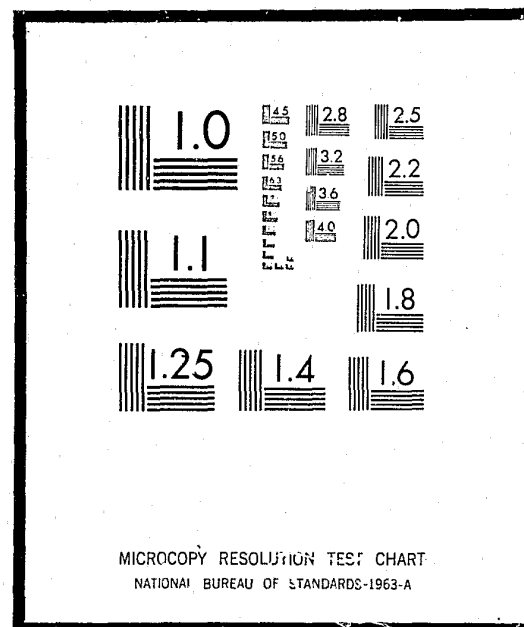


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NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

Date filmed 7/15/76

IMPROVED LOWER COURT CASE HANDLING

AN INTERAGENCY APPROACH
TO CRIMINAL JUSTICE MANAGEMENT

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APRIL 1976

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National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
UNITED STATES DEPARTMENT OF JUSTICE

ABSTRACT

Ninety percent of the nation's criminal cases are handled by the lower courts. Heavy caseloads, inadequate and poorly-trained personnel, and overtaxed facilities frequently add up to "assembly-line justice." The Improved Lower Court Case Handling Program contains suggestions for upgrading some of these lower court practices and programs through improved resource management based upon interagency cooperation.

No single prescription can remedy a massively ailing system, but the program described herein will demonstrate a coordinated approach to a number of techniques which have worked in jurisdictions around the country. The National Institute of Law Enforcement and Criminal Justice anticipates that the Improved Lower Court Case Handling Program can upgrade some of the outmoded practices that exist in so many of the lower courts, and can work toward the goal of integrated, well-planned criminal justice management.

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This project was supported by Contract Number J-LEAA-007-76 awarded by the Law Enforcement Assistance Administration, U.S. Department of Justice, under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

IMPROVED LOWER COURT

CASE HANDLING

TABLE OF CONTENTS

I.	AN INTRODUCTION TO THE IMPROVED LOWER COURT CASE HANDLING PROGRAM	1
	1. The Lower Courts: A Neglected Resource	1
	2. What Is the Improved Lower Court Case Handling Program? ..	3
	3. What Are the Underlying Problems Which Led to the Establishment of the Program?	5
	4. How Does the Program Address These Problems?	7
	5. What Are the Eight Elements of the Program?	9
	6. How Do These Elements Work Together As A Program?	11
	Figure 1: Relationships of Organizational Elements ..	12
	7. The Demonstration Project	13
II.	THE ELEMENTS OF THE PROGRAM	17
	1. The Mass Case Coordinator	17
	"The Emergence of Criminal Justice Planning"	22
	2. Police Citation System	25
	"Police Field Citations in New Haven"	29
	3. Summons System	73
	4. PROMIS (Prosecutor's Management Information System)	77
	"The Prosecutor's Role in the Urban Court System: The Case for Management Consciousness"	83
	5. Case Screening	99
	"PROMIS Briefing Series - 2. Case Screening"	104
	6. Pretrial Release Program	127
	"Alternatives to the Bail System"	132
	7. Short Form Presentence Reports	145
	"Presentence Investigation"	150
	8. Selected Offender Probation	153
	"Standard 10.2 - Services to Probationers"	157
	"Standard 10.3 - Misdemeanant Probation"	160
III.	CONCLUSION	163
	Figure 2: Criminal Justice Agency Involvement By Program Element	167
IV.	APPENDICES	169
	A. Police Citation System	171

TABLE OF CONTENTS

(continued)

B. PROMIS (Prosecutor's Management Information System)	177
C. Case Screening	189
D. Pretrial Release Program	196
E. Short Form Presentence Report	199
V. SOURCES OF FURTHER INFORMATION	204

I. AN INTRODUCTION TO THE IMPROVED LOWER COURT CASE HANDLING PROGRAM

The Improved Lower Court Case Handling Program was developed as an approach to solving some of the problems of the congested lower criminal court systems found around the country today. Through an emphasis on integrated, well planned criminal justice management, the program, through its components, aims at alleviating these problems through a variety of channels. The purpose of this manual is to discuss the current problems and suggest some realistic solutions.

1. THE LOWER COURT: A MISPLACED REPUTATION

An outgrowth of colonial times, the so-called lower courts have long been neglected and underappreciated. In 1931 the Silverthorn Commission noted that "there has been little appreciation of the importance of magistrates', courts and police and municipal courts in the system of justice."¹ In the intervening years, little has been done to assist these courts in carrying out their responsibilities in disposing justice in increasingly high volumes of criminal cases. In 1967 the President's Commission on Law Enforcement and the Administration of Criminal Justice further observed that "[t]he congestion that produces both undue delay and unreasonably high costs is a major problem in the lower courts."

¹ National Commission on Law Enforcement and Administration of Criminal Justice (Commission), Report on Criminal Procedure, 1931, p. 6.

courts--the courts that dispose of cases that are typically called 'misdemeanors' or 'petty offenses,' and that process the first steps of felony cases."*

Today, the lower courts are responsible for handling 90 percent of the country's criminal cases. These are the courts with which much of the public has first hand experience, and upon whom citizens most often depend for resolution of criminal matters. Lower courts are, however, of critical importance in the community for another reason. Careers in crime must start somewhere, and often the lower courts are the first point of contact between offenders and the criminal justice system. As the President's Commission noted:

The importance of these courts in the prevention or deterrence of crime is incalculably great, for these are the courts that process the overwhelming majority of defendants. Although the offenses that are the business of these lower courts may be "petty" in respect to the damage they do and the fear they inspire, their implication can be great. Hardened habitual criminals do not suddenly and unaccountably materialize. Most of them committed, and were brought to book for, small offenses before they began to commit big ones.**

Realizing the dilemma posed by steadily increasing work loads and the increasing public demands for greater productivity for tax dollars, the National Institute of Law Enforcement and Criminal Justice has committed its resources to improving case handling in the lower courts through an innovative demonstration program called "The Improved Lower

* President's Commission on Law Enforcement and the Administration of Criminal Justice, The Challenge of Crime in a Free Society, U.S. Government Printing Office, 1961, p. 128.

** Ibid.

Court Case Handling Program." The program is designed to utilize scarce public resources more efficiently by establishing work load priorities and by increasing interagency cooperation in areas of mutual concern.

2. WHAT IS THE IMPROVED LOWER COURT CASE HANDLING PROGRAM?

The criminal justice community in any jurisdiction, whether state, judicial circuit, county, or city, is made up of numerous agencies, each responsible for one or more aspects of the administration of justice. Improved efficiencies in one agency may, but will not necessarily, improve the criminal justice system. For example, police may, through more efficient operations or improved technology, solve more burglaries and arrest more burglars. However, if witnesses fail to appear for trial because they were not given adequate notice, these cases will be dismissed. If there are not enough prosecutors to try the cases, or enough judges to hear them, they will not be disposed of within a reasonable period of time. If there are not sufficient correctional facilities to house those convicted, or enough probation officers to assure meaningful rehabilitation programs, burglary may remain a fearful endeavor, in spite of the increased number of apprehensions by police officers.

For criminal justice improvements to be meaningful, therefore, it is essential that their development and implementation be systemwide, recognizing the implications for all agencies involved. In the past, innovation within the criminal justice community has all too often meant that an improvement or new program developed by one agency, although laudatory, has had only limited impact upon the spectrum of

case-handling responsibilities.

The National Institute of Law Enforcement and Criminal Justice seeks to change this situation through the Improved Lower Court Case Handling Program. This program represents an ambitious attempt to engage police, prosecutors, courts, probation and corrections agencies in a cooperative venture to improve the handling of lower court criminal cases by introducing a group of previously tested innovations which will allow participating jurisdictions to establish case load priorities and solve problems through cooperative effort among agencies. The program recognizes and builds upon the interdependencies of the criminal justice system. Furthermore, all of the program's elements address the problems of anonymous, "assembly-line justice" found in lower courts today.

Although the model being discussed here consists of eight components, there is nothing "magic" about this particular number or combination of elements. A community's Improved Lower Court Case Handling Program need not be limited to these particular elements. The main thrust of the program is an objective, critical, comprehensive approach to the criminal justice system, taking a strong management consciousness into account. The eight components described herein are a combination of elements which, when tested as a model, have been shown to work together successfully. These elements are vehicles through which the Improved Lower Court Case Handling Program can meet and has met its stated goals.

The eight program elements that address those goals are:

1. Mass Case Coordinator
2. Police Citation System
3. Summons System
4. PROMIS (Prosecutor's Management Information System)
5. Case Screening
6. Pretrial Release Program
7. Short Form Presentence Reports
8. Selected Offender Probation

3. WHAT ARE THE UNDERLYING PROBLEMS THAT LED TO THE ESTABLISHMENT OF THE PROGRAM?

In a chapter entitled "The Nonsystem of Criminal Justice," contained in a 1970 report to the National Commission on the Causes and Prevention of Violence, Daniel J. Freed states that:

A system implies some unity of purpose and organized interrelationship among component parts. In the typical American city and state, and under federal jurisdiction as well, no such relationship exists. There is, instead, a reasonably well-defined criminal process, a continuum through which each accused offender may pass: from the hands of the police, to the jurisdiction of the courts, behind the walls of a prison, then back onto the street. The inefficiency, fallout, and failure of purpose during this process is notorious.*

The Improved Lower Court Case Handling Program was initially designed to combat the problems stemming from the "nonsystem" of massive case load processing--the criminal justice system's attempt to deal with the thousands of cases that move through the lower courts in an anonymous and undifferentiated manner. Struggling to keep pace with this mounting influx of cases, the various agencies serving the lower

* J. Campbell, J. Sahid and D. Stand (editors), Law and Order Reconsidered: Report of the Task Force on Law and Law Enforcement to the National Commission on the Causes and Prevention of Violence, 1970, p. 264.

courts have been forced to treat criminal matters in an assembly-line fashion. Priorities are impossible to determine or implement, and resource allocation is haphazard at best. In many instances, even within a single agency, no one is assigned control of a case from start to finish. In other instances, the daily press of business prevents any management overview or policy development, let alone interagency coordination. "Words such as 'fragmented' and 'divided'...refer not only to demarcations in authority but also to differences in philosophy and outlook, even though criminal justice agencies are highly dependent upon one another."*

The weaknesses that consequently develop in the system provide opportunities for abuse. The habitual, court-wise criminal buries his recidivism in the anonymity of large-scale case processing, seeking postponements, frustrating witnesses and, eventually, "beating the system."

Another serious problem that this program hopes to alleviate is the autonomy with which criminal justice agencies have tended to operate. While there are distinct and important separations of function and responsibility between police, prosecutor, probation, and court, the role of each agency greatly depends upon the roles assumed by the others. There has been a tendency, however, for agencies to regard their responsibilities, work load, and information needs as separate,

* National Advisory Commission on Criminal Justice Standards and Goals, Executive Summary, Law Enforcement Assistance Administration, 1973, p. 11.

the result sometimes being the fragmented, less than unified approach to criminal justice problems mentioned before. At times, even the interrelated nature of day-to-day operations has been ignored.

The importance of counteracting this tendency has been emphasized on many occasions. Both the National Advisory Commission on Criminal Justice Standards and Goals and the President's Commission on Law Enforcement and the Administration of Criminal Justice based their entire approach to crime on a well-integrated criminal justice system. The Improved Lower Court Case Handling Program works toward producing that much-needed unity.

4. HOW DOES THE PROGRAM ADDRESS THESE PROBLEMS?

Simply stated, the Improved Lower Court Case Handling Program addresses the identified problems in two ways:

1. It develops the ability within the criminal justice community to assign priorities and deal with massive case loads through a management-oriented approach; and
2. It utilizes and systematically encourages the interdependencies of all functions within the criminal justice system.

Several specific instances illustrate these points well. For example, case load interdependencies must be recognized and worked with. Allowing cases to enter the prosecutor's office through citations and summonses, as well as warrants, not only saves police time through avoiding certain arrests and bookings, but also gives the prosecutor, even at that early time, a relative assessment of the nature

of the case load and its priorities. A case screening function in the prosecutor's office further serves to cut down work loads at this early point, not only for prosecutors but for the court and corrections personnel as well.

The screening function and comprehensive, quick-access information systems such as PROMIS serve a data-gathering function that can save important time and manpower for later stages in the process. Furthermore, recognition of the tremendous overlap in the information needs of programs such as pretrial release, presentence reports, and probation supervision can save time and manpower and increase administrative capability.

Efficient information gathering, enhanced further through innovations such as short form presentence reports, can affect the court's case load also. Uniform reports which are designed to meet valid and realistic criteria can save court time and administrative resources for a number of other agencies.

In terms of the two goals identified above, the program makes a significant attempt at eliminating the anonymous, undifferentiated nature of criminal case loads (thereby allowing priorities to be set and resources allocated) through strongly emphasizing and depending upon the interrelated character of the various branches of the criminal justice system. The eight elements composing the program, while all noteworthy on their own, work as a group to address these goals more effectively and eliminate the "nonsystem" quality of criminal justice.

5. WHAT ARE THE EIGHT ELEMENTS OF THE PROGRAM?

The eight elements of the Improved Lower Court Case Handling Program are discussed in detail in later chapters of this manual. Briefly, however, they can be described as follows:

1. Mass Case Coordinator: This person is the project coordinator whose sole responsibility is to oversee lower court case handling operations across functional lines. The individual does not work for any single agency, but rather for the criminal justice community. In implementing the other seven program elements, the coordinator is responsible for balancing and integrating the efforts, acting as liaison when necessary, and achieving cooperative effort from all parties.

2. Police Citation System: The citation procedure allows the issuance of citations rather than arrest warrants to offenders in certain categories of minor crimes. Its primary purpose is to save police time and manpower by avoiding lengthy arrest procedures in cases where certain innocuous offenders have committed minor misdemeanors.

3. Summons System: A summons is a means of non-arrest case entry used in a manner similar to the citation. It is issued by the court rather than by the police, and the offender, upon receipt of the summons, is thereby ordered to appear in court at a specified time. Like the citation, this practice offers an alternative to the arrest warrant procedure.

4. PROMIS (Prosecutor's Management Information System): PROMIS is a management information tool, developed initially as a computer-based system, which enables a prosecutor's office to collect numerous pieces of information on each case. Through the data collected, the

system can "flag" important cases for special attention, monitor performance and case flow, assure consistent treatment of cases, gather empirical data, and generally improve prosecutory management.

5. Case Screening: The introduction or enhancement of the screening function at an early stage in case prosecution has an important effect upon almost all criminal justice agencies. The case loads of the police, the courts, and corrections are all critically affected by the existence of a well-functioning screening process in the prosecutor's office. Furthermore, this procedure performs an important information gathering function for the prosecutor and other agencies.

6. Pretrial Release Program: In the original Manhattan Bail Project conducted by the Vera Institute of Justice, criminal defendants were evaluated through an objective screening mechanism. Those having sufficient roots in the community were granted personal recognizance and appeared in court as reliably as those released on bond. The manpower and cost savings, particularly for corrections, make this an especially attractive program for overburdened systems.

7. Short Form Presentence Reports: Also a Vera Institute project, this element encourages the design of more concise presentence reports which could be prepared more expeditiously while containing the basic information used most often by a jurisdiction's judges in determining sentences.

8. Selected Offender Probation: This program element entails the development of an intensive probation program for selected misdemeanants who might benefit from a program less harsh than incarceration but more stringent than unsupervised probation. Several successful

programs designed with this purpose have been conducted utilizing volunteer efforts in addition to probation staff.

6. HOW DO THESE ELEMENTS WORK TOGETHER AS A PROGRAM?

As discussed previously, two basic themes run through the Improved Lower Court Case Handling Program: recognition and utilization of the interdependent character of the criminal justice system, and development of the system's capacity to formulate priorities. While all of the program elements address these goals in one way or another, approaching them as a unit yields total results far beyond the sum of the component parts.

The desired goals of integrating the criminal justice system and gaining some control over case loads are thus served through an approach that encompasses those goals in its methodology. Beyond the results that any single component yields lies the fact that successfully developing and implementing that component with the others requires interagency cooperation and priority identification.

The manner in which these elements contribute to the goals of the program as a whole is best illustrated in Figure 1. The Mass Case Coordinator is located at the center, indicating the special relationship which this person has to the other elements. The coordinator is the pivotal point of the program.

The connections between Police Citations, Summons System and Case Screening indicate two different types of case entry, in addition to standard warrant procedures. Through these the prosecutor is able to make, at screening, certain relative assessments of the case load.

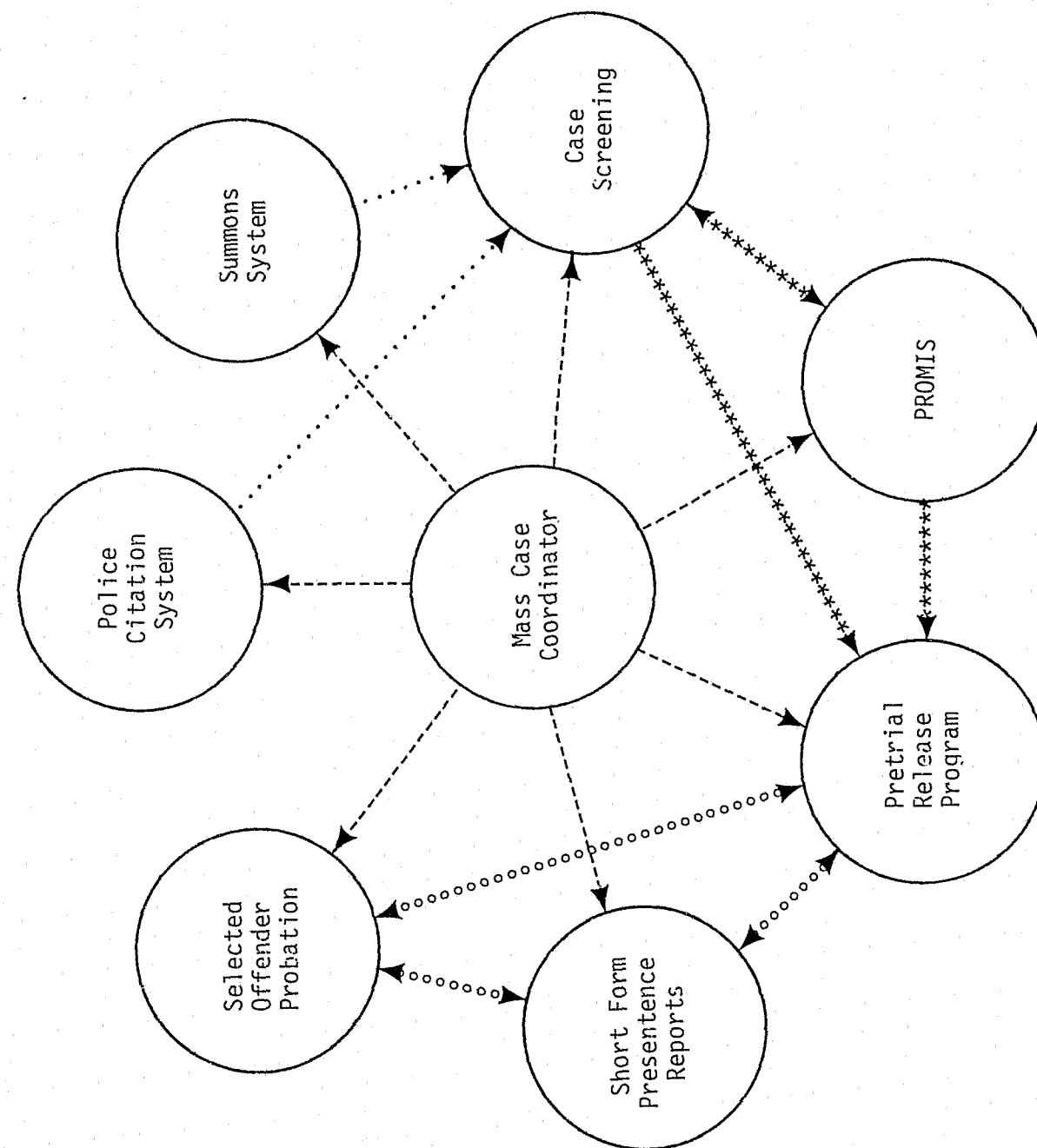


Figure 1: RELATIONSHIPS OF ORGANIZATIONAL ELEMENTS

IMPROVED LOWER COURT CASE HANDLING PROGRAM

Priorities and resources can be decided upon since certain cases of less immediate concern have been identified.

The connections between Case Screening, PROMIS, and Pretrial Release represent the very critical early information gathering stage of the process. Screening is the backbone of PROMIS data collecting; conversely, PROMIS can alert prosecutors at screening to offenders with other cases currently pending. Both PROMIS and screening information can assist in data collection for Pretrial Release Program and bail decisions. Furthermore, Pretrial Release (and court) case loads can be affected by early, efficient screening procedures.

The Pretrial Release - Short Form Presentence Report - Selected Offender Probation circuit represents an important information sharing function which the program encourages. In many cases, at every stage, almost identical data is gathered on each offender by successive agencies. There is no obvious reason why much of this (largely non-criminal) information could not, with the proper privacy safeguards, be shared among the agencies involved. Resource savings in many instances would be considerable.

7. THE DEMONSTRATION PROJECT

In sponsoring the transfer of criminal justice system innovations, the National Institute of Law Enforcement and Criminal Justice has two main purposes: 1) to further evaluate projects employing such concepts or programs as they are demonstrated in different environments; and 2) to expedite nationwide implementation of promising new criminal justice concepts and practices. With the first purpose in mind, the

National Institute funded the demonstration of the eight-element Improved Lower Court Case Handling Program in four jurisdictions: New Castle County (Wilmington), Delaware; Richland County (Columbia), South Carolina; Kalamazoo County, Michigan; and Clark County (Las Vegas), Nevada. These locations were chosen following a candidate selection and assessment process conducted in the spring of 1975, and their programs were underway in early fall, 1975. These jurisdictions are important resources to look to in implementing the Improved Lower Court Case Handling Program.

As a result of convincing feedback from the four implementations, the National Institute is now encouraging the duplication of this program in other jurisdictions, in accordance with the second purpose of their project. The purpose of this manual is to provide a foundation upon which such programs can be built.

The following chapters give an overview of the component elements of the Improved Lower Court Case Handling Program. For each element, the important characteristics and underlying factors are first presented in an abstracted form. Each is then discussed in relation to the program as a whole, and in most instances, such information is supplemented by a previously published article treating the subject in more depth. Finally, at the end of the manual, a listing of additional resources is provided as a basis for further research into each program element.

* * *

The Improved Lower Court Case Handling Program is, to a large degree, an important experiment in criminal justice management, systems,

and problem-solving by and for local agencies. It is a program, however, whose overall strategies, planning, and evaluation will change from one community to another. The form of the program, and perhaps even its components, will differ from place to place. Moreover, this variance is an important and vital aspect of the program's success.

What should remain constant in the program are its underlying themes of management orientation and interagency cooperation. What this manual tries to do is to present those themes, present the tools to achieve them, and, finally, weave the two together.

II THE ELEMENTS OF THE PROGRAM

I MASS CASE COORDINATOR

Abstract

Element	Mass Case Coordinator
Definition	Individual in charge of overseeing all lower court criminal case processing operations across functional lines.
Primary Objectives	Acts as planner for entire criminal justice system Directs interagency projects Provides liaison, coordinative functions Acts as system's trouble shooter, problem solver
Lead Agencies	Criminal justice community as a whole and/or inter-agency planning unit
Other Agencies Involved	Police Prosecutor Court Sheriff Probation Public Defender Corrections Community Funding Sources
Cost Areas	Coordinator's salary, staff, facilities, etc.
Resource People/ Projects/Agencies	Mr. James D. Stone Project Director and Mass Case Coordinator Improved Misdemeanor Program for Administration and Caseload Prosecuting Attorney's Office 227 West Michigan Avenue County Building Eatonville, Michigan 49826 (616) 383-8751

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Mass Case Coordinator in Action

There exists in most communities the problem of trying to process misdemeanants in a uniform, coordinated and expeditious manner. Due both to the large volume of cases and the number of agencies involved, it has not been generally feasible to integrate all such activities effectively. However, a person or office can be assigned responsibility for coordinating interagency efforts in order to carry out a well integrated, even handed criminal justice process and increase the effectiveness and efficiency of operations. Such a coordinator is essential to the Improved Lower Court Case Handling Program, and this person will work with police, prosecution, court, probation, and correction personnel in implementing the program. He will act as the project director, overseeing activities in all functional areas.

The key to the success of the program as a cohesive, comprehensive approach to overburdened lower court case loads lies with the strength of the Mass Case Coordinator. While any one or several of the elements may succeed on their own within the overall scope of the program, the interdisciplinary success of the entire program is strongly dependent upon the coordinator's position. It is this person who must integrate and balance the various efforts, ensure cooperation from all parties, act as a liaison, and be the driving force behind the program as a whole.

The coordinator will be involved with the implementation of each element in the program as was indicated in Figure 1. For example, the successful implementation of the Police Citation System will require

the sustained cooperation of the police, the prosecutor and the court. The Mass Case Coordinator will ensure the necessary integration of efforts by the agencies. The coordinator will have a day-to-day involvement in the operational aspects of the program, and should utilize and encourage an interdisciplinary approach to problem-solving.

In practice, the Improved Lower Court Case Handling Program will require the involvement and cooperation of several local government agencies. Under optimum circumstances, police, prosecution, court, probation and corrections agencies will all be involved in the implementation efforts. Conceivably, there may in some instances be dual authority in sites which have municipal and county agencies engaged in the same functions such as probation. Cooperative effort at these levels requires a Mass Case Coordinator to assure the expeditious development and implementation of the various program elements.

In some jurisdictions, the coordinator may be an independent person with separate staff not connected with any other office. In other locales, this function may best be fulfilled by a person with other responsibilities, such as a court administrator or administrative prosecutor. In either case, however, it is important that the coordinator be accepted and respected by the leaders of the criminal justice community and have their full cooperation.

It is important that the Mass Case Coordinator have a knowledge of the importance of criminal justice planning. This is particularly necessary when speaking of long-range efforts such as those required by PROMIS or Pretrial Release. To assist in this area, the following short excerpt has been taken from the National Advisory Commission on

Criminal Justice Standards and Goals report, The Criminal Justice System. Although relating to crime reduction in general, the article points out a number of important planning considerations that Mass Case Coordinators will find essential in their own efforts and in dealing with the efforts of the primary criminal justice agencies.

An additional document which is of extreme value is Intensive Evaluation for Criminal Justice Planning Agencies. Prepared by staff from The Urban Institute and published by the National Institute of Law Enforcement and Criminal Justice, the booklet, though directed at State Planning Agencies and Regional Planning Units, provides important background and methodology to any criminal justice organization conducting evaluation or planning programs.

The Emergence of Criminal Justice Planning*

A decade ago, phrases such as "criminal justice planning" or "crime-oriented" planning did not exist in the vocabulary of public officials. Few police, courts, and corrections agencies articulated what was desirable for their own agency, let alone what should be worked for in conjunction with other agencies. Rising crime rates in the sixties, however, focused increasing attention on planning--not only for police, courts, and corrections but for community agencies and citizen action as well.

In 1967, the President's Commission on Law Enforcement and the Administration of Criminal Justice recommended:

In every State and every city, an agency or one or more officials should be specifically responsible for planning improvements in crime prevention and control and encouraging their implementation.

The 1967 President's Crime Commission was only a temporary organization and could not spell out, except in the most general fashion, what criminal justice planning would involve. Nevertheless, certain core activities are obvious.

In its broadest sense, planning is the design of desired futures and the selection of ways to achieve them. Planning can occur at any level. Individuals plan; so do program directors and agency-administrators. The focus of planning can be short-range (weeks and months)

* National Advisory Commission on Criminal Justice Standards and Goals, Criminal Justice System, Law Enforcement Assistance Administration, 1973, pp. 5-6.

or long-range (years and decades). Costs can be projected rigorously or all but ignored.

All organizations plan in that they try to shape desirable futures. Differences, however, occur in: (1) the degree of continuity of the planning effort; (2) the duration of the planned-for period; (3) the degree to which feedback from successful and unsuccessful decisions modifies original goals; and (4) the detail in which anticipated costs and benefits are defined.

