

VIRGINIA'S PILOT PUBLIC DEFENDER PROGRAM
REPORT OF THE
VIRGINIA PUBLIC DEFENDER COMMISSION
TO
THE GOVERNOR
AND
THE GENERAL ASSEMBLY OF VIRGINIA
JUNE 1976



House Document No. 2

COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
Richmond
1976

VIRGINIA PUBLIC DEFENDER COMMISSION

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Overton P. Pollard, Executive Director, Richmond

PUBLIC DEFENDERS

William E. Bobbitt, Jr., Staunton
Peter T. Legler, Virginia Beach
David D. Walker, Roanoke

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SECOND REPORT OF THE
VIRGINIA PUBLIC DEFENDER COMMISSION TO
THE GOVERNOR AND THE GENERAL ASSEMBLY OF VIRGINIA
June 1976

I N T R O D U C T I O N

Pursuant to Section 19.1-32.2 of the Code of Virginia of 1950, as amended, the Public Defender Commission takes pleasure in submitting its second report on its operations, experience, and evaluations of its pilot programs. The initial report of the Commission, submitted in November, 1974 contains the background history of the establishment of full-time defender offices, experiences in other states, and previous findings and recommendations.

The Commission is especially pleased to report that the third Public Defender Office, as required by the legislation enacted in 1972, was established on March 1, 1976, in the City of Roanoke.

Sincere appreciation is expressed to the members of the General Assembly, the Attorney General, the Division of Justice and Crime Prevention, the Judiciary, and the Virginia Bar for the interest and support afforded the pilot Defender projects. In particular, the Commission gratefully acknowledges the assistance of N. Samuel Clifton, Executive Director of the Virginia State Bar, and his staff; Phillip L. Sadler, Esquire, President, Virginia State Bar;

James R. McKenry, Esquire, Chairman, Board of Governors, Criminal Law Section, Virginia State Bar; Honorable Reno S. Harp, III, Deputy Attorney General; Stuart Spirn, Esquire, Court Systems Specialist, Division of Justice and Crime Prevention; and Public Defenders William E. Bobbitt, Jr., Esquire, Peter T. Legler, Esquire, and David D. Walker, Esquire

FINDINGS AND RECOMMENDATIONS

The Defender Offices continue to provide quality representation, the investigative resources continue to be definite assets, and the overall efficiency of court operations (such as docketing of cases and administrative matters handled by the Clerk's offices) continue to improve.¹

The Commission feels that the most significant change in the findings since the 1974 Report is the estimated economic benefits. According to cost figures based on an estimated per case cost, the savings to the Commonwealth for the fiscal year ending June 30, 1975 was \$44,742 in Staunton and \$46,836 in Virginia Beach and for fiscal year ending June 30, 1976, the estimated

¹The Findings and Recommendations set forth in the Report of November 1974 are contained in the Appendix, page 14.

savings was \$25,495 in Staunton and \$52,618 in Virginia Beach.²

At the present time, the legislation, as amended at the 1974 session of the General Assembly, allows for the establishment of only three Defender offices, and there are, of course, three in operation. It is suggested that the recommendations submitted in 1974 relating to the expansion of the program be reconsidered by the General Assembly, especially in light of the favorable reception to the Defender offices in the areas wherein offices have been established and the economic benefits to the Commonwealth.

The Commission continues to feel that the lack of uniformity in determining indigency should be considered by a legislative subcommittee, although improvement in this area has been accomplished by the use of confidential

²It is still difficult to compile meaningful comparison figures on the cost of the defense of indigents because there is no uniformity in the awarding of fees, and although costs are now assessed against those persons represented by public defender personnel when allowed by law, this normally is not applicable to juvenile cases, and frequently costs are intentionally kept low when a condition of probation. Accordingly the Commission has selected average figures of \$75.00 per misdemeanor or noncertified felony case and \$200.00 per felony case which involves both a preliminary hearing and trial in the Circuit Court. Costs of appeals to the Virginia Supreme Court were not included in the figures nor was the Commission able to place a value on the processing of individual payment vouchers for court appointed work by the Clerk's offices and Department of Accounts for the Commonwealth. Full cost comparison statistics appear in the Appendix, pages 21, 22.

financial inquiry forms by the investigators in the Defender offices.³

Juvenile and Domestic Relations Court Judges (in the areas served by Defender offices) have perhaps been the most enthusiastic supporters of the Public Defender System, essentially because of the speedy processing of juvenile cases by Defenders who are continually available to the Courts. This is particularly important when juveniles are detained in penal facilities on "status" charges.

