

PUBLIC DEFENDER SERVICE

FOR THE

STATE OF CALIFORNIA

SIXTH ANNUAL REPORT

Fiscal Year 1976

(July 1, 1975 - June 30, 1976)

and

Transition Quarter

(July 1, 1976 - September 30, 1976)

44561

# SIXTH ANNUAL REPORT

Fiscal Year 1976

July 1, 1975 - June 30, 1976

and

Transition Quarter

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## REPORT OF THE BOARD OF TRUSTEES

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District of Columbia  
601 Indiana Avenue, N.W.  
Washington, D.C. 20004

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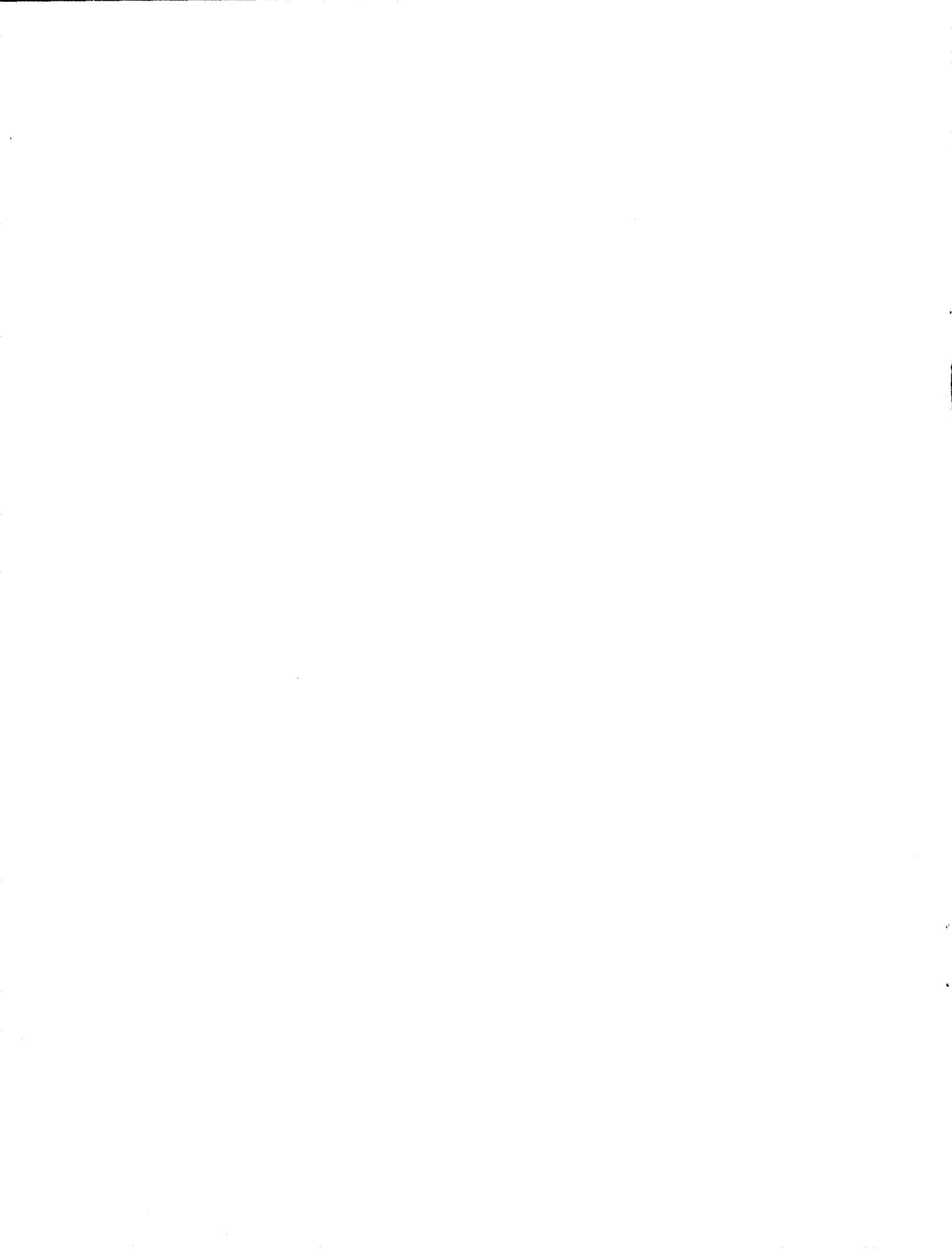
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## INTRODUCTION

This is the Sixth Annual Report of the Public Defender Service (PDS), established in July 1970 pursuant to an Act of Congress, 2 D. C. Code §§ 2-2201 thru 2-2228 (Supp II 1975). The Public Defender Service is the successor to the Legal Aid Agency, which was created in 1960.

The primary purpose of the Public Defender Service is to represent those accused in the District of Columbia unable to afford counsel in the criminal and juvenile courts and in mental health commitment proceedings. Under its statute, the Public Defender Service is authorized to provide representation for up to "sixty percentum of the persons who are annually determined to be financially unable to obtain adequate representation." Those indigent persons not represented by the Service are represented by private attorneys compensated under either the D. C. or Federal Criminal Justice Act.

Related functions of the Service include:

- a) the appeal of cases of clients represented by the agency;
- b) legal assistance and representation for the inmates at the Lorton Correctional Complex in criminal and administrative matters;
- c) service to the local bar through information, consultation, use of the library and provision of investigative and social work services;
- d) the recruitment and training of volunteer and paid law students as investigators to aid counsel representing the indigent in criminal and juvenile cases;
- e) diversion of some accused out of the criminal justice system or shortening their involvement or incarceration through counseling, job development, and other rehabilitative assistance;

- f) assistance to the courts in coordinating the system for the appointment of private counsel for clients in criminal and juvenile cases not represented by PDS.

The Service has continued to receive recognition as an outstanding defenders office. In 1974, the Law Enforcement Assistance Administration (LEAA) designated PDS as an "exemplary" defender office, and recommended efforts by other jurisdictions to provide comparable services to indigent accused persons. In 1975, a Joint Committee of the Judicial Conference of the District of Columbia Circuit and the District of Columbia Bar (Unified) described the quality of representation furnished by the Service as "uniformly high," and recommended substantial expansion of its staff levels. In budget review and oversight hearings conducted by the District of Columbia City Council in 1976, the Service was praised by the Chairperson of the Council's Committee on the Judiciary and Criminal Law as "one of the most efficient and service producing agencies" in the District. In addition, the City has recommended, for the fiscal year beginning October 1, 1977, increases in staff positions and funds for the Service.

The agency is governed by a seven-member uncompensated Board of Trustees, appointed for three-year terms by the Chief Judges of the District's four courts and the Mayor.

## BUDGET HISTORY

The appropriation levels kept our staff level constant in FY 1976, after a staff reduction from 109 to 87 persons in FY 1975. These budgetary constraints coupled with the Superior Court's caseload increase have caused the agency to have a smaller share of the Superior Court criminal caseload. The precise effect of these budget problems is illustrated by the fact that, since FY 1974, the following decreases in positions have occurred:

Attorney positions	from 46 to 41
Investigator positions	from 13 to 5
ORD* positions	from 13 to 9
CJA** positions	from 12 to 11
Administrative, secretarial and clerical positions	from 25 to 21

A modest increase in staff and funding is presently under consideration in Congress, pursuant to District of Columbia budget request for FY 1978.

An audited financial statement for FY 1976 and the transition quarter\*\*\* ending September 30, 1976, can be found in Appendix C at page 41.

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\*Offender Rehabilitation Division

\*\*Criminal Justice Administration

\*\*\*By Act of Congress, the fiscal year which normally covers a period from July 1st through June 30th was changed. The fiscal period is now from October 1st through September 30th. The transition quarter is that period from July 1st through September 30, 1976 which immediately preceded the newly created fiscal period. We designated that period (July 1, 1976 to September 30, 1976) the transition quarter.

## COMPARATIVE LEGAL SERVICES

The United States Attorney's Office has an authorized staff of 159 Assistant United States Attorneys, approximately 139 of whom are assigned to representation of the government in criminal trials and appeals. The Corporation Counsel has 17 attorneys authorized to handle juvenile cases.