The recommendations of the President's Crime Commission reflected a concern for systemwide planning. This meant at the very least ad hoc coordination among police, courts, and corrections agencies so that policies implemented in one part of the system would not have an adverse effect on other components. An increase in police officers in a jurisdiction, for example, would require planning for increased workload in courts and corrections operations to insure smooth processing of an increased number of arrestees.

Planning is becoming more than a concern over processing efficiency. It is becoming impact-oriented. Reductions in the costs, fear, and harm caused by crime are being planned for directly. A more sophisticated, long-range type of planning is slowly being fashioned.

The National Advisory Commission on Criminal Justice Standards and Goals encourages the development of criminal justice planning efforts, and of allied governmental efforts that contribute to the planning process such as program budgeting, intergovernmental emphasis on evaluation, measurement of government performance, and construction of integrated criminal justice information systems.

The creation of State and local criminal justice planning agencies under the Safe Streets Act has given criminal justice planning a system-wide focus. In many States, these planning agencies are becoming active instruments of change. In addition planning efforts are coinciding with the spread of program budgeting (budgeting by objective), which like planning is future-oriented. Finally, recent Federal and State funding of integrated information systems appears likely to give planners the data base they lack at present. Increased emphasis on performance measurement will be the probable result of the more abundant flow of information. Planners will be engaged heavily in the design and the use of evaluation efforts.

Footnote

1. President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington: Government Printing Office, 1967), p. 280.

2. POLICE CITATION SYSTEM

Abstract

Element:	Police Citation System
Definition:	Notice issued by officer to offender in certain minor categories of crime directing his/her appearance in court at a certain time and place, issued in lieu of formally arresting and jailing the individual.
Primary Objectives:	Saves police time through avoiding time-consuming booking and processing. Spares minor offenders certain psychological and financial burdens. Minimizes the expenses required in jailing arrestees. Improves police-community relations.
Lead Agencies:	Law Enforcement
Other Agencies Involved:	Prosecutor Court Corrections
Cost Areas:	Development, printing of citation form. Training of officers in use of form. Adjustment of prosecutor's, court's procedures to accomodate use of form.
Resource People/Projects/Agencies:	Las Vegas (Nevada) Metropolitan Police Department San Jose (California) Police Department New Haven (Connecticut) Department of Police Services Washington, D.C. Metropolitan Police Department Tacoma (Washington) Police Department

Police Citation System in Practice

In most communities, when an officer makes an arrest, the alleged offender must be brought to a police station for formal booking and detention procedures. This is a time consuming and often troublesome task, and consequently the officer may be tempted to forego the arrest in relatively minor cases. Furthermore, the process is often responsible for subjecting harmless minor offenders to a process that consumes valuable time and results in their unnecessary detention.

The use of citations in misdemeanor offenses helps to rectify both of these problems. When an offense is relatively minor, the citation provides assurance that the case is not prematurely screened out of the system by police. The same process can save numerous hours of police and corrections time as well as unnecessary detention of certain innocuous offenders.

In addition, such a program can reduce negative psychological and financial consequences to suspects stemming from arrest and detention; reduce the inefficiency involved in transporting every offender to a detention facility; and improve police community relations. The underlying premises which make all of this workable are that custody is unnecessary if it can be determined that (1) the suspect will satisfactorily cooperate; (2) the suspect will appear in court (a determination based upon established criteria and conditions at the scene); and (3) there is no danger that he will continue the crime or cause further injury. Studies show that appearance rates for arrestees receiving citations are about the same as for those who post bond.

In operation, a police citation system eliminates the immediate "booking" of offenders by police for certain pre-established categories of crime. Instead of taking physical custody of such persons and transporting them to the police station for processing and detention, the law enforcement officer, after completing certain screening and identification forms, issues a citation directing the party to report to court for arraignment. This citation procedure has been endorsed by the National Advisory Commission on Criminal Justice Standards and Goals in Standard 4.2 of its report on courts. In part, the Standard reads: "All law enforcement officers should be authorized to issue a citation in lieu of continued custody following a lawful arrest for such offenses."^{*}

While the issuance of citations is left largely to the discretion of the individual officer, it is important to note that there must be only authorized in certain specified categories of crimes defined by the implementing jurisdiction. Furthermore, policy guidelines should be developed to ensure that, to the maximum extent possible, citations are uniformly enforced throughout the community.

The importance of this element to the Improved Lower Court Case Handling Program is impressive. First, it is of great value to police in saving officer time and reducing case loads and paperwork, factors which carry further advantages in allowing for better manpower and

^{*} National Advisory Commission on Criminal Justice Standards and Goals, Courts, Law Enforcement Assistance Administration, 1967, p. 70.

resource planning. Second, a tremendous burden is removed from corrections through reducing the number of short-term detainees. Third, it allows better planning by prosecutor's offices which, knowing that a certain proportion of cases will come in as citations, can allocate manpower for those cases at times other than regular warrant intake hours. Citations provide, therefore, a case-distinguishing factor that yields a flexibility which regular, undifferentiated case loads do not.

The following article on police citations appeared in 1972 in the Wisconsin Law Review. "Police Field Citations in New Haven," by Mark Burger, legal advisor to the New Haven Department of Police Services, discusses citation programs in both a legal and practical context, based upon New Haven's experience in developing, implementing and evaluating such a program. It provides a level of detail which should be of great assistance in establishing a system of police citations. An appendix to the article includes the New Haven Police Department General Order setting the citation criteria and policies, an important component in ensuring the uniform enforcement of the program.

In addition to the information on New Haven's program contained in this article, Appendix A of this manual provides some information on another citation program. The newly-designed Clark County (Nevada) Regional Misdemeanor Citation/Complaint is reproduced in Appendix A and can be of tremendous value to jurisdictions interested in this element.

Police Field Citations in New Haven*

Mark Burger**

Traditionally, the American system of bail has served as a major procedural tool of the criminal justice system. Its function is to insure that each suspect appears in court to face the criminal charges against him without, however, requiring pretrial detention in every case. The system operates by setting conditions of release, the foremost of which is the posting of a cash or property bond by the defendant or of a surety bond by a bail bondsman, at a dollar level sufficiently high so that the defendant's financial commitment will discourage him from absconding. If the defendant cannot meet the bail established, his appearance in court is assured by his detention pending trial.

Obviously, the money bail system discriminates against impoverished defendants: those financially able to post bond are freed pending trial, while those without funds face pretrial detention. Poor defendants are, therefore, more likely to be held in pretrial detention, a condition which has been shown to correlate positively with both being found guilty and receiving a prison term rather than probation. Pretrial detainees also suffer more pronounced financial hardships, particularly loss of jobs and inability to earn income for family support during the pretrial period.

* Mark Burger, "Police Field Citations in New Haven" Wisconsin Law Review, University of Wisconsin, No. 2, 1972, pp. 382-415. (Footnotes and Appendix B have been omitted from this transcription.)

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Moreover, the money bail system may be easily abused, such as by the setting of excessive bail to impose pretrial punishment or to preventively detain potentially dangerous defendants.

During the past decade there has, therefore, been substantial scholarly concern with the bail system, its impact on the administration of criminal justice, and its inherent inequities. This concern has been translated into reform efforts, often designed to decrease the system's heavy reliance on money bail as a condition of pretrial release. The pioneering Manhattan Bail Project was one such effort.

While accepting the goal of insuring the defendant's appearance in court, the project sought to test the validity of utilizing financial criteria as the exclusive means of achieving it. Criminal defendants with sufficient roots in the community--evaluated in terms of family, residence, and job ties to the project area--were released by the court solely on their written promise to appear to face trial. No money bail was required as a condition of release for those defendants who met the bail project's criteria. After thorough evaluation, the project confirmed the theory that money bail is not essential to insure appearance of a defendant in court if sufficient community ties are present; defendants released on their own recognizance appeared in court as reliably as those released on bond.

Following the example of the Manhattan Bail Project, many jurisdictions have authorized their courts to release defendants on written promises to appear without requiring the posting of a bond. While this response is certainly a major improvement in the bail process, even after

such reform, unnecessary hardships remain for the defendant before he has been proven guilty of any crime. He will have been arrested, brought to a police detention facility for booking, and held in custody pending arraignment--a period of confinement that may last as long as a weekend if the arrest is made on Friday and the next court session is not until Monday morning. To the extent that these features of the pretrial criminal process are unwarranted, they too deserve scrutiny and reform.

One response to this problem was the experimental Manhattan Summons Project. In essence, the summons project simply transferred the bail setting process from the arraignment court to the police detention facility. Police were authorized to release suspects on solely their written promise to appear in court without requiring that bond be posted. The standards and criteria of the Manhattan Bail Project were adapted to the police release program and proved equally successful in assuring appearance in court of defendants released on their own recognizance. By substantially reducing prisoner custody responsibilities, the project had the additional benefit of conserving limited police resources. Its success has in turn stimulated implementation of similar prearrestment release programs in other jurisdictions under the authority of either police or independent bail agencies.

Although the Manhattan Bail and Summons Projects were major reforms of the bail system, their success may actually have decreased pressure for further change in the pretrial criminal process, despite the fact that overcrowded court dockets and prolonged pretrial detention remain substantial problems. Too often stages of our criminal justice system

have staunchly retained rigid procedures which have outlived their usefulness, thereby rendering the system incapable of adapting to the needs of individual defendants. In response, the New Haven Department of Police Service developed the New Haven Misdemeanor Citation Program to determine whether further reform in the prearrest stage of the criminal process is feasible.

The concept of police citations represents a substantial extension of existing court and police nonmoney bail release programs. A suspect facing criminal charges is informed of his rights and is then issued a street citation, which includes a written promise to appear in court, at the scene of the arrest. Other than the short period of technical custody during which the citation process is completed, no police custody is involved. In many respects, the procedure obviates the need for even a formal arrest. The important practical feature of the police citation concept, however, is that all activity occurs at the point of the police-citizen encounter; the unnecessary hardships and indignities of being hauled off in a paddy wagon to the police station and detained there for a period of time are eliminated.

The New Haven program received valuable cooperation and support from the Chief Judge and Chief Clerk of the Connecticut Circuit Court, and from the Connecticut Bail Commission. The program was closely monitored for a period of 12 months and underwent a careful, thorough review. Hopefully, publication of the results will stimulate both legislative reform and administrative policy formulation so as to realize the full potential of the citation procedures.

I. PROCEDURAL AND DEFINITIONAL FRAMEWORK

A. Traditional Arrest

Police procedures in the pretrial stage of the criminal process follow a relatively standard pattern throughout the country. Police actions revolve around the arrest function, the process by which a suspect is taken into custody for the violation of a criminal statute. Arrests are made by police in situations where there is probable cause to believe that a suspect has committed a crime. However, distinctions exist based upon the use of the warrant process and the nature of the offense.

The probable cause standard is the basic criterion for judging the validity of arrests made pursuant to warrants. The police present facts and circumstances under oath to a magistrate for his independent determination regarding the existence of probable cause for arrest; if probable cause is present, the magistrate may issue an arrest warrant. When police do not employ the warrant process, their arrest power is still governed by the probable cause standard, although the power varies depending on the offense involved. If the crime is a misdemeanor, most jurisdictions require the violation to have occurred in the presence of the arresting officer for the arrest itself to be valid. In police terminology, non-warrant misdemeanor arrests can be made only for on-site violations--a restriction not applied to felonies.

Following arrest, the suspect is brought to a police facility where a number of functions are performed. He is informed of his rights under law and is permitted to contact a lawyer, friend, or relative. The

The police then book the arrestee, a process involving photographing and fingerprinting the suspect and obtaining from him such general information as name, age, and address; if necessary, he is also interrogated, subject to constitutional safeguards. After these procedures have been completed, the law provides that the suspect be promptly presented before a magistrate for arraignment, at which time bail is set. Only then can he secure his release. In those jurisdictions which have adopted the Manhattan Summons Project model, the alternative of prearrest release by the police or an independent bail agency is available; however, this occurs only after the arrest, police detention, booking, and interrogation stages have been completed.

Over the years the statutes and administrative policies developed to govern pretrial police procedure have become relatively inflexible. Little thought has been given to the functions of the various steps and, with the exception of the Manhattan Summons and Bail Projects, few reform efforts have been made to harmonize practice with actual need. As a result, each step in the process is methodically followed, even if unnecessary or wasteful.

The basic police arrest function itself has therefore understandably escaped review and, thus, evolved into the mechanism both for invoking the criminal process against a suspect and for maintaining custody of the suspect pending subsequent establishment of the conditions of his release. But, if it can be shown that the suspect will appear in court, and if there is no danger that he will cause injury or continue the crime, custody is unnecessary. Yet such suspects must be arrested nevertheless, for no alternative procedures are available to perform the function of

invoking the criminal process. Institution of a citation procedure might, however, solve this problem, thereby giving the pretrial criminal process a degree of much needed flexibility.

B. Citation Procedure

A variety of terms have been used to describe police procedures identical to or resembling New Haven's citation program. Although each involves the release of the suspect soon after his initial contact with the police, to develop a clear understanding of the processes involved, several terms must be distinguished.

The criminal summons, as described in the Federal Rules of Criminal Procedure, is one means to secure on the scene release of a criminal suspect. The process involves judicial or prosecutorial issuance of a summons to appear in lieu of an arrest warrant. The summons is served upon the suspect, directing him to appear in court on a specified date. There is no formal arrest, nor any detention of the suspect, but failure to appear will usually result in issuance of an arrest warrant. Although the summons is a useful tool, its applicability is severely limited, primarily because it cannot be employed without prior judicial or prosecutorial approval. Thus the summons process offers merely an alternative to the arrest warrant procedures and is useless in handling on-site violations where arrest can be made without warrants.

Within the past few years, a number of jurisdictions have also authorized notice to appear in court programs. This procedure permits police or bail agency personnel themselves to set conditions of release after a suspect has been arrested and brought to a police detention

facility. As in the Manhattan Bail Project, if sufficient ties to the community are demonstrated, the suspect may be released solely on his written promise to appear in court. The chief characteristic of such programs is that release is effected before the suspect's first court appearance, although after his arrest and transportation to a detention facility. This process is, therefore, inapplicable to police field problems.

Police citation, as used in the New Haven Citation Program, refers to a procedure for police initiated field release of criminal suspects. Unlike the criminal summons, no prior judicial or prosecutorial intervention is required; thus, the procedure can be utilized for violations committed in the presence of the arresting officer in which immediate arrests are made. Moreover, police field citations obviate the need to transport a suspect to a police detention facility for ultimate release, thereby minimizing the burden on the suspect and possibly conserving police resources. By facilitating the handling of on-site arrests, the citation procedure can fill the substantial gap left by summons and notice to appear programs.

For a proper understanding of the police citation concept, one further distinction must be kept in mind. Recent studies, including the American Law Institute's Model Code of Pre-Arrest Procedure and the American Bar Association's Model Standards Relating to Pretrial Release, have distinguished conceptually the police citation as an alternative to arrest and the citation as a post arrest procedure.

The arrest alternative approach is aimed at adapting the citation as a device to invoke the criminal process against a suspect; only when custody is necessary would an arrest be made. Individuals issued citations would not be taken into custody and therefore, not be arrested.

Using citations as an alternative to arrest, however, raises a number of significant legal problems. For example, under existing law, arrest justifies forcible detention and a limited search of the arrestee, and marks the point at which a number of accused's rights come into play. The effect of the substitution of a new procedure, expressly labelled an alternative to arrest, on these rights and responsibilities is unclear.

On the other hand, citations can be viewed and developed as a post arrest procedure. The suspect would be arrested, subject to police detention and search authority, and entitled to all rights guaranteed by law. However, he would also be released immediately after the formal arrest. In terms of the practical police-citizen encounter, the procedure would be exactly the same and the subject's release effected equally quickly, regardless of the label given to the process. The formal arrest approach, however, avoids the potential legal problems of an alternative procedure in lieu of arrest.

So long as the actual detention time of the suspect at the scene of his apprehension remains unchanged, the advantages of characterizing the procedure an arrest alternative are not readily apparent. While the American Law Institute's Model Code of Pre-Arrest Procedure does suggest two benefits, neither bears up under careful scrutiny. First, the drafters maintain, suspects issued citations will be able truthfully

to say that they have not been arrested. This contention however not only obscures the fact that the suspect has, indeed, been charged with a criminal offense, but also could encourage use of the procedure where arrests would not normally be made. Moreover, if the citation procedure became widespread, employers, for example, would almost surely ask job applicants if they had ever been arrested or cited, thereby completely eliminating this alleged benefit. The second justification suggested is that by considering the citation an arrest alternative, potential police liability for false arrests would be avoided. But again, this justification is of dubious merit. In terms of effect on the suspect, citation issuance is just as serious as an arrest; the individual should therefore have full recourse to a civil action if official power is misused.

The New Haven program did, in fact, adopt the post arrest citation theory, but this decision is attributable to the nature of the underlying legal authority, rather than to conscious choice. However, if given the choice, New Haven would probably have opted for a post arrest citation procedure due to the lack of clear benefits and the potential legal problems of the arrest alternative theory.

II. DEVELOPMENT OF THE PROGRAM

The New Haven Citation Program developed from a series of Connecticut bail reform projects dating back to 1965, all of which were outgrowths of the Manhattan Bail Project. Although program specifics have varied, the central goal has remained that of increasing the rate of pretrial release without requiring the posting of bond.

Legislation enacted in 1965 by the Connecticut General Assembly authorized judges of the Connecticut circuit court to release arrestees at arraignment on their own recognizance after executing only a written promise to appear in court. In such cases, no bond was required. By resolution, the Circuit Court Judicial Council extended the power to release suspects on their own recognizance to police. Release was limited, however, to misdemeanants and conditioned on the posting of a \$150 nonsurety bond. Nevertheless, since the bond restriction did not require posting any cash or security, but embodied instead only a promise to pay the fixed amount in the event of failure to appear in court, the system had the same effect as a standard release on recognizance program.

Although the 1965 statute provided the necessary legislative authority for release on recognizance by the courts, questions remained regarding the council's authority to extend that power to police. The New Haven Department of Police Service, however, instituted a release on recognizance program pursuant to the resolution, while other police departments felt that such action required specific legislative support.

In 1967, the Connecticut General Assembly acted to establish a firm legislative basis for the release of suspects prior to arraignment. A 1967 statute created the Connecticut Bail Commission and conferred on it the responsibility of interviewing suspects after arrest and determining the appropriate conditions for their release, including release on recognizance. Further changes in the bail system were made by the 1969 Connecticut General Assembly. The power initially to determine and

set bail was transferred from the Bail Commission to the police department having custody of the criminal suspect. The Bail Commission's staff was also reduced and its function changed from that of setting initial release conditions for all arrestees to de novo review of the release conditions of only those arrestees who could not secure release and, therefore, faced police detention until arraignment.

In drafting the 1969 legislative revision, the Connecticut General Assembly addressed primarily the problem of transferring the station-house release on recognizance program from the Bail Commission to the police, while leaving the substantially reduced Connecticut Bail Commission with a limited review function. The legislation did not expressly authorize police departments to establish citation programs, but the wording chosen by the General Assembly provided sufficient room for the argument that the necessary statutory authority existed.

The 1969 bail legislation provided the "chief of police or his authorized designate" with the responsibility to advise arrestees of their rights and to set the minimum release conditions including release on recognizance, necessary to assure the suspect's appearance in court. The statute did not limit either the rank of the chief of police's "designate" or the location at which the release decision could be made. Therefore, to implement the New Haven Citation Program, the Department of Police Service felt that the Chief of Police need merely designate to every sworn officer the responsibility of setting release conditions, and authorize that such decisions be made at the scene of arrest. Thus, under the act, the New Haven Citation Program was clearly a post arrest

procedure, but it possessed the fundamental citation characteristic of field release of minor offenders without transporting the suspect to the police detention facility or requiring that he post a bond to secure release.

The 1969 bail law became effective on July 1, 1969. The following September, the New Haven Department of Police Service sought assistance under title I of the 1968 Omnibus Crime Control and Safe Streets Act to develop a Misdemeanor Citation Program. Application was also made to the Connecticut Planning Committee on Criminal Administration, in which the Department declared that the traditional "inflexibility of the police role in the bail process is clearly undesirable" and that a police citation program would be a major step toward alleviating this problem. The New Haven application cited three specific goals for its program:

1. Reduction of the negative consequences stemming from arrest and detention;
2. Reduction of the inefficiency involved in transporting every offender to a police detention facility; and
3. Improvement of police-community relations.

The Department proposed a six to nine months planning period, during which time program criteria and standards would be established and departmental procedures developed, all in conjunction with community representatives. The program application also stated that once instituted, the citation program would be carefully monitored and evaluated. In December 1969, the Connecticut Planning Committee on Criminal Administration approved the New Haven application and awarded funds to implement the New Haven Misdemeanor Citation Program.

III. STANDARDS AND CRITERIA

Pretrial release serves numerous functions in the criminal justice process: for example, permitting the accused effectively to prepare his defense; minimizing unnecessary financial hardships of detention; and effectuating the presumption of innocence in the treatment of criminal suspects. However, these interests must be balanced against the need to insure the suspect's appearance in court -- a demand essential to the integrity of the criminal justice process. The assumption of a release program, such as the New Haven citation experiment, is that the two goals of pretrial release and appearance in court need not conflict.

Nonetheless, the operation of a field release citation program, to supplement stationhouse release on recognizance procedures, involves issues beyond the justifications for pretrial release. If a suspect is arrested, brought to a police detention facility, and then released soon thereafter solely on his written promise to appear in court, the goals of pretrial release are satisfied with minimum hardship to the arrestee. Transferring this process to the scene of the arrest may further reduce hardship, but may also impair the functioning of the criminal justice process. What, then, are the functions of custody, and how are they affected by institution of field release procedures? Moreover, do the marginal effects of a street release program justify the costs if those who receive police field citations would normally be promptly released from the police detention facility anyway?

Custody, even if only the temporary detention involved in arresting a suspect and transporting him to a detention facility for release serves several important functions. One study, conducted prior to implementation of the New Haven Citation Program, suggests four principal functions: preventive, demonstrative, administrative and investigative, and social-medical. The preventive function promotes the goals of insuring suspect appearance in court, halting the crime for which the arrest was made, and permitting a "cooling off period" to prevent injuries or continuation of the offense. The demonstrative function involves the need to apprise the suspect of the seriousness of invoking the criminal process against him and the importance society attaches to acting against certain forms of misconduct. The need to interrogate and search suspects, conduct lineups, prevent tampering with evidence, and book the suspect comprise the administrative and investigative functions of detention. Finally, the social-medical function contemplates providing services to detainees, such as temporary shelter for an alcoholic and medical attention for injured or sick arrestees.

The objectives of custody, although important to police, often require only a short period of detention. This is particularly true for misdemeanor violations committed in the presence of the arresting officer. The lower order of seriousness of the offense and the direct observation of its commission by the arresting officer mean that interrogation and lineup identification will probably be unnecessary. The arrestee may be searched at the scene, and his physical condition may demonstrate that no immediate medical or social attention is required. Similarly, the

circumstances may dispel any danger of a continuing offense and, at the same time, indicate a strong likelihood that the suspect will appear in court solely on his written promise. Finally, appropriate field citation forms can satisfy record keeping requirements, while oral and written notice can meet the demonstrative function of custody. Under these conditions, traditional police procedures unnecessarily waste resources by necessitating the transportation and custody of criminal suspects. Moreover, hostility toward the criminal justice system may be engendered because the arrestee perceives the hardships imposed upon him as unwarranted.

Thus, careful analysis of the purposes of custody indicates that many arrest situations justify release of the suspect by police in the field promptly after apprehension. Indeed, this practice may offer substantial gains to police, particularly in time saved by police personnel in the care, custody, and transportation of suspects. And although benefit to those with whom police have contact cannot be easily quantified, that effect may, nevertheless, be significant. A suspect in a minor citation offense may depart from his contact with police with much more dignity than if he had been placed in a police prisoner wagon, taken to jail, and forced to spend time in a detention cell. Diminution of embarrassment and unnecessary hardship can be expected, correspondingly to decrease hostility arising out of the police-citizen interchange.

While in many circumstances immediate field release of arrestees is appropriate and a police citation can be effectively utilized the majority of arrests occur in situations which require use of traditional

process. Thus, although custody can be dispensed with in a sufficient number of arrests to make the police citation procedure extremely useful, it cannot be eliminated in every case. Police citation programs must, therefore, be supplemented by stationhouse release procedures to insure that arrestees ineligible for field release are able to secure pretrial freedom without having to await arraignment. A police citation procedure operating without the needed support of a stationhouse release program will provide some suspects with extremely speedy release from custody but it will also result in a much higher overall detention rate.

The most serious and frequent practical police problem necessitating a two stage release process is illustrated by the family domestic dispute. If a husband-wife fight has progressed to the point of physical assault and the police have been called, field release procedures would be useless. Arrest is necessary to separate the parties and to avoid injury. Plainly, issuance of a police field citation would not eliminate the risk of a renewed assault after the police had left. Alcoholics arrested for their own self-protection are another class of offenders for whom citations are useless. Both groups, however, could be freed by a stationhouse release program after a "cooling off" period.

It must be recognized that arrest and custody of a suspect to prevent injury or future crime promotes policies underlying preventive detention and, therefore, presents substantial issues of constitutional law. However, the citation procedure uses a prevention standard only in the field release process, and subsequent release opportunities remain

available at the police stationhouse and in court. Arguably, so long as these subsequent release decisions do not incorporate a prevention standard, no constitutional infirmity is presented by the citation process.

If police could not consider the need to prevent immediate future crime or injury in reaching a field release decision, the citation procedure would become an unusable law enforcement tool. Police often come upon fights or loud, boisterous arguments in which the participants are emotionally involved. If police were required to issue citations and leave, it could safely be predicted that the incident would continue. This conclusion, however, stands in marked contrast to the lack of reliable incidia with which to evaluate the potential for future criminality under the District of Columbia's preventive detention law where the prediction is made at a much later point in time. Since the prediction of immediate future crime or injury is likely to be far more reliable if made while the incident is still in progress, police should be allowed to consider this factor in reaching their field release decision. Moreover, with secondary stationhouse release procedures available, temporary custody need not be unduly prolonged.

All of the above factors were considered during the planning phase of the New Haven Citation Program. Procedures were established to insure that issuance of citations by New Haven police would serve to provide speedier release and improved treatment of suspects transported to the police detention facility. There was no expectation of a higher overall release rate stemming from the addition of a supplemental release procedure; indeed, our concern was that a suspect's failure to receive

a citation might actually prejudice his chance of release under the stationhouse program. Ultimately, however, we hoped that custody could be reduced to a bare minimum.

Care was also taken to avoid potential arrest expansion problems. Although a post arrest process, the New Haven Citation Program represented a major change in police field practices. Physical detention of the arrestee until arrival of the police prison conveyance became unnecessary. Instead, the arresting officer could merely issue a citation and release the suspect. Individuals who would otherwise obstruct arrest and custody might accept a citation without resistance. Since the police might view the citation procedure as a less serious and easier law enforcement response than the traditional arrest process, the new procedure could result in a higher overall arrest rate.

The procedures adopted by the New Haven Department of Police Service were designed to deal with the potential for increased arrest rates under the Citation Program. The Department's General Order provided that "issuance of a citation is not a substitute for arrest and has no effect on the status of an arrest. New Haven police were instructed to issue citations only after an arrest had been effected and to "continue to determine that an arrest should be made based upon...judgment that an offense has been committed and an arrest is appropriate." Besides being contained in the Department General Order, these instructions were also stressed during Citation Program training sessions, attended by every officer prior to inauguration of the program.

One of the early program decisions involved determination of the range of offenses eligible for citation issuance. In view of the functions of police custody, the line between traditional misdemeanor and felony offenses was considered the most appropriate demarcation under circumstances, which comprise approximately 85 percent of all New Haven police arrests, is not clear in situations not requiring detention, were serious felony offenses. In contrast, generally require immediate processing. Additionally, the Department hoped that this program might help overcome potential police reluctance to so marked a change in arrest procedure. Thus, citation authority was limited to misdemeanors only.

All misdemeanors were generally eligible to receive citations, except for some exceptions. Offenders under the age of 16 in Connecticut are subject to the exclusive jurisdiction of the Juvenile Court. They are treated separately by police agencies and are neither held in conjunction with adult offenders, nor arrested for crimes in the same sense as are adults. When apprehended by police, juveniles are either released to the custody of their parents or transferred immediately to the Juvenile Court and placed under its jurisdiction. These factors, along with the absence of specific legislative authority, justified excluding them from the citation program. On the other hand, arrestees between the ages of 16 and 21, although subject to regular criminal jurisdiction, are not legally adult by their signature. Hence, the Department decided to require the signature of a parent or guardian for the citation release of any suspect within this age group.