C O M M I S S I O N A C T I V I T I E S

The Commission has continued to meet on a quarterly basis, with additional meetings being called as necessary. Prior to submitting the initial report of November 19, 1974, most of the meetings were held at the Virginia State Bar Office in Richmond. To encourage more input from the members of the Judiciary, Legislators, Commonwealth's Attorneys, and members of the private bar, however, it was decided to meet, when possible, in the locations served by Public Defender Offices and at Bar functions.

On January 17, 1975, the Commission met in Williamsburg, during the winter meeting of the Virginia Bar Association. Plans were completed for preparation of proposed legislation

³Although § 19.2-159.1 of the Code of Virginia requires the Commonwealth's Attorney to investigate the indigency of defendants, a random sampling of Commonwealth's Attorneys indicates that this requirement is basically unworkable. The Commission also feels that the investigation of indigency can be more properly handled by supportive personnel in the defender offices.

amending and reenacting Section 19.1-32.2 of the Code of Virginia. A bill was subsequently introduced at the 1975 session of the General Assembly with the essential changes being passed by the Legislature.⁴

The Commission returned to the State Bar headquarters in Richmond, Virginia, for its April 14, 1975 meeting. A vacancy existed because of the appointment of Coy M. Kiser, Jr. to a District Judgeship, and the Commission selected William E. Bobbitt, Jr., former Assistant Public Defender to be Public Defender for the cities of Staunton and Waynesboro and Augusta County. Salary increases were approved for the two Public Defenders and their staffs.⁵

The City of Danville was considered as a possible site for a third Public Defender Office, and a meeting with the Danville Bar Association to determine the feasibility and acceptability of an office in that area was arranged. On May 8, 1975, Chairman William W. Sweeney, Overton P. Pollard, Honorable Coy M. Kiser, Jr., District Judge, and Thomas Ashby, Investigator, presented a program concerning the operations of the Public Defender Offices to the Danville Bar Association.

⁴The complete text of Sections 19.1-32.2, 19.1-32-3, 19.1-32.4 and 19.1-32.5 appear in the Appendix, pages 12, 13.

⁵Salary information is included in the Appendix, page 16.

At its meeting on September 4, 1975, held in the City of Virginia Beach, the Commission dealt at length with efforts to establish the third Defender Office. It was decided to abandon the efforts for Danville or Petersburg (which had also been previously mentioned as a possible site) taking into consideration opposition of the Bar in Danville which had been voiced and also the problem of these locations being unable to provide a test of a Defender Office in a large metropolitan area.

At the Virginia Beach meeting, James R. McKenry, Esquire, Chairman of the Board of Governors, Criminal Law Section, Virginia State Bar, expressed the interest of the Board of Governors in establishing the third Defender Office as required by the legislation, and it was determined that the City of Roanoke should be given serious consideration.

On November 18, 1975, a presentation of the Public Defender System was made to the Roanoke Bar Association by James R. McKenry, Overton P. Pollard and William E. Bobbitt, Jr. The response by the Roanoke Bar was encouraging, and subsequently, the Commission, meeting in Staunton on December 11, 1975, selected the City of Roanoke as the site of the third Defender Office. Since considerable concern had been voiced over the use of part time assistants, the Commission approved the staffing of the Roanoke office with all full-time personnel. After personal interviews with a large number of applicants, the

Commission, on February 2, 1975, unanimously selected David D. Walker, Esquire, as Public Defender for the City of Roanoke, to begin his duties on March 1, 1976.

At its meeting on April 15, 1976, in Roanoke, Virginia, C. Wynne Tolbert was elected Chairman of the Commission and currently serves in that capacity. D. Nelson Sutton, Jr. is Vice Chairman.

Several members of the Judiciary, Legislators, Commonwealth's Attorneys, and representatives of the State and Local Bar Associations were in attendance at the Staunton, Virginia Beach and Roanoke meetings. The Commission members were accordingly afforded the opportunity of comments and opinions of persons closely associated with Public Defender Offices.

