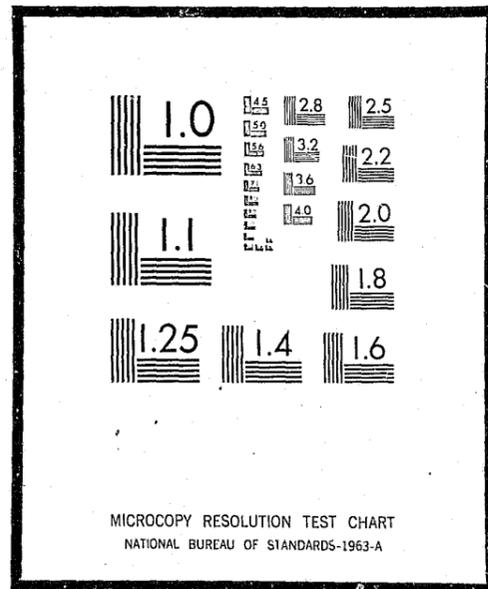


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EVALUATION REPORT, July 1, 1973 - June 30, 1974

Connecticut - Police Legal Advisors

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EVALUATION

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October, 1974

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This is an evaluation of the Police Legal Advisor Program funded by the Connecticut Planning Committee on Criminal Administration. It covers the period July 1, 1973 through June 30, 1974.

1.0 Introduction and Background

The first known police legal unit was begun on November 8, 1907 by the New York City Police Department. This unit was staffed by one attorney and its intent was to provide research on legal matters affecting the police department.

Except for the New York unit little reference to police legal units is contained in the literature until their establishment by the FBI and the Indiana State Police in the 1940's. In fact, the idea of providing in-house legal assistance does not really expand to other law enforcement agencies until 1964 when Chicago Police Superintendent O. W. Wilson and Northwestern Law Professor Fred E. Inbau developed and operated, with the aid of a Ford Foundation grant, the Legal Advisor Training Program at Northwestern. The program was designed to train and place legal advisors in law enforcement agencies.

The concept of a police legal advisor was further advanced when the President's Commission on Law Enforcement and the Administration of Justice recommended:

"Every medium and large sized department should employ a skilled lawyer full-time as its legal advisor. Smaller departments should arrange for legal advice on a part-time basis."

However, the real expansion of the police legal advisor program nationally did not come until 1969. In that year the Law Enforcement Assistance Administration (LEAA) made grants for the establishment of legal units available to police agencies with 200 or more sworn personnel who did not have such units.

The police legal advisor program in Connecticut began in 1970 when LEAA awarded discretionary grants of \$15,000 each to the Hartford and New Haven Police Departments for the establishment of police legal units. Also that year LEAA awarded a discretionary grant of \$14,000 to the Connecticut State Police for the establishment of a police legal unit in that department.

In 1971 LEAA awarded discretionary grants of \$15,000 each for police legal advisors to the Bridgeport Police Department and to the Central Connecticut Regional Planning Agency. The intent of these awards was to provide regional police legal units to serve the multiple police departments surrounding each grantee. An additional discretionary award of \$15,000 for the establishment of a legal unit was made to the Waterbury Police Department.

In summary, for the period between 1970 and 1972 LEAA discretionary grants totaling \$101,000 were used to initiate 6 police legal advisor programs covering 14 local police departments and the State Police Department.

In 1971 the Connecticut Planning Committee on Criminal Administration (CPCCA) began its efforts to provide Connecticut police departments with in-house legal assistance. During 1971 the CPCCA awarded grants to the Stamford Police Department for the establishment of a police legal unit and to the New Haven Police Department for the continuation of its unit.

In 1972 the CPCCA awarded nearly \$60,000 for the continuation of the Bridgeport, Hartford, New Haven, Stamford, State Police and Waterbury legal units. A discretionary award from LEAA was used to continue the Central Connecticut Regional Planning Agency legal advisor program.

In 1973 CPCCA awards totaling approximately \$123,500 provided for the continuation of all previously funded legal units except the one in New Haven and for the establishment of new regional legal units in Farmington, Meriden, Watertown and Windsor.

Through 1973 the total CPCCA funding of police legal units in Connecticut was approximately \$217,000. The combined CPCCA and LEAA discretionary funding of the program was approximately \$318,000. In total, 11 police legal advisor programs providing services to 37 local police departments and the State Police were initiated.

Thus by 1973, the police legal advisor program in Connecticut had grown to such size and consumed such resources that it was determined an evaluation was needed.

2.0 Methodology

Due to limited staff and time, it was decided to confine the evaluation of the program to an assessment of its need, structure, function and utilization. Essentially, this strategy forced the elimination of any qualitative judgment concerning the program's effect on police operations. That is, the evaluation does not measure whether changes in police operations as a result of this program are better or worse than previous methods. Rather, it measures the degree to which change has taken place.

It was further decided to confine the evaluation to the police legal units funded in 1973. From the remaining group, two additional units were eliminated. The State Police project was eliminated because it was deemed too atypical to be of real value in this assessment, and the Hartford legal unit was not included because of the change in command at that police department.

To generate the information needed to conduct the evaluation, six questionnaires were constructed. These questionnaires along with the tabulations appear in appendices A through F. They were developed to gather information from the following groups: (A) police chiefs of departments having a police legal advisor; (B) police legal advisors; (C) sworn officers from police departments having police legal advisors; (D) police chiefs of departments not having police legal advisors; (E) municipal attorneys in towns where the police department had the services of a police legal advisor, and; (F) prosecutors whose jurisdiction contained police departments that had police legal advisors.

Twenty-three police chiefs; 20 from departments with police legal advisors and 3 from departments without police legal advisors, were interviewed in person. Eight police legal advisors were also interviewed by this method.

The questionnaires for sworn officers were left at pre-selected departments at the conclusion of the interview with the police chief. The number of questionnaires left varied with the size of the department, but generally

was between 15 and 20. The job of distributing, collecting and returning them to the CPCCA was left to the police department. The returns from the departments totaled 120.

Eight questionnaires were mailed to prosecutors and all were returned. However, due to an error on the part of the evaluators, usable information could be gained from only six.

Eleven municipal attorneys were mailed questionnaires, but only eight responded.

It should be noted that the amount of information generated from these questionnaires was so overwhelming that it is impossible to comment on all of it in this report. However, all of the information collected is contained in the appendices.

3.0 Need for Police Legal Advisors

The first area to be dealt with in this evaluation is what shall be referred to as the 'need factor.' The need factor is defined here as the level of legal services provided to police departments by all available sources. The critical determinate in relationship to the police legal advisor evaluation is whether the level of services provided by all sources of legal advice, including the police legal advisor is equal to or greater than the level which could be reasonably provided by all sources excluding the police legal advisor.

The importance of this is stressed by the report of the National Advisory Commission on Criminal Justice Standards and Goals which points out "every police agency should make maximum use of the offices of its city attorney, or county attorney, the county prosecutor and the state attorney general to acquire the legal assistance it needs. If it is necessary to provide legal assistance supplementary to these sources, a police legal advisor should be employed." (Police 1973 p. 280.)

In Connecticut, the sources of legal advice available to most police departments are the municipal attorney and the prosecutor. A review of all the police legal advisor applications funded by the CPCCA in 1973 reveals a belief on the part of the applicants that these sources of legal advice are inadequate.

Typically, the applications point out that the municipal attorneys must provide advice to all departments within the local government and, therefore, the police like other departments must stand in line. They also stress that the prosecutors' workload is such that they cannot possibly meet all of the demands placed on their time. In addition, the applicants generally refer to..."the complexities of the laws which continually confront members of the Department--not only laws which must be enforced by the police, but also the ever expanding law which governs police activity itself." (Meriden grant application 1973 p. 7.)

Thus, the applicants state that the inability of available sources of legal advice to meet the demands necessitated by the complex laws compels them to seek additional legal services. These additional legal services they contend must be supplied by a police legal advisor.

In an effort to assess the extent to which the services provided by the police legal advisor were indeed additional and thus constituted services which either were not or could not be provided by other sources, several questions were asked of police chiefs, municipal attorneys, police legal advisors and prosecutors.

