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**NATIONAL DISTRICT ATTORNEYS ASSOCIATION
MANAGEMENT, EVALUATION AND CONTRACT DIVISION**

217 EAST CHICAGO AVENUE • CHICAGO, ILLINOIS 60611

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20531



THRU: John Carney, NILECJ

September 13, 1976

Mr. Joseph Cady
Director
National Criminal Justice Reference Service
955 L'Enfant Plaza, S.W., Rm. 1207
Washington, DC 20024

Dear Mr. Cady:

Please find enclosed 2 copy (s) of the final narrative report/hand-
book/manuals for LEAA grant no. 75-TA-99-0009, "PATS Bureau".

Sincerely,

James C. Swain
by C. A. Hall

James C. Swain
Director
Adjudication Division
Office of Regional Operations

Enclosures





U. S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

DISCRETIONARY GRANT
PROGRESS REPORT

GRANTEE National District Attorneys Assoc. 211 East Chicago Chicago, Illinois 60611	LEAA GRANT NO. 75TA-99-0009	DATE OF REPORT August 31, 1976	REPORT NO. 5
IMPLEMENTING SUBGRANTEE N/A	TYPE OF REPORT <input type="checkbox"/> REGULAR <input checked="" type="checkbox"/> FINAL REPORT		
SHORT TITLE OF PROJECT PATS Bureau	GRANT AMOUNT \$384,674		
REPORT IS SUBMITTED FOR THE PERIOD March 15, 1975 THROUGH May 31, 1976			
SIGNATURE OF PROJECT DIRECTOR <i>J. David Bourland</i>	TYPED NAME & TITLE OF PROJECT DIRECTOR J. David Bourland Director-Management, Evaluation and Contracts Division		

NCJRS
SPECIAL REQUEST

SEP 14 1976

COMMENCE REPORT HERE (Add continuation pages as required.)

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RECEIVED BY GRANTEE STATE PLANNING AGENCY (Official)

DATE

PROGRESS REPORTS--INSTRUCTIONS FOR LEAA DISCRETIONARY GRANTS

Grantees are required to submit Progress Reports on project activities and accomplishments. No fixed requirements as to length or detail have been established, although some general guidelines appear below. It is expected that reports will include data appropriate to the stage of project development and in sufficient detail to provide a clear idea and summary of work and accomplishments to date. The following should be observed in preparation and submission of progress reports:

- a. Reporting Party. The party responsible for preparing the report will be the agency, whether grantee or subgrantee, actually implementing the project. Thus, where a State Planning Agency is the grantee but has subgranted funds to a particular unit or agency to carry on the project, the report should be prepared by the subgrantee.
- b. Due Date. Reports are submitted by the subgrantee to its State Planning Agency on a quarterly basis (i. e., as of June 30, September 30, December 31, and March 31) and are due at the cognizant Regional Office on the 30th day following the close of the quarter (unless specified otherwise by LEAA). The first report will be due after the close of the first full quarter following approval of the grant (i. e., for a grant approval on May 1 the first report will be due for the quarter ending September 30. It will cover the five month period May through September). The award recipient's final progress report will be due 90 days following the close of the project or any extension thereof.
- c. Form and Execution. Three (3) copies of each report should be submitted. However, five (5) copies must be submitted for all final reports. (If the grantee wishes to submit the same report to several agencies it may utilize LEAA Form 4587/1 (Rev. 9-75) as a face sheet completing all items and attach the report to it.) If continuation pages are needed, plain bond paper is to be used. It should be noted that the report is to be signed by the person designated as project director on the grant application or any duly designated successor and reviewed by the cognizant State Planning Agency.
- d. Reporting Requirements. The reporting requirements noted in this section are designed to provide information which permits determination of the extent to which LEAA Discretionary Fund projects are contributing to the overall goals and objectives of the Agency. Reports will be submitted on a quarterly basis, unless otherwise directed. The first report will include, as concisely as possible, the following information elements:
 1. Statement of project goals or objectives in tangible, measurable terms. The goals or objectives should denote the project's impact on the reduction of crime and delinquency, or the improvement of the criminal justice system, or both. Project goals or objectives should be consistent with LEAA's "Management-By-Objectives" planning concepts.
 2. Statement of the problem in measurable terms.
 3. Statement of hypotheses and working assumptions which provide the conceptual foundation and thrust for the project.
 4. Statement of specific indicators and measures to be used to assess the results of the project in terms of both 1 above and intermediate project outputs. Data sources and appropriate collection methods will be noted in this paragraph.
 5. Statement of the results achieved by the project during the first reporting period, utilizing the indicators developed in 4 above.
 6. Statement of significant administrative, budgetary, and programmatic problems confronting the project during the first reporting period. Obstacles to progress are to be noted in concise, frank terms. Major administrative, budgetary, and programmatic developments which are expected to affect the ultimate course and substance of the project will be described as precisely as possible.Subsequent progress reports will be required to address, as appropriate, the information elements contained in paragraphs 4 through 6 above, with the exception of that portion of paragraph 4 dealing with data sources and appropriate collection methods. Special reports, evaluation studies, and publications or articles related to the project which were issued during the reporting period should be attached to the progress report.
- e. Dissemination. All three (3) copies of regular progress reports and all five (5) copies of final reports should be submitted to the subgrantee's State Planning Agency. After review the State Planning Agency will forward two (2) copies of the report and four (4) copies of the final report to the cognizant LEAA Regional Office. The Regional Office will route the reports to all interested LEAA units. Copies should also be provided to other agencies cooperating in or providing services to the project.
- f. Special Requirements. Special reporting requirements or instructions may be prescribed for discretionary projects in certain program or experimental areas to better assess impact and comparative effectiveness of the overall discretionary program. These will be communicated to affected grantees by LEAA.

GOALS AND ACCOMPLISHMENTS

This section of the report will discuss in detail the accomplishments of the PATS Bureau during the grant period. It will discuss each accomplishment in the context of the goals and objectives set forth in the grant application. Accomplishments will cover all activity: staffing of the PATS Bureau; pre-visit preparations; on-site visits; post-visit reports; conferences; cooperation with other grants; and evaluation.

STAFFING OF THE PATS BUREAU

As set forth in the grant application, the PATS Bureau was to be composed of the following positions:

- A. One bureau director
- B. Two team leaders
- C. Two writer/editors
- D. One administrative assistant
- E. Three secretaries

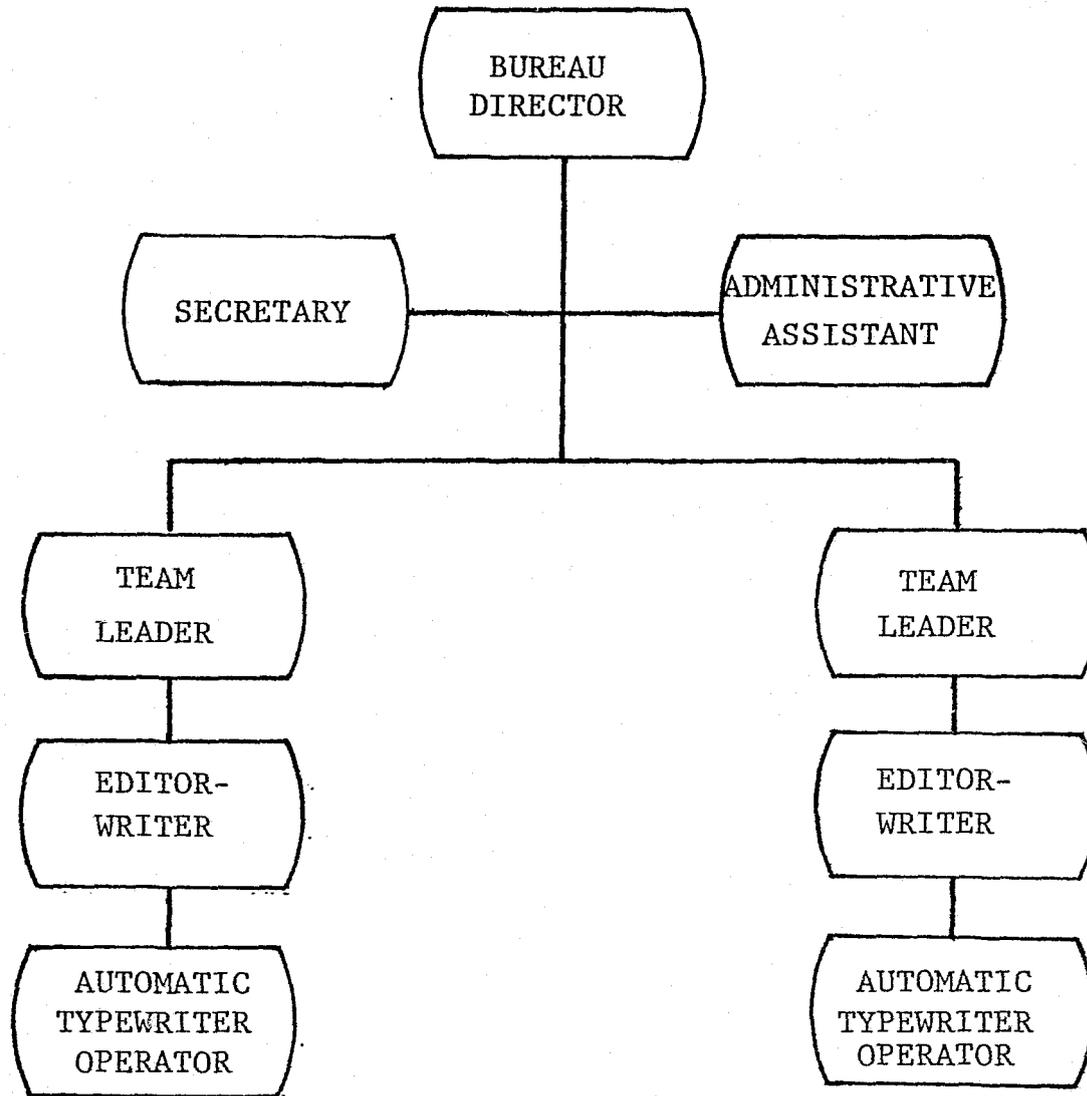
The Bureau Director and two Team Leaders were attorneys with several years experience each in prosecution. In addition, each had practiced privately and two of the three had experience working for state prosecution associations. The Administrative Assistant was an attorney with an M.A. in public administration. One editor/writer had a Ph.D. in English, with several years teaching experience on the university level. The

other had an M.A. in English, with several years experience in the editorial and consulting fields. This group fulfilled the goal of establishing a national management resource for the prosecution field.

On the following page, we include a diagram entitled "Prosecution Assistance and Technical Services Bureau Organization Chart." As the chart indicates, the PATS Bureau was established according to the team concept. Bureau members found this configuration to be highly effective. The prosecution offices to be visited were randomly assigned to the two teams, with the Bureau Director personally heading up offices that had special managerial problems. Total responsibility for each particular visit was assigned to the team. Each team handled its own visits, from pre-visit activities through the visit and report-writing phases. In no case was responsibility for an office switched between teams. As a result, accountability for the total performance of each visit was delegated to one of the leaders.

It will also be apparent from the organizational chart that each "team" really was able to function as a team. Each team leader worked with the same editor/writer and the same automatic typewriter operator during the entire grant period. This generated a strong feeling among Bureau members that each knew where he or she stood in the chain of command, and that each knew the workload for which he or she was responsible. The two teams of course assisted one another

PROSECUTION ASSISTANCE AND TECHNICAL
SERVICES BUREAU ORGANIZATION CHART



during vacation periods or in cases of unusually high workloads. It is again emphasized, however, that each team was totally responsible for the offices assigned to it.

Two indications of the success of this organizational structure can be found in the evaluation report submitted by the Public Administration Service in March of 1976. Concerning the organization of the bureau, PAS made the following observation: "The PATS Bureau is organized along the lines of established and widely accepted principles of organization" (page 32). In the same context, PAS makes this statement: "Program leadership is exemplary and results in a strong team approach in working towards specific work objectives" (page 32).

With respect to the staffing of the PATS Bureau positions, the Bureau enjoyed almost total continuity during the grant period. The single major change was the promotion of the Administrative Assistant to the position of Team Leader when that position was vacated. The Bureau had anticipated this change, and the Administrative Assistant, who had previously worked in the Technical Assistance effort under the National Center for Prosecution Management of the NDAA, was amply prepared for this new assignment. His position as Administrative Assistant was filled by a college graduate with over three years experience with the NDAA. A chief result of this continuity is the fact that all Bureau members became accustomed to working together in a spirit of cooperation.

On this subject, PAS made the following observations:

"The Bureau's working environment can best be characterized as one of mutual trust and support, open communications, and genuine cooperation" (page 32).

PRE-VISIT PREPARATION

The first indication that an office needed a Technical Assistance visit was either direct contact from the requesting prosecutor or a copy of the request sent to the State Planning Agency. At this point, the requesting office was added to a chronological list and a file was created. A copy of the master list of offices is attached on the following pages. As can readily be seen, this master list also functioned as a status sheet for the major stages of a visit: request, approval, schedule, visit, draft report, final report, evaluation letter, revisit. By means of this master status sheet, the entire Bureau was apprised of the progress of the Bureau at the end of each week. The master status sheet was, of course, used in preparation of status reports to LEAA in Washington.

As is mentioned above, a file was opened on each office requesting a visit. The same file followed each case throughout the life of the visit and was also used to house post-visit materials, including the master copy of the final report, for permanent storage. Each office requesting a visit was given a number that reflected the date of the request and the chronological sequence of the request. Among other things, a record

AND
TECHNICAL SERVICES BUREAU

WEEK ENDING:

REQUESTED	SCHEDULED	VISITED	IN DRAFT	FINAL PREP.	COMPLETED	EVAL. LETTER	REVISITED
1. Manhattan, N.Y.	*****	*****	*****	*****	*****	*****	
2. Ft. Lauderdale, Fla.	*****	*****	*****	*****	*****	*****	
3. Norfolk, Va.	*****	*****	*****	*****	*****	*****	
4. Portsmouth, Va.	*****	*****	*****	*****	*****	*****	
5. Newport New, Va.	*****	*****	*****	*****	*****	*****	
6. Fayetteville, N.C.	*****	*****	*****	*****	*****	*****	
7. Sullivan Co., Tenn.	*****	*****	*****	*****	*****	*****	
8. Ventura, Calif.	*****	*****	*****	*****	*****	*****	
9. Akron, Ohio	*****	*****	*****	*****	*****	*****	
10. Doylestown, Pa.	*****	*****	*****	*****	*****	*****	
11. Lafayette Parish, La.	*****	*****	*****	*****	*****	*****	
12. Conroe, Texas	*****	*****	*****	*****	*****	*****	
13. Honolulu, Hawaii	*****	*****	*****	*****	*****	*****	
14. Hilo, Hawaii	*****	*****	*****	*****	*****	*****	
15. Kauai, Hawaii	*****	*****	*****	*****	*****	*****	
16. Maui, Hawaii	*****	*****	*****	*****	*****	*****	
17. St. Joseph, Mi.	*****	*****	*****	*****	*****	*****	
18. Marietta, Ga.	*****	*****	*****	*****	*****	*****	
19. Albany, Ga.	*****	*****	*****	*****	*****	*****	
20. Eureka, Calif.	*****	*****	*****	*****	*****	*****	
21. Minneapolis, Minn.	*****	*****	*****	*****	*****	*****	
22. Flint, Mich.	*****	I					
23. Shawnee, Okla.	*****	*****	*****	*****	*****	*****	
24. Sayre, Okla.	*****	*****	*****	*****	*****	*****	
25. Augusta, Maine	*****	*****	*****	*****	*****	*****	
26. St. Thomas, V.I.	*****	*****	*****	*****	*****	*****	
27. Santa Fe, N.M.	*****	*****	*****	*****	*****	*****	
28. Richmond, Va.	*****	*****	*****	*****	*****	*****	
29. Clearwater, Fla.	*****	*****	*****	*****	*****	*****	
30. Tampa, Fla.	*****						
31. Littleton, Col.	*****	*****	*****	*****	*****	*****	
32. Barnstable, Mass.	*****	*****	*****	*****	*****	*****	
33. Gulfport, Miss.	*****	*****	*****	*****	*****	*****	
34. Hopi Indian Nation	*****	I					
35. Port Orchard, Wash.	*****	*****	*****	*****	*****	*****	
36. Jacksonville, Fla.	*****	*****	*****	*****	*****	*****	
37. Key West, Fla.	I						
38. Decatur, Ga.	I						
39. Rock Island, Ill.	I						
40. Townson, Md.	I						
41. Salem, Mass.	I						
42. Marshall, Mich.	*****						
43. Springfield, Mo.	I						
44. Hackensack, N.J.	*****	*****	*****	*****	*****	*****	
45. Morristown, N.J.							
46. Newton, N.J.	*****	*****	*****	*****	*****	*****	
47. Nassau Co., N.Y.	*****	*****	*****	*****	*****	*****	
48. White Plains, N.Y.	*****	*****	*****	*****	*****	*****	
49. Xenia, Ohio	*****	*****	*****	*****	*****	*****	
50. Guymon, Okla.	*****						

of the sequence in which requests were received enabled the Bureau Director to assign visits largely on a first-come first-served basis. In keeping with objectives stated in the grant application, special scheduling consideration was given to offices with particularly pressing management needs. Generally, however, offices were served in the order in which requests were received.

The PATS Bureau found the filing system and status sheet to be useful and efficient. PAS made the following observation: "The Bureau has established an effective method of monitoring and controlling project activities. The program filing and case numbering systems used are adequate and need not be modified" (page 33). One special feature was the pre-printed file jacket, which provided space for status information and special transactions: e.g., date of request, approval date, team assigned, reports received, writer assigned, draft date, final report date, evaluation letter date. Bureau members found this to be a ready source of reference for the status and teams assigned in each visit. Although an index card was initially developed, its use was gradually abandoned in favor of the status sheet and pre-printed file jacket.

The next phase of pre-visit preparation involved team assignment by the Bureau Director. To a substantial degree, assignment was made on a strictly rotational basis. PAS found this an appropriate means of making assignments: "The practice of making team assignments on a rotational basis is an equitable method and should be continued" (page 33).

At this point, the administrative assistant was responsible for seeing to it that a profile was prepared for each office. Except in unusual circumstances, the office profile was prepared by means of a "Technical Assistance Profile Questionnaire" developed early in the grant period by the administrative assistant. The questionnaire, composed of 85 questions (18 pages), covers every aspect of prosecution office management; it includes a solicitation of the most important management problems ranked in order of seriousness.

The questionnaire also asks for a copy of the office organizational chart and the present budget. A copy of the questionnaire is included in Appendix I of this report. When the questionnaire was returned, the information was excerpted condensed, and placed in the "Office Profile" section of the Consultant's Handbook, which is discussed in this report below.

A copy of the Office Profile is also included in Appendix I of this report.

After the profile of the office was received, the Bureau Director selected the consultants to make up the team. Consultants were chosen according to their areas of specialty. These include the following categories:

Large Office Operations; large office administration; automated and manual information systems; training; special prosecution units; small offices; records management; budget and interagency planning; attorney-general operations; paper flow charting; non-support units; juvenile units; investigation; civil. Consultants in most cases are competent in several of

the above-mentioned areas. Teams were then assigned consultants according to the requirements dictated by the office profile. As a matter of general policy, consultants were chosen from the state in which the office to be visited was located. In putting together the teams, consideration was also given to the experience of consultants with the PATS Bureau program. Many of the consultants were experienced under previous Technical Assistants grants. Whenever a new consultant was taken into the field, the Bureau Director made sure that the rest of the team was experienced so that the Team Leader could concentrate on training the new consultant.

The next stage of pre-visit activity involved preparation of the Consultant's Handbook for the Team Leader and all consultants. As previously mentioned, an office profile was included in the handbook, based upon the response of the office to be visited to the questionnaire. The handbook is comprehensive, designed to acquaint the consultant with every aspect of his responsibilities on the visit. It includes basic information on the team members and host prosecutor, as well as a schedule of the visit itself. In addition, the handbook contains a "Report Outline." A copy of the outline is attached in Appendix II of this report. The outline divides the prosecutor's office into its operational and administrative functions. The Team Leader made reference to this outline in assigning particular areas of responsibility to consultants,

and reviewing what they have covered during the debriefing session at the end of each day. The outline has proved effective in communicating to consultants both the areas of their own responsibility and the basic plan for reviewing every aspect of management in a prosecutor's office. Consultants also utilize the outline in putting together both their oral reports during the closing session and their written team member reports after the visit. PATS Bureau writers also have found the outline to be useful. During the year, it was modified by one of the Team Leaders into the present form.

The last pre-visit activity was scheduling. A major consideration in scheduling visits was to promote cost-effectiveness by scheduling two visits in the same geographical area in one week. In some cases, these visits were designed to coincide with management seminars or board meeting presentations. This is discussed in "Services and Costs" below.

The Consultant's Handbook also contains a sample copy of a team member's report. This was designed to demonstrate for consultants, particularly new people, the type of team member's report required.

ON-SITE VISITS

The on-site visit was highly structured. As indicated above, each Consultant's Handbook had a section setting forth the complete schedule for the visit. In all cases, teams met the evening before the actual visit at the team leader's hotel room in order to take care of preliminary introductions

among team members and general introduction to the visit. One of the requirements for consultants was a firm understanding that the Technical Assistance teams were to meet in the city to be visited the evening before the visit began. Typically, this involved arriving on a Sunday evening.

Airline and hotel reservations for NDAA Team Leaders were made by the PATS Bureau secretary. She in turn communicated arrival and hotel plans to consultants, so that the entire team would stay at the same hotel, and so that the Team Leader would know the arrival time of the consultants. During the course of the grant period, the PATS Bureau secretary took over the responsibility of writing all airline tickets for PATS Bureau personnel in the office. This was a particular aid in scheduling, especially when there were last minute changes.

The following schedule is representative of the three day on-site visit:

SUNDAY

Evening: Team members arrive at visit location and meet with team leader for general introduction to the visit.

MONDAY

8:30 a.m. Meet in team leader's room for pre-visit briefing.

9:00 a.m. Arrival at prosecutor's office. Introductory meeting with prosecutor for overview of office management and problem areas.

10:00 a.m. Team members break up to conduct individual assignments.

5:00 p.m. Depart for hotel.

5:30-6:30 p.m. Debriefing at hotel.

TUESDAY

8:30 a.m. Meet in team leader's hotel room.

9:00 a.m. Arrival at prosecutor's office. Commence individual assignments.

5:00 p.m. Depart for hotel.

5:30-6:30 p.m. Debriefing in team leader's hotel room.

WEDNESDAY

8:30 a.m. Meet in team leader's room.

9:00 a.m. Arrival at prosecutor's office. Commence final assignments.

12:00 p.m. Return to hotel for pre-closing session conference.

2:00-4:30 p.m. Closing session with prosecutor.

5:00 p.m. Departure.

For the two and two-and-one-half day visits, the above schedule was modified accordingly.

There are several features of the schedule that contributed greatly to the effectiveness of the on-site visits. First, travel was required the day before the visit and the evening following the visit. In some cases, team leaders and consultants did not leave the city until the morning following the visit. In this way, the PATS Bureau insured that full days were devoted to the visits scheduled. There was another advantage to requiring all team members to assemble the evening before the visit. In many cases, individuals were not acquainted with one another. The evening meeting before the visit gave the team leader an opportunity to introduce team members, and to generally explain the forthcoming visit.

In addition to carrying out his own areas of responsibility, the PATS Bureau team leader was responsible for monitoring the progress of consultants during the visit. This was done by means of the briefing session in the team leader's room each morning and the debriefing session in the team leader's room at the end of each day. At the initial briefing session the morning of the first visit, consultants were given particular assignments: e.g., paperflow, lower court operations, police relations, etc. During the debriefing session at the end of each day, the team leader asked for oral reports of the day's progress. Although a one hour period,

usually 5:30 to 6:30 p.m., was set aside for this purpose, debriefing sessions often lasted far longer. During the debriefing sessions, the team leader was able to determine how thoroughly each consultant had covered his area of responsibility. In many cases, responsibilities were re-assigned the following morning if they had not been covered. In this way, the team leader was able to monitor the progress of the visit each day and make modifications to insure that all areas would be covered during the visit.

The debriefing session also provided an opportunity for joint discussion of findings and recommendations. Because all findings and recommendations made to host prosecutors were ultimately stated in the name of the entire team, it was important that a consensus be achieved before the oral presentation to the host prosecutor the last day of the visit. In most cases, this was accomplished by means of discussion. Where there were differences of opinion, the team leader made the final determination.

During the first day's debriefing session, only findings - particularly problem areas - were discussed. Since team members were given particular assignment areas, this provided an opportunity for all team members to benefit from the knowledge of others. In many cases, the genesis of a problem lay outside of the immediate problem area: e.g., a backlog of cases docketed for trial caused by lack of screening. At the first day's debriefing session, problem areas could be thoroughly discussed in terms of overall office management. At

At the second day's debriefing session, solutions to the problems were proposed and discussed. Again, it was important that all team members provide input based upon their particular findings.

The final briefing session among the team was held prior to the oral presentation to the host prosecutor at the end of the visit. Generally, this process was divided into two parts. Team members would individually review their notes, developing a topic outline of areas to be covered in their oral closing session. Then, each team member would present a summary of his oral presentation to the others. In this way, the team leader would insure that all major problem areas would be raised during the oral presentation, and that there would be no overlapping.

The oral presentation to the host prosecutor has been characterized as a mini-management seminar. The format of the closing session was as follows: the team leader would offer introductory remarks, then each team member, including the team leader, would present the major findings and recommendations pertaining to his area of study. Host prosecutors were informed that these areas were the most significant, and that the written report would cover additional ground. The oral presentation lasted between two and two and one-half hours. Generally, it was followed by a period of informal discussion.

Host prosecutors were invited to ask questions during the oral presentation. As a result, team members' individual presentations were often punctuated by give-and-take sessions

with the prosecutor. Invariably, the prosecutor took notes. In many cases, prosecutors began implementation of recommendations immediately, not waiting for the written report to arrive. PATS Bureau team leaders and consultants were uniformly convinced that the closing session was a major contribution to the program. Findings and recommendations were "fresh," and the prosecutor was highly attuned to the information being given him. Because a group of strangers had just finished probing every area of his office, the prosecutor was naturally anxious to hear what kind of an office he was running. In addition, the oral presentation provided a "preview" of the major problem areas and recommendations that would be forthcoming in the written report. This gave the host prosecutor extra time in which to consider how he might implement the various report. This gave the host prosecutor extra time in which to consider how he might implement the various recommendations.

All consultants were advised of the importance and concomitant length of the final presentation to the host prosecutor in making their arrangements for return flights home. In many cases, this involved either travelling late in the evening or staying over until the next morning. As will be noted below, one of the criteria for selecting consultants was insuring that there would be full cooperation in meeting the visit schedule, including travel prior to and after the visit.

POST-VISIT REPORTS

This activity, described in detail in a separate Section of this report below, was the major vehicle for solidifying and communicating all findings and recommendations to host prosecutors. These findings and recommendations are discussed in two separate Sections of this report, "Problem Identification" and "Solution Recommendation." As these Sections indicate, findings and recommendations made as a result of on-site visits fulfilled the goal of providing prosecutors with comprehensive problem identification studies and comprehensive recommendations. Recommendations included establishment of priorities and suggested timetables, in order that prosecutors could establish realistic schedules for implementation. Final reports submitted to prosecutors contained various forms, charts, and guidelines to aid them in establishing modern management procedures. All of these materials were developed in response to the particular needs of the office being studied. The writer/editors were a major factor in submitting final reports to host prosecutors that were both comprehensive and timely. It would have been impossible for the Bureau to complete the reporting that it did without these positions.

CONFERENCES

During the period of the grant, the PATS Bureau put on management seminars at three major prosecution conferences: Butte, Montana, Montana County Attorneys Association, July 22/23, 1975; Northwestern University School of Law,

Short-Course for Prosecutors, August 6/7, 1975; Houston, Texas, National College of District Attorneys, March 4/5, 1976. These conferences were attended by hundreds of prosecutors from every part of the United States. Management materials developed by the PATS Bureau from their experience in prosecutors' offices were presented at these conferences. In Appendix III of this report, we have included two management papers delivered at these conferences: "Staff Motivation," and "An Overview of Word-Processing." The Appendix also contains a letter of appreciation from the Montana County Attorneys Association.

In keeping with the goal of providing a national source for prosecution management expertise, the PATS Bureau also cooperated with a number of training efforts in various parts of the United States. The Bureau Director presented management seminars at the National College of District Attorneys and the Virginia Commonwealth's Attorneys Association, and participated in a management study of four special prosecution training services offered by the University of Mississippi Law Center. These activities were financed independently of the present grant. However, they demonstrate the accomplishment of establishing the PATS Bureau as a national center for prosecution management expertise.

The Bureau Director and the Team Leaders also addressed three board meetings of the National District Attorneys Association, as provided for by the grant. These meetings, attended by some fifty to seventy-five chief prosecutors from all over the United States, also served as an important means of communi-

cating the prosecution management expertise of the PATS Bureau to the prosecutorial community. Management seminars were also put on by the PATS Bureau at the NDAA mid-summer conference in Montreal, and the mid-winter conference in New Orleans.

COOPERATION WITH OTHER GRANTS

The PATS Bureau maintained communication with other LEAA fund projects by several different means. One important avenue of cooperation was the utilization of consultants with special expertise on particular visits. As the "Visit Summary" Section indicates, consultants were used from the National Clearinghouse for Criminal Justice Planning and Architecture, the Institute for Law and Social Research, and the Criminal Justice Institute. In participating with the PATS Bureau in Technical Assistance visits, these consultants were able to gain first-hand knowledge of the Bureau's activities, as well as contribute to the work of the Bureau.

The PATS Bureau cooperated extensively with several other LEAA projects. Quarterly project reports were exchanged by the Bureau and the Institute for Advanced Studies in Justice. In addition, the Bureau made five of its visits in cooperation with the Institute for Advanced Studies in Justice. Cooperative efforts were also undertaken with the National Center for Defense Management in providing them with a draft copy of "Managing Case Files in the Prosecutor's Office." The PATS Bureau also reviewed a proposal entitled "Research on Prosecu-

torial Decision Making" for the National Institute of Law Enforcement and Criminal Justice.

As part of its function as a permanent resource for prosecution management information, the PATS Bureau received inquiries from prosecutors on a variety of management subjects on a daily basis throughout the year. These inquiries were directed to the appropriate agencies and projects whenever the PATS Bureau was not able to provide answers. For example, many inquiries are made concerning recommended architectural standards for prosecutor's offices. Such inquiries were regularly referred to the National Clearinghouse for Criminal Justice Planning and Architecture. Other requests pertained to specific programs within the National District Attorneys Association: Standards and Goals, Commission on Victim Witness Assistance, Economic Crime Project, Commission on Child Support Enforcement. Requests pertaining those projects were routed accordingly. Other requests came in pertaining to areas serviced by the National Association of Prosecutor Coordinators and the National College of District Attorneys. PATS Bureau members were kept apprised of the activities of these organizations, and were able to inform persons requesting information appropriately. In all, the PATS Bureau functioned as a major, permanent source of prosecution management information. This fulfilled all goals and special conditions of the grant. It was clear from the many communications received that prosecutors were aware of the services provided by the PATS Bureau, and turned to the Bureau regularly for management advice.

EVALUATION

In keeping with the requirements of the grant, an evaluation program was established by the PATS Bureau in cooperation with an independent professional evaluator. The results of this evaluation are contained in the Section "Evaluation" of this report below. The independent evaluator determined, among other things, the impact of the PATS Bureau on-site visits both by participating as observers on the visits and by reviewing the impact of the visits on offices after the visits had been completed. The findings of the independent evaluator are summarized in the "Evaluation" Section of this report. In addition, copies of the independent evaluator's report were submitted to LEAA.

The PATS Bureau also requested letters of evaluation from host prosecutors at the end of each on-site visit. The response contained in these letters is discussed in the "Evaluation" Section of this report, and copies of the letters are contained in an appendix. This response was uniformly positive.

SUMMARY

The accomplishments described above and elsewhere in this report fulfilled all goals set forth in the grant application and all special conditions imposed by LEAA.