The Public Defender Service has responsibility for representation of thousands of clients in both criminal and juvenile cases. The Service represents hundreds of clients before the Mental Health Commission. The services are undertaken with staff of only 35<sup>1/</sup> full-time litigating lawyers.

## PDS SERIOUS FELONY CASELOAD

The agency's attorneys received a total of 723 felony appointments in FY 1976 and 96 during the transition quarter. Because of their expertise, the Public Defender Service lawyers are usually appointed to serious felony cases as opposed to minor felonies and misdemeanors.<sup>2/</sup>

Serious felonies accounted for 70.6% of our felony caseload during the First Quarter of fiscal 1976 (115 cases), 69.4% during the Second Quarter (145 cases), 76.6% during the Third Quarter (134 cases), 76.1% during the Fourth Quarter (134 cases), and 64.6% during the Transition Quarter (62 cases).

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<sup>1/</sup> Although the agency employs 39 attorneys excluding the Director and Deputy Director, 4 of them have management and training duties, primarily.

<sup>2/</sup> For purposes of this report, a serious felony is an offense that exposes a person to a penalty of 15 years to life imprisonment upon conviction.

Our attorneys were appointed to 180 misdemeanors during FY 1976 and 22 during the transition quarter.

The serious felony caseload ranged from 87.2% of the monthly felony caseload in May, 1976 to a low of 60% in November, 1975.

More time is generally required in defending criminal and juvenile cases than prosecuting such cases. The time required is increased by the factor of a predominantly serious felony workload. Consequently, our lawyers characteristically spend many nights, weekends, and holidays preparing for representation in grave matters on uncompensated time.

## HOMICIDE REPRESENTATION

In fiscal year 1976, there were a total of 208 adult homicide cases which required appointment of counsel. PDS representation in 48 of those homicides was 23.1% of the total.

An analysis of the homicide case appointments for fiscal year 1976 reveals the sharply disproportionate representation by PDS in homicide cases.

### PDS SHARE OF HOMICIDE CASES

<u>MONTH</u>	<u>TOTAL HOMICIDE APPOINTMENTS</u>	<u>PDS APPTS.</u>	<u>%PDS SHARE OF TOTAL HOMICIDE APPTS.</u>
July, 1975	19	6	31.6
August	14	4	28.6
September	21	8	38.1
October	21	4	19.0
November	5	3	60.0
December	16	5	31.3
January, 1976	16	2	12.5
February	28	8	28.6
March	14	5	35.7
April*	10	0	0
May *	28	2	7.1
June*	16	1	6.3
<b>TOTAL</b>	<b>208</b>	<b>48</b>	<b>23.1</b>

\*The small number of PDS homicide cases in the last quarter of the fiscal year resulted from temporary staffing assignments in effect during those months.

## CRIMINAL DIVISION

The division's attorneys represents adult criminal defendants. They represented defendants in a total of 915 criminal cases, felonies and misdemeanors during FY 1976 and 124 during the transition quarter.

The average number of lawyers in the division at any one time during FY 1976 was 15.1.<sup>3/</sup>

During the transition quarter, the average number of lawyers in the division was 6.7.<sup>4/</sup>

The Criminal Division and the Family Division are supervised by Truman A. Morrison, Esquire.

## FAMILY DIVISION

This division's attorneys represent juveniles accused of delinquent acts.

The attorneys in the division received a total of 592 cases during FY 1976 and 73 during the transition quarter.

During FY 1976, the average number of lawyers in the division was 4.9.<sup>5/</sup>

The average number of lawyers in the division during the transition period was 3.7.<sup>6/</sup>

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<sup>3/</sup> The average number represents the sum total of the number of attorneys assigned to cases each month during the period divided by the number of months in that period.

<sup>4/</sup> See footnote 3.

<sup>5/</sup> See footnote 3.

<sup>6/</sup> See footnote 3.

## APPELLATE LITIGATION

Since the fall of 1972, the District of Columbia Court of Appeals has required the Public Defender Service to handle the appellate cases of all convicted persons represented by the agency at trial. Consequently, during the past fiscal year, approximately six attorneys, who otherwise would have been available to take cases at the trial level, were assigned to appeals. <sup>7/</sup> The Division is supervised by Frederick H. Weisberg, Esquire.

Within fiscal 1976, 117 appellate cases were begun, 107 in the District of Columbia Court of Appeals, 6 in the United States Court of Appeals, 2 Habeas Petitions in the United States District Court, and 2 in the United States Supreme Court. Briefs or petitions were filed in 91\* cases, 82 in the District of Columbia Court of Appeals, 7 in the United States Court of Appeals and 2 Writs of Habeas Corpus in the United States District Court.

During the transition period, the appellate division opened 22 cases, 21 in the District of Columbia Court of Appeals, and 1 in the United States Court of Appeals. Briefs or petitions were filed in 22 cases, 20 were filed in the District of Columbia Court of Appeals and 2 in the United States Court of Appeals.

At the close of the fiscal year, the Service had a workload of 94 pending appellate cases.

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<sup>7/</sup> Attorneys are assigned to various divisions on a rotating basis; therefore, this number is not constant due to an unavoidable lag or carry over of cases when attorneys are being transferred.

\* Some briefs and petitions were filed after the FY 1976 fiscal period ended. Representation was terminated in some cases because of motions to withdraw because of conflicts of interest. In other cases, agency attorneys withdrew after cases were filed with agreement between appellate counsel and client that the cases were without appellate merit. Hence, although 117 cases were begun, there are a lesser number of cases in which briefs or petitions were filed.

## CORRECTIONAL SERVICES PROGRAM

Since March, 1974, the Correctional Services Program (CSP) has been funded by the Law Enforcement Assistance Administration to "... provide legal counseling and, in appropriate cases, actual representation to convicted inmates under the jurisdiction of the Department of Corrections."

The program was established to provide D. C. prisoners with assistance in criminal law related problems (e. g., collateral attacks, detainers, sentence computation problems, reduction of sentence motions), institutional administrative matters (e. g., disputes involving privileges and mail censorship) and civil matters by referral to organizations equipped to handle civil problems.

Although the primary emphasis of the Correctional Services Program is to provide individual representation for the recurring types of problems which are experienced by incarcerated individuals, occasionally a case will break new legal ground in an area of prisoners' rights. A recent example is a case in which CSP lawyers litigated the right of a prisoner to retain his statutory earned good time and his mandatory release date despite his mental illness and confinement to St. Elizabeths Hospital during the serving of his prison sentence.

The Correctional Services Program has been in operation for approximately two and one half years under funding from the Law Enforcement Assistance Administration. In that time, the program has assisted close to 1300 clients or approximately 56% of the Lorton population.

The work of the program is accomplished with one supervising attorney, Kirby Howlett, Esquire, one program attorney, one part-time law clerk and one secretary. Of great importance to the program is the assistance provided by approximately 40-50 third year law students who serve as student counsel for the clients of the program. They enable CSP to offer a wider range of representation to a much greater number of clients than could be served with the small program staff.

The Public Defender Service, by providing legal advice and representation to prisoners has been able to realize one of the goals envisioned by the

American Bar Association Standards Relating to Post-Conviction Remedies.<sup>8/</sup>

The Public Defender Service has proposed that funds be appropriated to continue CSP as a regular division of the agency upon expiration of its Law Enforcement Assistance Administration grant in fiscal 1978.

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<sup>8/</sup> American Bar Association Standards Relating to Post-Conviction Remedies, Section 3.1(d), page 50. (Approved Draft, 1968).

## MENTAL HEALTH REPRESENTATION

The Mental Health Division (MHD) provides representation to indigent mental patients faced with compulsory civil hospitalization. Most clients are detained at St. Elizabeths Hospital at the outset of the civil proceedings.

MHD attorneys team with Correctional Services Program lawyers to represent prisoners confined at Lorton Reformatory who are alleged to be mentally ill and in need of treatment at St. Elizabeths.

MHD attorneys often seek court-ordered alternatives to commitment at St. Elizabeths Hospital. The financial responsibility of the District of Columbia for these alternative placements and out-of-state alternative treatments remain the subject of litigation through MHD efforts.