In response to more general police policy needs, two additional classes of persons were excluded from the departmental citation procedures. First, persons charged with weapon offenses were deemed ineligible. The illegal possession or use of a weapon is a serious law enforcement problem, despite the fact that punishment imposed by the courts is often light. Weapon offenses simply present too great a danger of injury to justify immediate field release. Similarly excluded were alleged sex offenders. Particular concern was expressed for suspects involved in acts of indecent exposure, since such behavior may be a sign of illness that could lead to more serious crime. As a result, the Department decided not to release such offenders on field citations, but instead to require temporary custody for the purpose of psychiatric and fluorographing the suspect.

Citation authority was therefore narrowed from the full range of criminal offenses with which police deal. Numerically, however, the citation process was applicable to the major portion of all police arrest activity.

Consideration was then given to the standards upon which officers would decide between issuing a citation and holding for transportation to the police detention facility. Ultimately, four standards were adopted upon which the citation release decision was to be made.

Three of the standards relate to the circumstances present at the time of arrest. First, situations in which an offender seemed likely to continue the offense after the arresting officer had issued a citation and left were designated inappropriate for field release. A person

arising out of a demonstration in which participants indicate a refusal to leave unless removed by the police illustrates this problem.

The second citation standard focuses on the potential physical danger involved in the immediate release of a suspect. One aspect to be considered is the need for at least a temporary "cooling off" period for arrestees emotionally caught up in an altercation. Participants in a fight, for example, would generally not be released on citation unless it was sufficiently certain that they would not begin fighting again. Another aspect of the physical injury problem relates to the possibility of a suspect injuring himself. An individual arrested for public intoxication is normally taken into custody for his own protection. Detention provides him with an opportunity to sober up, eat, and have his immediate medical problems attended to. Obviously, immediate release can not serve such functions, and temporary police custody is, therefore, necessary.

Third, for some suspects, the nature of arrest and the necessity of appearance in court is not apparent merely from the fact of citation issuance. However, communication of the implications of a citation is necessary to satisfy the demonstrative function of custody. Translation of the citation form into Spanish has presently minimized this problem, but when, during the program period, it could not be overcome, citations were not issued.

Finally, to conform with authorizing legislation, the citation decision requires a determination of the likelihood of the suspect's appearance in court if release were conditioned solely on his written

promise. Residential, family and economic ties to the New Haven area provided the basis for this judgment. Field release, however, presents police with special problems in assessing this probability. Unlike stationhouse release programs, verification of information obtained in a field interview is a practical impossibility, unless the citation procedure is made so cumbersome as to be unusable. For instance, often times an arrestee lacks sufficient identification to justify release. These practical variables make this standard a difficult judgmental decision and force heavy reliance upon proper exercise of police discretion in the field.

To insure orderly processing of all citation arrests, additional procedural instructions were developed during the citation program planning phase. Also significant were attempts made in both the written procedural guidelines and the classroom training sessions to overcome potential police reluctance and to encourage citation issuance. After distribution of the Departmental General Order and completion of in-service training, the Citation Program formally commenced in October 1970.

IV. ASSESSMENT OF NEW HAVEN POLICE CITATION PROGRAM

A. Issuance and Distribution

During the twelve month evaluation period of the New Haven Misdemeanor Citation Program, citations proved an extremely flexible tool for police personnel. A total of 1,192 citations were issued during the project period for 42 different offenses. Table I shows a general

distribution of citations issued by New Haven Police from October 1, 1970 through September 30, 1971.

TABLE 1

Citations Issued: October 1, 1970 through September 30, 1971

Classification	No. of Citations	Percent of Total
Breach of Peace	482	40.4
Other Criminal Offenses	217	18.2
Motor Vehicle Offenses	448	37.6
Regulatory Offenses	45	3.8
TOTAL	1192	100.0

While authorized only for misdemeanors, a number of citations were erroneously issued to felons, including 18 individuals arrested on charges of possession of narcotics. In other areas, such as the crime of larceny, the statutory offense includes both felony and misdemeanor components, with the classification depending upon the amount of money involved. In these cases it could not readily be determined whether the citation was in fact issued for the misdemeanor or felony component. Eliminating actual or potential felony citations--of which there were 52 during the project period--a total of 647 criminal misdemeanor citations were issued, 482 for breach of the peace violations.

The major effect of the citation program, therefore, clearly fell on the catch-all breach of the peace charge. With the exception of public intoxication, which accounts for approximately one-third of all arrests made by New Haven police, breach of the peace is the most frequent offense charged. Violations of the statute encompass a wide variety of fact situations, and thus no typical breach of peace citation

arrest can be constructed. However, the extensive use of citations to deal with this offense is indicative of the procedure's flexibility.

Citations were issued far less often in handling criminal offenses more specific than breach of the peace. Thirty-one citations were issued for gaming and 29 for evading responsibility with a motor vehicle. Frequency of use continues to decline as more offenses are considered.

It became apparent during the project's early stages that citations could also be useful in dealing with a variety of regulatory offenses, such as housing and zoning code violations, and with motor vehicle offenses for which traffic tickets could not be issued. As indicated in Table I, such activity accounted for 41.4 percent of all citations issued during the project period.

More important than the absolute number of citations issued, however, is the issuance rate--the frequency with which a citation was issued for a particular offense. These rates are contained in Table II.

The statistics demonstrate a wide disparity in citation issuance rates for various misdemeanor offenses. Of all misdemeanor arrests not involving motor vehicles during the project period, seven percent were effected through citations. Excluding suspects charged with an intoxication offense, either as the sole charge against them or as one of a series of multiple violations, the issuance rate for misdemeanor offenses not involving motor vehicles rises to 10.8 percent. This latter rate is higher than anticipated, and New Haven police command personnel feel it represents a substantial impact on the pretrial criminal process.

TABLE II

CITATION ISSUANCE RATE BY OFFENSE

October 1, 1970 through September 30, 1971

<u>Connecticut Statute</u>	<u>Offense</u>	<u>Total Arrests</u>	<u>No. of Citations</u>	<u>Percent of Citations</u>
53-20	Cruelty to Persons	6	1	16.7
53-81	Wilful Injury to a Private Building	53	20	37.7
53-174	Breach of the Peace	3,285	482	14.7
53-175	Disorderly Conduct	227	3	1.3
53-277	Gaming	411	31	7.5
53-298	Policy Playing	108	7	6.5
14-224	Evading Responsibility with a Motor Vehicle	185	29	15.7
19-481b	Possession of Controlled Drugs	179	9	5.0
*18-37	Trespass to Private Property	312	6	1.9
* *	Housing Code Violations	51	21	41.2
	Other Criminal Misdemeanor or Regulatory Offenses	<u>5,106</u>	<u>83</u>	<u>1.6</u>
	Total Criminal Misdemeanor and Regulatory Offenses	9,923	692	7.0
	Total Excluding Intoxication Offenses	<u>6,408</u>	<u>690</u>	<u>10.8</u>

* New Haven City Ordinance

** Housing Code and Zoning violations not specified

Although the overall citation issuance rate for misdemeanors (excluding intoxication offenses) exceeded 10 percent, several confounding factors likely account for the failure to attain an even higher figure. For a period of time, New Haven police declined to issue citations during weekday hours when court was in session, mistakenly believing that to do so would violate the right to prompt arraignment. This misconception was corrected, part way through the program, and police began to issue citations during this period of the day. New Haven police were also precluded from issuing citations to individuals arrested pursuant to circuit court warrants, and this lack of authority similarly reduced the number of citations issued.

B. Persons Issued Citations

One of the department's primary concerns was that the citation procedure be fairly and impartially used by police personnel. Therefore, statistics were kept on citation issuance by age, sex and race, and compared to a sample of arrest statistics for a two week period in June of 1971.

The statistics in Table III demonstrate that the distribution of citations by age, sex, and race closely approximates the distribution of arrests in general. The most pronounced deviation, however, exists for females, who were issued a higher proportion of citations than would be predicted by arrest statistics. This result may be explained by the fact that citations permit easier handling of female arrestees with children, since they allow the mother to remain with the children and thereby obviate the need for providing temporary child care. In

Table III
Comparison of Citation and Arrest Activity

Category	Total Citations Issued 10/1/70- 9/30/71	Percent of Total Cita- tions	Total Arrests 6/1/71- 6/14/71	Percent Of Total Arrests
Males				
Black				
Under 25	194	16.3	81	13.6
26-35	140	11.7	66	11.1
Over 35	138	11.6	113	19.0
White				
Under 25	125	10.5	71	11.9
26-35	81	6.8	38	6.4
Over 35	86	7.2	112	18.8
Latin				
Under 25	26	2.2	6	1.0
26-35	15	1.3	7	1.2
Over 35	7	0.6	4	0.7
Females				
Black				
Under 25	99	8.3	35	5.9
26-35	87	7.3	12	2.0
Over 35	55	4.6	17	2.6
White				
Under 25	54	4.5	16	2.7
26-35	34	2.6	6	1.0
Over 35	26	2.2	9	1.5
Latin				
Under 25	3	0.3	0	0.0
26-35	6	0.5	1	0.2
Over 35	2	0.2	0	0.0
Other or Unknown	14	1.2	1	0.2
TOTAL	1,192	99.9*	595	99.8*

* Percentages have been rounded off to the nearest tenth, thereby resulting in totals which deviate slightly from 100 percent.

such cases, standards may be relaxed and citations issued more freely.

Conversely, both black and white males over age 35 were issued proportionately fewer citations. This underrepresentation may be due to the lower frequency of arrests for citable offenses within this age group.

C. Total Release Frequency

The New Haven Department of Police Service never viewed the citation program as the exclusive mechanism for the pretrial release of suspects. Rather, it was seen as a procedural supplement to the station-house release on recognizance program. Data, described in Table IV, was collected to compare how the two procedures worked side by side.

The figures demonstrate that of 9,937 persons arrested for misdemeanor offenses not involving motor vehicles, 692 (seven percent) were released on citations and 2,370 (23.0 percent) on their own recognizance. Thus, 30.9 percent of all arrestees secured pretrial release without posting any bail. If persons charged with intoxication offenses are excluded, citations rise to 10.8 percent of those remaining and recognizance releases to 33.3 percent; thus a total of 44.1 percent of such arrestees were released without bail. A sample study of persons arrested during August 1970, two months prior to inauguration of the citation program, revealed that 248 of 956 arrestees were released without bond--a release rate of only 25.9 percent. Again excluding intoxication arrests, of which there were 261, the release rate rises to 31.5 percent. Contrary to expectations, the citation program apparently helped increase police recognizance release rate over the preprogram level.

TABLE IV
COMPARATIVE RELEASE CONDITIONS OF NON-MOTOR VEHICLE MISDEMEANORS
OCTOBER 1, 1970 THROUGH SEPTEMBER 30, 1971

STATUTE	OFFENSE	*CITE	ROR	BOND	COURT	OTHER	HELD	TOTAL
53-20	Cruelty to Persons	1	2	1	0	0	2	6
53-46	Injury to Public Property	3	0	0	2	0	1	6
53-75	Breaking and Entering Without Permission	0	7	3	9	0	33	52
53-81	Willful Injury to Private Building	13	20	6	2	0	14	55
53-103	Trespass	0	7	1	1	0	12	21
53-126	Willful Injury to Personal Property	1	26	15	3	0	128	173
53-174	Breach of the Peace	482	1364	532	142	29	743	3292
53-175	Disorderly Conduct	3	104	58	2	1	59	227
53-220	Indecent Exposure	0	12	6	2	0	9	29
53-235	Nightwalking & Prostitution	10	28	30	1	1	39	109
53-246	Intoxication	2	230	1200	39	271	1733	3515
53-277	Gaming	31	4	349	23	0	4	411
53-298	Policy Playing	7	10	22	47	0	22	108
53-361	Fraudulent Check	0	25	7	11	0	10	53
53-371	Defrauding Innkeeper	1	6	1	5	0	5	18
14-145	Tampering with a Motor Vehicle	2	14	4	2	0	11	33
14-224	Evading Responsibility	29	65	42	1	0	48	185
19-481 (b)	Possession of Controlled Drugs	9	36	45	26	0	63	179
**30-77	Liquor Permit Violation	18	25	18	4	0	2	67
**18-37	Trespass to Private Property	6	126	50	18	2	110	312
	Housing and Zoning Violations	23	33	1	2	0	1	60
	Other Misdemeanor and Regulatory Offenses	51	226	368	90	1	290	1026
TOTALS		692	2370	2759	432	305	3379	9937

* Dispositions of arrestees are listed as follows: Cite-released on a citation; ROR-released on a written promise to appear in court after arrest and transportation to police detention facility; Bond-released on cash, property or surety bond; Court-suspect arrested during weekday hours and taken directly to court for arraignment; Other-released by prosecutor or taken to a hospital for treatment; Held-Suspect held in police detention pending arraignment.

** New Haven City Ordinance.

The comparative release statistics also indicate that citations were used infrequently in certain offenses. Disorderly conduct is one such example, since physical violence usually accompanies such arrests. Also rarely handled by citations were violations of state drug laws where photographing, fingerprinting, and interrogation of arrestees is necessary, thus making field release by citation impractical. Finally, certain property crimes, such as willful injury to personal property and issuance of a fraudulent check, are generally enforced through warrant arrests, thereby again rendering field release impossible.

D. Nonappearance in Court

Citations are a useful pretrial release procedure only if those receiving them honor their written promise to appear in court. Moreover, it is important to know how many of those failing to appear did so willfully, and not merely because they misunderstood instructions or were absent due to some other nonculpable reason. Table V provides data on these considerations.

During the project period, 79.5 percent of all persons issued citations appeared in court as promised; the nonappearance rate was thus 20.5 percent. Most nonappearances, however, occurred in motor vehicle cases. The initial nonappearance rate for cases not involving motor vehicles was only 14.5 percent.

In most nonappearance cases, the circuit court judge permitted the bail commissioner to contact the defendant by letter and continued the case for one week. Although the only device used to reach nonappearing defendants, the letter proved highly effective; over half of those who

failed initially to appear presented themselves in court the next week. For those who did not appear, a rearrest warrant was issued. This procedure reduced the total nonappearance rate to 6.8 percent--9.3 percent for motor vehicle offenses and 5.3 percent for other offenses. Further, the procedure was extremely effective in breach of the peace cases, where the nonappearance rate declined from 16.5 to 5.0 percent.

Nonappearance, both for first and second court dates, was often attributable to lost notices, appearance at the wrong courtroom, or sickness. If more, and earlier, contact--including telephone calls -- can be maintained with defendants, the likelihood of these factors resulting in unexplained failures to appear in court should diminish. Plans are currently being developed to begin an experimental program designed to increase contact with defendants, thereby reducing the inefficiency and delay caused by nonappearance.

Table V
NONAPPEARANCE RATE FOR MISDEMEANOR CITATIONS

October 1, 1970 through September 30, 1971

Offense	Cases Disposed	Failure to Appear First Time		Failure to Appear Second Time Re- Arrest Ordered	
		Percent	Percent	Percent	Percent
Breach of Peace & Disorderly Conduct	363	60	16.5	18	5.0
Other Criminal Offenses	148	14	9.5	9	6.1
All Criminal Offenses	511	74	14.5	27	5.3
Motor Vehicle Offenses	312	95	30.5	29	9.3
TOTALS	823*	169	20.5	56	6.8

* 823 of the 1192 citation cases were disposed of during the project period.

E. Costs Benefit Analysis

One final concern in the evaluation of the citation program is its relative costs and benefits to New Haven. In considering this issue, the department realized that the cost-benefit analysis of a citation program would vary from city to city, depending upon individual police practices. The cost-benefit effects of the New Haven Citation Program, therefore, were evaluated in light of specific New Haven procedures.

As a general rule New Haven police do not transport arrestees to the police detention facility individually. Instead a police prisoner conveyance is dispatched and will generally pick up several arrestees before returning to the detention facility. Moreover, conveyance drivers are instructed to listen carefully to police radio dispatches when not on a specific assignment, and to drive toward the location of incidents that seem likely to result in arrests. In unusual cases, police officers may take a suspect to the detention facility without requesting a prisoner conveyance; however, this occurs infrequently and is more often done by detective personnel than by patrol officers.

Also, New Haven police do not, as a rule, follow arrestees to the detention facility to file their reports. Rather, reports are phoned in from call boxes located throughout the city. This procedure permits police officers to spend the maximum period of their tour of duty in the field. Major exceptions occur if an arrest is made while court is in session and a report or the officer's presence is required for arraignment. Every effort is made, however, to keep the officer in the field.

A sample survey was undertaken to measure the appropriateness of the citation program to New Haven police arrest procedures. The citation issuance process itself averaged approximately 10 minutes in length, although the exact time depended upon the degree of cooperation from the arrestee, his ability to produce adequate identification, and whether or not the arresting officer decides to undertake a record check of the arrestee (record checks, although not required, can be made at the arresting officer's discretion). Measured against his time is an average of approximately 10 minutes required for the arrival of a prisoner conveyance after a request has been made. Since priority is given to incidents involving violence, arrival time is substantially lower in such cases. Thus, there was no saving of police patrol resources stemming from institution of the citation program. Patrolmen were out of general service for approximately the same amount of time in arrest situations, regardless of whether the citation or physical custody process was employed.

However, some police patrol economies did result where citations were issued during court hours because the process eliminated the need for the arresting officer to leave his field assignment. Up to two hours of field patrol time can be saved in each such case, but this saving occurred in less than 10 percent of all citation situations. Thus, during the project period a maximum of 238 patrol hours--the equivalent of .22 man years--were saved by the citation procedure. Use of citations during court hours must, therefore, rise substantially before patrol economies become significant.

Despite the minimal savings in patrol operations, citations did conserve police resources in other areas. Assuming the individuals issued citations would otherwise be released from the police detention facility on their own recognizance, economies occurred in transportation and custody costs. An average of 23 arrestees per week did not have to be transported by the prisoner conveyance to the detention facility and held and processed there. However, these economies were in areas far less critical than patrol and operated merely to lighten existing burdens rather than to enable the reassignment of personnel. Although the citation process apparently will not actually reduce the number of prisoner conveyances on duty at any one time, the system may forestall the addition of another prisoner conveyance at some time in the future. But command personnel within the New Haven Department of Police Service felt that the department was not near this point, nor could they predict when such a need might otherwise have arisen.

Since the citation procedure effectively diverted an average of 23 arrests per week from the prisoner transportation process the response time for dispatch of a prisoner conveyance should theoretically have been reduced. Statistical analysis, however, has been unable to confirm this hypothesis. The internal priority system for prisoner conveyance dispatching, the geographical distribution of prisoner conveyances on duty, and the level of existing workload are the primary factors which prevented the citation program from significantly affecting prisoner conveyance response time.

Custody costs of temporarily holding prisoners pending their release were, however, reduced slightly as a result of the citation program. In particular, the time required to process an arrestee, including the administration of a bail interview, was eliminated. The estimated savings was 10 minutes per arrestee and totaled just under 400 hours or .37 man years for the project period. But again this reduction occurred in an area less critical than patrol and was insufficient to permit reassignment of personnel. The delay involved in processing arrestees was reduced and some reduction in the overcrowding of the detention facility effected; but no actual cash savings resulted.

Based upon specific New Haven operating procedure, it thus appears that the citation program offered no real economies in field activities, but saved generally the equivalent of .59 man years for the department during the course of the project period. This saving, however, was minimal and, because diffused throughout noncritical functions, was difficult to capitalize on, although minor reduction of the workload of existing personnel may have resulted. It should nevertheless be emphasized that this analysis applies only to New Haven. Any police department which uses more patrol time in the processing of arrestees--such as by requiring arresting officers to report in after each arrest--will experience substantially more economies in their field patrols.

It was virtually impossible to measure the beneficial impact of the citation program upon individual arrestees. Statistics are particularly inadequate for this purpose. That the citation program benefited individuals arrested by the police and improved functioning of the pretrial

criminal process was, however, suggested by nonstatistical evaluations. Officers reported greater ease in performing their duties when not forced to remove suspects from their homes. Moreover, there were no injuries whatsoever in citation arrest cases, nor was there any physical violence. Finally, there was a sense of improved police-community relations stemming from the citation program which, while not quantifiable, nevertheless seemed to help ease local tensions. Of course, the citation program did not eliminate the police-community relations problem; rather the process was apparently viewed as a positive step by the police to improve the treatment of arrestees, and was accepted and appreciated on that level.

V. CONCLUSION

Manifestly, traditional police arrest and detention procedures are in need of reform. The existing arrest process consists of a set of inflexible steps which must be followed in every case, despite differences in arrestees and arrest situations. Simply stated, every suspect who must appear in court to face criminal charges should not be forced to submit to a variety of procedural indignities, none of which serve any useful function in this particular case.

The New Haven Department of Police Service's experience with its misdemeanor citation program has demonstrated that the citation procedure is capable of providing an effective and workable alternative to the existing arrest process. First, the citation permits police to dispense with the unnecessary transportation and detention of suspects who need not

be held. This effect can produce some departmental economies, the exact extent of which depends upon specific police procedures. Equally important, however, is the more rational treatment the citation process affords to citizens. Even with a citation procedure, most arrests will be made using the traditional process; nonetheless, the availability of the citation procedure in appropriate cases means that system rigidity is eliminated and flexibility introduced into the pretrial criminal process.

Although the citation concept can be thought of as a prearrest or post arrest procedure, the label chosen is less important than the need to establish alternatives to existing rigid requirements. Both approaches use the citation as the mechanism for invoking the criminal process against a suspect without requiring that he be taken into custody if that need is not present. The post arrest citation approach accomplishes this by requiring a formal arrest, but thereafter authorizing the prompt release of the suspect. It has the advantage of avoiding potential legal problems which might arise from use of a new concept in the criminal justice system.

Moreover, regardless of its label, the citation does represent invocation of the criminal process. Calling it something other than an arrest might lead to an increase in the number of people charged with criminal offenses--a possibility already accentuated by the greater ease of processing which the citation offers. If the invocation procedure is made simpler and if its labelling indicates that it is something other than the traditional process, the pressure to use the

procedure more freely than the traditional arrest process will be substantial. To avoid unnecessarily compounding the problem of preventing a citation from being issued where arrests would not ordinarily be made, it seems preferable to maintain the citation as a post arrest procedure and to stress the fact that it ought not be used unless the arrest itself is justified. From this perspective, the citation can be more clearly perceived as a mechanism for promoting the speedy release of criminal suspects.

The New Haven Citation Program data gathered thus far demonstrates that a citation procedure can be added to the police arrest process without any negative side effects. The procedure has worked in New Haven and is well thought of by both police and court personnel, as well as by concerned citizen groups. In other jurisdictions, however, the necessary legislative and administrative basis for citation use may not exist. Reform in this area must then come first from the legislative branch, preferably with clear and specific statutes authorizing the use of police citations. Subsequently, individual police departments must take the necessary administrative steps to establish citation procedures within their departments. The citation concept is both workable and effective; there is no reason why it should not become standard police procedure.

APPENDIX A

GENERAL ORDER
DEPARTMENT OF POLICE SERVICENew Haven, Connecticut
Biagio Diliato, Chief of PoliceGeneral Order 71-4

RE: New Haven Police Bail Policy

I. PURPOSE

Previous general orders have been devoted to the Misdemeanor Citation and the R.O.R. bail programs. This general order combines previous directives dealing with departmental bail policy. It is intended to insure that individuals arrested are treated equitably and in accordance with law.

II. MISDEMEANOR CITATION ARRESTS

A. General

Every New Haven Police officer is authorized to release misdemeanor offenders over 16 years of age on their written promise to appear in courts. (For arrestees between 16 and 21 years of age, the signature of a parent or guardian on the citation form is required.) The procedures for misdemeanor citation releases, described in detail below, involve the issuance of a citation to the arrestee at the scene of the arrest in appropriate cases. This process avoids the unnecessary delays and inconvenience caused by the transportation of arrestees to the detention facility prior to release.

B. Procedures

1. Arrest

The issuance of a citation is not a substitute for arrest and has no effect on the status of an arrest. Citations can only be issued after an arrest has been made. Each police officer, therefore, must continue to determine that an arrest should be made based upon his judgment that an offense has been committed and an arrest is appropriate. Every person arrested must, as always, be informed of his constitutional rights.

2. Arrestees Eligible for Citations

Every individual arrested for a misdemeanor is eligible for a citation except:

- a. Arrestees under 16 years of age

- b. Arrestees between 16 and 21 years of age who cannot secure the signature of a parent or guardian on the citation form.
- c. An arrest for an offense involving the possession or use of a weapon.
- d. An arrest for a sex-related offense

If the individual is not eligible for a citation, he must be transported to the detention facility for booking. If he is eligible, the officer must decide whether he should receive a citation instead of being taken to detention.

3. Citation Standards

If an individual is eligible for the issuance of a citation based upon the above criteria, a decision must still be made whether to issue a citation or transport the suspect to the detention facility. This decision is to be based upon the citation standards set out below:

- a. Is there a substantial danger that if immediately released the arrestee will continue the offense?
- b. Is there a need to detain the arrestee to prevent him from injuring himself, the arresting officer or other persons?
- c. Does the arrestee understand that he has been arrested and must appear in court?
- d. Does the arrestee demonstrate sufficient ties to the New Haven area to make it likely that he will appear in court?

The first three factors are to be judged on the basis of the situation at the time of arrest. They require the exercise of individual judgment by each police officer on the basis of all of the facts available. The fourth factor, likelihood of appearance in court, should be evaluated from the information gained in the citation interview. Ties to the New Haven area will form the basis of this judgment. No specific length of residence or job or number of local relatives is required. The existence of some tie based upon any one factor or combination is enough to satisfy the likelihood of appearance standard.

If the citation standards are not satisfied, it means that there is a reason to bring the arrestee to the detention facility. But, if there is no good reason for detention based upon the standards, the arrestee shall be given a citation and released.

4. Citatipn Interview Procedure

If an arrestee is eligible for the issuance of a citation based upon the criteria of section II(B)(2) of this order, he must be considered for the issuance of a citation. The first step in this process is the consideration of the first three standards for citation issuance in section II(B)(3) of this order based upon the facts existing at the time of arrest. If none of the first three standards precludes issuance of a citation, the likelihood of the suspect's appearing in court must be determined. If the suspect is likely to appear in court, a citation shall be issued and the suspect released.

To determine the suspect's likelihood of appearing in court, a citation interview must be held. This involves completion of the citation form. Experience with the citation program has shown that it is helpful to fill out the confidential information section of the citation form first. That way, if the suspect's ties to the area are very weak, the whole form will not have been filled out unnecessarily. Where this procedure is used and the arresting officer decides not to issue a citation, it is only necessary to fill in the arrestee's name and then write VOID on the form as indicated in section II(B)(5) of this order.

This citation interview must be preceded by warning the suspect of his constitutional rights. Arrestees should also be told that if they refuse to answer the citation questions or sign the citation form, they will have to be taken to the detention facility for formal booking.

The suspect must produce some adequate identification to be released on a citation. If he has identification and if his answers to the interview questions indicate a likelihood that he will appear in court based upon some ties to the New Haven area, he shall be issued a citation and released.

5. Citation Issuance

To issue a citation, merely complete the form and be sure that it is signed by both the arresting officer and the arrestee. Allow up to two weeks in setting a court appearance date and warn the arrestee that failure to appear in court will subject him to rearrest and additional charges. The citation form should be filled out with a ballpoint pen pressing hard.

After the arrestee has signed the citation form, along with the arresting officer, the arrestee shall be given the bottom copy and released. All completed forms must be turned in at the completion of the shift to the desk officer. Plainclothes personnel shall turn in their forms directly to the Court Street detention facility. Additional citation books can be obtained from the Support Services Division.

If a citation is begun but not issued, the arresting officer shall write VOID on the form and turn in all four copies. For any case in which a misdemeanor is not released with a citation, the arresting officer shall indicate the reasons for the non-issuance of a citation in his report.

III. REFERENCES

General Order 70-11
General Order 69-31
Public Act 826 (1969)

EFFECTIVE: Immediately

Per Order of:

Biagio Dilieto

Chief of Police

Distribution: ALL

3. SUMMONS SYSTEM

Abstract

Element: Summons System

Definition: Notice issued by the court, at its own or prosecutor's initiative, for offender to appear in court at specific time and place, in lieu of formal arrest warrant and processing.

Primary Objectives: Saves police time through avoiding arrests.
Allows early legal determinations by prosecutor.
Diminishes negative consequences to offenders.
Reduces jail costs.
Improves police-community relations.

Lead Agencies: Prosecutor; Court

Other Agencies Involved: Law Enforcement
Corrections

Cost Areas: Development, printing of forms.
Training of assistant prosecutors in use of forms.
Adjustment of prosecutor's, court's procedures.

