



*The Commonwealth of Massachusetts*  
*Committee for Public Counsel Services*

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March 26, 2009

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CHILDREN AND FAMILY LAW PROGRAM

Honorable Deval L. Patrick  
Governor  
The Commonwealth of Massachusetts  
State House, Room 360  
Boston, MA 02133

Honorable Robert A. DeLeo  
Speaker  
Massachusetts House of Representatives  
State House, Room 356  
Boston, MA 02133

Honorable Therese Murray  
President  
Massachusetts Senate  
State House, Room 332  
Boston, MA 02133

**RE: A Proposal for Civil Infraction Reform**

Dear Governor Patrick, Speaker DeLeo and President Murray:

The Commission to Study the Provision of Counsel to Indigent Persons in Massachusetts was created by Chapter 253 of the Acts of 2004, in the immediate aftermath of a unanimous decision by the Supreme Judicial Court that decades-long chronic underfunding of legal representation for poor people charged with criminal offenses had "created an unconstitutional state of affairs [that] cannot be tolerated." *Lavallee v. Justices in the Hampden Superior Court*, 442 Mass. 228, 245 (2004). The Commission, whose members were appointed by the Governor, the Senate President and the House Speaker, and which was chaired by then-House Majority Leader John H. Rogers, immediately conducted hearings and issued an authoritative report on April 1, 2005.

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One of the Commission's most important insights was its identification of the "incredible burden imposed on the judicial system by the number of misdemeanor offenses that currently require the appointment of counsel[.]" (Report, page 2). The Commission cited the testimony of Robert Spangenberg, the foremost national expert on indigent defense systems, that "Massachusetts appoints counsel to represent indigent defendants charged with misdemeanor offenses far more frequently than any other jurisdiction." (page 10).

Armed with this information, and with detailed case assignment data provided by the Committee for Public Counsel Services (CPCS), the Commission unanimously recommended the immediate conversion to civil infraction status of six misdemeanor offenses which are technically criminal offenses, but for which "incarceration invariably is neither sought nor imposed." (page 17).

These non-serious misdemeanors are as follows: (1) operation of a motor vehicle with a suspended license or registration (G.L. c.90, §23); (2) driving while unlicensed (c.90, §10) or uninsured (c.90, §34J); (3) shoplifting (c.266, §30A); (4) disorderly person or disturbing the peace (c.272, §53); (5) trespass (c.266, §120); and (6) larceny by check (c.266, §37). (page 17) (footnotes inserted into text for ease of reference).

The Commission submitted a second major recommendation, "that a permanent body be established to review...all criminal statutes to categorize all [misdemeanor] offenses as either 'Class A' misdemeanors, which would be treated as criminal offenses, or 'Class B' misdemeanors, which would always be treated as civil infractions carrying no possibility of incarceration. Any person charged with a Class B misdemeanor would not be eligible for the appointment of counsel." (page 18).

Unfortunately, the Commission's proposal to convert non-serious misdemeanors to civil infractions was not included in Chapter 54 of the Acts of 2005, An Act Providing Counsel to Indigent Persons. And while that legislation did mandate in section six that "there shall be a permanent commission to study and analyze the imposition of civil penalties on certain offenses within the commonwealth[.]" only the Speaker of the House named a designee, and therefore the Commission has never come into being.

The consequence of this inaction is laid bare by the **2009 Report to the Legislature on the Committee for Public Counsel Services** (February 24, 2009), which highlights in Appendix B the dramatic 20.5% increase in new District and Municipal Court case assignments during the three fiscal years following the enactment of Chapter 54. Our 2009 Report called for the conversion of the six non-serious misdemeanors to civil infractions as the 2005 Commission

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Report proposed, and urges the activation of the commission on civil infractions as ordered in Chapter 54 itself. (See the attached 2009 Report at pages 2, 7-8.)

Action is needed now. It is long past time for Massachusetts to extricate itself from such wasteful spending on unnecessary counsel assignments, and such unwarranted infliction of a criminal record upon thousands of vulnerable people for behavior which does not warrant criminal conviction and the extensive collateral consequences which flow from it.