Under a grant from the Law Enforcement Assistance Administration, the Public Defender Service also has been providing legal assistance to forensic patients at St. Elizabeths Hospital. An attorney, a paralegal secretary and part-time law student have been providing representation to many of the 350 patients housed in John Howard Pavilion, the hospital's maximum security facility. Most of these patients come from the criminal court system for pre-trial examination or for post-trial commitment after acquittal by reason of insanity. Others are prisoners sent from the Department of Corrections for treatment. Efforts have focused on representation of post-trial and prisoner transfer patients, those who most often have no other attorney to help them. Since post-trial forensic patients must obtain court approval for release from the hospital, much of the work involves representation of individual post-trial patients seeking release. Often this representation is supportive of hospital efforts to obtain release privileges for the patient. The PDS attorney and his assistants are in the wards and offices of John Howard Pavilion virtually every day.

The MHD also help patients make contact with court-appointed attorneys and in presenting their administrative grievances to hospital authorities.

Apart from individual representation, efforts have also been made to help resolve administrative policy questions affecting all forensic patients; for example, the hospital has agreed to facilitate the transfer of non-violent forensic patients to less restricted wards in the hospital and has revised some regulations in accord with policy urged by PDS.

The MHD social work staff (a part of the Offender Rehabilitation Division) provides the lawyers of PDS with assistance in developing alternatives to involuntary hospitalization, such as housing and nursing home care for the elderly, drug and alcohol rehabilitation programs for addicts and other out-patient facilities and programs.

The staff has offices on the grounds of St. Elizabeths Hospital, and is supervised by Harry Fulton, Esquire. The director of the LEAA-funded John Howard Pavilion Program is Steven Tullberg, Esquire.

OFFENDER REHABILITATION DIVISION  
(SOCIAL SERVICES)

The Offender Rehabilitation Division (ORD) of the Public Defender Service provides social service assistance to indigent juveniles and adults who are enmeshed in the criminal justice system. Acting through referrals from attorneys, ORD provides a myriad of services such as arrangements for psychiatric counseling, narcotics treatment, vocational training, and job development. ORD draws upon community agencies and resources for supportive services in an effort to divert the client from the criminal justice system prior to prosecution or sentencing. Often such services begin within a short period after arrests.

ORD prepares reports for the use of the courts at the request of attorneys. They contain valuable background information, information about rehabilitation efforts and recommendations pertinent to sentencing or other dispositions.

This division, originally sponsored by the Georgetown University Institute of Criminal Law and Procedure, was later funded for three years by the Office of Economic Opportunity to test the efficacy of defense counsels' use of social services as aids to clients. The demonstrated success of the division caused it to become a permanent part of the agency in December, 1969.

The following examples serve to illustrate a part of ORD's work:

A thirty-five year old woman with a history of arrests for narcotic offenses had been held in detention for three months, and was awaiting sentencing at the time of her referral to ORD. Following a series of exploratory interviews by an ORD social worker, arrangements were made for counselors from a local residential drug program to meet with her on several occasions in the detention facility. She was eager for treatment, and was accepted into the program upon sentencing. Based largely on documentation furnished by ORD, the Court placed the woman on probation.

A twenty-four year old first offender charged with Manslaughter was referred to ORD for development of a pre-trial release plan to.

support a motion for bond review. A plan consisting of third party custody, out-patient therapy, employment, and boarding home residence was proposed. The client was released, eventually convicted of the offense, but allowed to remain free of detention with ORD's continued involvement pending sentencing. ORD coordinated the efforts of persons from other agencies who assisted in the case. The ORD recommendation for probation supervision was granted ultimately with the stipulation that the Division work cooperatively with the probation office in the client's behalf for a specified period of time.

A sixteen year old male was given a consent decree following ORD's evaluation of the family's total situation. Our investigation revealed the presence of numerous social, emotional, and medical problems throughout the family. Through utilization of public and private agency services, we were successful in developing a community team approach for the entire family and the court agreed that continuing the legal proceedings would not be necessary.

ORD gives reality to the American Bar Association's Standards Relating to Providing Defense Services:

"[T]he expanding concept of the lawyer's function in a criminal case, which may include a significant role in the development of a program of rehabilitation for the defendant, necessitates the availability of personnel skilled in social work and other related disciplines."<sup>9/</sup>

The Offender Rehabilitation Division is under the direction of Charles Rouselle, M.S.W. In addition, the division received the assistance of 9 Bachelor's and Master's Degree Candidates whose work at the Offender Rehabilitation Division during the past fiscal year constituted clinical experience required for their respective degrees.

9/ American Bar Association Standards Relating to Providing Defense Services, Approved Draft, 1968, pages 23-24.

## APPOINTMENT OF COUNSEL PROGRAM

The Public Defender Service is required by statute to assist the Courts in coordinating an appointment of counsel system in criminal and juvenile cases where the client is not represented by retained counsel. The implementation of the statutory requirement is the responsibility of the Appointment of Counsel Office staff headed by Thomas Guidoboni, Esquire.

In Superior Court, the Criminal Justice Act staff interviews all criminal defendants and juvenile respondents to determine their eligibility for appointment of counsel, prepares orders requiring limited contribution toward the cost of a defense, maintains and prepares daily lists of attorneys' available to accept appointments, and processes payment vouchers submitted by court appointed counsel. The staff also maintains statistics concerning appointment of counsel for all four Courts in the District of Columbia and publishes quarterly reports.

During the past fiscal year, the Appointment of Counsel staff has published an updated list of attorneys who practice under the Act. New procedures have been implemented in the Juvenile Branch of the Superior Court which are intended to speed the completion of eligibility interviews, and to distribute the appointments among attorneys in an equitable and orderly manner. The Appointment of Counsel Office, in conjunction with Superior Court, is currently engaged in revision of the eligibility standards for entitlement to court appointed counsel.

## SERVICES TO THE PRIVATE BAR AND COMMUNITY

The Public Defender Service "may furnish technical and other assistance to private attorneys appointed to represent persons" accused of crime, in accordance with the statute which created it. That assistance was provided during the past fiscal year, as in previous years, in a variety of effective ways.

The CJA Appointment of Counsel Program which PDS helps to administer is for the benefit of the clients, the bar, and the community.

The private Bar and the public have the services of a PDS Duty Day Attorney who answers questions from the public and private lawyers assigned to represent indigent defendants.

Staff lawyers provide consultation and other assistance to lawyers representing indigent clients.

The PDS Library serves as a resource center for both staff attorneys and private attorneys in the District. Professional courtesy prevails as our attorneys take temporary leave of their own research to discuss legal questions and trial tactics with Criminal Justice Act (CJA) attorneys who frequent the library in large numbers. For the private solo practitioner, who may not have opportunities for such discussions elsewhere, these interchanges are invaluable. PDS attorneys also learn from the exchanges and contacts with the private bar.

The new librarian, Nancy Moore, effected several innovations during fiscal 1976. One of the most important is a monthly staff newsletter, which contains summaries of briefs and motions recently filed, listings of new acquisitions, and miscellaneous announcements and information. Another helpful development has been the filing and indexing of opinions written by Superior Court judges, which are published in the Daily Washington Law Reporter. Both the newsletter and opinions which are copied and disseminated among the staff attorneys are available in the library for use by private attorneys.

Several new volumes have been added to the library's collection this year. There are expanded files of motions and appellate briefs, indexed by issue, to which attorneys have complete access. More than one new attorney, appointed to that first criminal case, has gratefully acknowledged that he or she would be lost without the extensive files at PDS. These files, which also contain clippings on criminal matters from the Washington Post and Evening Star, are valued aids to lawyers without extensive criminal law experience.

The staff attorneys rely, principally, upon law student investigators. Our permanent investigative staff is used in the service of the private bar almost exclusively. Since there are only 5 permanent investigators, CJA lawyers sometimes have to wait several weeks for services.

The Offender Rehabilitation Division provides services to both PDS and CJA counsel.