Resource People/
Projects/Agencies: Kalamazoo (Michigan) City Attorney's Office
Clark County (Las Vegas, Nevada) District Attorney's Office

Summary Statement of Findings

The main business of the company is the production of...
The company has been operating for many years and has a...
The company has a good reputation and is well known in the...
The company has a strong financial position and is able to...
The company has a good management team and is able to...
The company has a good marketing strategy and is able to...
The company has a good customer service and is able to...
The company has a good product range and is able to...
The company has a good distribution network and is able to...
The company has a good working relationship with its suppliers and is able to...

The company has been successful in its operations and has...
The company has a good reputation and is well known in the...
The company has a strong financial position and is able to...
The company has a good management team and is able to...
The company has a good marketing strategy and is able to...
The company has a good customer service and is able to...
The company has a good product range and is able to...
The company has a good distribution network and is able to...
The company has a good working relationship with its suppliers and is able to...

The company has been successful in its operations and has...
The company has a good reputation and is well known in the...
The company has a strong financial position and is able to...
The company has a good management team and is able to...
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The company has a good product range and is able to...
The company has a good distribution network and is able to...
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The company has a good reputation and is well known in the...
The company has a strong financial position and is able to...
The company has a good management team and is able to...
The company has a good marketing strategy and is able to...
The company has a good customer service and is able to...
The company has a good product range and is able to...
The company has a good distribution network and is able to...
The company has a good working relationship with its suppliers and is able to...

Recommendation: The company should continue to...
The company should continue to...
The company should continue to...

Report of the National Commission on the...
National Commission on the...
National Commission on the...

1984

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to work from pre-established guidelines in order to exercise uniformly the discretion inherent in these practices.

The value of this element to jurisdictions implementing the Improved Lower Court Case Handling Program is similar to that of the citation system. It diminishes police work loads by eliminating duties relating to certain arrest warrants which will now be handled as summonses. It cuts down corrections costs by avoiding a number of potential arrests and detentions altogether. Although it does add certain specific responsibilities to the court and the prosecutor, it allows them both to control their resources and case loads better through allowing a more balanced distribution of case entries. Furthermore, it enables prosecutors to make early legal determinations on certain defendants and cases.

The demonstration jurisdictions who implemented the Improved Lower Court Case Handling Program approached the summons element in two ways. First, where court systems were not unified, uniform procedures and forms were developed for use in the various courts within the jurisdiction. Second, guidelines were established by prosecutors for the consistent utilization and issuance of summonses. Both of these approaches ensure the institutionalization of effective and fair summons systems in these jurisdictions.

In summary, the purpose of the program element, beyond its considerable benefit to the accused, is to decrease police and corrections costs and differentiate incoming cases for the court and prosecution. In this way, priorities can be more easily established and resources more appropriately allocated.

4. PROMIS
(Prosecutor's Management Information System)

Abstract

Element:	PROMIS (Prosecutor's Management Information System)
Definition:	A management information tool enabling a prosecutor's office to collect numerous pieces of information, all in easily retrievable form, on each case as it moves through the office and court.
Primary Objectives:	"Flags" cases requiring special attention. Apprises prosecutor of defendant's other pending cases. Records reasons for discretionary actions. Provides ready source of statistics and case flow information. Enables monitoring of evenhandedness, office priorities, policies. Permits analysis of problems of interagency coordination and/or priorities. Allows better witness/victim management, notification, communication. Better coordinates police officer time.
Lead Agency:	Prosecutor
Other Agencies Involved:	Law Enforcement Court Probation
Cost Areas:	One-time effort at organizing office, forms, procedures, etc. to support system. Printing of forms. Training of personnel. Where system is automated, one-time cost of adapting software. Where system is automated, recurring costs of data entry and computer (batch vs. on-line).
Resource People/ Projects/Agencies:	Institute for Law and Social Research Washington, D.C.

United States Attorney's Office
for the District of Columbia

Parish of New Orleans (Louisiana)
District Attorney's Office

Marion County (Indianapolis, Indiana)
Prosecutor's Office

Cobb County (Georgia) District Attorney's Office

Mr. Alvin Ash
National Criminal Justice Information Systems
and Statistics
Law Enforcement Assistance Administration
Washington, D.C.

PROMIS In Practice

As the Improved Lower Court Case Handling Program recognizes, it has been a common experience in large urban centers that court processes are overwhelmed by the high volume of criminal cases, causing prosecution and court officials to resort to mass production case-management techniques. In 1971, the prosecutor's office in Washington, D.C., decided to apply advanced methods of business management to this assembly-line process. With funding from the Law Enforcement Assistance Administration, PROMIS (the Prosecutor's Management Information System) was developed.

PROMIS is a management information tool, which was developed initially as a computer based system. It will be available in a semi-automated version in the spring of 1976. PROMIS permits a prosecutor's office to accumulate a wealth of information on each case, most of which is collected at the screening stage. The office is thus able to receive reports and analyses based on these data so that prosecutors can concentrate on identified priority areas and exert control over their work load, instead of merely reacting to it. Not only does this promote effective utilization of prosecutor time and personnel, but it also serves to attract and retain experienced attorneys.

Through utilization of certain scales, PROMIS provides a means of assuring that those offenders deemed to be in need of special attention (e.g., "career criminals") are immediately made known to the prosecutor's office. It is especially important in offices where

there is a high volume of cases and more than several prosecutors. In addition to "flagging" the more serious offender, the system provides a good means of monitoring case flow, analyzing problem areas, assisting the courts in making pretrial release decisions, and generally improving prosecutory management.

Since its inception five years ago, PROMIS has meant, to the Washington, D.C. prosecutor's office, the ability to monitor the aging of cases so that defendants are assured a speedy trial. It has meant, for the first time, being able to answer inquiries from victims, lay witnesses, police officers and government chemists about the status of their cases even when they cannot find their subpoenas or do not recall the court docket numbers or the defendants' names. It has meant, for the first time, that prosecuting attorneys record the reasons for all of their discretionary decisions so their supervisors can assure adherence to policies. It has meant that prosecutors are immediately aware when a defendant has more than one criminal case pending, so that cases can be combined in accordance with court rules. It has meant the ability to proceed with a case even if the file jacket is temporarily misplaced, as frequently happens. It has meant a 25 percent higher conviction rate for repeat offenders who are charged with serious misdemeanors and who might otherwise count on the chaotic conditions caused by high case volume to escape notice. And, finally, it has meant a regular review by prosecution management of how resources are being used and to what effect, so that policies can be revised or strengthened as necessary. Longer range goals include the development

of a comprehensive criminal data base enabling future research; broad-based resource assessment and allocation; and the ability to monitor performance of individual prosecutors and the entire prosecutor staff over time.

As of this writing, plans are underway for the installation of PROMIS in 27 locations throughout the country, ranging from large jurisdictions such as Los Angeles County to small ones such as Cobb County, Georgia. In each case, the program is being adapted to the specific environment, needs and policies of the implementing county, city, or state. A sample of some of the forms employed by both the automated and the semi-automated (manual) version of the system can be found in Appendix B.

PROMIS is of great importance to the Improved Lower Court Case Handling Program. Its value in areas of case load management, resource allocation, and priority setting is immense. PROMIS interacts well with the other parts of the criminal justice process to achieve numerous goals. The court benefits from the fact that the prosecution requests fewer continuances because PROMIS alerts the prosecution to court dates, informs witnesses and victims of such dates, provides basic case information when files have been temporarily misplaced, etc. Police are able to see the reasons behind certain case dismissals and can also better coordinate officer appearances and time. Agencies involved in bail decisions can also be assisted through the ability of PROMIS to immediately identify offenders awaiting trial on other charges who might not be ideal candidates for pretrial release. Perhaps most importantly, PROMIS permits the analysis of problems of interagency coordin-

ation and priority setting through the identification of non-congruent practices.

It is apparent from this brief discussion that PROMIS addresses comprehensively the two main goals of the Improved Lower Court Case Handling Program. Greater detail is provided in the following article. Authored by two individuals intimately involved in the development of the PROMIS system, "The Prosecutor's Role in the Urban Court System: The Case for Management Consciousness," by William A. Hamilton and Charles R. Work, describes the management approach and way of thinking that led to the development of PROMIS in the Washington, D.C. prosecutor's office. It puts PROMIS in the philosophical and practical framework necessary for its successful planning and discusses those points that form the basis of the Improved Lower Court Case Handling Program.

The Prosecutor's Role In The Urban Court System:

The Case For Management Consciousness*

William A. Hamilton** and Charles R. Work†

Crime worries the urban American more than any other issue. In a nationwide opinion survey released in January, 1973, by the Gallup Poll, crime moved into top position as the most vexing concern of Americans residing in cities of 500,000 or more. Just twenty-five years ago, these same Americans, according to Gallup, found many other issues more distressing, including poor housing, traffic congestion, and high taxes.

In view of today's urban American, one of the prime causes of the crime problem is lenient courts. Gallup found that the number of city residents who blame the crime problem on lenient courts has increased by fifty percent in just eight years. Today, almost three out of every four urban Americans believe that the courts are too lenient.

No one involved in the administration of criminal justice can ignore such evidence of waning public confidence. It is possible, of course, to interpret the concern for lenient courts in more than one way.

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The most obvious conclusion is that the public believes that sentences are not severe enough. This interpretation, however, may be an oversimplification, and the widespread public disaffection uncovered in the polls and characterized as a concern for leniency may signify an even deeper and more pervasive dissatisfaction with the criminal courts. Perhaps what the public perceives but has not as yet articulated is a failure of the criminal court system to exhibit an awareness of the public's priorities. Too often, the criminal court system appears to be operated in an aimless, unfocused and arbitrary fashion, ingesting and disposing of its workload without any sense of direction. It is our contention that one of the primary remedies for the floundering urban criminal court systems is the development of management consciousness in the office of the public prosecutor.

PROSECUTOR'S RESPONSIBILITY FOR INTELLIGENT USE OF COURT RESOURCES

The public prosecutor is often forgotten in discussions of the criminal justice system. In fact, the system is usually defined as being composed of three parts: the police, the court, and corrections. The prosecutor is viewed primarily as a functionary of the court and therefore not considered separately.

The truth is that the prosecutor is far more than a mere functionary of the court. The prosecutor represents a separate and equal branch of government which is intended to be independent of the court. The prosecutor who allows his identity to be subsumed into and confused with the court is not performing his rightful function. That the court and the prosecutor can and should have different but compatible goals can be

seen by an analysis of the role of each.

The court in many respects is an arbitrator, and essentially plays a passive role. It can only consider matters brought to its attention. It is essentially in a position of having to react to actions taken by others. Furthermore, the court is constrained to look at each matter on a case-by-case or individual basis, affording each issue brought before it a comparable degree of importance.

By contrast, the prosecutor is an advocate and essentially plays an active role. Unlike the court, the prosecutor is not constrained to accept passively as his workload every matter that is presented to him. He can screen out matters referred to him by police agencies that fail to meet his standards and priorities. He can initiate and channel investigations into the types of matters that he views as having prosecutive priority. The prosecutor can choose from a broad inventory of treatments in handling his workload, including various types of diversionary programs, such as employment training or drug treatment. Instead of responding to his workload on a case-by-case basis, the prosecutor can evaluate the importance of the individual matters or cases in relation to all the other matters or cases he considers. He can give differential treatment to his cases, proportioning his time resources among them based on his judgment of their relative importance.

By properly exercising his role, the prosecutor performs a vitally important function for the court which the court is prevented from performing for itself: he precludes random access to its limited adjudicative resources, and preserves these resources for the timely judgment of the matters to which the public attaches priority. It is in this

sense that the prosecutor serves as the guardian, protector, and custodian of the community's scarce resources for adjudication.

Unfortunately, in many jurisdictions the prosecutor does not appear to be performing this custodial function satisfactorily. Badly understaffed and lacking a sufficiently strong management consciousness, the prosecutor slips into a passive role similar to that of the court, indiscriminately accepting virtually every matter referred to him, and giving each matter equal emphasis. Even when this custodial responsibility is recognized and accepted, the prosecutor often lacks the means and techniques to differentiate rigorously among cases on the basis of public priorities. No prosecutor would find it difficult to compare the priority of a first-degree murder case with that of a petty larceny case. However, it is a great deal more difficult and challenging to differentiate among all assault cases in terms of priority.

As the result of inadequate staffing, inadequate differentiation among cases, and insufficient management consciousness, court backlogs grow inexorably. Prosecutors fight vainly to acquire additional staff. The public becomes increasingly pessimistic and contemptuous about the criminal court system. If these trends are to be brought under control, the prosecutor must perform his custodial or protective function. To be an effective custodian of the community's adjudicative resources, the prosecutor must actively manage his caseload and systematically develop and apply priorities.

The need for priorities is most obvious in major urban centers where the public prosecutor must handle thousands of cases on an assemblyline, mass-production basis. The combination of a high-volume workload and

inadequate staffing means that there is little time for the prosecutor to prepare most of his cases. The prosecutor often does not have sufficient staff to assign each case individually and, consequently, cannot hold any one of his assistants responsible for a case from beginning to end.

One frequent result of the high-volume, assembly-line system is that the habitual offender can achieve a degree of anonymity in the crowd and thereby exploit the system to make its weaknesses work for him. Most repeat offenders, for example, learn that by securing the services of a heavily committed defense counsel they can increase their chances of gaining a series of continuances or postponements. The habitual offender learns quickly that this is an effective strategy for exhausting the government's witnesses to the point where they refuse to appear, or to the point where the passage of time has often blurred their memory and their testimony lacks credibility. Should the case go to trial, the prosecutor and the court are too often oblivious of the fact that there are other cases pending against the defendant, or even that he is a fugitive from other cases before the court.

THE PROMIS CASE EVALUATION AND MANAGEMENT SYSTEM

In the District of Columbia, the United States Attorney is the public prosecutor for common law crimes as well as federal crimes. In the exercise of his local jurisdiction in the District of Columbia Superior Court, the United States Attorney is faced with the problem of prosecuting thousands of cases on an assembly-line, mass-production basis.

In 1969, the then United States Attorney, Thomas A. Flannery, perceived an urgent need for new techniques to manage these cases. With a grant from the Law Enforcement Assistance Administration, a special team of lawyers, management analysts, criminologists, statisticians, and computer science specialists worked to develop new case management tools. This effort led to the development of an innovative, computer-based information system for the prosecutor, known as PROMIS (Prosecutor's Management Information System).

Several types of information are contained in PROMIS. A complete summary of information relating to the defendant is fed into the system. In addition to general facts such as name, sex, race, date of birth, address, and employment status, the system also contains information regarding previous arrests and convictions and alcohol or drug abuse. PROMIS also contains complete information about the alleged crime and the defendant's arrest. The date, time, and place of the crime are recorded, as are the number of persons involved, the gravity of the crime in terms of the amount and degree of personal injury, property damage, and intimidation. The time, place, and date of the arrest, as well as the type of arrest and the identity of the arresting officers are also noted.

PROMIS also contains a complete history of the criminal charges growing out of the incident. The system contains both the original charges placed by the police against the defendant and the charges actually filed in court against him, together with the prosecutor's reasons for any change in the charges. The penal statute number for the charge, the FBI Uniform Crime Report name for the charge, and the standardized

offense codes developed under Project SEARCH (System for the Electronic Analysis and Retrieval of Criminal History) are also included.

The system contains a complete summary of court events and information about witnesses. PROMIS contains the dates of every court event connected with the case, from arraignment to sentencing, the outcome of each event and the reasons for each outcome, and the names of the parties involved with each event, including defense and prosecution attorneys and the judge. The names and addresses of all witnesses, the prosecutor's assessment of the witnesses' value to the case, and any indication of reluctance to testify on the part of the witnesses are also included in the system.

The centerpiece of the PROMIS system, however, is the automated designation of priorities for pending criminal cases. Priorities are assigned by the computer on the basis of an evaluation of the gravity of the crime and the criminal history of the defendant.

The gravity of the crime is measured in terms of the degree of harm done to society rather than in terms of the legal nomenclature. A scale developed by the criminologists Thorsten Sellin and Marvin E. Wolfgang, which assesses crime gravity in terms of the extent of personal injury, property damage, and intimidation, was modified for use in the PROMIS system.

The gravity of the criminal history of the defendant is assessed by a modified version of a scale developed by another team of criminologists headed by D.M. Gottfredson. That scale examines factors such as the number and density of prior arrests, the number of previous arrests for crimes against persons, the use of aliases, and the use of hard narcotics.

In the District of Columbia Superior Court, the calendar is set and controlled by the court. PROMIS produces an advance list of the cases scheduled by the court for each calendar date and ranks the cases according to their priority crime and defendant ratings. A special team of attorneys intensively prepares and monitors the cases which are given high priority ratings. The cases are still called in the order that the court establishes, but the prosecutor, through special pre-trial efforts, assures a superior degree of preparation for the high priority cases. The special team of prosecuting attorneys prepares the priority cases in advance of trial. When a priority case is called by the court, the team delivers the government's case to the courtroom prosecutor.

Another key feature of PROMIS is the ability to track the workload of the criminal court system from three separate vantage points. First, the police department's complaint number, assigned to the criminal incident, is included in PROMIS. With this number it is possible to follow the full history of the court actions arising from the crime even though those court actions may involve multiple defendants, multiple cases, and multiple trials and dispositions. Second, the fingerprint-based number assigned by the police department to the defendant after his arrest is incorporated into the PROMIS system. Because the same number is used by the department if the individual is subsequently arrested for another crime, it is possible to accumulate criminal history files on offenders and note incidents of recidivism. Third, PROMIS includes the court docket number of the pending prosecution. It is thus possible to trace the history of any formal criminal action from arraignment through final

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disposition and sentencing, and to account for the separate fate of each count or charge.

The inclusion of these three numbers is very significant. The number keys provide "instant replay" capability to track the criminal incident, the defendant, and the court actions and provide a basis for communication among the various constituent agencies of the criminal justice system. Lacking such an ability, there is no mechanism for information exchange among the agencies.

Another important aspect of the PROMIS system is that explanatory data is deliberately included to indicate the reasons for each event and disposition. This "reason data" is acquired as a by-product of the collection of data for the system's day-to-day operational support functions. For example, PROMIS not only records the date and the fact that a case was screened out, continued, or dismissed, but it also records the reason for the disposition. An analysis of this "reason data" enables the prosecutor to study in more detail the effectiveness of various prosecution policies and procedures.

PROMIS is also designed to automatically generate subpoenas or notices for the arresting police officers, the assisting officers, lay witnesses, and expert witnesses before each court date. If there is not sufficient time for the notices to be sent by mail, the information is automatically printed on a special list for telephone notification.

The computer is also programmed to generate reports on cases scheduled for special hearings. A "Mental Observation List" summarizes all cases for which hearings will be held the following day to determine the

mental competency of the defendants. A "Line-up List" summarizes all cases for which court-ordered line-ups are scheduled the following day. The "Diversion List" summarizes all cases which the prosecutor is diverting from the criminal process and which are scheduled for review. The "Sentencing List" summarizes all cases scheduled for sentencing the following day and includes any sentencing recommendation arrived at in the course of plea negotiations. A "List of New Narcotics Cases" and the "Chemist Report Status List" keep the chemist informed of the progress of cases in which he is involved.

MANAGEMENT IMPROVEMENTS INDUCED BY PROMIS

The PROMIS system has led to the adoption of a number of other significant improvements in the management of the prosecutor's office. One of the primary benefits of developing any information system is that it forces management to describe and define the key office functions the system must support. A computer cannot deal with ambiguity. Consequently, the office is compelled to describe the functions in exhaustive detail. In the process, weaknesses and redundancies in operations are made visible and can be corrected. For a PROMIS-type information system, this forced exercise in descriptive analysis takes on even greater importance because the system is meant to be used as a tool for actively enforcing office policies and priorities. Thus, not only are functional weaknesses exposed, but also strategies and tactics of prosecution management are subjected to rigorous definition and review.

One example of the benefits wrought from this process has been the formation of the Special Litigation Unit within the prosecutor's office,

a special six-attorney unit providing continuous, concentrated monitoring of all cases identified as having high priority by the PROMIS system. Once a case has been flagged as a priority case by virtue of a high crime gravity rating or a high defendant criminal history rating, it is assigned to a member of this unit. That assistant prosecutor contacts the witnesses, interviews them, and personally arranges for them to be present on the trial date. He reviews the periodic PROMIS reports on the case to determine whether there are any other pending cases against the same defendant and, depending upon his overall evaluation, may also contact defense counsel to ascertain if a plea can be negotiated. The conviction rate for the priority cases which receive this intensive attention from the Special Litigation Unit is approximately 25 percent higher than for the cases processed routinely.

Several other improvements in office management have been induced by the development and operation of PROMIS. First, quarterly planning in the office has been assisted. The senior staff members of the office develop each quarter a list of problems, categorize them by type, and develop a plan for their resolution. The quarterly plan generally includes a number of policy issues requiring clarification, procedural weaknesses, personnel problems, inter-agency issues, and training matters. Internal administration is thus constantly subjected to review for efficiency and improvement.

To assist in providing consistent criminal justice administration, a manual delineating office charging policies and procedures was prepared for the assistant prosecutors. The assistant prosecutor can consult this manual at the intake and screening stage to determine the established

policies for each type of offense, the standards established by the prosecutor for enrollment of defendants in diversionary programs, and the administrative procedures for effecting various decisions.

The PROMIS system exposed some important weaknesses in the recording of accurate explanations of case decisions by assistant prosecutors. Even without a computer-based case management system, it is imperative that prosecution records contain a full accounting of all transactions and dispositions and the reasons for discretionary decisions. With the emphasis in PROMIS on recording reasons for all prosecutorial actions, it soon became apparent that this requirement for full documentation was not being met satisfactorily. The visibility that PROMIS gave to this problem led to the creation of paralegal positions in the office. Paralegals have been assigned to the mass-production courtrooms to aid the prosecutor, particularly with regard to the documentation of reasons for trial dates, continuances, nolle prosequi's, and dismissals. Other paralegals are assisting attorneys in the coordination of continuances, the notification of witnesses, the interviewing of citizens who wish to file complaints, and the preparation of the necessary documents at the intake and screening stage.

PROMIS has also given visibility to performance problems. Disposition rates can be displayed in a variety of ways which expose training deficiencies. A natural outgrowth of this exposure has been the development of a comprehensive training program on prosecution skills and administrative and management skills. A careful examination of the training needs has been completed for four types of staff: the management level prosecutor,

the line prosecutor, the paralegal, and the administrative support staff. A curriculum design has been completed for each of these staff types and case studies. Lecture materials, video tapes, and other audio-visual aids are also being developed. The curriculum design includes a comprehensive range of subjects, from an overview of the prosecution and criminal justice systems to specialized prosecution skills, such as rehabilitating a witness after cross-examination.

PROMIS has also heightened the consciousness in the office of policy development and implementation. Consequently, a directives system is being developed to provide a conceptual framework for the determination and promulgation of policy and procedures. One part of that system is the intake and screening manual described earlier.

The most significant benefit from PROMIS, however, is yet to be realized: a research program on the PROMIS data base. The system currently contains complete case histories on approximately 30,000 closed cases. In addition, the data base is growing by approximately 1,200 criminal cases per month. A preliminary design has been developed for the research program. The primary thrust of the program will be to produce useful findings and to structure experiments for operational improvements based on the findings.

PROMIS II

Following the successful implementation of PROMIS, the United States Attorney for the District of Columbia, Harold H. Titus, Jr., decided to upgrade the PROMIS system so that case information could be instantly obtained via terminals placed throughout his office. In February 1973,

PROMIS II, the second stage in the development of PROMIS, become operational. PROMIS II differs from PROMIS in one significant respect: PROMIS II is an on-line, real-time system. Certain pre-formatted questions may be requested of the data base and the answer is flashed back instantaneously on a television-type screen. Moreover, PROMIS II will be useful not only to the prosecutor's office, but also to the police department.

PROMIS II is presently being operated as part of a real-time metropolitan Washington criminal justice communications network which includes a number of other systems, such as a wanted persons file and a stolen vehicle tag file, and which is directly linked to the National Crime Information Center system.

The PROMIS data base contains more than 160 separate items of information about each case prosecuted in the District of Columbia Superior Court. Although numerous other real-time queries could be designed which would be helpful to the prosecutor and the police, five queries have been developed thus far.

The defendant query. This query makes it possible for the prosecutor or the police to determine whether or not a given defendant has any other cases pending in the court system. The fingerprint-based identification number assigned by the Metropolitan Police Department is entered via a terminal and the computer flashes back on a screen the docket numbers and status of each of the defendant's pending cases. With this information, the police can identify those persons who are arrested for crimes while on some form of pre-trial conditional release. If the identification number is not available, the defendant's name can be

used as the basis of the query.

The court docket number query. This query enables the prosecutor or police officer to instantly apprise himself of the pertinent facts and status of any pending case. For docket number queries, the computer flashes back the following information: the defendant's name and bail status; the charges; the arrest date, time and place; the offense date, time and place; the names of the police officers on the case; the number and reasons for any continuances in the case; the crime gravity rating; and the defendant criminal history rating.

The police officer query. This query enables the prosecutor or the police to determine the number and status of all cases a given officer has pending. By entering the officer's badge number, one can obtain on the screen a list of all the pending cases in which he is scheduled to testify and the next court dates for each case.

The case aging query. This query enables the prosecutor to monitor delay at each stage in the criminal proceedings. The prosecutor can specify the type of case he is interested in, such as misdemeanor cases, cases bound over to the grand jury, or felony indictments, and then enter, via the terminal, any aging factor of his choosing. For example, he can specify that he wants a list of all cases which have been awaiting grand jury action for more than thirty days.

The witness query. This query enables the prosecutor or police to enter the name of a witness in any pending case and immediately determine the docket number, status and next trial date of the case.

Other pre-formatted queries are being planned. Another query to be developed in the immediate future will enable police district commanders

CASE SCREENING

Abstract

Element	Case Screening
Definition	Early standardized review and assessment of incoming cases conducted as a part of the charging decision for the purpose of cutting down case load, identifying significant cases, disposing of cases through other channels, etc.
Primary Objectives	Establishes degree of uniformity in charging policy / Eliminates unsubstantiated cases at earliest possible stage. Attain goal, but important, cannot be built up. Introduces prosecution alternatives (e.g., diversion, bond).
Lead Agency	Prosecution
Other Agencies Involved	Law Enforcement Court Probation Public Defender
Goal Areas	Development of screening guidelines, forms Adjustments in policy, prosecutive procedures to accommodate screening function
Resource People/ Projects/Agencies	Institute for Law and Social Research Washington, D.C. Bureau of Social Science Research Washington, D.C. United States Attorney's Office for the District of Columbia Palamaron County (Michigan) Prosecuting Attorney's Office New York County (Manhattan) District Attorney's Office

Case Screening in Practice

The early review and screening of criminal cases by the prosecutor's office is one of the most important principles behind the Improved Lower Court Case Handling Program. The effect of this function upon other criminal justice agencies can be tremendous, because the work loads of police, the court, and corrections and probation personnel are directly affected by the size of the case load the prosecutor defines. The "weeding out" of insubstantial cases at an early point in the process can save valuable resources for all agencies involved.

Furthermore, in the overtaxed prosecutors' offices found in most cities today, it is imperative that case loads be reduced as early as possible, and that poor cases not be carried any longer than necessary. Where a high volume of criminal cases is handled by limited criminal justice system resources, hard decisions must be made in order to give priority treatment to the more serious offenders. By establishing guidelines for prosecutory treatment, by utilizing all available prosecution alternatives, and by assigning more experienced attorneys to screening, a chief prosecutor may minimize the possibility that habitual offenders take advantage of the system, at the same time ensuring that all cases receive proper and fair treatment.

The first step in achieving these goals lies in establishing an ongoing case screening unit in the prosecutor's office. All cases entering the office must be screened by the unit for factors such as legal sufficiency, appropriateness of charges, sufficiency of evidence, and witness cooperation, all as defined by the office itself. Cases not meeting the office's own predetermined criteria should be dropped

so the entire system need not carry them longer than necessary. The prosecutor may also, at that point, decide to dispose of certain cases in other ways such as through diversionary programs.

It is essential that the judgments based upon the criteria be made by individual assistant prosecutors on a fair and uniform basis. For this reason, the program strongly advocates the development of written screening guidelines as a part of the establishment of a case screening unit. Written guidelines help assure that the discretion exercised by assistants reflects the implementation of the chief prosecutor's policies and discretion, not that of assistant prosecutors, who, if unguided, might well reach markedly different decisions when evaluating and processing similar cases.

Another important aspect of the screening function that lies in strongly with other elements of the program is its information gathering function. It is at this point in the process that the prosecutor can gather most of the necessary data, or work on uncovering it. At this point case files are also set up. For jurisdictions implementing PROMIS, it is at this stage that the essential case information is put into the system, as discussed in the previous section. Basic information for pretrial release forms can also be gathered from screening documents.