VISIT SUMMARY

<u>Office Visited</u>	<u>PATS Bureau Members</u>	<u>Consultants</u>
Fort Lauderdale, FL March 25-27	J. David Bourland Carvel Harward Stephen Taylor	Ernest Williams Robert Rennie Lee Middleton
Ventura, CA April 1-3	J. David Bourland James Johnson	Robert Newey Donald Hinchman John Sinuefield
Fayetteville, NC April 7-9	Steven Taylor	William Hanna Walt Saur
Portsmouth, VA April 7-9	Carvel Harward	Andrew Sonner Reginald Gaston
Newport News, VA April 9-11	Carvel Harward	Andrew Sonner Reginald Gaston
Norfolk, VA April 8-10	J. David Bourland	Cecil Hicks James Garber
Doylestown, PA April 29-May 1	Steven Taylor	Donald Hinchman David Bludworth Pat Hallford
Akron, OH April 30-May 2	Carvel Harward	Roger Rook Nancy Randall
Conroe, TX May 29-30	James Johnson	Roger Rook
Richmond, VA June 3-5	Carvel Harward Steven Taylor	Andrew Sonner
St. Joseph, MI June 17-18	Steven Taylor	Paul Van Dam John Sinuefield
Marietta, GA June 23-25	Carvel Harward	James Gregart Reginald Gaston

Office Visited

PATS Bureau Members

Consultants

Albany, GA
June 26-27

Carvel Harward

James Gregart
Walt Saur

Minneapolis, MN
June 24-26

Steven Taylor
James Johnson

Seymour Gelder
Roger Rook

Eureka, CA
June 25-26

J. David Bourland

James Reagan
Donald Hinchman
Robert Rennie

Mineola, NY
July 1-3

J. David Bourland
Carvel Harward

Andrew Sonner
James Garber
Thomas Lane
Ernest Williams

Clearwater, FL
July 14-16

Carvel Harward

James Heelan
Donald Hinchman
Seymour Rotker

Hanford, CA
July 16-17

James Johnson

Roger Rook

Littleton, CO
July 21-23

Carvel Harward

Pat Horton
Jack Yelderton

Butte, MT
July 22-23

J. David Bourland
Carvel Harward

Robert Leonard
Ernest Williams
Roger Rook
Preston Trimble

Chicago, IL
August 6-7

J. David Bourland

Ernest Williams
Preston Trimble

Montreal, Quebec
August 11-13

J. David Bourland
Carvel Harward
James Johnson

Sante Fe, NM
August 11-13

James Johnson

Preston Trimble
Cecil Hicks

Titusville, FL
August 11-13

Carvel Harward
Robert McCracken

John Keenan
James Garber
Steven Montanarelli
Pat Horton

Office Visited

PATS Bureau Members

Consultants

Jacksonville, FL
August 14-15

Carvel Harward
Robert McCracken

John Keenan
James Garber
Steven Montanarelli
Pat Horton

Barnestable, MA
August 18-19

James Johnson
Peter Bandelow

Oliver Kitzman
Roger Rook
Lee Middleton

Augusta, ME
August 20-22

James Johnson
Peter Bandelow

Oliver Kitzman
Roger Rook
Lee Middleton

Santa Barbara, CA
August 20-22

Carvel Harward

Tom Lane
Donald Finchman
Robert Rennie
Ernest Williams

Lafayette, LA
September 15-17

James Johnson

Charles Heim
Preston Trimble

Jonesboro, LA
September 18-19

James Johnson

Paul Van Dam

Second District, OK
September 22-23

Carvel Harward

Mike Montgomery
Ernest Williams

Twenty-third Dist., OK
September 24-25

Carvel Harward

Mike Montgomery
Ernest Williams

St. Thomas, VI
September 23-24

J. David Bourland

Patrick Healy
Elliott Golden

St. Croix, VI
September 24-25

J. David Bourland

Patrick Healy
Elliott Golden

Gulfport, MS
September 28-30

James Johnson

David Bludworth
Paltiel Bach

Xenia, OH
October 7-8

James Johnson

Reginald Gaston

<u>Office Visited</u>	<u>PATS Bureau Members</u>	<u>Consultants</u>
Sullivan County, TN October 15-16	James Johnson	
Honolulu, HI October 20-22	J. David Bourland Carvel Harward	Donald Hinchman Ernest Williams
Lihue, HI October 23-24	Carvel Harward	Donald Hinchman Ernest Williams
Hilo, HI October 20-22	James Johnson	Roger Rook
Wailuku, HI October 23-24	James Johnson	Roger Rook
Fairbanks, AK November 3-4	James Johnson	Cecil Hicks Preston Trimble
Juneau, AK November 3-4	J. David Bourland Carvel Harward	Patrick Healy
Anchorage, AK November 5-7	J. David Bourland Carvel Harward James Johnson	Cecil Hicks Patrick Healy Preston Trimble
Hackensack, NJ November 10-12	James Johnson	Seymour Rotker Ed Ratledge Edward Johnson
Newton, NJ November 13-14	James Johnson	Steve Montanarelli
White Plains, NY November 18-20	Carvel Harward	James Barklow Charles Heim Donald Hinchman
Port Orchard, WA November 24-26	Carvel Harward	Roger Rook
Olympia, WA December 1-2	Carvel Harward	Preston Trimble Paltiel Bach

Office Visited

PATS Bureau Members

Consultants

Vancouver, WA
December 1-2

James Johnson

William Schafer

Silverado, CA
December 3-4

J. David Bourland
Carvel Harward
James Johnson

Osceola, AR
December 16-18

James Johnson
Hugh Orlicz

Oliver Kitzman

Dallas, TX
January 6-8

J. David Bourland
Carvel Harward
James Johnson

Walter Monsour
Ernest Williams
Donald Hinchman

New Orleans, LA
January 19-21

J. David Bourland
Carvel Harward
James Johnson

Steve Montanarelli
Patrick Healy
Preston Trimble

Baton Rouge, LA
January 21-23

J. David Bourland
Carvel Harward
James Johnson

Roger Rook
Patrick Healy

San Luis Obispo, CA
January 29-30

Carvel Harward

Seymour Rotker

Wheaton, IL
February 17-20

Carvel Harward
James Johnson

San Francisco, CA
February 23-27

J. David Bourland
Carvel Harward

Elliott Golden
Donald Hinchman
Steve Montanarelli

Houston, TX
March 4-5

J. David Bourland
Carvel Harward

New Orleans, LA
March 9

J. David Bourland
Carvel Harward
James Johnson

Louisville, KY
May 5-7

Carvel Harward

William Wessel
Andrew Sonner
Preston Trimble
George Kostritsky

SERVICES AND COSTS

The visits listed above were carefully scheduled in order to provide as much service as possible to prosecutors under the terms of the grant while maintaining cost effectiveness. As the chronological listing of visits indicates, a majority of visits were scheduled so that two offices in the same geographical region were visited in one week. In fact, 55% of the visits were accomplished in this manner. In most cases, the consultants used remained in the field for the entire week, cutting travel costs considerably. This was a major factor in cutting back the travel expenses from the initial amount budgeted. Wherever possible, consultants were chosen from the same geographical area of the United States as the office to be visited. This practice was not possible in all cases because of consultants' schedules: many of the top consultants were available only a very few days of the year. Nonetheless, the PATS Bureau was able to achieve an approximate average travel cost of \$180 per team member per office visited. Although this figure does not take into consideration ground transportation, it does consider average air fares. This figure is considerably under the \$225 initially budgeted.

A major consideration in developing the PATS Bureau was to provide service to a major segment of the population of the United States. The offices visited under the grant period directly served jurisdictions totaling approximately 21 million people--this does not include populations served by regional training seminars and board appearances.

Offices visited under the grant averaged 20 attorneys and 20 support staff. In addition, some 400 prosecutors, most of them chief prosecutors, attended regional seminars and board presentations. Thus a total of some 1,500 prosecutors and some 1,100 investigators, paralegals and secretaries were directly served under the grant by the PATS Bureau visits.

An initial goal of scheduling offices was to divide requests into three categories: class A with 25 or more personnel; class B, with 13 to 24 personnel; class C, with 12 or less personnel. In order to provide appropriate services, the following formula was developed: class A offices would receive three day visits with teams composed of four individuals; class B offices would receive two and one-half day visits with teams composed of three individuals; class C offices would receive two day visits with teams composed of two individuals.

In performing the visits, the PATS Bureau either equalled or exceeded the formula stated above. Class A offices received visits averaging three days each, with teams averaging 4.5 individuals. Class B offices received visits averaging 2.4 days in length, with teams averaging 2.8 individuals. Class C offices received visits averaging 2.4 days, with teams averaging 2.6 individuals. The chief variance here is the fact that team sizes were larger than originally anticipated. This is due primarily to an average of 1.6 PATS Bureau members per visit rather than 1.0 as originally planned. This change is discussed below.

In their evaluation report, the Public Administration Service made the following observations with respect to Program Cost-Effectiveness: "The cost per project under the grant period was estimated to total not more than \$5,747 each. According to figures received from the Association's Accounting Office via the program director, average costs per project are running approximately \$4,620. Assuming the correctness of this information, the program is experiencing a saving of approximately \$1,127 per assignment-- a very commendable effort" (page 29).

CONSULTANT-STAFF TEAM MEMBERS

Under the original grant proposal, each visit was to have an average of 1 PATS Bureau member and two outside consultants. The actual ratio was closer to 1.6 PATS Bureau members to 2 outside consultants. There are a number of reasons for this change, which necessarily affected the budget categories initially proposed (particularly staff travel, consultant travel, and consultant services). The PATS Bureau maintained firm control of each visit by means of the Team Leader who directed all field activities. In order to fully train Team Leaders, several visits were made early in the grant period where two or more PATS Bureau personnel participated. In addition, at various points during the grant period several of the larger offices were visited by teams consisting of two or more PATS Bureau personnel. This was done in order to acquaint them first-hand with the procedures for visiting large offices. In addition, the two editor/writers went on a one-week, two-office visit and the administrative

assistant went on a one-office visit. The first-hand knowledge that these individuals gained from these visits was extremely valuable to them in performing their duties during the entire grant period.

A total of 42 different consultants were used on the various office visits. Three of these consultants were from the NDAA: the Executive Director, the Assistant Executive Director, and the National Coordinator (who had previously served with the National Center for Prosecution Management in Washington). Of the 39 outside consultants used, the following table indicates the frequency with which individual consultants made visits:

<u>VISITS</u>	<u>CONSULTANTS</u>
1	14
2	10
3	7
4	3
5	1
6	0
7	1
8	1
9	0
10	2

As the above figures indicate, consultants were not used with the same frequency. There are several reasons for this. Many excellent consultants were simply unavailable for more than one or two visits during the year. At the other end of the scale, several excellent consultants were available for heavy travelling schedules. As discussed earlier in this report, the Team Leader closely monitored the performance of each consultant during each day in the field. Primarily this was done

by means of the daily debriefing session, but Team Leaders were also instructed to keep close contact with consultants during the day. New consultants, of course, needed to be broken in by means of having the Team Leaders actually work alongside of each new consultant during the first few interviews in order to instruct them in techniques of data gathering. At the end of each visit, the Team Leaders gave frank evaluations of the performance of consultants to the Bureau Director. Those who had performed poorly were simply not used again. Although this represented additional "breaking in" time for other consultants later on, the time was judged well spent since it contributed directly to the quality of consultants used by the Bureau.

Generally, the PATS Bureau reached the conclusion that a team composed of 50% Bureau personnel and 50% outside consultants would be ideal. This ratio would provide for the training of new consultants, and it would allow the PATS Bureau to insure the quality of each on-site visit by direct monitoring.

BUDGET CHANGES

The following discussion pertains to budget changes in the major object class categories. All changes were approved by means of formal adjustment requests.

The increase in PATS Bureau employee salaries was necessitated because of the no-cost extension of the grant for a period of two and one-half months (March 16 through May 31, 1976).

The decrease in employee benefits occurred because actual expenses in this category were less than originally budgeted for.

The decrease in the travel category was a result of two factors: travel costs per visit were maintained at less than budgeted for (this is discussed above); time and increased expenses in other object class categories (for which adjustments were received) did not permit the maximum allowable number of visits to be scheduled. It will be noted that, as discussed earlier in this report, travel expenses were held down by means of making two visits per week in a majority of office visits.

The consultant services category was decreased because the maximum allowable number could not be scheduled (see preceding paragraph). However, the PATS Bureau adhered strictly to the two consultant per visit average originally proposed in the grant application. At the same time, the average number of PATS Bureau personnel per trip was increased. Thus, proportionately fewer consultant days were charged against consultant services. Savings in this category were largely transferred to the staff portion of the travel object class, which necessarily had to be increased. Following the present discussion of budget changes, a discussion of the ratio between staff and consultant participants is given.

The rent category was increased because of the two and one-half month no-cost extension period of the grant.

The supply category (which included postage) was increased because the amounts initially called for underestimated the actual costs in this area. The PATS Bureau functioned in effect as a small publishing house during the year, preparing and mailing approximately 700 reports, each of them averaging over 100 pages, to prosecutors, consultants, and LEAA offices.

The telephone category was increased because of the many long-distance calls required to set up each visit. The coordination of schedules among host prosecutors and consultants was particularly crucial, requiring a good deal of telephoning.

A savings was realized in the printing category largely because of acquiring in-house capability to reproduce, bind, and mail all technical assistance reports.

The equipment category was increased in order to provide a second automatic typewriter, thus giving both teams the benefit of automatic typing. This was necessary in order to keep the production of reports within the six week time period called for by the Bureau. This category also reflects the acquisition of a report binding machine in-house.

POST-VISIT REPORTS

The report writing phase of the visit began immediately after the visit itself. Each consultant was informed by letter prior to the visit that his individual team member's report was due at the NDAA offices in Chicago one week after the visit was made. In order to prompt compliance with this policy, no consultant was paid his fee until after his team member's report was in. In nearly all cases, reports were received promptly. The PATS Bureau Director found that most reports were satisfactory both as to promptness and context. Occasionally reports were deficient, and this was grounds for not utilizing a particular consultant again. Generally, team members reports were 20 to 40 pages in length. In the consultant's handbook, a model team member's report was included which consultants found to be useful. The PATS Bureau stressed completeness, asking consultants to include all their findings and recommendations. The editing down process would then take place at a later date. In Appendix V of this report, we have included two sample team members reports. One focuses on operations and the other on administration.

Typically, the editor/writer began work on the draft report within two weeks of the visit. This was the point at which all team members' reports, team leader included, were organized into the final format devised by the editor/writers.

The following format was used in organizing the final report:

- I. Introduction
- II. Jurisdiction and System Overview
- III. Background to Findings and Recommendations
- IV. Operations
 - A. Intake
 - B. Lower Court Operations
 - C. Screening
 - D. Preliminary hearing/grand jury
 - E. Screening
 - F. Higher Court Operations
 - G. Assignment of Attorneys
 - H. Special Units
 - I. Investigation
 - J. Inter-Agency Relations: Police
 - K. Inter-Agency Relations: Courts
 - L. Inter-Agency Relations: Defense
- V. Administration
 - A. Office Organization
 - B. Administrative Management
 - C. Secretarial Staff
 - D. Files and File Control
 - E. Indexing
 - F. Paperflow

- G. Statistics
- H. Office Manual
- I. Physical Facilities
- J. Equipment
- K. Manual/Automated Tracking Systems

VI. Development

- A. Master Plan
- B. Attorney Training
- C. Support Staff Training
- D. Role of Prosecutor in the Jurisdiction
- E. Specialty Units

VII. Conclusion

The editor/writers followed the threefold division of prosecution management functions into operations, administration, and development in editing their reports. The various sub-headings within these categories varied from office to office. The above categories are typical of most reports.

Editor/writers were informed of the assignments given to each consultant. Then all reports were given an initial reading and the various sections of each team member's report were identified as to Section (e.g. Operations) and sub-section (e.g. Screening). At this point, the editor/writer would have an overview of the written parts of the report.

The editing process consisted of writing each sub-section of the report separately, beginning each

sub-section on a new page. This simplified the editing process later on when additions or deletions were made. Once the editor/writer had assembled his notes and the team members' report, he dictated each sub-section onto dictating equipment. This dictation was taken off the dictating tank by the secretary assigned to that team who recorded the dictation on MAG cards. In general, the process of editing, dictating and typing the pre-draft copy of the report took an average of six working days.

After the typist had completed the pre-draft copy, it was reviewed by the editor/writer for accuracy, and any changes were made directly on the pre-draft copy. At this point, the pre-draft was sent to the team leader, who reviewing it indicated any additions or deletions to be made. The report then was returned to the typist for production of the final draft copy. The process of correcting the pre-draft was of course facilitated considerably by the automatic magnetic typewriter. Generally this entire review process required two to three weeks, primarily because the team leader was often away on another visit.

When the typist had completed the draft copy, pages were numbered and the title page, table of contents, and summary of recommendations were added. At this point the draft copy went to the Bureau Director for his review. After his review, sufficient copies of the report were reproduced on the copying machine, bound, and sent to all consultants and the host prosecutor for their review. These individuals were given

approximately ten days in which to submit any changes in the draft report.

It should be noted that the typist retained the Mag cards on each report from the time of the first pre-draft through the approval of the final draft and preparation of the final report. Changes in the report could therefore be accomplished with a minimum of re-typing.

As soon as the review period of the draft report was over, the final report was prepared. A master copy was reproduced in sufficient quantity to provide one copy for each consultant, two to four copies to the host prosecutor (depending upon the size of his office), two copies to the LEAA regional office, and one copy to LEAA Washington. The master copy was retained by the PATS Bureau.

The writer/editor played the key function in preparation of the reports, not only in editing the draft copy but in seeing to it that sufficient copies were prepared and routed to the proper individuals. This involved monitoring correspondence covering each stage of report preparation and transmittal. During the grant period, the PATS Bureau purchased a binding machine so that all report preparation--from typing through reproduction and binding--could be done in-house. This provided maximum control of report production, and represented a savings both in time and money.

The format of the reports was designed by the writer/editors for maximum usefulness to the host prosecutor. Contents are sent forth at the beginning of each report, followed

by a comprehensive Summary of Recommendations. In this way, the prosecutor was provided an excerpted summary of all recommendations found throughout the report. For maximum coherence, however, the recommendations themselves were included at the end of the discussion pertaining to that area of office management. In this way individuals could understand the rationale for each recommendation as it appeared in the context of the findings.

Reports were inclusive. A review of the final reports sent to LEAA will indicate that report length averaged over 100 pages. Emphasis was placed on each report being an original response to the problems encountered in each office. This was a major contribution of the editor/writers to the project: Team members and consultants were free to concentrate on making fresh responses to the offices they visited, leaving the formal structure of the report to the editor/writer.

PROBLEM IDENTIFICATION

Every management study conducted by the Prosecution Assistance and Technical Services Bureau (PATS Bureau) under the Technical Assistance program resulted in identification of problems unique to each office visited. As is indicated elsewhere in this report, consultants were furnished with an outline of management areas, and subsequently given specific areas of responsibility under the outline to insure that every aspect of office operation, administration, and development was reviewed. Management areas covered by the outline include the following: staff structure; intake/screening; lower court operations; grand jury; higher court operations; docket management; witness control; motions; trial preparation; interagency relations; staff evaluation; administrative organization; paper flow; file control; policy and procedure manual; forms; statistics; physical facilities; equipment; budget; planning and program development; training.

Although the PATS Bureau utilized the outline described above in order to insure that every aspect of office management was reviewed, there was no "outline of problems."

Problems were discovered in one of two ways exclusively:

- a) by means of the pre-visit questionnaire solicited from each office several weeks before the visit;
- b) by means of the daily assignments of each consultant during the on-site visit itself.

Despite the inductive approach to problem identification in each office, members of the PATS Bureau discovered a variety of common problems that emerged during the course of the visits made under the grant. Bureau members concluded that these are among the "classic" problems of prosecution, common to many prosecutors' offices, regardless of their size, location, or jurisdiction. Of course, not every office manifested every one of the problems discussed below, nor are these the only problems ever encountered in offices visited under the grant. As a review of the final report for each office indicates, it was the usual practice for the PATS Bureau to cite between 60 and 110 areas where improvement could be made, ranging from very minor to major. Nonetheless, the PATS Bureau concludes that the problems identified in the following paragraphs are common to a good many prosecutors' offices.

CRIMINAL CASE INTAKE

Many offices are deficient at some point in the intake of criminal cases. By the term "intake" a rather broad spectrum of activity is intended, covering the entire scope of early case evaluation, screening, continuing case evaluation, and case preparation. It is during the period of intake that the prosecutor, by virtue of prosecutorial discretion, can make the biggest impact upon the size and nature of the work load that comes into his office. Simultaneously, he can make his greatest impact upon offenders and the citizens of his jurisdiction by the way in which cases are handled by his

office during intake. However, some prosecutors are not nearly so effective at intake as they could be. There are several common failings. Inexperienced attorneys are often assigned to the intake function. In many instances this is the first assignment a young attorney recently out of law school is given. Because of his lack of trial experience, an attorney new to a prosecutor's office cannot fully appreciate the impact of the cases that he is processing at intake, both upon the subsequent operations of the prosecutor's office and upon the citizens of the jurisdiction. In other offices, non-attorneys are involved in intake. Although the PATS Bureau recognizes and promotes the training and utilization of paraprofessionals (usually from the ranks of the investigative or secretarial staff), there is no substitute for the judgment of an experienced trial attorney early in the intake process of a case. Finally, some prosecutors' offices simply have no intake personnel or function clearly assigned. Cases are received as they come in by whoever happens to be available. One negative aspect of this situation is an unevenness in the treatment of cases. Some defense attorneys take advantage of such a situation by engaging in "prosecutor shopping" once they have learned the personal habits of the various attorneys in an office.

Attendant to the intake problems discussed in the above paragraph is the problem of control. Ultimately, the chief prosecutor must be assured that his policy on the intake of

cases, whatever that policy may be, is being implemented at all times. It is difficult for the prosecutor to have this assurance if intake is being handled by inexperienced attorneys or by paraprofessionals exclusively, or if there is no clearly defined intake procedure, regardless of who the intake personnel may be. Often intake policies and procedures are simply "understood," with nothing committed to writing. As personnel leave the office or are transferred from intake to other functions, these verbal policies and procedures can easily be forgotten or misinterpreted. This creates difficulty not only within a prosecutor's office but with other agencies of the criminal justice system, who are quick to sense that a new policy appears to be in effect although no formal policy change has ever been announced. This kind of ambiguity has the ultimate effect of weakening the position of the prosecutor.

CASE PRIORITY/SCHEDULING

Prosecutors sometimes do not have management controls for seeing to it that significant cases are "flagged" at an early stage and given the appropriate priority they deserve. This is not so much a court scheduling problem (since the docket is typically controlled by the judiciary) as it is an internal problem of allocating appropriate attorney and investigative resources. A number of offices are aware of such case categories as "career criminal" or "impact crimes," but they do not know how to establish management procedures

so that cases in these categories can be a) regularly assessed for priority and b) regularly given the attorney and support resources necessary to handle them.

Ultimately, this area of case management can have a marked impact on crime control in the jurisdiction if the following hypothesis is true: that career offenders are responsible for a sizeable portion of all crimes committed in the United States. There is growing conviction in the criminal justice community generally that if more prosecutorial resources were to be allocated to this category of offender, it would be an important step in the effort to contain the growing crime rate. Ultimately, the PATS Bureau sees this problem as a management problem: the "career criminal" and other priority cases must be given the operational and administrative support which they deserve as part of the overall management plan of the prosecutor.

PROFESSIONAL STAFF DEVELOPMENT

Although there is a growing awareness among prosecutors of the value of training for their attorneys, some in-house training of attorneys is still "on the job." Experienced prosecutors regularly report that there is no substitute for "being thrown into the water to swim;" in fact, many of the most seasoned prosecutors in the country first received their "training" by this means. Consequently, many of them are unaware of the importance of a comprehensive in-house training program. They believe that state, regional, and

national conferences and seminars will take care of any educational needs not provided by on-the-job experience.

There are several problems with the attitude toward attorney training described in the above paragraph. Typically, new assistant or deputy prosecutors are fresh out of law school. They have everything to learn about the criminal justice system generally, as well as their specific duties in the prosecutor's office. Without a regular training program that takes a young attorney from the beginning and systematically familiarizes him with the prosecutor's office and the criminal justice system, there are inevitably going to be many gaps in his knowledge of the system even after he has been in the office for a number of months or years. His knowledge will depend on the particular assignments he has had. Often, his initial duties will be limited to traffic or misdemeanor cases. Even after a year in the office, a young attorney may never have tried a complicated case. It is also not unusual for attorneys who have worked in misdemeanors for several years to be promoted to a felony trial unit where, again, lack of training presents a problem. Unless a training program is in effect, an attorney who has dealt with misdemeanors for several years will have to learn once again "on the job" how to handle felony cases.

Another difficulty is the type of training young attorneys receive. On-the-job training often takes the form of "apprenticeship," whereby a new assistant simply observes or second-chairs an experienced attorney, or is assigned to an

experienced attorney for help in questions he may have. Under this system, any poor habits or misconceptions on the part of the experienced attorney are likely to be handed down to the new attorney. Another training deficiency involves cross-training. Attorneys often specialize in certain functional areas: intake; Grand Jury presentment; traffic; misdemeanor; preliminary hearings; felony trials; juvenile. Without a comprehensive training program that includes cross-training, attorneys learn only the functions to which they are assigned or have been assigned in the past. This can be a limiting factor in an attorney's development.

The problems discussed in the preceding paragraphs produce negative results in two areas. First, some attorneys perform poorly simply because of lack of training. PATS Bureau members encountered some criticism from the judiciary as to lack of training evidenced by many young prosecutors. It should be noted that in making such criticism, members of the judiciary distinguish between lack of training and poor case preparation. Because of this, the State is at times not as vigorously represented as it should be, with the attendant negative impact upon the quality of criminal justice in the jurisdiction. This problem is not limited to novice attorneys: the judiciary also comments upon seasoned attorneys who simply are not aware of the most recent developments in case and statutory law. A second area of negative impact is upon the professional development of the attorneys themselves. The kind

of training an attorney receives in his office can largely determine whether or not he ultimately decides to pursue a career in the field of prosecution. As is well known, the turnover among young prosecutors is high. A definite, comprehensive in-house training program - taking a young assistant through a preliminary education, as well as offering continuing education in specialty areas to advanced members of the prosecution staff - is obviously lacking when young attorneys feel they are not growing professionally in a prosecutor's office.

OFFICE MANAGER/ADMINISTRATOR

There is a general shortage in prosecution offices of individuals who function as office managers or office administrators. All offices of necessity have enormous administrative tasks to be performed, and these tasks are performed somehow. Often, however, administrative chores are divided up piecemeal among attorneys, secretaries, and investigators on an "as available" basis. It is also common to find the chief prosecutor himself performing many routine administrative duties. As a result, administrative matters are often attended to on a "crisis basis:" e.g., something is done after the machine breaks down, after the supplies run out, or after the paperwork has piled up to unmanagable levels. A key problem here is administrative responsibility. In the absence of an office manager, it is literally true that no one is responsible for administration, chief prosecutor excepted.

Frustration builds up among staff members when administrative problems are allowed to slide because such problems are the kind that must be lived with day after day. In the absence of an office manager, office staff must simply keep asking around until they find someone able to solve an administrative problem, or they must rely on their own ingenuity.

A related problem is growth. A considerable number of prosecutors' offices have grown in the past two decades because of population increases in the jurisdiction. During this period, the caseload has increased because of the dramatic rise in crime. Furthermore, the workload has increased aside from those two factors because of the many procedural requirements that have fallen upon the shoulders of prosecutors in recent years. These requirements involve not only the processing of criminal cases but a number of other areas including diversionary programs, juvenile court responsibilities, and non-support/reciprocal work. All of this requires considerable administrative support, yet it is fairly common to find prosecutors' offices which administratively reflect the situation of 25 years ago, when the office consisted of "the DA, his deputy, and their secretary." In some cases that secretary has remained in the office for a career, rising to the position of ad hoc office manager. On a personal level, such secretaries are nearly always hardworking, capable, and enormously dedicated. However, they are not versed in the techniques and equipment of modern office management: e.g., word processing, dictating equipment, form design, etc. A typical problem is that a secretary from the "old school" will gradually come to be in charge of 5 or 10

secretaries and several investigators with it being understood that she is to manage all the support functions of the office. Yet this same secretary most likely thinks of herself as the chief prosecutor's private secretary rather than the office manager, and it might even be believed by everyone in the office that the office has no office manager nor a need for this position. Of course, many times the chief prosecutor realizes the need for this position, but is unsuccessful in obtaining needed funding.

Three important management problems arise from the lack of an office manager, even in the smallest offices.

a) Leadership. Direction must be provided for the support staff in administrative areas. Although support for the needs of the attorneys is the ultimate goal of administration, the procedures necessary to provide that support can only be developed and monitored by someone in a position of administrative leadership. b) Coordination. On a day-to-day basis, someone with administrative authority must oversee the support functions in the office to insure that administrative resources are being provided equitably and as needed, and that special problems are receiving attention. c) Development. In the absence of an office manager, plans for modernizing the administration of the office (e.g., new equipment, new support functions, meaningful staff increases) are likely to be fragmentary at best. A related problem is administrative turnover. It is extremely difficult for a new employee to take over from a secretary from the "old school." Many of the procedures established by such secretaries are understood by them alone, and are not in conformity with basic managerial practices.

POLICY AND PROCEDURE MANUAL

Few prosecutors' offices thus far have comprehensive and current policy and procedure manuals. The state of the art varies considerably. Many offices have no written policies or procedures. Some offices have individual policies, usually in memorandum form, which have been issued at various points in the past. In most cases these policy memoranda are not compiled into a manual. The same is true in the case of procedure guides. Various procedural memoranda are retained by attorney and support staff personnel, usually not gathered into a manual. The procedural guidelines are often out of date.

Several serious problems result from the lack of comprehensive, current policy and procedure manuals. Often the chief prosecutor assumes that his policies in such crucial areas as charging, diversion, and plea negotiation are fully understood by his attorneys and are being implemented. In instances where these policies have only been promulgated verbally, difficulties arise: attorneys do not fully understand the chief prosecutor's policies; attorneys "think" they understand the chief prosecutor's policies when in fact they do not; attorneys substitute their own policies for those of the chief prosecutor. The absence of written policies increases the likelihood of every one of these problems. In time, as policies change and as attorney personnel are transferred to new positions and new attorneys are hired, the communication of policies becomes even more haphazard. One other problem involves the

chief prosecutor more directly. Often he may not realize the full consequences of his own policies if he has never tried to put them in writing.

The absence of comprehensive procedure guidelines presents difficulties for the entire staff: attorneys, investigators, and secretaries. Without specific descriptions of jobs, including task lists for the various duties involved in a particular job, it is difficult for management and employees to know where they stand. In such cases, problems sometimes arise concerning which employee is responsible for which duties. Without a written job description, arbitration in such instances is difficult. Regular evaluation of employees' performances is similarly difficult. In instances where personnel are absent because of illness or other emergency situations, it is difficult for others to fill in without written guidelines describing the position. Vacations and resignations present the same problem. Finally, a lack of specific written procedures presents the same kind of problem that a lack of specific written policies presents: staff are unsure of what they are supposed to do and how they are supposed to do it. This uncertainty not only presents an internal management problem, but causes the prosecutor's office to deal with other governmental agencies and the general public in an unprofessional manner.

SYSTEMS

Nowhere is the need for management services demonstrated more clearly in some prosecution offices than in the area of

systems. A reliance on individuals rather than systems to accomplish the regular workload of the office is the resultant management failing. Although this problem is related to other problem areas discussed in this section of the report (e.g., office manager, policy and procedure manual), it is in fact a separate problem area because it reflects basic unawareness of management principles.