The Commission continues to perform its function without a permanent staff, and it appears the necessary administration of the three defender offices can be accomplished as in the past, with a part time Executive Director (Overton P. Pollard) who is authorized to employ part time bookkeeping and secretarial assistance (Mrs. Bonnie R. Farrish).

T H E S T A U N T O N - W A Y N E S B O R O -
A U G U S T A C O U N T Y O F F I C E

William E. Bobbitt, Jr., began his duties as Public Defender for Augusta County and the cities of Staunton and Waynesboro on June 1, 1975. The office is located in Staunton

where two of the three jurisdictions served have Court facilities. Mr. Bobbitt has a full time investigator, Thomas S. Ashby, and a full time secretary, Mrs. Doris S. Whitesell. Additionally, there are two part time assistant Public Defenders, Thomas H. Wood, who resides in Staunton and R. Toms Dalton, who resides in Waynesboro. As a general rule, Mr. Dalton handles the representation of indigents in the Waynesboro Courts, and Mr. Bobbitt and Mr. Wood handle the cases in the Staunton and Augusta County Courts.

In order to comply with the requirements of the Division of Justice and Crime Prevention and also to provide a more accurate analysis of staffing needs, time records are submitted by the Public Defenders, Investigators and the Assistant Public Defenders. These records are complete for the period of July 1, 1975 to June 30, 1976 and the average number of hours per week for the Staunton personnel is as follows:

William E. Bobbitt, Jr., Public Defender	41
Thomas S. Ashby, Investigator	40
R. Toms Dalton, Assistant Public Defender	14
Thomas H. Wood, Assistant Public Defender	10

T H E V I R G I N I A B E A C H O F F I C E

The Defender office in the City of Virginia Beach continues to be headed by Peter T. Legler. Mr. Legler's office is located in close proximity to the Virginia Beach Courts. The office has a full time Investigator, William M. Campbell, and a full time secretary, Mrs. Irene P. Evans. Additionally, the part time assistants are Frederick B. Lowe, Donald E. Lee,

and Virginia Cochran Miller. The hourly averages for the Virginia Beach personnel are as follows:

Peter T. Legler, Public Defender	42
William M. Campbell, Investigator	44
Fred B. Lowe, Assistant Public Defender	22
Donald E. Lee, Assistant Public Defender	23
Virginia Miller, Assistant Public Defender	26

Both Mr. Legler and Mr. Bobbitt have reported increased caseloads, but to date it has not been necessary to increase the staffs. Increased workloads, nevertheless, continue to be a problem, and it is estimated that additional personnel will be needed for these two offices in approximately two years.⁶

T H E R O A N O K E O F F I C E

Because of the short period of time in which the Roanoke office has been operational, statistical data would not be meaningful. This office will likely be given preferred attention in the next report.

In addition to David D. Walker, Public Defender, Roanoke has two Investigators, Douglas D. Maynard, and Clarence N. Patterson, Jr. The Assistant Public Defenders are Martin R. Willis, Jonathan S. Kurtin, Jonathan M. Apgar and Douglas S. Caldwell. The office is staffed by two full time secretaries, Mollie C. Talbott and Sherry J. Powers.

Because all Roanoke personnel are full time, salaries for Assistant Public Defenders are necessarily somewhat higher, and additional office space is required. Accordingly, the budget for the City of Roanoke is considerably higher than that

⁶Statistical information on caseloads is contained in the Appendix, pages 17-20.

of the other two offices, but it is felt that the use of full time personnel will more closely parallel the Commonwealth's Attorneys Office and also will provide a better test for future consideration by the Legislature.⁷

F U N D I N G

Beginning July 1, 1976, the Staunton and Virginia Beach offices will be completely State funded, being operated at present through a grant to the Public Defender Commission approved by the Council on Criminal Justice and administered by the Division of Justice and Crime Prevention. The Roanoke office is currently federally funded by a grant approved by the Council on Criminal Justice on February 5, 1976; (Grant Number 76-A3233).

C O N C L U S I O N

The Commission continues to be encouraged by the performance of the pilot Defender offices, and it is felt that much of the skepticism previously expressed by members of the judiciary and the private bar has been laid to rest. Although it is obvious that salary scales will need to be upgraded in order to maintain the high quality of personnel now operating the Defender offices, it is significant that the increase in the operational costs of the Defender offices has been approximately 7.5% since 1973. This compares with a 128% increase in the cost of court-appointed counsel for a similar period.