As with all of the other Improved Lower Court Case Handling Program elements, the cost of implementation of this item will depend on the degree to which the participating authorities wish to develop the program. In most instances, case screening will entail developing a policy guideline manual and placing a senior-level trial attorney in

charge of a special case screening unit. In other instances, forms and paperwork may simply be redesigned to ensure consistent processing and information gathering. Still other offices may begin to emphasize the wider use of diversionary programs as a charging alternative. In any event, the costs will relate directly to the degree of policy control decided upon by the prosecutor.

The relationship between PROMIS and case screening is a strong one. Beyond the data-collecting function shared by screening and PROMIS, there is a far more important interdependency: the ability of PROMIS to measure prosecutory discretion, especially with regard to screening decisions. Once uniform policies are established and disseminated, adherence to them can be monitored and enforced through PROMIS, especially in conjunction with the system's ability to record and analyze reasons for discretionary actions through action reason codes. In fact, the Papering and Screening Manual utilized by the Washington, D.C., Prosecutor's Office was an outgrowth of the installation of PROMIS.

Since the concepts and underlying premises of a successful and fair case screening process are so intimately entwined with the information gathering and analyzing ability of PROMIS, the following article deals with case screening from that perspective. The paper is PROMIS Briefing Series - 2. Case Screening, written by the Institute for Law and Social Research (INSLAW), the original developers of PROMIS. The paper is one of 21 papers INSLAW has developed dealing with PROMIS. This one not only explains the theories and goals upon which all successful case screening units must be based; it also shows

how PROMIS contributes to the operation of such a unit and how the case screening itself is essential to PROMIS.

In addition to the following article, another valuable resource is the series of five booklets developed on the screening process by the Bureau of Social Science Research, Inc., and funded by the Law Enforcement Assistance Administration. Dealing in both the theory and design of pretrial screening units, the documents also discuss a management-by-objectives approach to designing case screening guidelines.

As an example of the types of forms actually utilized in case screening, Appendix C contains a sample of those being employed by the Prosecuting Attorney's Office in Kalamazoo, Michigan. While these only represent one way of approaching the screening function, they give a fair idea of the types of uniform, accountable decisions made at this stage and of how these are recorded.

PROMIS Briefing Series - 2. Case Screening*

Facts are the raw material for prosecutors. Decisions are unlikely to be sounder than the available information. But in many jurisdictions, the information needed to support prosecutive judgement has been absent too often.¹ This is axiomatic and applies to case screening as well as to other areas of prosecutive responsibility.

Such an observation is hardly news to experienced prosecuting attorneys, who would be among the first to concur with this comment by the National Advisory Commission:

"Lack of well-defined criteria may mean that inequities exist in screening, and that some decisions are made erroneously. Even if those engaged in screening have adequate criteria available, the lack of procedures for ascertaining all relevant facts may lead to misapplication of those criteria in individual cases."²

Screening problems are, of course, most severe in high-volume jurisdictions, where hard-pressed prosecutors struggle to keep pace with a massive influx of cases and possess little, if any, time to refine screening criteria or to ensure that all the relevant facts about a complaint are obtained.

As a result, the screening operations of many prosecutor's offices are being subjected to intensifying pressures, which PROMIS has been designed to alleviate and which originate from three major sources:

* Institute for Law and Social Research, PROMIS Briefing Series - 2. Case Screening, Revised, July 1975. This is one of 21 PROMIS briefings prepared under a grant from the U.S. Law Enforcement Assistance Administration (LEAA), which has designated PROMIS as an Exemplary Project.

from within the prosecutor's office itself, from other components of the local criminal justice system, and from individuals and organizations external to local criminal justice agencies.

PRESSURES WITHIN THE PROSECUTOR'S OFFICE

Often, if not typically, the screening process operates in the context of a heavy inflow of criminal complaints, a relatively high turnover of personnel, the initial assignment of novice prosecutors to case screening, and a prosecutory system whereby the assistant who screens cases is not the one who may eventually try them. Against this backdrop, chief prosecutors are under considerable pressure to devise management methods, administrative procedures, and overall controls that are applicable to such key aspects of screening as these:

1. Monitoring and enforcing subordinates' adherence to screening policy and discretion as determined and delegated by the chief prosecutor.
2. Maximizing evenhanded and consistent decisions made by the various screening prosecutors.
3. Obtaining relevant information from the arresting officer and witnesses about the arrestee, the nature of the incident, the victim and his or her relationship to the arrestee, etc. so that a fair and informed decision can be consistently reached regarding whether to reject or file charges.
4. Securing adequate facts that lay the foundation for either decisions about, or the conduct of, pretrial diversion, bail bond or other forms of release prior to trial, plea negotiations, or sound case development so that the trial prosecutor can review the facts accurately and

quickly if litigation results.

5. Determining whether the arrestee was apprehended while on pre-trial release and whether he or she is involved in pending cases, is awaiting sentence, or is the subject of an outstanding arrest or bench warrant.

As noted later, these and other screening matters are addressed by PROMIS and its attendant managerial and administrative methods.

PRESSURES GENERATED BY OTHER LOCAL CRIMINAL JUSTICE AGENCIES

Because prosecutors are people in the middle--standing as they do between police, on the one hand, and courts and corrections on the other--screening decisions, no matter how valid, frequently encounter something less than unanimous approval by other criminal justice system components.

Police, for example, may feel that their efforts are negated unjustifiably when prosecutors screen individuals out of the system. Yet the same officers may be equally irritated if their court appearances result in wasted time as the result of court dismissal of a case for reasons that should have triggered a rejection of charges during the screening process. And the judiciary may also express its displeasure over screening procedures that seemingly permit weak and trivial cases to waste court resources, clog calendars, and delay consideration of the more serious cases.

Similarly, correctional agencies may complain that some of those whose charges were rejected by screening prosecutors could have benefited by rehabilitative programs. Or such agencies may disagree over the appropriateness of diversionary programs recommended for defendants

during the screening process.

Many of the pressures created by these and other interface problems are inevitable because of the different perspectives and responsibilities of the criminal justice system's components. However, these pressures can be reduced substantially (1) if sufficient information is available so that the screening prosecutor can make a judgment based on the merits rather than on intuition, which would help assure that weak or trivial cases do not enter the courts; (2) if the reasons for rejecting any police charge are documented, which may highlight deficient procedures (such as in the area of search and seizure) by arresting officers; and (3) if the foregoing information and reasons are retrievable, which would mean that criticism could be evaluated and constructively dealt with--on the basis of facts, not vague recollections or supposition. PROMIS has the capability of doing precisely that.

PRESSURES ORIGINATING OUTSIDE THE LOCAL CRIMINAL JUSTICE SYSTEM

Citizen and professional organizations, media, scholars, national commissions, and the general public have increasingly directed their attention to the criminal justice process. The prosecutor's office, including its screening function, has not been overlooked.

For example, a book prepared by a nationwide business organization notes that "because of a work overload, inadequate information, an absence of standards or procedures to guide inexperienced assistants, a prosecutor may release those who are really guilty or dismiss or prosecute a case that might better be referred to an agency outside the justice system."³

The public is increasingly conscious that huge workloads have forced prosecutors to adopt assembly-line procedures to move cases quickly through the system and that comprehensive collection of pertinent data at the screening stage is often among the first casualties of such procedures. When adequate information about a case is not obtained by the screening prosecutor, habitual offenders achieve a degree of anonymity enabling them to make a game out of the court system. This comes to the public's attention through such incidents as (1) the burglary suspect who was arrested and freed on bail 11 times during 17 months without standing trial and (2) the suspected thief and forger who was arrested and freed on bail 17 times over 30 months without coming to trial.⁴

In addition to public concern over screening procedures, influential scholars have focused on this area as well. In a widely read book, Professor Kenneth Culp Davis writes that "the American legal system seems to be shot through with many excessive and uncontrolled discretionary powers but the one that stands out above all others is the power to prosecute or not to prosecute."⁵ He states that prosecutions are often withheld without meaningful standards and without supporting findings of fact and reasoned opinions. He believes that a thorough inquiry into prosecutive discretion is long overdue and that prosecutors should structure their discretion by, among other things, announcing guidelines governing decisions to prosecute. Finally, he observes that although a procedure may be informal (such as case screening), in terms of "numbers of parties affected and amounts involved, fairness of informal procedures may be fifty or a hundred times as important as fairness of formal procedure...."⁶

Of major significance, great weight was attached to Professor Davis' observations by the National Advisory Commission, which agreed that "emphasis should be placed on minimizing the adverse effects of discretion by structuring the making of discretionary decisions," which are made throughout the criminal justice process, "especially by the prosecutor."⁷ The Commission views the problems associated with screening as essentially administrative:

"Screening is a discretionary decision, and judicial participation in it should be minimal. What is needed is the development of criteria and procedures within police agencies and prosecutors' offices--on an administrative level--to provide sufficient assurance of fair and appropriate screening. The discretion to screen needs to be structured."

This structuring, as embodied in the Commission's screening-related standards, includes development of written "detailed guidelines," enforcement of their "evenhanded application," and documentation kept on file regarding the reasons for each decision not to prosecute.⁸ Similarly, American Bar Association criminal justice standards recommend that prosecutors develop written policies to guide prosecutive discretion and establish standards and procedures for evaluating complaints, a responsibility that "should not be left to ad hoc judgments."⁹

The capabilities of PROMIS go a long way to satisfy the above external pressures for change: sufficient information is available about arrestees to identify seasoned recidivists who would otherwise victimize the system; discretion is structured; and evenhanded, consistent screening--and its enforcement--is enhanced.

UNDERLYING REASON FOR PROMIS' IMPACT ON SCREENING

In the final analysis, PROMIS possesses the potential to address prosecutive problem areas effectively because the very process of preparing for this computer-based system necessarily involves a disciplined analysis of the strengths and weaknesses of current office procedures as well as how they might be restructured in view of such goals as those suggested by the pressures cited above. PROMIS can be only as effective as the office procedures supporting it.

If screening procedures and the information they are designed to secure are inconsistent or error prone, computerization will do little more than technologically lock these problems into the system and generate an output that is equally erratic and inaccurate.

Rethinking current operations in preparation for an automated information system entails detailed consideration of the type of information that can be "captured" at the screening stage--data related to formulated goals and needed not only by the screening assistants to arrive at an informed charging decision but also by their colleagues down line, such as by those at the arraignment and trial stages. One must determine who is able to supply this information at the screening stage and the sequence in which it should be obtained. The question is then raised of how to record--consistently and uniformly--the full array of available data; inevitably, this entails the design of forms, which impose a beneficial discipline, as noted later, over the data acquisition process. (Approximately 80 percent of the PROMIS data obtained for a case is secured during the screening process.)

The value of this operational and informational analysis can be best illustrated when related to the vantage points of those involved in case screening, beginning with the chief prosecutor,

SCREENING FROM THE VANTAGE POINT OF THE
CHIEF PROSECUTOR

Especially in the large, urban agency, where there may be scores of assistant prosecutors, the chief prosecutor is faced with the problem of assuring that the discretionary authority exercised at the screening stage reflects the implementation of his discretion, not that of his screening assistants, who, if left on their own, might well reach markedly differing screening decisions when evaluating similar cases. This is particularly likely to occur when the least experienced prosecutors are assigned such responsibilities.

To maximize the chances that the screening process both bears his imprint and embodies consistent, evenhanded charging decisions, the chief prosecutor must inevitably establish screening policy or guidelines. Obviously, they must be framed through knowledge of what actually occurs--and does not occur-- during the screening process. (This may or may not coincide with what he thinks is practiced.) The detailed operational analysis alluded to in the previous section almost always reveals unsound practices that have crept into use. Corrective guidelines can be incorporated into the chief prosecutor's screening policy.

Ideally, this policy is written and communicated to assistants through an effective directives system. Such a system may take the form of a screening and charging manual that is specific, easily accessible, and

updated as required. The raw material for such a manual is another valuable byproduct of operational analysis, which might have revealed routine prosecution of intra-family altercations, for example, or of first-offender marijuana users. Because of the volume of other cases that are considered more serious, the chief prosecutor may desire to allocate his prosecutive manpower accordingly. To further this, he might direct screening assistants--through a directives system--to prosecute intra-family altercation cases only if the assault meets certain defined criteria in terms of severity. Or he may exercise his discretionary authority by instructing screening prosecutors not to prosecute marijuana suspects if they are first offenders who only possessed a quantity within a defined minimum. Diversion options and the related administrative procedures also could be explained in the manual.

In addition to serving as a vehicle guiding subordinates in the even-handed exercise of the chief prosecutor's discretion, a manual of screening guidelines is an invaluable training aid for less experienced personnel assigned to screening responsibilities. Especially in offices where turnover is a factor, such a training device saves time for all concerned: screening prosecutors can find answers to basic questions quickly, and the more experienced personnel are freed from providing numerous explanations.

Development of policy guidelines and their effective communication through a charging manual are not enough, however. The chief prosecutor must also provide a means for holding subordinates accountable for the execution of formulated policy. The importance of accountability is frequently highlighted by the operational analysis alluded to previously,

when what the chief prosecutor believed to be policy is revealed as honored primarily in its breach. Accountability results if the visibility of screening decisions is raised to the point where they can be monitored, as when each screening prosecutor is required to record the reasons why he or she refused to prosecute or decided to change the original police charge.¹⁰

The recording of these reasons should be streamlined to accommodate busy schedules of screening assistants. And, of course, the information must be easily retrievable for analysis by the chief prosecutor, who may then monitor any given subordinate's adherence to guidelines as well as evaluate office performance generally. If, for example, police charges in marijuana cases are consistently rejected by a screening assistant and the reason indicated is "offense of trivial or insignificant nature," this could trigger the chief prosecutor to check other recorded details of the charges (amount of marijuana involved, criminal record of suspect, etc.) to determine if the screening decisions were in conformance with his charging policy.

Or reason information may indicate that charges had to be rejected because of an unlawful search and seizure or an inadmissible confession. In addition to avoiding expenditure of court resources on cases that would be thrown out by a judge eventually, screening out suspects subjected to due-process violations is, of course, wholly consistent with the prosecutor's duty "to seek justice, not merely convict."¹¹ As the commentary to prosecutory criminal justice standards of the American Bar Association notes, there is the "obligation to protect the innocent as well as to

convict the guilty, to guard the rights of the accused as well as to enforce the rights of the public."¹² And when reason data highlight that violations of due process are caused by police mistakes, this alerts chief prosecutors to the possibility that they should provide intensified legal advice to police agencies.¹³

In addition to underscoring the usefulness of recording the reasons associated with certain screening decisions, an analysis of prosecutive informational needs spotlights the utility of overall statistics concerning the number and percentage of felonies and misdemeanors considered, charged, and rejected. An abnormal decline or increase in the rejection rate, for example, might signify that screening assistants are departing from established policy and procedure. Likewise, the effectiveness of policy changes can be evaluated through such statistics.

THE CHARGING DECISION FROM THE PERSPECTIVE OF THE SCREENING PROSECUTOR

As described earlier, an informational analysis conducted in preparation for an automated information system pertains to (1) the type of data needed for screening and down-the-line decisions, (2) the source of the information, and (3) the means by which to record it so that the time of screening assistants is conserved and all the data is preserved in a clear, logical, consistent manner for those prosecutors who may handle the case after the screening stage.

Such an analysis reveals an impressive array of useful data potentially and ideally "capturable" at the screening stage. The arresting officer can supply information regarding the chain of evidence, search

and seizure, probable cause, the gravity of the offense, witnesses, on-the-scene evaluation of the facts, and other factors relevant to the prosecutive merit of the case. He has also had the opportunity to learn something of the background of the accused, including his or her criminal history.

The witness/victim is, of course, another essential source of information to the screening assistant. In recounting the facts surrounding a case, a witness/victim permits the screening prosecutor not only to benefit from a first-hand description but also to judge the credibility, reliability, and cooperativeness of the witness.

By the time the screening process is completed, scores of individual items of information will have been recorded--aliases of the accused, phone numbers of witnesses, badge number of the arresting officer, name of the screening assistant, etc. To assure that something other than confusion results, well-designed forms on which to record screening data are absolutely essential and require considerable advance planning. Forms permit the screening prosecutor to record information in a minimum of time, serve as data input documents for the automated information system, assure that any given item of information is recorded in the same place and with standard terms so that prosecutors handling the case after screening know where to look for the item and do not have to interpret the jargon or abbreviations of the various screening assistants.

To facilitate achieving these goals, forms must leave no doubt about the type of information required and where and in what sequence it is to be noted. Without this self-instructional quality, forms will succeed

only in raising questions about how they should be filled out, which delays screening and wastes the time of those who must answer the queries.

Though not the most popular task, use of forms virtually forces the uniform application of policy criteria to each case. Forms necessarily limit the type and range of information on which to base screening decisions. This promotes evenhanded, consistent screening decisions, which can be monitored and evaluated inasmuch as their visibility has been raised since the information has been recorded and preserved--both by the forms and the computer system for which the forms serve as input documents.

ACHIEVING SCREENING OBJECTIVES WITH PROMIS: A CASE STUDY

Highlights of PROMIS-based screening procedures utilized by the prosecutor's office in Washington, D.C., illustrate that computer-based information systems can achieve the foregoing benefits and objectives under real-life conditions.¹⁴

Alluding to the necessary operational and information analysis preceding implementation of PROMIS, a Washington prosecutor commented, "In order to develop a computer-based information system to assist us in handling our massive caseload, we first had to take a good hard look at existing procedures. We had to make sure we understood the purpose of each step along the way. What did it accomplish? Was it really necessary? We were forced to describe the policies and procedures...in a level of detail never before attempted. Only once this process of self-analysis was completed could we determine what components had to be included in the PROMIS system."

As an outgrowth of this initial spadework, the staff was able "to see problems and weak spots that needed solutions." With regard to prosecutive discretion, "which PROMIS helps us measure, we needed to articulate our guidelines and policies. So we developed an intake and screening manual, further guaranteeing evenhanded justice by insuring consistent and uniform charging policies."

A training aid and reference guide, the manual seeks to structure procedures and decisions of assistants in a manner conforming to established policy and priorities. Screening procedures and forms are described in detail, along with the organization of the office and the legal aspects of charging. Emphasis is placed on the value of complete, accurate, and legible entries on forms and case jackets so that other assistants handling a given case at arraignment, preliminary hearing, presentment, and trial can quickly refer to and evaluate the facts recorded during screening, the first step in case development.

Operating within overall policy guidelines, a screening assistant begins evaluating a case by reviewing its details with the arresting officer, who provides a Police Prosecution Report and a photocopy of the Police Department's rap sheet, containing prior criminal history data about the accused. This occurs at a central location, usually on the afternoon of, or morning after, the arrest.

The Police Prosecution Report contains a unique, sequentially assigned identification number based on the suspect's fingerprints. This is provided by the Police Department's Central Identification Bureau, which also confirms whether the name given to the arresting officer by the accused is his true name.

The accused's true name and unique identification number are key items of information entered in PROMIS and enable the arresting officer, before his meeting with the screening prosecutor, to receive additional information about the suspect. Entering the accused's identification number or name into PROMIS through a keyboard of a remote on-line terminal located in the screening area, the arresting officer can query PROMIS about pending cases against the arrestee. Has an information been filed? Is there a case pending before the grand jury? Is he awaiting sentence? Has he failed to appear in court? Has a bench warrant been issued against him? Is he on pretrial release? The answers are immediately displayed on the terminal's television-like screen and can be generated as printouts.¹⁵ These data bear directly on the prosecutor's charging decision and on his recommendations concerning bail and diversion.

The on-line information--combined with the Police Prosecution Report's summary of the suspect's previous criminal record--identifies cases involving recidivists, who often are court-wise and know how "to play the system." Thanks to another piece of Police Prosecution Report information entered into the PROMIS data bank--the Police Department's complaint number assigned to the criminal incident--the full history of court actions arising from a crime can be followed, even though those actions may involve multiple defendants, multiple cases, changed case numbers, and multiple trials and dispositions.¹⁶

Among the other data recorded on the Police Prosecution Report,¹⁷ much of which is entered in PROMIS, are items relating to codefendants, stolen property, evidence, location of offense and arrest, identity of

arresting officer and screening prosecutor, a statement by the arresting officer of the facts surrounding the crime and arrest, and the police charge. Space is also available for witness information (name, address, age, phone). The docket number, status, and next trial date of the case are also displayed.¹⁸

With the cooperation of the arresting officer, the screening assistant completes a Crime Analysis Worksheet, which provides the basic input to the PROMIS data base. The questions on this form are designed to determine the seriousness or gravity of the alleged crime and of the accused's criminal history in order to establish priorities for processing cases for which charges are filed.¹⁹ The form also documents facts about victim-witness-accused relationships, and victim/witness credibility and cooperativeness, which can be determined by interviews with witnesses present and with the arresting officer. As with the other forms used during screening, the worksheet is self-instructional and designed for efficient completion.

Also prepared during screening is a Processing and Trial Preparation Worksheet,²⁰ a copy of which serves as an input document for PROMIS.

Among the data recorded on this form are the following:

1. Witnesses are listed in the order they would be called at trial. The classification of each witness is also noted: expert witness (chemist, handwriting authority, etc.), essential witness, eyewitness, and so forth. Remarks and information obtained from witnesses are also noted on the form.

2. An indication is made that a PROMIS check has been completed, which means that NCIC (National Criminal Information Center), PROMIS, and

the local police information system have been checked for prior information on the defendant. This is usually done before the screening assistant meets with the arresting officer and witnesses.

3. A notation is recorded if the accused is on probation or parole. If there is the intention to request the court to revoke parole/probation, this is also noted.

4. A recommendation for enrolling the defendant in a diversion program may also be recorded on this form.

A key portion of the form is reserved for noting the complaint number; police charge; the screening assistant's modification of, or addition to, those charges; and concise reasons for rejecting a case or any given charge. In all, there are 58 reasons for rejecting a charge or a case; for example, reasons relating to evidence, witnesses, prosecutive merit, due process, jurisdiction, etc.

Because these data are entered in the computer-based information system, PROMIS can reveal the relationship between each police charge and those actually filed. For example, PROMIS could indicate that a felonious assault was changed by the prosecutor to a misdemeanor assault and a misdemeanor charge of carrying a deadly weapon. Additionally, PROMIS could provide statistics on the reasons why a screening assistant decided to modify police charges or decline prosecution altogether.

As noted earlier, access to such information by the chief prosecutor enables him to monitor and enforce his overall charging policy. Also, reason data permits the chief prosecutor to answer questions about office performance. If, for example, queries arise regarding why more prosecutions of a certain crime are not pursued, the reason data contained in

PROMIS might indicate that, despite the high priority given such crimes, witness problems or faulty police procedures frequently force his office to reject charges.

And, thanks to the data collected during screening and subsequently entered in PROMIS, overall statistics can be generated indicating how many of the total number of misdemeanors and felonies considered were rejected or prosecuted during any given period. By receiving such information from PROMIS (see following page, the illustrative monthly statistical report), the chief prosecutor can assess the impact of his charging policy. He can evaluate how changes in that policy affect the charge rejection rate, etc. And he can be alert to marked changes in the rejection rate, despite unchanged policy--possibly indicative of a breakdown in adherence to guidelines by subordinates.

If charges are filed, a Police Intake Worksheet²¹ is completed during screening. The form is designed to provide police officers with instructions relating to subsequent action at preliminary hearings, grand jury presentments, and misdemeanor trials. These instructions pertain to the responsibility of police to assure witness attendance at line-ups and presentments, to conduct additional investigation, and to obtain various reports (chemist, fingerprint, etc.), photographs, and documents.

Official copies of foregoing forms--Police Prosecution Report, Crime Analysis Worksheet, Processing and Trial Preparation Worksheet, and Police Intake Worksheet--are filed within a case jacket, whose front and back covers are designed as a form on which to record the action taken, and reasons therefor, at each stage of court proceedings, from arraignment

through sentencing.²² So the jacket serves as vehicle not only in which to file, maintain, and transmit key forms, but also on which to record certain information about the case itself.

ILLUSTRATIVE PROMIS SCREENING STATISTICS

	<u>Total</u>	<u>Percent</u>
A. Total Cases Considered	1,113	100.0
(1) Misdemeanors Considered	492	44.2
(2) Misdemeanors Charged	382	77.6
(3) Misdemeanors Rejected	103	20.9
(4) Raised to a Felony	7	01.4
(5) Felonies Considered	621	55.7
(6) Felonies Charged	425	68.4
(7) Felonies Rejected	120	19.3
(8) Felonies Reduced to Misdemeanor	76	12.2
B. Total Rejections	223	20.0
C. Total Cases for Prosecution	890	79.9
D. Total Misdemeanors Charged	458	51.4
E. Total Felonies Charged	432	48.5

Once the screening assistant completes the various forms and arrives at his charging recommendations, a reviewing attorney, who is an experienced prosecutor, double checks all paperwork for completeness and accuracy and examines the charging decisions. This helps ensure that the decision to charge or not to charge is consistent with office policy. When the reviewing assistant completes his analysis, he prepares a felony complaint, misdemeanor information, or a case rejection slip and files it with the court, whereupon a court case (docket) number is assigned. The arresting officer is then free to leave, and the case jacket--containing all the forms--is forwarded to the arraignment courtroom.

Major reliance on forms throughout the screening process does not generate paperwork for paperwork's sake. It grew out of a careful evaluation of office data needs and of how PROMIS could best serve the administration of justice. This led to the realization that fully 80 percent of the required information--some 130 data elements--for a case could be captured for PROMIS at the screening stage. The most efficient way to gather PROMIS data--as well as other information needed for screening and case development--was to utilize well-designed forms with sufficient copies to serve as PROMIS input documents, case jacket enclosures, etc. In the words of one Washington prosecutor, "...every line on every form has a purpose and a reason," not the least of which is to promote evenhanded, consistent screening decisions.

In terms of case development, forms compel screening assistants to try to obtain all relevant information, to record it accurately in a standardized fashion, and to enter it at the same location. The time saved and errors prevented by colleagues who must subsequently rely on the information developed by the screening assistant far outweigh initial paperwork chores, on which so much depends.

Because forms have standardized and structured the acquisition of screening data, some aspects of this task now lend themselves to paralegals, who free attorneys for other responsibilities.²³

Because of its versatile data base, PROMIS generates valuable research opportunities relevant to case screening.²⁴ One such study disclosed that, of 10,000 cases considered for prosecution, approximately 20-25 percent of police arrest charges were totally rejected by the prosecutor and another 25 percent of considered charges were modified during

screening. In about 25 percent of the totally rejected cases, reason data revealed that an essential element of the crime was missing, possibly indicative of imperfect police procedures. The study further disclosed that a substantial percentage of cases were rejected because the complaining witness refused to testify. Rejection of such cases at an early stage, therefore, undoubtedly had conserved precious judicial and prosecutive resources that otherwise would have been expended on cases ultimately dismissed. (In terms of court appearances that police officers do not have to make as the result of cases being rejected during screening, a police study suggests that the value of time saved amounts to several hundred thousand dollars annually.)

IN CONCLUSION

PROMIS and its associated procedures and forms enable prosecutors to acquire and process an ingredient essential to the screening success of any prosecutorial agency: facts. And PROMIS helps assure that these facts are obtained in a consistently comprehensive and uniform manner, recorded accurately and clearly, retrieved easily, and applied evenhandedly within the context of an overall and effectively monitored screening policy.

Footnotes

1. National Advisory Commission on Criminal Justice Standards and Goals, Criminal Justice System (Washington: Government Printing Office, 1973), p.2.
2. National Advisory Commission on Criminal Justice Standards and Goals, Courts (Washington: Government Printing Office, 1973), p.18.
3. Chamber of Commerce of the United States, Marshaling Citizen Power Against Crime (Washington: 1970), p.46.
4. Richard Kleindienst, "Is Crime Being Encouraged?" (A speech delivered before the National District Attorneys Association, March 7, 1973), p.1. On occasion, the media have severely criticized screening procedures; one newspaper series was "on the breakdown in criminal justice--the jailing of the innocent, freeing of the guilty." See also Howard James, Crisis in the Courts (New York: David McKay Co., Inc., 1972)
5. Kenneth Culp Davis, Discretionary Justice: A Preliminary Inquiry (Chicago: University of Illinois Press, 1973), p.188.
6. Ibid., p.228.
7. National Advisory Commission, Courts, op. cit., p.3.
8. Ibid., pp.24-26.
9. American Bar Association Project on Standards for Criminal Justice, The Prosecution Function and the Defense Function (Chicago: American Bar Association, 1971), p.84. See pp.64-65 regarding a prosecutor's handbook and policy guidelines and procedures. Briefing No. 11, Uniform Crime Charging Manual, discusses the Manual's relationship to PROMIS.
10. Briefing No. 8, Reasons for Discretionary and Other Actions, explores in greater detail the value and use of reason data and how its acquisition is integral to PROMIS.
11. American Bar Association, Prosecution and Defense Functions, p.43.
12. Ibid., p.44.
13. For criminal justice standards pertaining to such advice see National Advisory Commission, Courts, P.247 and American Bar Association, Prosecution and Defense Functions, p.67.

