

Washoe County Indigent Defense



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CONSTITUTIONAL MANDATE



Sixth Amendment

"In all criminal prosecutions, the accused shall enjoy the right to a **speedy and public trial**, by an **impartial jury** of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be **informed** of the nature and cause of the accusation; to be **confronted** with the witnesses against him; to have **compulsory process** for obtaining witnesses in his favor, and to have **the Assistance of Counsel for his defence.**"

CONSTITUTIONAL MANDATE



Gideon v. Wainwright 372 U.S. 335 (1963)

- Right to counsel in criminal action is fundamental constitutional right.
- Government has the obligation to provide effective assistance of counsel to those who cannot afford it.
- *Funding indigent defense is a cost of the prosecution function.*

OUR PRACTICE IS GOVERNED BY:



- Nevada and United States Constitutions
- Nevada statutes
- Caselaw interpreting Nevada law and the United States Constitution
- Local and statewide court rules
- Washoe County Model Plan for Indigent Defense

- Nevada Rules of Professional Conduct/Nevada State Bar
- Regulations governing indigent defense practice (Nevada Department of Indigent Defense Services)
- Nevada Supreme Court Rules
- Nevada Supreme Court Order ADKT 411 (2008)

WASHOE COUNTY, NEVADA



Public
Defender's
Office



Alternate Public
Defender's
Office



Tertiary
Counsel Group

WHAT WE DO

The mission of the Washoe County Public Defender's Office is to protect and defend the rights of indigent people in Washoe County by providing them access to justice through professional legal representation.



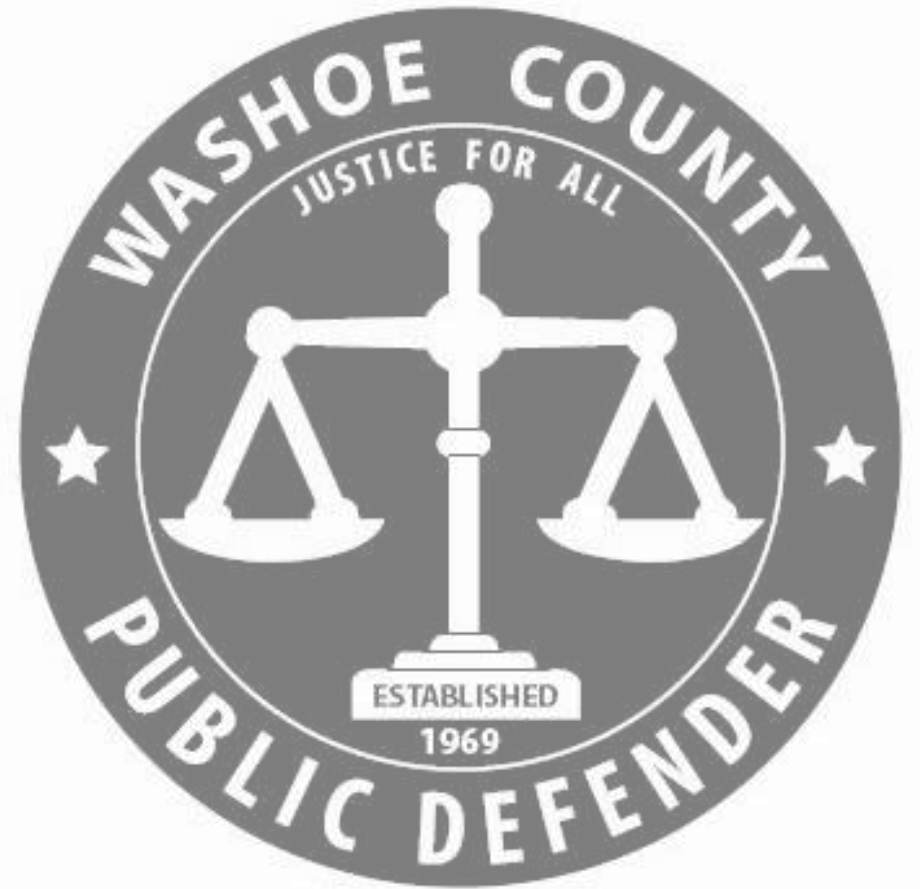
WHAT WE DO

Largest provider of indigent defense in Northern Nevada

Uphold the constitutional promise & mandate

Holistic defense

Fulfill County's objective of serving vulnerable populations



Public Defender: Office Composition



Public Defender: Divisions



CRIMINAL

Misdemeanors/
1st Appearances/
Specialty Courts
Immigration
Felony Teams
Complex
Litigation Unit