PDS lawyers have contributed much to the Annual Criminal Practice Institute of the Young Lawyers Section of the D. C. Bar which last year drew more than 425 attorneys and law students for lectures, workshops, seminars for two weekend sessions. The subjects, presented by demonstrations and panel discussions, were Techniques of Direct and Cross-Examination, Impeachment, Refreshing Recollection, Rehabilitation, Phrasing Questions, Introducing Exhibits, Effective Representation at the Grand Jury and During Plea Bargaining, Some Ethical Dilemmas of Defense Representation, and Proper Supervision of a Defense Investigator.

During fiscal 1976, as a result of funds made available through a Law Enforcement Assistance Administration grant, the Service continued its Defense Attorneys Training and Service Project. The project's major objective is the improvement of training and services to attorneys appointed to indigent cases (both PDS staff and private attorneys), to assist them in discharging their duties more effectively. A trial manual entitled, "Criminal Trials: A Defense Attorney's Handbook," produced under this grant is in the final stages of production. It is anticipated that the manual will be published and made available to members of the bar in the Spring of 1977. The project director is William G. Schaffer, Esquire.

In March, 1975, the Public Defender Service received a grant from LEAA to elevate the quality of defense services in the District of Columbia courts through recruitment, training and assignment of part-time investigators, many of whom have been law students. The Project Coordinator, Mrs. Esther Siegel, is responsible for (a) recruiting law students to conduct fact investigations, (b) the proper training of students before they begin investigative work, and (c) assignment of these students to private counsel and the PDS staff.

The program attracts both paid and volunteer law students from local law schools -- Antioch, American, Catholic, Georgetown, George Washington, and Howard -- and other law schools in the region.

## INVESTIGATIVE SERVICES

### Permanent Professional Staff

The principal functions of PDS investigators include interviews of witnesses, photographing and measurements of crime scenes and obtaining police records and other data for the attorney. Frequently, witnesses are exceedingly difficult to locate, and many hours are sometimes devoted to the task of finding a critical government or defense witness. Adequate legal representation for the accused in criminal and juvenile cases depends upon a full, factual investigation of the charges. Without such information, an attorney is unable to make an informed judgment whether to advise a client to plead guilty or to contest the government's evidence in a trial.

Additionally, the investigative division has fostered cooperative relationships with other public defender offices in several states so that PDS now has the capability of frequently locating needed witnesses through the good offices of other public defender services.

An indication of the esteem in which the investigative division is held by Superior Court judges are the many instances in which judges directly request the services of the division's investigators to interview witnesses on short notice in important cases.

This Division is supervised by Mr. Robert Reed.

### Interns <sup>10/</sup>

Under renewal of the LEAA Defense Investigation Services Grant, the Service has expanded its program to include not only law students, but undergraduates as well. This brought about a shift in emphasis from paid students to student interns. These students take statements from government and defense witnesses, help attorneys prepare demonstrative evidence for trial, and locate witnesses.

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<sup>10/</sup> Nation-wide contacts were made with colleges and universities to establish internship programs through which students would receive credit for doing work at the agency. Students have received up to 15 hours credit for one semester of full-time work.

Training has also been expanded to provide formal instruction in the fundamentals of criminal defense investigation. Tours, videotaped exercises, and lectures supplement the instruction.

### Summer Intern Program

Each summer the Service hires approximately twelve law students to assist attorneys with their representation in criminal and juvenile cases. The students spend their time principally engaged in interviewing prospective government and defense witnesses. A training seminar and written materials on investigative techniques are provided at the beginning of the summer. The work of the students includes taking statements from witnesses, helping attorneys by preparing legal memoranda, drafts of motions, and general research.

Students must have completed their second year of law school and have an automobile. A minimum of twelve weeks of continuous employment is required. The program usually commences during the first week of June.

## PERSONNEL AND TRAINING

PDS professional staff consists of attorneys, social workers, and investigators.

### Attorneys

The "exemplary project" designation by LEAA, and the complimentary statements about the agency in the Austern-Rezneck Report have been increasingly echoed during interviews with hundreds of applicants who compete for the few vacancies that we have each year. The past fiscal year was no exception. Over and over again, recent law school graduates and lawyers with experience from virtually all regions of the country possessing extraordinary qualifications, stated that they considered PDS a prime and perhaps peerless agency in which to learn and practice criminal law. We have, consequently, been able to attract an exceptional staff.

New attorneys receive intensive training. The course consists of case studies which familiarize the lawyers with the theoretical and practical problems of criminal representation. There are mock hearings and trials (many of which are video-taped for review and critique by senior staff lawyers), and visits to courts and other agencies. Classes are taught by the Senior Attorney In Charge of Training, the Director and Senior Staff Attorneys. The instruction is liberally spiced with pragmatic, anecdotal advice that only experienced trial lawyers with scholars' legal interests can impart.

Staff attorneys receive training throughout their employment. During their first assignment, (usually Juvenile Court) the new attorneys are supervised by the Senior Attorney In Charge of Training and the Chief of the Trial Division. When they are eventually assigned to adult criminal practice, a series of classes is held concerning some problems that are unique to adult criminal practice; e. g., bail, jury selection, voir dire, and adult sentencing.

In addition to the training provided for the new attorneys, the Senior Attorney In Charge of Training, Jeffrey Freund, Esquire, regularly presents information concerning developments in the criminal law at staff meetings. On occasion, guest speakers lecture on topics ranging from

police collection of tangible evidence from a crime scene to the use of psychiatric testimony in insanity cases. As needed, memoranda are issued to all staff attorneys commenting on new appellate cases and their practical impact on representation of criminal defendants.

Through these several training methods, PDS lawyers are well prepared to fully and effectively provide representation for indigent criminal defendants.

### Social Workers

Applicants for social work positions with ORD must normally possess a bachelor's degree, and have at least one year experience. Three of the seven professional employees have masters degrees in social work and correctional administration, and another is pursuing a master's degree in counseling. In addition, each staff person has participated in post-graduation, non-degree programs to improve interview skills and crisis intervention techniques.

ORD orientation and training for new employees include visits to local institutions and community agencies to discuss the nature and appropriateness of their services for our clients. They observe court proceedings and learn information retrieval systems. There are exercises in interviewing, report writing techniques, and referral methods. Case techniques are routinely discussed individually with the division chief and during weekly staff meetings.

### Investigators - Professional (Permanent)

To qualify for a professional staff investigator with PDS, the applicant must have been employed as an investigator with a highly regarded investigative agency, or be a student in one of the City's four accredited law schools with an evening program, which will permit full-time employment with this agency. All the present full-time investigators are evening law students.

New staff investigators must complete our training program before receiving case assignments. The program includes lectures on legal and ethical problems germane to pre-trial investigation; practical discussions of fact investigations; locating and interviewing witnesses; taking written, signed statements; preparing final reports for attorneys; and use of training films. Most of these classes are based upon our own training manual especially developed for investigator training.

The new staff member must work with experienced investigators, for several weeks, before undertaking investigations alone. Throughout the staff investigator's career with the Public Defender Service, the investigator is in a continuous training program. There are staff meetings with the chief investigator. They receive advice, individually or collectively, from the attorney-advisor or the chief of the investigative division. Additionally, there are special classes as required when new developments in the law affect the investigator's role.

# APPENDICES

**APPENDIX A**  
**Statistical Information on Cases Represented By**  
**Public Defender Service Attorneys in**  
**Fiscal 1976**  
**(July 1, 1975 - June 30, 1976)**

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**Explanatory Note**

Public Defender Service attorneys provide representation in four courts in more than twenty different types of cases, all with varying kinds of dispositions. The system for maintaining agency statistics principally utilizes several specially designed cards keyed to the courts in which attorneys practice. At the conclusion of a case each attorney is required to complete a "case card." These "case cards" are an important basis for our compilation of statistics about our caseload.

In the chart immediately below, we indicate that during fiscal 1976 the Public Defender Service closed a total of 3,331 cases. This figure includes all kinds of matters, ranging from the trial of complicated felonies to miscellaneous hearings in the Family Division of Superior Court taking only several hours. Usually the Service represents only one of several co-defendants, but in the unusual event that more than one defendant in the same case was represented, it would be counted in our records as two cases. Similarly, if the same defendant has had two separate charges against him not arising out of the same transaction or otherwise treated jointly by the courts, it would be included in our record system as two separate cases.