The cost to the Commonwealth for the defense of indigents (excluding the costs of operation of the Public Defender Offices) for the fiscal year beginning July 1, 1975 and ending

⁷The Roanoke budget is contained in the Appendix, page 23.

June 30, 1976, was \$4,299,466. This compares to state wide totals of \$1.8 million in the fiscal year ending June 30, 1974 and 2.7 million dollars in the fiscal year ending June 30, 1975.⁸ The cost for the City of Richmond for the fiscal year ending June 30, 1976 was \$456,409, an increase of 4.3% over the previous year. The cities of Roanoke and Lynchburg showed increases of 71.5% and 94.5% respectively.⁹

Of greater importance than cost considerations is the fact that the quality of defense services has not been sacrificed to accomplish increased efficiency. Nevertheless, the Commission realizes that maintaining quality of the program will require additional expenditures for such matters as training and supportive services.

The Commission is also considering the Standards for Defense Services as proposed by the American Bar Association and the National Advisory Commission on Standards and Goals. Outside evaluation is encouraged, and the Commission members, staffs, and the Public Defenders continue to welcome comments and constructive criticism from the Private Bar and others interested in the pilot programs.

⁸The State cost (1968-1976) of the court-assigned systems for indigent representation appears in the Appendix, page 24.

⁹The costs of certain selected locations for the last two fiscal years and the percentage increases or decreases appear in the Appendix, page 25.

CHAPTER 2.1.

PUBLIC DEFENDERS.

Sec.	Sec.
19.1-32.2. Public Defender Commission to be appointed; membership; expenses; report to General Assembly.	19.1-32.4. Duties of public defender assistants.
19.1-32.3. Commission to appoint public defenders in selected areas; compensation, assistants, offices, etc., of public defenders.	19.1-32.5. Application of §§ 14.1-183 and 14.1-184 where public defenders have been appointed.

§ 19.1-32.2. Public Defender Commission to be appointed; membership; expenses; report to General Assembly. — There is hereby created a Public Defender Commission, which shall be composed of five citizens and residents of this Commonwealth. Members of the Commission shall be appointed by the Speaker of the House of Delegates in consultation with the chairmen of the Courts of Justice Committees of the House of Delegates and the Senate. The Commission shall annually elect one of its members chairman. The Commission shall consist of two members who are active judges of courts of record, two members who are active members of the Virginia State Bar and have practiced law in the State for ten or more years immediately preceding their appointment and one public member who shall not be an active or retired judge and shall never have been a licensed lawyer. Members of this Commission shall receive no compensation for their services but shall be paid their reasonable and necessary expenses incurred in the performance of their duties, for which there is hereby appropriated from the general fund of the State treasury the sum of ten thousand dollars. The Commission shall report its actions to the General Assembly no later than November fifteenth, nineteen hundred seventy-four, and shall file thereafter an additional report no later than June thirtieth, nineteen hundred seventy-six. (1972, c. 800; 1975, c. 410.)

The numbers of §§ 19.1-32.2 to 19.1-32.5 were assigned by the Virginia Code Commission, the 1972 act having assigned no numbers. The 1975 amendment added the language beginning "and shall file" at the end of the section.

Effective date.—This chapter is effective April 10, 1972.

§ 19.1-32.3. Commission to appoint public defenders in selected areas; compensation, assistants, offices, etc., of public defenders.—The duties of the Public Defender Commission hereinafter referred to as "the Commission" are:

(a) To select in its discretion three areas wherein public defender offices are to be established.

(i) to (iii) [Repealed.]

(b) Appoint a public defender for each of the above areas to serve at the pleasure of the Commission, who shall devote his full time to his duties and not engage in the private practice of law. The Commission shall fix his compensation.

(c) To authorize the public defender to employ such assistants as authorized by the Commission. Such assistants shall devote such time to the performance of their duties as may be required by the public defender or the Commission and may engage in the private practice of law. The Commission shall approve the salaries to be paid said assistants.

(d) To authorize the public defender to employ the necessary staff, carry out the duties imposed upon him to include secretarial and investigative personnel and such other personnel as may be necessary.

(e) To authorize the public defender to secure such office space as needed and to purchase or rent such office equipment and purchase supplies and to incur such expenses as are necessary to carry out the duties imposed upon him.