A good example can be found in the area of files, file control, and indexing. This administrative area is the nucleus of any prosecutor's office. Yet efficient and comprehensive systems are at times not functioning. Files are sometimes kept in an individual attorney's office, sometimes in file cabinets, and sometimes on desktops. Filing is done according to various means: by last name of defendant; by type of proceeding pending; by type of case. Often there are several filing procedures in a single office: e.g., non-support files are maintained in one fashion, felony files in another, and misdemeanor files in still another. This situation creates several difficulties. People in the different divisions of an office are able to locate only their own files - they do not understand the filing system of another division. The same is often true of individual attorneys. It is, therefore, difficult for anyone in an overall supervisory position to obtain a file without asking a person in the division concerned. Often people are not available (e.g., attorneys are in court). With multiple filing systems, it is difficult for staff from one division to help out in another division in case of illnesses or other

absences. An adjunct problem occurs in the area of file control. With multiple filing systems, the difficulty in locating misplaced files increases. PATS Bureau members found it not unheard of, for secretaries to be spending several hours per week looking for missing files. Indexing creates similar problems. Management personnel often create index systems that locate a file only if a person first knows the current status of the case. For example, index cards are sometimes filed according to case status: if one knows that a case is pending arraignment, he can look in the appropriate index file. Otherwise, he must look through every index file: grand jury, arraignment, trial, sentencing, diversion, etc.

The filing, file control, and indexing problems described in the preceding paragraph are typical results where prosecution office personnel fail to rely on systems. In the absence of a reliable system, staff personnel use their memories. In the area of file management, this means that secretaries, investigators, and attorneys often are able to locate files only because they have been recently working with them and they remember where they put them. All too often, the result is considerable time lost in looking for files, as well as an inability to communicate to someone else where files are located. The latter occurs when new or temporary personnel are assigned to a division.

Some other areas of administration suffer from lack of systemization. Personnel, both attorney and non-attorney, are not evaluated by a standard procedure according to a regular

timetable. Paper flow procedures are not always reviewed for adequacy and efficiency - this includes both internal paper flow procedures and procedures pertaining to other agencies of the criminal justice system. Equipment and space needs are not always evaluated. The possibilities of new programs and grant/special funding opportunities are not always reviewed. Any of these management areas can be dealt with by means of a system whereby personnel are assigned responsibility for monitoring or developing regular procedures to deal with the work involved. Often, however, instead of management by system, management is by individual crisis--responding to problems after they have occurred instead of planning so that problems will be dealt with systematically. The result of lack of systems can be seen in offices which are re-active rather than pro-active.

NON-ATTORNEY STAFF DEVELOPMENT

Just as there is a lack of in-house training for attorneys, many prosecution offices do not provide comprehensive training for support personnel. Often, a new secretary is hired and, after spending a day or two with a new experienced secretary, is expected to learn the job by asking questions. Although this method of training a new secretary is reasonable, it is sometimes the only training that the secretary will ever receive. Characteristically, a secretary will remain in the same position for the duration of her career in the office. As a result, secretaries sometimes have little idea of the overall work

of the prosecutor's office and only limited knowledge of the functions of other secretaries.

The ultimate result of lack of secretarial training is twofold. Secretaries are not in a position to fill other secretarial positions in the office in case of illness or other absence, and secretaries are not motivated to pursue a career path leading to positions of greater responsibility. Because of lack of secretarial training, a prosecutor's office often does not begin to utilize the potential available in the secretarial staff.

PHYSICAL FACILITIES

Few prosecution offices have adequate physical facilities, and many do not have funds for a professional review of the facilities that they do have. A common problem is lack of private offices for attorneys and investigators. Often two or more are assigned to a single small office. This situation makes it extremely difficult to conduct interviews with witnesses in a professional manner. Security is another problem. Many times file cabinets are located in the reception area, creating a security problem. Lack of waiting areas for the general public is another problem. In peak activity periods, waiting rooms are crowded with police, defense attorneys, defendants, victims, and witnesses. Adequate conference space for several conferees is often another problem, as is a lounge and library area for both attorney and non-attorney staff.

PATS Bureau team members have seen several instances in which new facilities for the prosecutor were being planned without input from the prosecutor. Inevitably if the prosecutor or someone from his staff does not carefully review facilities, they will turn out to be deficient for his purposes (e.g., insufficient space for present or anticipated personnel, no secure storage space, lack of private entrance for the prosecutor). On the part of the prosecutor, space is often part of a "systems" problem: the prosecutor has not delegated responsibility for monitoring both current space requirements and future plans to meet the needs of the office.

PLANNING AND PROGRAM DEVELOPMENT

Many times, planning and program development are accomplished on an informal basis. The chief prosecutor devotes such time as he finds available to planning, but in the press of day-to-day business very little time often ends up devoted to planning. The chief prosecutor may or may not be assisted by his top supervisory personnel; participation by others in the planning effort often depends upon their interests and aptitude. Probably the chief difficulty in the area of planning is the failure on the part of some chief prosecutors to devote high priority to this activity, and to allot sufficient time.

The impact of failure to plan can be seen both within a prosecutor's office and elsewhere in the jurisdiction. Offices where planning is not given much consideration tend

to be crisis oriented and narrow in their perception of the role of the prosecutor. Problems tend to be seen in isolation when in fact they are common to other prosecutors both in the state and in the nation. Because planning inherently involves taking a broad look at the entire spectrum of prosecution, offices where planning does not occur are characterized by provincialism. Often staff members fail to develop in their careers because the office is not developing according to a plan set forth by the chief prosecutor. The office tends to be passive rather than active in acceptance of its workload.

Lack of planning can also be seen in prosecutors' relationships with other agencies of the criminal justice system, notably the judiciary and the police. Rather than meeting regularly as a criminal justice council--whether formally or informally--to assess the current problems facing the entire criminal justice system in the jurisdiction, prosecutor, police, and the judiciary will simply go their own ways. Two major problem areas that deserve cooperative planning efforts are police training and court scheduling. The prosecutor has a vital professional interest in both these areas, and there is a great deal he can do to work towards mutually agreeable solutions. However, planning is a first step. Police training courses must be developed, scheduled, evaluated, and reviewed. Improvements in case scheduling must be planned, and all of the staff people involved must be educated in order to make these improvements work.

Particularly when development involves another agency of the criminal justice system, progress comes slowly if at all. Without commitment to a highly developed plan, good intentions rarely come to fruition. The single greatest obstacle to such planning is the press of day to day duties. Consequently, many chief prosecutors fail to set priorities for their own time so that they are able to devote sufficient hours per week to planning the program development.

STATISTICS

Few prosecutors' offices have complete operational statistical gathering systems. There are several prevailing attitudes that explain the lack of ample statistics. Some prosecutors are not attuned to the significance of statistics, having been trained as expert trial attorneys, not statisticians. Others recognize the importance of statistics but do not know how to implement a statistical gathering system. In the offices where statistics are gathered, often they are not used to their full potential. There are instances in which quantities of raw data from computer printouts are simply accumulated since no knowledgeable person was available to extract management-oriented information from the raw data.

Statistics are, of course, a vital component of any planning effort, and offices deficient in planning and program development are usually deficient in statistical gathering efforts as well. It is difficult to make a convincing appeal to sustain a budget, increase a budget, or secure a grant without comprehensive statistical data to document the need. There are other areas where statistics are vital to prosecutors also, yet prosecutors sometimes do not realize the potential use of statistics. One such area is dealing with other agencies of the criminal justice system. Documented changes in the crime rate by category of crime can be useful in explaining plea negotiation policies to police. Documentation of the caseload can be useful in discussing docketing problems with the judiciary. It is also a responsibility of the chief prosecutor to inform the citizens of his jurisdiction as to the specific rate of crime in the area. The phrase "rising crime rate" is frequently all that the citizens ever hear. Public understanding and appreciation of the role of the prosecutor cannot be a reality without some kind of statistical report which would make that role clear. The "annual report," used by a few prosecutors, is still rarely employed as a communications vehicle between the chief prosecutor and the citizens of his jurisdiction. Finally, prosecutors are not fully aware of the value of statistics for the purpose of internal management. Chief prosecutors may or may not have at their fingertips the number of trials held during the year. They are even less likely to have

statistics telling the number of cases filed, the number of pleas as charged, the number of pleas to other charges, and the number of cases now nolleprossed. Nor are they likely to have a statistical profile of the work habits of the various attorneys on the staff: number of trials per year; number of cases nolleprossed by type of case; hours of preparation per case; hearings attended by type of hearing. Typically a chief prosecutor is satisfied that he "knows" his men, but it is also typical that the chief prosecutor does not have the statistical mechanism to corroborate his impressions of the kind of work that his assistants are actually doing.

CHAIN OF COMMAND

The degree of specificity with which the chain of command in any office is set forth via an organizational chart or some other means varies considerably. The most typical shortcoming in prosecution offices is the lack of a complete up-to-date organizational chart. Sometimes the only table of organization available is outdated, reflecting a period when the office was smaller or when the various units and divisions within the office were organized differently. In some cases, the organizational chart is vague, with no hierarchy linking the chief prosecutor to his staff by means of divisions, division heads, and other functional slots. Some offices have never drawn up an organizational chart.

The existence of an organizational chart is, of course, simply a reflection of a well developed plan of organization

for an office. When such a plan is not in effect, several difficulties arise. Often the chief prosecutor is unable to delegate authority to division heads and other unit leaders. In effect, the chief prosecutor tries to function as head of a number of divisions. This is an extremely inefficient use of his time. Another effect of lack of organization is the fact that staff members do not know who their "boss" is: e.g., who they receive work from, who they go to when problems arise. Some chief prosecutors try to function as everyone's "boss," assigning work and solving problems on a day-to-day basis. This again makes inefficient use of the chief prosecutor's time. Another organizational problem arises when attorney staff are free to consider particular secretaries as their private secretaries, even though the office is not officially organized in this manner. This situation can cause inefficient use of time as well as morale problems.

In general, without a clearly defined and current organizational chart, people at every level in the office do not have the assurance of knowing where they stand, who they work for, and what their relationship is to the rest of the office. Lack of clear organization creates inefficiency and morale problems at all levels.

EVALUATION

One problem which the PATS Bureau team members sometimes encounter in prosecutors' offices is the absence of any regular system of evaluating the work of professional and of administrative/clerical staff. It can be the case that there is a lack of communication between the chief prosecutor and his deputies, as far as the performance of the deputies is concerned. The chief prosecutor sometimes appears reluctant to enter into the business of employer-employee relationships. Often it is the case that the chief prosecutor is unable to make time to justly evaluate the performance of his professional staff. This appears to be one of the overriding reasons for the high turnover which is experienced in many offices.

Team members found that the chief prosecutor often feels that when he is hiring a deputy he is hiring a lawyer who by reason of his professional capacity should not be evaluated in the manner of an ordinary employee. The chief prosecutor feels that he is essentially a trial lawyer and is not equipped to evaluate an office of professional subordinates. There is a tendency to evade the responsibility for such evaluation; as a result, the evaluation sometimes does not get done at all.

It can also be the case that there is no regular system for evaluating administrative/clerical staff. In this situation, there is no formal means by which supervisors and subordinates can know where they stand with regard to performances on the job. There is a necessity for some system of promoting or terminating individuals which is based on as objective an evaluation as possible.

EQUIPMENT

The two areas in which PATS Bureau team members find problems with regard to equipment are: a) lack of up-to-date equipment and b) the need to instruct and encourage staff to utilize existing equipment. There are some offices which not only lack the standard pieces--dictaphone, automatic typewriters, and copying machines--but have difficulty presenting the appearance of a professional law office. For example, budgets in some jurisdictions are so low that the chief prosecutor has to furnish his own desk. The problems in offices such as these are evident; more subtle difficulties appear in offices in which the equipment is up-to-date.

Even when the equipment is modern there can be a problem when there is not enough of it. It is more often the case, however, that problems arise when modern equipment is not used to its full capacity. There is frequently a need to determine the manner in which equipment resources can be used most effectively. The automatic typewriters in some offices, for example, are presently used only a portion of the time to their fullest extent. This problem arises because no one in the office has a) analyzed the workload to determine the kinds of typing jobs that can be best handled by the automatic typewriters and b) designed the flow of work accordingly.

A big problem of some offices is unfamiliarity with modern equipment, e.g. with the advantages inherent in using

as much pre-recorded typed material as possible. There are many categories of paperwork for which automatic typewriters are most appropriate, but for which they are not always utilized. Utilization of automatic typing equipment in these areas would lead to the saving of much time and money.

It can also be the case that full use is not made of dictating equipment because no one has been delegated the responsibility to insure that such full use is made. Sometimes staff members need more training in the utilization of this equipment. They must be educated to the realization that proper use of equipment--even if initially it involves more time--will considerably lessen the workload, as well as provide a better product.

SOLUTION RECOMMENDATION

Members of the PATS Bureau approached each Technical Assistance visit with the objective of recommending appropriate solutions once problems had been identified in an office. As is discussed elsewhere in this report, the recommendations took concrete form wherever possible. In the oral closing sessions with the chief prosecutors, PATS Bureau teams made recommendations in such areas as specific types of equipment necessary to meet office needs, particular types of forms required, particular filing and indexing systems, and particular personnel functions that might fulfill office needs.

A dominant policy of the recommendation portion of the PATS Bureau work was to emphasize solutions that could be arrived at with existing personnel and under existing budgetary limitations. Although team members took into consideration long-range planning, particular emphasis was placed upon recommendations that could be implemented in the immediate future. As the copies of the final written reports submitted to LEAA demonstrate, comprehensive written recommendations formed the nucleus of every written report: an average of from 60 to 110 recommendations per report were made, both minor and major.

Since recommendations necessarily followed problem identification, there were no "standard" recommendations. Although many of the problems cited above in the section "Problem Identification" were common to many offices, two offices with the same problem did not necessarily receive the same recommendations. Recommendations were tailored as much as possible to the

existing staff and fiscal capabilities of the office, as well as any imminent plans for change.

The following paragraphs contain the solutions generally recommended for the problems identified in the previous section of this report, "Problem Identification." The paragraph headings correspond to those used in that section.

CRIMINAL CASE INTAKE

The single most important recommendation regarding the intake of criminal cases is as follows: a prosecutor should analyze and review a criminal case at the earliest possible moment, preferably before the drafting and filing of any accusatory instrument. This analysis and review should be undertaken by the most capable and experienced trial attorneys in the office. The exercise of prosecutorial discretion at this point has a significant impact upon the future of the case: this discretion should be exercised by an attorney with considerable trial experience.

There are numerous benefits to be gained from the above recommendation. Cases which should not be filed can be eliminated from the system at that point. Cases which should be filed but need more police investigation and/or a more comprehensive police report can be returned to police with appropriate instructions. Cases which should receive special priority (e.g., career criminal, impact crime) can be identified at this early stage and given appropriate priority, such as assignment to a special trial team. Cases which need particular investigation in order

to determine their merits can be identified at this stage, and the appropriate procedures can be set in motion (e.g., crime lab report requests, special investigation requests). Cases which can be better handled by means other than prosecution can also be identified at this early stage and diverted accordingly.

The effect of the kind of early case evaluation described in the preceding paragraph is to separate cases at the very beginning into categories so that they may immediately receive the attention most appropriate to them. Some cases should go back to police, some should be investigated by the prosecutor's staff, some should be diverted, some should proceed rapidly to trial. The sooner this judgment is made, the sooner these actions will be taken. Cases will be accordingly channeled directly to the appropriate point, without passing through numerous hands and suffering the consequences of delay. It is a truism in the criminal justice system that delay works against effective prosecution. The effect of early case evaluation is to maximize the resources that can be brought to bear on any case and to minimize the delay in utilizing these resources.

Again, the importance of having an experienced trial attorney exercise prosecutorial discretion at this early stage cannot be overemphasized. Often prosecutors have the notion that relatively new attorneys should be assigned to screening. However, because of the importance of the screening decision at the point of early case evaluation, only an experienced trial attorney should be given overall responsibility for this function.

Of equal importance is continuing case evaluation. Many offices do have sophisticated intake/screening units. In some

offices, once a case has been accepted, it proceeds to trial with no modification in the charge. In many cases the charge made at the point of intake is no longer appropriate at a later date. Consequently, members of the PATS Bureau have often recommended that a mechanism be set up whereby cases will be re-evaluated at regular points throughout the life of the case. This recommendation has the effect of preventing cases from going to trial which have deteriorated so badly that the original charge would have to be dismissed.

CASE PRIORITY/SCHEDULING

Recommendations in this area fall into two categories, external and internal to the prosecutor's office. The recommendation in the external area is as follows: prosecutors should work with the judiciary to create an efficient court docket that a) gives appropriate priority to each case and b) results in timely dispositions of all cases. Obviously, this is an area in which the prosecutor has only partial control. Thus, it is imperative that an atmosphere of cooperation with the judiciary be established at the outset. Along this line, PATS Bureau members suggest regular meetings with the judiciary above and beyond the traditional "crisis meeting" in response to a particular problem. A series of meetings is required that will result in agreement between prosecutor and judiciary as to the kinds of cases that deserve priority in the jurisdiction. Input from police, corrections, and probation is desirable at this point as well. Above all, meetings at this

stage must address the current crime pattern in the jurisdiction in order to determine what can be done by means of docketing to treat the most serious problems, whatever they may be. In many jurisdictions there is growing awareness of the problem of the career offender. Other jurisdictions find certain categories of crime on the increase, the particular category of crime varying from jurisdiction to jurisdiction. Organized crime is another factor which must be considered in determining priorities. Because of the varied crime pattern among jurisdictions, only the local prosecutor, judiciary, and other agency heads in the jurisdiction can determine precisely which crimes deserve priority. A regular series of meetings (perhaps formally designated as a criminal justice council, perhaps only informally designated) is the only means for determining these priorities.

Once priorities have been established, the matter of docket control can be addressed. Often the mechanism for processing priority cases through in a timely fashion can be worked out between staff members from the prosecutor's office and the judiciary, particularly if there is a court administrator. Several means are available for identifying priority cases: suffixes or affixes given to the case number; color coding on documents, folders, and index cards. Special personnel should be designated to deal with priority cases. The actual scheduling depends upon the nature of the jurisdiction, but the most important ingredient is good communication to insure that if time is allotted by the judiciary for priority cases, the prosecutor will have cases ready to go.

Internally, the prosecutor needs to be able to delegate scheduling problems to someone in the office who understands his policies and the capabilities both of the prosecutor's office and the courts. Internal control must be established so that both priority and non-priority cases are processed in an orderly manner. Tickler systems designed to monitor action dates (e.g., speedy trial requirements) are useful here. Generally it is probably more efficient not to create "special" files for priority cases. Administratively, they should be handled along with the regular caseload. They may be assigned to special attorneys, possibly operating as part of a special unit in the office. As was pointed out previously, however, all that is required in the way of paperwork is some indication of priority on the case number (e.g., the letter P) and on the index card, and/or color coding on the file jacket and index card. The only other special requirement is a priority case tickler file to insure that action dates are met--a copy of the index card is all that is required to create such a tickler file.

A related problem is the normal scheduling of all cases. Again, meetings with the judiciary to discuss problems and find agreeable solutions are necessary. The particular recommendations by the PATS Bureau again would depend upon the nature of the jurisdiction, particularly the caseload and court time available. The most desirable goal of such meetings would be to increase the certainty that any case scheduled for a particular date would actually be tried on that date, as well as to increase the lead time for case preparation before that date.

This is a large order since both prosecution and judiciary policies on plea negotiation, reduction of charges, and dismissals are involved. However, the benefits are considerable. The more certain court dates are, the more efficient is use of prosecutors' preparation time. Re-preparation for continued cases can be reduced--the PATS Bureau often points out that each continuance effectively doubles the work involved in a case. In addition, the serious problem of witness control can be diminished by means of good court scheduling. The frustrations of both police and civilian witnesses who come to court only to wait or be sent home until another date can be reduced, with considerable benefit to the criminal justice system as a whole. Among other things, it is well known that victims and other witnesses are less able to give good testimony the more times their cases are continued.

Internally, the problem of court scheduling is one which calls for a prosecutor's office to be well managed: definite policies and procedures should be enforced at every stage of the life of a case. This touches other areas of recommendation, of course, but it serves to point out that many of the frustrations experienced in the courtroom (e.g., delays, continuances, unavailability of witnesses) could be avoided by the implementation of sound management practices within the prosecutor's office.

PROFESSIONAL STAFF DEVELOPMENT

The recommendations made in this area of course vary according to the number of attorneys in the office. Other factors are also taken into consideration during the on-site visit: the stage of professional development of the various attorneys on the prosecutor's staff. Although assistant prosecutors are traditionally young, some offices have many more young attorneys recently graduated from law school than others. Conversely, there are a number of offices which are able to attract and retain seasoned attorneys with considerable experience. The ways in which these several types of offices require professional development necessarily vary.

There are, however, general recommendation areas which PATS Bureau team members find to be appropriate for most offices that are in need of comprehensive educational programs. One recommendation usually focuses upon "basic training" for new attorneys coming into the office without prosecutorial experience. Recommendations emphasize the usefulness of "self instruction" at this point since, typically, new attorneys can come on board at any time in any given year. These materials can take various forms: manual, handbooks, audio cassettes. In some offices, there are sufficient number of written policies and procedures to function as the nucleus for a basic training manual. Although it is rare to find all of the materials in any one office to provide a comprehensive basic training manual, PATS Bureau team members usually point out existing materials that can form the nucleus of an adequate manual. Team members also point out the importance not only of educating new attorneys in

the specific assignments that they will be likely to perform in the near future, but of introducing them to the entire scope of the prosecutor's function, both internally and as a component of the criminal justice system. In some areas, training manual materials are available from the State Training Coordinator, and recommendations are made by PATS Bureau team members accordingly.

Other basic training information must be given personally. Depending upon the size of an office, lectures and presentations can be scheduled by experienced staff members for new men. Alternatively, a new attorney can be assigned to an experienced attorney who is personally charged with specific areas of training: e.g., insuring that the new attorney understands and can perform every function of processing a criminal misdemeanor case from intake through disposition. Team members stress the functional approach to educating new attorneys. In this way, supervisory personnel can assess how much has been done and how much needs to be done in the training of an attorney. Other recommendations include working with experienced attorneys in case preparation and trial, often "second-chairing" several different types of trials.

Generally, PATS Bureau team members recommend basic training for all new attorneys in an office, despite the fact that a new prosecutor might have had legal experience in other fields. This is a good way to emphasize the importance of a training program when it is first implemented, as well as to

insure that all current personnel really have had sufficient basic training.

A second recommendation area concerns advanced training. Because of the nature of the profession, no prosecutor can ever "know it all." Thus, every office needs to have some kind of ongoing advanced training program. There are several means of establishing such a program. One proven method is to solicit from all attorneys on the staff areas in which they feel they would like more training (e.g., search and seizure, recent developments in the law, trial tactics in specific types of cases, etc.). From the list of suggestions, an advanced training program schedule can be drawn up with regularly scheduled classes (e.g., every two weeks). Team members stress the importance of a "formal" class schedule with required attendance by all those who are committed to the program. Where appropriate, materials pertaining to a particular class should be prepared and distributed in advance. The actual classes themselves might take the form of lectures, demonstrations, discussions, or some combination of the three. Typically, they are taught by various individuals, both from within the office and from related fields, with appropriate expertise. It is also recommended that critiques be solicited from attendees in order to assess the value of particular sessions and overall programs, and to make appropriate improvements.

Team members often pay special attention to the question of investigators and other paraprofessionals in the office. Not only do these individuals need training--both basic and

advanced--in their areas of responsibility, but attorneys also need training in the proper use of investigators and paraprofessionals. There are many cases in which experienced investigators are simply used to do clerical work and even errands. Often this kind of situation results from an attorney not knowing how to work with an investigator as part of a team preparing cases for trial. Special educational attention is thus needed both for the investigator and the attorney.

Another area of recommendation for professional staff development concerns seminars and training programs conducted outside of the office. There are numerous opportunities for such training at every level: local, state, regional, and national. Most offices have only limited funds with which to participate in such training efforts. Accordingly, PATS Bureau team members point out the importance of requiring any attendee at such a conference to share the information he has acquired with the rest of the staff, either by a presentation or a paper or both. Team members also point out the availability of special funds in the form of scholarships and other awards for the purposes of attending training conferences.

The many recommendations made in the area of professional staff development can be properly implemented only by an attorney designated as the training officer. Even in smaller offices, it is important that this responsibility be delegated to one individual. It is up to the training officer to develop the programs, schedule them, monitor them, evaluate them, and make appropriate changes. This responsibility, of course, calls

for regular reports of progress to the chief prosecutor. The responsibility of the training officer also includes keeping current on all training opportunities available outside of the office, particularly those which are addressed to training needs seen within the office. Ultimately, the training officer is the key to setting up a comprehensive training program and making it work. PATS Bureau members stress this point to chief prosecutors in making their training recommendations.

OFFICE MANAGER/ADMINISTRATOR

PATS Bureau team members, in making recommendations pertaining to the administration of prosecutors' offices, stress the importance of an individual to function as office manager or as administrator. The particular needs of an office in this area of support depend upon both the size of the office and the administrative talent available. In large offices, the office administrator heads a division, with clerks, statisticians, and certain secretarial personnel under his or her supervision. In small offices, the function of office manager is likely to be only one of several duties assigned to an individual. Between these two extremes are the remainder of offices which generally need one individual to function full-time as office manager. PATS Bureau team members do not attempt to evaluate the individual competence of prosecutors' office personnel. However, in recommending the

position of office manager, team members point out that it can be filled by an attorney, an investigator or a secretary equally well. The most important criterion is that the individual who functions as office manager be someone who has the aptitude and interest to take charge of administration, identifying problem areas and allocating resources accordingly. Team members recommend that the prosecutor consider aptitude and interest in administration above all in considering which staff member should be appointed office manager, or in hiring a new person for the position.

There are a number of areas of responsibility for an office manager. The precise nature of the job depends upon the capacity of the individual selected, but it also depends upon the capability of individuals elsewhere in the office to perform specific functions. For example, some office managers conduct planning. They regularly acquaint themselves with specialty programs, grant possibilities, and new sources of funds, in order to provide the prosecutor with comprehensive planning information. Sometimes, however, one of the attorney staff is particularly well-suited for the role of planner. In such a case, the PATS Bureau would not recommend that planning be assigned to an office manager. Some of the other areas recommended for the responsibility of the office manager include budget preparation and administration, records management, statistical gathering and analysis, and equipment utilization. The office manager may or may not be the supervisor of the support staff. In many offices this is not feasible because

secretaries are assigned to various divisions or groups of attorneys in various sections of the office, where they receive work directly from attorneys. In other offices, many of the secretaries are organized into a "pool." In this kind of arrangement, it is appropriate for the office manager to be the direct supervisor of the secretaries, possibly acting through an intermediate supervisory secretary. Regardless of the arrangement of secretaries, however, the office manager is the individual who should decide where support staff is to be located throughout the office. The office manager is the person to whom anyone in the office should go with administrative needs: e.g., delay in getting correspondence typed; misplaced records; new equipment; increase in support staff. Consistent with the policy established by the chief prosecutor, the office manager should be the individual with the responsibility and authority to make whatever changes are necessary in the administration of the office so that the support needs of the attorneys will be met.

In developing the concept of the office manager, PATS Bureau team members contrast this function with that of the First Assistant or Chief Deputy Assistant. The office manager should be that individual who is in direct daily control of all administrative functions in the office, just as the First Assistant should be that individual in direct control of all daily operations of the office. The two functions should complement one another, with the individuals filling them necessarily working in close cooperation with one another.

These two functions serve to insulate the chief prosecutor from day-to-day problems, freeing him for those duties which only he can perform.

POLICY AND PROCEDURE MANUAL

PATS Bureau team members make the general recommendation that every office should have a current and comprehensive policy and procedure manual covering all aspects of an office. This recommendation is, however, modified according to the special considerations present in an office. In larger offices particularly, it is appropriate to distribute policy and procedure manuals suited for the particular function that an employee performs. Not every employee would receive a complete policy and procedure manual. Some offices already have "employee handbooks," outlining the general working conditions in the office: working hours, vacation policy, fringe benefits, etc. Other offices have procedure manuals pertaining to particular jobs or particular units: e.g., an intake manual for attorneys, a non-support manual for paralegals working in that area, a form manual for a felony trial secretary. The PATS Bureau team does not necessarily recommend that these manuals be changed or combined when they are satisfactory in their present condition. They do, however, look for omissions: policies and procedures that are not covered by any individual manual in the office. Recommendations are made accordingly.

A key portion of recommendations pertaining to manuals has to do with their construction. The task of compiling a

policy and procedure manual is large, and it cannot be accomplished in a short period of time. Accordingly, PATS Bureau members recommend that the chief prosecutor delegate to one staff member the overall responsibility for producing a policy and procedure manual. Various steps are recommended, according to office needs. Where policies are not written down, they must first be dictated by the chief prosecutor, reviewed by any supervisors he designates, redrafted, and put into final form. This editing process can be time consuming. Where existing policies have been written, they must be reviewed for consistency and currency, redrafted where necessary, and submitted for review. Generally, the drafting of a policy manual involves a combination of the two steps. At the same time, it is recommended that the chief prosecutor include others in the review of policies as they are in draft so that the final product will be as consistent as possible with current practices. Often the drafting of a policy manual involves revelation for all concerned. This is a typical "fringe benefit" of the process of producing an office manual.

The procedure portion of a manual is more specifically a "how to do it" manual. Again, the process of drafting such a manual is time consuming. It is appropriate for the office manager to have overall responsibility for this portion of an office manual. Team members find that an effective means of documenting office procedures is to ask each staff member to write a task list of every job that he or she performs. These lists can be produced at the rate of one per day for as long as it takes to determine everything that each staff member does in

his or her job. Effectively, this process will produce complete job descriptions for every position in the office. Team members also recommend that someone from management independently draw up task lists for the same jobs. Then the two independently prepared job descriptions are compared and inconsistencies are resolved. The final product is a complete and accurate description of every job and procedure in the office.

In discussing the office policy and procedure manual, team members point out the various uses to which the manual can be put. It is an extremely useful tool in training new people, providing a permanent guide while they are learning their jobs. It also clearly defines responsibilities and relations among various employees, usually by means of a formal organizational chart. The manual is also helpful in cross-training individuals and preparing them for advancement when vacancies occur.

Because of the tendency of manuals to get out of date, PATS Bureau team members recommend that they be regularly reviewed (e.g., every six months) on a continuing basis. Any redrafting can then be done relatively easily. Team members also provide sample methods of construction. It is advisable, for example, to utilize three-ring binder books with each sub-section of the manual beginning on a new page. Then as policies or procedures change, the new entry can be made with a minimum of rewriting. Where appropriate, PATS Bureau team members include a sample Table of Contents in a written report, indicating some of the areas that would be appropriate for inclusion in an office manual for a particular office. Naturally, the complexity of the contents of a manual would depend largely upon the size of an office.

SYSTEMS

An overriding concern of PATS Bureau team members in making recommendations to prosecutors is the fact that there should be systems behind every activity undertaken in the office. If a letter is to be typed, there should be a pre-existing system for having it transcribed, reviewed, put in final form, and mailed out. As new cases come into the office, they should be handled according to systems set up for the various categories of cases. Whenever an individual needs information about a particular case or group of cases, that information should be provided by a system. According to this recommendation, then, the individual talents and abilities of the various staff personnel in any office will be backed up by systems. There are several reasons for this overall recommendation. Systems guard against human frailties: e.g., a filing system does not "forget" where it placed a file; a budget review system insures that expenditures are within the limits of allocated funds; a planning system minimizes the unexpected changes in the workload that often plague prosecutors' offices.

The first step toward the systematizing of an office is the development of the systems themselves. There are two key recommendations that are often made in this regard. The first is that responsibility and authority for developing any particular system be delegated to a particular individual. In most cases, therefore, the chief prosecutor will not need to actually devise a particular system--it will be sufficient for him to delegate the responsibility and receive progress reports. Second, one individual should be responsible for coordinating all systems

in the office, to insure that they are adequate, efficient, and non-duplicative. Various designated personnel can devise the individual systems as appropriate, but the overall system coordination should be delegated to the office manager.

Once systems are functioning, they must be monitored. Again, delegation of specific responsibility for this task must be made. A case in point is the statistical gathering process. Typically, the office manager sees to it that statistical gathering forms are filled out on time and completely. He also will be responsible for compiling raw statistical data into weekly/monthly/quarterly/annual reports. At this point, the compiled data should be reviewed by someone in a top management position in order to assess the work of the office: the first assistant; the office manager himself, if he functions in the capacity of planner; the chief prosecutor; and/or some committee of top management people functioning as a planning unit. This example illustrates how an administrative system can collect raw statistical data and turn it over to an operational system (top management people meeting regularly to evaluate the progress of the office) for consideration.