FAMILY/ MENTAL HEALTH

Dependency
Termination of
Parental Rights
Involuntary
Hospitalizations
Competency
Court, AOT

YOUTH DEFENDERS

Delinquency
Petitions
Juvenile
Detention
Hearings
Certifications

APPEALS

Direct Appeals
Parole
Revocations

SUPPORT

Office
Specialists
Legal Assistants
Investigators
Paralegals
Business
Technologist
(IT)

Alternate Public Defender: Office Composition



16 Attorneys:

- 7 Criminal Deputies
- 1 Criminal Chief
- 1 Appellate Attorney
- 2 Specialty Court Attorneys
- 1 Juvenile Attorney and Family Court Chief
- 3 Family Court Attorneys
- 1 Appointed Department Head

Investigators

2

Support Staff

8

Total Employees

26

Alternate Public Defender: Divisions



Criminal Cases

Misdemeanors

Felony Assignments

Homicide Cases

Direct Appeals

Writ Petitions

Specialty Courts

Mental Health Court

Adult Drug Court

DUI Court

Veteran's Court

Young Offender

Court

Medication Assisted

Court

Re-Entry Court

Competency Court

Juvenile Court

Juvenile Detention Hearings

Delinquency Petitions

Certifications

Family Court

Dependency Cases

Termination of Parental Rights

Safe Babies Court

HOLISTIC DEFENSE

“Holistic defense is a model in which public defenders work in interdisciplinary teams to address both the immediate case and the underlying life circumstances--such as drug addiction, mental illness, or family or housing instability--that contribute to client contact with the criminal justice system.”



HOLISTIC DEFENSE



Not new to indigent defense in Washoe County
Begins with hiring; training
Social work intern program / partnership with UNR
Consistent with Sequential Intercept Model and
decriminalizing behavioral health



CASELOADS: PUBLIC DEFENDER



	<u>FY 2023</u>	<u>FY 2024</u>
Total Cases Received:	11,794	10,928
New Cases:	7,205	7,228
Reopened Cases:	2,612	2,652
Total Cases Conflicted:	1,977	1,048
Non-Workload Conflicts:	1,328	1,005
Workload Conflicts:	632	15
Cases closed (not including conflicts):	8,607	9,707

CASELOADS: PUBLIC DEFENDER



	FY 2023	FY 2024
Adult Criminal:		
Felonies:	2,398	2,398
Gross Misdemeanors:	266	374
Felony/GM Probation Revocations:	404	397
Return from Diversion (District Court):	8	12
Extraditions:	2	3
Other Criminal:	0	1
Misdemeanors:	1,935	2,170
Misdemeanor Orders to Show Cause:	870	613
Misdemeanor Specialty Courts:	116	162

CASELOADS: PUBLIC DEFENDER



	<u>FY 2023</u>	<u>FY 2024</u>
Youth Defender Cases:	1,151	1,081
Family court:	187	182
Hospitalization Petitions:	2,132	2,200
Appeals:	52	51
Parole Violation Cases:	296	236