Municipal attorneys were asked to respond to the following statement:

In civil matters relating to the police department, the police legal advisor has:

- replaced you
- 3 supplemented you
- 5 had no effect on your relationship with the police department

Prosecutors were asked to respond to the following statement:

In police department matters (other than prosecutions), the police legal advisor has:

- replaced you
- 4 supplemented you
- 2 had no effect on your relationship with the police department

The responses of both groups clearly indicate that police legal advisors are having either no effect or only a limited effect on the relationship municipal attorneys and prosecutors have with police departments. This tends to indicate that whatever services are being provided by police legal advisors they are at least in part additional to those being provided by municipal attorneys and prosecutors. Of course, the validity of this interpretation rests on the assumption that legal services are in fact being provided to police departments by municipal attorneys, police legal advisors and prosecutors.

In an attempt to understand the extent to which police legal advisors provide services not previously provided, the following question was asked of them:

Approximately what percentage of your time is devoted to providing services that were previously not provided?

Five of the six police legal advisors responding indicated that between 51 percent and 100 percent of their time was spent providing services not previously provided. (Appendix B # 23.) This is confirmed by the fact that 15 of the 20 police chiefs from departments with police legal advisors claim they use the legal advisor more frequently than previous sources of legal

Since nothing in the literature disputes any of these points, it was decided to assess the degree to which the legal advisor programs operating in Connecticut conform to the model suggested above.

In an effort to obtain this information, the following questions in similar, but not identical language were asked of police chiefs and legal advisors.

Organizationally, how is the police legal advisor attached to the police department?

<u>Police Chiefs</u>	<u>Police Legal Advisors</u>	
<u>9</u>	<u>7</u>	Attached to the chief office
<u>4</u>	—	Attached to a division within the department
<u>1</u>	—	Attached to municipal legal unit
<u>6</u>	<u>1</u>	Other

Who hired the police legal advisor?

<u>Police Chiefs</u>	<u>Police Legal Advisors</u>	
<u>2</u>	<u>2</u>	The police chief
<u>9</u>	<u>2</u>	A committee of police officials
—	<u>2</u>	Town officials
<u>5</u>	—	A committee on town and police officials
<u>4</u>	<u>2</u>	Other

To whom does the police legal advisor report?

<u>Police Chiefs</u>	<u>Police Legal Advisors</u>	
<u>15</u>	<u>7</u>	The police chief(s)
—	—	A division commander
<u>5</u>	<u>1</u>	Other

The responses to the first question reveals a discrepancy between the perceptions of the police chiefs and the legal advisors. Given the nature of the authority vested in police chiefs and in police legal advisors, it is safe to assume that the police chiefs' perceptions are the more accurate reflection of reality. That the Connecticut program deviates from the organization model is further underscored by the fact that five of the six police chiefs responding "other" stated that the legal advisor was attached to a regional board.

The apparent differences in the responses to the second question dissipate when the regional aspect of most of the programs is taken into account. For example, the 9 police chiefs checking the response "committee of police officials" are participants in the programs involving the 2 police legal advisors checking the same response.

The general agreement in the responses to the third question indicates the legal advisors are not operating independently of police chiefs within the various departments. Indeed it would have been very surprising if the responses were not in agreement.

In an effort to examine the accessibility of the police legal advisor to patrol and investigative officers, the following question was asked to police chiefs, legal advisors and sworn officers:

Do patrol and investigative officers have direct access to the police legal advisor?

<u>Police Chiefs</u>	<u>Legal Advisors</u>	<u>Sworn Officers</u>	
<u>7</u>	<u>3</u>	<u>87</u>	Yes
<u>13</u>	<u>5</u>	<u>19</u>	No, they first must seek the permission of their supervisor
—	—	<u>14</u>	Other (I do not know)

The responses of the police chiefs and legal advisors indicate that in five of the eight programs sworn officers do not have direct access to the legal advisor. However, the responses of the sworn officers indicate that this is probably more theoretical than actual. It should be pointed out that only one police chief (Appendix A # 14) and no legal advisors (Appendix B # 6) responded that patrol and investigative officers were discouraged from seeking advice from the police legal advisor.

Two disturbing factors are revealed in this section; (1) More than half of the police chiefs surveyed do not perceive the legal unit as directly attached to their office; (2) Half of the legal advisors are working with police chiefs who did not play an active role in their hiring. These two factors indicate that in many departments legal advisors are probably not viewed as playing a critical role in the functioning of those departments.

The reasoning behind this statement is the same as that pointed out in the literature at the beginning of this section. For the police legal advisor

to be effective, he must be close to and have the confidence of the police chief.

One of the underlying problems is that six of the eight programs are regional in nature. In fact, eight of the police chiefs questioned said their department was participating because another department needed their cooperation to be eligible. In these situations it is doubtful that any effective relationship can be developed.

5.0 Function of Police Legal Units

The third area to be examined in this report is the function of police legal units. To facilitate this analysis nine functional classifications were developed.

The classifications and their definitions are:

- CASE CONSULTATION - being available to officers of all ranks for consultations about specific cases
- CIVIL LAW MATTERS - advising the chief and the department about civil law matters such as contracts, law suits, etc.
- FIELD ASSISTANCE - attending raids, viewing crime scenes, riding patrol, etc. on a regular basis
- LIAISON - between the police and the prosecutor's office and between the police and the courts
- LEGISLATION - proposing and supporting state and local legislation which is favorable to police needs
- TRAINING - providing legal training during recruit, in-service and roll call training sessions and preparing bulletins and memoranda concerning lawful procedures
- REVIEW - court decisions, legislative enactments and draft procedural guidelines for their implementation
- REVIEW - department procedures, guidelines and directives for legal sufficiency
- WARRANT PREPARATION - assist police officers in the preparation of arrest and search warrant

In an effort to determine the extent to which these classifications are viewed as desirable functions for police legal units by both those agencies establishing guidelines and grantees the table appearing on page 9 was developed.

If an X appears in Table I under a function and in a row opposite the organization or grantee listed in the extreme left column, then that organization or grantee is considered to view that function as desirable. In the case of those organizations which established guidelines, the function was considered desirable if it appeared in their publication. In the case of a grantee, a

TABLE I

Organizations	Case Consultation	Civil Law Matters	Field Assistance	Liaison	Legislation	Training	Review Court Decisions and Legislative Enactments	Review Department Procedures Guidelines of Directives	Warrant Preparation
IACP	X		X	X	X	X	X	X	X
Northwestern School of Law	X		X	X	X	X	X	X	
NCIJSG	X		X	X		X	X	X	
Bridgeport	X		X	X	X	X		X	
CCRPA	X			X		X	X	X	
Farmington	X	X		X		X	X	X	
Meriden				X		X	X	X	
Stamford	X			X		X	X	X	
Waterbury	X		X	X	X	X	X	X	X
Watertown	X			X		X	X	X	X
Windsor	X		X	X	X	X	X	X	X

function was considered desirable if it appeared in the goals and objectives section of their grant application.

Table I demonstrates a near consensus that case consultation, liaison, training, review of court decisions and legislative enactments, and review of department procedures, guidelines and directives are desirable functions for a police legal unit to perform. There is also a near consensus that dealing with civil matters is not a desirable function for police legal units.

In an effort to determine the desirability of each function relative to all other functions Table II was developed (see page 11). To construct this table each police chief having a legal advisor, each police chief not having a legal advisor and each police legal advisor was asked to rank the suggested functions in order of their importance, giving a 1 for the most important and a 9 for the least important.

The results of this procedure appear in Table II. The first row opposite each group interviewed contains the rank assigned each function based on the average score it obtained when all the responses from that group were tabulated. The second row opposite each group interviewed contains the average score obtained for each function when the responses for that group were tabulated.

Table II demonstrates that the training, review of court decisions and legislative enactments, and case consultation are viewed as the most important functions. The importance of this will be discussed later in the section dealing with recommendations.

The near agreement in the rankings between police chiefs having police legal advisors and police legal advisors should be noted. Only in the case of field assistance do their rankings differ by more than two points. That difference can probably be attributed to a belief on the part of police chiefs that civilians should not be involved in the field operations of police departments.

6.0 Activities of Police Legal Advisors

The fourth area to be examined in this evaluation is the activities performed by police legal advisors. To facilitate this analysis, questions relating to each of the functions discussed in the previous section were constructed. These questions were then asked of municipal attorneys, police chiefs, police legal advisors, prosecutors and sworn officers.