**CASES CLOSED DURING FISCAL YEAR**

Total Number of Cases Closed .....	3,331
Superior Court Felonies	
a. Total Cases Closed .....	915
b. Jury Trials .....	72
c. Judge Trials .....	13
d. Number of Sentences Imposed .....	468
Superior Court Misdemeanors	
a. Total Cases Closed .....	230
b. Jury Trials .....	12
c. Judge Trials .....	9
d. Number of Sentences Imposed .....	87
Family Division Closed Cases .....	565
Appellate Division Closed Cases .....	98
Mental Health Closed Cases .....	936
Miscellaneous Hearings and Proceedings (e.g., Probation and parole revocations; contempts; extraditions; conditional and unconditional releases) .....	463
United States Magistrates (Presentments and Preliminary Hearings on Felonies) .....	112
United States District Court (Felonies) .....	12

**SUPERIOR COURT — CRIMINAL DIVISION**

**Cases Closed During Fiscal Year**

	N	%
<b>Felonies</b>		
Lawyer Participation Terminated Before Final Disposition . . . . .	88	9.6
Pre-Indictment . . . . .	56	
Post Indictment . . . . .	32	
Guilty Pleas . . . . .	416	45.0
Guilty Pleas to Most Serious Offense . . . . .	131	
Pre-Indictment . . . . .	22	
Post-Indictment . . . . .	109	
Lesser Included Offense-Felony . . . . .	166	
Pre-Indictment . . . . .	32	
Post-Indictment . . . . .	134	
Lesser Included Offense-Misdemeanor . . . . .	119	
Pre-Indictment . . . . .	61	
Post-Indictment . . . . .	58	
Dismissed* . . . . .	321	35.1
Pre-Indictment . . . . .	258	
Post-Indictment . . . . .	63	
Jury Trials . . . . .	72	7.9
Judge Trials . . . . .	13	1.4
Other . . . . .	5	.5
<b>Total</b> . . . . .	<b>915</b>	

**JURY TRIALS**

**Disposition**

	N	%
Guilty of One or More of Most Serious Offenses Charged . . . . .	31	43.1
Guilty of Lesser Included Offense . . . . .	13	18.1
Judgment Notwithstanding the Verdict . . . . .	—	—
Not Guilty . . . . .	16	22.2
Not Guilty By Reason of Insanity . . . . .	1	1.4
Contested . . . . .	1	
Uncontested . . . . .	—	
Motion for Judgment of Acquittal . . . . .	2	2.8
Mistrial-Hung Jury . . . . .	8	11.1
Mistrial-Other Reason . . . . .	1	1.4
<b>Total</b> . . . . .	<b>72</b>	

**JUDGE TRIALS**

	N	%
Guilty of One or More of Most Serious Offenses Charged . . . . .	3	23.1
Guilty of Lesser Included Offense . . . . .	—	—
Judgment Notwithstanding the Verdict . . . . .	—	—
Not Guilty . . . . .	—	—
Not Guilty By Reason of Insanity . . . . .	10	76.9
Contested . . . . .	—	
Uncontested . . . . .	10	
Motion for Judgment of Acquittal . . . . .	—	—
<b>Total</b> . . . . .	<b>13</b>	

**SENTENCES IMPOSED**

	N	%
Prison . . . . .	157	33.5
Youth Corrections Act § 5010(a) (Probation) . . . . .	70	15.0
Youth Corrections Act § 5010(b) or (c) . . . . .	49	10.5
Prison-Split Sentence . . . . .	18	3.8
Prison-Work Release . . . . .	13	2.8
Narcotic Addict Rehabilitation Act — Title II . . . . .	9	1.9
Probation . . . . .	144	30.8
Execution of Sentence Suspended . . . . .	108	
Imposition of Sentence Suspended . . . . .	36	
Fine/Restitution Only . . . . .	2	.4
Other . . . . .	6	1.3
<b>Total</b> . . . . .	<b>468</b>	

\*Included in this category are cases dismissed at the preliminary hearing stages; while statistics are unavailable, undoubtedly some of these cases were indicted later as grand jury originals.

**SUPERIOR COURT — CRIMINAL DIVISION**  
**Cases Closed During Fiscal Year**

	N	%
<b>Misdemeanors</b>		
Lawyer Participation Terminated Before Final Disposition . . . . .	7	3.0
Guilty Pleas . . . . .	80	34.8
Guilty Pleas to Most Serious Misdemeanor . . . . . 69		
Lesser Included Offense—Misdemeanor . . . . . 11		
Guilty Plea — Referred from Magistrates Solely for Plea . . . . .	—	—
Dismissed* . . . . .	121	52.6
Jury Trials . . . . .	12	5.2
Judge Trials . . . . .	9	3.9
Other . . . . .	1	.4
<b>Total</b> . . . . .	<b>230</b>	

**JURY TRIALS**  
**Disposition**

	N	%
Guilty of One or More of Most Serious Offenses Charged . . . . .	3	25.0
Guilty of Lesser Included Offense . . . . .	—	—
Judgment Notwithstanding the Verdict . . . . .	—	—
Not Guilty . . . . .	7	58.3
Not Guilty By Reason of Insanity . . . . .	—	—
Contested . . . . . —		
Uncontested . . . . . —		
Motion for Judgment of Acquittal . . . . .	1	8.3
Mistrial — Hung Jury . . . . .	1	8.3
Mistrial — Other Reason . . . . .	—	—
<b>Total</b> . . . . .	<b>12</b>	

**JUDGE TRIALS**

	N	%
Guilty of One or More of Most Serious Offenses Charged . . . . .	4	44.4
Guilty of Lesser Included Offense . . . . .	—	—
Not Guilty . . . . .	—	—
Not Guilty By Reason of Insanity . . . . .	1	11.1
Contested . . . . . —		
Uncontested . . . . . 1		
Motion for Judgment of Acquittal . . . . .	4	44.4
<b>Total</b> . . . . .	<b>9</b>	

**SENTENCES IMPOSED**

	N	%
Prison . . . . .	9	10.3
Youth Corrections Act § 5010(a) (Probation) . . . . .	16	18.4
Youth Corrections Act § 5010(b) or (c) . . . . .	7	8.0
Prison — Split Sentence . . . . .	1	1.1
Prison — Work Release . . . . .	7	8.0
Narcotic Addict Rehabilitation Act — Title II . . . . .	2	2.3
Probation . . . . .	38	43.7
Execution of Sentence Suspended . . . . . 22		
Imposition of Sentence Suspended . . . . . 16		
Fine/Restitution Only . . . . .	1	1.1
Other . . . . .	6	6.9
<b>Total</b> . . . . .	<b>87</b>	

\*Included in this category are cases dismissed at the preliminary hearing stage; while statistics are unavailable, undoubtedly some of these cases were indicted later as grand jury originals.

**SUPERIOR COURT — FAMILY DIVISION\* — JUVENILE BRANCH**

<b>Cases Closed During Fiscal Year</b>		N	%
Detention and/or Initial Hearing Only . . . . .		21	3.7
Attachments, Interstate Compact Cases and Other Miscellaneous Proceedings . . . . .		53	9.4
Lawyer Participation Terminated Before Final Disposition . . . . .		16	28.0
Waived for Trial as Adult . . . . .		5	.9
Consent Decree . . . . .		83	14.7
Closed Without a Finding . . . . .		60	10.6
Dismissed . . . . .		183	32.4
Guilty Pleas . . . . .		94	16.6
Judge Trials . . . . .		42	7.4
Other . . . . .		8	1.4
		<hr/>	
Total . . . . .		565	

**TRIALS**

	N	%
Guilty of One or More of Most Serious Offenses Charged . . . . .	32	76.2
Guilty of Lesser Included Offense . . . . .	—	
Not Guilty . . . . .	10	23.8
Motion for Judgment of Acquittal . . . . .	—	—
Other . . . . .	—	—
	<hr/>	
Total . . . . .	42	

**SENTENCES IMPOSED**

**Sentences Imposed**

	N	%
No Sanction . . . . .	10	7.9
Probation . . . . .	42	33.3
Suspended Commitment Probation . . . . .	44	34.9
Committed — Children's Center . . . . .	23	18.3
Committed — Other Facility . . . . .	1	.8
Fine/Restitution Only . . . . .	—	—
Civil Commitment . . . . .	—	—
Other . . . . .	6	4.8
	<hr/>	
Total . . . . .	126	

\*These statistics relate to representation in the Family Division's Juvenile Branch of persons alleged to be delinquent or in need of supervision. All trials in the Family Division are judge trials.