WORKLOAD: PUBLIC DEFENDER

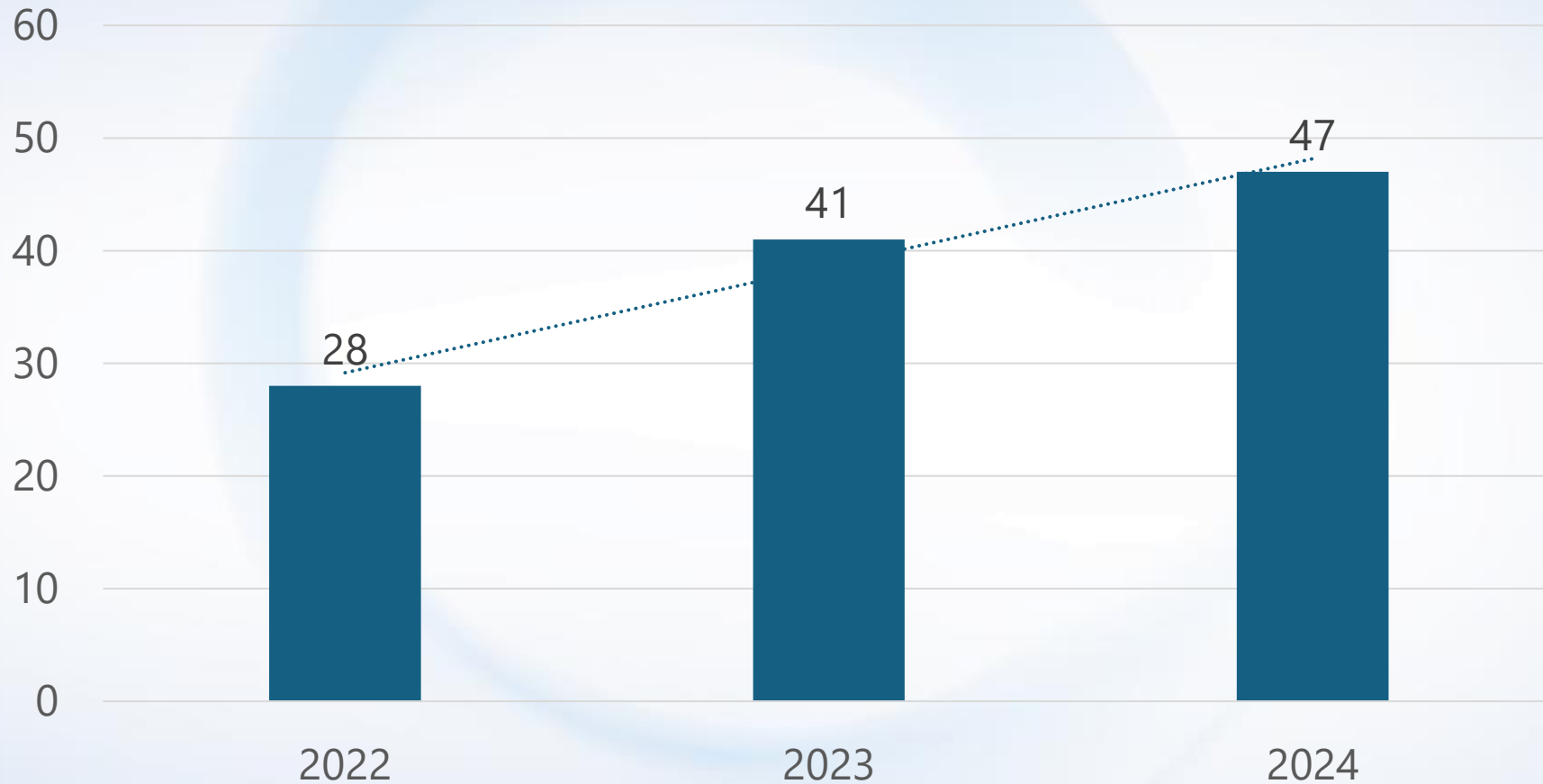


Year (Calendar)	Number of Trials Set	Trials That Went Forward	Trials That Did Not Go Forward	Number of Trials Vacated After Pretrial Motions	Percentage of Cases Where Trial Was Vacated After Pretrial Motions
2022	103	28	75	34	45%
2023	168	41	127	67	53%
2024	309	47	262	150	57%

WORKLOAD: PUBLIC DEFENDER



Trials That Went Forward (Felony & Gross Misdemeanor)