At this point a limitation concerning the data supplied by the sworn officers should be introduced. The fact that the average experience level of respondents was 12.1 years indicates that the sample may not be representative.

CASE CONSULTATION: Feeling that the presence or absence of guidelines would be an indicator of the degree to which sworn officers were expected to seek legal advice the following question was asked of police chiefs, police legal advisors, and sworn officers.

TABLE II

Functions		Case Consultation	Civil Law Matters	Field Assistance	Liaison	Legislation	Training	Review Court Decisions and Legislative Enactments	Review Department Procedures Guidelines of Directives	Warrant Preparation
Police Chiefs with Legal Advisors	Rank	2	8	9	7	6	1	3	5	4
	Ave.	3.41	6.24	6.41	5.82	5.73	3.11	3.64	5.35	5.24
Police Chiefs without Police Legal Advisors	Rank	5	7	8	6	9	2	1	3	4
	Ave.	4.33	7.33	7.67	6.67	7.67	2.33	2.00	2.66	4.33
Police Legal Advisors	Rank	1	9	4	8	7	3	2	5	6
	Ave.	1.71	8.29	4.29	7.43	6.57	3.57	2.71	4.86	5.57

Do guidelines exist concerning how and for what reasons police department members may contact the police legal advisor?

<u>Police Chiefs</u>	<u>Legal Advisors</u>	<u>Sworn Officers</u>	
<u>6</u>	<u>6</u>	<u>97</u>	Yes
<u>14</u>	<u>2</u>	<u>23</u>	No

The fact that the response of the police chiefs is opposite that of legal advisors and sworn officers is interesting. This tends to indicate that most police chiefs have taken a rather passive role in defining the relationship between legal advisors and sworn officers. It also seems that most legal advisors and sworn officers have a clear definition of how they should relate to each other.

In an effort to assess the amount of case related contacts between legal advisors and sworn officers, the following questions were asked:

Sworn Officers

Have you ever consulted with the police legal advisor about a particular case?

92 Yes

28 No

How many times have you consulted with the police legal advisor about a particular case?

42 5 or more times

36 2 to 4 times

15 1 time

26 never

Police Legal Advisors

Have patrol and investigative officers ever consulted with you about a particular case?

4 Yes, 5 or more times per week

1 Yes, 1 to 4 times per week

2 Yes, about 1 to 3 times per month

1 Yes, but fewer than 10 times per year

 No

The data clearly indicates that a significant majority of the sworn officers responding have consulted with the police legal advisor and have done so more than once. It also indicates that five of the eight legal advisors are actively involved in providing case related advice.

In an attempt to determine the effect of these consultations the following question was asked of prosecutors:

Do you feel the presence of the police legal advisor has improved the quality of the cases brought to your office?

2 Yes, very much

 Yes, somewhat

1 No opinion

3 No

In summary, most of the legal advisors are providing case related advice and in two geographic areas this has lead to an improvement in the quality of cases presented to the prosecutor. On the other hand, three of the legal advisors are not providing much case related advice and most of the prosecutors working with police departments which have legal advisors see no improvement in the quality of cases.

Thus, overall it appears the legal advisor program has demonstrated a potential to have a positive impact in this area, but the current level of impact varies widely from project to project.

CIVIL MATTERS: An understanding of the police legal advisors activities in the area of civil matters can be gained from the responses to the following questions.

Police Chief

Currently who provides advice to the police department in civil matters?

 Prosecutor

8 Municipal Attorney

4 Police Legal Advisor

7 A combination of the above

 No one

1 Other

Police Legal Advisor

Approximately what percentage of your time is devoted to providing services previously provided by the municipal attorney?

- 76% - 100%
- 1 51% - 75%
- 1 26% - 50%
- 4 1%
- 0%

The data presented here indicates that all police legal advisors provide some services in the area of civil matters. However, with the exception of one legal advisor these services do not appear to be a dominate function.

FIELD ASSISTANCE: Since it was suggested in the literature that legal advisors might be useful during raids and at crime scenes the following information was asked of police chiefs, police legal advisors and sworn officers.

Has the police legal advisor accompanied police officers on pre-planned enforcement actions such as gambling raids and searches of suspects residences?

<u>Police Chiefs</u>	<u>Legal Advisors</u>	
<u> 1 </u>	<u> </u>	Always
<u> 3 </u>	<u> 1 </u>	Most of the time
<u> 7 </u>	<u> 2 </u>	Only in special or unusual cases
<u> 10 </u>	<u> 5 </u>	Never

Sworn Officers

Have you ever requested the presence of the police legal advisor at the scene of a crime?

- 27 Yes
- 93 No *(45 of the 93 in this category did not know they could request a legal advisor at a crime scene)

Police Legal Advisor

Was your presence at the scene of a crime ever requested by a police officer?

- 2 Yes, more than 10 times
- 1 Yes, between 6 and 10 times
- 3 Yes, but less than 5 times
- 2 No

The data indicates that legal advisors generally do not participate in pre-planned enforcement actions. It further indicates that for the most part they do not get very involved in the activities taking place at the scene of a crime.

Clearly then, field assistance as defined in this report is not an area of high activity for police legal advisors. This undoubtedly is connected to the low importance attached to this area by police chiefs.

LIAISON: No assessment of the police legal advisors' liaison activities with the courts was undertaken. An examination of his activities relating to the prosecutor's office centered around the following questions.

Prosecutors

Has the police legal advisor assisted you in your dealings with the police department?

- 2 Yes, very much
- 2 Yes, somewhat
- 2 No

Police Legal Advisors/Prosecutors

Has the police legal advisor made any effort to examine cases lost, dismissed or nolle by the prosecutor?

<u>Legal Advisor</u>	<u>Prosecutor</u>	
<u> 6 </u>	<u> 1 </u>	Yes
<u> 2 </u>	<u> 5 </u>	No

Police Chief

The police legal advisor has

- 9 improved the relationship between the police department and the prosecutor's office.
- 11 had no effect on the relationship between the police department and the prosecutor's office.
- _____ made the relationship between the prosecutor's office and the police department worse.
- _____ Other (specify)_____

The responses are somewhat confusing. Most prosecutors state that their dealings with the police departments have been assisted by the police legal advisor and most chiefs respond that there has been no effect on the relationship between the police departments and the prosecutor's office. The apparent difference probably lies in the different goals and perceptions of both groups and therefore cannot easily be explained given the available information.

The absolute contradiction present in the responses of legal advisors and prosecutors to the second question defies explanation.

Unfortunately, given the nature of the responses, generalizations about the legal advisors' liaison activities cannot be made.

LEGISLATION: The assessment of this area was limited to the following questions asked of police legal advisors.

Have you proposed any legislation?

- 7 Yes
- 1 No

If yes, was it adopted?

- _____ Yes, all
- 3 Yes, but not all
- 4 No

Did you prepare any material in support or opposition to a piece of legislation?

- 4 Yes
- 4 No

It is apparent that police legal advisors are involved in proposing legislation although those proposals have not met with much success. It should be noted that some of the legislation proposed is done so through the Connecticut Police Legal Advisors Association. This organization meets monthly and one of its purposes is to promote statewide legislation.

TRAINING: The questions developed to examine the training function fall into two general categories: (1) What type of training was provided and (2) how helpful was that training.

Of the 120 sworn officers responding 44 (36%) had participated in in-service conducted by the legal advisor. Of those participating 31 found it very helpful, 10 somewhat helpful and 4 expressed no opinion. (Appendix C # 18 and # 19.)

When asked if they had participated in roll call training conducted by the police legal advisor 28 (23%) responded yes. Of this group 16 found this very helpful, 7 somewhat helpful and 6 expressed no opinion. (Appendix C # 20 and # 21.)

Asked if they had read materials prepared by the legal advisor 103 (86%) answered yes. Of this number 98 found the material either very helpful or somewhat helpful, the rest expressed no opinion. (Appendix C # 22 and # 23.)

Quite obviously legal advisors are not providing much direct training. In fact, only one legal advisor provided any roll call training and only four provided any in-service training. (Appendix B # 39 and # 40.) However, it does appear that what direct training is provided is viewed by police officers as beneficial.

Much of the legal advisors' work in the training area revolves around preparing training materials to be either distributed directly to the police officers or to be used by the training officer. The above reference to these materials indicates that they are widely distributed and well received.