(f) To receive and expend moneys appropriated by the General Assembly of Virginia and to receive other moneys as they be available to it and to expend the same in order to carry out the duties imposed upon it.

(g) In any case in which a public defender or his assistant represents a poor person charged with an offense and such person is convicted, such sum as would have been allowed a court-appointed attorney as compensation and as reasonable expenses shall be taxed against the person defended as a part of the costs of the prosecution, and, if collected, shall be paid to the Commonwealth. An abstract of such costs shall be docketed in the judgment docket and execution lien book of the court. (1972, c. 800; 1975, c. 410.)

The 1975 amendment rewrote subdivision (a), substituted "such time to the performance of their duties as may be required by the public defender or the Commission" for "a minimum of twenty-five hours per week to their duties" in subdivision (c) and added subdivision (g).

§ 19.1-32.4. Duties of public defenders and assistants.—Public defenders and their assistants shall carry out the following duties:

(a) To secure office space, to employ a staff, to fix salaries and to do such other things necessary to carry out the duties imposed upon him with the approval of the Commission.

(b) To represent indigent defendants charged with a crime when such defendants are entitled to be represented by law by court-appointed counsel in a court of record or a court not of record, and to verify the indigent status of such defendants.

(c) To represent indigent defendants who are entitled to be represented by court-appointed counsel in an appeal of their conviction to the Supreme Court of Virginia.

(d) To represent indigent prisoners when a habeas corpus proceeding is brought by such prisoners.

(e) To submit such reports as required by the Commission. (1972, c. 800.)

§ 19.1-32.5. Application of §§ 14.1-183 and 14.1-184 where public defenders have been appointed.—In counties and cities in which public defenders are appointed, the provisions of §§ 14.1-183 and 14.1-184 shall not apply unless the public defender is unable to represent the defendant or petitioner by reason of conflict of interest or otherwise, in which case the provisions of §§ 14.1-183 and 14.1-184 shall be in full force and effect. (1972, c. 800.)

EXCERPT FROM
COMMISSION REPORT OF NOVEMBER 1974

X. FINDINGS

- 1) The Commission's evaluation shows greater consistency in the quality of representation of the indigent is being provided by the Public Defender Offices.
- 2) The investigative resources are being used with successful results.
- 3) The Courts, especially at the District Court level, have responded favorably to the program, advising that there is greater efficiency in the processing of indigent cases.
- 4) Specialized expertise in criminal law has been substituted for the necessity of appointment of attorneys who may be unfamiliar with criminal practice.
- 5) To date there is no indication of any monetary savings to the State by use of the Public Defender System.
- 6) In order to provide a sound test of the Public Defender System, the Commission finds it is necessary that a pilot project be placed in a large urban area. In this regard, however, the Commission has experienced considerable difficulty in establishing such an office because of: (a) opposition of the Bench and Bar who feel the existing assigned counsel systems are functioning well, with an available supply of attorneys competent and willing to accept appointments; (b) that sufficient funds to adequately staff a Public Defender Office are not available; (c) that the salary scales are unrealistic and (d) reluctance to replace a system which appears to function satisfactorily with a new system that may be temporary with no assurance of its continuance even if successful.

XI. RECOMMENDATIONS

- 1) Remove present population and judicial region categories in Sec. 19.1-32.3, Code of Virginia, 1950, as amended, to allow more flexibility in selection of pilot program areas.
- 2) Appoint a Joint Subcommittee of the Courts of Justice Committees of the Senate and the House of Delegates of Virginia to determine the feasibility of establishing legislative standards for determining indignity as it relates to eligibility for assigned counsel or Public Defender representation as provided by law.
- 3) Amend present legislation to allow employment by a Public Defender of parttime assistants from the private bar for fewer than 25 hours per week, where necessary.
- 4) If the Public Defender System is to be approached and considered for implementation on a statewide basis in Virginia, a pilot program must be installed in at least one major metropolitan area with sufficient funds assured to operate such project or projects including an adjustment of the salary scale where necessary. The Commission specifically requests the assistance of the General Assembly in this regard.