**SUPERIOR COURT -- FAMILY DIVISION  
MENTAL HEALTH BRANCH**

	N	%
Cases Assigned to Mental Health Division .....	936	100
*Favorable Disposition Without Filing of Judicial Petition .....	529	56.5
Judicial Petitions Filed .....	407	43.5

**Probable Cause Hearing Process**

Hearings Scheduled .....	133	100
Favorable Disposition Prior to Hearing .....	69	51.9
Hearings Held .....	51	38.3
Probable Cause Found .....	43	
No Probable Cause Found .....	8	
Miscellaneous .....	13	9.8

**Mental Health Commission (MHC) Process**

Judicial Petitions Filed .....	407	100
**Favorable Dispositions Prior to MHC Adjudication .....	341	83.8
Discharged by MHC .....	31	7.6
Commitment Recommended by MHC .....	35	8.6

**Jury Trial Process**

Commitment Recommended by MHC .....	35	100
Favorable Disposition After Commitment Recommended .....	13	37.1
Commitment Accepted .....	12	34.3
Trials Held .....	4	11.4
Discharged at Trial .....	1	
Committed at Trial .....	3	
Trials Pending .....	4	11.4
Miscellaneous .....	2	5.7

\*\*\*Total Committed .....

(1.6% of the 936 cases assigned)

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\*A favorable disposition means either discharge of the client from the hospital, or conversion to voluntary status.

\*\*A substantial portion of these cases involved the presentation of evidence before the Mental Health Commission but were resolved prior to a final ruling by the Commission.

\*\*\*Of the 15 committed, 5 were geriatric patients and 3 accepted commitment in lieu of criminal prosecution.

**UNITED STATES DISTRICT COURT**

**Cases Closed During Fiscal Year**

	N	%
Guilty Pleas.....	10	83.3
Guilty Pleas to Most Serious Offense .....	8	
Lesser Included Offense — Felony .....	—	
Lesser Included Offense — Misdemeanor .....	2	
Jury Trials.....	1	8.3
Found Guilty on Most Serious Offense Charged .....	1	
Judge Trials.....	1	8.3
Found Not Guilty By Reason of Insanity —		
Uncontested .....	1	
Total.....	<u>12</u>	

**Sentences Imposed**

Prison.....	2	18.2
Prison-Split Sentence.....	2	18.2
Youth Corrections Act.....	3	27.3
Probation.....	4	36.4
Imposition of Sentence Suspended .....	4	
Total.....	<u>11</u>	

**UNITED STATES MAGISTRATES**

Lawyer Participation Terminated Before Final Disposition.....	8	7.1
Held For Grand Jury.....	57	50.9
Dismissed — Referred To Superior Court For Extradition .....	1	.9
Dismissed .....	13	11.6
Misdemeanor Treatment in Superior Court .....	—	—
Removed Pursuant to Rule 40 .....	8	7.1
Guilty Plea Pursuant to Rule 20 .....	2	1.8
Guilty Plea to Felony — No Grand Jury Indictment .....	4	3.6
Guilty Plea to Misdemeanor — No Grand Jury Indictment .....	19	17.0
Total.....	<u>112</u>	

## INVESTIGATIVE SERVICES

As noted previously, the Investigative Division works both for private attorneys appointed under the Criminal Justice Act and for PDS staff attorneys. The main objective of the Division is a complete pretrial factual investigation, of all aspects of the case, submitted to counsel in written form, prior to trial. The investigative staff during the year closed 236 cases and received for investigation 216 criminal and juvenile matters. For transition quarter statistics, see Appendix B, page 39.

### Fiscal Year Statistics

	Cases Received		Cases Closed	
	PDS*	CJA**	PDS*	CJA**
Felony . . . . .	18	144	26	161
Misdemeanor . . . . .	—	—	—	—
Juvenile . . . . .	2	12	—	9
Supplemental . . . . .	3	20	4	20
Miscellaneous . . . . .	10	7	8	8
Subtotals . . . . .	33	183	38	198
Totals . . . . .		216		236

\*Investigative requests from Public Defender Service attorneys.

\*\*Investigative requests from counsel assigned under the Criminal Justice Act.

**OFFENDER REHABILITATION DIVISION  
(SOCIAL SERVICES)**

**Fiscal Year Statistics**

	New Cases Received	Cases Closed	Total Persons Assisted FY 76
Criminal Cases . . . . .	345	367	519
Juvenile Cases . . . . .	145	189	252
Job Development Services* . . . . .	456	453	456
Total . . . . .	946	1009	1227

**Reports and Major Areas of Service Concentration**

Defendant Studies . . . . .	126
Social Reports** . . . . .	14
Employment/Training . . . . .	194
Psychological/Psychiatric Evaluations . . . . .	26
Third Party Custody Arranged . . . . .	17
Counselling (Individual or Family) . . . . .	429
Drug/Alcohol Counselling or Treatment . . . . .	69

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\*ORD was successful in obtaining employment and/or training for 43% of its clients.

\*\*Social Reports are rather detailed discussion of clients' situations for attorney/court information, but does not include a formal recommendation for disposition as does the defendant study.

## APPENDIX B

### Statistical Information on Cases Represented By Public Defender Service Attorneys during The Transition Quarter (July 1, 1976 - September 30, 1976)

By Act of Congress, Fiscal Year 1977 began on October 1, 1976. The statistics for the "transition quarter" (the months of July, August, and September, 1976) are reflected in this section.

Total Number of Cases Closed .....	714
Superior Court Felonies	
a. Total Cases Closed .....	197
b. Jury Trials .....	12
c. Judge Trials .....	3
d. Number of Sentences Imposed .....	118
Superior Court Misdemeanors	
a. Total Cases Closed .....	30
b. Jury Trials .....	—
c. Judge Trials .....	—
d. Number of Sentences Imposed .....	10
Family Division Closed Cases .....	130
Appellate Division Closed Cases .....	25
Mental Health Closed Cases .....	233
Miscellaneous Hearings and Proceedings (e.g., Probation and parole revocations; contempts; extraditions; conditional and unconditional releases) .....	106
United States Magistrates (Presentments and Preliminary Hearings on Felonies) .....	17
United States District Court (Felonies) .....	1

**SUPERIOR COURT — CRIMINAL DIVISION**

**Cases Closed During Transition Quarter**

	N	%
<b>Felonies</b>		
Lawyer Participation Terminated Before Final Disposition . . . . .	21	10.7
Pre-Indictment . . . . .	6	
Post-Indictment . . . . .	15	
Guilty Pleas . . . . .	111	56.4
Guilty Pleas to Most Serious Offense . . . . .	28	
Pre-Indictment . . . . .	5	
Post-Indictment . . . . .	23	
Lesser Included Offense — Felony . . . . .	52	
Pre-Indictment . . . . .	5	
Post-Indictment . . . . .	47	
Lesser Included Offense — Misdemeanor . . . . .	31	
Pre-Indictment . . . . .	15	
Post-Indictment . . . . .	16	
Dismissed* . . . . .	50	25.4
Pre-Indictment . . . . .	38	
Post Indictment . . . . .	12	
Jury Trials . . . . .	12	6.1
Judge Trials . . . . .	3	1.5
Other . . . . .	—	—
<b>Total</b> . . . . .	<u>197</u>	