REVIEW COURT DECISIONS AND LEGISLATIVE ENACTMENTS: The assessment of the police legal advisors' activities in this area centers around the responses to the following questions.

Sworn Officers

Generally during the last year, who first advised you about changes in legislation or new legislation which affected the way you perform your job?

- 68 The police legal advisor
- 2 The prosecutor
- _____ The city or town attorney
- 32 Your supervisor
- 8 No one advised you
- 10 Other (specify)_____

Generally during the last year, who first advised you about court decisions which affected the way you perform your job?

- 79 The police legal advisor
- 2 The prosecutor
- The city or town attorney
- 21 Your supervisor
- 8 No one advised you
- 10 Other (specify) _____

Prior to the police legal advisor, who advised you of new or changed legislation and court decisions which affected the way you performed your job?

- 10 The prosecutor
- 1 The city or town attorney
- 53 Your supervisor
- 33 No one advised you
- 15 Other (specify) _____

Police Legal Advisor

Do you review legislation and court decisions to determine their effect on police officers?

- 8 Yes
- 0 No

Do you advise police officers about court decisions and legislation which affects the manner in which they perform the duties?

- 8 Yes
- 0 No

Generally when advising police officers about court decisions and legislation do you advise them?

- Directly (e.g., roll call training, in-service training, etc.)
- 5 Through written materials (e.g., contributions to the daily bulletin, memoranda, etc.)
- 3 Other (* response was informal discussions)

The responses of sworn officers indicates that legal advisors are actively involved in performing this function. This is demonstrated by the fact that 57% (68) claimed the legal advisor was the first to inform them of legislation changes affecting the way they perform their job and 66% (79) made the same claim concerning court decisions. Also, all eight legal advisors stated that they review legislative changes and court decisions and they advise police officers about them.

A clear indication of the effect of the police legal advisors in this area can be seen by comparing current methods of informing sworn officers of these changes with previous methods. Particularly noteworthy is that the number of police officers not informed at all about court decisions and legislative enactments affecting their jobs decreased from 33 to 8. This represents a 20% increase in the number of police officers being advised of legal matters affecting the performance of their duties. Also, noteworthy is the decrease in the number of police officers being informed of these changes by their supervisors. Thus, with the introduction of legal advisors more police officers are being informed of changes affecting the performance of their jobs and this information is coming from a more direct and probably more legally knowledgeable source.

On the negative side, three legal advisors use only informal discussions to advise police officers of legal changes affecting their jobs. While advice conveyed by this method is undoubtedly just as good as if it were written, it clearly cannot be as widely distributed.

REVIEW: PROCEDURES, GUIDELINES AND DIRECTIVES: Police Legal Advisor activities related to this function were assessed by analyzing the responses of police chiefs and legal advisors to the following questions.

Is the police legal advisor ever consulted about policy decisions?

<u>Police Chiefs</u>	<u>Legal Advisor</u>	
<u> </u>	<u> </u>	Always
<u>3</u>	<u>2</u>	Most of the time
<u>11</u>	<u>3</u>	Only when it is felt there may be a legal problem
<u>4</u>	<u>2</u>	Never
<u>2</u>	<u>1</u>	Other

Has the police legal advisor reviewed existing department policies, procedures, guidelines and directives?

Police Chief	Legal Advisor	
<u>12</u>	<u>8</u>	Yes
<u>8</u>	<u>0</u>	No

Has the police legal advisor recommended any changes in department procedures, guidelines, and directives?

Police Chief	Legal Advisor	
<u>10</u>	<u>7</u>	Yes
<u>2</u>	<u>1</u>	No

Does the police legal advisor as a regular practice review new department procedures, guidelines, and directives for their legal sufficiency?

Police Chief	Legal Advisor	
<u>9</u>	<u>5</u>	Yes
<u>11</u>	<u>3</u>	No

A summary of the responses indicates: (1) police legal advisors are not, as a general rule, consulted about policy decisions unless the police chief feels there is a legal problem, (2) they have reviewed existing procedures, guidelines, and directives although this has not been done in all departments, (3) where reviews have taken place changes have been recommended, and (4) regular reviews of new department procedures, guidelines and directives are conducted by only five of the eight legal advisors surveyed.

The responses indicate that the police legal advisor program has potential for improving police department operations. This is underscored by the fact that in the 12 departments where reviews of policies, procedures, guidelines and directives have taken place 10 have received recommendations concerning changes.

The responses also indicate the inability of the program to demonstrate a consistent operating pattern. This can be seen in the responses to the last question presented in this series. Only 9 of the 20 police chiefs and 5 of the 8 legal advisors indicated that regular reviews of new procedures, guidelines, and directives take place.

WARRANT PREPARATION: The assessment of this function involved asking police chiefs, police legal advisors, and sworn officers the following questions:

Police Chief

Does the police legal advisor review or help prepare arrest and search warrants in felony cases?

- 2 Always
- 2 Most of the time
- 10 Only in special or unusual cases
- 6 Never

Police Legal Advisor

Do you ever get involved in the review of arrest and search warrants?

- 1 Yes, 76% - 100% of all such warrants
- 1 Yes, 51% - 75% of all such warrants
- 2 Yes, 26% - 50% of all such warrants
- 4 Yes, 1% - 25% of all such warrants
- No

Sworn Officers

Who helps you prepare arrest and search warrants?

- 22 Police Legal Advisor
- 4 Prosecutor
- 32 Police supervisory personnel
- 44 No one
- 4 Other

The responses demonstrate that police legal advisors are not very actively involved in performing this function. Only 4 police chiefs, 2 legal advisors, and 22 sworn officers indicated any extensive involvement in this activity by police legal advisors.

A summary of the findings reported in this section indicates that the functions most actively engaged in by police legal advisors are case consultation, training, and reviews of court decisions and legislative enactments. The findings also indicate the functions least actively engaged in by police legal advisors are field assistance and warrant preparation.

Of the remaining areas it appears that nearly all police legal advisors are involved in civil matters and legislation, but that this involvement does not dominate their activities. And finally, in the areas of liaison and review of police department procedures, guidelines, and directives patterns of activity consistent enough to make generalizations did not emerge.

7.0 Commitment to Continue the Police Legal Advisor Program

The fifth section of this evaluation deals with the commitment to continuation of the police legal advisor program by municipal attorneys, police chiefs, prosecutors, and sworn officers. To assess this the following questions were constructed.

Municipal Attorneys

Would you like to see the police legal advisor program continued?

- 10 Yes, definitely
- 7 Yes
- 2 It makes no difference
- 1 No
- No, definitely

Police Chiefs

Would you recommend the program to other police departments?

- 10 Yes, strongly
- 7 Yes
- 2 Would neither recommend for or against the program
- 1 No
- No, would strongly recommend against the program

Prosecutors

Would you like to see other police departments in your district obtain a police legal advisor?

- 3 Yes
- No
- 3 No opinion

Would you like to see the police legal advisor program continued?

- 3 Yes, definitely
- Yes
- 3 No opinion
- No
- No, definitely

Sworn Officers

Do you feel the police legal advisor program in your department should be continued?

- 90 Yes, it definitely should
- 14 Yes, it probably should
- 12 No opinion
- 3 No, it probably should not
- No, it definitely should not

The responses of all the groups except the prosecutors indicates a positive or at the very least a non-negative commitment to the continuation of the program. In the case of the prosecutors it can be seen that they are evenly divided between those favoring the continuation and/or expansion of the program and those having no opinion.

Of course, the responses presented so far represent only a verbal commitment to the program. In an effort to determine the strength of that commitment by those ultimately responsible for its fact, police chiefs, the following question was asked.

Police Chief

After the grant expires will you attempt to continue the police legal advisor program?

- 8 Yes, in the same format
- Yes, but on a retainer basis
- 1 Yes, but on a part-time fee for services basis
- 4 Would like to continue the program, but it is not financially possible
- 7 Other

It should be noted that the 7 police chiefs responding other indicated either (1) they did not want to continue the program or (2) because of the regional nature of the program they doubted the necessary cooperation between towns to continue the program could be achieved. This coupled with the 4 police chiefs who stated that it would not be financially possible to continue the program on their own indicates that most projects will have a difficult time surviving once the CPCCA stops its financial support.