- 5) If the Public Defender System is to be approached on an optional basis, where a need is evident, it should be tested in several more areas for an additional period. One avenue of funding would be the diverting of appropriated criminal defense funds to the areas selected.
- 6) Enact legislation authorizing creation of additional Public Defender programs, and continuing the two existing programs and services of an Executive Director to the Commission.
- 7) Enact legislation providing for the assessment of costs (for attorneys fees) against convicted indigents represented by Public Defenders. (See Wicks v City of Charlottesville, Va. Record # 740266, October 14, 1974)

PUBLIC DEFENDER SALARY RANGES
(as of July 1, 1976)

Public Defenders (3)	\$24,000 - \$25,600
Assistant Public Defenders (9)	\$7,450 - \$16,000
Investigators (4)	\$7,200 - \$14,782
Secretarial (4)	\$6,258 - \$7,200
Executive Director - \$16.88 per hour plus secretarial/ bookkeeping expenses, travel expenses, etc.	

OFFICE OF THE PUBLIC DEFENDER
 STAUNTON, VIRGINIA
October 1, 1974 - June 30, 1975

Miscellaneous information:
 Interviews 768
 Ineligible 0
 Cases accepted 768
 Misdemeanor appeals 11
 Certified to grand jury 120
 Appeals to Supreme Court 7

	<u>SUMMARY OF COUNTS</u>		
	<u>TOTALS</u>	<u>ADULT</u>	<u>JUVENILE</u>
Felony counts	392	292	100
Misdemeanor counts	593	288	305
TOTALS	<u>985</u>	<u>580</u>	<u>405</u>
Number of defendants	768	374	394
FELONY CHARGES:			
Armed robbery/strong armed robbery		8	1
Arson		3	
Assault		27	2
Burglary		47	29
Drugs:			
(Controlled substance) possession		10	1
Possession with intent to sell, manufacture		29	6
Sale			
Forgery/worthless checks		71	3
Grand larceny/embezzlement		43	35
Murder		3	
Rape/sodomy/indecent liberties		8	1
Revocation of probation/fugitive		6	2
Miscellaneous felonies		<u>37</u>	20
TOTALS		<u>292</u>	100
MISDEMEANOR CHARGES:			
Assault/resisting arrest/curse & abuse		22	xx
Disorderly conduct/disturbing the peace		2	xx
Contempt of court/failure to appear		7	xx
Possession of marijuana		14	xx
Petit larceny/concealment of merchandise		26	xx
Traffic offenses (DUI, revoked license, etc.)		66	xx
Worthless checks		67	xx
Miscellaneous misdemeanors		42	xx
Juvenile misdemeanors		xx	305
Juvenile support cases		<u>42</u>	xx
		<u>288</u>	305

OFFICE OF THE PUBLIC DEFENDER
 STAUNTON, VIRGINIA
July 1, 1975 - June 30, 1976

Miscellaneous information:
 Interviews 670
 Ineligible 13
 Cases accepted 657
 Misdemeanor appeals 15
 Certified to grand jury 191
 Appeals to Supreme Court 13

SUMMARY OF COUNTS

	<u>TOTAL</u>	<u>ADULT</u>	<u>JUVENILE</u>
Felony counts	477	363	114
Misdemeanor counts	578	342	236
TOTALS	1055	705	350
Number of defendants	657	363	294
FELONY CHARGES:			
Armed robbery		7	5
Arson		4	
Assault		29	8
Burglary		104	48
Drugs:			
(Controlled substance) possession		6	
Possession with intent to sell, manufacture		10	4
Sale			
Forgery/worthless checks		43	1
Grand larceny/embezzlement		105	31
Murder		5	
Rape/sodomy/indent liberties		5	1
Revocation of probation/fugitive		1	5
Miscellaneous felonies		44	11
TOTALS		363	114
MISDEMEANOR CHARGES:			
Assault/resisting arrest/curse & abuse		26	
Disorderly conduct/disturbing the peace		10	
Contempt of court/failure to appear		5	
Possession of marijuana		13	
Petit larceny/concealment of merchandise		50	
Traffic offenses (DUI, revoked license, etc.)		43	
Worthless checks		49	
Miscellaneous misdemeanors		94	
Juvenile misdemeanors			
Juvenile support cases		52	
TOTALS		342	

OFFICE OF THE PUBLIC DEFENDER
 Virginia Beach, Virginia
July 1, 1974 - June 30, 1975

Miscellaneous information:
 Interviews 1363
 Ineligible 426
 Cases accepted 937
 Misdemeanor appeals 16
 Certified to grand jury 220