**JURY TRIALS**

**Disposition**

	N	%
Guilty of One or More of Most Serious Offenses Charged . . . . .	5	41.7
Guilty of Lesser Included Offense . . . . .	2	16.7
Judgment Notwithstanding the Verdict . . . . .	—	—
Not Guilty . . . . .	5	41.7
Not Guilty By Reason of Insanity . . . . .	—	—
Contested . . . . .	—	
Uncontested . . . . .	—	
Motion for Judgment of Acquittal . . . . .	—	—
Mistrial — Hung Jury . . . . .	—	—
Mistrial — Other Reason . . . . .	—	—
<b>Total</b> . . . . .	<u>12</u>	

**Judge Trials**

	N	%
Guilty of One or More of Most Serious Offenses Charged . . . . .	—	—
Guilty of Lesser Included Offense . . . . .	—	—
Judgment Notwithstanding the Verdict . . . . .	—	—
Not Guilty . . . . .	—	—
Not Guilty By Reason of Insanity . . . . .	3	100
Contested . . . . .	—	
Uncontested . . . . .	3	
Motion for Judgment of Acquittal . . . . .	—	—
<b>Total</b> . . . . .	<u>3</u>	

**Sentences Imposed**

	N	%
Prison . . . . .	36	30.5
Youth Corrections Act § 5010(a) . . . . .	20	17.0
Youth Corrections Act § 5010(b) or (c) . . . . .	21	17.8
Prison-Split Sentence . . . . .	4	3.4
Prison-Work Release . . . . .	5	4.2
Narcotic Addict Rehabilitation Act — Title II . . . . .	—	
Probation . . . . .	32	27.1
Execution of Sentence Suspended . . . . .	23	
Imposition of Sentence Suspended . . . . .	9	
Fine/Restitution Only . . . . .	—	—
Other . . . . .	—	—
<b>Total</b> . . . . .	<u>118</u>	

\*Included in this category are cases dismissed at the preliminary hearing state; while statistics are unavailable, undoubtedly some of these cases were indicted later as grand jury originals.

**SUPERIOR COURT — CRIMINAL DIVISION**  
**Cases Closed During Transition Quarter**

	N	%
<b>Misdemeanors</b>		
Lawyer Participation Terminated Before Final Disposition . . . . .	6	20.0
Guilty Pleas . . . . .	10	33.3
Guilty Pleas to Most Serious Misdemeanors . . . . . 9		
Lesser Included Offenses — Misdemeanors . . . . . 1		
Guilty Plea — Referred from Magistrates Solely for Plea . . . . .	—	—
Dismissed* . . . . .	—	—
Jury Trials . . . . .	—	—
Jury Trials . . . . .	—	—
Other . . . . .	—	—
Total . . . . .	30	

**JURY TRIALS**  
**Disposition**

	N	%
Guilty of One or More of Most Serious Offenses Charged . . . . .	—	—
Guilty of Lesser Included Offense . . . . .	—	—
Jugment Notwithstanding the Verdict . . . . .	—	—
Not Guilty . . . . .	—	—
Not Guilty By Reason of Insanity . . . . .	—	—
Contested . . . . . —		
Uncontested . . . . . —		
Motion for Judgment of Acquittal . . . . .	—	—
Mistrial — Hung Jury . . . . .	—	—
Mistrial — Other Reason . . . . .	—	—
Total . . . . .	—	—

**Judge Trials**

	N	%
Guilty of One or More of Most Serious Offenses Charged . . . . .	—	—
Guilty of Lesser Included Offense . . . . .	—	—
Not Guilty . . . . .	—	—
Not Guilty By Reason of Insanity . . . . .	—	—
Contested . . . . . —		
Uncontested . . . . . —		
Motion for Judgment of Acquittal . . . . .	—	—
Total . . . . .	—	—

**Sentences Imposed**

	N	%
Prison . . . . .	1	10.0
Youth Corrections Act § 5010(a) . . . . .	1	10.0
Prison — Split Sentence . . . . .	—	—
Prison — Work Release . . . . .	—	—
Narcotic Addict Rehabilitation Act — Title II . . . . .	—	—
Probation . . . . .	8	80.0
Execution of Sentence Suspended . . . . . 5		
Imposition of Sentence Suspended . . . . . 3		
Fine/Restitution Only . . . . .	—	—
Other . . . . .	—	—
Total . . . . .	10	

\*Included in this category are cases dismissed at the preliminary hearing stage; while statistics are unavailable, undoubtedly some of these cases were indicted later as grand jury originals.

**SUPERIOR COURT — FAMILY DIVISION\* — JUVENILE BRANCH**

	N	%
<b>Cases Closed During Fiscal Year</b>		
Detention and/or Initial Hearing Only . . . . .	1	.8
Attachments, Interstate Compact Cases and Other		
Miscellaneous Proceedings . . . . .	7	5.4
Lawyer Participation Terminated Before Final Disposition . . . . .	6	4.6
Waived for Trial as Adult . . . . .	—	—
Consent Decree . . . . .	20	15.4
Closed Without a Finding . . . . .	1	.8
Dismissed . . . . .	60	46.2
Guilty Pleas . . . . .	16	12.3
Judge Trials . . . . .	16	12.3
Other . . . . .	3	2.3
	<hr/>	
Total . . . . .	130	

**Judge Trials  
JUDGE TRIALS**

	N	%
Guilty of One or More of Most Serious Offenses Charged . . . . .	12	75.0
Guilty of Lesser Included Offense . . . . .	1	6.3
Felony . . . . .	—	
Misdemeanor . . . . .	1	
Not Guilty . . . . .	3	18.8
Motion for Judgment of Acquittal . . . . .	—	—
Other . . . . .	—	—
	<hr/>	
Total . . . . .	16	

**SENTENCES IMPOSED**

	N	%
No Sanction . . . . .	2	6.9
Probation . . . . .	8	27.6
Suspended Commitment Probation . . . . .	4	13.8
Committed — Children's Center . . . . .	8	27.6
Committed — Other Facility . . . . .	6	20.7
Fine/Restitution Only . . . . .	—	—
Civil Commitment . . . . .	—	—
Other . . . . .	1	3.5
	<hr/>	
Total . . . . .	29	

\*These statistics relate to representation in the Family Division's Juvenile Branch of persons alleged to be delinquent or in need of supervision.

**SUPERIOR COURT — FAMILY DIVISION  
 MENTAL HEALTH BRANCH  
 Transition Quarter  
 (July 1, 1976 - September 30, 1976)**

	No.	%
Cases Assigned to Mental Health Division .....	233	100
*Favorable Disposition Without Filing of		
Judicial Petition .....	133	57.1
Judicial Petitions Filed .....	88	37.8
Pending .....	12	5.2

**PROBABLE CAUSE HEARING PROCESS**

Hearings Scheduled .....	25	100
Favorable Disposition Prior to Hearing .....	11	44
Hearings Held .....	13	52
Probable Cause Found .....	7	
No Probable Cause Found .....	6	
Miscellaneous .....	1	4

**MENTAL HEALTH COMMISSION (MHC) PROCESS**

Judicial Petitions Filed .....	88	100
**Favorable Disposition Prior to MHC Adjudication .....	49	55.7
Discharged by MHC .....	8	9.1
Commitment Recommended by MHC .....	2	2.3
Withdrew .....	2	2.3
Pending .....	27	30.7

**JURY TRIAL PROCESS**

Commitment Recommended by MHC .....	2	100
Trials Pending .....	2	100

\*A favorable disposition means either discharge of the client from the hospital, or conversion to voluntary status.

\*\*A substantial portion of these cases involved the presentation of evidence before the Mental Health Commission but were resolved prior to a final ruling by the Commission.