8.0 Recommendations

The final section of this evaluation deals with recommendations. These recommendations are based on the information gathered in preparing this report and are totally independent of each other.

1. The CPCCA should not fund any new police legal advisor projects.

This evaluation has demonstrated that even though great variation exists between projects, the program overall has the potential to improve the criminal justice system. Indeed, the responses of many of the groups surveyed (i.e., municipal attorneys, police chiefs, police legal advisors, prosecutors, and sworn officers) indicate that in some geographic and many functional areas the programs potential has been actualized. Therefore, funding of new projects is not needed to demonstrate the workability of the police legal advisor concept.

The only other rationale for the funding of new projects is that it is needed to assist police departments in easing a police legal advisor position into their budgets. However, since the Planning Committee has already funded projects in Connecticut's five largest departments and in several of the medium sized ones, the only applicants which could justify need would be regional combinations of small or small and medium sized departments. Since the probability of a regional project being continued after the CPCCA support ends is small, this rationale does not seem justified.

2. The CPCCA should reassess its policy of funding regional programs.

When 8 of the 20 police chiefs surveyed claim they are participating in a project because another department needed their cooperation to be eligible, then that eligibility criteria should be questioned. Also, when the difficulty regional projects have in continuing after the CPCCA stops its funding is taken into consideration, it appears that the Planning Committee may be wasting some of its resources in initially supporting these projects.

3. The CPCCA should explore the possibility of funding a statewide police legal advisor unit.

This recommendation rests on the assumption that two of the areas in which police legal advisors are most active, training, and drafting guidelines for the implementation of court decisions and legislative enactments, could be fulfilled by a single police legal advisor. In the case of training, a single legal advisor could assist training officers at local departments and at the Municipal Police Training Counsel (MPTC) in developing and updating the legal curriculum.

In addition, the statewide police legal advisor could be available to local police departments for consultations concerning their procedures, guidelines and directives and for assisting them in drafting legislation. This legal advisor might through periodic meetings with court personnel and prosecutors assist police departments in their relationships with each of these groups.

A statewide police legal unit should not be viewed as a substitute for police legal units attached to local departments. There is a definite need particularly in the larger departments for legal advice on a day-to-day basis. This type of advice can only be provided by a police legal advisor who is readily available to and closely associated with a particular department. But since it is unrealistic to assume that all Connecticut police departments will acquire the services of a police legal advisor, this program is proposed to assist those departments in partially meeting their needs.

If a statewide police legal unit is funded, it should be done through the MPTC and at a sufficient level to ensure the position is attractive and has the necessary supportive personnel and materials.

APPENDIX A

Interview Chief of Police PLA departments

1. Who initiated the police legal advisor grant application?

- 6 The police department
- The city or town attorney
- 2 The regional criminal justice planning office
- 8 Another police department which needed your departments cooperation in order to be eligible
- 4 Other

2. Who hired the police legal advisor?

- 2 The police chief
- 9 A committee of police officials
- 5 A committee of police and town officials
- Town officials
- 4 Other (specify) _____

3. Organizationally how is the police legal advisor attached to the police department?

- 9 Attached to the chief's office
- 4 Attached to a division within the department
- 1 Attached to the municipal legal unit
- 6 Other (specify) _____

4. The police legal advisor reports to the

- 15 Chief
- Head of his division
- Municipal attorney
- 5 Other (specify) _____

Please rank the following suggested police legal advisor activities in the order of their importance to your departments needs (give 1 for the most important and 9 for the least important).

- 2 CASE CONSULTATION - being available to officers of all ranks for consultation about specific cases
- 8 CIVIL LAW MATTERS - advising the chief and the department about civil law matters such as contracts, law suits, etc.
- 9 FIELD ASSISTANCE - attending raids, viewing crime scenes, riding patrol, etc. on a regular basis
- 7 LIAISON - between the police and the prosecutor's office and between the police and the courts
- 6 LEGISLATION - proposing and supporting state and local legislation which is favorable to police needs
- 1 TRAINING - providing legal training during recruit, in-service and roll call training sessions and preparing bulletins and memoranda concerning lawful procedures
- 3 REVIEW - court decisions, legislative enactments and draft procedural guidelines for their implementation
- 5 REVIEW - department procedures, guidelines and directives for legal sufficiency
- 4 WARRANT PREPARATION - assist police officers in the preparation of arrest and search warrant

5. Has the police legal advisor been involved in disciplinary cases?
(check all that apply)
- 7 Yes, as an advisor to the chief, department, or municipality concerning proper procedure
 - 1 Yes, as an advocate against the officer(s) involved
 - Yes, as an advisor to the officer(s) involved concerning proper procedures
 - 3 No, there have not been any disciplinary cases within the last year
 - 7 No, this is not a function of the police legal advisor
 - 2 Other
6. Has the police legal advisor been involved in grievance procedures?
(check all that apply)
- Yes, representing the police departments position
 - 3 Yes, advising the chief, department, or municipality concerning proper procedure
 - Yes, advising the officers involved concerning proper procedure
 - Yes, as a member of the grievance board
 - 1 No, there have not been any grievance procedures
 - 15 No, this is not a function of the police legal advisor
 - 1 Other (specify) _____
7. Did (or will) the police legal advisor participate in labor contract negotiations?
- 1 As an advisor to the chief, department, or municipality about the legal sufficiency of the proposals
 - As a negotiator for the police department
 - 17 No this is not a function of the police legal advisor
 - 2 Other (specify) _____

8. Does the police legal advisor attend staff meetings?
- Always
 - 2 Most of the time
 - 3 Only when it is felt a legal opinion may be needed
 - 13 Never
 - 2 Other (specify) _____
9. Is the police legal advisor ever consulted about policy decisions?
- Always
 - 3 Most of the time
 - 11 Only when it is felt there may be a legal problem
 - 4 Never
 - 2 Other (specify) _____
10. Has the police legal advisor reviewed existing department policies, procedures, guidelines, and directives for their legal sufficiency?
- 12 Yes
 - 8 No
11. If yes, did he recommend any changes?
- 10 Yes
 - 2 No
12. Does the police legal advisor as a regular practice review new department procedures, guidelines, and directives for their legal sufficiency?
- 9 Yes
 - 11 No

13. How were patrol and investigative officers advised of the availability or presence of the police legal advisor?
- 14 By the chief's office
 - 2 By their division head or immediate supervisor
 - 1 By the police legal advisor
 - They were not advised
 - 3 Other
14. Are patrol and investigative officers encouraged to seek out the police legal advisor for advice?
- 5 Yes, strongly encouraged
 - 6 Yes, encouraged
 - 2 Neither encouraged nor discouraged
 - 6 Discouraged unless approval granted by immediate supervisor
 - 1 Discouraged at all times
15. Do patrol and investigative officers have direct access to the police legal advisor?
- 7 Yes
 - 13 No, they must seek the permission of the supervisor before they contact the police legal advisor?
16. Do guidelines exist which explain how and for what reasons department members may contact the police legal advisor?
- 6 Yes
 - 14 No
17. Has the police legal advisor been consulted prior to the planning of a particular enforcement action such as a gambling raid or search of a suspects residence?
- 2 Always
 - 4 Most of the time
 - 7 Only in special or unusual cases
 - 7 Never

18. Has the police legal advisor accompanied police officers on pre-planned enforcement actions such as a gambling raids and searches of suspects residence?
- 1 Always
 - 2 Most of the time
 - 7 Only in special or unusual cases
 - 10 Never
19. Does the police legal advisor attend the interrogation of suspects in major cases?
- 1 Always
 - 1 Most of the time
 - 6 Only in special or unusual cases
 - 12 Never
20. Prior to the police legal advisor who reviewed or helped prepare arrest and search warrants in felony cases?
- 5 Prosecutor
 - City of town attorney
 - 14 Supervisor personnel within the department
 - 1 No one
 - Other (specify) _____
21. Does the police legal advisor review or help prepare arrest and search warrants in felony cases?
- 2 Always
 - 2 Most of the time
 - 10 Only in special or unusual cases
 - 6 Never

22. If the police legal advisor does not review or help prepare all or most arrest and search warrants, then who does?

- 3 Prosecutor
- City or town attorney
- 13 Supervisor personnel within the department
- 1 No one
- 1 Other (specify) _____