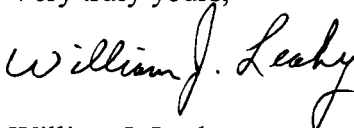
The savings to be gained by converting the six non-serious misdemeanors to civil infraction status are likely to be considerable. From the beginning of fiscal year 2006 until today, CPCS has received 152,953 private counsel assignments for these offenses, and has paid \$52,216,857 for representation of clients in all cases which include one or more of the specified offenses. Our best estimate, as shown on the attachment, **Estimated Cost of Defending Offenses Proposed as Civil Infractions by the Indigent Counsel Commission**, is that we have expended **\$17,453,525** during that period on just the offenses which the Commission recommended for conversion to civil infraction status. These are CPCS costs alone, and do not factor in the costs of arrest, pretrial detention, bail commissioner appearances, probation interviews to determine indigency, prosecution, or the judicial system. We expect that each of these overburdened systems would likewise experience cost savings if the Commission's sound recommendations were finally to be adopted.

The need for activation of the Permanent Commission to Study and Analyze the Imposition of Civil Penalties on Certain Offenses is obvious. It is the law. Every year that it remains stillborn, on the books but without effect, is a year of cost-savings lost. In this nearly unprecedented fiscal crisis, it is imperative to convene the Commission and procure its initial recommendations as quickly as possible, in time for their consideration in the next annual budget process.

We hope these specific recommendations which promise millions of dollars in annual savings can be speedily considered and approved. We look forward to working with you toward that goal. The Indigent Counsel Commission Report and Chapter 54 of the Acts of 2005 may be accessed on the CPCS website, [www.publiccounsel.net](http://www.publiccounsel.net), under "News," then "Legislative Highlights."

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Thank you for your consideration of these proposals.

Very truly yours,  
  
William J. Leahy

Attachments

cc: Honorable Steven C. Panagiotakos, Chairman, Senate Committee on Ways and Means  
Honorable Charles A. Murphy, Chairman, House Committee on Ways and Means  
Honorable Martha Coakley, Attorney General of the Commonwealth  
Honorable Margaret H. Marshall, Chief Justice, Supreme Judicial Court  
Honorable Robert A. Mulligan, Chief Justice for Administration and Management  
Honorable David F. Capeless, President, Massachusetts District Attorneys Association  
Edward W. McIntyre, President, Massachusetts Bar Association  
Kathy B. Weinman, President, Boston Bar Association  
John J. O'Brien, Commissioner of Probation  
Willie J. Davis, Chairman, and Members, Committee for Public Counsel Services



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2009 Report to the Legislature  
on the Committee for Public Counsel Services

**I. Highlights and Proposal for Action:**

This report and its attachments demonstrate vividly that the caseload controls sought to be accomplished by the enactment of the Indigent Counsel Reform Bill, Chapter 54 of the Acts of 2005, have not achieved their goals. Far from reducing the excessive number of cases which annually require the assignment of counsel, this report shows that the number of assignments to the Committee for Public Counsel Services (CPCS) by the courts has **increased by almost 14% (31,000 cases) since the enactment of the legislation.** Please see Attachment A, **CPCS Case Representation FY 2002–FY 2008.**

A centerpiece of Chapter 54 was the effort to reduce the flood of lesser criminal case assignments in the District and Municipal Courts. That effort had four key components.

- 1) Tightening the indigency determination procedures utilized by the Office of Probation and the Judiciary, to ensure that publicly funded counsel would be reserved for those who could not afford to retain counsel (Chapter 54, Section 1, rewriting G.L. c.211D, §2½);
- 2) Encouraging judges and District Attorneys to utilize the Civil Infraction Statute, G.L. c.277, §70C, with much greater frequency--indeed, even requiring prosecutors to lodge any objection in writing to a judicial conversion of certain misdemeanors to civil infraction status, and further requiring prosecutors to submit written reports detailing the number of cases in which they lodged objections to civil infraction status (Chapter 54, Section 3);

- 3) Establishing a Civil Infractions Commission to recommend permanent changes designed to reduce the number of lesser criminal cases in which the assignment of counsel at public expense would be required (Chapter 54, Section 6);
- 4) Requiring the Committee for Public Counsel Services to hire 110 additional public defenders, plus support staff, to provide representation to indigent persons in the District Courts throughout the Commonwealth (Chapter 54, Section 5).

**Far from decreasing, as the Legislature intended by its enactment of Chapter 54, District Court criminal case assignments have instead increased by more than 20 percent (almost 21,000 cases) since FY05.** Please see Attachment B, **New District and Municipal Court Assignments, FY 2001–FY 2008.** Three and one-half years after the enactment of Chapter 54, it must be concluded that these efforts to reduce criminal case assignments have failed; and the reason they have failed is because they have not been enforced. No review of the indigency determination reforms has been done; the Civil Infraction Commission has not been activated (indeed its members have never been named); no count of the frequency of prosecutorial objections to civil infraction status has been made; and CPCS has received funding to hire only 80 of the 110 staff defender positions required by the statute.