**UNITED STATES DISTRICT COURT**  
**Cases Closed During Transititon Quarter**

	N	%
Guilty Pleas . . . . .	1	100
Guilty Pleas to Most Serious Offense . . . . . 1		
Lesser Included Offense — Felony . . . . .		
Lesser Included Offense — Misdemeanor . . . . .		
Jury Trials . . . . .	—	—
Found Guilty on Most Serious Offense Charged . . . . . —		
Judge Trials . . . . .	—	—
Found Not Guilty By Reason of Insanity		
Uncontested . . . . . —		
Total . . . . .	1	100

**Sentences Imposed**

Prison . . . . .	—	—
Prison — Split Sentence . . . . .	—	—
Youth Corrections Act . . . . .	1	100
Probation . . . . .	—	—
Imposition of Sentence Suspended . . . . . —		
Total . . . . .	1	

**UNITED STATES MAGISTRATES**

Lawyer Participation Terminated Before Final Disposition . . . . .	—	—
Held For Grand Jury . . . . .	6	35.3
Dismissed — Referred To Superior Court For Extradition . . . . .	—	—
Dismissed . . . . .	2	11.8
Misdemeanor Treatment in Superior Court . . . . .	—	—
Removed Pursuant to Rule 40 . . . . .	3	17.7
Guilty Plea Pursuant to Rule 20 . . . . .	1	5.9
Guilty Plea to Felony — No Grand Jury Indictment . . . . .	1	5.9
Guilty Plea to Misdemeanor — No Grand Jury Indictment . . . . .	4	23.5
Other . . . . .	—	—
Total . . . . .	17	

**INVESTIGATIVE SERVICES RENDERED  
DURING TRANSITION QUARTER  
(July 1, 1976 - September 30, 1976)**

	Cases Received		Cases Closed	
	PDS*	CJA**	PDS*	CJA**
Felony . . . . .	3	34	3	38
Misdemeanor . . . . .	—	—	—	—
Juvenile . . . . .	—	12	1	14
Supplemental . . . . .	2	8	3	8
Miscellaneous . . . . .	8	3	8	3
Subtotals . . . . .	13	57	15	63
Totals . . . . .		70		78

\*Investigative requests from Public Defender Service attorneys.

\*\*Investigative requests from counsel assigned under the Criminal Justice Act.

**OFFENDER REHABILITATION DIVISION  
(SOCIAL SERVICES)**

**Transition Quarter Statistics  
(July 1, 1976 — September 30, 1976)**

	New Cases Received	Cases Closed	Total Persons Assisted during transition
Criminal Cases . . . . .	55	60	55
Juvenile Cases . . . . .	31	7	69
Job Development Services* . . . . .	95	94	95
Total . . . . .	181	161	219

**Reports and Major Areas of Service Concentration**

Defendant Studies . . . . .	16
Social Reports** . . . . .	9
Employment/Training . . . . .	38
Psychological/Psychiatric Evaluations . . . . .	3
Third Party Custody Arranged . . . . .	2
Counseling (Individual or Family) . . . . .	17
Drug/Alcohol Counselling or Treatment . . . . .	10

---

\*ORD was successful in obtaining employment and/or training for 40.5% of its clients during the transition.

\*\*Social Reports are rather detailed discussion of clients' situations for attorney/court information, but does not include a formal recommendation for disposition as does the defendant study.

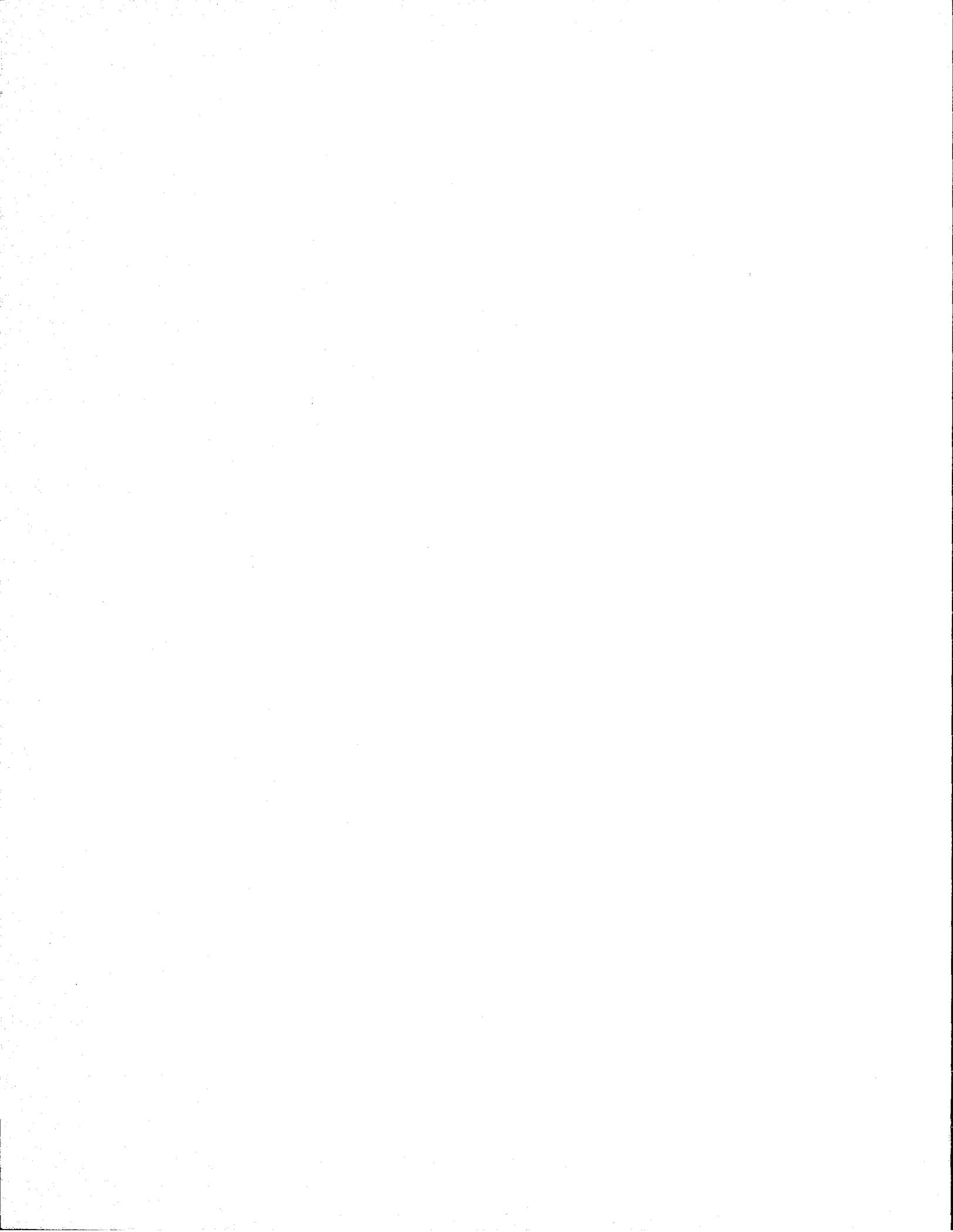
## APPENDIX C

### Statement of Appropriations Expenditures and Obligations for the Public Defender Service During Fifteen Months Ended September 30, 1976 and Year Ending June 30, 1975

#### STATEMENT OF APPROPRIATIONS, EXPENDITURES AND OBLIGATIONS FOR THE PUBLIC DEFENDER SERVICE DURING FIFTEEN MONTHS ENDED SEPTEMBER 30, 1976 AND YEAR ENDED JUNE 30, 1975

	<u>1976</u>	<u>1975</u>
Appropriations from the government of the District of Columbia* . . . . .	\$2,403,800	\$1,833,000
Personnel Compensation . . . . .	1,902,407	1,404,001
Personnel Benefits . . . . .	173,399	122,173
Travel:		
Staff . . . . .	25,289	17,453
Transportation of Things . . . . .	45	143
Rent, Communications and Utilities . . . . .	68,522	51,983
Printing and Reproduction . . . . .	5,841	6,224
Other Services . . . . .	174,224	142,427
Supplies and Materials . . . . .	24,194	26,216
Equipment . . . . .	<u>26,554</u>	<u>60,969</u>
 TOTAL EXPENDITURES AND OBLIGATIONS . . . . .	 <u>\$2,400,475</u>	 <u>\$1,831,589</u>
Excess of appropriations over expenditures and obligations . . . . .	 <u>3,325</u>	 <u>1,411</u>

\*The fiscal year of the District of Columbia Public Defender Service has been changed from June 30 to September 30. The above financial statement for 1976 includes an appropriation of \$491,300 for the three month transition period which ended September 30, 1976 and a supplemental appropriation of \$81,800. The 1975 figure reflects \$25,800 supplemental appropriation.



**END**