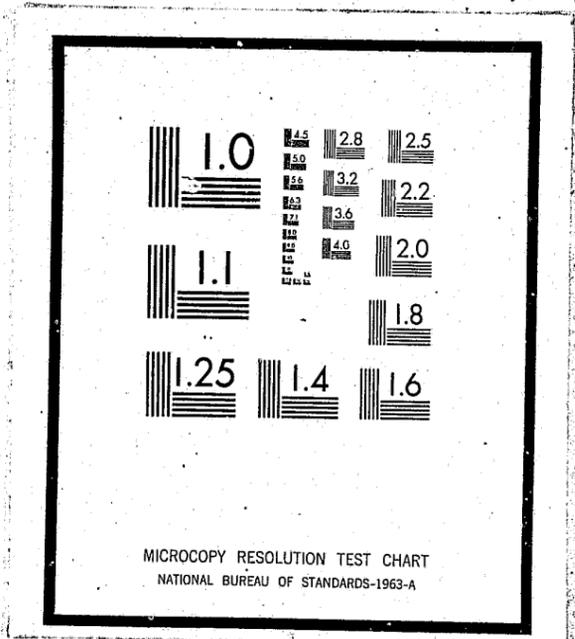


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Special Report

National Association of Attorneys General / COMMITTEE ON THE OFFICE OF ATTORNEY GENERAL

January, 1975

Selected Developments in Prosecutor Training and Assistance Programs

INTRODUCTION

In January, 1974, COAG published a report which examined the programs being conducted for the training of the nation's local prosecutors and the efforts being undertaken on the state level to improve the prosecutorial function. That report, titled Prosecutor Training and Assistance Programs, detailed the types of programs in each state, the sponsors of these programs, and the particular types of activities the sponsors of the programs offered. The activities include technical assistance, publications, training programs, and legislative activities.

This monograph is intended to update the January, 1974 report by detailing new programs the various states have implemented, new activities undertaken by the Attorneys General's offices or prosecuting attorneys' associations, and recent developments in the whole area of prosecutor training and assistance. Special emphasis will be placed on major new developments in Nebraska, New York, and Washington. This will be supplemented by a brief look at the recent publications dealing with training and assistance, new efforts put forth to train local prosecutors, and the types and extent of technical assistance given by the entity in each state most directly concerned with helping local prosecutors.

The information for this update comes from a composite of sources. In October, Attorney General Arthur Bolton of Georgia wrote to his counterparts in all of the other states asking for information regarding each state's efforts to provide training and other central services to prosecuting attorneys. He specifically asked whether the training and assistance function had been organized in the Attorney General's office or had been established as a part of the prosecuting attorneys' organization within the state. General Bolton assembled this information to present it to the Georgia General Assembly and was kind enough to supply COAG with copies of the replies he received from forty-eight jurisdictions.

Another source of information was the feature "Coordinators' Corner," found regularly in The Prosecutor, published by the National District Attorneys Association. The Prosecutor is designed for the local prosecutor and provides him with information about activities of local prosecutors in other states, current developments, and about seminars being conducted nationally. "Coordinators' Corner" deals with publications, training sessions, and organizational changes of interest to district attorneys and other local prosecutors.

Finally, LEAA grant applications provided insight into programs being funded at least in part by federal money. The Executive Director of COAG sent letters to various states which had indicated that they had current LEAA grants for prosecutor training and assistance, asking for more information about the state's proposed use of the funds. (For more information about LEAA grants currently awarded to Attorneys General's offices, see the COAG publication, The Office of Attorney General: Organization, Budget, Salaries, and Staff, published in October, 1974.) Several states responded to COAG's inquiry by sending copies of their grant application. COAG appreciates the assistance provided by all of these sources.

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A grant from the Law Enforcement Assistance Administration of the U. S. Department of Justice has helped finance this publication. The fact that LEAA is furnishing financial support does not necessarily indicate its concurrence in the statements herein.

Leigh Emerson Koman had primary responsibility for preparing this report.

NEW DEVELOPMENTS

In 1974 several states experienced noticeable legislative or organizational changes in their criminal justice system. In Maine, the old county prosecutor system was converted to a full-time district attorney system, effective January 1, 1975.