**Proposed Legislative Plan of Action:**

- 1) Conduct a searching review of the indigency determination reforms, focusing on a single question: “How can a well-designed series of reforms which were intended to reduce the number of District Court criminal assignments have resulted instead in a 20% increase in those assignments?”
- 2) Immediately pass the legislation recommended by The Commission to Study the Provision of Counsel to Indigent Persons in Massachusetts to convert to civil infraction status the six specific lesser misdemeanor statutes identified by the Commission.
- 3) Immediately designate the members of the Civil Infraction Commission which it is within the authority of legislative leadership to name, and convene an initial meeting of this vital Commission posthaste.
- 4) In the FY10 budget, fund the remaining 30 staff public defenders required by Section 5 of Chapter 54, so that CPCS can provide a proper balance of representation in District Court criminal cases.

**II. Answers to Questions Posed in CPCS Line Item 0321-1500:**

**(a) The Number Of Clients Assisted By The Committee In The Prior Fiscal Year:**

During fiscal year 2008, CPCS provided full legal representation to indigent or partially indigent clients in 261,845 cases. This marks an increase of 11,192 cases (4.5%) as compared to the previous fiscal year. In addition, CPCS provided representation to clients for purposes of bail only in 18,470 cases, and to clients at bail petition hearings which required a separate

assignment in 2,142 cases. These activities bring the total number of cases in which CPCS provided representation during FY08 to 282,457. This marks an increase of 10,904 assignments (4%) over the previous year.

(b) Any Proposed Expansion Of Legal Services Delineated By Type Of Service, Target Population, And Cost:

CPCS legal representation is available only to those persons who are **guaranteed the right to counsel** by constitutional provision, statute, or rule of court **and** who have been determined to be financially eligible for publicly-funded counsel through the application of Supreme Judicial Court Rule 3:10.

As described above, Chapter 54 of the Acts of 2005 codified a series of indigency verification reforms. One set of reforms authorizes the Probation Department to access electronic information from the Department of Revenue (DOR) and the Registry of Motor Vehicles (RMV) in order to verify information provided by persons who request assigned counsel. Such data checks are intended to be used at the initial or early indigency verification stage, and also for the collection of unpaid counsel fees after the conclusion of a case. Another provision requires the periodic review of eligibility at intervals during the pendency of court proceedings. The efficacy of these reforms is called into question by the annual case assignment increases already described.

The recently enacted Uniform Probate Code contains a right to counsel for persons in certain guardianship petitions. There is concern that this new entitlement could increase CPCS expenditures by approximately one million dollars during FY10.

(c) The Number Of Persons Who Received Legal Services By CPCS, By Type Of Case And Geographic Location:

- (1) Of the 261,845 cases in which CPCS provided full representation in FY08, criminal and juvenile delinquency cases numbered 212,474 or 81%. Civil cases totaled 49,371 or 19%.

Compared to the previous year, full case representation increased by 11,192 assignments or 4.5%. Criminal cases increased by 9,667 (4.8%), and civil cases by 1,525 (3.2%). As described above and in (c)(2) below, the increase in District Court criminal cases is of particular concern. Also of great concern are the relentless assignment increases in Probation Revocation, Care and Protection and Sex Offender Registration cases.

- (2) The most frequent types of cases in which CPCS provided representation in FY08 were:

Criminal Cases

District Court	154,868
Probation Revocation	25,740
Juvenile Delinquency	15,044
Superior Court	12,611
Appeals	3,630

Civil Cases

Care & Protection	24,045
Mental Health	16,163
CHINS	8,149
Appeals	520

The continuing annual increase in District Court assignments is cause for great concern. In FY08, the increase in District Court assignments constituted almost 98% of the entire annual increase in criminal cases, and almost 85% of the increase in the entire CPCS caseload. Since FY05, on the civil side, the 5% increase in both Care and Protection and CHINS cases reflect a greater frequency of state intervention into family relationships, and will increase CPCS costs for many years going forward.

(3) The allocation of cases by county in FY08 was as follows:

Suffolk	50,565	(19.3%)
Middlesex	37,568	(14.3%)
Essex	30,034	(11.5%)
Worcester	29,022	(11.1%)
Bristol	27,322	(10.4%)
Hampden	26,911	(10.3%)
Plymouth	17,676	( 6.7%)
Norfolk	17,267	( 6.6%)
Barnstable	7,947	( 3.0%)
Berkshire	6,170	( 2.4%)
Hampshire	6,159	( 2.4%)
Franklin	3,306	( 1.3%)
County Unknown	1,629	( 0.6%)
Dukes/Nantucket	269	( 0.1%)
Total Cases:	261,845	( 100%)

“County Unknown” encompasses sex offender registry cases and a small number of other cases in which the county of assignment cannot be determined from the available information.