It will be noted that virtually every area of recommendations discussed in this report contains, among others, the suggestion that a system be developed to carry out the recommendations. The FATS Bureau emphasizes the fact that the development of a system is the single best assurance that recommendations for management improvement will actually be implemented.

NON-ATTORNEY STAFF DEVELOPMENT

PATS Bureau team members make a variety of recommendations for development among non-attorney staff members. It is important that one individual be responsible for seeing to it that the professional development of the support staff receives the attention it should. The office manager is the most appropriate individual for this responsibility. However, it is important that non-attorney staff development be coordinated with the attorney training program in the office.

Non-attorney staff members need to be on a "career path," just as do attorney staff members. There are several means of accomplishing this. The most obvious is for there to be a policy of regular salary review (e.g., every six months), with salary increases planned according to performance of employees. Without necessarily increasing the size of the budget, pay scales can be established so that there are regular increases in all positions if work is proceeding satisfactorily. Probably an even more important aspect of staff development has to do with the particular jobs of individuals. Team members point out the value of "lateral" promotion among support staff members as well as promotion to positions of greater responsibility. Promotion of either kind among support staff increases employees' understanding of the overall function of the prosecutor's office, in addition to presenting individuals with variety and new challenges. As a fringe benefit of regular promotion and rotation, the office is better prepared to deal with unexpected absences as well as vacancies created by resignations.

The staff meeting is generally acknowledged to be one of the best vehicles for developing non-attorney staff within an office. A number of matters can be handled at staff meetings. Overall office objectives can be announced, and progress towards meeting these objectives can be reported at subsequent meetings. This information is an important source of unity and team spirit within an office. The staff meeting is also an important forum for discussing particular policies and procedures, or for announcing modified policies and procedures. During a series of staff meetings, the office manager (or whoever conducts the staff meeting) can insure that all of the support procedures in the office are covered--both described and discussed--over a period of several months. This provides assurance that every support staff member has been acquainted with the policies and procedures of the office as they currently stand.

The staff meeting is also a good time for discussion of problems, with suggestions for improvement being solicited from staff members. This will provide the office manager with important feedback concerning the actual working conditions in the office. Although staff meetings can appropriately be conducted by the office manager, the staff meeting also provides an opportunity for the chief prosecutor to address the support staff personally from time to time. This can make an important contribution to office morale.

Possibilities for staff development outside of the office should also be explored. The NDAA, for example, has recently created new membership categories for support staff, with

appropriate educational programs being offered at semi-annual conferences. Many manufacturers of automatic equipment provide educational services for equipment operators, often at no cost to the purchaser. This is one good way of keeping the professional competence of support staff up-to-date as far as current business practices are concerned. There are also a number of organizations and publications devoted to the administrative support field - this is a good means of keeping a supervisory secretary current with the business world.

PHYSICAL FACILITIES

In making recommendations in the area of physical facilities, PATS Bureau members recognize that few prosecutors ever work in ideal surroundings. Team members emphasize making the most of the facilities available, as well as keeping current on the precise nature of any plan in the jurisdiction to construct or acquire additional facilities. There are a number of problem areas which PATS Bureau teams address in the area of physical facilities, depending first upon the particular findings made during the on-site visit. Security is one area where recommendations often are necessary. File cabinets are sometimes located in the reception area of the office. If the receptionist were occupied or away from the desk a security problem might result. Evidence storage is another problem frequently encountered. It is generally advisable for one or more secure, internal rooms to be utilized for files and any evidence that might be stored (preferably in a safe or locked room). There should be one well-marked entrance for the district attorney's office. Access to the working areas

of the office should be strictly limited so that traffic must enter and exit through the reception area. Sufficient waiting space must be provided, taking into consideration peak traffic periods during the year. The exception to this recommendation is in the area of non-support. It is generally advisable for this unit to have its own waiting room, where children and other family members can wait apart from the rest of the prosecutor's clientele.

PATS Bureau members also make recommendations based upon their observations of the actual working conditions of the office staff. If the secretaries are not organized into an office pool, then secretaries should be located as close as possible to the offices of the attorneys with whom they do a major portion of their work. The offices of attorneys and investigators are of prime importance: ideally, each should have a private office. A traditional compromise is to have two attorneys to an office, which is a workable system. However, if more than two are located in the same office, interviewing of witnesses and other case preparation is extremely difficult.

Team members point out the utility of conference, lounge, and study areas. It is best not to combine these three functions in one area as is frequently the case. Ideally, there should be a large conference room which often can double as a training/staff meeting room. Small conferences often can be handled with already existing space, either in the chief prosecutor's office or the first assistant's office. Although most offices have access to a county law library, prosecutors are at a disadvantage in preparing cases there, since defense attorneys and others have access to the same facilities. A basic working law library

doubling as a study area is therefore highly desirable within the prosecutor's office itself. For the benefit of the entire office staff, some kind of lounge is also desirable for coffee, lunch, and conversation. Any of these functional uses of space--conference room, library/study, lounge--is often viewed as a luxury by hard-pressed prosecutors who have to fight for every inch of office space that they get. PATS Bureau team members point out, however, that the payoff in professionalism is well worth it. Physical facilities provide real support for both professional and non-professional staff, and it is axiomatic that the performance of staff is partly a reflection of the physical support they are given.

In creating the pre-visit office profile, PATS Bureau members determine whether or not there are particular architectural problems current in the office. Acquisition of additional office space might be imminent, or there might be a new courthouse complex in the planning stage or under construction. In such cases, the PATS Bureau includes an architect as one of its consultants. During the grant period, the PATS Bureau had occasion to utilize architects from the National Clearing House for Criminal Justice Planning and Architecture. In such cases, architects devoted their on-site study to a review of plans, discussions with architects and planners from the county, and, of course, a personal inspection of existing facilities. Their reports contained not only evaluation of the current facilities, but re-designs of existing layouts and proposed new facilities. It is always the case that when a major move is contemplated--e.g., the building of a new courthouse complex--the prosecutor's

needs are not specifically met. This is not so much an oversight on the part of the criminal justice planners in the jurisdiction as it is a failure on the part of the prosecutor to apprise himself of the plans and provide input for his specific needs. Whenever an architect has been a member of the Technical Assistance, such input has taken place. In other instances, PATS Bureau team members have called the prosecutor's attention to his specific needs in an effort to determine whether or not a close review of any proposed architectural plans has been made with those needs in mind. In making such recommendations, PATS Bureau team members refer to standards drawn up by the National Clearing House for Criminal Justice Planning and Architecture in such areas as recommended square footage for specific functional positions in a prosecutor's office.

PLANNING AND PROGRAM DEVELOPMENT

PATS Bureau team members generally recommend that the chief prosecutor develop a written master plan in cooperation with his top supervisory personnel. An office often does not have a written master plan. Team members point out the importance of a specific written master plan that would set forth both short and long range goals for the office. The master plan functions as a yardstick against which to measure progress toward attaining goals. Toward this end, team members stress the importance of establishing definite time tables for attaining each goal. Although time tables and goals themselves

often must be modified in the light of future events, there is no substitute for a concrete statement of such goals and timetables in a master plan.

PATS Bureau team members suggest that in drawing up a master plan, virtually all of the recommendations contained in the Technical Assistance report are suitable for inclusion. Setting out all goals in a master plan has the additional benefit of allowing the prosecutor to plan his personnel and budgetary resources to coordinate progress towards a number of goals, and to assign priorities when necessary.

PATS Bureau team members discuss the value of having a formal written master plan. Like written statements of policy, the master plan helps to clarify, both for the chief prosecutor and his key personnel, the overall goals of the office. Master plans need to be revised regularly, as some programs proceed as envisioned and others do not. But there is no better tool for communicating the overall direction in which a prosecutor intends to take his office, and for evaluating success in meeting these objectives.

It is also recommended that the prosecutor compare his master plan with the various programs being developed in other offices in the state and in the nation. The prosecutor is encouraged to keep abreast of current trends in prosecution by means of participation in state, regional, and national conferences. From these conferences he can learn about programs in other offices and study them for possible inclusion in his own master plan. PATS Bureau team members point out the information available in this area from newsletters and other

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publications reporting on programs funded by LEAA and other agencies of the federal government.

STATISTICS

PATS Bureau team members recommend that statistical systems be designed which are both comprehensive and easy to manage. Depending upon the resources available to an office, either manual or automated systems are recommended. In some cases, the recommendation calls for a combination of the two.

The key to a good statistical system is an in-depth determination of the type of data required. Team members point out to prosecutors the importance of management data, that is, data which puts the chief prosecutor and his top supervisors in the best position to make management decisions: where to assign staff and budgetary resources in order to have the maximum impact upon criminal prosecution. Among other things, team members stress the importance of comparative statistics. The felony caseload for 1976 is most meaningful when it can be compared with the felony caseload for 1975 and preceding years. The same is true for number of attorney and support staff, as well as for budget. There are basically two types of statistical information that are most useful for making management decisions: statistics pertaining to the number and types of cases coming into the office; statistics pertaining to the number and types of cases being handled by the various attorneys, units, and support staff personnel within the prosecutor's office.

Data in these two areas tells the chief prosecutor what the workload coming in is and how it is being handled within his office.

Another important consideration is the selection of data collection points. Careful selection of these points can minimize the job of collecting data and insure that it is accurate and complete. Often, recommendations for data collection are coordinated with filing/file control/indexing recommendations. For example, every time a case is returned for central filing, it is appropriate for the file control secretary to record each step in the processing of that case as it goes through the office. This is easily accomplished if the file control secretary is provided with appropriate data collecting instruments and is educated in their use. Other statistics can only be recorded by individuals as they do a particular job: e.g., attorney quarter-hours spent in case preparation; number of letters prepared by a typist; number of visitors handled by a receptionist. Appropriate data collection instruments are recommended so that individuals can monitor their own workload with a minimum of difficulty.

In helping offices design data collection instruments, PATS Bureau team members provide specific information for specific needs. A typical data collection sheet is drawn up on a grid basis. For example, a form to collect caseload information would have type of case by crime category along the horizontal axis and proceedings/dispositions along the vertical axis. This kind of form can be used on a daily basis

by a file control secretary, who simply makes a mark in any square to indicate a count of one. At the end of each week, the count from the five sheets can be compiled onto one sheet. Similar compilations can be made at the end of the month, quarter, and year. Similar grid sheets can be designed for other types of data collection: e.g., a grid sheet for individual attorneys indicating the quarter-hours spent in such activities as case preparation by type of case, hearings and proceedings by type of case, etc. Statistics indicating the number of cases and proceedings handled by individual attorneys can be compiled in the same way. Again, daily record sheets can be compiled into weekly and monthly sheets by the office manager or some other appropriate administrator. The important point in designing any data collecting instrument is that it be simple to use.

Ultimately, data must be compiled in management form for the chief prosecutor and his top supervisor. Many important questions must be asked before data reaches this form. One major recommendation in this regard is that the chief prosecutor and his top advisors determine precisely the nature of a "case." This determination is extremely important when there are multiple counts and multiple defendants. Generally the PATS Bureau recommends that one case be counted for each criminal episode. Above all, it is important that this question be carefully considered so that the statistical picture of the office accurately reflects the workload.

CHAIN OF COMMAND

The PATS Bureau recommends that each office have a definite chain of command. The precise structure of the chain of command depends upon the size and complexity of the office. However, several guidelines are appropriate for all offices. First, each employee should report to only one "boss." Nothing is more confusing for employees than having to be responsible to more than one individual simultaneously. This does not mean that a secretary cannot do typing for more than one individual. The secretary should, however, have only one superior for overall direction. Second, all employee relationships should be subsumed under a unified chain of command so that there are specific channels leading up from each employee to the chief prosecutor. Typically this is accomplished by means of divisions, with members of each division reporting to division heads. Third, it is recommended that the chief prosecutor pay particular attention to the importance of insulating himself from day-to-day routine matters by means of a well-designed chain of command. This will insure that routine problems are brought to the attention of division heads, the first assistant, and/or the office manager. Only if these individuals cannot solve the problem will the chief prosecutor be brought in.

The best means of promulgating the chain of command is to draw up an office organizational chart. Typically the chart is included in the office manual. It is important, however, that the organizational chart not be forgotten. It must be reviewed and revised on a continuous basis so that it remains current when changes take place in the office.

The chain of command should also be the subject of staff meetings. Particularly when a new chain of command is instituted, employees do not readily understand it or accept it. Discussions must be held in order to insure that the chain of command will actually be followed. The staff meeting is an appropriate point at which to accomplish this.

PATS Bureau members recommend that the chief prosecutor be particularly sensitive to adhering to the chain of command once it has been established. There is a natural tendency for many chief prosecutors to become involved with individual problems as they occur. If the chief prosecutor steps in without a problem first having gone up the chain of command, the organization is weakened. Thus the chief prosecutor must use restraint in dealing with individual problems. If he scrupulously abides by the chain of command, he will enjoy an office organization that really works. Employees will know where they stand, and who they report to in case of problems. The result is an office that is managed by organization rather than by individual problem.

EVALUATION

PATS Bureau team members recommend that each prosecutor's office have a regular system for periodically reviewing the performance of each individual in the office. One such way of evaluating the personnel in the office is to establish "totem poles" within each grade from the most outstanding employee down to the lowest rating within each grade. As far as the professional staff is concerned, all personnel should be rated by their immediate supervisor on some such scale as the following: 1-Outstanding; 2-Above Average; 3-Average; 4-Below Average; and 5-Unacceptable. Some of the categories which might be used for evaluating the professional staff are the following: dependability; initiative and ingenuity; quality of work; cooperation and disposition; job knowledge; quantity of work. Out of these a sound overall rating should emerge.

In the event that it should become necessary for a member of the professional staff to be rated below average or unacceptable, he should have recourse to a direct appeal to the chief prosecutor. At such time the chief prosecutor should expect the evaluating supervisor to substantiate the employee's deficiencies and the employee to answer them. The possibility of such an appeal is essential since the result of such a rating may very well be termination.

The PATS Bureau team recommends that fundamentally the same rating system should be used for employees engaged

in administration and secretarial/clerical duties. A suitable Performance Appraisal Sheet should be created and then distributed to the various division chiefs in order for them to rate employees in these classifications. A sample of the rating criteria which such a Performance Appraisal Sheet might contain is as follows: ability to get along with co-workers; initiative in performance of duties; accuracy and neatness of typing; ability to maintain professional attitude towards job; attendance and punctuality; adaptability to noise and distraction in job environment. Again, outstanding employees should be promoted as openings occur, and below average or unacceptable employees should be warned of their deficiencies in advance of possible termination.

Two major features of evaluation should be a) regularity and b) the conference. If evaluation occurs every six months, for example, employees tend to view it as part of the normal routine. The conference is important because it emphasizes the counselling aspect of evaluation. These two features tend to make the process of evaluation as positive as possible.

EQUIPMENT

The main recommendation which PATS Bureau team members make with regard to equipment is: make sure the office is utilizing its equipment with maximum efficiency. Team members point out that the objective of the chief prosecutor's office is to get words onto paper and out the door in the most efficient way possible. One way to achieve this goal is to use as much pre-recorded material as possible. All offices wish to reduce the need to retype material a second or third time, although it is never possible to eradicate the problem completely. Team members point out that the most efficient offices do their necessary retyping on automatic typing equipment. They recommend, for example, that attorneys make an effort to structure complex documents in short sections, that are then recorded, so that each unit can be separately revised without involving the text that comes before or after it. This is only one of many instances in which the increased use of pre-recorded material brings about an automatic reduction of revision.

The PATS team also recommends that professional staff make a studied effort to dictate their work instead of writing it. There is considerable savings for attorney and secretary, since both are free to work at their own speed. The dictating equipment will pay for itself when it is utilized efficiently.

It is a good idea to have staff meetings to discuss the best ways of utilizing dictating equipment, copying machines, and automatic typewriters to maximum efficiency. This is important because many employees have an irrational dislike

for equipment and more or less refuse to use it unless staff meetings can change this attitude. The shorthand-dictaphone question is most often the problem here.

The above recommendations are made in those offices in which there is already substantial modern equipment. In those offices in which such equipment is lacking, the PATS Bureau team make the recommendation that these offices acquire such modern equipment as soon as is possible. The team members recognize, however, that in many instances there are very stringent budgetary restrictions, and that the acquisition of such equipment may have to be deferred for a rather lengthy period of time. They point out that well used equipment generally pays for itself by reducing employee hours that go into various tasks.

EVALUATION

At the conclusion of every visit, the host prosecutor was asked to write a letter to the Director of the PATS Bureau assessing the visit that had just been completed. The response from host prosecutors was overwhelmingly positive. In Appendix IV of this report, copies of those evaluation letters have been attached.

By means of competitive bidding, the Public Administration Service was chosen to evaluate the PATS Bureau and its Technical Assistance activities. Copies of the report prepared by PAS were duly submitted to LEAA. The following statement summarizes the overall conclusion of PAS: "It is also concluded that based on available data overall success was achieved in accomplishing program goals and objectives" (page 30).

The following paragraphs are quotations excerpted from the PAS evaluation report.

"The management style of the PATS Bureau can best be described as a functional--participative--team approach. This is to say that management is functional in the sense that all work assignments are clearly defined and each member of the staff understands his or her area of functional responsibility; participative in that all bureau personnel contribute in some degree to the decision making processes; and team oriented in the sense that all bureau personnel work towards accomplishing specific work objectives and general program objectives in a concerted and harmonious effort. The program director through his outstanding leadership has been able to mold a genuine program of participative management founded upon principles of mutual trust and support, open communications, and genuine cooperation."

"Project monitoring is the process of obtaining information on the current status of project activities for the purpose of meeting project milestones and for planning future activities. To this end, the PATS Bureau has established an effective method of monitoring project activities and accomplishing project control."

"Simply put, fiscal control refers to the management of costs. Of particular significance here is the fact that rigid fiscal constraints are imposed on the project by its federally approved budget. Amounts of money have been

specified for expenditures on particular services and materials and the reprogramming of these funds is generally not encouraged. Therefore, the function of fiscal control in this situation is merely that of maintaining records of expenditures by account and making sure that maximum budgeted amount is not exceeded. The PATS Bureau is performing adequately in this regard in that records of program incumbrances are properly maintained through normal accounting practices by the Association's Accounting Office."

"After concluding the work for each day on-site, team members assemble with the team leader to discuss the day's findings. On the basis of the information shared, assignments for the following day are modified so as to ensure the comprehensive coverage of all areas under study. These debriefing sessions were observed to be most effective in that there were many instances in which duplication of work was avoided. Team members regularly provided other team members with information about activities in their assignment areas. This resulted in the directing of efforts into other areas that might have received but cursory examination. The practice of conducting daily team debriefings has great utility. It is also indicative of continuous project planning. The practice is a commendable one and should be continued."

"The basic procedures used by team members in accomplishing their respective assignments included, but were not limited to, conducting interviews with key personnel and gathering detailed, statistical data and other information on office policies and procedures as available. These data gathering efforts were observed by the evaluator to be in-depth and comprehensive. Usually, these efforts resulted in obtaining more information than was required."

"The site visitation goal established for the program period called for the completion of 61 site visits: 57 initial visits and 4 revisits. According to the best information available to the evaluator at the time of this writing, 52 initial visits and 4 revisits had been completed. The success rate for accomplishing the initial visits goal is 91% and the success rate for revisits is 100%."

"The cost per project under the grant period was estimated to total not more than \$5,747 each. According to figures received from the Association's Accounting Office via the program director, average costs per project are running approximately \$4,620. Assuming the correctness of this information, the program is experiencing a savings of approximately \$1,127 per assignment--a very commendable effort."

"It is estimated that an average 10.25 person days were devoted to each field assignment. Using the per project cost cited above, the average cost per person day is approximately \$240. Again assuming the correctness of the figures, this cost per person day indicates an extremely cost effective operation, especially when considering the high degree of professional competency being bought for the dollar."

"This section generally assesses the impact of the Bureau's program on prosecutors' offices in the context of results expected from the Technical Assistance provided. The results expected were: *Assistance to prosecutors in problem identification. *Assistance to prosecutors in determining priorities and procedures for corrective action. *An increased awareness by prosecutors of the importance of management, administration, and operation practices for efficient prosecution. *The development of standards for prosecutors' offices and systems. *Design of feasible and appropriate solution systems for prosecutors."

"The four offices visited (for the purpose of determining the impact of Technical Assistance visit) were: (1) Littleton, Colorado; (2) Akron, Ohio; (3) Jacksonville, Florida; and (4) Santa Barbara, California. Approximately 58 interviews were conducted. Additionally, where possible

office procedures and practices were inspected, including files and documents, which would satisfy the evaluator that recommendations have or have not been implemented. Following is a summary of findings on program impact resulting from the series of interviews conducted."

"*The average percentage of recommendations implemented in total or part was 68%. Percentages range from a high of 95% to a low of 10%. (Excluding the low figure, the average rate of implementation is 87%.)"

"All but 2 of the 58 people interviewed reported being favorably impressed with the competency of the staff and the quality of their approach in conducting the study. One of the two dissenting persons interviewed reported having no personal contact with the team members at all. The other person was observed to be negative about everything in general."

"*All persons reported observing varying degrees of change following the Technical Assistance team's visit. The vast majority of persons reported that changes made were for the better."

"*Some documentation was observed in several offices that verified that specific actions had been taken which closely followed project report recommendations."

APPENDIX I

Technical Assistance Profile Questionnaire

Office Profile

PROFILE QUESTIONNAIRE

GENERAL INFORMATION

1. City(Office), State: _____
2. Telephone: _____ () _____
3. Name of Chief Prosecutor _____
4. Title: _____
5. Name of your County or Jurisdiction: _____

6. List the county or Counties under your jurisdictions by name: _____

7. What is the present population of your jurisdiction?

Source: _____
8. Estimate the approximate percentage of your jurisdiction's population which is rural: _____
urban: _____
suburban: _____
Estimate the jurisdiction's approximate square mileage:

9. Does the prosecutor have responsibility for or jurisdiction over:

	Percent of Total Office Workload
a. Non-support and/or (URESAs) Uniform Reciprocal Enforcement	_____
b. Juvenile matters	_____

c. Civil and legal work of local agencies, boards and commissions _____

d. Consumer protection matters _____

e. Traffic prosecution _____

f. Other (please list) _____

TOTAL 100%

Itemize the prosecutor's activities in civil matters:

10. Courts:

Are there separate courts for:

	a. Felony	b. Misdemeanor	c. Traffic
Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Is there a trial de novo in your jurisdiction from a misdemeanor conviction?

Yes

No

11. How many branch offices do you permanently staff that perform the same function as your central office?

Size and description of staff in each:

12. Is the Office of the Chief Prosecutor:

- (1) elective partisan ballot
- (2) elective non-partisan ballot
- (3) appointive If appointed, by whom:

13. How long is the Chief Prosecutor's term of office?

Years: _____

14. What is the current annual salary of the Chief Prosecutor?

\$ _____

- Is an automobile provided? Yes No
- Is an expense allowance provided? Yes No
- If yes, how much

15. Is the Chief Prosecutor permitted to have an outside private practice of Law?

Yes No

16. Does the Chief Prosecutor have an outside private practice of Law

Yes No

In an average week, performing his prosecutive duties what percentage of the Chief Prosecutor's time is devoted to:

- a. case preparation and trials _____
- b. managing the office _____
- c. other official duties _____

TOTAL _____%

17. How many years has the Chief Prosecutor been in office?

18. How many years of prior experience has the Chief Prosecutor had in criminal law as an assistant prosecutor?

19. Are assistant prosecutors employed:

- a. under a civil service system
- b. under conditions of tenure
- c. employed at the pleasure of the prosecutor
- d. other

20. What is the average number of years, assistant prosecutors stay in office? _____

21. How many assistant prosecutors do you have FULL TIME:

22. As to your full-time assistant prosecutors:
What is their average salary at entry level?

_____ (per annum)

23. Are they allowed any outside practice of law?

Yes

No

24. Is outside practice limited to statute(i.e.to non-criminal matters, non-court appearance matters, etc.)?

Yes

No

Is outside practice limited by your office policy?

Yes

No

Which of the following areas of outside practice is prohibited by either statute or your office policy for your full-time assistant prosecutors:

- (1) Criminal defense
 - (2) Suits against public officials
 - (3) Divorce and family law
 - (4) Tort suits
 - (5) Habeas corpus/prisoner rights
 - (6) Contracts involving public agencies or boards
 - (7) Labor cases
 - (8) Other (please list) _____
- _____
- _____

25. How many assistant prosecutors do you have

PART-TIME _____

26. As to your part-time assistant prosecutors:
What is their average salary at entry level?

_____ (per annum)

27. How many hours per week are they required to be in the office (including court-time)?

Do the part-time assistants often spend more time in the office than the hours listed above?

Yes

No

If yes, on the average, how many? _____

28. Is their outside practice of law limited by statute (i.e. to non-criminal matters, etc.)?

Yes

No

Is their outside practice of law limited by office policy?

Yes

No

Which of the following areas of outside practice is prohibited by either statute or your office policy for part-time assistant prosecutors:

- (1) Criminal defense
- (2) Suits against public officials
- (3) Divorce and family law
- (4) Tort suits
- (5) Habeas corpus/prisoner rights
- (6) Contracts involving public agencies or boards
- (7) Labor cases
- (8) Other (please list) _____

29. How many investigators do you have in your office who are:

your employees _____

detailed to you from another agency _____

30. What is the average annual entry salary for investigators?

\$ _____

31. As to your investigators, by law:

Are they permitted to conduct independent investigations?

Yes No

Do they have powers of arrest?

Yes No

32. Clerical Staff-Number:

Full-Time _____

Part-Time _____

33. Law Student Number

Full-Time _____

Part-Time _____

34. Do you have an office administrator or manager?

Yes

No

If yes, is this person an attorney? Yes No

35. Does your office have a person who is responsible for the for the maintenance of case records, statistics and scheduling of court appearances?

Yes

No

36. Do you have training programs conducted by your office for:

- | | | |
|-----------------------------------|------------------------------|-----------------------------|
| a. assistants | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| b. clerical/support personnel | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| c. investigators | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| d. local law enforcement officers | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

37. Is a statewide prosecutor organization available to the prosecutor? Yes No

38. Do you have a law library?

Yes

No

If yes, is it

- | | | |
|--|------------------------------|-----------------------------|
| (1) controlled by the courts | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (2) controlled by the prosecutor | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (3) controlled by the local government | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (4) other | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

39. Do you have computerized automated systems supporting your office?

Yes No

On-line Off-line

Type of equipment _____

Disc Tape Card

Reports generated:

40. Is your misdemeanor case filing system

centralized
decentralized

41. Is your felony case filing system

centralized
decentralized

42. Do you use case folders for felonies?

Yes No

If no, would a model folder be useful to you?

Yes No

43. Do you use case folders for misdemeanors?

Yes No

44. What is your office budget for the current fiscal year including grants.

\$ _____ year _____

What additional funds were received from grants during the same time period?

45. Did your budget last year include any income from fines, fees, and bond forfeitures?

Yes

No

if yes, amount _____

46. Please enclose a copy of your latest office budget.

47. Do you have a public defender agency?

Yes No

48. If yes, is it funded by

(1) county

(2) state

(3) other (describe) _____

49. How many public defenders are employed by your jurisdiction?

Number full-time _____

Number part-time _____

50. How many or what percent of defendants are defended by:

	No.	%
a. court appointed attorneys	_____	_____
b. retained counsel	_____	_____
c. public defender	_____	_____
d. other (describe)	_____	_____

51. Is your office affected (either by increased workload or increased population) through the existence of:

- | | (1) Size of
Population | (2) How Many
Months of Year |
|---|---------------------------|--------------------------------|
| a. Resident college or university | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Military base | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Significant recreation resort population | <input type="checkbox"/> | <input type="checkbox"/> |
| d. State hospital or prison | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Significant migrant worker population | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Significant welfare population | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Other _____ | | |

52. Number of Filings for Felonies (1975): _____
 (year-to-date): _____

Number of Filings for Misdemeanor (1975): _____
 (year-to-date): _____

53. Number of Filings for Traffic (1975): _____
 (year-to-date): _____

Number of Filings for Non-Support (1975): _____
 (year-to-date): _____

54. How many or what percent of criminal defendants in 1975 were disposed of by pleas in felony cases?

	Jury		Court (or waiver of Jury)	
	No.	%	No.	%
Felony				

Are these:
 based on actual (number) data
 estimated (percent)

55. How many or what percent of criminal defendants in 1975 were disposed of by pleas in misdemeanor cases?

	Jury		Court (or waived of jury)	
	No.	%	No.	%
Misdemeanor				

56. How many law enforcement agencies do you have reporting to you? _____

57. If more than one law enforcement agency is dealt with do they all use the same arrest report form?

Yes No

58. Does the prosecutor review charges before they are filed with the court (excluding traffic cases):

	All	Some	None
Felony	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Misdemeanor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If none: is this because:

(1) charges filed in court prior to prosecutor notice

(2) office policy

(3) other (specify)

59. Where does review take place?

- a. court room
- b. prosecutor's office
- c. police station
- d. other (describe)

60. Is there an organizational entity in the prosecutor's office (person assigned or unit designated) which reviews charges prior to filing?

Yes No

If yes: Is this authority granted by:

	Misdemeanor	Felony
(1) statute	<input type="checkbox"/>	<input type="checkbox"/>
(2) court rule	<input type="checkbox"/>	<input type="checkbox"/>
(3) office policy	<input type="checkbox"/>	<input type="checkbox"/>

61. Does your office have formal written guidelines for screening cases?

	Felony	Misdemeanor (excluding traffic)
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

62. Do you have a routine system of notification of disposition of cases to:

	Misdemeanor	Felony	All Cases
(1) police	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) victim	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) witnesses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

63. Do you have access to diversion programs?

Yes No

64. How many or what percent of defendants that were referred to your office in 1975 were diverted?

	Number (actual)	Percent (estimated)
(1) felony	_____	_____%
(2) misdemeanor	_____	_____%

65. Do you have established guidelines for diverting a defendant from the criminal justice system?

Yes No

66. Are felonies generally processed through a grand jury?

Yes No

How many or what percent of felony cases are filed by:

	No.	%
(1) information	_____	_____
(2) grand jury indictments	_____	_____
(3) information by defendant's waiver of indictment (or preliminary hearing)	_____	_____
(4) Other (describe)	_____	_____

67. How long does a grand jury term last? _____

68. Does the defendant have an automatic right to a preliminary hearing in a felony case?

Yes No

69. In your jurisdiction how are criminal cases assigned docket numbers:

a. Misdemeanor (lower court including preliminary hearings for felonies) b. Felony c. Appellate

	Mis.	Fel.	App.
(1) One court docket number for each charge emanating from a single criminal event.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) One court docket number for one defendant (may include multiple charges as long as they arise from same criminal event).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(3) One court docket number for multiple defendant (each involved in the same criminal event.)

(4) Other (describe) _____

70. Do judges have individual case docketing?

	Felony	Misdemeanor (excluding traffic)
(1) Yes	<input type="checkbox"/>	<input type="checkbox"/>
(2) No	<input type="checkbox"/>	<input type="checkbox"/>
(3) Varies	<input type="checkbox"/>	<input type="checkbox"/>

Or do they have a master calendar system?