The Massachusetts district attorneys organized themselves and their staffs into the Massachusetts District Attorneys Association. An Office of Coordinator was created within this Association, and it is this new office which administers the statewide training program for local prosecutors. The Office of Coordinator also provides the overall program coordination for Massachusetts' district court prosecution program under which prosecutors handle felony and serious misdemeanor cases in the Commonwealth's lower criminal courts.

North Dakota recently completed a total revision of its criminal code, its criminal appellate procedure, and its criminal rules. Along with this systemic change, a criminal commission was formed to compare North Dakota's criminal justice system with the recommendations of the National Advisory Commission on Criminal Justice Standards and Goals. In light of this comparison study, the Attorney General's office expects the legislature to adopt a full-time criminal prosecution system to supplement the state's county attorney system.

Under the terms of a state constitutional amendment effective in April, 1974, the Attorney General of South Carolina was designated the Chief Prosecuting Officer in the state. As a result of this recognition of responsibility, the Attorney General's office is planning to reorganize so as to provide adequate training for prosecutors, as well as surveillance and supervision.

The most substantial changes took place in Nebraska, New York, and Washington. In both New York and Washington, the state legislatures enacted new legislation which created new systems for prosecutor training and assistance. An LEAA grant to a university in Nebraska is responsible for the developments in that state.

Washington

Until the passage of Substitute Senate Bill No. 2132, in the 1974 legislative session, the Washington Criminal Justice Education and Training Center provided the training programs for the state's prosecuting attorneys. The new legislation totally changed the framework of criminal justice training by creating the Washington Criminal Justice Training Commission. This Commission has the responsibility of developing and implementing the training recommendations of four advisory boards which deal with training standards and education. One of these boards is directly responsible for prosecutor training standards and must provide programs for the education and training of both prosecution and defense attorneys. This board is planning to conduct a seminar this spring on traffic prosecution. The funding for the seminar will be provided under the provisions of the Federal Highway Safety Act, but the primary source of funding for the Commission and its advisory boards will be through state legislative budget allocations.

New York

Prior to the 1974 session of the New York Legislature, all prosecutor and training assistance in the state was conducted by the Executive Director of the District Attorneys Association of New York and his administrative assistant. The 1974 Legislature, however, established and funded a Prosecutors' Council and a state agency known as the Office of Prosecutorial Services, which will assume responsibility for prosecutor training and assistance programs. The thirteen member council is composed of the president of the state district attorney association and twelve district attorneys representing the rest of the state. The Council has the authority to: establish guidelines for the prosecution of offenses; organize and supervise a centralized Office of Prosecutorial Services; direct research, provide training, and assemble and distribute information relating to prosecutorial functions and standards; and generally perform all functions necessary to carry out the provisions of the legislation.

The Office of Prosecutorial Services, composed of an executive director and other necessary personnel appointed by the Council, is mandated: to provide the services necessary to carry into effect the acts of the Prosecutors' Council; to provide prosecutorial support services to New York's district attorneys; and to inform district attorneys and their staffs of significant developments in criminal justice; to provide seminars and other training and materials to the district attorneys; to establish a brief bank; and to publish a periodic newsletter for the district attorneys and their staffs. The Office as a separate state agency, is funded out of the New York state budget regular general purpose fund; it received \$130,000 as its initial appropriation.

Nebraska

The Nebraska County Attorneys' Association still handles many of the training and assistance chores in Nebraska through the Association's newsletters and quarterly meetings. A new LEAA-funded project in Nebraska is now providing free research assistance for attorneys in the state's ninety-one rural counties. In July, 1974, Creighton University in Omaha instituted a project whereby attorneys in any rural county in Nebraska may call a toll-free number to get help with a specific research question or criminal justice issue. A student at Creighton's School of Law will do the necessary research under faculty supervision and will either phone or write the rural attorney to report on the results of his research.