23. Prior to the police legal advisor who provided the police department with advice in criminal matters?

- 13 Prosecutor
- 1 Municipal attorney
- 3 Both the prosecutor and municipal attorney
- 3 No one
- Other (specify) _____

24. Prior to the police legal advisor who provided the police department with advice in civil matters?

- Prosecutor
- 15 Municipal attorney
- 4 Both the prosecutor and municipal attorney
- 1 No one
- Other (specify) _____

25. Currently who provides advice to the police department in criminal matters?

- 5 Prosecutor
- 1 Municipal attorney
- 6 Police legal advisor
- 8 A combination of the above (rank the order of their importance)
- No one
- Other (specify) _____

26. Currently who provides advice to the police department in civil matters?

- Prosecutor
- 8 Municipal attorney
- 4 Police legal advisor
- 7 A combination of the above
- No one
- 1 Other (specify) _____

27. The police legal advisor has

- 2 replaced the municipal attorney in police department matters
- 9 supplemented the municipal attorney in police department matters
- 9 had no effect on the municipal attorney's relationship to the police department
- Other (specify) _____

28. The police legal advisor has

- 9 improved the relationship between the police department and the prosecutor's office
- 11 had no effect on the relationship between the police department and the prosecutor's office
- made the relationship between the prosecutor's office and the police department worse
- Other (specify) _____

29. The police legal advisor has provided (check all that apply)

- 6 Recruit legal training
- 14 In-service legal training
- 3 Roll call training
- 3 Other (specify) _____

30. In comparison to previous sources of legal advice the police legal advisor has been
- 15 More available
 - 1 Less available
 - 4 Equally available
31. In comparison to previous sources of legal advice the police legal advisor has been used
- 15 More frequently
 - 3 Less frequently
 - 2 With the same frequency
32. In comparison to previous sources of legal advice the police legal advisor is
- 12 Much better
 - 4 Better
 - 1 The same
 - 3 Not as good
33. In comparison to previous methods of informing police officers about court decisions and legislation which effects the manner in which they perform their duties the police legal advisor is
- 13 Much better
 - 4 Better
 - The same
 - 3 Not as good
34. Has the police legal advisor helped your department
- 12 Yes, very much
 - 5 Yes, somewhat
 - No opinion
 - 1 Not very much
 - 2 Not at all

35. What is your opinion of the caliber of services provided by the police legal advisor?
- 15 Very good
 - 2 Good
 - Fair
 - 1 Poor
 - 2 Very poor
36. After the grant expires will you attempt to continue the police legal advisor program?
- 8 Yes, in the same format
 - Yes, but on a retainer basis
 - 1 Yes, but on a part-time fee for services basis
 - 4 Would like to continue the program, but it is not financially possible
 - 7 Other (specify) _____
37. Would you recommend the program to other police departments?
- 10 Yes, strongly
 - 7 Yes
 - 2 Would neither recommend for or against the program
 - 1 No
 - No would strongly recommend against the program

APPENDIX B

Interview Police Legal Advisors

1. Who hired you?

- 2 The police chief
- 2 A committee of police officials
- 2 City or town official(s)
- 2 Other (specify) _____

2. Organizationally, how is the police legal advisor attached to the police department?

- 7 A separate entity horizontally attached to the chief's office
- ___ Within one of the police department divisions (identify) _____
- 1 Other (specify) _____

3. Do you report directly to

- 4 The police chief
- 1 A division commander
- 3 A board composed of police chiefs
- 1 Other (specify) _____

4. Do you have adequate secretarial/clerical help?

- 7 Yes
- 1 No

Please rank the following suggested police legal advisor activities in the order of the importance you place on them (give 1 for the most important and 9 for the least important)

- 1 CASE CONSULTATION - being available to officers of all ranks for consultation about specific cases
- 9 CIVIL LAW MATTERS - advising the chief and the department about civil law matters such as contracts, law suits, etc.
- 4 FIELD ASSISTANCE - attending raids, viewing crime scenes riding patrol, etc. on a regular basis
- 8 LIAISON - between the police and the prosecutor's office and between the police and the courts
- 7 LEGISLATION - proposing and supporting state and local legislation which is favorable to police needs
- 3 TRAINING - providing legal training during recruit, in-service and roll call training sessions and preparing bulletins and memoranda concerning lawful procedures
- 2 REVIEW - court decisions, legislative enactments and draft procedural guidelines for their implementation
- 5 REVIEW - department procedures, guidelines and directives for legal sufficiency
- 6 WARRANT PREPARATION - assist police officers in the preparation of arrest and search warrant

5. How were patrol and investigative officers advised of your presence or availability?

- 3 By the chief's office
 By their division head or immediate supervisor
3 By the police legal advisor
 They were not advised
2 Other (specify) _____

6. Are patrol and investigative officers encouraged to seek out the police legal advisor for case consultation?

- 2 Yes, strongly encouraged
2 Yes, encouraged
2 Neither encouraged nor discouraged
2 No, discouraged unless approved by supervisor
 No, discouraged at all times

7. Do patrol and investigative officers have direct access to the police legal advisor?

- 3 Yes
5 No, they first must obtain the permission of their supervisor
 Other (specify) _____

8. Do guidelines exist which explain how and for what reasons police department members may contact the police legal advisor?

- 6 Yes
2 No

9. Did you set up any procedures to aid patrolmen in bringing questions to your attention?

- 4 Yes
4 No

10. Do you feel the police legal advisor grant application accurately describes what you do?

- 7 Yes
 No
1 I do not know

11. Do you attend staff meetings?

- 2 Regularly
1 Only those it is felt you will be needed
5 Seldom if ever

12. As a general rule do you

- 5 volunteer advice
3 respond only when asked

13. Are you ever consulted concerning policy decisions?

- Always
2 Most of the time
3 Only when it is felt there may be a legal problem
2 Seldom if ever
1 Other (specify) _____

14. Have you ever reviewed existing department policies, procedures, and guidelines concerning their legal sufficiency?

- 8 Yes
 No

15. If yes, did you recommend any changes?

- 7 Yes
1 No

16. Do you as a regular practice review new department procedures, guidelines, and directives for their legal sufficiency?

- 5 Yes
3 No

17. Do you review special or general administrative orders for their legal sufficiency?

- Yes, always
- 4 Yes, most of the time
- 2 Yes, on one or two occasions
- 2 No

18. Have you been involved in any grievance procedures where you have

- represented the department
- 4 advised the department concerning proper procedure
- represented the officer(s)
- advised the officer(s) involved concerning proper procedures
- been a member of a grievance board
- 4 other (specify) _____

19. Have you been involved in any disciplinary procedures?

- 3 Acting as an advisor to the chief, department or municipality
- 1 Presenting the case against the officer(s) involved
- 1 Advising the officer(s) involved
- 2 No this is not a function of the police legal advisor
- 1 No there have not been any cases
- 1 Other (specify) _____

20. Did you or will you participate in labor contract negotiations?

- As an advisor to the chief, department or municipality about the legal sufficiency of the proposals
- As a negotiator for the police department
- 7 No, this is not a function of the police legal advisor
- 1 Other (specify) _____

21. Approximately what percentage of your time is devoted to providing services previously provided by the municipal attorney?

- 75% - 100%
- 51% - 75%
- 1 26% - 50%
- 5 1% - 25%
- 0%

22. Approximately what percentage of your time is devoted to providing services previously provided by the prosecutor(s) or state's attorney?