TRIAL DATA: DISTRICT COURT



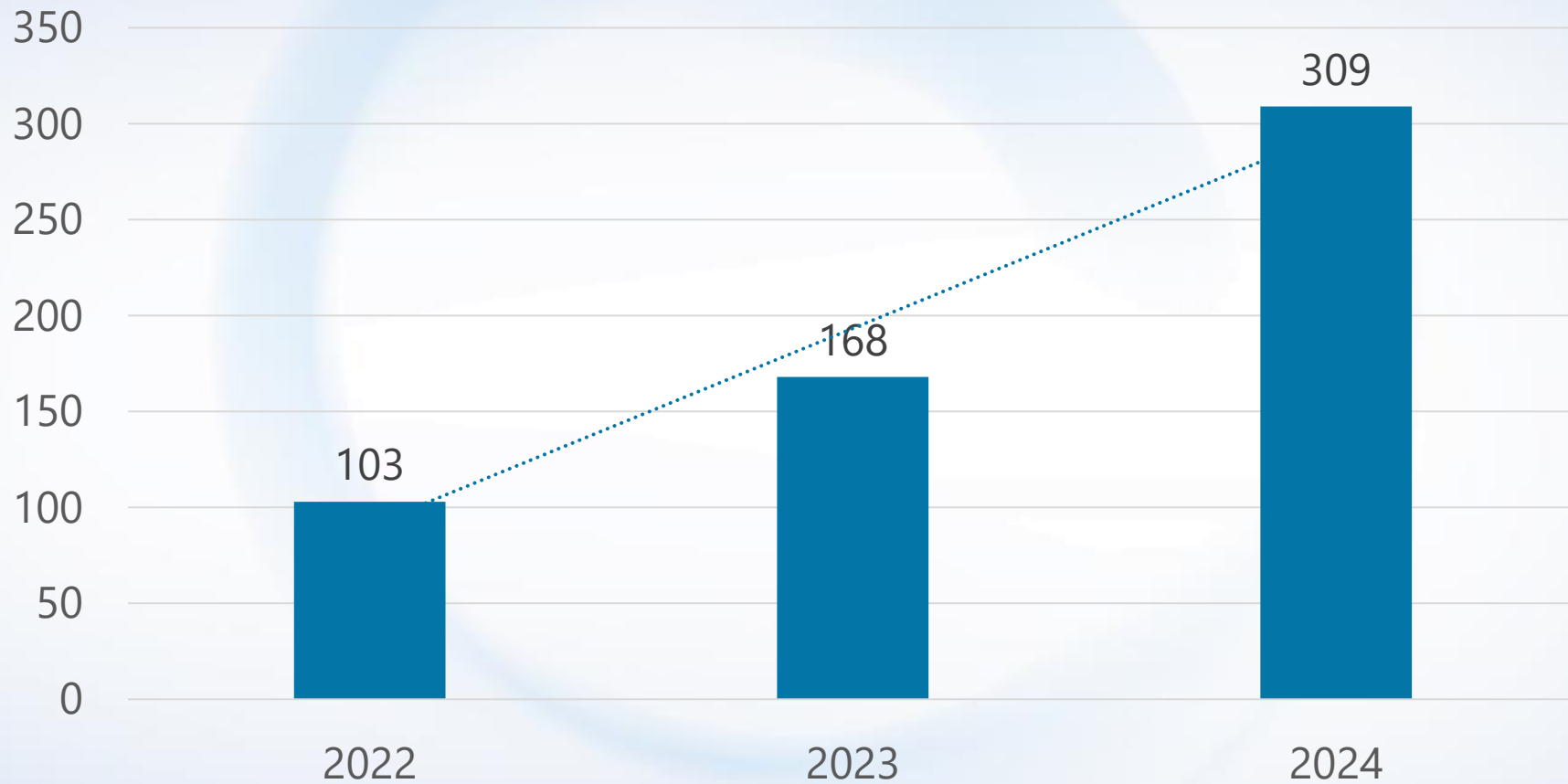
Second Judicial District Court Jury Trials by Calendar Year