Nebraska is being used as a test site for LEAA to study the problems of rural criminal justice. LEAA provided \$134,583 for the fifteen month project; staffing for the project includes a project director (who is an assistant professor in the law school), a faculty associate, secretary, librarian, and eight law students. The grant also provides for a monthly newsletter, analysis of legislation, reference materials for judges, and research into the operation of the Nebraska criminal justice system. Plans for the future include the possible expansion of the rural attorney service into a seven state regional effort through the addition of a computer system.

PROSECUTOR TRAINING AND ASSISTANCE PROGRAMS

SPONSORS OF TRAINING AND ASSISTANCE PROGRAMS

In the early part of 1974, the Arizona County Attorneys' Association was created through a grant from the Arizona State Justice Planning Agency. This Association was formed to provide technical expertise and assistance to the county attorneys and their staffs and to conduct training programs for all of the prosecutors within the state. Previously, all training and assistance had been provided by the Prosecutor Technical Assistance Unit of the Attorney General's office. The Association is currently staffed by an Executive Director, one training coordinator and two secretaries, but expects to increase its staff as the services it provides increase. The Executive Director has expressed the hope that the Association will become a separate state agency funded solely by state money.

In early 1975, the Arkansas State Crime Commission approved the creation of a Prosecutor Coordinator within the Attorney General's office. The Prosecutor Coordinator will be funded through the Crime Commission and will be selected by the prosecutors themselves. Although his duties have not been specified in detail, it is expected that the Prosecutor Coordinator will handle training functions and will be responsible for the publication of a newsletter.

In Florida the Attorney General, by law, has general superintendence and direction over the state attorneys and the manner in which they discharge their duties. As a concomitant to this statutory power, the Attorney General and members of his criminal appeals division have conducted a series of criminal law seminars in each of the judicial circuits in the state.

The Georgia Prosecuting Attorneys' Association conducts a training seminar once a year in cooperation with the Continuing Center for Legal Education at the University of Georgia, in addition to its monthly newsletter and other publications.

In Kansas, the county and district attorneys association continues to provide most prosecutor training and assistance, but in several ventures it joins forces with other state organizations in providing these services. Training sessions for newly elected prosecutors are conducted jointly by the Kansas County and District Attorneys Association and the Kansas Bar Association; the same two groups intend to conduct a trial tactics seminar in the future. The KCDA has also co-sponsored a series of regional seminars on "White Collar and Rural Crime" with the Kansas Association of Commerce and Industry.

In Kentucky, the Prosecutor Assistance Division of the Attorney General's office provides seminars for both prosecutors and law enforcement officers and also provides a telephone answering service for questions on substantive and procedural law. In addition to these and other services provided by the office of the Attorney General, the Kentucky Criminal Law Information Service of the University of Kentucky Law Library provides a free telephone answering service and book check-out to prosecutors in the Commonwealth.

PROSECUTOR TRAINING AND ASSISTANCE PROGRAMS

The Maryland State's Attorneys Association lost its training coordinator in July, 1974 when its federal funding ran out and when efforts to get state funding proved unsuccessful. The Association is nevertheless trying to continue its past services by providing a three week evening training session for new prosecutors under the direction of its president.

The district attorneys in Massachusetts formed the Massachusetts District Attorneys Association this year, through which the Office of Coordinator now administers a statewide training program for the district attorneys and their assistants. This office also provides overall program coordination for the district court prosecution program. Funded by LEAA, the MDAA has also developed several other programs, including the establishment of a brief bank and analyses of legislation.

The Missouri Attorney General's office conducted training programs and published a newsletter for the benefit of the prosecuting attorneys from 1971 until early in 1974, at which time those functions were taken over by the Missouri Bar Association in conjunction with the Missouri Association of Prosecuting Attorneys. The Attorney General's office still provides trial and research assistance to the prosecuting attorneys on request, and it continues to add to and revise its loose-leaf prosecutors' handbook periodically.

The Nebraska County Attorneys' Association continues to hold meetings and publish legislative reports for the benefit of the state's prosecutors. Creighton University in Omaha received an LEAA grant in July, 1974, to provide criminal justice research assistance to rural attorneys who do not have access to a law library. This service is available to any attorney, not just prosecutors, in any county in the state but the two urban counties of Douglas (in which Omaha is located) and Lancaster (the county in which Lincoln is located).