- 76% - 100%
- 1 51% - 75%
- 1 26% - 50%
- 4 1% - 25%
- 0%

23. Approximately what percentage of your time is devoted to providing services that were previously not provided?

- 3 76% - 100%
- 2 51% - 75%
- 26% - 50%
- 1 1% - 25%
- 0%

24. Do you have contacts with the municipal attorney concerning police business?

- Yes, daily
- Yes, frequently (weekly)
- 4 Yes, occasionally (about 2 or 3 times a month)
- 2 Yes, but seldom (about once a month)
- 2 No
- Other (specify) _____

25. Have you made any effort to examine cases "lost" in court?
6 Yes
2 No
26. Have you made any effort to examine cases dismissed or nolleed by the prosecutor?
6 Yes
2 No
27. Do you have contacts with the prosecutor?
___ Yes, daily
5 Yes, frequently (weekly)
1 Yes, occasionally (about 2 or 3 times a month)
1 Yes, but seldom (about once a month)
1 No
___ Other (specify) _____
28. Generally are these contacts related to
4 a specific pending case
4 lost, dismissed, or nolleed cases
7 explaining police practices
6 discussing differences
29. Have you proposed any legislation?
7 Yes
1 No
30. If yes, was it adopted?
___ Yes, all
3 Yes, but not all
4 No
31. Did you prepare any material in support or opposition to a piece of legislation?
4 Yes
4 No
32. Do you ever get involved in the preparation or review of arrest or search warrants?
1 Yes, 75% - 100% of all such warrants
1 Yes, 51% - 75% of all such warrants
2 Yes, 26% - 50% of all such warrants
4 Yes, 1% - 25% of all such warrants
___ No
33. Do you attend the interrogation of suspects in major cases?
___ Yes always
2 Yes most of the time
3 Yes on one or two occasions
3 No
34. Was your presence at the scene of a crime ever requested by a police officer?
2 Yes, more than 10 times
1 Yes, between 6 and 10 times
3 Yes, but less than 5 times
2 No
35. Have you been consulted prior to the planning of a particular enforcement action such as a gambling raid or search of a suspects residences?
1 Yes, always
___ Yes, usually
5 Yes, but only on special or unusual cases
2 No never

36. Have you accompanied police officers on preplanned enforcement actions such as gambling raids and searches of suspects residences?

Yes, always

1 Yes, usually

2 Yes, but only on special or unusual cases

5 Never

37. Have patrol and investigative officers ever consulted with you about a particular case?

4 Yes, 5 or more times per week

1 Yes, 1 to 4 times per week

2 Yes, about 1 to 3 times per month

1 Yes, but fewer than 10 times per year

No

38. Have patrol and investigative officers ever consulted with you about proper police procedures in general?

3 Yes, 5 or more times per week

2 Yes, 1 to 4 times per week

2 Yes, about 1 to 3 times per month

Yes, but fewer than 10 times per year

2 No

39. Have you provided any roll call training?

1 Yes (specify the number of times)

7 No

40. Other than roll call training have you provided any in-service or recruit legal training?

4 Yes

4 No

41. If yes approximately how many officers were involved?

3 more than 50

40 to 49

30 to 39

20 to 29

1 10 to 19

0 to 9

42. Do you discuss court decisions, legislation and their effect on police officers in contributions to the daily bulletin or memoranda distributed department wide?

7 Yes

1 No

43. Do you review legislation and court decisions to determine their affect on police officers?

8 Yes

No

44. Do you advise police officers about new or changed legislation which affects the manner in which they perform their police duties?

8 Yes

No

45. Do you advise police officers about court decisions which affects the manner in which they perform their police duties?

8 Yes

No

46. Generally when advising police officers about legislation and court decisions do you advise them

directly (e.g. roll call training, in-service training, etc.)

5 through written materials (e.g. contribution to the daily bulletin)

3 other (specify)

47. Generally when advising police officers about legislation and court decisions do you advise
- 33 only senior officers
 - 5 all officers
48. Rank the following in order of your priority:
- 1 provide advice to the chief and command personnel
 - 6 review proposed and enacted legislation
 - 5 review court decisions
 - 8 propose legislation
 - 7 draft police procedures in areas of arrest, search and seizure, detention, etc.
 - 3 serve as a legal instructor and prepare materials
 - 4 provide specific legal advice to investigative officers
 - 2 be available for consultation with patrol and investigative personnel
49. What type of records do you keep (check all that apply):
- 4 evaluation report (short-term legal opinions)
 - 4 formal opinions and legal memoranda (usually lengthy)
 - 4 monthly activity summary reports (type and frequency of projects and incidents involving legal advice)
 - 5 other
50. For how many years were you a practicing attorney before you became a police legal advisor?
- less than a year
 - 2 1 to 2 years
 - 3 3 to 5 years
 - 1 6 to 8 years
 - 2 9 years or more

51. What previous experience have you had?
- 1 prosecutor
 - 8 private practice
 - 1 law enforcement officer
 - other (specify)
52. Do you currently maintain a law practice?
- 5 yes
 - 3 no
53. Do you represent people in criminal cases?
- 1 yes
 - 7 no
54. Are you a member of a firm which represents people in criminal cases?
- 1 yes
 - 7 no
55. Do you hope to continue your association with police departments as a legal advisor?
- 5 yes
 - 2 yes, for a limited number of years (how many)
 - 1 no
56. Do you feel the job requires a full-time police legal advisor? Explain.
- 7 Yes
 - 1 No
57. Could the police legal advisor program be improved? Explain.
- 8 Yes
 - No
58. If the program is regional, how do you divide your time?
- 5 by request
 - 1 equally

59. What attracted you to the police legal advisor position? Explain

60. Could you use a para-professional legal aid? Explain

APPENDIX C

Questionnaire for Sworn Personnel

DIRECTIONS: Questions 1, 2, and 3 should be answered by simply filling in the information asked for. Questions 4 thru 33 should be completed by placing a ✓ or a X before the alternative which applies.

1. Police Department _____
2. Your Rank _____
3. The number of years you have been a police officer 12.1
4. Division
 - 61 Patrol
 - 35 Detective
 - 3 Traffic
 - 19 Other (specify) _____
5. Shift (check the one that corresponds the closest to yours)
 - 8 12 midnight - 8:00 A.M.
 - 59 8:00 A.M. - 4:00 P.M.
 - 20 4:00 P.M. - 12:00 midnight
 - 23 rotating
6. Assignment
 - 17 Headquarters administration
 - 91 Field Operations (e.g., patrol, investigative, etc.)
 - 7 Other (specify) _____
7. Did you receive any guidelines concerning how and for what reasons you may contact the police legal advisor?
 - 97 Yes
 - 23 No

8. Who first made it known to you that the police legal advisor was available for consultations about particular cases or lawful procedures in general?
- 8 The police legal advisor
 - 71 The chief's office
 - 31 The division head or your immediate supervisor
 - 8 It was never made known
 - 6 Other (specify) _____
9. Have you ever consulted with the police legal advisor about a particular case?
- 92 Yes
 - 28 No
10. Have you ever consulted with the police legal advisor about police procedures in general?
- 78 Yes
 - 43 No
11. Have you ever consulted with the police legal advisor about (check as many as apply)?
- 79 Criminal law
 - 58 Evidence
 - 73 Search and seizure
 - 69 Arrest
 - 27 None of the above
12. Are you ever involved in the preparation of arrest and search warrants?
- 106 Yes
 - 14 No

13. If yes, who helps you prepare arrest and search warrants?
- 22 The police legal advisor
 - 4 The prosecutor
 - 32 Police supervisory personnel
 - 44 No one
 - 4 Other (specify) _____
14. If you checked the police legal advisor, then who prior to the arrival of the police legal advisor helped you in the preparation of warrants?
- 8 The prosecutor
 - 7 Police supervisory personnel
 - 6 No one
 - 1 Other (specify) _____
15. Generally during the last year, who first advised you about changes in legislation or new legislation which effected the way you perform your job?
- 68 The police legal advisor
 - 2 The prosecutor
 - 0 The city or town attorney
 - 32 Your supervisor
 - 8 No one advised you
 - 10 Other (specify) _____
16. Generally during the last year, who first advised you about court decisions which effected the way you perform your job?
- 79 The police legal advisor
 - 2 The prosecutor
 - 0 The city or town attorney
 - 21 Your supervisor
 - 8 No one advised you
 - 10 Other (specify) _____

17. Prior to the police legal advisor, who advised you of new or changed legislation and court decisions which affected the way you performed your job?

- 10 The prosecutor
- 1 The city or town attorney
- 56 Your supervisor
- 33 No one advised you
- 15 Other (specify) _____

18. Within the last year have you ever participated in In-Service Training conducted by the police legal advisor?

- 44 Yes
- 76 No

19. If yes, has this helped you perform your job better?

- 31 Yes, very much
- 10 Yes, somewhat
- 4 No opinion
- 1 Probably not
- 1 Definitely not

20. Within the last year, how many times have you participated in roll call training conducted by the police legal advisor?