WORKLOAD: PUBLIC DEFENDER



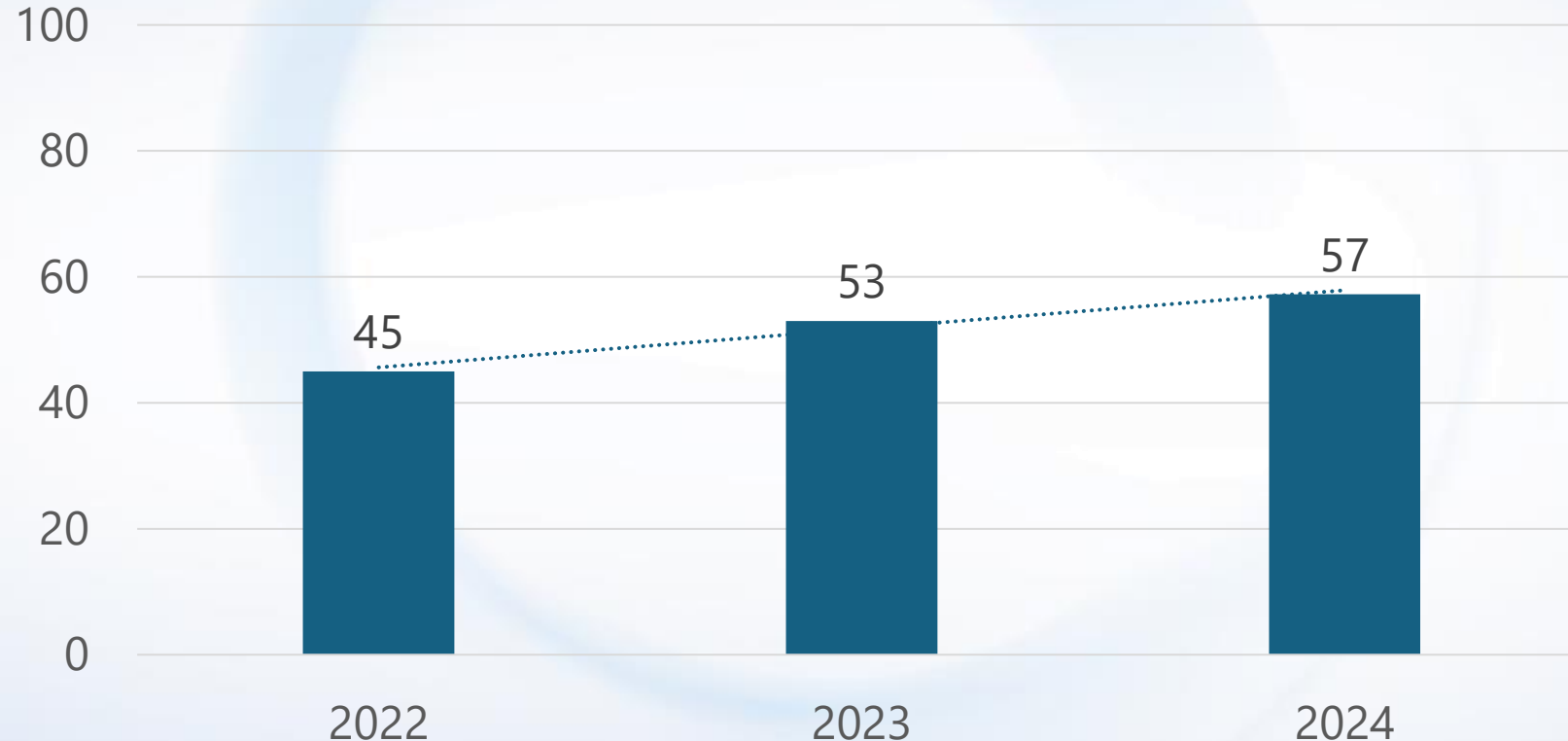
Number of Trials Set (Felony & Gross Misdemeanor)



WORKLOAD: PUBLIC DEFENDER



Percentage of Cases Where Felony/Gross Misdemeanor Trial Was Vacated After Pretrial Motions