(d) The Costs For Services Rendered, By Type Of Case And Geographic Location:

- (1) The average cost of legal representation in a CPCS case in FY08 was \$649.24. This is an increase of 2.05% (\$13.04) over the cost per case in FY07. In addition to attorney compensation, this cost includes the expense of training, certification, assignment, performance oversight, mentoring, payment processing and auditing for private counsel; and office space, equipment, supplies,

secretarial and investigator support, training and supervision for CPCS staff attorneys. This cost does not include indigent party expenses in certain cases, which must be approved by a judge and which are paid from a separate CPCS line item. Finally, this cost is not reduced by any offset from the counsel fees contributed to the Commonwealth by CPCS clients in FY08, as set forth in answer (e), below.

The average cost of providing legal representation in a criminal case in FY08 was \$583.25, or 1.78% higher than last year. The average cost of representation in a civil case was \$933.22, or 3.25% higher than last year.

(2) The compensation for private counsel representation by county was:

Suffolk	\$30,453,397	21.6%
Middlesex	\$21,863,505	15.5%
Essex	\$15,989,473	11.3%
Hampden	\$15,037,333	10.7%
Bristol	\$11,999,374	8.5%
Worcester	\$11,653,663	8.3%
Plymouth	\$10,351,816	7.3%
Norfolk	\$ 8,346,137	5.9%
Barnstable	\$ 4,189,898	3.0%
Hampshire	\$ 3,772,456	2.7%
Berkshire	\$ 3,628,344	2.6%
Franklin	\$ 1,566,331	1.1%
Dukes/Nantucket	\$ 218,099	0.1%
County Unknown or Unallocated	\$ 2,074,559	1.4%

(e) The Amount Paid To The Commonwealth By Clients For Services Rendered By Type Of Case And Geographic Location:

Indigent or “marginally indigent” CPCS clients paid a record total of \$8,782,389 in counsel fees to the courts during FY08. The distribution of these contributions among the various courts may be found in the Trial Court Revenue Reconciliation Management Report for Fiscal Year 2008. The entire amount collected, with the exception of \$750,000 allocated to CPCS in line item 0321-1518, was deposited into the Commonwealth’s General Fund and should be deducted from the total CPCS appropriation and cost allocations described above.

(f) The Average Cost For Services Rendered By The Committee By Type Of Case:

As reported above at (d)(1), the average cost of representation in a criminal case in FY08 (without deducting counsel fee contributions) was \$583.25, and in a civil case \$933.22. The average cost for selected categories of cases, again without deducting counsel fee contributions, are as follows:

Murder (Trial Court):	\$11,859
Murder (Appeal):	\$ 6,800
Civil Appeal:	\$ 3,477
SDP Commitment:	\$ 3,194
Criminal Appeal:	\$ 2,597
Sex Offender Registry:	\$ 1,569
Superior Court Criminal:	\$ 1,458
Care & Protection:	\$ 1,313
Juvenile Delinquency:	\$ 569
CHINS Petition:	\$ 494
District Court Criminal:	\$ 457
Rogers Hearing:	\$ 441
Civil Commitment:	\$ 396
Probation Revocation	\$ 307

(g) The Average Number Of Hours Spent Per Attorney Per Type Of Case:

The average number of hours billed by private counsel in FY08, excluding bail petition and bail-only assignments, was 10.90 hours per case. This compares to an average of 10.46 hours per case in the previous year. For all criminal case representation, the average was 9.43 hours per case. For civil case representation, the average was 16.82 hours per case.

(h) The Feasibility Of The Implementation Of A Flat Rate Compensation System Based On The Type Of Case:

Massachusetts wisely abandoned the discredited flat-rate compensation system in 1987, after a 1986 statewide evaluation conducted by the National Legal Aid and Defender Association concluded that such a system undermined the right to counsel, by establishing a financial disincentive for thorough investigation and case preparation by assigned counsel.

The major inadequacy in the Massachusetts system for providing counsel for the poor pursuant to Gideon v. Wainwright, 372 U.S. 335 (1963), and successor cases and the enactment in 1983 of G.L. Chapter 211D which established the Committee for Public Counsel Services, has been the unacceptably low levels of compensation paid to assigned private counsel and CPCS staff attorneys. Much progress has been made in recent years, beginning with the unanimous decision in Lavallee v. Justices in the Hampden Superior Court, 442 Mass. 228 (2004), through the “Report of the Commission to Study the Provision of Counsel to Indigent Persons in Massachusetts” in April, 2005, to the landmark Chapter 54 legislation enacted in July, 2005. The recommendations which follow describe the steps which must be taken now, in 2009, if the progress we have achieved is to endure.