14. In the District of Columbia, the U.S. Attorney serves as the local prosecutor. About 75 lawyers are assigned to the D.C. Superior Court (equivalent to a state court of general jurisdiction), where prosecution of local "street crime" cases is conducted. About 16,000 such crimes are considered for prosecution annually.
15. The PROMIS transfer package, available to state and local prosecution agencies from the U.S. Law Enforcement Assistance Administration, is a batch input and output system written in ANSI/COBOL (American National Standards Institute, Common Business Oriented Language). Because telecommunications languages necessary for implementing on-line queries and input vary by computer hardware and manufacturer and installation, the existing on-line inquiry programs are not included in the standard transfer package. By October 1975, however, the Institute for Law and Social Research will have supplemented the transfer package with detailed specifications for the on-line inquiries--specifications which can be quickly implemented in any of a wide variety of telecommunications languages. Briefing No. 21, Optional On-Line Inquiry Capability, explores this in more detail.
16. Briefing No. 9, Counting by Crime, Case and Defendant, discusses the importance and use of the criminal event number and related identifiers in more detail.
17. Briefing No. 12, Police Prosecution Report, contains an illustration of this form and more fully describes the data to be recorded on it.
18. Felony trial assistants also utilize the on-line terminals. For example, when engaged in plea negotiations with defense counsel, prosecutors can obtain immediate information about other pending cases against the defendant.
19. See Briefing No. 3, Uniform Case Evaluation and Rating. And for a full explanation of the Crime Analysis Worksheet, see Briefing No. 13.
20. A sample of this form and a fuller explanation of the data recorded on it are contained in Briefing No. 14, Transferability.
21. Briefing No. 15, Police Intake Worksheet, contains an illustration of this form and more fully describes the data to be recorded on it.
22. Front and back covers of the case jacket are illustrated in Briefing No. 16, Standardized Case Jacket, along with a description of the data contained thereon.
23. See Briefing No. 6, Paralegals.
24. Briefing No. 10, Research Uses of PROMIS Data, expands on PROMIS-related research.

6. PRETRIAL RELEASE PROGRAM

Abstract

Element:	Pretrial Release Program
Definition:	Release of a defendant on his/her own recognizance in place of bail or detention as a result of the defendant receiving an acceptable score on an objective rating scheme designed to measure risk of defendant flight.
Primary Objectives:	Eliminates the economic prejudice against the poor inherent in the bail system. Allows defendants to continue jobs, remain with families, etc. Drastically reduces costs of jailing defendants awaiting trial.
Lead Agencies:	Court and/or Probation
Other Agencies Involved:	Prosecutor Corrections
Cost Areas:	Development of criteria, forms, etc. Personnel to administer rating mechanism to arrestees. Verification of arrestee's information.
Resource People/Projects/Agencies:	Vera Institute of Justice Pretrial Services Agency New York, N.Y. Santa Clara County (California) Criminal Justice Pilot Program Clark County (Las Vegas, Nevada) Pre-Trial Release Program Chicago (Illinois) Municipal Court Grand Rapids (Michigan) District Court Release on Recognizance Program

Pretrial Release in Practice

If the hypothesis is plausible that certain minor offenders can be released at the scene of the offense through the citation process, and the fact can be accepted that detention is not necessary to ensure the appearance in court of every defendant, then the logical extension of citation and summons systems is the Pretrial Release Program. The first major experiment in this area was the Manhattan Bail Project, based on the premise that courts may be willing to grant a defendant release on recognizance--release on one's word pending trial--instead of setting bail if they have verified information about a defendant's reliability and roots in the community. In the past, courts rarely had access to this information.

The program was initiated in 1961 by the Vera Institute of Justice in conjunction with the New York University School of Law and the Institute of Judicial Administration. It involves the use of an objective screening mechanism, which could be administered and later verified by paralegals or part-time law students, to identify quickly those offenders who can be recommended for release on their own recognizance or lower bail with a minimum "no-show" risk. In the original project, criminal defendants with sufficient roots in the community, evaluated in terms of family, residence, and job ties, were released by the courts solely on their written promise to appear at trial. No money bail was required as a condition of release for those who met the bail project criteria.

The fact that objective criteria are used in evaluating pretrial release candidates should be emphasized. As a bail report written in 1964 stated:

The emphasis in all projects is on identifying the good risks; none undertakes to release defendants indiscriminately. The sorting of the good from the bad enables the system to pay closer attention to the handling of the accused whose release poses problems of flight or crime.*

After thorough evaluation, the experiment confirmed the theory that money bail is not essential to ensure a defendant's appearance in court if sufficient community ties are present. Defendants released on their own recognizance after screening appeared in court as reliably as those released on bond.

The pretrial release program has as its goal the maximum safe reduction of the number of offenders awaiting trial in jail. It should be noted, however, that not all defendants are eligible for the program; defendants in certain categories of crime are automatically ineligible. In the original Manhattan project, for example, homicide, narcotics offenses, and certain sex crimes were excluded due to the special problems they presented. As with the programs discussed earlier, it is left to the individual jurisdiction to decide which categories of crimes will be included.

The underlying rationale for pretrial release lies in its fairness to indigent defendants: because of the economic prejudice defined by the bail system, a defendant should not be denied release for

* Daniel J. Freed and Patricia M. Wald, Bail in the United States, A Report to the National Conference on Bail and Criminal Justice, 1964, p. 57.

reasons no greater than his inability to pay. However, there is a tremendous burden removed from the correctional system through pretrial release. Great numbers of people who had to be housed, fed, clothed and attended to while awaiting trial need no longer be a financial burden to the public.

The value of pretrial release to the Improved Lower Court Case Handling Program goes farther, however. The information collected as part of the screening process forms the basis of an information system that can drastically reduce manpower and expense. This is because most of the information gathered and verified, relating to family, residence, employment, etc., is collected at least twice again for presentence reports and probation reports, should the case remain in the system through those stages. Incredibly, the standard practice in most jurisdictions is to reinvestigate and reverify that data at each successive stage--sometimes even when the same department is conducting those reviews.

The Improved Lower Court Case Handling Program, in its efforts to encourage interagency cooperation and problem-solving, encourages information sharing among the probation-related functions of this program: pretrial release, short form presentence reports, and selected offender probation. Furthermore, in certain instances, it may be possible to gather information through PROMIS and case screening in developing pretrial release data. The cost savings to all agencies through eliminating duplicated efforts could be enormous.

Each jurisdiction should approach pretrial release and its link-up to other elements in its own way. Modifications of the original

Manhattan Bail Project have already occurred in a number of cities.

The following item describes several adaptations of the original Vera Institute program around the country. A chapter from Bail in the United States by Daniel J. Freed and Patricia M. Wald, it was part of a report to the National Conference on Bail and Criminal Justice. In addition, Appendix D contains a sample of the criteria and rating forms used in one specific adaptation of this program.

Alternatives To The Bail System*

Bail, devised as a system to enable the release of accused persons pending trial, has to a large extent developed into a system to detain them. The basic defect in the system is its lack of facts. Unless the committing magistrate has information shedding light on the questions of the accused's likelihood to return for trial, the amount of bail he sets bears only a chance relation to the sole lawful purpose for setting it at all. So it is that virtually every experiment and every proposal for improving the bail system in the United States has sought to tailor the bail decision to information bearing on that central question. For many, release on their personal promise to return will suffice. For others, the word of a personal surety, the supervision of a probation officer or the threat of loss of money or property may be necessary. For some, determined to flee, no control at all may prove adequate.

Recognizing the unfairness and waste entailed by needless detention, a number of authorities have already taken steps to restore to bail its historical mission. Attorney General Robert F. Kennedy, on March 11, 1963, issued instructions to all United States Attorneys "to take the initiative in recommending the release of defendants on their own recognition when they are satisfied that there is no substantial risk of the defendants' failure to appear at the specified time and place." The Advisory Committee on Criminal Rules has recommended that Rule 46, governing "Bail" in federal courts, be replaced by a rule entitled "Release on Bail", specifying that among the facts to be considered in determining

*Taken from Daniel J. Freed and Patricia M. Wald, Bail in the United States, A Report to the National Conference on Bail and Criminal Justice, pp. 55-66, 1964 (Footnotes have been omitted from this transcription.)

the terms of bail shall be "the policy against unnecessary detention of defendants pending trial." Programs to secure the same objective are now under way in state or federal courts in New York, Washington, Detroit, Des Moines, St. Louis, San Francisco, Los Angeles, Chicago, Tulsa and Nassau County, New York. Reported to be in the planning stage are projects in Seattle, Syracuse, Reading, Akron, Cleveland, Atlanta, Boston, Milwaukee, Newark, Iowa City, Oakland, New Haven, Philadelphia and Syracuse, as well as the states of New Jersey and Massachusetts. The emphasis in all projects is on identifying the good risks; none undertakes to release defendants indiscriminately. The sorting of the good from the bad enables the system to pay closer attention to the handling of the accused whose release poses problems of flight or crime.

This chapter describes a variety of experiments and proposals to improve the bail system, or to substitute alternatives which will diminish its accent on money.

A. IMPROVED FACT-FINDING MECHANISMS

To set bail on the basis of the criteria laid down in appellate decisions, statutes and rules, a judge or magistrate needs to have verified information about the defendant's family, employment, residence, finances, character and background. If the defendant is promptly arraigned the interval between arrest and the initial bail decision will be too short to permit elaborate investigation into these questions. But several jurisdictions have already found that a simple and speedy procedure can be devised to produce all the facts that are needed.

1. Variations

Limitations of space preclude an account of the many methods employed or proposed to gather pertinent facts about the background of each accused. Suffice it to say that, taken together, the fact-finders who are already at work or in the planning stage cover a wide range. As of May 1964 they included:

- (1) law students (Manhattan Bail Project, D.C. Bail Project, Des Moines Pre-trial Release Program);
- (2) probation officers (St. Louis, United States District Court for the Northern District of California, Oakland, Nassau County, Baltimore, Boston, New York City);
- (3) prosecuting attorneys (United States District Court for the Eastern District of Michigan, Seattle);
- (4) defense counsel (Tulsa);
- (5) public defenders (Chicago, Philadelphia);
- (6) court staff investigators (Los Angeles); and
- (7) police (New York City Bar Association proposal).

Set out below, as a model, is a brief description of the Manhattan Bail Project, whose enterprising methodology created the current interest in bail fact-finding projects throughout the country.

2. Manhattan Bail Project

In the fall of 1961, the Vera Foundation's Manhattan Bail Project pioneered the fact-finding process in New York City by launching a program in the Felony Part of Magistrates Court (now Criminal Court). Assisted by a \$115,000 grant from Ford Foundation and staffed by New York University Law students under the supervision of a Vera Foundation director, the project interviews approximately 30 newly arrested felony

defendants in the detention pens each morning prior to arraignment. The interviews are conducted in a cell set aside by the Department of Correction, and consume about 10 minutes. The accuseds for the most part are indigents who will be represented by assigned counsel. Although the project excluded a variety of serious offenses at the outset, only homicide and some narcotics and sex charges are now excluded.

In evaluating whether the defendant is a good parole risk, four key factors are considered: (1) residential stability; (2) employment history; (3) family contacts in New York City; and (4) prior criminal record. Each factor is weighted in points. If the defendant scores sufficient points, and can provide an address at which he can be reached, verification will be attempted. Investigation is confined to references cited in the defendant's signed statement of consent. Verification is generally completed within an hour, obtained either by telephone or from family or friends in the courtroom; occasionally a student is dispatched into the field to track down a reference. The Vera Foundation staff then reviews the case and decides whether to recommend parole. The following factors are weighed:

EMPLOYMENT

Was defendant working at time of arrest?

How long has he had this job or any other job?

Was he in a position of responsibility?

How does his employer feel about his reliability?

Will his job remain open if he is quickly released?

FAMILY

Does accused live with his family?

Does he support wife, children, parents, or others?

Are there any special circumstances in family such as pregnancy or severe illness?

Does there appear to be a close relationship between accused and his family?

RESIDENCE

How long has defendant resided in the United States if he is foreign born?

How long has he lived in New York City or its environs?

How long has he lived at his present address and prior residences?

REFERENCES

Will someone vouch for accused's reliability (e.g., his clergyman, employer, probation or parole officer, doctor)?

Will someone agree to see that he gets to court at the proper time?

CURRENT CHARGE

What is the possible penalty if defendant is convicted?

Are there mitigating factors that are relevant to parole?

For example, if the charge is felonious assault, has the victim been only slightly injured? In husband-wife assault cases, will the wife permit her husband to return home?

PREVIOUS RECORD

Is the defendant a first offender?

If not, when was he last convicted?

Of what types of crimes has he been convicted?

OTHER FACTORS

Is defendant a recipient of unemployment insurance or other government checks that tie him to a particular locality?

Is he under medical care which ties him to a hospital or doctor?

Has he previously been released on parole or bail and, if so, has he appeared on time?

For each defendant determined by the project to be a good parole risk, a summary of the information is sent to the arraignment court, and copies of the recommendation and supporting data are given to the magistrate, the assistant district attorney and defense counsel. Counsel reads the recommendation into the record.

Since notification is so essential to a successful parole operation, Vera sends a letter to each parolee telling him when and where to appear in court. If he is illiterate, he is telephoned; if he cannot speak or understand English well, he will receive a telephone call or letter in his native tongue. Notification is also sent to any reference who has agreed to help the defendant get to court. The parolee is asked to visit the Vera office in the courthouse on the morning his appearance is due. If he fails to show in court, Vera personnel attempt to locate him; if his absence was for a good cause, they seek to have parole reinstated.

B. RELEASE ON RECOGNIZANCE

Once the facts about the accused's community roots are known, the court is in a position to individualize the bail decision. Increasing attention has been given in recent years to opportunities for the widespread release of defendants on their own recognizance (r.o.r.), i.e., their promise to appear without any further security. A great many state and federal courts have long employed this device to allow pre-trial freedom for defendants whom the court or prosecutor personally know to

be reliable or "prominent" citizens. But the past three years have seen the practice extended to many defendants who cannot raise bail. The Manhattan Bail Project and its progeny have demonstrated that a defendant with roots in the community is not likely to flee, irrespective of his lack of prominence or ability to pay a bondsman. To date, these projects have produced remarkable results, with vast numbers of releases, few defaulters and scarcely any commissions of crime by parolees in the interim between release and trial.

Such projects serve two purposes: (1) they free numerous defendants who would otherwise be jailed for the entire period between arraignment and trial, and (2) they provide comprehensive statistical data, never before obtainable, on such vital questions as what criteria are meaningful in deciding to release a defendant, how many defendants paroled on particular criteria will show up for trial, and how much better are a defendant's chances for acquittal or a suspended sentence if he is paroled.

1. New York

The results of the Vera Foundation's operation show that from October 16, 1961, through April 8, 1964, out of 13,000 total defendants, 3,000 fell into the excluded offense category, 10,000 were interviewed, 4,000 were recommended and 2,195 were paroled. Only 15 of these failed to show up in court, a default rate of less than 7/10 of 1%. Over the years, Vera's recommendation policy has become increasingly liberal. In the beginning, it urged release for only 28% of defendants interviewed; that figure has gradually increased to 65%. At the same time, the rate of judicial acceptance of recommendations has risen from 55% to 70%. Significantly, the District Attorney's office, which originally concurred

in only about half of Vera's recommendations, today agrees with almost 80%. Since October 1963, an average of 65 defendants per week have been granted parole on Vera's recommendation.

In order to study the influence of its own recommendations, Vera initiated the project with the use of an experimental control procedure. Out of all defendants believed by the project to be qualified for release, half were in fact recommended to the court, while the other half were placed in a control group, and their recommendations withheld. In the project's first year, 59% of its parole recommendations were followed by the court, compared to only 16% paroled in the control group. In short, recommendations based on facts nearly quadrupled the rate of releases.

The subsequent case histories of defendants in both groups were thereafter analyzed. They showed that 60% of the recommended parolees had either been acquitted or had their cases dismissed, compared with only 23% of the control group. Moreover, of the 40% who were found guilty out of the parole group, only one out of six was sentenced to prison. In contrast, 96% of those convicted in the control group were sentenced to serve a jail term.

With Vera's assistance a demonstration release program was also carried on in New York City in the Women's House of Detention. Interviews were conducted with women detainees who had not posted bail. In approximately one-fourth of the cases, recommendations to reopen the bail decision and grant parole were made. The response of the court was favorable and the experiment resulted in decreasing the detention population of that overcrowded facility, in a six month period, from 327 to 164.

The interest and confidence generated by the Manhattan Bail Project led Mayor Wagner to announce in 1963 that New York City would take over and run bail fact-finding services on an extended scale through its Office of Probation. In January 1964, the New York City Board of Estimate allocated \$181,600 for the operation of these services in the five boroughs. And the 1963 Report of the New York Assembly Judiciary Committee advocated an extension of Vera-type operations into other counties of the state. The same report also proposed a statute to require every arraigning judge, in court or through probation officers, to ascertain prior to bail-setting all data pertinent to the defendant's likelihood to return for trial. In order to encourage such inquiries the statute would provide that, absent waiver by the defendant, the failure of the judge to ascertain these facts would result in automatic parole.

2. Washington

The impact of the Manhattan Bail Project has been felt far beyond New York City. On the basis of a survey conducted by the Junior Bar and a Committee of the Judicial Conference of the District of Columbia Circuit, the Conference voted overwhelmingly in May 1963 to recommend that a recognizance pilot project be conducted in the federal district court. Financed by the Ford Foundation, the project began operation on January 20, 1964. It covers only felony cases and no offenses are excluded from consideration.

The D.C. Bail Project operates somewhat differently from its predecessor in Manhattan. The interview and verification process begins immediately after the defendant makes his initial appearance before the U.S. Commissioner or is bound over to the Grand Jury by other committing

magistrates. Recommendations for release, where deemed appropriate, are made by the staff and communicated through retained or assigned counsel to the United States District Judge sitting in "bail reevaluation".

In its first 3 1/2 months of operation, the project recommended release in 94 out of 367 cases. In 54 cases the defendant was released on his own recognizance, 10 bonds were lowered and 30 motions were denied. In several cases, defendants charged with homicide or murder have been released as the result of project recommendations. To date no released defendant has failed to appear. Prior to the project's inception, virtually no defendants were ever granted r.o.r.

3. Des Moines

On February 3, 1964, a year-long pretrial release project began operations in Des Moines, Iowa. Drake University law students interview defendants prior to arraignment, investigate and verify the information thus obtained, and recommend release without bail where the defendant has roots in the community. The advisory committee which serves as the project's board consists of representatives of the city and county attorney's offices, the city police department, the sheriff's office and the Municipal and District Court, as well as the law school faculty, the bar association and the Hawley Welfare Foundation, which sponsors the program. The staff follows up each release by notifying defendants when they are due to appear in court. In its first three months the project made 180 recommendations for release, and 178 were granted. The project covers all offenses except capital cases, forcible rape, heavy narcotics and sex offenses against children. Unlike New York and the federal courts, Iowa has no bail-jumping statute. Yet 121 voluntary appearances have

been made by parolees to date and only three defendants have failed to appear. Two of these, involved in traffic cases, showed up voluntarily one day late. The third was arrested on a forgery charge. During the week of May 4, the amount of bonds which otherwise would have been required of defendants given r.o.r. totalled \$11,200.

4. St. Louis

In February 1963 the Circuit Court for Criminal Causes in St. Louis, Missouri adopted a recognizance release program for indigent criminal defendants. Unlike the programs previously described, background investigations and release recommendations in St. Louis are made by the court's Probation Office, which is notified by the Circuit Court Attorney whenever a warrant is issued. Information about the accused is secured by questionnaire and interview, verified by phone and public agencies, and passed on to the court at arraignment. The whole process consumes less than 24 hours. If released, the accused will be supervised during the pre-trial period by a probation officer, who keeps track of him through weekly check-ins and arranges any necessary casework. Prior bail jumpers, recidivists, sex and narcotic cases and offenses involving extreme physical violence have thus far been omitted from the experiment. Of 1469 felonies in the last 10 1/2 months of 1963, 656 were ineligible for release because of prior convictions or the nature of the charge; 330 were released by professional bail bondsmen and 71 were released on probation office recommendations. In the first four months of 1964, 46 out of 400 felony defendants were released without bail, including several involved in robbery, arson and narcotics cases. None failed to appear; three were arrested on car theft or burglary charges. Of 23 cases disposed of so far

this year, 20 defendants were given probation, one was fined, one was sentenced to jail and one juvenile was certified to the juvenile court.

5. Chicago

In March 1963, Chicago's Municipal Court inaugurated a release program through the efforts of its Chief Justice. Only misdemeanors are covered. Public defender staff members interview indigent prisoners in county jail for two hours three days a week, inquiring into the charge, the prisoner's police and employment record, his length of residence in Chicago, family ties and background. Information on employment and family relationships is verified. Recommendations for release are reported to be made for about 50% of those interviewed. Nearly 90% of the recommendations, at the rate of 4 to 8 a day, are accepted by the court. Released defendants are given a card verifying the time, date, and place of their next required appearance. The number who have failed to appear has been termed "negligible."

7. SHORT FORM PRESENTENCE REPORTS

Abstract

Element:	Short Form Presentence Reports
Definition:	A shortened presentence investigation and report eliminating most psychiatric and psychological data and limited to those factors found, through analysis, to be used most often by a jurisdiction's judges in making sentencing decisions.
Primary Objectives:	Provides judges with information they most often use in sentencing. Can be prepared in relatively short period of time. Increased output of reports allows for more knowledgeable sentencing decisions for greater numbers of defendants.
Lead Agencies:	Probation; Court
Other Agency Involved:	Corrections
Cost Areas:	Interviews, analysis, etc. to develop new presentence report. Printing of forms.
Resource People/ Projects/Agencies:	Vera Institute of Justice New York, N.Y. New York State Division of Probation Albany, New York Kalamazoo County (Michigan) District Court

Short Form Presentence Reports in Practice

The ultimate purpose of the short form presentence report is improved service to the court and to the misdemeanor offender. The model for this project is the experiment with short form presentence reports conducted by the Vera Institute of Justice in the Bronx Criminal Court. The Vera project was established to fill the need for a presentence report which (1) would contain information most often used by judges in determining sentences and (2) could be prepared in a relatively short time, as compared to the previous long report.

The impetus for the project was provided by the fact that under New York State law a defendant was eligible for probation or conditional discharge only if a presentence report was prepared. However, due to probation office backlogs in preparing the lengthy psychological-psychiatric reports, the court was able to refer less than 20 percent of the misdemeanor cases to the probation office for such investigations. This automatically eliminated even the possibility of nonprison sentences for over 80 percent of the jurisdiction's misdemeanants.

By shortening the presentence reports used by the court, the opportunity for a nonprison sentence was extended to more defendants. Judges were also able to make more knowledgeable sentencing decisions for a greater number of offenders, and probation office backlogs diminished considerably as a result of the shortened reports.

The short form presentence report is a document which should include information about the defendant's background, character, and habits, and about the offense. It should also contain information about the defendant's family, education, and employment. The report should be prepared by the probation office, and it should be submitted to the court before the defendant is sentenced. The report should be prepared in a relatively short time, as compared to the previous long report.

The purpose of the short form presentence report is to provide the court with information which is useful in determining the sentence. The report should be prepared by the probation office, and it should be submitted to the court before the defendant is sentenced. The report should be prepared in a relatively short time, as compared to the previous long report.

The short form presentence report is a document which should include information about the defendant's background, character, and habits, and about the offense. It should also contain information about the defendant's family, education, and employment. The report should be prepared by the probation office, and it should be submitted to the court before the defendant is sentenced. The report should be prepared in a relatively short time, as compared to the previous long report.

Paul R. Liberman, et al., *The Bronx Sentencing Project*, Vera Institute of Justice, National Conference of Law Enforcement and Criminal Justice, 1972, p. 10.

will also be considered important for sentencing. Therefore, mechanisms devised to assist in information gathering and sharing should be strongly encouraged.

Second, informed sentencing better assures that the full array of programs available to an offender at sentencing are utilized. These include types of supervised release and conditional discharge, and alternatives such as selected offender probation, discussed in the following section. Only with relevant, concise information at hand can the full range of sentencing alternatives be fairly administered.

Finally, through the direct and economical presentation of information resulting from shorter presentence investigations and reports, the work loads of the court and the probation office become more manageable. The brief compilation of pertinent information at which these reports aim is a time and manpower saving innovation for all agencies involved.

The background, methodology, operation and evaluation of this program are excellently explained in a publication entitled The Bronx Sentencing Project of the Vera Institute of Justice by Joel B. Lieberman, S. Andrew Shaffer, and John M. Martin. Published by the National Institute of Law Enforcement and Criminal Justice, this book not only discusses the entire project in detail, but also includes as appendices samples of the short form presentence reports developed for the original project and for New York State. (The State presentence report, taken from that publication, is included as Appendix E to this manual.)

The following excerpt from the President's Commission on Law Enforcement and the Administration of Criminal Justice Task Force Report: Corrections discusses some of the issues involved in presentence investigations generally. The latter part of this article deals with the pressing need for shorter, more relevant presentence reports, as the Improved Lower Court Case Handling Program advocates. The need to eliminate material of doubtful significance, the importance of minimizing subjective inputs, and the concern for manpower savings are all carefully examined.

Presentence Investigation*

At present, the main tool for providing background information for sentencing is the presentence report. This report is prepared in most cases by the probation staff of a court on the basis of investigation and interviews. It seeks to assess the offender's background and present circumstances and to suggest a correctional disposition.

A fully developed presentence investigation usually includes, among other items, an analysis of the offender's motivations, his identification with delinquent values, and his residential, educational, employment, and emotional history. It relates these factors to alternative plans of treatment and explores the resources available to carry out the suggested treatment.

The compilation of the standard presentence report is extremely time-consuming. In addition to the offender himself, numerous persons must be located and interviewed. Records must be secured and verified. The information collected must be discussed and analyzed and recommendations formulated. The Special Committee on Correctional Standards formed to advise the Commission's staff in connection with the National Survey of Corrections concluded that a probation officer could adequately prepare no more than 10 such reports during a month -- and that exclusive of any other duties. In fact, in most cases

* President's Commission on Law Enforcement and the Administration of Criminal Justice, Task Force Report: Corrections, U.S. Government Printing Office, 1967, pp. 18-19.

the staff who carry on presentence investigations are also engaged in supervising probationers. Since presentence investigations usually take precedence, the officer may have so little time left that "supervision" may take the form of receiving monthly reports filed by the probationers.

The high manpower levels required to complete reports have caused some authorities to raise questions as to the need for the kind and quantity of information that is typically gathered and presented. These questions are raised particularly with respect to the misdemeanor system, where millions of cases are disposed of each year and relatively few presentence investigations made.

In order to evaluate the information needed in a presentence report, it is important first to take account of the variety of decisions that depend upon it. Besides helping the judge to decide between probation and prison, it also assists him to fix the length and conditions of probation or the term of imprisonment. Beyond these functions, the report is usually the major information source in all significant decisions that follow--in probation programing or institutional handling, in eventual parole decision and supervision, and in any probation and parole revocation.

Not all of these decisions are involved, of course, in every case. Particularly in many misdemeanor cases, where correctional alternatives are usually limited, less information may suffice. Bail projects have developed reporting forms that can be completed and verified in a matter of a few hours and have proven reliable for decisions on

release pending trial, which often involve considerations similar to those of ultimate disposition. These forms cover such factors as education and employment status, family and situation, and residential stability. In many lesser cases, these and similar easily obtainable facts may help at least to determine whether more detailed investigation or diagnostic processes are needed. Much information of this kind can also be collected by non-professional personnel under the supervision of trained correctional staff. There is also a need for development of information systems that can provide more rapid and reliable access to records.

Experimentation with new and simpler forms of presentence investigation is important for reasons beyond the conservation of scarce resources of probation offices. Presentence reports in many cases have come to include a great deal of material of doubtful relevance to disposition in most cases. The terminology and approach of reports vary widely with the training and outlook of the persons preparing them. The orientation of many probation officers is often reflected in, for example, attempts to provide in all presentence reports comprehensive analyses of offenders, including extensive descriptions of their childhood experiences. In many cases this kind of information is of marginal relevance to the kinds of correctional treatment actually available or called for. Not only is preparation time-consuming, but its inclusion may confuse decision-making.