- 18 5 or more times
- 4 2 to 4 times
- 6 1 time
- 93 never

21. If the answer above was 1 or more, has this helped you perform your job better?

- 16 Yes, very much
- 7 Yes, somewhat
- 6 No opinion
- 1 Probably not
- 1 Definitely not

22. Have you ever read materials prepared by the police legal advisor such as contributions to the daily bulletin or memoranda written for general distribution?

- 103 Yes
- 17 No

23. If yes, has this material helped you perform your job better?

- 62 Yes, very much
- 36 Yes, somewhat
- 5 No opinion
- 1 Probably not
- 1 Definitely not

24. Can you seek advice from the police legal advisor?

- 87 Yes,
- 19 No, must first seek the permission of my supervisor
- 14 I do not know
- 1 No, not at all

25. How many times have you consulted with the police legal advisor about a particular case?

- 42 5 or more times
- 36 2 to 4 times
- 15 1 time
- 26 never

26. How many times have you consulted with the police legal advisor about police procedures in general?

45 5 or more times

24 2 to 4 times

18 1 time

38 never

27. Have you ever consulted with the police legal advisor prior to a pre-planned enforcement action?

63 Yes

54 No

28. Can you call the police legal advisor to the scene of a crime?

72 Yes

3 No

42 I don't know

29. If yes, have you ever requested the presence of a police legal advisor at the scene of a crime?

27 Yes

48 No

30. Do you feel the police legal advisor understands the problems of police officers?

70 Yes, very much

22 Yes, somewhat

20 No opinion

6 Probably not

1 Definitely not

31. In general, do you feel the police legal advisor has helped you perform your job better?

53 Yes, very much

35 Yes, somewhat

26 No opinion

7 Probably not

5 Definitely not

32. Do you feel the police legal advisor program in your police department should be continued?

90 Yes, it definitely should

14 Yes, it probably should

12 No opinion

3 No, it probably should not

 No, it definitely should not

33. Do you feel the police legal advisor program should be started in other departments?

88 Yes, it definitely should

16 Yes, it probably should

12 No opinion

2 No, it probably should not

 No, it definitely should not

APPENDIX D

Interview with Police Chief non PLA departments

DIRECTIONS: Questions 1 thru 15 should be completed by placing a X or a ✓ before the alternative which applies. You are encouraged to add comments wherever you desire.

1. Has anyone reviewed existing department policies, procedures, guidelines, and directives for their legal sufficiency?
1 Yes
2 No
2. Does anyone review new department policies, procedures, guidelines, and directives for their legal sufficiency?
1 Yes
2 No
3. When patrol and investigative officers have a legal question concerning a particular case, who are they encouraged to seek advice from?
3 prosecutor
2 municipal attorney
2 supervisor
1 training officer
1 other (specify) _____
4. When patrol and investigative officers have a legal question concerning procedures in general, who are they encouraged to seek advice from?
___ prosecutor
___ municipal attorney
3 supervisor
___ training officer
___ other (specify) _____

5. Is legal advice ever sought prior to the planning of a particular enforcement action such as a gambling raid or search of a suspects residence?
2 Yes
1 No
6. Who reviews or helps prepare arrest and search warrants in felony cases?
1 prosecutor
___ municipal attorney
___ supervisor
2 no one
___ other (specify)
7. Who provides your department with advice in criminal matters?
3 prosecutor
___ municipal attorney
___ both of the above
___ no one
___ other
8. Who provides your department with advice in civil matters?
___ prosecutor
3 municipal attorney
___ both of the above
___ no one
___ other

9. Currently how are patrol and investigative officers informed of court decisions and legislation which affects the manner in which they perform their duties?
- in-service training sessions
 - 3 memoranda (identify source)
 - no one
 - other
10. Generally how available to the police department is legal advice in criminal matters?
- within one hour of request
 - 1 within eight hours of request
 - 1 within eight to twenty-four hours of request
 - 1 a day or more after request
11. Generally how available to the police department is legal advice in civil matters?
- within one hour of request
 - within eight hours of request
 - within eight to twenty-four hours of request
 - 3 a day or more after request
12. Are your department needs such that a police legal advisor is needed?
- 2 Yes, full time
 - 1 Yes, part time
 - No
13. If you had a police legal advisor, would you seek legal advice?
- 3 more frequently
 - with the same frequency

14. Would you like to have the services of a federally funded police legal advisor?
- 3 Yes
 - No
15. Would you like to have the services of a police legal advisor if the program was funded out of your police budget?
- 2 Yes
 - 1 No

APPENDIX E

Questionnaire for Municipal Attorneys

DIRECTIONS: Questions 1 and 2 should be completed by filling in the information requested. Questions 3 thru 11 should be completed by placing a or a before the alternative which applies. You are encouraged to add comments wherever you desire.

1. Name of city or town _____.
2. Length of time (in months) you have been the city or town attorney _____?
3. Do you advise the police department in civil matters?
 8 Yes
 No
4. Do you advise the police department in criminal matters?
 2 Yes
 6 No
5. Has the police legal advisor assisted you in your dealings with the police department?
 1 Yes, very much
 2 Yes, somewhat
 5 No
6. Do you have contacts with the police legal advisor concerning police department matters?
 Yes, daily
 1 Yes, weekly
 1 Yes, 2 or 3 times a month
 1 Yes, about once a month
 4 No
 1 other (specify)

7. In civil matters relating to the police department, the police legal advisor has
 replaced you
 3 supplemented you
 5 had no effect on your relationship with the police department
8. In criminal matters relating to the police department, the police legal advisor has
 2 replaced you
 1 supplemented you
 5 had no effect on your relationship with the police department
9. If the police department did not have a police legal advisor, would their demand for your services
 2 increase greatly
 1 increase somewhat
 2 remain the same
 3 I do not know
10. If the police departments demand for your services did increase, could you meet that demand with present resources?
 3 Yes
 3 No
 2 I do not know
11. Would you like to see the police legal advisor program continued?
 3 Yes, definitely
 2 Yes
 2 It makes no difference
 1 No
 No, definitely

Questionnaire for Prosecutors

DIRECTIONS: Questions 1 and 2 should be completed by filling in the information requested. Questions 3 thru 13 should be completed by placing a ✓ or a X before the alternative which applies. You are encouraged to add comments wherever you desire.

1. Identify the Circuit Court _____ or Superior Court _____ you serve.
2. Length of time (in months) you have been in the Prosecutor's Office or the State's Attorneys Office _____?
3. Has the police legal advisor assisted you in your dealings with the police department?
 - 2 Yes, very much
 - 2 Yes, somewhat
 - 2 No
4. Has the police legal advisor made any effort to examine cases lost, dismissed, or nolleed by the prosecutor?
 - ___ Yes, frequently
 - 1 Yes, occasionally
 - 5 No
5. How frequently do you have contacts with the police legal advisor?
 - 1 daily
 - ___ weekly
 - 1 about 2 or 3 times a month
 - 1 about once a month
 - 2 seldom if ever
 - 1 never

6. Generally are these contacts related to (check all that apply)
 - 2 a specific pending case
 - 1 lost, dismissed, or nolleed cases
 - 2 explaining police practices
 - 1 discussing differences between the prosecutor's office and the police department
 - 5 other
7. In police department matters (other than prosecutions) previously handled by the Prosecutor's office, has the police legal advisor
 - ___ replaced you
 - 4 supplemented you
 - 2 had no effect on your relationship with the police department
8. If the police department did not have a police legal advisor, would their demand for your services
 - 2 increase greatly
 - 2 increase somewhat
 - 1 remain the same
 - 1 I do not know
9. If the police departments demand for your services did increase, could you meet that demand with your present resources?
 - 1 Yes
 - 4 No
 - 1 I do not know
10. Do you feel the presence of the police legal advisor has improved the quality of the cases brought to your office?
 - 2 Yes, very much
 - ___ Yes, somewhat
 - 1 No opinion
 - 3 No

11. Would you like to see other police departments in your district obtain a police legal advisor?

3 Yes

 No

3 No opinion

12. Would you like to see the police legal advisor program continued?

3 Yes, definetely

 Yes

3 No opinion

 No

 No, definetely

13. If given a choice between spending funds for more legal training of police or a police legal advisor program, which would you prefer?

2 the legal training of police officers

1 the police legal advisor program

3 other (explain)

END