SUMMARY OF COUNTS

	<u>TOTAL</u>	<u>ADULT</u>	<u>JUVENILE</u>
Felony counts	684	539	145
Misdemeanor counts	777	595	182
TOTALS	<u>1461</u>	<u>1134</u>	<u>327</u>
Number of defendants	937	660	277
FELONY CHARGES:			
Armed robbery		49	7
Arson			2
Assault		15	3
Burglary		146	73
Drugs:			
(Controlled substance) possession		48	2
Possession with intent to sell, manufacture		39	4
Sale		6	1
Forgery/worthless checks		36	6
Grand larceny/embezzlement		54	23
Murder		8	4
Rape/sodomy/indecent liberties		7	10
Revocation of probation/fugitive		66	2
Miscellaneous felonies		65	8
TOTALS		<u>539</u>	<u>145</u>
MISDEMEANOR CHARGES:			
Assault/resisting arrest/curse & abuse		34	xx
Disorderly conduct/disturbing the peace		14	xx
Contempt of court/failure to appear		101	xx
Possession of marijuana		102	xx
Petit larceny/concealment of merchandise		45	xx
Traffic offenses (DUI, revoked license, etc.)		43	xx
Worthless checks		124	xx
Miscellaneous misdemeanors		108	xx
Juvenile misdemeanors		xx	182
Juvenile support cases		24	xx
TOTALS		<u>595</u>	<u>182</u>

OFFICE OF THE PUBLIC DEFENDER
 VIRGINIA BEACH, VIRGINIA
July 1, 1975 - June 30, 1976

Miscellaneous information:
 Interviews 1200
 Ineligible 261
 Cases accepted 939
 Misdemeanor appeals 37
 Certified to grand jury 290

	<u>SUMMARY OF COUNTS</u>		
	<u>TOTAL</u>	<u>ADULT</u>	<u>JUVENILE</u>
Felony counts	826	628	198
Misdemeanor counts	681	449	232
TOTALS	<u>1507</u>	<u>1077</u>	<u>430</u>
Number of defendants	939	620	319
FELONY CHARGES:			
Armed robbery/strong armed robbery		63	12
Arson		4	
Assault		27	10
Burglary		143	87
Drugs:			
(Controlled substance) possession		15	1
Possession with intent to sell, manufacture		24	2
Sale		12	
Forgery/worthless checks		58	4
Grand larceny/embezzlement		94	33
Murder		18	
Rape/sodomy/indecent liberties		14	15
Revocation of probation/fugitive		62	2
Miscellaneous felonies		94	32
TOTALS		<u>628</u>	<u>198</u>
MISMEMEANOR CHARGES:			
Assault/resisting arrest/curse & abuse		40	
Disorderly conduct/disturbing the peace		14	
Contempt of court/failure to appear		60	
Possession of marijuana		59	
Petit larceny/concealment of merchandise		31	
Traffic offenses (DUI, revoked license, etc.)		47	
Worthless checks		86	
Miscellaneous misdemeanors		96	
Juvenile misdemeanors		xx	232
Juvenile support cases		16	
TOTALS		<u>449</u>	<u>232</u>

OFFICE OF THE PUBLIC DEFENDER
STAUNTON, VIRGINIA

October 1, 1974 - June 30, 1975

Cost of operation of Public Defender office:	
Personnel	\$ 34,084*
Travel	590
Equipment	645
Other	1,622
Expenses of Staunton Office	\$ 36,941
Share of expenses of Executive Director and Public Defender Commission	7,192
Total Cost	\$ 44,133
Estimated cost of court appointed counsel	
120 felonies @ \$200 average	\$ 24,000
865 misdemeanors and noncertified felonies @ \$75	64,875
Total Estimated Cost	\$ 88,875
Estimated Savings of Public Defender Office	\$ 44,742

* Public Defender's salary would have been an additional \$15,000 During this period, there was no full time Public Defender because of the appointment of Coy M. Kiser, Jr., to a judgeship.