8. SELECTED OFFENDER PROBATION

Abstract

Element:	Selected Offender Probation
Definition:	Highly supervised probation for certain "saveable" offenders in need of more direct help than either incarceration or unsupervised probation can effectively offer them.
Primary Objectives:	Provides an additional sentencing alternative. Diminishes likelihood of recidivism. Requires low probationer-counselor ratios, intensive counseling, services, etc.
Lead Agency:	Probation
Other Agencies Involved:	Probation counselors (where not volunteers) and support services. Training of counselors. Selection of probationers.
Resource People/Projects/Agencies:	The Volunteer Probation Counselor Program Municipal Court Probation Office Lincoln-Lancaster County, Nebraska City of Kalamazoo (Michigan) Probation Department Pierce County (Tacoma, Washington) District Court Probation Office Grand Rapids (Michigan) District Court Probation Division

Selected Offender Probation in Practice

An underlying theme of the Improved Lower Court Case Handling Program has been better case load management through understanding and utilization of the distinctions between cases. Nowhere does this factor come into play more than at the sentencing stage, and as discussed in the preceding section, a full appreciation of these distinctions requires relevant, usable presentence reports.

But what happens from that point forward? Unless, in sentencing offenders, judges have available to them various grades of sentencing alternatives, previous efforts aimed at understanding offenders and their situations may be wasted. Appropriate programs must exist in order for judges to give meaningful sentences, and Selected Offender Probation is one of these programs.

All too often, in sentencing misdemeanants, the courts are faced with the hard choice between jail or "unsupervised" probation. In dealing with this dilemma, judges are many times forced to impose a probation sentence which allows only limited follow-up. With limited resources, sometimes largely committed to court services, many probation agencies are unable to supervise meaningfully any number of probationers.

This program would, in selected cases, give judges the additional option of imposing highly supervised probation. The main goal of Selected Offender Probation is to identify a middle level of misdemeanor offender and provide a constructive middle level alternative: supervised probation, less harsh than incarceration but more stringent than standard, loose probation. It is necessary, however, that the program

operate on a highly selective basis, or case loads will become excessively high and provide little actual control.

The essence of this program element turns on the careful, close supervision of the selected offender. Imposition of this sentence for offenders not yet in the felony category can only be meaningful if probation departments have the resources to provide such supervision. For that reason, the use of volunteer probation counselors is strongly encouraged.

The success of volunteer probation programs has been documented in numerous instances. One of the more successful of these is the Volunteer Probation Counselor Program operating in Lincoln, Nebraska. Designated an Exemplary Project by the Law Enforcement Assistance Administration, the program is based upon carefully selecting and training volunteers to work regularly on a one-to-one basis with what the program has defined as "high-risk" misdemeanor offenders.

More important than the volunteer aspect of this and other programs is the success that has been achieved through the intensive treatment provided to probationers. A sound relationship must be established between the probationer and the counselor, and additional services such as individual counseling, family therapy, social service information and employment research should also be available if the program hopes to create a climate of change for the offender.

Admittedly, without the use of volunteers, a significant increase in staff would be necessary to implement this program. However, this would be offset by two factors: the ultimate savings to the system in the lowered recidivism rates which result from programs of this

type (a fact that has been documented); and the manpower savings that would result from the simplified probationer screening procedures stemming from information sharing among the pretrial release, presentence report and probationer screening functions, as advocated throughout this manual.

The following excerpts, from the report on corrections of the National Advisory Commission on Criminal Justice Standards and Goals, present two of the standards relating to probation. Both standards set forth principles essential to the success of supervised probation programs for selected offenders. They are included in this section in order to (1) establish the range of services which, at a minimum, should be provided to probationers; and (2) emphasize the importance of the probation function to misdemeanor offenders.

Standard 10.2 - Services to Probationers*

Each probation system should develop by 1975 a goal-oriented service delivery system that seeks to remove or reduce barriers confronting probationers. The needs of probationers should be identified, priorities established, and resources allocated based on established goals of the probation system. (See Standards 5.14 and 5.15 and the narrative of Chapter 16 for probation's services to the courts.)

1. Services provided directly should be limited to activities defined as belonging distinctly to probation. Other needed services should be procured from other agencies that have primary responsibility for them. It is essential that funds be provided for purchase of services.

2. The staff delivering services to probationers in urban areas should be separate and distinct from the staff delivering services to the courts, although they may be part of the same agency. The staff delivering services to probationers should be located in the communities where probationers live and in service centers with access to programs of allied human services.

3. The probation system should be organized to deliver to probationers a range of services by a range of staff. Various modules should be used for organizing staff and probationers into workloads or task groups, not caseloads. The modules should include staff

* National Advisory Commission on Criminal Justice Standards and Goals, Corrections, Law Enforcement Assistance Administration, 1973, pp. 333-334.

teams related to groups of probationers and differentiated programs based on offender typologies.

4. The primary function of the probation officer should be that of community resource manager for probationers.

COMMENTARY

A major problem facing probation today is that the purpose of service to probationers has not been defined clearly. In practice, services to probationers usually have been located in courthouses and provided by the same probation officers who provide services to a court. Each probation officer with a caseload in effect becomes the probation system to his probationers. He is placed in an untenable position because he does not have all the skills and knowledge to meet all their problems and needs.

The services needed by probationers have not been identified clearly. Probationers have not been asked regularly and systematically to identify their needs.

At present, probationers are assigned to caseloads of individual probation officers. Although this helps staff keep track of probationers, it does little to influence conditions in offenders' lives that make the difference between success and failure. Staff members should give greater attention to the social institutions and barriers in the probationer's life.

The probation officer's role should shift from that of primarily counseling and surveillance to that of managing community resources.

To aid the probation officer as a community resource manager, the system must be organized to deliver certain services that properly belong to probation; to secure needed services from those social agencies already charged with responsibility for their provision to all citizens, such as schools, health services, employment, and related services; and to purchase special services needed by probationers. The relationships among staff, probationers, and the community should take many forms and not rely solely on the caseload.

Standard 10.3 - Misdemeanant Probation*

Each State should develop additional probation manpower and resources to assure that the courts may use probation for persons convicted of misdemeanors in all cases for which this disposition may be appropriate. All standards of this report that apply to probation are intended to cover both misdemeanor and felony probation. Other than the possible length of probation terms, there should be no distinction between misdemeanor and felony probation as to organization, manpower, or services.

COMMENTARY

In many communities and even in entire States, probation cannot be used for persons convicted of misdemeanors. And where probation is authorized as a disposition for misdemeanants, it is not employed by the courts as often as it should be. Probation agencies dealing with misdemeanants are likely to have even less in the way of staff, funds, and resources than those agencies dealing with felons or juvenile offenders.

In terms of the cases processed by the criminal justice system, misdemeanants make up a larger group of offenders than felons and juvenile delinquents combined. The failure to provide probation staff, funds, and resources to misdemeanants results in the needless jailing of these offenders and, in too many cases, their eventual graduation

* National Advisory Commission on Criminal Justice Standards and Goals, Corrections, Law Enforcement Assistance Administration, 1973, p. 335.

to the ranks of felony offenders.

Misdemeanant offenders have the same problems as felony offenders, and the probation services made available to them should be governed by the same standards, policies, and practices applying to felony probationers. No misdemeanor should be sentenced to confinement unless a presentence report supporting that disposition has been prepared. Misdemeanants placed on probation should receive the same priority and quality of services as those accorded felony probationers. The agencies responsible for felony probation should also have responsibility for misdemeanor probation.

III. CONCLUSION

In the introduction to his book, Rough Justice: Perspectives On Lower Criminal Courts, Professor John A. Robertson catalogs the numerous problems facing lower courts today, ranging from the political to the administrative. Toward the end of this discussion, he makes the following observation:

Ready solutions, it should be clear, are lacking. Rather than justifying inaction, however, the absence of solutions is cause for confronting the situation openly and achieving what is possible within prevailing limits.*

Taking into account those "prevailing limits," the Improved Lower Court Case Handling Program attempts to arrive at solutions through a realistic approach to the problems.

Beyond providing information on the theory and methodology involved in the eight elements of the program, this manual has attempted to view the problems of the criminal justice system from a management perspective. This recognizes not only the objectives of the system but its practical limitations also, such as lack of funds, manpower shortages, rising crime rates, and the growth of bureaucracy at all levels. The designers of the program felt, furthermore, that to realize a management perspective, two basic principles must be kept in mind:

* John A. Robertson, Rough Justice: Perspectives on Lower Criminal Courts, Little, Brown and Company, Boston, Massachusetts, 1974, p. xxviii.

- (1) That the criminal justice system is one of limited resources where choices must be made and priorities set on both an agency and systemwide basis; and
- (2) That the criminal justice system is composed of separate, distinct functions that must be integrated and planned for in a highly coordinated manner if there is to be any hope of having an impact on crime.

This manual has tried to create an appreciation for these principles and has attempted to provide information on concrete programs that address these goals.

If either goal is more important, it is the second, relating to the necessity for the system to recognize the interrelationships of its functions. In discussing system problems of this kind, the National Advisory Commission on Criminal Justice Standards and Goals felt that solutions taking this principle into account were of paramount importance. The Executive Summary of the series of reports prepared by the Commission stated it this way:

[T]hroughout the Commission's reports substantial emphasis is placed on improving the criminal justice process by heightening an awareness of the interdependency among components and by presenting proposals designed to overcome much of the friction and lack of coordination currently characterizing the system.*

The Improved Lower Court Case Handling Program, through the eight elements suggested in this manual, offers one means of achieving that

* National Advisory Commission on Criminal Justice Standards and Goals, Executive Summary, Law Enforcement Assistance Administration, 1973, p. 13.

awareness and, with it, a more coordinated, management-oriented criminal justice system. Figure 2 shows, for example, the degree of interagency involvement that, at a minimum, is necessary to successfully develop this program as designed. (The preceding chapters deal with this interaction in detail.)

While every criminal justice system management problem will not be solved through the implementation of the Improved Lower Court Case Handling Program, the program should, as Figure 2 suggests, play a major role in increasing the level of interagency coordination in the criminal justice system. Together with the enhanced decision-making and management capabilities which the program elements offer, these are the contributions which the Improved Lower Court Case Handling Program hopes to make.

	Mass Case Coordinator	Police Citations	Summons System	PROMIS	Case Screening	Pretrial Release	Short Form Presentence	Selected Offender Probation	CONCLUSION
Mass Case Coordinator	X	X	X	X	X	X	X	X	
Law Enforcement	X	X	X	X	X				
Prosecutor	X	X	X	X	X	X			
Court	X	X	X	X	X	X	X	X	
Corrections*	X	X	X		X	X	X	X	
Probation**	X			X	X	X	X	X	

* Corrections includes all functions relating to detention and incarceration, pretrial or thereafter.
** Probation includes all functions relating to pretrial release, presentence reports and probation programs.

Figure 2: CRIMINAL JUSTICE AGENCY INVOLVEMENT
BY PROGRAM ELEMENT
IMPROVED LOWER COURT CASE HANDLING PROGRAM

IV. APPENDICES

The following appendices contain specific examples of some of the forms utilized in a number of this program's elements. These forms, referred to and discussed in the applicable parts of this text, are only meant as samples; they represent individual applications of the respective elements as they are successfully used in several jurisdictions. These are not necessarily universal models but rather are prototypes which can be adapted to differing programs, practices, laws, court organizations, etc.

APPENDIX A

Police Citation System

Police citations are discussed in extensive detail in Section 2 of Chapter II. Beyond that information, this appendix provides a sample of the citation form from Clark County, Nevada. Applicable in a number of courts in that county, the same form is used by all law enforcement agencies. The form on the next page, completed by the officer and signed by the defendant, is only one of four copies which are distributed as follows: Defendant, Court, Prosecutor, Records. The three pages following that (174 through 176) depict the reverse sides of the Defendant, Court, and Prosecutor copies respectively.

<input type="checkbox"/> JUVENILE <input type="checkbox"/> ADULT	CLARK COUNTY REGIONAL MISDEMEANOR CITATION/COMPLAINT	COURT						
NOTICE TO APPEAR		<input type="checkbox"/> Traffic <input type="checkbox"/> Radar <input type="checkbox"/> Parking <input type="checkbox"/> Non-Traffic						
Case No. _____		J. Code <input type="checkbox"/>						
STATE of NEVADA COUNTY of CLARK CITY of _____		Accident <input type="checkbox"/> School Zone <input type="checkbox"/> DR. _____						
ss. Complaint/Affidavit								
<input type="checkbox"/> In the Municipal Court of _____ <input type="checkbox"/> In the Justice Court of Clark County		Issuing Officer(s) _____ "P" No. _____ Div. _____						
The undersigned being duly sworn upon his oath deposes and says:								
Name (Last, First, Middle) _____ DOB _____ Origin _____ Sex _____ Ht. _____ Wt. _____ Hair _____ Eyes _____								
Res. Address _____ City _____ State _____ Zip _____ Home Phone _____								
Bu. Address _____ City _____ State _____ Zip _____ Occupation _____								
S. No. _____ Opr. Lic. No. _____ Class _____ State _____ Exp. Date _____ Restrictions _____								
Veh. Lic. No. _____ Year _____ State _____ Veh. Year _____ Make _____ Body Type _____ Color(s) _____								
Reg. Owner Name _____ Address _____								
Did unlawfully at the following (location): _____ Name of Business if Applicable: Address _____								
<input type="checkbox"/> Located in the City of _____ Aforesaid and did then and there commit the following offense: County of Clark, State of Nevada <input type="checkbox"/> Located in the unincorporated area, County of Clark, State of Nevada								
_____ State _____ As _____ Violation _____ NRS _____ Set Forth _____ County _____								
To Wit: _____								

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 16.6%;"> <input type="checkbox"/> Las Vegas Justice Court 222 South 3rd Las Vegas, NV 326-4011 Ext. 488 </td> <td style="width: 16.6%;"> <input type="checkbox"/> Las Vegas Municipal Court 400 E. Stewart Las Vegas, NV 386-6421 thru 6428 </td> <td style="width: 16.6%;"> <input type="checkbox"/> North Las Vegas Municipal Court 1301 E. Lake Mead No. Las Vegas, NV 649-5811 Ext. 337 </td> <td style="width: 16.6%;"> <input type="checkbox"/> Henderson Municipal Court 243 Water St. Henderson, NV 565-8921 Ext. 40 </td> <td style="width: 16.6%;"> <input type="checkbox"/> Boulder City Municipal Court 910 Arizona St. Boulder City, NV 293-4308 </td> <td style="width: 16.6%;"> <input type="checkbox"/> Clark County Juvenile Court 3401 E. Bonanza Las Vegas, NV 649-3611 </td> </tr> </table>			<input type="checkbox"/> Las Vegas Justice Court 222 South 3rd Las Vegas, NV 326-4011 Ext. 488	<input type="checkbox"/> Las Vegas Municipal Court 400 E. Stewart Las Vegas, NV 386-6421 thru 6428	<input type="checkbox"/> North Las Vegas Municipal Court 1301 E. Lake Mead No. Las Vegas, NV 649-5811 Ext. 337	<input type="checkbox"/> Henderson Municipal Court 243 Water St. Henderson, NV 565-8921 Ext. 40	<input type="checkbox"/> Boulder City Municipal Court 910 Arizona St. Boulder City, NV 293-4308	<input type="checkbox"/> Clark County Juvenile Court 3401 E. Bonanza Las Vegas, NV 649-3611
<input type="checkbox"/> Las Vegas Justice Court 222 South 3rd Las Vegas, NV 326-4011 Ext. 488	<input type="checkbox"/> Las Vegas Municipal Court 400 E. Stewart Las Vegas, NV 386-6421 thru 6428	<input type="checkbox"/> North Las Vegas Municipal Court 1301 E. Lake Mead No. Las Vegas, NV 649-5811 Ext. 337	<input type="checkbox"/> Henderson Municipal Court 243 Water St. Henderson, NV 565-8921 Ext. 40	<input type="checkbox"/> Boulder City Municipal Court 910 Arizona St. Boulder City, NV 293-4308	<input type="checkbox"/> Clark County Juvenile Court 3401 E. Bonanza Las Vegas, NV 649-3611			
Your signature on this complaint to appear is NOT an admission of guilt. It is your written promise to appear in court. I hereby accept legal service of this complaint to appear at the said time and place and I hereby waive my right to be taken immediately before a magistrate.								
Township _____		Justice Court _____						
You are hereby ordered to appear on the _____ day of _____, 19____ at _____ a.m. / p.m. to answer charge of violation(s) above.								
Defendant's Signature: _____		Bail Amount _____						
Failure to comply with this complaint will constitute a separate offense.								
The undersigned further states he has just and reasonable grounds to believe, and does believe, that the person named above committed the offense herein set forth, contrary to law, which occurred on the _____ day of _____, 19____, at _____ a.m., p.m.								
Signature of Officer/Complainant: _____		"P" No. _____						
Subscribed and sworn to before me this _____ day of _____, 19____								
_____ Notary Public								

On all misdemeanor offenses, other than traffic and misdemeanor citations issued on citizens arrests, an arrest report must be hand printed in the spaces provided for below. This report must contain a sufficient amount of information to establish the corpus delicti, any physical evidence, witnesses, and any specific acts of defendant which increased the seriousness of the offense.

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WITNESSES: (Include Addresses and phone number)

Parent/Guardian Name	Address
----------------------	---------

PROMIS
(Prosecutor's Management Information System)

The forms contained in this appendix are samples of those employed in the PROMIS system, discussed in Section 4 of Chapter II. The first form, the Processing and Trial Preparation Worksheet, is used for gathering basic information for both automated and semi-automated PROMIS. The next form, the Crime Analysis Worksheet, collects further information for automated PROMIS for use in case evaluation and research. The third form (pages 185-186), used only in the semi-automated system, manually collects the same information as is stored on tape in automated PROMIS. Finally, the card depicted on page 187 is utilized in the semi-automated system and facilitates the rapid generation of a number of reports produced by computer in the automated version, e.g., calendars, case aging statistics, defendant scores, etc.

U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
SUPERIOR COURT DIVISION
PROCESSING
& TRIAL PREPARATION
WORKSHEET

P-1 DEFENDANT'S NAME LAST FIRST MIDDLE		P-2 COURT CASE NO.	P-3 PDID NO.
P-4 NO. OF CO-DEFENDANTS	P-5 DATE PAPERED	P-6 PAPERED BY: P-7 REVIEWED BY:	P-8 PROMIS CHECK <input type="checkbox"/> COMPLETED

P-9 WITNESSES (Record Statements, Facts, and Remarks on page 3, yellow copy)

CHECK IF PRESENT	POLICE RANK AND NAME	BADGE NO.	UNIT	CODE	WORK PHONE	HOME PHONE
1.						
2.						
3.						
4.						

	OTHER WITNESSES - IN ORDER OF CALL	ADDRESS	CODE	PHONE
5.				WORK HOME
6.				WORK HOME
7.				WORK HOME
8.				WORK HOME

A. ARRESTING PD D. INVESTIGATING PD 7 SPD 3 EYEWITNESS 6. FINGERPRINT 5 NARC CHEMIST 9 OTHER EXPERT N NON-ESSENTIAL
B. ASSISTING PD I OTHER MPD 2 COMPLAINING 4 OTHER-LAY 8. HANDWRITING C. OTHER CHEMIST E ESSENTIAL

P-10 COMPLAINT NO.	CHARGE	M F	SEQ NO.	CASE SFX	NO PAPER REASONS (4 MAX)	CHARGE CODE SEARCH MPD COURT	P-11 TYPE OF COURT APPEARANCE: 1. CITATION 2. WARRANT 3. INFORMATION 4. SUMMONS 5. LOCKUP 6. JAIL CALL UP 7. GR. JURY ORIG 8. BOND 9. OTHER	P-12 URINALYSIS POSITIVE DATE

P-13 NO PAPER - REASONS: Use English text from PROMIS "Standard Case Jacket Entries" booklet plus simplifying remarks

P-14 ON PROBATION/PAROLE OFFENSE _____ EXPIRATION DATE _____ TERMS OF P/P _____ INTENT TO REVOKE? Y <input type="checkbox"/> N <input type="checkbox"/> OFFICER'S NAME _____ PHONE NO _____ FOR USE OF MV CHIEF	P-15 DIVERSION PROGRAM <input type="checkbox"/> FOT <input type="checkbox"/> OTHER (SPECIFY) _____ <input type="checkbox"/> X-ROADS <input type="checkbox"/> RCA <input type="checkbox"/> DATE _____ RECOMMENDED BY _____ REVIEW G ASST _____ APPROVED BY _____	P-16 FELONY MCL REPORT NO. _____ CHEMIST NO. _____ FILM STRIP NO. _____ PRINTS LIFTED AND SENT TO MCL YES <input type="checkbox"/> NO <input type="checkbox"/> P-17 SPECIAL ASSIGNMENT RECOMMENDED <input type="checkbox"/> B R A <input type="checkbox"/> MAJOR VIOLATOR <input type="checkbox"/> OTHER _____
--	--	--

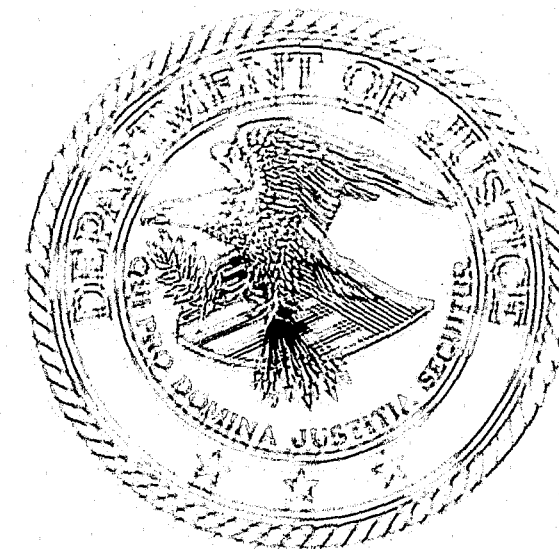
CASE NO.	DATE	CHARGES	DISPOSITION

United States Attorney for the District of Columbia
SUPERIOR COURT DIVISION

Crime Analysis Worksheet

Page

PROMIS



Instructions

Complete this form for each defendant, including cases in which no charges are filed. When completing this form, please keep in mind that it is essential that the data be accurate and complete. Since it is of vital importance in processing the case, accuracy, quality, proper report, complete data, and correct filing instructions are required.

TRANSACTION TYPE	COURT CASE NO	PDID NO	AUSA CODE	DEFENDANT'S NAME	DATE
074	12 19	20 27	28 32		
13					

I - OFFENSE

1 Did the defendant possess a weapon at the time of the offense? (Answer without regard to charges)

(a) Yes - firearm or replica (e.g., gun, starter pistol, toy pistol) 33 ☐ 1

(b) Yes - other dangerous weapon (e.g., knife, baseball bat, fire wrench) ☐ 2

(c) No ☐ 3

(d) Unk ☐ 4

2 Did offense involve injury or death?

34

yes ☐ 1

no ☐ 2

unk ☐ 3

If "yes," complete all that are applicable:

(a) Number receiving minor injuries but not treated 35 _____

(b) Number treated and released 36 _____

(c) Number hospitalized 37 _____

(d) Number killed 38 _____

3 Was victim(s) threatened or intimidated?

39

yes ☐ 1

no ☐ 2

unk ☐ 3

If sex offense, go to question 4

If "yes," record number of victim(s) individually and deliberately threatened or intimidated for each of the following:

(a) By physical force or verbal only 40 _____

(b) By display of weapon(s) 41 _____

4 Did offense include a sex crime? Only include forcible rape, sodomy, carnal knowledge, indecent liberties, enticement for indecent liberties, and incest

42

yes ☐ 1

no ☐ 2

unk ☐ 3

If "yes," complete all that are applicable:

(a) Number of victims of forcible sexual intercourse 43 _____

(b) If any type of weapon was used in the intimidation, specify the number of victims so intimidated 44 _____

5 Did offense involve theft, damage or destruction of property?

45

yes ☐ 1

no ☐ 2

unk ☐ 3

If "yes," complete all that are applicable:

(a) Number of premises forcibly entered 46 _____

(b) Number of motor vehicles stolen 47 _____

(c) Dollar value of property stolen, damaged or destroyed:

(Exclude automobiles recovered intact and undamaged)

48

(1) Under 10 dollars ☐ 1

(2) \$10 - \$250 ☐ 2

(3) \$251 - \$2,000 ☐ 3

(4) Over \$2,001 ☐ 4

6 Was defendant arrested at or near scene of offense?

49

yes ☐ 1

no ☐ 2

unk ☐ 3

II - DEFENDANT

7 Is defendant a resident of local area?

50

yes ☐ 1

no ☐ 2

unk ☐ 3

If "YES," how long?

(a) Less than one year 51 ☐ 1

(b) 1 - 2 years ☐ 2

(c) Over 2 years ☐ 3

(d) Unknown duration ☐ 4

8 What is defendant's employment status?

52

(a) Employed (include part-time students that are employed) ☐ 1

(b) Student (full-time) ☐ 2

(c) Unemployed ☐ 3

(d) Unknown ☐ 4

If "employed," complete the following:

53

(a) Professional (job usually requiring formal education or highly specialized experience, e.g., lawyer, nurse, doctor, executive): ☐ 1

specific occupation _____

(b) White Collar Administrative, Clerical, Sales (office worker, bank teller, sales person): ☐ 2

specific occupation _____

(c) Skilled Craftsman and Foreman (engaged in making/repairing products, e.g., carpenter, mechanic, typesetter): ☐ 3

specific occupation _____

(d) Unskilled or Semi-skilled Worker (engaged in making/repairing products, e.g., laborer, factory or construction worker): ☐ 4

specific occupation _____

(e) Service Occupation Requiring Special Training, Expertise (bus or truck driver, lab technician, police officer): ☐ 5

specific occupation _____

(f) Service Occupation, Unskilled or Semi-skilled (elevator operator, domestic, watchman, cab driver): ☐ 6

specific occupation _____

(g) Illicit Occupation (e.g., pimp, prostitute, gambler, hustler): ☐ 7

specific occupation _____

9 What is the relationship of the victim to the defendant?

54

(a) Family ☐ 1

(b) Friend or acquaintance ☐ 2

(c) Complete stranger ☐ 3

(d) Unknown ☐ 4

III - SPECIAL FACTORS

Note: VICTIMLESS CRIMES include gambling (except confidence games); obscenity; crimes of soliciting, such as soliciting for prostitution or lewd and immoral purposes; consensual sodomy; narcotics offenses; perjury; bribery; prison breaks; Bail Reform Act violations; impersonation of a police officer; and, weapons offenses involving only possession or licensing.

10 Is there corroboration that crime was committed?

55

yes ☐ 1

no ☐ 2

unk ☐ 3

11 Is exculpatory evidence present?

56

yes ☐ 1

no ☐ 2

unk ☐ 3

12 Was there provocation by victim? (Do not include victimless crimes)

57

yes ☐ 1

no ☐ 2

unk ☐ 3

13 Was there victim participation? (Do not include victimless crimes)

58

yes ☐ 1

no ☐ 2

unk ☐ 3

14 Is the primary victim a corporation, association or institution? (Do not include victimless crimes)

59

yes ☐ 1

no ☐ 2

unk ☐ 3

15 Was the defendant only an aider or abetter?

60

yes ☐ 1

no ☐ 2

unk ☐ 3

If "yes," complete the following:

(a) Arrested in last five years 62

yes ☐ 1

no ☐ 2

unk ☐ 3

(b) Has used alias or aliases 63

yes ☐ 1

no ☐ 2

unk ☐ 3

(c) Number of previous arrests 64-65 _____

(d) Number of previous arrests for crimes against the person 66-67 _____

(e.g., assaults, rapes, homicides, robberies and all attempts to commit the same, and first degree burglaries which contain elements of the aforementioned offenses)

68-69 _____

(e) Years of last three arrests (use last 2 digits, e.g., '73, '74) 70-71 _____

72-73 _____

17 Does the defendant have a conviction record? (Do not include drunk or disorderly, minor traffic or other petty offenses)

74

yes ☐ 1

no ☐ 2

unk ☐ 3

If "yes," complete the following:

	Felony	Misdemeanor
(a) Convicted in last five years	75	76
	yes <input type="checkbox"/> 1	yes <input type="checkbox"/> 1
	no <input type="checkbox"/> 2	no <input type="checkbox"/> 2
	unk <input type="checkbox"/> 3	unk <input type="checkbox"/> 3
(b) Numbers of previous convictions	77-78 _____	79-80 _____
(c) Number of convictions for crimes against the person	81-82 _____	83-84 _____
(d) Years of last three convictions (use last 2 digits, e.g., '73, '74)	85-86 _____	87-88 _____
	89-90 _____	91-92 _____
	93-94 _____	95-96 _____

18 Was defendant on conditional release or under suspended sentence for a previous crime at time of arrest? (District Court or Superior Court)

97

yes ☐ 1

no ☐ 2

unk ☐ 3

If "yes," specify type:

98

(a) Pre-trial release ☐ 1

(b) Probation ☐ 2

(c) Parole ☐ 3

(d) Halfway house or work release ☐ 4

(e) Pre-sentencing release ☐ 5

19 Override? Check "yes," if case involves serious racial overtones, assault on a public official, or a major violator. (Override automatically lists this case on top of the priority calendar)

99

yes ☐ 1

no ☐ 2

unk ☐ 3

Complete the following section only if the box to the right is checked ☐

IV - VICTIM/WITNESS

Omit associations, corporations, institutions or expert witnesses.