**III. Pertinent History and Recommendations for Action:**

It required three decisive acts, involving concerted action by all three branches of state government, to rescue the Commonwealth from a complete breakdown of its system for providing counsel for indigent persons who have a constitutional and/or statutory right to the

assistance of counsel. On July 28, 2004, the Supreme Judicial Court identified the inadequacy of compensation paid to private counsel as having created “a systemic problem of constitutional dimension,” and called upon the legislative and executive branches to fashion a solution which would comply with constitutional requirements. Lavallee, 442 Mass. at 232, 244-245. Almost immediately, the executive and legislative branches responded with the establishment of the special commission described above, commonly referred to as the Rogers Commission, which produced its comprehensive proposals for reform on April 1, 2005. Finally, on July 28, 2005--one year to the day after the decision in Lavallee--the Legislature passed Chapter 54, and the measure was enacted into law the following day.

Despite these accomplishments, case assignments and costs have continued to increase, as described in Roman numeral I. of this report. At least four vital tasks remain. Our recommendations are:

(a) The Permanent Commission on Civil Infractions Must be Activated:

Section 6 of Chapter 54 provides that “there shall be a permanent commission to study and analyze the imposition of civil penalties on certain offenses within the commonwealth” (emphasis supplied). The Commission is instructed to classify misdemeanors as either Class “A” or “B,” the latter of which would not be punishable by any term of incarceration and would include no right to assigned counsel. CPCS has provided case and compensation data which reveal that millions of dollars could be saved annually in counsel costs if Massachusetts were to replace criminal with civil sanctions in certain lesser misdemeanor cases. The additional savings generated by the avoidance of unnecessary and counterproductive incarceration costs would be even more significant.

(b) The Effectiveness of Chapter 54’s Indigency Verification Measures Must be Assessed:

Section 1 of Chapter 54 rewrote G.L. c.211D, §2½ to tighten the rules governing the judicial determination of indigency, and required the Commissioner of Probation to submit quarterly reports to the Ways and Means Committees concerning the effectiveness of the new provisions. Given the dramatic increase in the number of counsel assignments in the District and Municipal Courts during FY06, FY07 and FY08, a searching examination of their effectiveness of the new provisions is essential.

(c) Funding Must Be Provided to Hire CPCS Staff Counsel Authorized by Chapter 54:

CPCS and DCAM have partnered successfully to locate adequate office space in reasonable proximity to the busy District and Municipal Courts in which the Legislature ordered the predominant assigned private counsel system to be supplemented by a modest public defender presence. That funding is an essential component of the CPCS effort to achieve balance and stability in the availability of counsel for our clients. Presently there are 39 vacant staff attorney positions (30 in the District Court offices, and 9 in Superior Court). The \$1.8 million it would take in new FY10 funds to fill those public defender positions would be more than offset by savings estimated at \$2.7 million in FY10.

(d) The Conversion of Six Minor Misdemeanors to Civil Infraction, as Recommended by the Commission to Study the Provision of Counsel to Indigent Persons in Massachusetts, Must Be Enacted:

In its April, 2005, report, the Commission recommended that the following six non-serious misdemeanors be converted to civil infraction status, except in cases involving additional complaints or multiple offenses arising from the same set of facts: “(1) operation of a motor vehicle with a suspended license or registration, (2) driving while unlicensed or uninsured, (3) shoplifting, (4) disorderly person or disturbing the peace, (5) trespass, and (6) larceny by check.” “Report” at 17 (footnotes omitted). In an appendix to its report, the Commission proposed legislation to implement its recommendation. The failure to approve this sensible cost-reduction reform in 2005 has caused thousands of such cases to continue clogging the District and Municipal Courts, and driving up the costs of the prosecutors, defense counsel, and judicial personnel alike. It is time, in 2009, for this recommendation to be honored.

(e) The Private Counsel Hourly Compensation Rates Recommended by the Rogers Commission Cannot be Indefinitely Ignored:

The nine members of the Rogers Commission worked carefully and with great diligence to address the problems which had caused the indigent counsel crisis. One of their principal recommendations was to phase in three consecutive years of modest hourly rate increases, so that by FY08 the rates for assigned private counsel would have achieved reasonable levels of \$55 (District Court and CHINS), \$60 (CAFL and Mental Health), \$70 (Superior Court), and \$110 (Murder). Their first-year increases were included in Chapter 54, but the very modest second- and third-year increases of three to five dollars per hour have not been implemented. In February, 2008, the Joint Committee on the Judiciary heard testimony from CPCS and many bar association representatives in strong support of S. 868 (Senator Creedon) and S. 999 (Senator Panagiotakos) which would have put in place the Commission’s hourly rate recommendations.