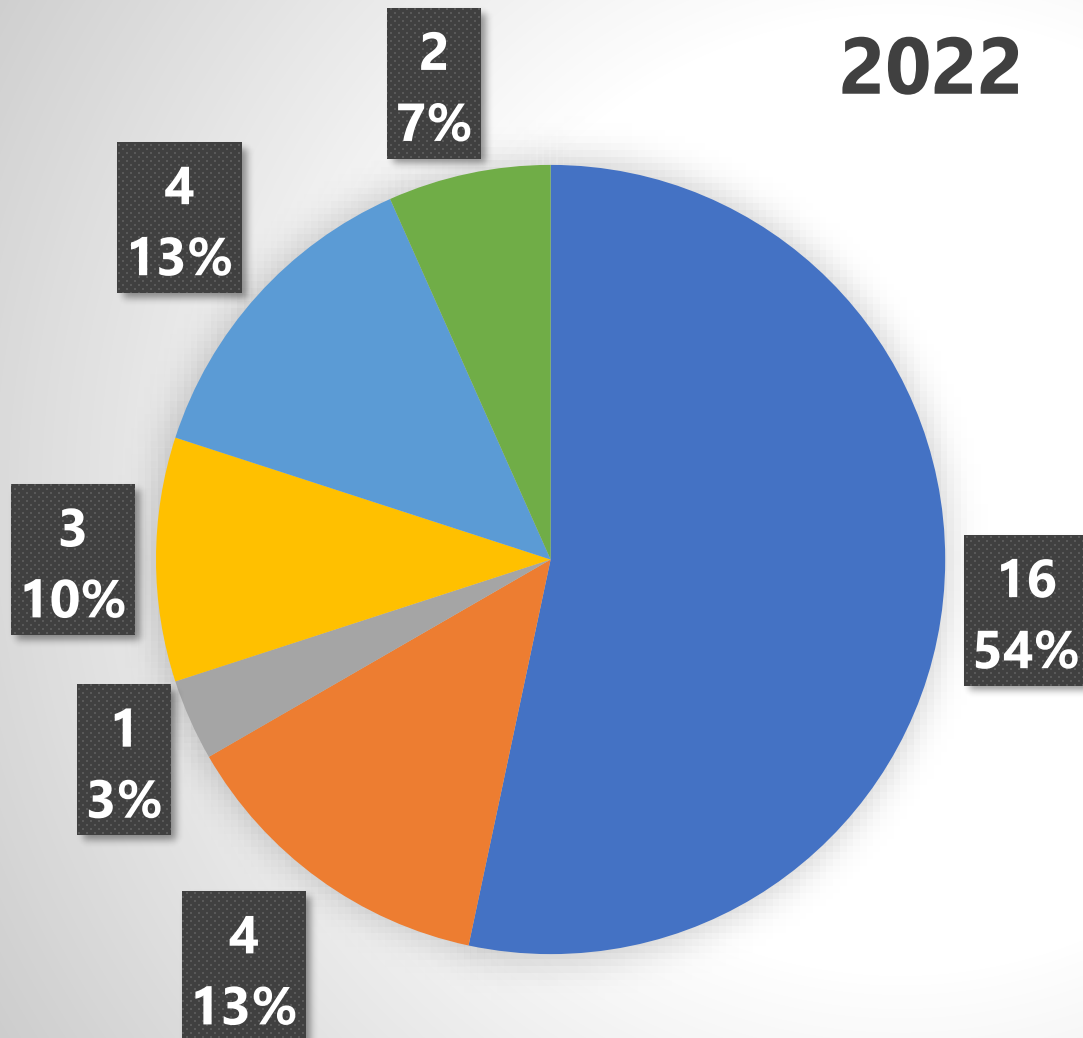


TRIAL OUTCOMES: PUBLIC DEFENDER



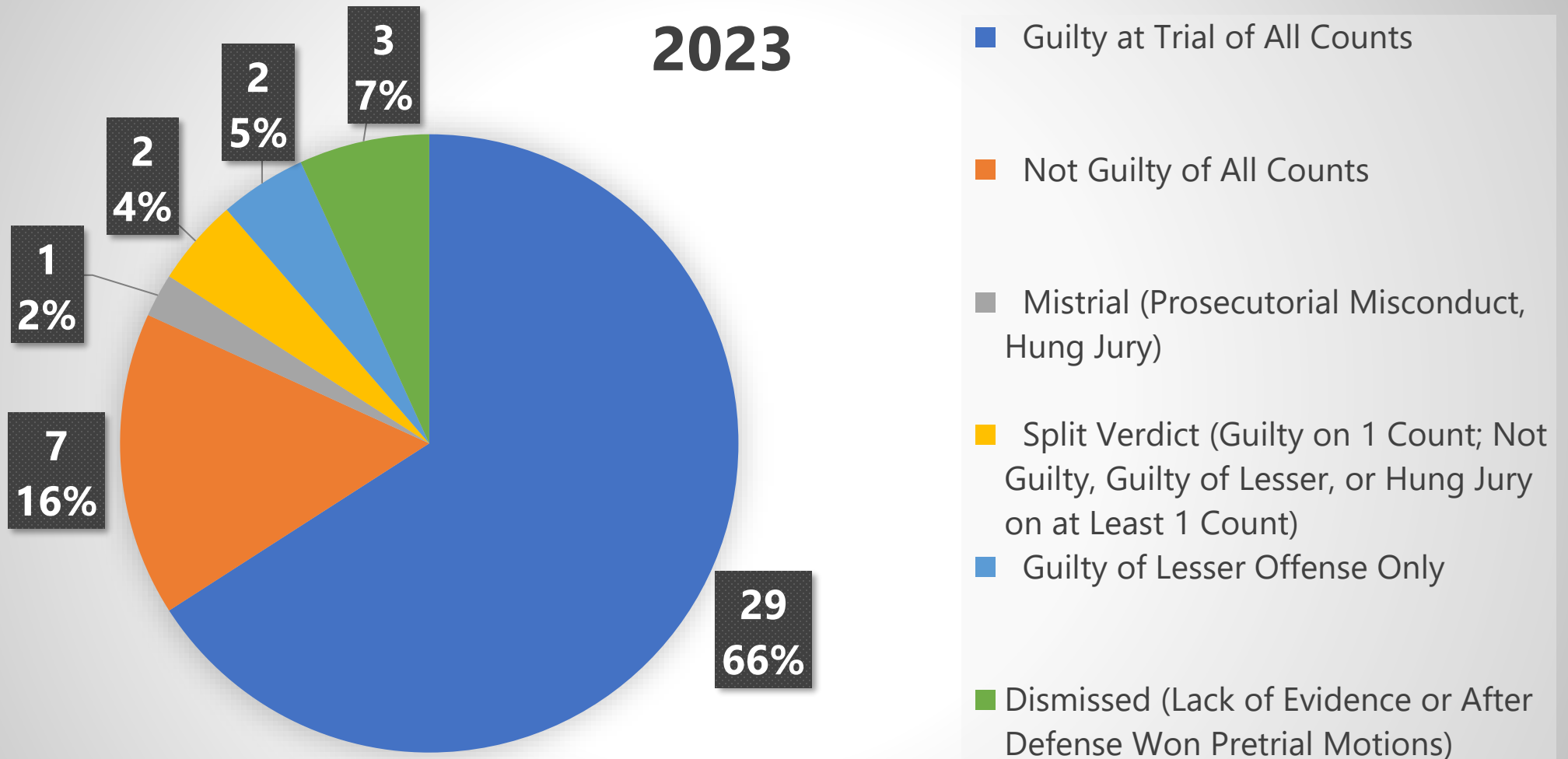
Trial Outcomes (Felony & Gross Misdemeanor Cases)	2022	2023	2024
Number of Trials Set	102	168	309
Number of Trials that Went Forward	28	41	47
Guilty at Trial of All Counts	16	29	30
Not Guilty of All Counts	4	7	7
Mistrial (Prosecutorial Misconduct, Hung Jury)	1	1	3
Split Verdict (Guilty on 1 Count; <u>and</u> Not Guilty, Guilty of Lesser, or Hung Jury on at Least 1 Count)	3	2	4
Guilty of Lesser Offense Only	4	2	3
Dismissed (Lack of Evidence or After Defense Won Pretrial Motions)	2	3	3

TRIAL OUTCOMES: PUBLIC DEFENDER



- Guilty at Trial of All Counts
- Not Guilty of All Counts
- Mistrial (Prosecutorial Misconduct, Hung Jury)
- Split Verdict (Guilty on 1 Count; Not Guilty, Guilty of Lesser, or Hung Jury on at Least 1 Count)
- Guilty of Lesser Offense Only
- Dismissed (Lack of Evidence or After Defense Won Pretrial Motions)