Note: VICTIM. In forgery, uttering, and false pretenses, the victim is the person or other entity deceived by the act. In shoplifting, the victim is the business entity (usually a corporation). The victim of burglary is either the lawful tenant of the premises, or if untenanted, the owner. (For example, the leasee and not the owner is the victim of a warehouse burglary.) The victim of arson is the person or other entity who owns the property which was burned.

COMPLETE THE QUESTIONS ON THE REVERSE SIDE

complete column 1 first; then column 2; then column 3 [Do not list the same victim/witness more than once]

	1. Name of primary victim 58-(1)	2. Name of most essential witness 58-(2)	3. Name of next most essential witness 58-(3)
1. Victim/Witness Name (Last name first)			
2. Victim/Witness Status			
(a) Law Officer	59 <input type="checkbox"/> 1	59 <input type="checkbox"/> 1	59 <input type="checkbox"/> 1
(b) Private Police (guard, special officer)	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2
(c) Layman	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3
3. Was this person also a victim of the crime?			
yes	60 <input type="checkbox"/> 1	60 <input type="checkbox"/> 1	60 <input type="checkbox"/> 1
no	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2
unknown	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3
Complete the following only for lay witness/victims			
4. Is the victim/witness a resident of the D.C. area?			
yes	61 <input type="checkbox"/> 1	61 <input type="checkbox"/> 1	61 <input type="checkbox"/> 1
no	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2
unk	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3
If "yes," how long?			
(a) less than one year	62 <input type="checkbox"/> 1	62 <input type="checkbox"/> 1	62 <input type="checkbox"/> 1
(b) 1-2 years	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2
(c) over 2 years	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3
(d) unknown	<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 4
5. Victim/witness' sex			
(a) Male	63 <input type="checkbox"/> 1	63 <input type="checkbox"/> 1	63 <input type="checkbox"/> 1
(b) Female	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2
6. Victim/witness' age	64-65	64-65	64-65
7. Victim/witness' race			
(a) Black	66 <input type="checkbox"/> 1	66 <input type="checkbox"/> 1	66 <input type="checkbox"/> 1
(b) White	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2
(c) Other	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3
8. Did the victim/witness possess a weapon at the time of the offense?			
yes	67 <input type="checkbox"/> 1	67 <input type="checkbox"/> 1	67 <input type="checkbox"/> 1
no	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2
unk	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3
9. Is the victim/witness presently employed?			
(a) Employed (include part-time students that are employed)	68 <input type="checkbox"/> 1	68 <input type="checkbox"/> 1	68 <input type="checkbox"/> 1
(b) Student (full time)	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2
(c) Unemployed	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3
(d) Unknown	<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 4
If "employed," check one of the following			
(a) Professional (job usually requiring formal education or highly specialized experience, e.g., lawyer, nurse, doctor, executive)	69 <input type="checkbox"/> 1	69 <input type="checkbox"/> 1	69 <input type="checkbox"/> 1
(b) White Collar Administrative, Clerical Sales (office worker, bank teller, sales person)	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2
(c) Skilled Craftsman and Foreman (engaged in making/repairing products, e.g., carpenter, mechanic, typesetter)	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3
(d) Unskilled or Semi-skilled Worker (engaged in making/repairing products, e.g., laborer, factory or construction worker)	<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 4
(e) Service Occupation Requiring Special Training, Expertise (bus or truck driver, lab technician, police officer)	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/> 5
(f) Service Occupation, Unskilled or Semi-skilled (elevator operator, domestic, watchman, cab driver)	<input type="checkbox"/> 6	<input type="checkbox"/> 6	<input type="checkbox"/> 6
(g) Illicit Occupation (e.g., pimp, prostitute, gambler, hustler)	<input type="checkbox"/> 7	<input type="checkbox"/> 7	<input type="checkbox"/> 7
10. Does the victim/witness have an arrest record?			
yes	70 <input type="checkbox"/> 1	70 <input type="checkbox"/> 1	70 <input type="checkbox"/> 1
no	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2
unk	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3
11. Does the victim/witness have a conviction record?			
yes	71 <input type="checkbox"/> 1	71 <input type="checkbox"/> 1	71 <input type="checkbox"/> 1
no	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2
unk	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3
12. What is relationship of the victim/witness (in line 20) to:			
(a) Spouse (include common law)	72 <input type="checkbox"/> a	72 <input type="checkbox"/> a	72 <input type="checkbox"/> a
(b) Child	<input type="checkbox"/> b	<input type="checkbox"/> b	<input type="checkbox"/> b
(c) Parent	<input type="checkbox"/> c	<input type="checkbox"/> c	<input type="checkbox"/> c
(d) Other family	<input type="checkbox"/> d	<input type="checkbox"/> d	<input type="checkbox"/> d
(e) Ex-spouse	<input type="checkbox"/> e	<input type="checkbox"/> e	<input type="checkbox"/> e
(f) Co-habiting	<input type="checkbox"/> f	<input type="checkbox"/> f	<input type="checkbox"/> f
(g) Girl or Boyfriend	<input type="checkbox"/> g	<input type="checkbox"/> g	<input type="checkbox"/> g
(h) Acquaintance	<input type="checkbox"/> h	<input type="checkbox"/> h	<input type="checkbox"/> h
(i) Neighbor	<input type="checkbox"/> i	<input type="checkbox"/> i	<input type="checkbox"/> i
(j) Employer or employee	<input type="checkbox"/> j	<input type="checkbox"/> j	<input type="checkbox"/> j
(k) Stranger	<input type="checkbox"/> k	<input type="checkbox"/> k	<input type="checkbox"/> k
(l) Other (specify)	<input type="checkbox"/> l	<input type="checkbox"/> l	<input type="checkbox"/> l
13. Victim/witness testimony problems			
(a) Is victim/witness reluctant?	74 <input type="checkbox"/> 1	74 <input type="checkbox"/> 1	74 <input type="checkbox"/> 1
no	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2
unk	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3
(b) Is victim/witness credible?	75 <input type="checkbox"/> 1	75 <input type="checkbox"/> 1	75 <input type="checkbox"/> 1
no	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2
unk	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3
(c) Are racial complications present?	76 <input type="checkbox"/> 1	76 <input type="checkbox"/> 1	76 <input type="checkbox"/> 1
no	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2
unk	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3
(d) Is victim/witness likely to arouse antagonism?	77 <input type="checkbox"/> 1	77 <input type="checkbox"/> 1	77 <input type="checkbox"/> 1
no	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2
unk	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3

I. DEFENDANT									
4. LAST	FIRST	MIDDLE	5. DATE OF BIRTH	6. PLACE OF BIRTH	7. CASE NUMBER(S)				
7. ALIASES			8. SEX <input type="checkbox"/> M <input type="checkbox"/> F	9. RACE	10. MARITAL STATUS <input type="checkbox"/> M <input type="checkbox"/> S, D, W, <input type="checkbox"/> CO-HABITATING				
11. IDENTIFICATION NOS. A. LOCAL B. STATE C. FBI			12. PLACE OF RESIDENCE		13. LENGTH A. 0-2 YRS. B. OVER 2 YRS.		14. OLD OR PENDING CASES		
14. CO-DEFENDANT			15. EMPLOYMENT STATUS A. <input type="checkbox"/> FULL TIME C. <input type="checkbox"/> UNEMPLOYED B. <input type="checkbox"/> PART TIME D. <input type="checkbox"/> NON-WORKER			16. PREVIOUS CRIMINAL RECORD <input type="checkbox"/> NO <input type="checkbox"/> YES: <input type="checkbox"/> LOCAL <input type="checkbox"/> NON-LOCAL			
II. CRIMINAL EVENT									
17. INCIDENT NO.	18. ARRESTING OFFICER		19. AGENCY/UNIT	20. VICTIM LAST NAME - RELATIONSHIP TO DEFENDANT		21. METHOD BY WHICH BROUGHT BEFORE THIS COURT			
21. DATE OF OFFENSE	22. TIME AM PM	23. PLACE OF OFFENSE		24. DATE OF ARREST	25. TIME AM PM	26. PLACE OF ARREST		27. COMPLAINT/WARRANT A. <input type="checkbox"/> COMPLAINT/WARRANT B. <input type="checkbox"/> INFORMATION C. <input type="checkbox"/> INDICTMENT D. <input type="checkbox"/>	
27. DID ACCUSED POSSESS WEAPON AT TIME OF OFFENSE <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK		28. DID ACCUSED USE WEAPON OR PHYSICAL FORCE? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK		29. STOLEN PROPERTY/EVIDENCE RECOVERED:					
III. CHARGES (Most Serious)									
31. CHARGE	32. STATUTE	33. SEARCH CODE	34. FILED BY AND DATE (COMPLETE ALL THAT APPLY)	35. DISPOSITION TYPE	36. REASON, IF REJECTED, NOLLE PROSEQUE OR DISMISSED		37. DISPOSITION DATE		
A			<input type="checkbox"/> POLICE <input type="checkbox"/> PROS <input type="checkbox"/> G.J.						
B			<input type="checkbox"/> POLICE <input type="checkbox"/> PROS <input type="checkbox"/> G.J.						
C			<input type="checkbox"/> POLICE <input type="checkbox"/> PROS <input type="checkbox"/> G.J.						
D			<input type="checkbox"/> POLICE <input type="checkbox"/> PROS <input type="checkbox"/> G.J.						
DISPOSITION TYPES: 1. DIV (DIVERSION), 2. R (REJECTED), 3. NI (NOT INDICTED), 4. NP (NOLLE PROSEQUE), 5. PD (PROSECUTOR DISMISSAL), 6. CD (COURT DISMISSAL), 7. PG (PLEA GUILTY), 8. NC (NOLLO CONTENDERE), 9. JC (JURY CONVICTION), 10. JA (JURY ACQUITTAL), 11. NJC (NON-JURY CONVICTION), 12. NJA (NON-JURY ACQUITTAL), 13. M (MISTRIAL), 14. T (TRANSFER TO ANOTHER JURISDICTION)									
IV. TRIAL OFFICIALS (Identify court event in Part V when any change occurs)									
38. PROSECUTOR(S)			39. DEFENSE COUNSEL(S)			40. JUDGE(S)			
V. COURT EVENTS (Except Sentencing—See Reverse)									
41. DATE	42. OLD RELEASE STATUS		43. TYPE OF EVENT		44. CONT TO REASON		45. NEW RELEASE STATUS		
A	(1) <input type="checkbox"/> P.R. (2) <input type="checkbox"/> BOND	(1) <input type="checkbox"/> 1ST HEARING (2) <input type="checkbox"/> G.J. (3) <input type="checkbox"/> OTHER	(1) <input type="checkbox"/> PH-PTH (2) <input type="checkbox"/> ARRAIGN (3) <input type="checkbox"/> TRIAL	(1) <input type="checkbox"/> PR (2) <input type="checkbox"/> JAIL (3) <input type="checkbox"/> BOND					
B	(1) <input type="checkbox"/> P.R. (2) <input type="checkbox"/> BOND	(1) <input type="checkbox"/> PH-PTH (2) <input type="checkbox"/> ARRAIGN (3) <input type="checkbox"/> TRIAL	(1) <input type="checkbox"/> PH-PTH (2) <input type="checkbox"/> ARRAIGN (3) <input type="checkbox"/> TRIAL	(1) <input type="checkbox"/> PR (2) <input type="checkbox"/> JAIL (3) <input type="checkbox"/> BOND					
C	(1) <input type="checkbox"/> P.R. (2) <input type="checkbox"/> BOND	(1) <input type="checkbox"/> PH-PTH (2) <input type="checkbox"/> ARRAIGN (3) <input type="checkbox"/> TRIAL	(1) <input type="checkbox"/> PH-PTH (2) <input type="checkbox"/> ARRAIGN (3) <input type="checkbox"/> TRIAL	(1) <input type="checkbox"/> PR (2) <input type="checkbox"/> JAIL (3) <input type="checkbox"/> BOND					
D	(1) <input type="checkbox"/> P.R. (2) <input type="checkbox"/> BOND	(1) <input type="checkbox"/> PH-PTH (2) <input type="checkbox"/> ARRAIGN (3) <input type="checkbox"/> TRIAL	(1) <input type="checkbox"/> PH-PTH (2) <input type="checkbox"/> ARRAIGN (3) <input type="checkbox"/> TRIAL	(1) <input type="checkbox"/> PR (2) <input type="checkbox"/> JAIL (3) <input type="checkbox"/> BOND					
E	(1) <input type="checkbox"/> P.R. (2) <input type="checkbox"/> BOND	(1) <input type="checkbox"/> PH-PTH (2) <input type="checkbox"/> ARRAIGN (3) <input type="checkbox"/> TRIAL	(1) <input type="checkbox"/> PH-PTH (2) <input type="checkbox"/> ARRAIGN (3) <input type="checkbox"/> TRIAL	(1) <input type="checkbox"/> PR (2) <input type="checkbox"/> JAIL (3) <input type="checkbox"/> BOND					
F	(1) <input type="checkbox"/> P.R. (2) <input type="checkbox"/> BOND	(1) <input type="checkbox"/> PH-PTH (2) <input type="checkbox"/> ARRAIGN (3) <input type="checkbox"/> TRIAL	(1) <input type="checkbox"/> PH-PTH (2) <input type="checkbox"/> ARRAIGN (3) <input type="checkbox"/> TRIAL	(1) <input type="checkbox"/> PR (2) <input type="checkbox"/> JAIL (3) <input type="checkbox"/> BOND					
REASON CODES: (PARTS III & V) PROBLEMS (40-52): 40 PROSECUTIVE MERIT, 41 DUE PROCESS, 42 PHYSICAL EVIDENCE, 43 SCIENTIFIC EVIDENCE, 44 TESTIMONIAL EVIDENCE, 45 WITNESS AVAILABILITY, 46 WITNESS ATTITUDE, 47 WITNESS CREDIBILITY, 48 DEFENSE COUNSEL, 49 DEFENDANT, 50 PROSECUTOR, 51 HUNG JURY, 52 MISTRIAL, 53 NO PROBABLE CAUSE, 54 DIVERGENCE, 55 COURT UNABLE TO REACH CASE, 56 PLEA NEGOTIATION, 57 PH-PTH, 58 GJ, 59 MOTION/SPEC. HEARING, 60 J-TRIAL, 61 NJ-TRIAL, 62 PSI, 63 SENTENCING, 64 APPEAL, 65 OTHERS.									
FORM TR-2 (SEP 75) CASE PROGRESS DOCKET									

APPENDIX C

Case Screening

Included in this appendix are the primary screening forms currently being utilized by the Prosecuting Attorney's Office, County of Kalamazoo, Michigan. These forms are the Warrant Request and Disposition, the Further Investigation Order, and the Screening Log. Case screening is discussed in detail in Section 5, Chapter II.

KALAMAZOO COUNTY PROSECUTOR'S OFFICE
WARRANT REQUEST & DISPOSITION

REQUEST: TO BE PRINTED OR TYPED BY REQUESTING OFFICER REQUEST DATE _____

DEF. NAME		DEF. I.D. NUMBER	REQUESTING OFFICER	POLICE AGENCY	COMPLAINT NUMBER
DEF. ADDRESS			REQUESTED CHARGE (1)		
			FEL. <input type="checkbox"/> MIS. <input type="checkbox"/>		
DEF. PHONE		DEF. D.O.B.	REQUESTED CHARGE (2)		
			FEL. <input type="checkbox"/> MIS. <input type="checkbox"/>		
DEF. STATUS:			LOCATION OF CRIME		
JAILED <input type="checkbox"/> RELEASED <input type="checkbox"/> NOT ARRESTED <input type="checkbox"/>					
CRIMINAL HISTORY:			COMPLAINANT PHONE		
NCIC ATTACHED <input type="checkbox"/> NOT CHECKED <input type="checkbox"/> LEIN ATTACHED <input type="checkbox"/> REQUESTED <input type="checkbox"/> LOCAL RECORD ATTACHED <input type="checkbox"/>			DATE OF CRIME		
			COMPLAINANT NAME		
			COMPLAINANT ADDRESS		
C.P.A. OFFENSE: YES <input type="checkbox"/> NO <input type="checkbox"/> REJECTED <input type="checkbox"/>			STATEMENTS BY DEFENDANT		
			ORAL <input type="checkbox"/> WRITTEN <input type="checkbox"/> NOT TAKEN <input type="checkbox"/>		
OFFICER COMMENTS:					
<input type="checkbox"/> CHECK IF FURTHER INVESTIGATION HAS BEEN COMPLETED. <input type="checkbox"/> DISPOSITION REVIEW REQUESTED					

DISPOSITION: TO BE PRINTED OR TYPED BY ASSISTANT PROSECUTOR (AND C.P.A. IF NECESSARY)

WARRANT DENIED <input type="checkbox"/>		WARRANT AUTHORIZED <input type="checkbox"/> FEL. <input type="checkbox"/> MIS. <input type="checkbox"/>	
REASON		NOTE CHARGE IF ALTERED	
<input type="checkbox"/> 1. NO CRIME (ELEMENT MISSING OR CLEAR DEFENSE)		SECOND COUNT:	
<input type="checkbox"/> 2. INSUFFICIENT PROOF OF IDENTITY			
<input type="checkbox"/> 3. COMPLAINANT MUST BE INTERVIEWED		WARRANT AUTHORIZED AND FURTHER INVESTIGATION ORDERED <input type="checkbox"/>	
<input type="checkbox"/> 4. PROSECUTION NOT DESIRED BY COMPLAINANT		REFERRED TO C.P.A. <input type="checkbox"/> NOT REFERRED <input type="checkbox"/>	
<input type="checkbox"/> 5. OTHER CHARGES PENDING		PRIOR RECORD <input type="checkbox"/> VIOLENCE <input type="checkbox"/>	
<input type="checkbox"/> 6. OTHER (SEE BELOW)		NOT LOCAL RESIDENT <input type="checkbox"/> OTHER (SEE BELOW) <input type="checkbox"/>	
		WAITING PERIOD <input type="checkbox"/> KEEP CASE AND HAVE COMPLAINANT COME TO OFFICE <input type="checkbox"/>	
EXPLANATION:			
ANTICIPATED CHARGE:			

CHECK FOR: PRIORITY PROSECUTION ☐ SBM ☐ DISPOSITION DATE _____
BY _____ ASSISTANT PROSECUTOR

CUF-02 WOLVERINE PRESS Original - Police Copy Yellow - Prosecutor Copy
Pink - C.P.A. Copy Gold - File Copy

KALAMAZOO COUNTY PROSECUTOR'S OFFICE

FURTHER INVESTIGATION ORDER

REQUEST DATE

ATTENTION	POLICE AGENCY
OFFICER ASSIGNED	POLICE FILE NO.
DEFENDANT	CHARGE
CASE STATUS	

- ☐ LOCATE WITNESS(ES), VERIFY ABILITY TO TESTIFY, AND/OR TAKE STATEMENT(S).
- ☐ IDENTIFY RES GESTAE WITNESS(ES), GET ADDRESS(ES), AND TAKE STATEMENT(S).
- ☐ TAKE EVIDENCE TO LAB, MAINTAIN CHAIN, AND SUBMIT LAB REPORT.
- ☐ LOCATE EVIDENCE, PREPARE REPORT ON CHAIN, AND/OR HAVE EVIDENCE EXAMINED.
- ☐ OTHER

EXPLANATION:

[illegible]

RETURN REPORT BY: _____

RETURN REPORT TO: _____

AGENCY COPY

SCREENING LOG

DISPOSITION

- DISPOSITION
1. Denied
 2. Authorized
 3. Authorized/FI
 4. C.P.A.
 5. Referred
 6. 5-Day Cooling Off
 7. Other

REASON

- REASON
1. No Crime
 2. Insufficient Proof of Identity
 3. Other Remedies Available
 4. Pros. Not Desired by C.W.
 5. Other Charges Pending
 6. Other

[illegible]

APPENDIX D

Pretrial Release Program

The two forms contained herein represent the release criteria and the rating sheet used in the Release on Recognizance Program operating in the 61st District Court in Grand Rapids, Michigan. As discussed in Section 6 of Chapter II, these are based upon programs and criteria developed by the Vera Institute of Justice in the Manhattan Bail Project.

GRAND RAPIDS RELEASE ON RECOGNIZANCE PROGRAM

RELEASE CRITERIA

TO BE RECOMMENDED FOR RELEASE ON OWN RECOGNIZANCE, A DEFENDANT NEEDS:

1. A Metropolitan Grand Rapids area address where he can be reached,
AND
2. A total of five points (verified by references) from the following:

RESIDENCE

- 3 Present address one year or more.
- 2 Present address 6 months, OR present and prior 1 year.
- 1 Present residence 3 months, OR present and prior 6 months.
- 1 Five years or more in the Grand Rapids Area Counties.

FAMILY TIES

- 3 Lives with family, AND has contact with other family members in area.
- 2 Lives with family, OR has weekly contact with family in the Grand Rapids area.
- 1 Lives with a non-family person.

MEANS OF SUPPORT

- 3 Present means of support 1 year or more (job, spouse's job, ADC, school, pension, or social security).
- 2 Present means of support three months
OR: present and prior six months,
OR: regular employment through union membership,
OR: disability or work compensation.
- 1 Current job or intermittent work.
Family
Savings

PRIOR RECORD

- 2 No convictions
- 1 One misdemeanor conviction
- 0 Two misdemeanor convictions, OR one felony conviction
- 1 Three misdemeanor convictions, OR two felony convictions
- 1 Failure to appear in court
- 2 Four or more misdemeanor convictions, OR three or more felony convictions.

LS/BO/wdj

P17a		STATE OF MICHIGAN-61ST DISTRICT COURT Hall of Justice, 333 Monroe Ave., N.W., Grand Rapids, Michigan 49502			
Pts	Ver	Name	Sex/Race		
		AKA			
3	3	Age	DOB	Place	
2	2	Status	S M W D Sep.	How Long	
1	1	Owens/Buying/Rents/Resides at:	Pg.No.	Inc. No.	T.B.
0	0	Street	Interviewer	Date	
		Zip	How Long	Arrest Charge	Date
		With	Arraign.Charge	Date	
		Phone	Other	Amended Charge	Date
		Prior Address	Judge		
1	1	With	How Long	Def. Atty.	
0	0	Years in G.R. Area	Co-Dev.		
3	3	FAMILY AND REFERENCES:			
2	2	RELATIONSHIP	FULL NAME	ADDRESS AND PHONE	SEES HOW OFTEN
1	1				
0	0				
3	3	SOURCE OF INCOME: JOB FAMILY WELFARE SOC SEC ADC UNEMPLOYMENT NONE			
2	2	OTHER Approx X/mnth.			
1	1	Present	Position	How Long	
0	0	Prior	Position	How Long	
		Prior	Position	How Long	
2	2	PREVIOUS RECORD AND/OR PENDING CASES: Source			
1	1	OFFENSE	PLACE	DATE	Ck by Date
0	0				
-1	-1				
-2	-2	PROBATION/PAROLE OFFICER & COURT TERM, DATE			
		OTHER INFORMATION & COMMENTS:			
Tot	Tot	RECOMMENDATION: (Circle) ROR BAIL OTHER BY:			
Int	Int				
Pts	Pts	(Space below this line for Judge or bailiff use only)			
		JUDGE	PLEA	BAIL \$	ROR
		BAILIFF	FINE/JAIL	PSI REQ?	DATE

APPENDIX E

Short Form Presentence Report

The following short presentence report is the one designed for use in New York State as a result of the Vera Institute's work on a similar project in the Bronx Criminal Court. The development and philosophy of the shortened investigation and report are discussed in Section 7 of Chapter II.

DP 2.10 (9/71)

(Docket) (Indictment)#

SHORT FORM PRESENTENCE REPORT

Defendant _____ Age _____ Date of Birth ____ / ____ / ____
Last First Mi. Mo. Day Yr.

Convicted of _____ P.L.# _____

Custody Status: Bail (\$ _____) R.O.R. ☐ Jail ☐

Jail Time Credit _____ As of _____

Counsel _____

Original Charge _____ Date of Arrest _____

Other Charges Pending (including probation and parole violations):

Charge _____ Court/Agency _____ Status _____

Prior Record: Adult ☐ Juvenile ☐ None ☐

Arrests _____ Convictions _____ JD/PINS Adjudications _____

No. No. No.

Most Recent Other Offenses _____ Disposition _____ Date of Disp. _____

(Attach Fingerprint Sheet for
Additional Items)Address _____
Street Apt. No. City/Village/BoroughTime at Present Address _____ Addresses Past 2 Yrs. _____
No.

Resides With _____ Marital Status _____

Number of Children _____ Age Range _____

Provides Support (or care) for _____

Occupation _____ Wage \$ _____

Per Wk.

Present Employer _____ How Long _____

Last Two Years: Employers _____ Amount of Time Unemployed _____

No.

Yr.-Mo.

Other Source of Support _____

Education: Highest Grade _____ Special Training/Skill _____

Current Education/Vocation/Other Program _____

Military: Draft Status _____ Branch _____ Type of Dis. _____ Date _____

Youthful Offender: Eligible ☐ Ineligible ☐Certificate of Relief from Disabilities: Eligible ☐ Ineligible ☐

INFORMATION VERIFIED: Age _____ Other Charges Pending _____ Prior Record _____

Address _____ Present Employment _____ Education _____ Vocation/Other Program _____

Military _____ Comments on Verification: _____

NAME: _____ (Docket)(Indictment)# _____

DESCRIPTION OF PRESENT OFFENSECODEFENDANTS_____
(Name) (Status)EVALUATION

RECOMMENDATIONS (OPTIONAL): Youthful Offender: Yes _____ No _____
Certificate of Relief From Disability: Grant _____ Refuse _____ Defer _____
SENTENCE: Unconditional Discharge ☐ Conditional Discharge ☐ Fine ☐ Probation ☐ Commitment ☐
Special Conditions: _____

Date Prepared: _____ Signed: _____

Probation Officer

Approved: _____

Director/Supervisor

Probation Case # _____

Sentence and Date: _____

V. SOURCES OF FURTHER INFORMATION

The following list of resources has been compiled to assist in research and study on the elements of the Improved Lower Court Case Handling Program. Sources are listed within each of the categories of the program, and include law review articles, books, government publications, and articles from professional journals.

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Weidman, Donald R., et. al., Intensive Evaluation for Criminal Justice Planning Agencies, National Institute of Law Enforcement and Criminal Justice, 1975.

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Allen, Jeffrey M., "Pretrial Release Under California Penal Code Section 853.6 - An Examination of Citation Release," California Law Review, Volume 60, No. 5, September 1972.

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Weisberg, Susan, Cost Analysis of Correctional Standards: Alternatives To Arrest, American Bar Association, 1975.

SUMMONS SYSTEM:

LaFave, Wayne R., "Alternatives to the Present Bail System," University of Illinois Law Forum, 1965.

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Merrill, Dean C., "Accelerating Reform in the Courts Through Technology Transfer," Institute for Law and Social Research, Paper presented at NATO Advanced Study Institute on Industrial Technology Transfer, June 1975.

Merrill, Dean C., "Using the PROMIS Tracking System for Criminal Justice Evaluation," Proceedings of the International Symposium of Criminal Justice Information and Statistics System, SEARCH Group, Inc., 1972.

Watts, Frederick G., and Work, Charles R., "Developing an Automated Information System for the Prosecutor," American Criminal Law Quarterly, Volume 9, 1970.

Work, Charles R., "A Prosecutor's Guide to Automation," The Prosecutor, Volume 7, No. 6, 1971.

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Abrams, Norman, "Internal Policy: Guiding the Exercise of Prosecutorial Discretion," U.C.L.A. Law Review, Volume 19, 1971.

Bureau of Social Science Research, Inc., Pretrial Screening in Perspective, Washington, D.C., 1975.

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Leonard, Robert F., and Garber, James, Screening of Criminal Cases, National District Attorneys Association, 1972.

Merrill, W. Jay, Milks, Marie N., and Sendrow, Mark, Case Screening and Selected Case Processing in Prosecutors' Offices, National Institute of Law Enforcement and Criminal Justice, March 1973.

Miller, Frank W., Prosecution: The Decision to Charge, Little, Brown, and Company, Boston, Massachusetts, 1969.

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