In this period of widespread fiscal crisis, the right to counsel for indigent persons in Massachusetts is at a critical crossroads. With adequate funding and staffing, we will continue to provide the quality of representation to the poor of which this Commonwealth may be proud. Without it, we risk retreating to the intolerable era in which the inadequacy of funding resulted in the wholesale violation of the constitutional right to counsel.

Respectfully submitted:



William J. Leahy  
Chief Counsel

February 24, 2009

**CPCS CASE REPRESENTATION**

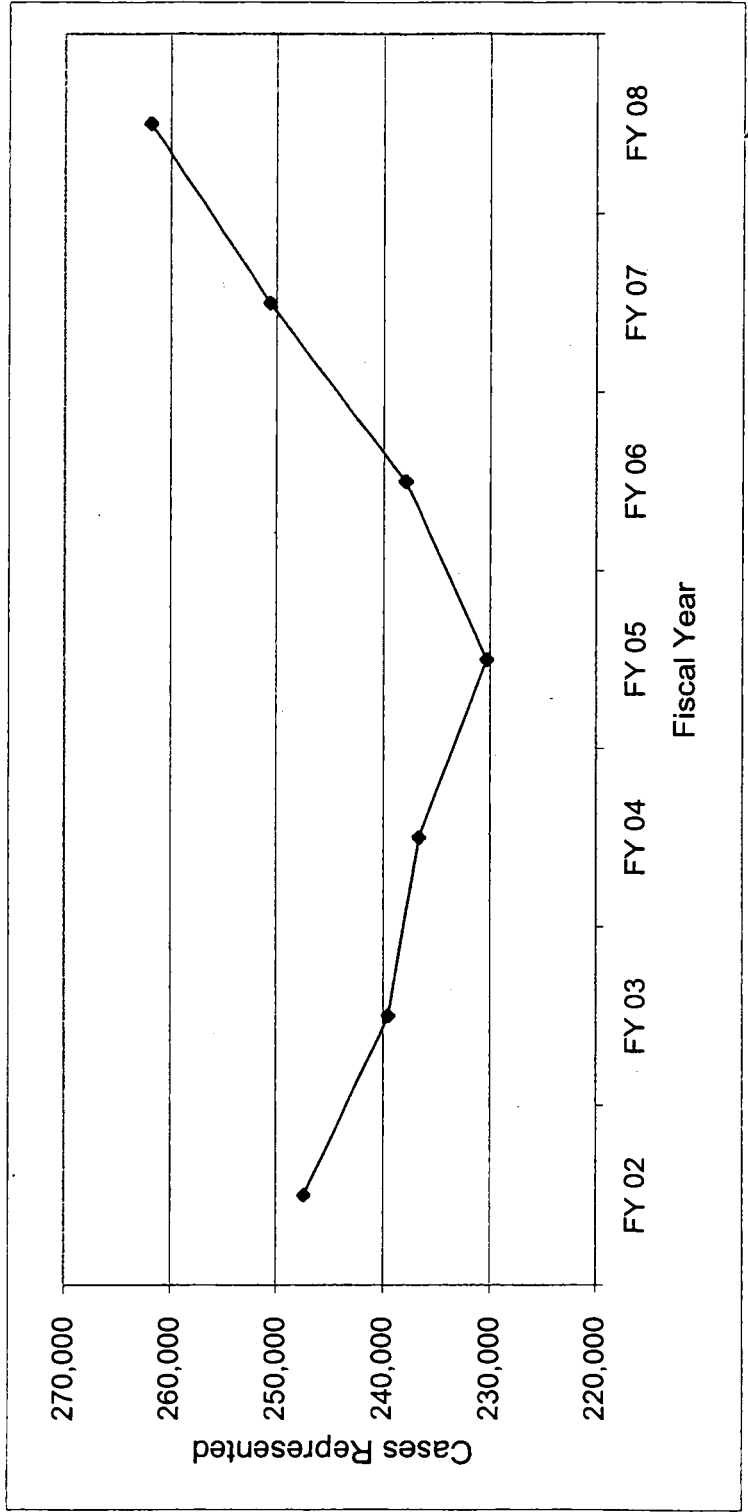
**FY 2002 - FY 2008**

FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08
247,350	239,503	236,706	230,318	237,949	250,653	261,845