	Felony	Misdemeanor (excluding traffic)
(1) Yes	<input type="checkbox"/>	<input type="checkbox"/>
(2) No	<input type="checkbox"/>	<input type="checkbox"/>
(3) Varies	<input type="checkbox"/>	<input type="checkbox"/>

71. Who has control of scheduling of cases for initial court appearance date:

	Felony Only	All Cases
(1) court	<input type="checkbox"/>	<input type="checkbox"/>
(2) prosecutor	<input type="checkbox"/>	<input type="checkbox"/>
(3) police	<input type="checkbox"/>	<input type="checkbox"/>

72. Who has control of scheduling of cases after first appearance:

	Felony Only	All Cases
(1) court	<input type="checkbox"/>	<input type="checkbox"/>
(2) prosecutor	<input type="checkbox"/>	<input type="checkbox"/>
(3) police	<input type="checkbox"/>	<input type="checkbox"/>

73. Does your court have a backlog? Yes No
If yes, how many cases:

Felony _____

Misdemeanor _____

Estimate what percentage of your criminal court cases do not get heard the day they are scheduled:

misdemeanor _____%

felony _____%

74. Major reasons for continuances (rank in order of importance, 1-- most important, NA--not applicable)

a. not enough judges _____

b. defendant counsel unavailable _____

c. witness notification or appearance problems _____

d. expert witnesses unavailable _____

e. government not ready _____

f. procedure inefficiencies _____

g. other _____

75. How many or what percent of cases in 1975 were disposed of by plea negotiation?

felony _____

misdemeanor _____

76. Are the police or law enforcement agencies consulted in plea negotiations?

all cases: Yes No

some cases: Yes No

77. Are your plea negotiation policies in writing?

Yes No

78. Are the terms of plea negotiations made a part of the court record?

Yes No

79. Have you established a time limitation on plea negotiation (e.g., no negotiating after 10 days before trial)?

Yes No

80. Does the prosecutor make recommendations at sentencing?

	Misdemeanor (lower court)	Felony (upper court)
Yes	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>

If yes, in what percent of cases is this done?

(1) misdemeanor _____%

(2) felony _____%

81. Does the prosecutor have any right of appeal (reserved questions of law on trial, intermediary or pre-trial motions):

Yes No

82. Do you represent the government when criminal convictions are appealed by defendants:

Yes No

If not who does _____

83. Does the court operate with "speedy trial" rules?

Yes No

If yes, is this:

(1) by court rule
(2) by statute
(3) other (describe) _____

What is the time limitation? _____

84. What is the average length of time from arrest to trial? _____

85. Rank in order of importance, (from 1-5) what you consider to be the most serious problems encountered in the operation of your office.

1. _____
2. _____
3. _____
4. _____
5. _____

Please enclose a copy of your latest OFFICE ORGANIZATIONAL CHART and a copy of your PRESENT BUDGET.

CONFIDENTIAL

OFFICE PROFILE

City, State

Telephone:

Name:

Title:

Name of Jurisdiction:

Encompassing:

Population

% Rural

Jurisdictional responsibility for:
and % of workload

Courts:

Branch Office(s):

Chief Prosecutor:

method of selection

term of office

private practice permitted

tenure as chief -Criminal Div.

total years in prosecution

Assistant Prosecutors:

method of selection

average tenure

number full-time

average entry salary

private practice permitted

number part-time:

Investigators

number

average entry salary

conduct independent

investigations

Clerical Staff

number full-time

number part-time

Law Students

number full-time
number part-time

Office Management

office manager
records manager
training program exists for:
 assistants
 investigators
 clerical personnel
 law enforcement officers
Statewide prosecutor organization
 available
Law Library
Computerized automated system
 supports the office
Misdemeanor Case filing system
Misdemeanor case folders

Budget

Latest office budget (including
 grants)
Income from fines, fees and bond
 forfeitures

Public Defender

Funded by
Number of attorneys
% of defendants defended

Work Load

Influenced by

Misdemeanors filed in 1974
Misdemeanor guilty pleas to
 court

Intake

Number of law enforcement
 agencies reporting
Misdemeanor charges reviewed prior
 to filing with the court

where?

Is there a separate screening
unit?

Do written guidelines for
screening exist?

There is routine notification
of case disposition to:

Diversionary Program

number of misdemeanor defendants
diverted in 1974

Docketing:

Misdemeanor docket numbers
assigned

Docket calendar system used

Misdemeanor cases are scheduled
for initial court
appearances by

Misdemeanor cases are scheduled
after initial court
appearance by

Size of case backlog

Major reason for continuances

Plea negotiations:

% of misd.s disposed of in 1973
by plea bargains

Is the arresting officer
consulted?

Written plea negotiation policies
exist

Plea bargain terms are made a
part of the court record

There is a negotiation cut-off
date for each case

Sentence recommendations:

made in misdemeanor cases

Appeals:

Prosecutor has a right of appeal
Represents the government in
 appealed cases

Office's most serious problems:

APPENDIX II

Report Outline

USE OF TECHNICAL ASSISTANCE OUTLINE

MANAGEMENT, EVALUATION AND CONTRACTS DIVISION
NATIONAL DISTRICT ATTORNEYS ASSOCIATION

USE OF TECHNICAL ASSISTANCE OUTLINE

The basic premise to a successful management study is being thorough and accurate in describing the present situation. Good description is predicate to good prescription. Based upon an analysis, appropriate effective improvements can be designed and implemented.

Objectivity is essential. The temptation to describe the office as one thinks it ought to be, or to be unduly critical should be avoided. The objective is to find the facts, not argue a case. In addition to conducting interviews it is frequently enlightening to observe the activity, task, procedure, paperwork, or other thing being described.

It is helpful to utilize an outline or checklist. However, one should not be so dependent upon the outline that the inquiry is limited. There may be things not listed which need study; furthermore, some items on the list may not be applicable.

Attached is an outline that may be helpful in approaching the management study.

TECHNICAL ASSISTANCE OUTLINE

1. OPERATIONS: This area pertains to the major functions of the attorneys in the office in processing cases. It includes investigation, case intake, screening, alternatives to prosecution, grand jury activities, plea negotiation, various court proceedings, trials and appeals. Operations also include the functional relationships between the prosecutors office and police, courts, correctional agencies, and other components of the criminal justice system.

1.100 PROFESSIONAL ORGANIZATION AND CONTROL

1.101 Organization

- a. Structure (How are the attorneys organized?)
- b. Delegation of responsibility and authority.
- c. Specialty trial teams and other special trial assignments.
- d. Investigators (How are they organized?
What do they do?)

1.102 Control

- a. Supervision and evaluation systems.
- b. Methods of communication (How is information communicated to each attorney).

1.200 PROFESSIONAL STAFF DEVELOPMENT

1.201 Hiring Procedures.

1.202 Initial Training and Orientation.

1.203 In-service Training.

1.204 Advancement.

1.205 Quality and moral.

1.300 INTAKE AND SCREENING

1.301 Intake activities.

a. How intake activities are organized.

b. Police report (When received? Sufficiency).

c. Civilian complaints.

d. Recordkeeping, files and paperwork (intake log, file, disposition transmittal, etc.).

e. Policies (decline, accept, alternatives to prosecution, diversion, uniformity, etc.).

1.400 LOWER COURT OPERATION

1.401 Description of the lower court (jurisdiction, number of judges, docket, calendar, terms, etc.)

1.402 Organization of attorneys.

1.403 Criminal cases (How are they processed)

a. Felony (Initial appearances, probable cause hearings, etc.).

b. Misdemeanors (Initial appearances, motions, trials, appeals, etc.).

1.404 Traffic (How are they processed)

1.405 Case-load management (Are there problems with scheduling, continuances, backlog, etc.).

1.406 Preparation (Felony matters, misdemeanor matters, traffic matters, etc.).

1.407 Witness control.

1.500 JUVENILE COURT

1.501 Description of the court (jurisdiction, number of judges, docket, calendar, terms, etc.)

1.502 Organization of attorneys.

1.503 Processing cases.

1.600 GRAND JURY

1.601 Description of the Grand Jury (jurisdiction, structure, terms, etc.)

1.602 How attorneys are organized to staff and handle Grand Jury proceedings.

1.603 Scheduling matters.

1.604 Procedures.

1.700 HIGHER COURT OPERATIONS

- 1.701 Description of the Higher Court (jurisdiction, number of judges, docket, calendar, terms, etc.)
- 1.702 Organization of attorneys.
- 1.703 Arraignment and initial appearances.
- 1.704 Pre-trial motions, proceedings and conferences.
- 1.705 Plea-bargain procedures (policies, cut-off date, timing, review, etc.)
- 1.706 Calendar and docket management (scheduling, continuances, backlog, etc.).
- 1.707 Trials (preparation, investigative support, operation of special trial teams, etc.).
- 1.708 Appeals.

1.800 INTERAGENCY AND COMMUNITY RELATIONSHIPS

- 1.801 Courts
- 1.802 Law enforcement agencies.
- 1.803 Other prosecutors, if any, in the jurisdiction.
- 1.804 Public Defender.
- 1.805 Public Officials.
- 1.806 Community Relations.

2. ADMINISTRATION: This area pertains to the resources, systems, procedures, and controls necessary to support operations. It includes personnel management, space and facilities, equipment, paperflow and file control, office systems, budget, etc.

2.100 SUPPORT ORGANIZATION AND CONTROL

2.101 Organization

- a. Structure (Compose accurate organization chart of entire office. Explain how the secretarial-clerical and other support staff are organized to provide support for the attorneys)
- b. Delegation of responsibility and authority.
- c. Special units (such as word processing centers, information centers, central filing, etc.).

2.102 Control

- a. Line of authority and chain of command.
- b. Supervision, accountability, and evaluation systems.
- c. Policies and procedures (How communicated? manuals, memoranda, directives, etc.).

2.103 Use of Special Staff (interns, temporary help, etc.).

2.200 STAFF DEVELOPMENT

- 2.201 Hiring Procedures.
- 2.202 Initial Training and Orientation.
- 2.203 In-service Training.
- 2.204 Cross Training.
- 2.205 Advancement.
- 2.206 Quality and moral.
- 2.207 Staff meetings.

2.300 PAPERFLOW AND FILE CONTROL

- 2.301 Paperflow (chart flow of paper)
- 2.302 Filing and record keeping systems (criminal, civil, administrative, etc.).
- 2.303 Work product retrieval (brief blank, etc.).
- 2.304 Forms design and utilization.
- 2.305 Correspondence.

2.400 INFORMATION SYSTEMS

- 2.401 What data is collected presently?
- 2.402 How is it collected?
- 2.403 How is it analyzed and utilized?
- 2.404 What data is needed or desired by the chief prosecutor?

2.500 EQUIPMENT AND LIBRARY SERVICES

2.501 What equipment is there?

2.502 How is the equipment utilized?

2.503 Library facilities.

2.600 SPACE AND PHYSICAL FACILITIES

2.601 Describe nature of existing space.

2.602 How is the space utilized?

2.603 What facilities are needed?

2.700 BUDGET AND FINANCE

2.701 Present budget.

2.702 Sources of funding.

3. PLANNING AND PROGRAM DEVELOPMENT: This area pertains to both short and long term goals. It includes anticipation of future caseload, special projects, and expansion of the prosecutors role as the chief law enforcement officer in the jurisdiction. As far as a management study function is concerned it is not necessarily advisable to make this a separate area from the operations and administration; the items in this area of the outline in reality are quite intertwined with the items in the other two major headings.

3.100 PLANNING AND PROGRAM DEVELOPMENT

3.101 Planning

- a. Work load profile (What kind of matters and how many of each are presently handled in the office?)
- b. Work load expansion projections (What is the expected increase in various types of matters in the jurisdiction?)
- c. Preparation for future workload (What is being done to prepare for the future?)

3.102 Program Development

- a. New projects and programs (What is being done to innovate and create new approaches?)
- b. How are present personnel and resources being used to develop new programs?

3.103 Masterplan

- a. Resources (What material is available interesting programs, projects and concepts around the country?)
- b. Recommendations for improvement in the office.
- c. Goals and objectives (Both short and long range).
- d. Evaluation (Are the goals and objectives realistic? Are assignments being carried out timely?)

APPENDIX III

Staff Motivation

An Overview of Word-Processing

STAFF MOTIVATION

The old prosecutor management policy of charging a man up to respond to a given situation or crisis is not motivation. If you have to kick a dog to move him once, you have to kick him again to move him twice. Similarly, a man's battery can be charged and recharged again and again. But he won't become an asset to any operation until he has developed his own generator. This point is reached when he needs no outside stimulation, when he wants to do the job in a more than acceptable fashion-- in short when he is motivated.

It should be noted, too, that statistics from the field of corrections demonstrate that punishing a man does not motivate him. 85% of all those who enter prisons return within three years of their release. Other figures indicated that increasing the severity of punishment does nothing to redirect behavior into more desirable channels. A study of the effect of punishment on criminals is consistent with the following hypothesis about behavior in general: In adults, punishment produces few, if any, desirable results.

Several techniques are listed in the next paragraphs by which a prosecutor can motivate his staff, attorneys and non-attorneys alike. These techniques avoid the negative aspects of punishment entirely. Instead, they proceed from one very positive assumption that a prosecutor should make about his staff: All staff members have expectations.

- 1) Employees expect to be recognized for superior achievement and effort, and they expect recognition to be withheld for poor performance. If your staff understands that you expect nothing but the best, and that a lethargic attitude and sub-standard work product is unacceptable, the quality of the work returned to you may even exceed your original expectations.
- 2) Employees expect to be treated fairly, but they do not expect to be treated equally. Those two terms are not synonymous and are quite different in their application and meaning. If a staff member is performing an especially difficult task or assignment, his compensation should be different from that of someone whose efforts do not require as sophisticated abilities, or whose decisions do not have as much consequential weight. Treat employees as individuals.
- 3) Employees expect you to follow up on a consistent basis to ascertain if a job is done, and if it has been done properly. Intrinsic reward will be satisfying to a staff member for only a limited period of time. Pride in self-accomplishment tends not to be a sustaining motivating factor over the long haul. While the challenge of self-accomplishment still lingers, follow-up by the Chief Prosecutor or Unit Supervisors will continue to keep the interest of employees high.
- 4) Staff members expect to be kept informed about activities that affect them on a day-to-day basis. You should ask yourself, "What do these people need to know to feel confident and get the job done, to do it better, and to feel important?" For the most part, employees and staff feel that they do not have sufficient information about the overall operation of the office to determine how their particular functions affect the eventual outcome of a matter. This is especially true in the clerical positions. Communication in the prosecutor's office should anticipate the following basic principles:
 - a) Anything that a staff member will not be held accountable for can be transmitted to him in an informal oral fashion;
 - b) A staff meeting should be held to spread good news as often as it is held to indicate problems and poor performance;

- c) It should be remembered that it is not possible to over-communicate with staff members, but it is possible to overwhelm them. Some items of great importance to the professional staff will only confuse and overwhelm the clerical personnel. The Chief Prosecutor and his Unit Supervisors should exercise discretion in the kind of information that they pass on to the various divisions of their organization.

- 5) Employees expect their own performances to be reviewed on a regular basis. This review can be accomplished by appraising the performance of the staff on a regular basis. Each staff member, whether clerical or professional, should be evaluated every six months. His achievements should be praised and reviewed in detail. Such knowledge gives a staff member the opportunity to learn of a weakness that he may not be aware of; it also affords the opportunity to correct the situation before it is too late.

- 6) Employees expect the prosecutor to have objectives for the office as a whole. In order for employees to participate in reaching those objectives, the prosecutor must determine where he expects his office to be in the months and years ahead, and make staff assignments accordingly.

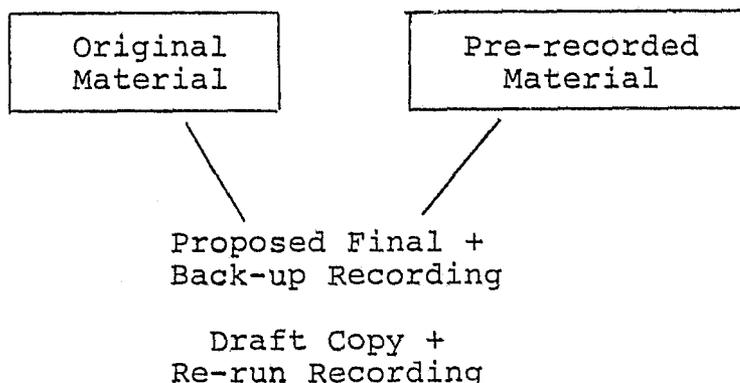
Motivation is not something that just happens in a prosecutor's office. It must be approached the same way the creation of a special prosecution unit would be approached: By assessing needs, planning for implementation, and anticipating the results. A more highly motivated staff will enhance the responsiveness of the chief prosecutor to his jurisdiction, and will insure the opportunity for a more successful term of office. The prosecutor has everything to gain from a highly motivated staff. Conversely, he has much to lose if he takes a laissez-faire attitude toward motivation.

AN OVERVIEW OF WORD-PROCESSING

One way in which prosecutors may institute modern management practices in their offices is to install an up-to-date word-processing system. "Word-processing" deals with how we get words onto paper and out the door. The objective is to do it in the most efficient way possible. A few sentences may be in order to explain why word-processing has become a problem for some offices and why some offices are doing it so much better than others.

A big problem that a lot of offices have is little awareness of modern equipment and of the advantages inherent in using as much pre-recorded material as possible. Obviously, all offices, no matter how much or how good the equipment they have, will produce a mixture of original material and pre-recorded material; word-processing, then, consists of bringing together materials which are original and materials which are pre-recorded. Those offices which employ the largest percentage of pre-recorded material are bound to turn out more work more efficiently than offices which have to produce originals of nearly everything which they turn out.

The paperwork procedures of all offices can be seen in the following diagram.



In some instances, the paperwork sent out may consist 100% of original materials; in others, it may be 100% pre-recorded material. In others, it will be a composite, with various percentages of original and pre-recorded materials making up the mixture.

From the attorney's point of view, the diagram means that there are times when he has to compose 100% of a document, from its beginning to its end, and that there are

times when he can employ parts of a previous instrument (usually by marking it up), or call for standard paragraphs from a form book, sometimes indicating changes in pencil. In this way, the attorney shifts the mix away from 100% original, 0% pre-recorded. It should be noted that in the past the attorney had to write out what he wanted; now, with the advent of dictation equipment, he can elect to speak his work, a way which most attorneys find to be faster and more efficient than any other.

From the typist's point of view, the diagram means that sometimes she has to type every word of a document from beginning to end; at other times, she can fill in the blanks on printed forms or use photo-copies of pre-printed pages. And now, with the advent of automatic typing equipment, there are times when the secretary can use pre-recorded magnetic cards, tapes, or discs in order to insert phrases, paragraphs, sections, even full pages of stored text, either exactly as pre-recorded or in some modified way.

The bottom part of the diagram assumes the presence of modern equipment and indicates that the composite is used in one of two ways. (1) It is accepted as a final piece of work and can be sent out. If the typist has made a matching recording of it, the recording can serve as the back-up, thus speeding the process of getting the paperwork out of the office. (2) The paperwork goes back, for whatever reason, for revision. If the typist has made a matching recording of it on an automatic typewriter, the recording can now be used to help re-type the document.

From the attorney's point of view, the diagram means that sometimes he approves the composite and it is sent off; at other times, he has to make changes, send it back to the typist, and expect to see it again. In the past, he had to indicate the changes by writing directly on the document; with dictation equipment, he can indicate the changes he wants by speaking them.

From the typist's point of view, the diagram means that sometimes the document gets sent as originally typed; other times, it has to be retyped. With automatic typing equipment, the typist can have a matching recording of the document. Consequently, if the document does have to be retyped, the new words are the only part that has to be re-keyboarded. The equipment will reproduce all of the prior text automatically, and rearrange line endings as required.

It should be evident, then, why some offices are doubling and redoubling work output. As was stated previously, these offices are making a studied effort to move as much material as possible away from original and toward pre-recorded.

To the attorney, this means methodically accumulating prior work products so that they will be available as "forms" to be marked up as dictational aids. It means setting up books of pre-recorded paragraphs so that they can be dictated by referring to paragraph numbers. It often means developing job-oriented ring binders that contain the instructions and the information needed to do a job, as well as samples of the documents themselves.

For the typist, it means the planned use of printed forms, photocopies of pre-prints, and of paragraphs, letters, documents, and parts of documents recorded on magnetic cards, tapes, or discs. It means learning how to use all of these techniques in whatever combinations are best suited to the production of each particular paperwork job in the fastest way possible.

All offices wish to reduce the need to retype material a second or third time, although it is never possible to eradicate the problem completely. The most efficient offices do their necessary retyping on automatic typing equipment. In many instances, the attorneys are making an effort to structure complex documents in short sections, so that each unit can be separately revised without involving the text that comes before or after it. This is only one of many instances in which the increased use of pre-recorded material brings about an automatic reduction of revision.

When offices begin to use automatic typing equipment, most get the benefit of the second, or "revisionary," part of the diagram first. The use of pre-recorded materials is slower in developing. It requires either a program of deliberate advanced planning or an evolution of pre-recorded material over months and years of use, as one person after another sets up his own pre-recorded shortcuts.



MONTANA COUNTY ATTORNEYS ASSOCIATION

1230 ELEVENTH AVENUE
HELENA, MONTANA 59601

THOMAS C. HONZEL
TRAINING COORDINATOR
449-3819

OFFICERS:

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JAMES A. MCCANN
WOLF POINT

MICHAEL J. TRAYNOR
SCOBEY

August 15, 1975

Mr. J. David Bourland
National District Attorneys Association
211 East Chicago Avenue, Suite 1515
Chicago, IL 60611

Dear David,

On behalf of the Montana County Attorneys Association and myself, many thanks for the outstanding program you put together for us at our annual meeting. All of the speakers were well prepared and made effective presentations which were geared to our situation. It is encouraging to know that the National District Attorneys Association supports us in our efforts. This certainly helps to strengthen our association.

Again, my thanks for all your help.

Sincerely,

Thomas C. Honzel

lhs

RECEIVED

1975 AUG 19 11:13 AM
MONTANA COUNTY ATTORNEYS ASSOCIATION

APPENDIX IV

Evaluation Letters

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

1164 BISHOP STREET, HONOLULU, HAWAII 96813
AREA CODE 808 • 523-4511

FRANK E. FASI
MAY 23



MAURICE SAPIENZA
PROSECUTING ATTORNEY

June 15, 1976

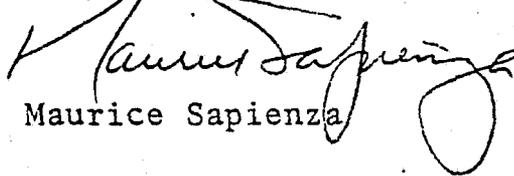
Patrick F. Healy
Executive Director
National District Attorneys Association
211 East Chicago Avenue, Suite 1515
Chicago, Illinois 60611

Dear Mr. Healy:

Thank you for the final evaluation report by the Public Administration Service of the Technical Assistance Program.

As one who has utilized the services of the Technical Assistance team, I can vouch for its outstanding work. After a thorough study of our operations, the team provided helpful suggestions on ways to better organize the office.

Very truly yours,


Maurice Sapienza

RECORDED
11 21 1976

County of Sussex



OFFICE OF THE COUNTY PROSECUTOR

George T. Daggett, Prosecutor
Ronald B. Graves, First Assistant
Thomas E. Bracken, Assistant
Richard I. Clark, Assistant
Jared L. McDavit, Assistant—Legal Analyst

4 High Street, Newton, New Jersey 07860

Telephone (201) 383-1570

June 10, 1976

J. David Bourland, Director
Management, Evaluation and
Contracts Division
National District Attorneys Assoc.
211 East Chicago Avenue
Suite 1515
Chicago, Illinois 60611

Re: Technical Assistance Visit to Newton, N. J.

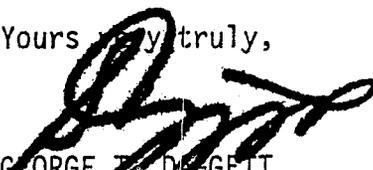
Dear Mr. Bourland:

I have received the final report of the Technical Assistance Team which evaluated this office and I find the same to be thoroughly professional and directed at the resolution of many of our problems.

You will be happy to know that many of the recommendations have already been implemented with some modifications due to the size of this office.

Please thank the members of the team for this service which will certainly benefit the people of this county.

Yours very truly,


GEORGE T. DAGGETT
Prosecutor

GTD:cjk

cc: James N. Johnson, Team Leader

RECEIVED
JUN 14 1976

Encl. - full



COMMONWEALTH OF KENTUCKY
OFFICE OF THE COMMONWEALTH'S ATTORNEY
30TH JUDICIAL DISTRICT OF KENTUCKY
COURT HOUSE ANNEX
LOUISVILLE, KENTUCKY 40202

DAVID L. ARMSTRONG
COMMONWEALTH'S ATTORNEY

(502) 581-6040

May 11, 1976

The Honorable J. David Bourland, Director
Management, Evaluation and Contracts Division
National District Attorneys Association
211 East Chicago Avenue, Suite 1515
Chicago, Illinois 60611

Re: Technical Assistance Visit.
Your File #51-11215

Dear Mr. Bourland:

This correspondence will acknowledge the NDAA Technical Assistance visit to my office May 5, 6, and 7. The team members who were present were: Carvel R. Harward, Team Leader, Management, Evaluation and Contracts Division, National District Attorneys Association, Chicago, Illinois; The Honorable Preston A. Trimble, District Attorney, Norman, Oklahoma; The Honorable Andrew Sooner, State's Attorney for Montgomery County, Rockville, Maryland; William Wessel, First Assistant District Attorney, New Orleans, Louisiana; and George Kostritsky, President, APR Associates, Washington, D. C.

I feel that the evaluation which the members above mentioned, brought forth at our conference, May 7, was most informative and constructively presented.

The approach that each team member took with the various areas of my office and personnel were exemplary. I look forward to receipt of the final, written report and recommendations from each member.

My sincere appreciation for your help and assistance in providing this visit to Louisville, Kentucky.

Sincerely,

DLA
David L. Armstrong
Commonwealth's Attorney

RECEIVED
1976 MAY 14 AM 8 58
NATIONAL DISTRICT ATTORNEYS ASSOCIATION
CHICAGO, ILLINOIS

DLA/co

ROBERT N. TAIT
District Attorney



Telephone 543-3464

DISTRICT ATTORNEY

Courthouse Annex

SAN LUIS OBISPO, CALIFORNIA 93401

May 6, 1976

Mr. J. David Bourland, Director
Management, Evaluation and Contracts Div.
National District Attorneys Association
211 East Chicago Avenue
Chicago, Illinois 60611

Dear Mr. Bourland:

On January 29 and 30, 1976, a Technical Assistance team from the National District Attorneys Association conducted an on-site visit of this office to identify operational and administrative problems and to recommend solutions to the undersigned.

The Technical Assistance team was composed of: Mr. Carvel R. Harward, Team Leader, and Mr. Seymour Rotker, Consultant. Mr. Rotker is the Chief Assistant District Attorney, Bronx County, New York, N. Y.

The draft report of their findings and recommendations was received by this office on April 16th and the final report on May 3rd.

Adjectives escape me to sufficiently describe the outstanding work product of the team. The D.A.'s Association can be proud of having such persons contributing their talent to the improvement of our function within the criminal justice system.

We shall strive to implement many of their suggestions. If we are able to achieve this, I assure you that this will be the best District Attorney's office in the United States - and I guess that is what it is all about!

This is one time LEAA can feel certain of having made a worthy investment - please pass the word on!

To Carvel and Rotker - my deepest thanks and sincere appreciation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rob Tait".

ROBERT N. TAIT
District Attorney

RNT:bc



Thurston County Prosecuting Attorney

Courthouse Olympia, WA 98501 (206) 753-8091

PATRICK D. SUTHERLAND

April 30, 1976

Ed Schaller, Jr., Chief Deputy

Thomas J. Taylor, Jr., Chief Civil Deputy

Richard A. Strophy, Chief Criminal Deputy

National District Attorneys Association
211 East Chicago Avenue, Suite 1515
Chicago, Illinois 60611

Attention: Mr. Carvel R. Harward

Re: Technical Assistance Visit Report

Dear Mr. Harward:

This letter will acknowledge receipt of the original and two copies of your final report on the technical assistance visit to this office last year. While I have not yet had the opportunity to go over your voluminous report in detail, I do wish to thank you very much for your effort. It already has been of assistance to this office.

You might be interested to know that the first spade of dirt was just recently turned on our new courthouse, however, it will not be ready for occupancy before January of 1978. So, we probably will have at least two more years in this old building.

One suggestion to your technical assistance team on future visits would be to allow one full day for review with the head of the office that you have just reviewed. I am well aware of the time limitations placed upon all of you on a visit of this nature, however, when you come so far and devote so much time on such an important subject matter I do believe that one full day should be allowed in which your initial findings can be reviewed with not only the prosecutor, but certain key members of the staff. I know it would have been of great assistance to me had we had a little bit more time together instead of having to fight with those airline schedules, which I realize are difficult to deal with.

Thanks again for your assistance. It was greatly appreciated and of real help. We will review your report in detail and may be contacting you again. In any event, I can assure you that we will be making definite changes in our operations in many areas suggested by you. Thank you very much again for all your help.

Very truly yours,

Patrick D. Sutherland
Prosecuting Attorney

CRIMINAL DEPARTMENT
SHARON SWENSON HOWARD, CHIEF DEPUTY
THOMAS C. DUFFY
PHILIP "CASEY" MARSHALL
CLIFFORD R. KUHN

CIVIL DEPARTMENT
JAMES L. SELLERS, CHIEF DEPUTY
ALLAN R. WALES
RICHARD A. MONAGHAN
CHRIS L. MATSON

INVESTIGATOR
CARL NETTER

DOMESTIC RELATIONS NON-SUPPORT
E.R. MEISNER

JAMES E. CARTY

PROSECUTING ATTORNEY
CLARK COUNTY, WASHINGTON
1200 FRANKLIN STREET - ROOM 301
P. O. BOX 5000
VANCOUVER, WASHINGTON 98663
TELEPHONE 699-2261

March 23, 1976

RECEIVED

MAR 26 1976



Mr. James N. Johnson
Team Leader
National District Attorney's Association
211 East Chicago Avenue, Suite 1515
Chicago, Illinois 60611

Re: Technical Assistance

Dear Mr. Johnson:

We received your letter of March 16, 1976. This is to advise you that I approved the draft for accuracy in its present condition. Further, I have no objection to a copy of the report being sent to the LEAA.

We appreciate the time both you and Bill Schafer spent in the office.

About a month ago, we put into effect a cut off date for plea bargaining. We hope it will be effective as an aid in limiting trial preparation and the waste of law enforcement time. We were interested to see that you recommended this rather strongly on several occasions in the report.

We plan to remodel the office to centralize the files, develop a conference room, put the secretaries in a pool with accoustical padding between them. Unfortunately, our funds will not include any carpeting for other than the reception area.

Again, we appreciate your help and cooperation and feel that you have done a good job.

Sincerely,


James E. Carty
Prosecuting Attorney

JEC/sd



Harry F. Connick
District Attorney of New Orleans
State of Louisiana

WILLIAM F. WESSEL
FIRST ASSISTANT DISTRICT ATTORNEY

2700 TULANE AVENUE
NEW ORLEANS, LOUISIANA 70119
504/822-2414

January 26, 1976

Mr. Patrick Healy
Executive Director
National District Attorneys Assoc.
211 East Chicago Avenue
Suite 1515
Chicago, Illinois 60611

Dear Pat:

We thoroughly enjoyed your most recent technical assistance visit and deeply appreciate the fact that you and the team were able to return to our office.

The information we glean from your visits and from our discussions with you is of immense value to us in obtaining the objectives that we have set for the office.

I look forward to receiving the detailed report relative to our operations and your suggestions, but in the meantime have already undertaken steps to fulfill some of the suggestions made to us by you.

With my deep thanks and appreciation, I am,

Sincerely,

Harry
HARRY CONNICK

HC/rg

RECEIVED
1976 JAN 29 AM 9 00
NATIONAL DISTRICT ATTORNEYS ASSOCIATION
1000 BROADWAY
NEW YORK, N.Y. 10018



Harry F. Connick
District Attorney of New Orleans
State of Louisiana

WILLIAM F. WESSEL
FIRST ASSISTANT DISTRICT ATTORNEY

2700 TULANE AVENUE
NEW ORLEANS, LOUISIANA 70119
504/822-2414

January 27, 1976

Mr. J. David Bourland
National District Attorneys Assoc.
211 East Chicago
Chicago, Illinois 60611

Dear David:

Many, many thanks for the technical assistance visit and for all of the suggestions you made concerning the operation of the office.

You and the rest of the team, I believe, will be very helpful to us in what we're endeavoring to do in New Orleans and your suggestions will be given every consideration for implementation. I believe it's very beneficial to have had you come and look forward to seeing your final report.

Please tell Jim Johnson and Carvel Harward that we were delighted to meet them and that we hope that someday they'll be able to visit with us again. I feel that both young men made a contribution and that's deeply appreciated.