July 1, 1975 - June 30, 1976

Cost of operation of Public Defender office:	
Personnel	\$ 63,333
Travel	1,138
Equipment	941
Other	4,111
Expenses of Staunton Office	\$ 69,523
Share of expenses of Executive Director and Public Defender Commission	7,982
Total Cost	\$ 77,505
Estimated cost of court appointed counsel:	
191 felonies @ \$200 average	\$ 38,200
864 misdemeanors and noncertified felonies @ \$75 average	64,800
Total Estimated Cost	\$103,000
Estimated Savings of Public Defender Office	\$ 25,495

OFFICE OF THE PUBLIC DEFENDER
VIRGINIA BEACH, VIRGINIA

July 1, 1974 - June 30, 1975

Cost of operation of Public Defender office:	
Personnel	\$ 74,851
Travel	1,550
Equipment	1,142
Other	5,100
Expenses of Virginia Beach Office	\$ 82,643
Share of expenses of Executive Director and Public Defender Commission	7,596
Total Cost	\$ 90,239
Estimated cost of court appointed counsel:	
220 felonies @ \$200 average	\$ 44,000
1,241 misdemeanors and noncertified felonies @ \$75 average	93,075
Total Estimated Cost	\$137,075
Estimated Savings of Public Defender Office	\$ 46,836

July 1, 1975 - June 30, 1976

Cost of operation of Public Defender office:	
Personnel	\$ 81,756
Travel	1,765
Equipment	735
Other	4,419
Expenses of Virginia Beach Office	\$ 88,675
Share of expenses of Executive Director and Public Defender Commission	7,982
Total Cost	\$ 96,657
Estimated cost of court appointed counsel	
290 felonies @ \$200 average	\$ 58,000
1,217 misdemeanors and noncertified felonies @ \$75 average	91,275
Total Estimated Cost	\$149,275
Estimated Savings of Public Defender Office	\$ 52,618

OFFICE OF THE PUBLIC DEFENDER
ROANOKE, VIRGINIA
1976-77 BUDGET¹⁰

Personnel	\$ 121,641
Consultants	4,347
Travel	8,432
Equipment	8,939
Other Expenses	15,631
Total	\$ 158,990

¹⁰ This budget covers the period March 1, 1976 - February 28, 1977. Grant #76-A3233 provides 90% LEAA funds and 10% DJCP General Fund.

C O U R T A P P O I N T E D A T T O R N E Y S
S T A T E W I D E C O S T S

July 1, 1968 - June 30, 1969	\$ 1,087,943.78
July 1, 1969 - June 30, 1970	1,325,352.48
July 1, 1970 - June 30, 1971	1,655,788.64
July 1, 1971 - June 30, 1972	1,920,070.14
July 1, 1972 - June 30, 1973	2,140,622.40
July 1, 1973 - June 30, 1974	1,883,190.50
July 1, 1974 - June 30, 1975	2,703,750.06
July 1, 1975 - June 30, 1976	4,299,466.18

C O U R T A P P O I N T E D A T T O R N E Y S

C O S T B Y L O C A T I O N

Location	July 1, 1974 - June 30, 1975	July 1, 1975 - June 30, 1976	Per Cent Increase
Alexandria	\$ 117,460.51	\$ 196,123.71	67.0%
Arlington	93,645.00	178,777.40	90.9
Chesapeake	74,182.48	100,078.60	34.9
Chesterfield	32,233.67	54,282.39	68.4
Danville	42,286.00	34,874.75	(17.5)
Fairfax (county & city)	197,093.76	304,842.49	54.7
Hampton	107,417.01	142,827.23	33.0
Henrico	56,933.00	88,672.50	55.7
Lynchburg*	53,414.70	103,888.75	94.5
Newport News	114,553.81	188,160.08	64.3
Norfolk	185,220.60	311,784.95	68.3
Petersburg	24,540.85	91,118.00	271.3
Portsmouth	155,001.70	181,733.63	17.2
Richmond**	322,989.00	456,409.88	41.3
Roanoke (city)*	107,173.30	183,845.35	71.5
Roanoke County	27,920.49	48,798.75	74.8
Virginia Beach	9,290.78	16,104.03	73.3

*Annexation probably contributed to increases in these cities.

**Because the state penitentiary is located in Richmond, criminal proceedings against convicts (such as recidivist cases) are heard in the Circuit Court of the City of Richmond (pursuant to §53-295 of the Code of Virginia), and the cost of counsel in those proceedings is included. Also, the appointment of counsel to assist indigent inmates (pursuant to §53-21.2) would increase the costs in areas where penal institutions are located.