TRIAL OUTCOMES: PUBLIC DEFENDER

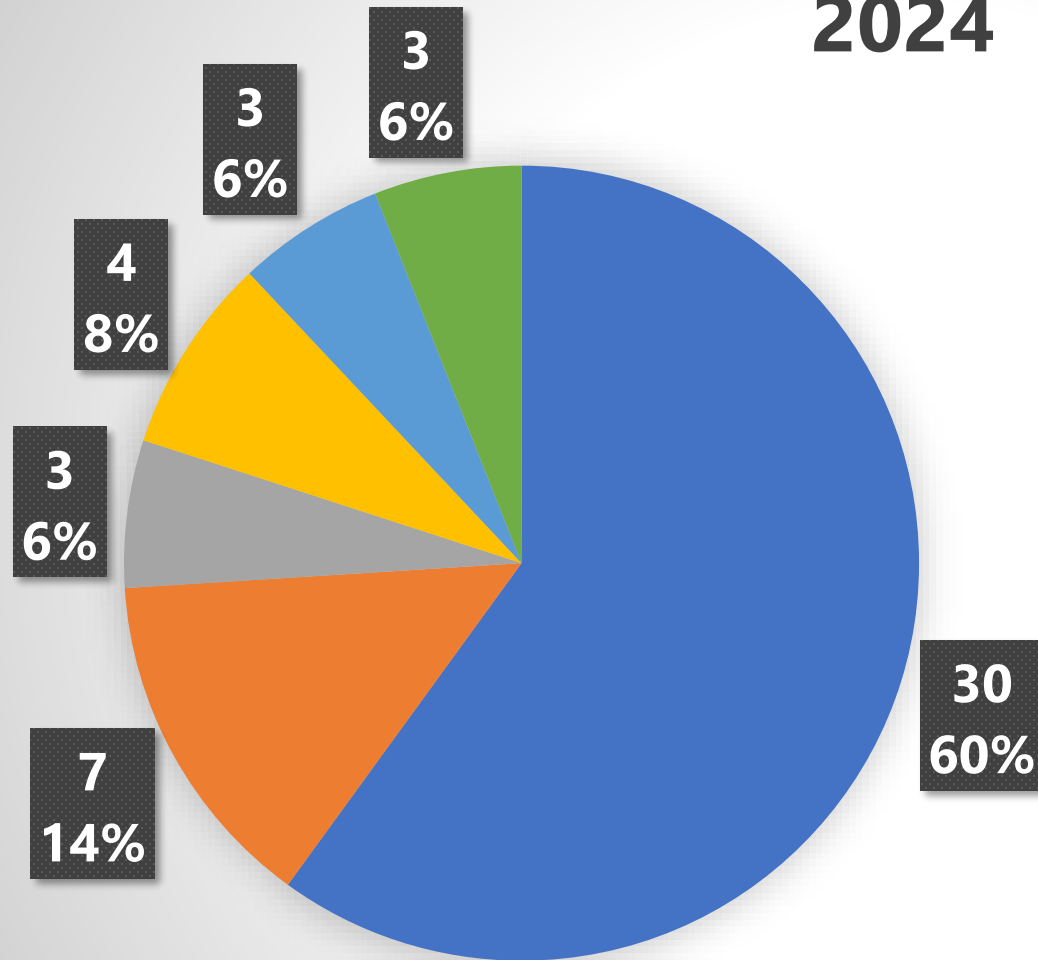


Outcomes of Felony/Gross Misdemeanor Trials & Dismissals, 2023

TRIAL OUTCOMES: PUBLIC DEFENDER



2024



- Guilty at Trial of All Counts
- Not Guilty of All Counts
- Mistrial (Prosecutorial Misconduct, Hung Jury)
- Split Verdict (Guilty on 1 Count; Not Guilty, Guilty of Lesser, or Hung Jury on at Least 1 Count)
- Guilty of Lesser Offense Only
- Dismissed (Lack of Evidence or After Defense Won Pretrial Motions)

Alternate Public Defender: Overview



Conflict cases:

Witness conflicts

Co-Defendants

Young Hearings

Workload Conflicts

Misc. Conflicts

Types of Cases Conflicted: (3 Months Data- Nov. 2024, Jan. 2025, Feb 2025)

Category A Felonies: 3

Category B Felonies: 39

Other Felonies: 16



Specialty Courts divert people away from incarceration and punishment and towards programs that address the root causes of involvement in the legal system. This contributes to the overall well being of our people and our community.



441
OPEN SPECIALTY
COURT CASES



GOAL:

Help build safe and secure families to reduce trauma, separation, and entry into the legal system



In the first four years after aging out of foster care, approximately 20% of former foster youth will experience homelessness.

61% of former foster youth experiencing homelessness are likely to be incarcerated compared to 46% of homeless youth who had never been in the child welfare system.

By age 17, over 50% of foster children will have an encounter with the juvenile legal system through arrest, conviction or detention. In addition, 25% of youth in foster care will be involved with the criminal legal system within two years of leaving foster care. If a child has moved to five or more placements, they are at a 90% risk of being involved with the criminal legal system.

One study showed that 70% of former foster care youth were arrested at least once before age 26.

Alternate Public Defender: Path Forward



Support Networks

Social Workers

Investigators

Paralegals

Technology Support

Partnering with Local

Agencies and Stakeholders

People Centered Representation that reduces incarceration and positively impacts the lives of people harmed by cycles of poverty and incarceration.

MEASURES TAKEN TO ADDRESS WORKLOAD



- Axon Justice
- Temporary paralegal (SFLRF/ARPA)
- Redistributing felony workload (reassignment, coverage)
- Emergency phones at jail

Thank you

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