With my very best regards to you, I am,

Sincerely,

HARRY CONNICK

HC/rg

RECEIVED

1976 JAN 29 AM 9 21

SEARCHED
SERIALIZED
INDEXED
FILED

STATE OF ALASKA

DEPARTMENT OF LAW

JAY S. HAMMOND, GOVERNOR

Criminal Division
Pouch KC
Juneau, Alaska 99811

January 19, 1976

J. David Bourland, Director
Management, Evaluation and Contracts Division
National District Attorney's Association
211 East Chicago Avenue, Suite 1515
Chicago, Illinois 60611

Re: NDAA Technical Assistance Evaluation - Alaska
Department of Law, Criminal Division

J. S. Hammond
Dear Mr. Bourland:

Enclosed are evaluations of the recent Technical Assistance visit conducted by your organization which have been prepared by the Anchorage, Fairbanks and Juneau District Attorneys. I believe that you will find their comments to be an honest evaluation of the visit and trust that they will be of some assistance in conducting technical assistance visits to other offices in the future.

On behalf of both myself and the Attorney General, I would like to extend our appreciation for the extremely professional evaluation performed by your organization. We found observations and criticisms made by the technical assistance teams to be particularly helpful with respect to identifying problem areas in the internal operations and management of our offices. I particularly found the various suggestions advanced to improve the efficiency of our overall system to be well thought out and very helpful.

With the exception of Mr. Healy, however, I think that those members of the team assigned to conduct a survey of other criminal justice agencies and officials in evaluating how we generally "stack-up" within the Alaska justice system failed at times to perceive some of the Alaska political, social, economic and geographic peculiarities. That observation aside, however, our only regret is that an organization such as your is not available to conduct a similar evaluation of our civil division.

RECEIVED

1976 JUN 22 PM 3:05

J. David Bourland

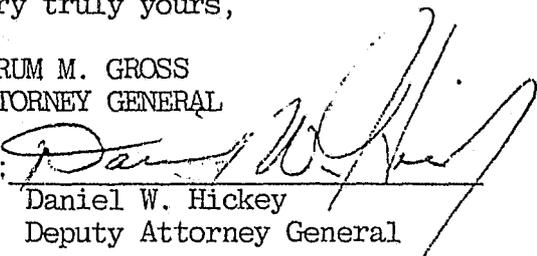
Page 2

I apologize for the delay in providing you with an evaluation of your technical assistance visit to our offices. As you know, however, I was in the process of phasing out my responsibility as Juneau District Attorney during your visit and was in the middle of a trial that lasted the entire month of November. I've been absent from the office for the better part of the last month and confusion arose with respect to the preparation of the enclosed evaluations by our field offices. In any event, here they are. You may be interested to hear that my trial ended successfully on both counts.

Thank you again for the extremely professional assistance extended to our department. I am looking forward to receipt of your written report and can assure you that most, if not all, of its recommendations will be implemented.

Very truly yours,

AVRUM M. GROSS
ATTORNEY GENERAL

By: 

Daniel W. Hickey
Deputy Attorney General

DWH:gm

Enclosures

Encl Ltr. to



HENRY WADE
DISTRICT ATTORNEY
DALLAS COUNTY GOVERNMENT CENTER
DALLAS, TEXAS 75202

NATIONAL DISTRICT ATTORNEYS
ASSOCIATION
177 SO. ELLEN ST.

1976 JAN 15 AM 10:12

RECEIVED

January 12, 1975

National District Attorneys Association
211 East Chicago Avenue
Suite 1515
Chicago, Illinois 60611

Attention: J. David Bourland, Director
Management, Evaluation, and Contracts Division

Dear Mr. Bourland:

I would like to express my appreciation to you and the members of the Technical Team that visited my office last week. The Technical Team displayed both professionalism and thoroughness in their study. It was interesting to observe the depth reached in the analytical approach to our operational procedures and frankly, I was impressed by the team members' grasp of the many operations conducted by this office.

Truly, the high degree of understanding and expertise of the Technical Team members was exhibited through the oral presentation at the close of the visit. I found the recommendations and findings to be both constructive and helpful. In fact, I have already discussed implementing several of the recommended activities with members of my staff.

I enjoyed meeting you and the other representatives of the Technical Team and would recommend the Technical Assistance Program to other prosecution offices.

Sincerely yours,

HENRY WADE
CRIMINAL DISTRICT ATTORNEY
DALLAS COUNTY, TEXAS

HW/rc
cc: Honorable Patrick F. Healy



**OFFICE OF THE COUNTY PROSECUTOR
COUNTY OF BERGEN**

HACKENSACK, NEW JERSEY 07601

(201) 646-2300

December 17, 1975

Mr. David Borland
National District Attorneys Association
211 East Chicago Avenue
Suite 1515
Chicago, Illinois 60611

Dear Mr. Borland:

On November 10th and 12th, 1975, Jim Johnson, Ed Johnson, Seymour Rotger and Edward Ratledge attended our office for the purpose of evaluating our office procedures and operations, and for the further purpose of making suggestions for improvements in our procedures and operations.

I am certain that I speak for my First Assistant Prosecutor Roger W. Breslin, Jr., and for my Chief of Detectives Richard J. Kikkert, when I say that we were more than satisfied with the evaluation and criticism. Frankly, we were amazed that they could learn so much about our operation in only two days, and as we listened to the evaluation and criticism we were struck by the fact that they were telling us things that we knew but had never put in their proper prospective.

Let me thank the National District Attorneys Association for making this service available to my office. I can only say that I await the final report in order that we may implement those very worthwhile suggestions made to us in our oral briefing.

Very truly yours,


Joseph C. Woodcock, Jr.
Prosecutor

jcw:pb

11
evaluation
1/10
with
evaluation
1/10



THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE
DISTRICT ATTORNEY

CAPE AND ISLANDS DISTRICT

PHILIP A. ROLLINS
DISTRICT ATTORNEY

SUPERIOR COURT HOUSE
BARNSTABLE, MASS. 02630
362-2511

December 8, 1975

Mr. James N. Johnson
National District Attorneys Assn.
211 East Chicago Ave., Suite 1515
Chicago, Illinois 60611

Dear Mr. Johnson:

Thank you for the Technical Assistance visit and the two copies of the final report which I intend to use to assist me with the legislature and the County Commissioners.

Since your visit, things have moved rather swiftly and beginning January 1, 1976 the entire office will be full-time allowing us to do pre-complaint screening and vertical prosecution. Also, we will have more space for the staff.

I appreciate the report and will keep you apprised as to how it is being implemented.

Very truly yours,

Philip A. Rollins

Philip A. Rollins
District Attorney
Cape and Islands District

PAR/sgc

cc: Roger Rook

RECEIVED

1975 DEC 10 AM 9:17

NATIONAL DISTRICT ATTORNEYS
ASSOCIATION
CHICAGO, ILLINOIS

CRIMINAL DEPARTMENT
SHARON SWENSON HOWARD, CHIEF DEPUTY
THOMAS C. DUFFY
PHILIP "CASEY" MARSHALL
CLIFFORD R. KUHN

CIVIL DEPARTMENT
JAMES L. SELLERS, CHIEF DEPUTY
ALLAN R. WALES
RICHARD A. MONAGHAN
CHRIS L. MATSON

INVESTIGATOR
CARL NETTER

DOMESTIC RELATIONS NON-SUPPORT
E.R. MEISNER

JAMES E. CARTY
PROSECUTING ATTORNEY
CLARK COUNTY, WASHINGTON
301 COURT HOUSE
VANCOUVER, WASHINGTON 98660
TELEPHONE 899-2261



December 3, 1975

Mr. J. David Bourland
National District Attorney's Association
211 East Chicago Avenue
Suite 1515
Chicago, Illinois 60611

Dear Mr. Bourland:

On December 1 and 2, 1975, a team from the NDAA evaluated this office.

All the members of the team were courteous and considerate of staff needs and time. However, they did manage to get finished with all the necessary interviews. The number of interviews that they conducted was a monumental task in itself.

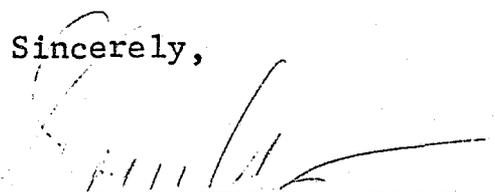
This team was courteous throughout the visit. They juggled their time schedule to accommodate that of myself and my deputies and that of the police departments to whom they talked.

The team gave me an oral evaluation prior to their departure. I agreed with many of their recommendations that they made. They were very thorough and perceptive. They readily perceived several problems which I knew existed, but lacked the expertise to control. I feel that when it is received the written report will be invaluable in the organization and functioning of this office.

I wish to congratulate your office on having a staff of this caliber and ability. We appreciated their stay. My only regret is that every prosecuting attorney's office in the State of Washington did not receive the benefit of this service. I think we all need it.

Again, I want to thank you for the cooperation and diligence of your team.

Sincerely,


James E. Carty
Prosecuting Attorney

JEC/sd

Handwritten mark
NICHOLAS A. CARRERA
PROSECUTING ATTORNEY

Area Code 513
Xenia 372-4461
Dayton 426-4131



OFFICE OF THE
PROSECUTING ATTORNEY
GREENE COUNTY
115 N. Whiteman
Xenia, Ohio 45385

December 1, 1975

ASSISTANT-PROSECUTING ATTORNEYS
PAUL A. FOLFAS
DENNIS L. SIPE
DAIN N. DEVENY

LEGAL INTERNS
CHRISTOPHER M. HAWK
STEPHEN K. HALLER

SPECIAL ASSISTANT COUNTY COURT
JOE R. FODAL

Mr. J. David Bourland
Director
National District Attorneys Association
211 East Chicago Avenue
Suite 1515
Chicago, Illinois 60611

Re: Office Evaluation of
October 7, 1975 and
October 8, 1975

Dear Mr. Bourland:

Please accept my apologies for not writing this letter to you sooner. In cleaning a large stack of files from my desk, I discovered that I had put this file into a pile which I did not take action on until this date.

I do wish to advise you that I was very impressed with the way the survey was conducted on my office. It was done in a most professional and proficient manner. Most of the suggestions made were valid and many of them I have already begun experimenting with and many have already worked out successfully. I think that in the short period of time that they men had to evaluate the office, they did a remarkable job in coming up with a feel for what was happening. Some of the suggestions naturally were impractical or impossible to impliment because of physical plant facilities.

My only critism would be the short time that the men have to make the evaluation and the program should

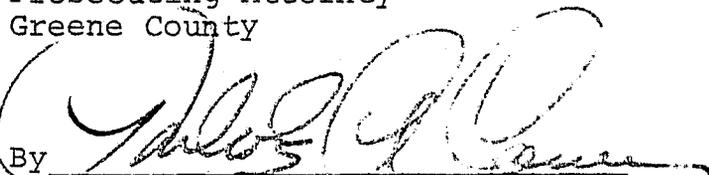
Mr. J. David Bourland
December 1, 1975
Page 2.

have some sort of follow up to see if the suggestions which are accepted and tried are working and whether or not even those suggestions could be improved upon.

Basically, I think it was a fine and excellent evaluation and I am most appreciative for this service rendered to me.

Very respectfully yours,

NICHOLAS A. CARRERA
Prosecuting Attorney
Greene County

By 
Nicholas A. Carrera

NAC:ejt

Kitsap County Prosecuting Attorney

JOHN C. MERKEL, Prosecutor

COURTHOUSE • 614 DIVISION STREET • PORT ORCHARD, WA 98366 • PHONE (206) 876-4441

REC-1
1975 DEC - 1
NATIONAL DISTRICT ATTORNEYS
ASSOCIATION
CHICAGO, ILLINOIS

Chief Criminal Deputy Chief Civil Deputies

C. Danny Clem

W. Daniel Phillips
Ronald A. Franz

November 28, 1975

Deputies

Stephen E. Alexander
Richard B. Jones
Warren K. Sharpe
Richard L. Peterson

J. David Bourland, Director
Management, Evaluation and Contracts Division
National District Attorneys Association
211 East Chicago Avenue
Suite 1515
Chicago, Illinois 60611

Legal Interns

Richard R. Stocking
Paul S. Majkut

Dear Mr. Bourland:

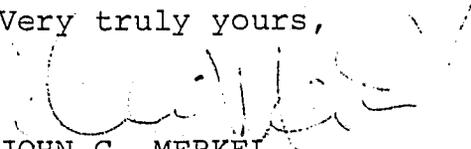
Thank you for sending the Technical Assistance Team to my office. As you probably are aware, the team which came to Kitsap County was composed of Carvel R. Harward and Roger Rook, both of whom were very helpful.

After Mr. Rook and Harward interviewed the members of my office, both clerical and attorney, they sat down with me for quite an extended period of time and went over the highlights of their visit. During that time, I took approximately six pages of notes which largely contained their observations and suggestions for making this office more efficient and effective. There were areas that I suspected needed improvement and this confirmed my suspicions, but more importantly there were suggestions made concerning matters that I had never even considered. As a result of the work done by Mr. Harward and Mr. Rook, I feel that the office will in the future be able to improve in terms of work product and volume and thus will provide a greater service to the citizens of Kitsap County.

Both Mr. Rook and Mr. Harward were very personable and efficient. The deputies and the secretaries got along with them very well and were open and candid with them and I think it is due to Mr. Harward and Mr. Rook's approach to this whole matter that they were able to perform so successfully on their visit.

I am looking forward to receiving a written report but I wanted you to know that I was more than pleased to have these men come to our office and believe that both did an excellent job for which we are greatly indebted to the National District Attorneys Association.

Very truly yours,


JOHN C. MERKEL
Prosecuting Attorney

JCM/nlh



OFFICE OF
DISTRICT ATTORNEY

EIGHTEENTH JUDICIAL DISTRICT
2009 W. LITTLETON BLVD.
LITTLETON, COLORADO 80120

ROBERT R. GALLAGHER, JR.
DISTRICT ATTORNEY

November 24, 1975

TELEPHONE (303) 794-1415

Mr. Greg Brady
Grants Monitor, LEAA
633 Indiana Street, Rm. 1108
Washington, D.C. 20004

Dear Mr. Brady:

I would like to express my appreciation to the Law Enforcement Assistance Administration for one of the grants made to the National District Attorney's Association, namely that of LEAA Grant No. 75TA-99-0009 providing the NDAA with funds to provide technical assistance to local prosecution offices.

I have recently had a technical assistance team study my office and make recommendations for improvement in several areas. The most impressive part of this assistance was the professional manner in which the three volunteers went about their business. They spent three days in the office, and in that short three day period were able to highlight the problems I suspected were there, but also pointed out potential future problem areas. They then made recommendations to strengthen the office which I am in the process of instituting. All in all I was most impressed with the team personnel and the team product.

During the past three years I have set on the State Council on Criminal Justice in Colorado, which is the State Planning Agency Council in our state, and have had occasion to examine many LEAA funded projects and to personally evaluate many which were related to the office of the local prosecutor. I can say without a doubt that this project is one in which the Law Enforcement Assistance Administration has received the most value for the money spent.

Sincerely,

ROBERT R. GALLAGHER, JR.
District Attorney

RRG/bl



CARL A. VERGARI
DISTRICT ATTORNEY

OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF WESTCHESTER

111 GROVE STREET
COURT HOUSE
WHITE PLAINS, N. Y. 10601

914 TEL. 682-2000

November 21, 1975

National District Attorneys Association
211 East Chicago Avenue
Suite 1515
Chicago, Illinois 60611

Attention: J. David Bourland, Esq., Director
Management, Evaluation and Contracts Division

Dear Dave:

As you know the Technical Assistance visit to the Local Court Bureau of my office by a team from the Association headed by Carvel R. Harward of your staff has just been completed.

This team demonstrated its interest, knowledge and dedication in the completely thorough manner in which it accomplished its mission.

Each of our seven Branch Offices was personally visited; each Assistant District Attorney and secretary interviewed; physical plant and equipment surveyed; performances observed; judges and police officers from each jurisdiction questioned as to our performance; forms and filing systems analyzed and an intensive review of our operating procedures was conducted.

The debriefing which we received at the conclusion of the visit indicated the degree of familiarity with our operation which had been achieved by the team in the three day visit. The comments of Chuck Heim, Jim Barklow, Don Hinchman and especially Carvel Harward were cogent and extremely incisive. You can be assured of our careful consideration of each of their findings and of each of their recommendations.

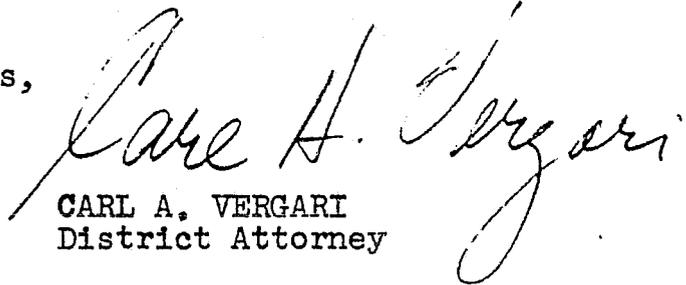
J. David Bourland, Esq.

November 21, 1975

In behalf of my staff, I would like to express my profound gratitude to you for selecting men of the caliber of the "Harward Team" to perform this sensitive assignment. You can be truly proud of their accomplishments.

I look forward to your detailed written report concerning this visit and to discussing it with you in person soon.

Appreciatively yours,

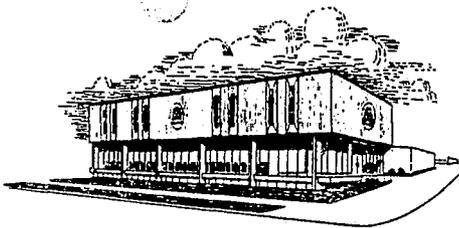

CARL A. VERGARI
District Attorney

CAV/mt

cc Honorable Louis P. Bergna
District Attorney
Courthouse
139 North First Street
San Jose, California 95113

Patrick F. Healy, Esq.
Executive Director
National District Attorneys Association
211 East Chicago Avenue
Chicago, Ill. 60611
Suite 1515

THE MISSOURI BAR



THE MISSOURI BAR CENTER
326 MONROE
JEFFERSON CITY, MO. 65101
635-4128, AREA 314

November 19, 1975

J. David Bourland
211 East Chicago Avenue
Suite 1515
Chicago, Illinois

Dear Mr. Bourland:

Thank you for taking time from your busy schedule to address the Missouri Prosecutors. The response to the program has been extremely favorable. It is rewarding for me to receive letters from the participants stating how they intend to use the information you offered at the November Seminar.

If you have not submitted your travel expenses, please send them as soon as possible.

Again thanks for a job well done.

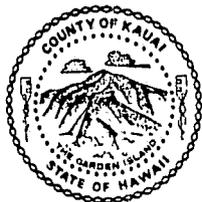
Very truly yours,

William E. Hurt
Assistant Director of Education

WEH:js

RECEIVED
NOV 21 1975

GERALD S. MATSUNAGA
Prosecuting Attorney
CALVIN K. MURASHIGE
Deputy Prosecuting Attorney



COUNTY OF KAUAI
OFFICE OF THE PROSECUTING ATTORNEY
Room 210, 3016 Umi Street
Lihue, Hawaii 96766

November 5, 1975

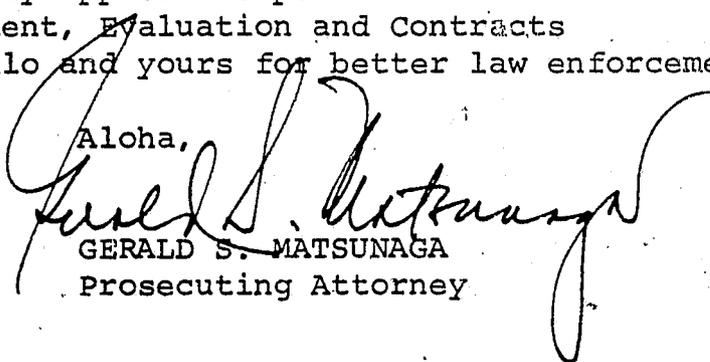
Mr. J. David Bourland
Director of Management, Evaluation
and Contracts Division
National District Attorneys Association
211 East Chicago Avenue, Suite 515
Chicago, Illinois 60611

Dear Mr. Bourland:

It is with great pleasure and appreciation that I submit herewith my evaluation of Carvel Harward, Donald Hinchman, and Ernie Williams from the Management, Evaluation and Contracts Division who arrived and visited our office on October 23 and 24, 1975. These outstanding gentlemen were most helpful in analyzing our current office procedures and making constructive recommendations for the improvement of our office services to the community, and most of all to the improvement of our criminal justice system. Although implementation of all of their suggestions and recommendations would be difficult for an office of our size, rest assured that we are most appreciative of their critique and are in the process of implementing most of their recommendations.

On behalf of my staff and myself, I would like to thank and compliment Carvel Harward, Donald Hinchman, and Ernie Williams for the professionalism and enthusiasm which they exhibited on their visit to our office. Their observations were keen and their analysis, while frank and sometimes critical, were presented in a very constructive and tactful manner. Although it may not be feasible, we would certainly appreciate periodic visits and evaluations from your Management, Evaluation and Contracts Division in the future. Mahalo and yours for better law enforcement.

Aloha,


GERALD S. MATSUNAGA
Prosecuting Attorney

GSM:skd

PAUL M. DE SILVA
PROSECUTING ATTORNEY

JON R. ONO
FIRST DEPUTY
PROSECUTING ATTORNEY



DEPUTIES
DOUGLAS L. HALSTED
ARNE T. HENRICKS
ANDREW P. WILSON

COUNTY OF HAWAII
OFFICE OF THE PROSECUTING ATTORNEY
25 AUPUNI STREET
HILO, HAWAII 96720

November 5, 1975

Director
National District Attorneys
Association
Management, Evaluation and
Contracts Division
211 East Chicago Avenue
Suite 1515
Chicago, Illinois 60611

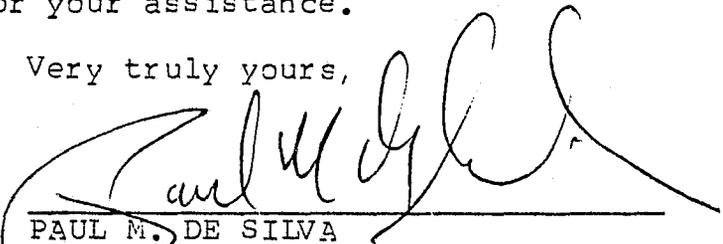
Dear Sir:

May I express my appreciation and that of my entire staff for the recent visit of the Technical Assistance Team on October 20 through October 22, 1975.

Mr. Johnson and Mr. Roak were thorough and constructive in their approach. We are in the process of implementing some of their suggestions and considering others.

Thank you again for your assistance.

Very truly yours,


PAUL M. DE SILVA
Prosecuting Attorney

PMS:fs

1975 NOV 11

RECEIVED

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

1164 BISHOP STREET, HONOLULU, HAWAII 96813
AREA CODE 808 • 523-4511

FRANK F. FASI
MAYOR



MAURICE SAPIENZA
PROSECUTING ATTORNEY

October 24, 1975

J. David Bourland, Director
Management - Evaluation and
Contracts Division
National District Attorneys Association
211 East Chicago Avenue, Suite 1515
Chicago, Illinois 60611

Dear David:

I am sorry that you left before I had a chance to talk to you. I understand that you had to get back in an emergency situation and I do hope that everything is well.

I would like to take this opportunity to thank you, Ernie Williams, Don Hinchman, and Carvell Harward for the excellent job you did in reviewing, analyzing and critiquing the administration and operations of this office. While I look forward to receiving your draft report, I took extensive notes on the oral presentation by Carvell, Ernie and Don. I intend to start implementing their suggestions immediately. As soon as I have a complete staff aboard, I will start restructuring the organization as suggested.

Again let me thank you very much and tell you that I deeply appreciate the help that you and your team have given to me. I look forward to seeing you sometime in the very near future. In the meantime I would appreciate it if you would let me know a little more on the services that your contract division offers with respect to statistics and computer programming.

Sincerely yours,

Maurice Sapienza
Maurice Sapienza

RECEIVED

OCT 28 1975

MS:aa

ALBERT NECAISE
District Attorney

Assistants
JOHN C. JOHNSON
JOE SAM OWEN
JAMES E. THOMAS

Investigator
GENE EVANS

Records Custodian
MARIE S. SCHULTZ

State of Mississippi



Office of District Attorney

SECOND CIRCUIT COURT DISTRICT
GULFPORT, MISSISSIPPI 39501

HARRISON
HANCOCK
STONE

POST OFFICE BOX 717

PHONE
GULFPORT 864-5161, ext. 230
BILOXI 436-6006

October 16, 1975

Mr. Dave Boreland
Director of Technical Assistance
National District Attorneys Association
211 East Chicago Avenue, Suite 1515
Chicago, Illinois 60611

Dear Dave:

This letter is my means of expressing my appreciation to you as Director of the Technical Assistance Division of the National District Attorneys Association for performing a technical assistance visit to my office recently.

James Johnson, Dave Bloodworth and Pal Beck did an outstanding job of "tearing my office apart" during the two days that they were here. I must say that I received some very good recommendations from them and have already begun to implement some of the recommendations that they made at the end of their visit. I found these gentlemen to be most helpful, courteous and understanding, and yet able to give much advice and information as to how I could improve the operation of my office. It is this kind of program and the assistance that it renders to prosecutors that makes me happy to be a part of the National District Attorneys Association.

Again, express appreciation to these three gentlemen for the outstanding job they did in assisting me recently, and to you for performing this service, from my office and the people of the Second Circuit Court District of Mississippi.

Very truly yours,


Albert Necaïse
District Attorney

AN/eh

RECEIVED

OCT 20 1975

WILLIAM S. LEE
DISTRICT ATTORNEY
DOUGHERTY JUDICIAL CIRCUIT
DOUGHERTY COUNTY COURTHOUSE
POST OFFICE BOX 1827
ALBANY, GEORGIA 31702

AREA CODE - 912
PHONE 432-0055

September 29, 1975

Mr. J. David Bourland, Director
Management, Evaluation and
Contracts Division
National District Attorneys Association
211 East Chicago Ave., Suite 1515
Chicago, Illinois 60611

RE: Technical Assistance Report

Dear Mr. Bourland:

Reference is made to the visit to my office of the Technical Assistance Team consisting of Carvel R. Harward, Walter L. Saur, and James J. Gregart together with the report submitted by this team. The purpose of this letter is to convey to you my observation and thoughts concerning this team, its activities and its report.

The team arrived at my office in Albany, Georgia, on the appointed date and time ready to go to work. It was obvious that the team had thoroughly reviewed available background and questionnaire material concerning this office prior to arrival. This was obvious to me as the team already knew a great deal about my office and had already formulated an assignment program for the performance of its task.

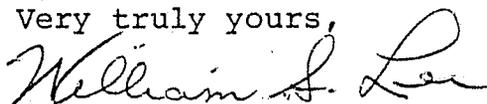
In view of the advance preparation by the team, each member was in a position to commence upon his assigned task with an absolute minimum of confusion and duplication of effort. Each member of the team was knowledgeable about a District Attorney's duties and functions and used his expertise in carrying out his assigned obligations. There was very little interruption of the normal functions of my office and none of my employees got behind with their duties because of the presence of the team. I found each of the three men to be courteous, helpful, knowledgeable, and interested in trying to make suggestions that would improve the management and operations of my office.

I have reviewed the report of the team and am requiring

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1975 OCT -2 PM

all members of my staff, legal, investigative and clerical, to do likewise and give me the benefit of their thoughts regarding the various recommendations. I have already implemented some of the recommendations and am working on others including the formulation of a master plan of development. I appreciate the interest of the National District Attorneys Association in rendering assistance of various types to District Attorneys. I have no objection of the furnishing of copies of the report on my office to LEAA.

Very truly yours,

A handwritten signature in cursive script that reads "William S. Lee". The signature is written in dark ink and is positioned to the right of the typed name.

William S. Lee

WSL/em

LEON H. WHITTEN
DISTRICT ATTORNEY
308 MAIN STREET
P. O. DRAWER 666
JONESBORO, LOUISIANA 71251

SECOND JUDICIAL DISTRICT
BIENVILLE, CLAIBORNE & JACKSON PARISHES
STATE OF LOUISIANA

September 23, 1975

PHONES: 239-4112
239-4856

National District Attorney Association
Management, Evaluation Contracts Division
221 East Chicago Avenue, Suite 1515
Chicago, Illinois 60611

Attn: Mr. J. David Bourland

Re: Second Judicial District, State of Louisiana

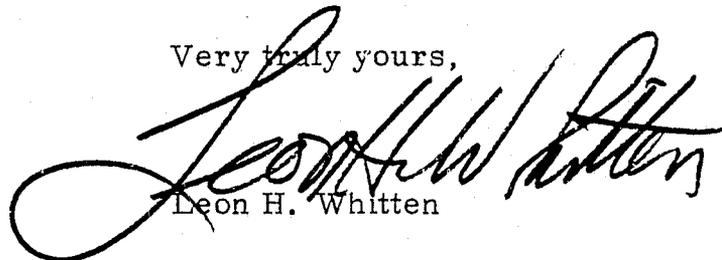
Dear Mr. Bourland:

My office, the District's Attorney's office of the Second Judicial District of Louisiana, has just received a visit and evaluation study by the Management, Evaluation Contracts Division of the National District Attorney Association. The team which visited my office was comprised of Mr. James N. Johnson and Mr. Paul Van Dam.

I would like to express my complete satisfaction with the manner in which Mr. Johnson and Mr. Van Dam conducted their study. I found them to be very thorough, efficient and helpful. After completing their study, they held a brief review with me, and some of the matters which they brought to my attention prompted me to immediately institute some better procedures.

I feel this assistance which you have given to me is one of the most valuable helps which I have received since I have been District Attorney. Thank you very much for assisting me in this matter.

Very truly yours,


Leon H. Whitten

LHW/rjs

RECEIVED
SEP 29 1975



OFFICE OF THE STATE ATTORNEY

ABBOTT M. HERRING
STATE ATTORNEY

EIGHTEENTH JUDICIAL CIRCUIT BREVARD AND SEMINOLE COUNTIES

BREVARD COUNTY OFFICE
BREVARD COUNTY COURTHOUSE
TITUSVILLE, FLORIDA 32780
AREA CODE 305 269-8401

GERARD DUGUAY
ADMINISTRATIVE ASSISTANT

JACK FULENWIDER
CHIEF OF INVESTIGATION
September 8, 1975

SEMINOLE COUNTY OFFICE
P. O. BOX 846
SANFORD, FLORIDA 32771
AREA CODE 305 322-7534

HARRY STEIN
CHIEF ASSISTANT

WILLIAM STALEY
CHIEF ASSISTANT

Reply To: Titusville

J. David Bourland, Director
Management, Evaluation and
Contract Division
National District Attorneys Assoc.
211 East Chicago Avenue
Suite 1515
Chicago, Illinois - 60611

Re: Technical Assistance Visit to Titusville

Dear Mr. Bourland:

Thank you for the cooperation you and the NDAA have shown in rendering the Technical Assistance in the evaluation of our office.

It was a pleasure having the staff of Carvel R. Harward, James N. Garber, John Keenan, Stephen Montanarelli, J. Pat Horton, and Robert McCracken, review, observe, and evaluate our entire operation. I was impressed by the effort and diligence put forth by the team from the time of their arrival through their oral evaluation.

Many of the team's suggestions have already been implemented and we hope to have a major portion in operation before the end of this month.

Aside from the team's excellent assistance I believe their presence and interviews with our staff helped morale immeasurably. The team made every effort to interview all personnel in our offices.

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SEP 15 PM 9:27

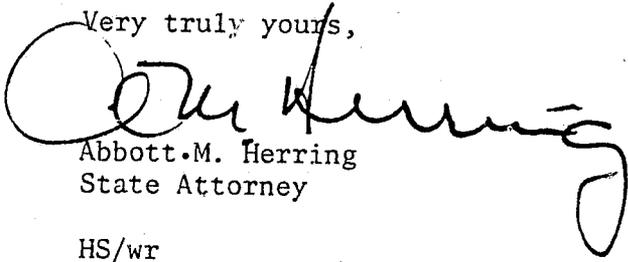
J. David Bourland

(2)

September 8, 1975

We are looking forward to receiving the team's written report. Again, thanks to the team, yourself and the NDAA for the Technical Assistance.