Change FY 02 - FY 08  
 Change FY 02 - FY 05  
 Change FY 05 - FY 08

14,495  
 -17,032  
 +31,527

5.9%  
 (-6.9%)  
 +13.7%



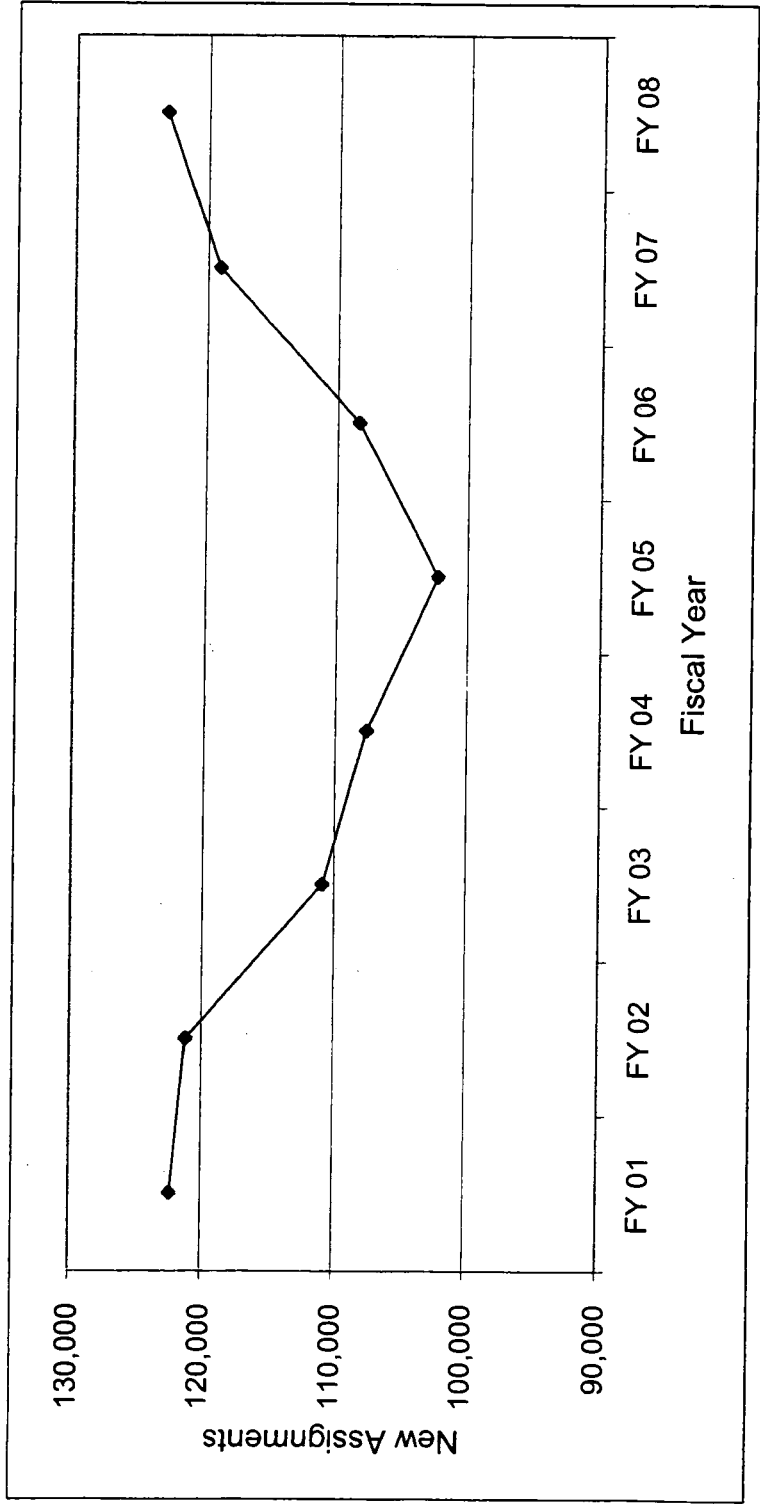
**NEW DISTRICT AND MUNICIPAL COURT ASSIGNMENTS**

**FY 2001 - FY 2008**

FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08
122,332	121,178	110,885	107,614	102,236	108,349	119,045	123,144

Change FY 01 - FY 05      -20,096    (-16.4%)

Change FY 05 - FY 08      +20,908    +20.5%



**ESTIMATED COST OF DEFENDING OFFENSES PROPOSED AS CIVIL INFRACTIONS BY THE INDIGENT COUNSEL COMMISSION**

		NACS		TOTAL \$ COMP		EST COST (Total Comp / Avg Chgs)	
		ASSIGNED					
<b>GRAND TOTAL FY 2006 - FY 2009 YTD</b>		<b>152,953</b>		<b>\$52,216,857</b>		<b>\$17,453,526</b>	