Legislation passed by the New York Legislature in 1974 totally changed the way that training and assistance programs in that state are conducted. The legislation created a Prosecutors' Council which oversees the Office of Prosecutorial Services, a state agency separate from the Attorney General's office. The Council and the Office are mandated to establish guidelines for the prosecution of offenses and to provide necessary training and assistance to the state's district attorneys and their staffs, including the publication of a newsletter and the establishment of a brief bank.

Under a new provision of the state constitution, effective in April, 1974, the South Carolina Attorney General was designated the Chief Prosecuting Officer in the state. This gives the Attorney General supervisory responsibilities over all prosecution in courts of record in South Carolina. Pursuant to this recognition of his responsibility in this area and the state prosecutorial study, the Attorney General intends to set up within his office a Criminal Division headed by an experienced prosecutor. He may also establish a full-time executive director/coordinator of the state's solicitors in the future.

PROSECUTOR TRAINING AND ASSISTANCE PROGRAMS

In Texas, the Texas District and County Attorneys Association, funded through the Governor's office, still provides training and services to the state's prosecutors. In addition to these efforts, the Attorney General's office publishes a crime prevention newsletter, sponsors various lectures and conferences, and provides free telephone service all over the state for emergency advice involving criminal law issues.

In Virginia, the Commonwealth Attorneys' Association recently hired an Executive Secretary to act as coordinator of any training or assistance programs initiated by the Association; to date, the Association has instituted no programs.

The Washington Criminal Justice Training Commission, legislatively created in 1974, has taken over the responsibility for the development and implementation of all criminal justice training activities in the state. This Commission, funded out of the state budget, replaced the Washington Criminal Justice Education and Training Center, which had provided the training programs for the prosecuting attorneys and had been funded by LEAA.

PUBLICATIONS

When the COAG study of prosecutor training and assistance programs was published one year ago, thirty-nine states indicated that a newsletter was published in connection with at least part of these programs. Kansas, one of the non-publishing states, has since that time started three separate publications. All three are published by the Kansas County and District Attorneys Association. Legislative Hotline deals with proposed state legislation and reports on the progress of various bills of interest to the prosecutors. Kansas Prosecutor is a research aid, and Association News, a monthly publication, details state developments, personnel changes within the state, and announces both state and national seminars.

The Office of Coordinator of the Massachusetts District Attorneys Association has also started publishing periodic reports. The office is designed to inform its membership of the current status of relevant legislation; to this end, it publishes summaries and analyses of proposed and pending legislation. The balance of the states which stated in January, 1974 they did not publish a newsletter in relation to prosecutor training and assistance have not indicated that they now are publishing one.

The Kansas County and District Attorneys Association received a \$52,000 grant for its Executive Director Program for the year beginning December 1, 1974. This money has been earmarked for several purposes, including a new training manual for prosecutors.

Under the terms of the LEAA grant awarded to Creighton University in Nebraska for assistance to rural attorneys, several new periodic publications are planned. One will be a newsletter specifically aimed at the problems of the rural attorney; another publication will analyze legislation. This will be in addition to the legislative reports published periodically by the Nebraska County Attorneys' Association.

PROSECUTOR TRAINING AND ASSISTANCE PROGRAMS

In New York, the legislation which created the Prosecutors' Council and the Office of Prosecutorial Services requires that the Office publish a newsletter on a periodic basis and inform the district attorneys of new developments in the law.

Finally, the Virginia Attorney General's office has started a new publication called The Virginia Magistrate. While designed particularly for magistrates and not for prosecutors, the publication would be of interest to prosecutors since it contains summaries of relevant Virginia Supreme Court decisions and Attorney General opinions. The Virginia Magistrate is in addition to two other publications, The Virginia Prosecutor and The Virginia Peace Officer.

Manuals continue to be a popular tool to assist prosecutors in their duties. The Research and Education Committee of the newly-formed Arizona County Attorneys' Association published a detailed handbook which defines the duties of the Association and which is designed to make the Association of the greatest use to its members. Another group, the Arizona Law Enforcement Officer Advisory Council, compiled a manual for the benefit of law enforcement officers and prosecutors. The manual contains policies, rules, and procedures designed to assist each group in administering its respective programs.