Very truly yours,

A large, stylized handwritten signature in cursive script, appearing to read "Abbott M. Herring". The signature is written in dark ink and is positioned above the typed name.

Abbott M. Herring
State Attorney

HS/wr



State Attorney

FOURTH JUDICIAL CIRCUIT OF FLORIDA
DUVAL COUNTY COURTHOUSE
JACKSONVILLE, FLORIDA 32202

RECEIVED

1975 SEP 12 PM 8

NATIONAL DISTRICT ATTORNEYS ASSOCIATION

04 1975

AREA CODE 904
633-6910

ED AUSTIN
STATE ATTORNEY

September 5, 1975

J. David Bourland, Director
Management, Evaluation and Contracts Division
National District Attorneys Association
211 East Chicago Avenue, Suite 1515
Chicago, Illinois 60611

Dear Mr. Bourland:

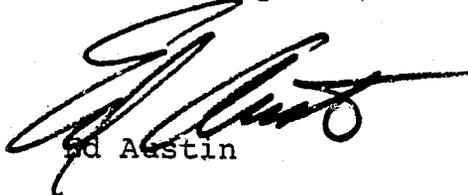
On August 14th and 15th a Technical Assistance Team from your office conducted an in-depth survey of the Office of State Attorney for the Fourth Judicial Circuit of Florida. I would like to express my sincere appreciation to the NDAA and LEAA for making this worthwhile survey possible.

The representatives from your office demonstrated an attitude of professionalism and competency which not only impressed me and my entire staff but also other members of our criminal justice system. The individual members of the team had a full understanding of the substantive and procedural laws and rules under which we operate and quickly obtained a working knowledge of the details of the structure of our office.

Although it is never particularly pleasant to receive criticism and have one's faults pointed out, I could not find a single instance where I could take exception with the findings and recommendations of the team members during our debriefing session.

I would like to once again thank the National District Attorneys Association and LEAA for making the survey possible, and I look forward to the written report which will assist us in making necessary changes to improve our efficiency. We have already started studying a number of the team's proposals and hope to have some of them implemented by the time we receive the written report.

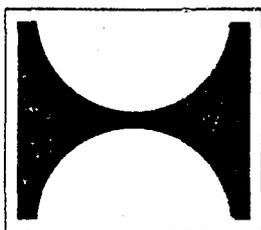
Sincerely yours,



Ed Austin

EA/bj

September 2, 1975



HENNEPIN COUNTY

Gary W. Flakne
County Attorney

Mr. J. David Bourland
Suite 1204
211 East Chicago Avenue
Chicago, Illinois 60611

RECEIVED
1975 SEP 25 PM 4:40

Dear Dave:

As you know, I requested sometime ago a technical assistance team from NDAA to study and make recommendations concerning the management of my office. The team, headed by Steve Taylor and including such notables as Roger Rook, Judge Gelber et al, presented themselves to my staff on June 24, 1975.

They spent three days investigating and observing all facets of my office and then spent approximately three hours with me personally on June 26th to review the findings and make recommendations. I found that the conduct of their visit was highly professional and quite objective. They listed a number of areas which we mutually agreed needed attention and other areas which had problems of which I was unaware. I have had a number of staff meetings since their visit and we have implemented many of their recommendations.

I found the visit to be most helpful and worth while and would heartily recommend it to other offices around the country. It really helps to have an outsider come in and take an objective view of your operation. Their assistance was deeply appreciated and I request that you relay my thanks to them.

Very truly yours,
Gary W. Flakne
GARY W. FLAKNE

bjm

cc: Steven B. Taylor
Roger Rook
Hennepin County is an Affirmative Action Employer



THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE
DISTRICT ATTORNEY

CAPE AND ISLANDS DISTRICT

PHILIP A. ROLLINS
DISTRICT ATTORNEY

SUPERIOR COURT HOUSE
BARNSTABLE, MASS. 02630
362-2511

August 27, 1975

David Bourland, Project Director
National District Attorneys Assn.
Management, Evaluation and Contracts Div.
211 E. Chicago Avenue, Suite 1515
Chicago, Illinois 60611

Dear Mr. Bourland:

I wish to thank the Association for sending the team of James Johnson, Lee Middleton, Roger Rook, Oliver Kitzman and Peter Bandelow to evaluate this office. I found them to be very thorough, to the extent of talking to the policeman on the beat. Their suggestions will be extremely helpful in the management of this office and in obtaining additional funding, space requirements and other administrative reforms.

Again, I thank the Association.

Sincerely,

Philip A. Rollins

Philip A. Rollins
District Attorney
Cape and Islands District

PAR/sgc

RECEIVED
1975 AUG 30 AM 1:00
NATIONAL DISTRICT ATTORNEYS ASSOCIATION

JOSEPH E. BRENNAN
ATTORNEY GENERAL



JOHN W. BENOIT, JR.
RICHARD S. COHEN
MARTIN L. WILK
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

August 25, 1975

Mr. David Bourland
Division Director
Management, Evaluation
and Contracts Division
211 East Chicago Avenue
Suite 1515
Chicago, Illinois 60611

Dear Mr. Bourland:

I want to take this opportunity to express my feelings regarding the recent management and evaluation review conducted for this office by the evaluation team lead by James N. Johnson.

Mr. Johnson and his four associates conducted an intensive review of the Criminal and Civil Divisions on Wednesday, Thursday, and Friday of last week. After reviewing their efforts with them during a session held on Friday, I want to express my positive feelings as to their assessment of many practices in the office and what I consider to be their astute and constructive criticisms made in a very short period of time. I can sincerely say that my Deputies and I were most impressed with their approach and forthrightness in identifying problem areas and making suggestions as to possible changes in the most positive manner. I was also most gratified with their openness and frankness during my meeting with them.

I am eagerly looking forward to the report which I understand will be filed with my office within six weeks.

Sincerely,


JOSEPH E. BRENNAN
Attorney General

JEB:w

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1975 AUG 28 11 30 AM

Office of the District Attorney

County of Santa Barbara

118 E. Figueroa Street, Santa Barbara, California 93101

Telephone 805 - 963-1441

Attorneys

STANLEY M. RODEN
District Attorney

JERRY D. WHATLEY
Assistant District Attorney
Criminal Operations

GEORGE C. ESKIN
Assistant District Attorney
Special Operations

George Bobolia
Robert E. Calvert
Gerald McC Franklin
Douglas R. Hayes
W. Arvid Johnson
Patrick J. McKinley
Jack A. Otero
William E. Poulis
John I. Quinlan
Thomas W. Sneddon, Jr.
Joel A. Ungar
Sharon Wallis
Lucy Naomi Wilkes

August 22, 1975

Mr. J. David Bourland
National District Attorney's Association
211 E. Chicago Ave., Suite 1515
Chicago, Ill. 60611

Re: Evaluation of Recent Technical Assistance Visit

Dear Mr. Bourland:

This office has had the opportunity to receive a technical assistance visit provided by the National District Attorney's Association.

Though one can be critical of the manner in which some of the money from Washington has been spent in the criminal justice system, I have nothing but praise for the technical assistance concept, the manner of its execution and the benefits to be derived.

The team was quite professional in its approach. In a very short period of time, the team was able to personally interview not only most of the key persons working in the office but also many of the agencies with whom we interface. The oral briefing that we received at the conclusion of the visit was both perceptive and helpful.

While I like to think that many of the matters raised by the team have been spotted in the past, it is clear that a summarization by outsiders tends to crystallize the interrelationships between individual problems. This is most important if management is to prioritize its efforts in the area of problem solving. As you know, it is difficult to see the forest while you are standing in its midst and the feedback from neutral observers is extremely important in providing central focus for isolated problems.

1975 AUG 26 PM

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Mr. J. David Bourland

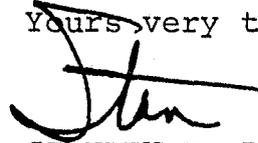
Page 2

August 22, 1975

In closing, I strongly support the continuation of this program. In fact, I would strongly suggest that an evaluation component be added to the program so that progress could be measured on an annual or bi-annual basis.

Again thanking you for all of your courtesy and cooperation and asking you to express my sincerest appreciation to the visiting team, I remain,

Yours very truly,



STANLEY M. RODEN
District Attorney

SMR:fm



OFFICE OF
DISTRICT ATTORNEY

EIGHTEENTH JUDICIAL DISTRICT
2009 W. LITTLETON BLVD.
LITTLETON, COLORADO 80120

ROBERT R. GALLAGHER, JR.,
DISTRICT ATTORNEY

August 11, 1975

TELEPHONE 1303 794-1415

Mr. J. David Bourland
National D.A.'s Association
211 East Chicago Ave.
Chicago, Illinois 60611

Dear Mr. Bourland:

Recently, your office provided a Technical Assistance Team to evaluate and make recommendations to my office relating to general operations. I feel that the people you provided, namely Mr. Carvel R. Harward, Mr. Pat Horton and Mr. Jack Yelverton, were extremely qualified to provide this assistance.

The oral reports which they made to me at the end of their survey indicated to me that in the very short period of time they were here, they were able to spot both good and bad points within the office. Although the written report will be forthcoming in a few weeks, their oral presentation to my top administrators and myself brought to light a number of problem areas we had not recognized. I'm sure that their written report will go into more detail than they were able to present orally.

The team demonstrated to me a high degree of competence, expertise, and dedication. They approached their individual tasks with enthusiasm and I think you will find their reports will demonstrate their sincere interest in the project.

I am extremely happy that you were able to provide the Technical Assistance, and feel very fortunate that you were able to provide men of this caliber to perform the task.

Sincerely,


ROBERT R. GALLAGHER, JR.
District Attorney

RRG/b1

RECEIVED

1975 AUG 14 PM 4:00

MAIL ROOM



OFFICE OF THE DISTRICT ATTORNEY

BUCKS COUNTY COURTHOUSE
DOYLESTOWN, PENNSYLVANIA 18901

KENNETH G. BIEHN
DISTRICT ATTORNEY
(215) 348-2911

July 31, 1975

Stephen B. Taylor
National District Attorneys Assn.
211 East Chicago Avenue, Suite 1515
Chicago, Illinois 60611

RECEIVED
1975 AUG -4 11 0
NATIONAL DISTRICT ATTORNEYS ASSN.

Dear Steve:

Thank you very much for the copy of the evaluation you sent to me.

I believe that you, Dave, Pat and Don accurately identified many of our problem areas in this office and have made some suggestions which have been beneficial to us.

I appreciate your continued offer of assistance.

Sincerely yours,

Kenneth G. Biehn
District Attorney

KGB/jep

CONTINUED

2 OF 3

JAMES T. RUSSELL
STATE ATTORNEY



COURT HOUSE
CLEARWATER, FLORIDA
33516

TELEPHONE 446-7161 - EXT. 221

OFFICE OF

STATE ATTORNEY

SIXTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR PINELLAS AND PASCO COUNTIES

IN REPLYING
PLEASE REFER TO:

July 21, 1975

RECEIVED
1975 JUL 22 AM 10 30
NATIONAL DISTRICT ATTORNEYS ASSOCIATION
CHICAGO, ILLINOIS

Mr. J. David Bourland
Director
Management, Evaluation & Contracts Div.
National District Attorneys Association
211 East Chicago Avenue, Suite 1515
Chicago, Illinois 60611

Dear Mr. Bourland:

I have just recently completed one of the most pleasurable professional experiences since I have been a prosecutor in the State of Florida.

The technical assistance team assigned to my office by the National District Attorneys Association, headed by Mr. Carvel R. Harward is the most professional and experienced team that I could have hoped for.

I believe that they have found some real problems in my office, and have come up with viable ways of solving these needs. I am looking forward to receiving the draft of their written report.

I feel that I need to tell you that I was a little skeptical prior to their visit, however, I believe the National District Attorneys Association is to be complimented in obtaining the services of men such as Carvel Harward, James Heelan, Donald Henschman and Cyrus Rotker to do this work and I do wish to compliment you.

With kind, personal regards, I remain

Very truly yours,

James T. Russell
James T. Russell,
State Attorney

JTR:tsp



State Attorney

SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA
SUITE 600 BROWARD COUNTY COURTHOUSE
FORT LAUDERDALE, FLORIDA 33301
TELEPHONE (305) 765-4100

RECEIVED
1975 JUL 21 11 32 AM
NATIONAL DISTRICT ATTORNEYS ASSOCIATION
CHICAGO, ILLINOIS

PHILIP S. SHAILER
STATE ATTORNEY

July 16, 1975

Mr. Stephen B. Taylor
Management, Evaluation and
Contracts Division
National District Attorneys Association
211 East Chicago Avenue, Suite 1515
Chicago, Illinois 60611

Dear Steve:

Let me take this opportunity, however belatedly, to thank you as Team Leader and the other members of your contingent for the courtesies and professional manner in which you conducted the Technical Assistance study of my office.

As you will recall, both Dick Purdy, my Chief Assistant and I had substantial doubts that you could adequately evaluate an office the size of mine in such a relatively short period of time; however, at the lengthy oral conference held with us at the end of your visit, we were most pleasantly amazed at the in-depth study and evaluation that you and the other members of the Team had made of all phases of the office. Subsequently, upon receipt of the detailed written report and evaluation, we likewise concurred that same was concise, informative, and substantially accurate in all particulars. I wish to advise that we are now in the process of implementing quite a few of the recommendations contained in the subject report.

If all technical assistance visits by the Project made to other prosecutor's offices throughout the country are as comprehensive as this one, I can say unequivocally that this program is one of the finest endeavors ever undertaken by the NDAA in conjunction with LEAA.

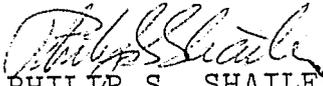
I would like to add that should the occasion arise where you might desire to have the State Attorney of the Seventeenth Judicial Circuit of Florida participate as a member of any given Team making a technical assistance visit, he would be most pleased as well as honored to do so.

By copies of this letter to the other members of the Team -- Ernest H. Williams, Jr., Robert Rennie, Lee Middleton,

Mr. Stephen B. Taylor
July 16, 1975
Page No. Two

J. David Bourland and Carvel R. Harward -- I am taking this means to advise them of my appreciation of their efforts and energies.

Very truly yours,


PHILIP S. SHAILER
State Attorney

PSS:kl

cc: J. David Bourland, Director
Management, Evaluation and
Contracts Division

Honorable Ernest H. Williams, Jr.
District Attorney
Las Cruces, New Mexico

Robert Rennie, Esquire
Assistant District Attorney
Pauls Valley, Oklahoma

Mr. Lee Middleton
Administrative Assistant to the
Prosecuting Attorney
Flint, Michigan

Mr. Carvel R. Harward

DENIS DILLON
DISTRICT ATTORNEY



THE OFFICE OF THE DISTRICT ATTORNEY
OF
NASSAU COUNTY
262 OLD COUNTRY ROAD
MINEOLA, NEW YORK 11501
TELEPHONE (516) 535-4800

RECEIVED
1975 JUL 17 AM 9 14
NATIONAL DISTRICT ATTORNEYS
ASSOCIATION
CHICAGO, ILLINOIS

July 11, 1975

Mr. J. David Bourland, Director
Management Evaluation & Contract Division
National District Attorneys Association
211 E. Chicago Avenue
Suite 1515
Chicago, Illinois 60611

Dear Mr. Bourland:

Your recent visit to the Nassau District Attorney's Office was most informative and rewarding. As a newly elected District Attorney, I found myself in a sea of antiquated and ineffective procedures and systems. Within the first few weeks of my new administration, it became clear that we needed someone with the objectivity of an outsider and not committed to preserving the existing methods.

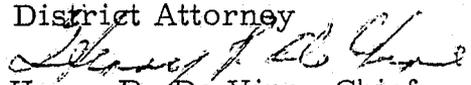
I found it truly remarkable how you and your staff within the short time allowed were able to recognize and pinpoint some of the major problem areas. I found the methods, conduct and apparent ability of your entire staff to be of the highest professional quality.

The final meeting at which you delivered your critique of this office was frank, honest and candid, and to say the least, just wet my appetite. It was unfortunate that we could not spend more time just discussing some of the particular problems and some of your recommended solutions. You did indicate that the written report would, in much greater detail, discuss the specific problems and the recommended solutions. If the report does in fact accomplish that, I can say that we were totally satisfied with the entire project.

May I just once again thank you and your staff for your consideration in adjusting your schedule.

Very truly yours,

DENIS DILLON
District Attorney


Henry P. De Vine, Chief
Assistant District Attorney

DD:MH:nm



DISTRICT ATTORNEY
COUNTY OF HUMBOLDT
EUREKA, CALIFORNIA 95501 PHONE (707) 445-7411

July 1, 1975

J. David Bourland, Director
Management, Evaluation and Contracts Division
National District Attorney's Association
211 East Chicago Avenue, Suite 1515
Chicago, Illinois 60611

Dear David:

Please consider this letter an informal evaluation of the team which studied this office on June 25 and 26.

Everyone in this office was very impressed and very happy with the fine job of evaluation performed by the team. Your opinions and suggestions were pertinent and of invaluable assistance to me and to the employees of this office.

Thank you for the outstanding job.

Very truly yours,

John E. Buffington
District Attorney

JEB:sf

RECEIVED
1975 JUL -7 AM 9 48
NATIONAL DISTRICT ATTORNEY'S ASSOCIATION
1000 PINE STREET
CHICAGO, ILLINOIS 60611

REC-11
JUN 11 1975

AUBREY M. DAVIS, JR.
COMMONWEALTH'S ATTORNEY



OFFICE OF THE
COMMONWEALTH'S ATTORNEY

COURTS BUILDING
1001 EAST BROAD STREET
RICHMOND, VIRGINIA 23219

772-8066

June 11, 1975

ASSISTANTS
ARLIN F. RUBY
JAMES C. WICKER, JR.
HARRISON BRUCE, JR.
J. THOMAS McGRATH
RALPH B. ROBERTSON
JOHN B. MANN
RICHARD O. GATES
H. SEWARD LAWLOR
JAMES S. YOFFY
WILLIAM A. CARTER, III
WILLIAM E. KELLY, III
RAYMOND A. CARPENTER, JR.

Mr. J. David Bourland, Director
Management, Evaluation and Contracts Division
National District Attorneys Association
211 East Chicago Avenue - Suite 1515
Chicago, Illinois 60611

Re: Technical Assistance Team

Dear Mr. Bourland:

I wish to take this time to express my appreciation to you and NDAA for allowing the Technical Assistance Team to evaluate my office last week. The three gentlemen sent were very thorough, professional and well informed of their task. They conducted themselves with great expertise and were extremely courteous and helpful in their suggestions to me and my staff.

I look forward to hearing from you in the near future as to their conclusions.

Very truly yours,

Aubrey M. Davis, Jr.
Aubrey M. Davis, Jr.
Commonwealth's Attorney

AMD, Jr:pl

ASSISTANTS
WILLIAM M. HILL
JAMES H. KEESHAN
INVESTIGATOR
R. L. (BOB) WILLIAMSON



COUNTIES:
MONTGOMERY
POLK
SAN JACINTO
WALLER

ELLIS A. OUALLINE, JR.

DISTRICT ATTORNEY, 9TH JUDICIAL DISTRICT

PHONE 713/756-8188 - COURT HOUSE

CONROE, TEXAS 77301

June 11, 1975

Mr. J. David Bourland, Director
Management, Evaluation and Contracts Division
National District Attorneys Association
211 East Chicago Avenue, Suite 1515
Chicago, Illinois 60611

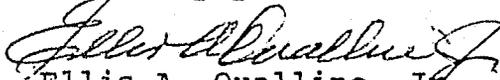
Dear Mr. Bourland:

I want to thank you for helping us get the team to come down and evaluate our office. Mr. Johnson and Mr. Rook spent two days here, May 29 and 30 and very thoroughly went over our office checking and discussing procedures and methods and various ways of conducting the business of the office. Besides meeting with us, they met with others including the District Judge, Justice of the Peace and law enforcement agencies.

After this was all over, they met in conference with me for a good while and I am most pleased with the results they have so far and am looking forward to the written evaluation. Just from the conversation so far, I believe they have made a most substantive evaluation of our office and its operation. They have given me many ideas to improve the efficiency in solving some of our problems.

Again, let me thank you and them for this help.

Sincerely yours,


Ellis A. Oualline, Jr.
District Attorney

EAO/ko



*General Court of Justice
Office of the District Attorney
Twelfth Judicial District*

EDWARD W. GRANNIS, JR.
DISTRICT ATTORNEY

FAYETTEVILLE, N. C. 28301

June 5, 1975

Mr. Steve Taylor
National District Attorneys Association
211 East Chicago Avenue
Suite 1515
Chicago, Illinois 60611

Dear Steve:

In response to your letter of May 19, Ed and I were generally very pleased with the way you conducted your Technical Assistance Visit as well as the constructive suggestions you gave us.

By way of constructive criticism, though, I think the time lag between the visit and the written report reduces the overall positive effect of the team's evaluation. It has been nearly two months since your group was here, and we have not yet received your report. If we could see in written form your evaluation soon after the visit, I believe the chances for our responding and initiating change would improve. Though we have implemented some of the nuts and bolts improvements you all suggested, many of the finer points have been ignored or forgotten. That is just a human reaction, of course, to self-reform or change, but a timely written report would make that reaction a little more difficult.

The only other disappointment expressed by Ed was that more concentration on the mechanics, flow and organizational structure would have been helpful. All in all, however, your visit has given us some tools with which to improve the efficiency of our operation. For that we are grateful. We will promote your program among North Carolina D. A.'s and wish you the best of luck in future endeavors.

Best regards,

A handwritten signature in cursive script, appearing to read "Henry C. Campen".

Henry C. Campen
Administrative Assistant

HCC:gg

RECORDED
1975 JUN 10

Commonwealth's Attorney
Newport News, Virginia

247 28TH STREET 23607



WILLARD M. ROBINSON, JR.
COMMONWEALTH'S ATTORNEY
FRANCES M. BROWN
OFFICE ADMINISTRATOR

ASSISTANTS
DAVID B. OLSON
MORGAN E. SCOTT, JR.
JOHN R. STEVENS
ROBERT C. ASTOR
LARRY D. KING

June 2, 1975

Mr. J. David Bourland, Director
Management, Evaluation and Contracts Division
National District Attorneys Association
211 East Chicago Avenue
Suite 1515
Chicago, Illinois 60611

Dear Mr. Bourland:

I wish to thank you for sending the Technical Assistance Team to evaluation my office. It is my feeling that they were diligent in seeking facts so that they could make conclusions about the function of my office. I was impressed with their thoroughness and dedication in carrying out their job and feel that they should be commended for their approach.

I will write giving you an evaluation of their total efforts after I have had an opportunity to evaluate their written report.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Willard M. Robinson, Jr.", written over the typed name.

Willard M. Robinson, Jr.

fmb





RECEIVED
1975 JUN -2

ASSISTANT DISTRICT ATTORNEYS
GENERAL
WILLIAM R. MOONEY
EDGAR P. CALHOUN
R. JERRY BECK

CARL K. KIRKPATRICK
DISTRICT ATTORNEY GENERAL
TWENTY-SIXTH JUDICIAL DISTRICT
SULLIVAN COUNTY, TENNESSEE

P. O. BOX 3345 OR 3508
KINGSPORT, TENNESSEE 37664
PHONE 323-8553
323-8351
CRIMINAL INVESTIGATOR
DONALD R. RUTLEDGE

May 29, 1975

Mr. J. David Bourland, Director
Management, Evaluation and Contracts Division
National District Attorneys Association
211 East Chicago Avenue,
Suite 1515
Chicago, Illinois 60611

Dear Mr. Bourland:

Thank you for your letter of May 19, 1975 concerning the Technical Assistance Team visit to my office. Steve Taylor and James Regan spent the considerable amount of time both in the office and with other personnel involved in law enforcement in order to ascertain the situation here in Sullivan County.

The Team caused a minimum of disruption in the office operation. Although they were hampered by our failure to have all personnel available they were quite impressive in their questions as well as their suggestions prior to leaving. They worked from the moment they arrived until the moment they left including several hours after office hours which were spent discussing problems and managerial techniques.

I found the Team to be conscientious and quite competent and I would sincerely recommend their visit to other District Attorneys offices.

Yours very truly,

Carl K. Kirkpatrick
District Attorney General
Twenty-Sixth Judicial District

CKK/sj



OFFICE OF THE DISTRICT ATTORNEY

BUCKS COUNTY COURTHOUSE
DOYLESTOWN, PENNSYLVANIA 18901

KENNETH G. BIEHN
DISTRICT ATTORNEY
(215) 348-2911

May 5, 1975

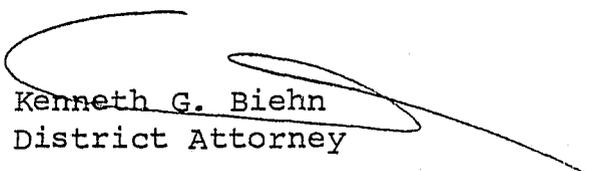
Stephen B. Taylor, Esquire
National District Attorneys
Association
211 E. Chicago Avenue
Suite 1515
Chicago, Illinois 60611

Dear Steve:

On behalf of all the members of my staff, I am writing to thank you for your efforts last week in evaluating our office. I think it is fair to say that each of the problem areas which you discussed represent situations which several of us in this office had realized needed our attention. The fact that you were able to discover these problems in the short time that you were here demonstrated to all of us who participated in the evaluation the ability which you and your co-evaluators bring to this program.

Once again you have my sincere thanks for an excellent job.

Very truly yours,


Kenneth G. Biehn
District Attorney

KGB:jcm



RECEIVED
MAY 10 1975

STEPHAN M. GABALAC
SUMMIT COUNTY PROSECUTOR
CITY-COUNTY SAFETY BUILDING - AKRON, OHIO - 44308

May 5, 1975

Assistant Prosecutors

William E. Schultz
Susan E. Boyer
Ralph A. Capriolo
Michael Kristoff, Sr.

Harold K. Stubbs
Lawrence B. Comanor
H. Eugene King
Charles E. Kirkwood
John F. Lenehan
James A. Lupori
James A. Rudgers
Hubert S. Senne, Jr.
John H. Shoemaker
Lawrence W. Vuillemin
Frederic L. Zuch

Neal D. Verity

Community
Resources Director
Anthony J. Cardarelli

Investigators
Mary C. Barron
Daniel L. Feucht
Richard S. Gable
Susan M. Muntean

Secret Service Officer
Anthony Darro

Mr. J. David Bourland, Director
Management, Evaluation and
Contracts Division
National District Attorneys Association
211 East Chicago Avenue
Suite 1515
Chicago, Illinois 60611

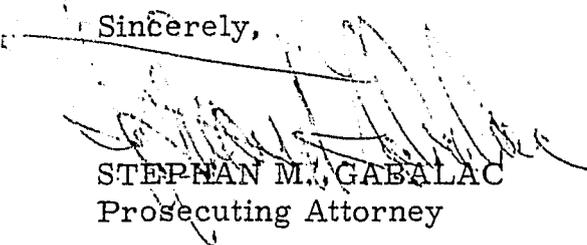
Dear Mr. Bourland:

Your Technical Assistance team of District Attorney Rook, Nancy J. Randall and Carvel Harward has just completed an extremely thorough and responsible examination of all aspects of my office and has presented me with a two hour oral resume of its findings. I was impressed with the grasp that they had of an extremely wide range of subject matter and the dedication that they brought to seeing the job through.

The Team was an interesting contrast of personalities and I think a large part of their success was due to the diversity of their backgrounds. I appreciated the frankness of their oral presentation and have already taken preliminary steps to initiate recommended changes.

I am looking forward to receipt of their written report and I wish to thank you in advance for the professionalism that you have instilled in your Team and for allowing me the opportunity to be equally professional.

Sincerely,


STEPHAN M. GABALAC
Prosecuting Attorney

SMG:rlw



Established 1752

Telephone: 393-8581

P. O. Box 1417

City of Portsmouth
Virginia

OFFICE OF THE COMMONWEALTH'S ATTORNEY

April 29, 1975

James A. Cales, Jr.
Commonwealth's Attorney

Mr. J. David Bourland
Director, Management Evaluation
National District Attorneys Association
211 East Chicago Avenue, Suite 1515
Chicago, Illinois 60611

Dear Mr. Bourland:

Please excuse my delay in contacting you and thanking you for the Management Evaluation Team coming to Portsmouth. I will write a more complete letter upon receipt of the written report, but my preliminary thought is that the team did an outstanding job and I was very much impressed with the amount of knowledge that they gained in a very short time.

Thank you. I am

Very truly yours,

James A. Cales, Jr.
Commonwealth's Attorney

JACJR:dc



VIRGINIA

OFFICE OF THE
 COMMONWEALTH'S ATTORNEY OF THE CITY OF NORFOLK
 SUITE 600
 800 EAST CITY HALL AVENUE
 NORFOLK, VIRGINIA 23510

April 21, 1975



NORFOLK

JOSEPH H. CAMPBELL
 COMMONWEALTH'S ATTORNEY

LAWRENCE C. LAWLESS
 C. J. COLLINS
 GENE ALAN WOOLARD
 RAND E. SHAPIRO
 WALTER M. ODEN
 ALBERT D. ALBERI
 JOSEPH A. PENNINGTON
 WILLIAM H. SWAN, III

Mr. J. David Bourland
 Project Director
 National District Attorneys Association
 Suite 1515
 Chicago, Illinois 60611

Dear Dave:

I would like to extend my appreciation to you and your associates for your recent technical assistance visit.

The manner in which the visit was conducted impressed me as being very professional and was well received by the staff. The expertise of you and your staff was quite evident throughout your visit. I sincerely feel that your critical analysis and subsequent suggestions will result in a more efficient and effective operation of this office.

As you know, the attorneys in our office will become full-time prosecutors in July. In order to make an easy and successful transition we needed specific and lucid guidelines, procedures and lines of communication. After our conversation, during which you made specific recommendations on how to improve the office, my anxiety over the ensuing transition period decreased considerably.

I was particularly impressed by the expeditious manner in which you identified the personnel problems of this office and the way in which you rendered such practical solutions.

We are looking forward to your written report.

With kindest personal regards, I am...

Sincerely,

Joseph H. Campbell
 Joseph H. Campbell

JHC:mjr

APPENDIX V

Two Sample Team Member's Reports

TECHNICAL ASSISTANCE REPORT

TO: NATIONAL DISTRICT ATTORNEYS ASSOCIATION

FROM: _____

OFFICE VISITED: _____

DATES: _____

INTRODUCTION

Team member Donald Hinchman and I concentrated on the administrative functions of the office which included the supervisory structure of the 33 clerical positions and how they were being utilized; budget and financial management, administrative services such as mail distribution, handling of visitors and telephone calls, duplicating equipment, files management, records and statistical reporting and case processing.

Our review of how felony cases are processed and controlled convinced us as well as other team members that we had to make concrete recommendations on the organizational structure of this office and how it utilizes its manpower. This is particularly crucial at this stage since we have a newly elected District Attorney who has already proposed increasing his staff from 57 attorneys to 108 attorneys; from 19 investigators to 33 investigators; and from 33 clerical to 73 clerical positions. The total budget recommendations amount to \$5.7 million compared to \$2.9 million for the current budget. Obviously, these ambitious proposals are of primary concern to any team evaluating this office. We are, therefore, departing from our prescribed outline in order to deal with an unusual situation and answer the District Attorney's most pressing questions. These are:

1. Does the workload of the office justify these proposed

manpower increases?

2. How can overcharging be reduced?
3. How can a policy of limited plea bargaining be implemented?
4. How can the District Attorney and Chief Assistant control such a large organization and maintain knowledge of what is happening in the organization?

The above seemed to be the questions of primary concern to this D.A. To them we add the questions which we think he should also be asking. They are:

5. How should this organization be structured to carry out its function?
6. What should the prosecutor's office be doing which it is not and what are its priorities?

We will attempt to answer these six questions, but not necessarily in the order noted above.

THE SCREENING FUNCTION

A key proposition in the D.A.'s budget proposals is known as "The Felony Team System: A New Approach". This would require 42 attorneys plus supervisory and support personnel to be distributed among 12 crime oriented teams analogous to police department felony investigation units.