FY2006 CHARGE	NACS ASSIGNED	FY2006 \$		FY2007 \$		FY2008 \$		FY2009 \$		AVG CHGS	EST COST (Total Comp / Avg Chgs)
		COMP		COMP		COMP		COMP			
Operating a MV After Lic/Reg Susp	20,036	\$5,292,878	\$1,540,051	\$77,170	\$12,276	\$6,922,375	3.456	\$2,002,886			
Shoplifting	3,843	\$914,623	\$169,131	\$4,854	\$213	\$1,088,820	2.057	\$529,402			
Disorderly Person/Disturb the Peace	9,100	\$2,755,147	\$889,085	\$46,690	\$2,559	\$3,693,481	3.126	\$1,181,423			
Trespassing	4,691	\$1,259,159	\$359,334	\$12,673	\$3,200	\$1,634,367	2.730	\$598,757			
Larceny by Check	1,309	\$339,096	\$77,735	\$4,132	\$1,000	\$421,964	2.879	\$146,591			
<b>TOTAL FY 2006</b>	<b>38,979</b>	<b>\$10,560,904</b>	<b>\$3,035,337</b>	<b>\$145,519</b>	<b>\$19,247</b>	<b>\$13,761,007</b>		<b>\$4,459,059</b>			

FY2007 CHARGE	NACS ASSIGNED	FY2007 \$		FY2008 \$		FY2009 \$		AVG CHGS	EST COST (Total Comp / Avg Chgs)
		COMP		COMP		COMP			
Operating a MV After Lic/Reg Susp	21,105	\$5,743,962	\$1,700,197	\$56,027	\$7,500,186	3.584	\$2,092,511		
Shoplifting	3,931	\$940,061	\$254,602	\$6,280	\$1,200,943	2.165	\$554,631		
Disorderly Person/Disturb the Peace	10,374	\$3,261,330	\$43,084	\$4,540,670	3.307	\$1,372,882			
Trespassing	5,325	\$1,555,379	\$413,561	\$7,255	\$1,976,195	2.684	\$736,260		
Larceny by Check	1,168	\$320,263	\$97,661	\$2,850	\$420,774	4.668	\$90,144		
<b>TOTAL FY 2007</b>	<b>41,903</b>	<b>\$11,820,995</b>	<b>\$3,702,277</b>	<b>\$115,495</b>	<b>\$15,638,767</b>		<b>\$4,846,427</b>		

FY2008 CHARGE	NACS ASSIGNED	FY2008 \$		FY2009 \$		AVG CHGS	EST COST (Total Comp / Avg Chgs)
		COMP		COMP			
Operating a MV After Lic/Reg Susp	21,776	\$5,987,889	\$1,619,054	\$7,606,943	3.698	\$2,057,154	
Shoplifting	4,239	\$1,063,520	\$219,942	\$1,283,461	2.133	\$601,773	
Disorderly Person/Disturb the Peace	10,894	\$3,637,145	\$1,143,955	\$4,781,100	3.397	\$1,407,448	
Trespassing	5,289	\$1,578,267	\$435,000	\$2,013,267	2.880	\$699,027	
Larceny by Check	1,155	\$331,273	\$91,099	\$422,372	5.224	\$80,849	
<b>TOTAL FY 2008</b>	<b>43,353</b>	<b>\$12,598,093</b>	<b>\$3,509,050</b>	<b>\$16,107,143</b>		<b>\$4,846,250</b>	

FY2009 (thru 3/25/09) CHARGE	NACS ASSIGNED	FY2009 \$		AVG CHGS	EST COST (Total Comp / Avg Chgs)
		COMP	TOTAL \$ COMP		
Operating a MV After Lic/Reg Susp	13,975	\$3,021,381	\$3,021,381	2.267	\$1,332,825
Shoplifting	3,238	\$647,160	\$647,160	1.402	\$461,466
Disorderly Person/Disturb the Peace	7,404	\$1,997,210	\$1,997,210	2.103	\$949,921
Trespassing	3,393	\$888,139	\$888,139	1.772	\$501,263
Larceny by Check	708	\$156,052	\$156,052	2.771	\$56,314
<b>TOTAL FY 2009 (thru 3/25/09)</b>	<b>28,718</b>	<b>\$6,709,940</b>	<b>\$6,709,940</b>		<b>\$3,301,789</b>