The LEAA grant to the Idaho Attorney General funded both a criminal law bulletin and a prosecutor manual, as well as personal assistance to the county prosecuting attorneys.

Several state organizations or Attorneys General's offices are currently working on a prosecutor manual. The Prosecutor Assistance Division of the Kentucky Attorney General's office expects to finish compiling its prosecutor's handbook early this year.

The University of Mississippi Law School and the Mississippi Attorney General's office are jointly working on a handbook for that state's prosecutors. Efforts are also continuing on handbooks in both Missouri and Tennessee.

The Iowa Association of County Attorneys provides all newly elected county attorneys with its prosecutor manual; in Kansas all county and district attorneys receive the Kansas County and District Attorneys Association's prosecutors resource handbook.

The rural attorney project in Nebraska does not specifically provide for a manual for prosecutors, but the project director does plan to compile a set of reference materials for judges. The Nebraska County Attorneys' Association plans to publish a prosecutor's trial manual if necessary funding can be obtained.

In addition to manuals for prosecutors, several states publish other types of manuals, often relating to one particular problem area of the law. An example of this type of publication is the recent manual dealing with the

PROSECUTOR TRAINING AND ASSISTANCE PROGRAMS

problem of driving while under the influence of alcoholic beverages. This manual, published by the Indiana Prosecuting Attorneys Council, examines the complexities of the problem and supplies forms and checklists of universal application in prosecuting and handling the problem.

Iowa's Attorney General publishes a monthly newsletter and a semi-annual compilation of Iowa and federal cases. In addition, a dictionary of Iowa criminal law is published annually.

In 1974, the Louisiana District Attorneys Association published "Security and Privacy Regulations," in anticipation of federal legislation in that area.

The Oregon District Attorney's Association has published an indictment form book, a reference manual, and a trial manual and is planning several more publications within the next year. These include a publication on office management and on the use of statistical data. In addition, the Association publishes the Oregon Criminal Reporter, a digest of recent appellate decisions which is supplemented monthly.

As a result of the study conducted in South Carolina, the Attorney General's office in that state has set up a computerized system for the collection of statistical information concerning criminal reports and the progress of prosecutions. The Attorney General intends to develop this system as a source of information for prosecutors and judges to enable them to perceive needs such as which cases are not being pursued in a timely manner, which circuits are overloaded, and where more personnel or court sessions are needed. Under this system, prosecutors would be able to obtain information with respect to the types of crimes being committed and personal data about the offenders.

The Attorney General's office in Virginia publishes the Commonwealth's Attorneys' Manual. Revised yearly, this manual contains chapters on preparation for trial, duties and responsibilities of the Commonwealth's attorneys, trial tactics, plea bargaining, and appellate proceedings.

TRAINING PROGRAMS

Most states agree that training programs are essential to maintain a high degree of competence and expertise in the prosecution of crimes. Some state systems provide training only for newly elected or appointed prosecutors, accepting the maxim that experience is the best teacher. Other programs are designed for experienced prosecutors and focus on innovations and changes in the law and procedure with which a prosecutor may not be familiar. Some training programs combine the two approaches and start with the basics and work up to more sophisticated sessions.

One of the functions of the Arizona County Attorneys' Association, which was formed in 1974, is to institute statewide training programs for all prosecutors. The staff for the Association is presently quite small, but it is expected that the staff will expand as its activities become more varied and increase in scope and size.

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The Arkansas State Crime Commission approved in January, 1975 the establishment of a Prosecutor Coordinator in the Attorney General's office. This coordinator will be selected by the state's prosecuting attorneys and will be responsible for all training and technical assistance. This will likely include the publication of a prosecutor's newsletter and training sessions.

In Florida, staff members of the Attorney General's Criminal Appeals Division have conducted a series of criminal law seminars in each of Florida's judicial circuits. Written pamphlets have been distributed by the staff members at these lectures.

Twice a year members of the Idaho Attorney General's Office meet with the prosecutors and put on a seminar. The topics covered include new legal areas of prosecution and the latest methods. The meetings themselves are seen as invaluable in promoting a viable working relationship among the prosecutors and between the prosecutors and the Attorney General's office.

