409	2,756	2,633	2,427	2,334
<i>Class 2-3 Felony - RCC/EDC</i>	1,070	981	720	797	700
<i>Class 2-3 Felony - Non RCC/EDC</i>	2,339	1,775	1,913	1,630	1,634
DUI	1,275	1,034	1,004	979	843
<i>DUI - RCC/EDC</i>	736	648	503	543	484
<i>DUI - Non RCC/EDC</i>	539	386	501	436	359
Class 4-6 Felony	11,449	11,306	10,562	10,966	10,082
<i>Class 4, 5, &amp; 6 Felony - RCC/EDC</i>	8,420	8,651	7,184	7,923	7,378
<i>Class 4, 5, &amp; 6 Felony - Non RCC/EDC</i>	3,029	2,655	3,378	3,043	2,704
Violation of Probation	11,952	12,826	12,894	13,478	13,974
Misdemeanor	1,993	2,033	1,924	1,865	1,603
<b>Trial Division Total</b>	<b>30,147</b>	<b>30,029</b>	<b>29,107</b>	<b>29,791</b>	<b>28,901</b>
Appeals (includes Capital)	310	270	225	236	237
Plea PCR	213	146	161	58	17
Trial PCR	41	23	34	19	11
Juvenile Appeals	1	0	0	0	0
<b>Appeals Division Total</b>	<b>565</b>	<b>439</b>	<b>420</b>	<b>313</b>	<b>265</b>
<b>Total of All Above</b>	<b>30,712</b>	<b>30,468</b>	<b>29,527</b>	<b>30,104</b>	<b>29,166</b>

<sup>1</sup> Data after 2007 is updated as information available. Previous year's data may not match older reports.

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