The Iowa Association of County Attorneys makes the training efforts in that state. The Association meets twice a year for three days; the Attorney General's office provides the speakers for the conferences. The speeches presented at each conference deal with subjects of current interest to the county attorneys.

The Executive Director Program sponsored by the Kansas County and District Attorneys Association is funded for the year beginning December 1, 1974, in the amount of \$52,000. This money has been earmarked for several purposes related to training, including a new training manual, expanded training programs, and an experimental video-tape program. The Kansas County and District Attorneys Association and the Kansas Bar Association hold joint training sessions for newly elected prosecutors and plan a seminar on trial tactics in the future.

The Law Enforcement Education Section and a Deputy Attorney General in Maine held a five day training seminar for all prosecutors in Maine the first week in December. This seminar was held in conjunction with the National College of District Attorneys and was funded by a LEAA grant. Meetings on a smaller scale are held periodically for prosecutor training. Attorneys in the Criminal Division of the Attorney General's office handle all homicide prosecutions in the state.

Training in Maryland was hampered when federal funding for the training coordinator for the Maryland State's Attorneys Association ran out in 1974. When attempts to get state funding failed, the position of training coordinator was abolished. Currently the president of the Maryland State's Attorneys Association is conducting an evening training session for new prosecutors.

The Office of Coordinator of the Massachusetts District Attorney Association administers a statewide training program for district attorneys and their assistants.

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In Michigan, training programs are funded by LEAA grants. Separate sessions are conducted for urban prosecutors and for rural attorneys. The training sessions are multi-purpose: to introduce new prosecutors to basic policies, procedures, techniques and standards; to provide an opportunity for prosecutors to review and re-enforce their knowledge necessary to the successful practice as a prosecutor; to introduce new administrative and criminal trial techniques; and to promote a line of communication and cooperation between prosecutors. Seminars are conducted about once a month and deal with varied topics, including basic training, criminal sexual assault law, small county problems, and juvenile justice.

Mississippi utilizes programs conducted by the National College of District Attorneys as a portion of its training program. In addition, the University of Mississippi Law School conducts training seminars for prosecuting attorneys. The Criminal Law Committee of the Mississippi Bar Association conducts a criminal law seminar annually which is open to any member of the Bar.

In Missouri, responsibility for training programs has recently been assumed by the Missouri Bar Association and the Missouri Association of Prosecuting Attorneys. Until 1974 the Attorney General's office conducted the training program.

The Prosecutors Supervisory Section of the New Jersey Attorney General's Office conducts all of the training programs in that state. Training sessions are conducted several times a year on various topics, with four sessions per year for newly appointed prosecutors and two sessions a year for prosecutors with at least one year of experience. More specialized programs are also presented; in the past, sessions have been devoted to criminal financial transactions, homicide investigation, and criminal investigator development. New training programs scheduled for 1975 include the investigation of child abuse and the investigation of rape and other sex crimes.

The Prosecutors' Council and the Office of Prosecutorial Services provide training for New York's district attorneys. The Council directs the training and education program, while the Office of Prosecutorial Services provides the manpower for the programs and the training and seminar materials.

Prosecutor training programs in Oregon are extensive. For the past four years, a summer institute for prosecutors has been conducted; this program is now known as the Oregon District Attorneys Association Summer Institute for Criminal Justice. Starting with the 1974 institute, the week-long program is designed for both advanced and beginning prosecutors, instead of focusing exclusively on basic skills for the neophyte prosecutor. Semi-annual meetings of the Oregon District Attorneys Association feature training sessions devoted to a variety of criminal law topics. Additional training programs are scheduled when the need arises.

The district attorneys in Tennessee attend an annual three-day seminar conducted by the Tennessee District Attorney General Conference, which handles all of the training in the state. Many district attorneys also attend out-of-state training sessions conducted by national organizations.

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Training in Texas is funded by the Criminal Justice Division of the Governor's Office and is supplied by the Texas District and County Attorneys Association.

The Washington Criminal Justice Training Commission, created in 1974, was given the responsibility for the development and implementation of all criminal justice training in the state. A seminar on traffic prosecutions is planned for 1975.

TECHNICAL ASSISTANCE

The prosecutor associations and the Attorneys General's offices generally render three basic forms of technical assistance. These are advice and research, brief banks, and trial assistance; of the three, advice and research are the services most often provided. The Arizona County Attorneys' Association was formed particularly for the purpose of providing technical assistance and professional expertise.

Idaho has used part of its LEAA grant to fund programs that are designed to upgrade prosecutorial efforts by the county prosecuting attorneys. This has been achieved through use of several methods, including assistance from the Attorney General's office in the form of personal support and help with briefs.

The Illinois State Attorneys Association uses some of its federal money to provide assistance to individual state attorney's offices with respect to the preparation of cases in appeal.

In Iowa, despite the fact that the county attorneys work only part-time and are not well compensated, the criminal justice system is running quite smoothly. This is largely due to the county attorneys' ready acceptance and utilization of the Area Prosecutor's Division of the Attorney General's Office. This division is composed of several Assistant Attorneys General who devote themselves full-time to trying felony cases for county attorneys who request the assistance.

In Kentucky there are two distinct sources of technical assistance. One, the Prosecutor Assistance Division of the Attorney General's office, provides a telephone answering service to handle local prosecutor's question on substantive and procedural law. The second source of assistance is the Kentucky Criminal Law Information Service of the University of Kentucky Law Library. This information service provides an answering service for criminal law questions and a book check-out service. Both of these services are available to prosecutors and private attorneys; the services are free to prosecutors, however, there is a charge to private attorneys.

Louisiana's Department of Justice has a project to provide technical assistance known as the State Technical Assistance Capability Program. Funded by LEAA, this program is designed to standardize data reporting procedures and to make more efficient the use of reports and information produced by implementing the Louisiana Comprehensive Data System. The staff for this program will be able to deal with problems presented to it by any

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member of the criminal justice community in the state. The hope is that Louisiana's criminal justice problems may be solved by expertise from within the state system without the need for outside consultants. The Louisiana Criminal Justice Information Service directs the operation of the technical assistance project.

The Office of Coordinator of the Massachusetts District Attorneys Association provides overall program coordination for the Commonwealth's district court prosecution program, under which prosecutions of felonies and serious misdemeanors proceed. This office has also established a statewide brief bank and has designed a statewide intake screening program. As the chief law enforcement officer in Massachusetts, the Attorney General has the power to assume cases from a local prosecutor whenever he deems such action to be in the best interest of Commonwealth. Such power is rarely exercised, however.

The Prosecutors Appellate Program in Michigan is continuing under federal funding. The program was initially instituted to avoid duplication in research, to prevent delay in the administration of criminal justice, and to make the application and prosecution of criminal laws more uniform throughout the state. The program represents a cooperative effort between the Attorney General's office and Michigan's Prosecuting Attorneys Association. The service helps prosecutors keep up with developments in the law, provides an appellate brief bank, and assists county prosecutors with all legal proceedings beginning with the arrest warrant.

Whereas the Organized Crime Section of the Mississippi Attorney General's office is primarily an intelligence gathering organization, it will give assistance with the actual prosecution when requested to do so. The University of Mississippi Law School has an LEAA funded criminal justice research service.

The Missouri Attorney General's office will help prosecuting attorneys with trial and research problems when they request assistance.

In Nebraska, rural attorneys may take advantage of the project underway at Creighton University. This provides them with research assistance.

The Attorney General of Nevada and his staff provide help to district attorneys in criminal prosecutions and in post-conviction proceedings, especially habeas corpus actions. This assistance is provided through the Prosecutive Technical Assistance and Coordination Unit of the Attorney General's office. The office will also provide investigative assistance on request.

The newly-created Prosecutors' Council and Office of Prosecutorial Services in New York are both responsible for providing technical assistance to prosecutors. The council is ordered by statute to direct research for the benefit of the state's prosecutors. The Office of Prosecutorial Services is specifically directed to provide prosecutorial support services to New York's district attorneys. In addition, the Office is supposed to serve as a statewide clearinghouse for appellate briefs.

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In Oregon, prosecutor assistance and training programs are sponsored jointly by the Attorney General's office and the Oregon District Attorney's Association. On request, they will give trial assistance to district attorneys prosecuting serious felony cases. They also provide investigative assistance and have set up a brief bank.

The Tennessee District Attorney General Conference, a state agency, handles technical assistance for the state's district attorneys and their staffs. Such assistance includes research, often kept current on a day to day basis.

The Attorney General's office in Texas provides a toll-free telephone number to assist prosecutors with emergency advice. It is estimated by that office that they receive between seventy-five and one hundred twenty-five calls per week. The toll-free telephone and other forms of technical assistance are provided under the Aid and Information Service for Prosecutors, Peace Officers, Judges, etc. program administered by the Attorney General's office. This program includes personal visits to various offices in the nature of "troubleshooting." In addition to this service provided by the Attorney General's office, the Texas District and County Attorneys Association offers services concerning duties of a prosecutor.

When a district attorney in Wisconsin requests assistance, an Assistant Attorney General or an agent of the Department of Justice will supply investigative expertise. The Attorney General's office handles all appeals from criminal convictions.

LEGISLATIVE ACTIVITY

As indicated in the January, 1974 COAG report, many states are not active in legislative activity because of stringent LEAA restrictions on certain types of legislative activities. Attorneys General's office or prosecutors' associations in many states have attempted to get the legislature to change the local prosecutor system. A notable example of this is the repeated attempts by the Iowa Attorney General to persuade the state legislature to create a system of full-time district attorneys.

In light of the recent revision of North Dakota's Criminal Code and Procedure, the Attorney General's office in that state has indicated its intention to present a district attorney prosecutorial system to the 1975 legislature. If put into effect, this system would supplement the present county attorney system which is constitutionally dictated. The hope is that such a combination system would provide both regional expertise with the benefits of having a local contact.

Another area of legislative activity is the attempt to obtain state agency status or state funding for particular programs or organizations.

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This attempt is sometimes the result of the loss of federal funding; the Maryland State's Attorneys Association unsuccessfully petitioned the state legislature for state funding for its training coordinator after federal funds ran out.

The Kansas County and District Attorneys Association is sponsoring legislative efforts to establish its Executive Director Program as a state agency. In addition it too, is promoting legislation that would set up a system of full-time district attorneys in each judicial district.

CONCLUSION

The Texas District and County Attorneys Association recently commissioned Peat, Marwick, Mitchell & Co. to study the organization and structure of the prosecution system and prosecutors' offices. The results of this study were published in January, 1974, and they pinpointed several problems which existed in the Texas system. Peat, Marwick, Mitchell & Co. made several recommendations with respect to the coordination of prosecution functions and consolidation of prosecutor responsibility which are applicable to other states as well as Texas.

Rather than a fragmented system in which responsibility for prosecution is based on type of offense committed and geographic area involved, a prosecutor office which has both constitutional and statutory authority to prosecute all criminal charges within a certain jurisdiction was recommended. The study recommended that prosecutors be relieved of any civil responsibilities, for example, serving as legal advisor to local governments.

The study identified ten functions of a prosecutor which, if coordinated on a statewide basis, would greatly increase the effectiveness of local prosecution. These functions include: systematic and comprehensive prosecutor training; professional development studies and implementation of standards regarding staffing, compensation, and facilities; a trial assistance group of prosecutors to dispose of backlogs or to assist with different uses, assistance with appellate briefs; and collection and reporting of records on basic prosecution activity.

Many prosecutors' associations and Attorney General's offices have adopted some, if not all, of these practices. Several indicate that they are moving in the direction of adopting more. The developments in the states on which this report has focused indicate that there is a recognized need for greater statewide coordination of prosecutor training and assistance programs. Increasingly, prosecutors are organizing associations to oversee their diverse activities and creating a coordinator position to provide training and community. The Attorney General's office in most states is also getting more involved with giving assistance to prosecutors. Over the next few years, this trend can be expected to continue and to accelerate. The result can only be a better criminal justice system.

END