Simply stated, if a robbery occurs, the police robbery squad would investigate the offense and, if an arrest is made, it would deal directly with the D.A.'s Robbery Team. The Robbery Team would have an Assistant District Attorney (A.D.A.) screen the case for sufficiency, decide what charges to file and process the case through preliminary

hearing, arraignment in Superior Court (felony court), pre-trial conference and trial, if necessary, and final disposition. This system is commonly referred to as "vertical representation" by the office staff and preliminary measures have already been taken to implement it without additional personnel.

The supervisory staff of the new administration contend that "overcharging" is at the root of most of the office problems and that "vertical representation" focuses responsibility for overcharging. In other words, the A.D.A. who lets a bad case get into the system must try it and swallow his own medicine.

We are unimpressed with vertical representation in large prosecutors' offices and we have seldom seen it work effectively. The most salient weakness is that trial lawyers will become so enmeshed with their caseloads that their screening assignments will suffer. Without fail, the most inexperienced member of the team will draw the screening assignment time and again because the team leader and the experienced members have other "more important" things to attend to. Secondly, this system places a horrendous scheduling burden on the team. As the team amasses case files, any member can be scheduled for preliminary hearing, pre-trial conferences and trial in different courts on the same day. What happens to the police officer trying to find a team member to screen his case? How does the team cover its assignments if they all have court assignments on the same day? The Superior Court is not organized along specific crime categories and the team assignments mean nothing to the judges. Vertical representation can only work if the D.A. can decide in what courts his prosecutors will try certain cases, or if a

team does all its business in a specific court. Until the Superior Court agrees to this, we think that the prosecutor's office is creating a monstrous scheduling problem for its Superior Court assistants.

Assuming that the Superior Court would agree to letting each team try its cases in specific courts, we would still oppose the vertical representation method of screening cases. Our concept of screening is to establish a separate organizational entity with a chief prosecutor responsible for all intake, screening and charging functions. The Chief of Screening must have some of the best prosecutorial talent assigned with supporting personnel. Only experienced prosecutors can evaluate cases and deal with experienced police officers. Screening is no place for the recent law school graduate or the novice.

The D.A., his Chief Assistant and the Chief of Screening can then decide general guidelines as to what cases are to be accepted, reduced to misdemeanors or dismissed outright. In this way, the D.A. is holding the Chief of Screening solely responsible for what comes in; not 12 team leaders. This has the advantage of centralizing responsibility and control, developing expertise and continuity and utilizing minimum manpower for a particular function.

We recommend that the screening operation be conducted seven (7) days per week between the hours of 8:00 a.m. and 5:00 p.m. We see no necessity in this jurisdiction for night duty with the 48 hour rule in effect. In other words, the police should be able to present their cases for charging within 48 hours of arrest with these duty hours. We also advocate that screening be conducted prior to arrest when possible and that the screening A.D.A. deal directly with the arresting officer and no intermediaries. When necessary, the screening A.D.A. would

demand that witnesses and victims be brought in for interview such as in sex offenses.

We recommend that this unit which should have divisional status with the Chief reporting directly to the Chief Assistant be known as the Intake, Screening and Charging Division. It would also screen misdemeanor complaints, but at this time, we recommend that this be paper screening only. We are not recommending that police officers be interviewed regarding misdemeanor arrests, except in unusual cases.

copy All charging documents should be prepared in this Division regardless of how and from where they emanate. If the Investigation Division (to be discussed later) or Consumer Frauds Division initiate a complaint, or indictment out of Grand Jury, the charging document would still be the responsibility of the Intake, Screening and Charging Division. Our aim is to specialize these functions to the extent that no case enters the system without the knowledge and approval of the Division Chief. This is the only way in which he can be held responsible.

✓ At the present time, subject to trial and experience, we recommend staffing this Division with four (4) experienced prosecutors in addition to the Chief. At least five (5) clerical personnel are necessary to type complaints, informations and indictments. This would also include the "rebooking" function. We also recommend a legal stenographer for the Division Chief who would also maintain the workload records of the Division on a monthly basis.

∩ In addition, we recommend that the forms now used in screening felonies be replaced by a combination Intake/Complaint/Charging Document in order to eliminate unnecessary paperwork. We see no reason to type

a complaint in a felony and then type an information in the same case. Attached is an example of a combined document which may be tailored to the needs of this office. (Note: Use NDAA Proposed Standard Form).

Our observations of the screening process now in use revealed four forms used to evaluate a case; the blue face sheet, pink charge sheet, the register of a case and a notification to police as to what the D.A. has decided to do in a particular case. We were surprised to find no form used to evaluate the strength of a felony case and to forewarn the trial A.D.A. of possible deficiencies. There seems to be a reluctance to do this on forms in this jurisdiction which may be discovered by the defense. This may be true, but we believe that a standard form can be devised which can be considered the work product of the prosecutor which is not discoverable. Attached is a one page form and procedure used by the Baltimore City prosecutor's office which not only served to evaluate a case, but instructed the preliminary hearing prosecutor as to what action to take. A copy of the form was also given to the Police Commissioner when felonies were dismissed at entry level. This particular form seemed to satisfy the needs of all parties in Baltimore City where the workload of the Felony Complaint Division exceeded by far that of _____, albeit the procedures were different.

Late in this report, when we deal with management controls, we will discuss how the D.A. and Chief Assistant can determine if the screening division is doing a good job. Before going on to other matters, however, we should mention that staffing this division with experienced prosecutors will probably present some difficult problems. Experienced trial lawyers, who make the best screeners, usually do not prefer to

screen cases for any length of time. They consider it a desk job and a subordinate function to trial work.

If the office is able to find four experienced lawyers willing to perform these functions indefinitely, well and good. They should be paid at a very desirable rate commensurate with the decisions which they will have to make, the complaints which they will have to bear and the irregular schedule. If such attorneys cannot be found, then rotation from the Superior Court teams is an alternative, provided that the assignment be for no less than six months. However, the most satisfactory arrangement is to find permanent screeners who develop a good working relationship with the police, the Division Chief and the support personnel. They will prove to be invaluable to the office, and we have no hesitancy in recommending that they be paid premium salaries. The Wayne County Prosecutor's Office (Detroit) is a good example of felony screening developed to a highly sophisticated level with highly paid and very experienced prosecutors.

ORGANIZATIONAL STRUCTURE

On the succeeding page, we are proposing an organizational structure which we believe sets forth a clear chain of authority. Our concern with this office is that it lacks what we prefer to call "organizational discipline".

This is not uncommon in a change of administrations when working relationships and new procedures have not yet settled. We are also aware that the D.A. is not impressed with bureaucratic regimentation in which every employee has his or her niche. Our purpose in recommending

the seven (7) line divisions is to enable management to control an organization which will undoubtedly grow. It is designed to relieve overburdened supervisors who are now being "spread too thinly" and to insure that each employee has one and only one supervisor. As best we can, without the benefit of workload counts, we are recommending minimum manpower requirements included in our discussions of the organizational units.

THE EXECUTIVE OFFICE

Manpower Requirements: District Attorney
Executive Secretary
Chief Assistant
Executive Secretary

The above represent the current staffing of the Executive Office. The D.A. is extremely interested in maintaining control of operations and our recommendations are discussed at length under the heading Management Controls. We are not recommending any changes in the staffing pattern of this unit.

THE ADMINISTRATIVE OFFICER

Manpower Requirements: Administrative Officer
Management Analyst
Secretary

Budget and Fiscal Officer
Legal Steno
Senior Payroll Clerk
Account Clerk

Administrative Assistant
Receptionist
Correspondence Control Clerk
Duplicating Services and Supply Clerk

Central Records Supervisor
File Control Clerk
File Clerk

Statistical Services Clerk
Case Control Clerk - Felonies
Case Control Clerk - Misdemeanors
Case Control Clerk - Misdemeanors

✓ We are proposing that the Administrative Officer be made the Chief of Staff of this Office and that he supervise all support functions. These include all management analyzing and financial functions; administrative services such as reception and switchboard, mail receipt, control and distribution, duplicating services, ordering, stocking and issue of supplies, equipment management, and records management.

✓ The Central Records Unit would manage all office records under the supervision of the Administrative Officer and would include the Unit now known as the Records Room and Clerks ^{now} ~~not~~ engaged in filing and maintaining control cards on felonies and misdemeanors waiting to be tried. We visualize this Unit as ultimately supplying the Administrative Officer with the data necessary to plan and control the flow of work through the operating divisions. This can be accomplished by having all case files, both felony and misdemeanor, deposited and registered with the file clerks as soon as they are prepared. The file clerks would maintain cross-reference indices by name and file number and a case control card on each file. Files should be signed out to Assistants for court appearances and returned so that the file control clerks know where signed out files are located at all times.

✓ The case control cards should be used to prepare monthly reports on the status of all cases, incoming and outgoing workload data and disposition data. In addition to the Statistical Services Clerk, we are proposing three case control clerks to maintain this highly important data on the status of each case and to generate production reports at

the end of each month.

At the present time the only workload data which seems to be available is quantitative data on caseload. This should be improved to the point where the D.A. also receives data by crime category, e.g., how many burglary cases were tried this month and what were the results?

We note and endorse the fact that the D.A. is asking for a management analyst in his budget requests. This position would be ^{of} great value to this organization. It should be placed under the supervision of the Administrative Officer. Among the many projects urgently needed are the following:

1. A complete review of all case processing procedures in conjunction with computerization of the Clerk's Office now underway. There are many areas where time and money can be saved and better service rendered.

(Note: Attached as Exhibit #1 is a work flow procedure of the processing of a felony case in the Records Unit. Even a cursory analysis shows unnecessary data being collected and redundant steps. Since a computer terminal is available, we see no reason why the register and docket sheet cannot be eliminated. The true functions of the Records Unit are (a) to insure that an information is filed within 15 days of the preliminary hearing; (b) to assemble and maintain case files until requested; and (c) to furnish information on cases when requested.

Suspending a case for 15 days can be easily done with the trial card which can be used to maintain manual control of processing until a case is tried. The trial card, along with the strip index, can be used

to locate a file at any time and any case information can be furnished by the computer terminal.

Time did not permit us to review the computerization plans of the Clerk's Office. The D.A.'s Office should not perform any function manually which the computer can perform mechanically. In fact, workload, performance and disposition data can also be obtained from the computer records. This should be the first priority of the Management Analyst, i.e., coordinate the prosecutor's case processing and information retrieval requirements with the courts' information system manager.)

2. Develop and recommend procedures and forms for the Intake, Screening and Charging Division.

3. Develop the statistical data required to inform the D.A. as to the performance of each Division. This should be designed for incorporation in an annual report to the citizens.

4. Develop a standard operating procedures manual which also contains the policies of the D.A.

5. Continue analysis of space, equipment and manpower and make recommendations regarding their most efficient use.

SPECIAL PROJECTS OFFICER

Manpower Requirements: Special Projects Officer
Secretary

Every large prosecutor's office should have an attorney engaged in developing plans and programs to advance the criminal justice system. This is not a luxury but a necessity. Crime is too important a problem in our society for a prosecutor not to continually investigate, research and be aware of new developments throughout the nation's law enforcement systems. We visualize this officer as the D.A.'s representative

on the planning councils dealing with crime in: This officer should develop the new programs for which federal funds are available under the Law Enforcement Assistance Administration.

✓ We have divorced this function from the other staff functions under the Administrative Officer in order to emphasize planning and give the incumbent direct access to the D.A. and the Chief Assistant. Someone in every organization should be thinking of the future, anticipating problems and planning accordingly. Supervisors with deadlines to meet and subject to the daily pressures of a metropolitan prosecutor's office will undoubtedly develop good ideas. Our observations are that operating personnel seldom find the time to develop new ideas. They need a planner to whom they can refer problems and proposed solutions for coordination and development.

✓ This D.A.'s budget proposals and justification are among the best we have seen. Although we are not in agreement with his manpower requirements, due to our different approach to screening, they are well articulated and seem to set forth a well prepared case. An office of this size and stature needs such a person to develop the details of the D.A.'s imaginative plans and proposals. We see him in the role of the Special Projects Officer.

INTAKE, SCREENING AND CHARGING DIVISION

✓ Manpower Requirements: Division Chief
Legal Stenographer
Legal Stenographers (2)
Clerk Stenographers (3)
Senior Prosecutors (4)

✓ We have discussed this Division in our treatment of the screening functions. Some of the workload of the four prosecutors can be alleviated

by having the homicide, sex offenses and narcotics sections of the Superior Court Division screen the more serious cases in these areas. This must be done, however, under the guidelines and supervision of the Intake, Screening and Charging Division Chief since he is responsible for all cases entering the system and form in which they enter. If there is any dispute as to whether to charge and how to charge, this Division Chief should make the decision.

✓ The five (5) stenographers are the minimum required for assembling police reports and typing complaints for the prosecutors in both felonies and misdemeanors. We hope that by reducing the number of forms required to screen a case and by combining the complaint and information documents that this number will suffice.

MUNICIPAL COURT DIVISION

Manpower Requirements: Division Chief
Legal Stenographer

Preliminary Hearing Section Chief
Legal Stenographer
Prosecutors (3)

Misdemeanors Section Chief
Legal Stenographer
Arraignment Prosecutors (2)
Trial Prosecutors (8)
Appeals Prosecutor (1)

(Note: See Team Member Harward's discussion of this Division.)

INVESTIGATION DIVISION

Manpower Requirements: Division Chief
Legal Stenographer
Chief Investigator
Investigators

We are not recommending the total number of investigators needed for this Division. The D.A. asked for 33 in his budget requests and

this was based on ratios of investigators to attorneys and investigators to serious crimes reported. We would not take this approach since it does not tell the budget authorities what the investigators will be doing.

~~Our approach is to~~ determine the investigative requirements of each Division and proposed programs. How many are required to conduct routine investigative functions for screening, municipal court, superior court, juvenile court, consumer fraud and family support? In addition, what activities such as organized crime, terrorism and municipal corruption are to be undertaken and how many investigators are needed to do "pure" investigations? We cannot do this because no clear proposals have been developed, except to designate trial teams. We recommend that targets be developed with the understanding that certain prosecutors and investigators will be detailed to work under the Investigative Division Chief to explore these areas for prosecution.

The Division Chief should be a prosecutor with the Chief Investigator reporting directly to him. All investigators in the Office except for those funded and assigned under the federal grant for non-support, should be assigned to the Chief Investigator for functional control. This means that as the operating divisions develop investigative requirements they will request investigators for assistance. The Chief Investigator should then evaluate the requirements and assign investigators on detail, not permanently. This will not only conserve investigative manpower and insure a continuing need, but it will also enable the Chief Investigator to continually evaluate personnel within his particular expertise. His function is to develop and control investigative talent for the office.

SUPERIOR COURT DIVISION

Manpower Requirements: Division Chief
Assistant Chief
Legal Stenographer

Homicide Section Chief
Prosecutors (4)
Legal Stenographers (2)

Sexual Offenses Section Chief
Prosecutors (2)
Legal Stenographer (1)

Narcotics Section Chief
Prosecutors (2)
Legal Stenographer (1)

General Crimes Section Chief
Prosecutors (12)
Legal Stenographers (3)

The Chief of this Division should be solely concerned with the trial of cases in the Superior Court. He should not be involved in screening, investigation, or any of the charging functions. Whatever goes wrong in Superior Court is his responsibility. We believe that supervising the ^{four} ~~form~~ sections, assigning personnel and developing trial expertise will be more than enough responsibility. In fact, we anticipate that he will be so burdened, that we have recommended an Assistant Chief to supplement the supervision of this division.

If disputes arise as to "weak" cases, or improper charges, it should be the function of the Superior Court Division Chief to resolve them with the Chief of Intake, Screening and Charging. If they cannot resolve their differences, then the matter becomes an issue for the Chief Assistant to decide.

The manpower requirements are minimum based on the number of crimes reported. There are no statistics available on the number of crimes in each category reaching Superior Court. Obviously this is key

✓ information which must be developed. When it is, the Division Chief can reassign personnel among the various sections based upon workload data.

CONSUMER FRAUD DIVISION

Manpower Requirements: Division Chief
Senior Prosecutor (1)
Prosecutors (4)
Investigators (4)
Accountant (1)
Legal Stenographers (6)

The above positions were requested in this year's budget proposals. There are no workload statistics available. (See Team Member's report on this Unit.)

JUVENILE COURT DIVISION

✓ Manpower Requirements: Division Chief
Prosecutors (2)
Legal Stenographers (2)

(See Team Member Harward's Report.)

FAMILY SUPPORT DIVISION

(See Team Member Golden's Report.)

MANAGEMENT CONTROL

✓ The D.A. and the Chief Assistant were extremely interested in the techniques for managing and controlling operations. We are suggesting the following which have been successfully applied in other offices of comparable size.

1. Maximum Delegation of Authority: Each Division Chief should be delegated maximum authority to run his or her division. If the Division Chief has to take daily routine problems to the Chief Assistant, then the Chief Assistant is running the division and he doesn't need

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the Division Chief. The only problems which should be brought to the attention of the Chief Assistant are those which can be potentially embarrassing to the D.A., or when a crucial decision has to be made, e.g., the firing of an employee. Accordingly, the Division Chiefs and all supervisors should be made to adhere to the proposition of completed staff work, i.e., the problem, facts and recommendations should be so clearly thought through that all is needed is a yes or no answer by the Chief Assistant. Few problems are quite that simple, but if supervisors throughout the chain of command think in these terms, executive decisions and time will tend to focus on that which is important and the true options in each case will be identified.

2. The Weekly Agenda: The D.A. should hold a weekly staff meeting, preferably at the same time each week, with his Chief Assistant, Special Projects Officer, Administrative Officer and all Division Chiefs. Prior to the meeting, each attendee should request the Chief Assistant to list those items on the agenda which the attendee believes are of office-wide interest. Staff meetings should not be held to resolve the internal problems of a division unless such problems ultimately will affect other divisions or the whole office.

The Chief Assistant should then list the problems on the agenda in the priority in which he believes they should be discussed. It is also preferable to have an administrative aide maintain informal minutes of the staff meetings for follow-up purposes.

If the staff meetings are religiously held regardless of the inconvenience; if they have orderly agendas and; most importantly, if the attendees speak their minds regardless of whose personal feelings are hurt, they should serve a useful purpose of molding the management

team and formulating office policy.

3. Workload and Performance Statistics: We have recommended a central records unit and a management analyst in the staffing of the Administrative Officer's organization. One objective is to develop monthly workload statistics for each division and to identify performance objectives.

Each Division Chief should develop with the Administrative Officer that data which correctly identifies the work units of the division and how to measure performance. The procedure for obtaining monthly counts of these units should also be agreed upon. Some counts may have to originate in the division although personnel in Central Records will probably have most of the data on their status cards.

Once the reporting machinery is established, the monthly reports should be analyzed by the Management Analyst for trends and predictions and submitted to the Chief Assistant through the Administrative Officer. They should then be the subject of discussion at the next weekly staff meeting if they show unusual activities.

At a minimum, the reports should show the incoming and outgoing work of each division monthly and cumulatively during the calendar or budget year. The discrepancy between output and input reflects work-in-process or potential backlog. In addition, the reports should reflect disposition data and rate of conviction, guilty pleas as a percentage of convictions, postponement rates, dismissal rates, etc. The data should also reflect performance rates by crime categories so that the successful prosecution of certain crimes can be determined. In time, the court's computer should be able to supply most of this data. We also recommend that the information be developed so that the performance

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data of each court can be determined.

✓ 4. Control of Plea Bargaining: We have found that most offices find it impossible to enunciate a plea bargaining policy which will fit all cases. Nor, have we found any offices which have successfully abolished all plea bargaining.

Our recommendation stems from our view of delegation of authority. The decision to take a plea should be extended as far down the line as possible. At least to the point where a trustworthy and experienced assistant can handle a case without running to his supervisor. Broad, general guidelines on plea bargaining can be issued, but there are always exceptions and that is what supervisors are for.

The policy which we have found most effective to implement is as follows: Any assistant, other than one who is still being trained, can negotiate a plea on his own initiative unless he or she believes that the plea may embarrass the D.A. and he may be called upon to explain it. In that case, the assistant must obtain the approval of his immediate supervisor. That supervisor, in turn, should obtain approval from his immediate supervisor and so on, up to the Chief Assistant if the case is so sensitive. Few cases should ever reach the Chief Assistant in this manner. If they are that sensitive, a responsible supervisor will not allow the plea to be negotiated.

5. Control of Dismissal of Charges: Few problems plague a D.A. more than the dropping of charges after they have been initiated. The public rarely understands dropping charges in exchange for guilty pleas or testimony. For this reason we recommend that all dismissals by the prosecution, at least in felonies, be documented. Attached is a procedure by the Baltimore County State's Attorney's Office which not only documents the real reasons for dropping charges, but also makes

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it possible to collect statistical data for presentation in the office's annual report.

These confidential reports should be submitted to the Chief of the Superior Court Division, or his Assistant Chief, for review immediately after the action is taken. In a smaller office, we would recommend review by the Chief Assistant. In any case, this is one way of knowing what felonies are being dropped and why and by whom.

6. Performance Appraisals: We recommend that semi-annual performance appraisals be conducted of all personnel in the office. These should serve the following purposes:

- a. To insure that every supervisor tells each subordinate at least once every six months what he thinks of his work;
- b. To have some system for reviewing performance for merit increases, promotions, transfers or disciplinary actions;
- c. To give the D.A. and all supervisors some indication of who are the better attorneys, secretaries, clerks, etc. in the organization; who are the potential leaders, and who should be eventually terminated.

Attached is a suggested performance appraisal system using the "totem pole" technique. It is as good as any we have seen and other offices have modified it for their particular needs.

The most important point to remember in controlling operations is that one person cannot possibly know everything happening in a large organization. The Chief Assistant must develop a working relationship with the Division Chiefs so that they know what he wants to see in the way of correspondence and what decisions he wishes to make. There is no easy formula to follow. Strong supervisors can make any system

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work and the key is to determine who are the strong supervisors in the organization who will accept responsibility and get the job done. Excellent trial lawyers do not always make good supervisors and some detest supervisory functions. There are places in such a large organization for such lawyers, but not as division or section chiefs.

PROGRAMS AND PRIORITIES

Our perusal of the D.A.'s budget message and our discussions with the staff indicate that perhaps the office is overly ambitious. We value and applaud an aggressive prosecutor who wants to move forward and take his office out of the doldrums. However, it is not possible to accomplish all goals at the same time.

We urge the D.A. to start thinking in terms of what is possible, when he hopes to accomplish certain programs and what are his priorities. Certainly the organizational framework in which the office performs its functions should be of top priority. Choosing the leaders to run the operating units is extremely important at this time. Developing and implementing a procedure for processing a case which everyone understands is paramount. These are the management priorities which we urge at this time.

In addition, these are substantive programs dealing with specific crimes such as rape, political corruption, white-collar crime, which need to be undertaken. Again, specific objectives, timetables and priorities are needed so that resources are not dissipated.

We understand impatience and the difficulties inherent in convincing government officials on what is needed for a good criminal justice system. Our point is that it is better to have a clearly defined list of priorities and what the agency hopes to accomplish, then to ask for huge amounts of money and hope to obtain same.

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TO: NATIONAL DISTRICT ATTORNEYS ASSOCIATION

FROM: _____

RE: TECHNICAL ASSISTANCE VISIT TO THE OFFICE
OF _____

From _____ to _____ the undersigned participated in a Technical Assistance visit at the office of the District Attorney of _____, for the purpose of evaluating his office operation and making recommendations relative to our findings.

The Technical Assistance team members, in addition to myself were the following:

J. DAVID BOURLAND, Director, Management, Evaluation and Contract Division, NDAA.

DONALD HINCHMAN, Administrative Assistant, Office of the Prosecuting Attorney, Kansas City, Missouri.

STEPHEN MONTANARELLI, Deputy States Attorney, Baltimore County, Maryland.

CARVEL R. HARWARD, Management, Evaluation and Contracts Division, NDAA.

The areas of inquiry specifically assigned to me related to the following topics as contained in the outline for technical assistance evaluations:

12.00 Intake and Screening

14.00 Grand Jury

15.00 Higher Court Operations

Family Support Operation

I By way of introduction it should be noted that the office of the District Attorney, _____, is an office in transition. There is a new District Attorney who took office as of _____. Most of both the professional and non-professional staff are the same as was employed prior to this new administration; however, several upper echelon personnel at the administrative level did join the staff at the time the new District Attorney took over. Since the beginning of this year there have been attempts to change certain former practices and procedures as a result of which there is a blend of some of the old as well as some of the new practices. Not all of the new proposals (such as those relating to the Family Support Division) have been formalized or implemented.

Assignment ✓ Particular mention must be made of the obvious desire on the part of the District Attorney to provide complete continuity of lawyer contact with a case from intake to disposition (commonly called "vertical representation"). From a lawyer's point of view this is an optimum situation and is commendable. In this regard a series of eight felony teams have been created each to specialize in one of eight separate crime categories: Homicide, Robbery, Burglary, Assault, Rape (including child beating and molestation), Vice, Narcotics and Theft.

✓ Each team, consisting of from one to five attorneys, is responsible for the prosecution of felonies within the crime category to which the team is assigned. It is contemplated that team members will be assigned to specific cases from beginning to end.

If capable of being implemented, this would represent an ideal situation; however, in light of present personnel limitations in both the professional and support staff as well as other considerations, this plan must be modified otherwise the system will collapse under its own weight, an opinion shared by others within the [redacted] District Attorney's Office. In plain simple terms, not every case demands complete vertical representation with the resultant need for the additional personnel to provide the same; and many felony cases can be adequately handled without it. In addition, the team attorney loses control of the case in most instances at at least two critical points: i.e., the preliminary hearing stage, including the felony information charging decision resulting therefrom, and in the Superior Court Master Calendar Department, (Department 22) where a substantial number of cases are disposed of at pre-trial conferences without felony team involvement. It is contemplated, we are advised, that as time goes by it is planned to phase the felony teams into these areas as well wherever possible; however, for the reasons given above, vertical representation in every felony case is impractical and unnecessary, considering the volume of cases to be handled, the court structure and calendaring systems and the personnel requirements necessary to accomplish the same.

In the course of this evaluation, I had the opportunity to meet, observe and speak to many members of the staff. In addition, I observed the Superior Court Master Calendar Department and two Superior Court trial Departments in operation, and was personally present at a discovery conference at which discussions were also held with defense counsel as to

possible disposition by way of plea. I interviewed, individually or with other members of the Technical Assistance Team the following individuals:

<u>NAME</u>	<u>POSITION</u>
	District Attorney
	Chief Assistant District Attorney
	Assistant Chief District Attorney
	Assistant Chief District Attorney
	Budget
	Chief Administrative Assistant
	Assistant District Attorney-Assistant Chief Family Support Bureau
	Assistant District Attorney-Rape Team
	Assistant District Attorney-Family Support Bureau
	Assistant District Attorney-Municipal Court Bureau
	Assistant District Attorney-Superior Court Master Calendar Department
	Clerk-Superior Court Bureau Clerk's Office

FINDINGS

While this report will, in the main, confine itself to the areas assigned to me, because of the inter-dependancy of the Superior Court operations with the Municipal Court operations, especially with respect to intake, screening and original charging, and, in felony cases, with respect to the preliminary (probable cause) hearing and felony information charging procedure, I will of necessity refer to those operations as well. Wherever possible I will identify the topic commented upon in accordance with the NDAA Technical Assistance Project topical outline number for aid in preparation of the final report.

For Intro
SPEEDY TRIAL AND OTHER TIME CONSIDERATIONS: In order to better understand the atmosphere within which proceedings must take place, it should be noted that the following time limitations are imposed upon the prosecutor:

(a) Arraignment of a person arrested, whether on a misdemeanor or felony charge, must occur within 48 hours of arrest. Accordingly, this requires that a complaint be filed within that time period.

(b) Preliminary hearings in felony cases must take place within 10 days after arraignment if the defendant is in custody. While a defendant may waive a preliminary hearing if the District Attorney consents, this is rarely done.

(c) A felony information must be filed within 15 days after a defendant is held to answer after the preliminary hearing.

(d) Arraignment in the Superior Court on the felony information is set by the Municipal Court judge for 21 days after the ^{decision} holding in the Municipal Court preliminary hearing department.

(e) The defendant is arraigned in the Master Calendar Department of the Superior Court in felony cases, and a date for pre-trial conference is set for approximately 3 weeks after arraignment. All motions must be made prior to pre-trial conference. At the same time a trial date is set for 1 week after the pre-trial conference date (4 weeks after arraignment in the Superior Court).

(f) Speedy trial rules require that, except where delay is occasioned by the defendant's action, misdemeanors must be disposed of within 30 days from arraignment when the defendant is in jail, and 45 days from arraignment when the defendant is on bail or otherwise at liberty. In felony cases, the defendant must be tried within 60 days of the filing of the felony information in the Superior Court, unless the defendant waives such requirement.

12.00 INTAKE AND SCREENING:

✓ 12.10 Police Report: When a defendant is arrested he is usually taken to the police precinct in which the arrest occurred. There the arresting officer prepares a police incident report. The incident report may take one of two forms: typed or in the form of a computer print-out resulting from a telephone dictating operation. In each arrest an inspector (detective) is assigned to the case unless the arrest was initiated by an inspector in the first instance. After the police incident report is prepared a further police report is prepared by the inspector assigned to the case. This report is entitled "record of investigation" and contains the results, if any, of interrogation of the defendant or other information relative to the investigation into the specific case. It should be noted that while uniform police officers have tours of duty covering a 24 hour day, police inspectors generally work only between the hours of 9 a.m. to 5 p.m. Theoretically there is a team of inspectors "on call" during the night but they rarely respond to arrests. In addition, I am advised that the inspectors assigned to the Police Narcotics Bureau do work through the night.

✓ Examination of the police reports indicates that while information concerning the arrests is contained therein, it is not in the best and most suitable form for use by a prosecutor, nor does it have sufficient information for use at intake without further amplification. It is suggested that consideration should be given to the adaptation and use of a police-prosecutor report similar to the model report suggested by the NDAA.

✓ 12.20 Intake Procedures: When a defendant is taken into custody, and after the arresting police officer prepares the police incident report, the arresting officer, if he is a uniformed officer, no longer involves himself with intake procedures and returns to his regular assignment. The arrestee is taken

by a police van to the police department central booking facility in the Hall of Justice. It should be noted that the Hall of Justice, in addition to housing the Central Police Headquarters also houses the District Attorney's Offices, some of the Courts and other bureaus relating to the criminal justice system. The civilian witnesses are not taken to the police precinct or booking facility but are permitted to go their own way. As a general rule inspectors who are the arresting officers book their own prisoners.

✓ In certain misdemeanor arrests instead of being taken into immediate custody a defendant may be issued a "citation" in which event, on the return date thereof, the defendant reports to the police booking facility at the Hall of Justice for booking before appearing in court that day for arraignment. Similarly, in certain non-serious felony cases, while such a citation may not legally be issued, the police can release a defendant in his own recognizance instead of arresting him, with instructions to appear at the central booking facility for processing before arraignment in court. In most arrest cases the arrestee is taken to the Hall of Justice by an escort officer, by van, without the presence of the arresting officer.

✓ 12.30 How Report Enters Prosecutor's Office: Police incident reports, together with a copy for defense attorney are picked up every morning by an Assistant District Attorney. He also picks up other documents intended for the prosecutor's office. This Assistant District Attorney is charged with the responsibility of separating the police incident reports into felony and misdemeanor bundles. Attached to the police incident report, and initially prepared by the police at the central booking facility, is a Department of Justice "Disposition of Arrest and Court Action" report which is completed in part by the police department as to original arrest information and thereafter, as the case

✓ progresses through the system, is completed by the District Attorney, the lower court, the superior court and finally, after disposition, is returned to the police department for transmittal to the Department of Justice, Bureau of Identification, in _____ Just why a lawyer should be assigned to the clerical duty of picking up and sorting these reports is not explained. Consideration should be given to utilizing clerical personnel for this function.

✓ 12.40 Screening: At the present time prosecutor screening takes place at two different levels depending upon whether the arrest is for a misdemeanor or felony. The screening of misdemeanor arrests is done by an Assistant District Attorney assigned to one of the two misdemeanor arraignment departments in the Municipal Court. There are approximately eleven Assistant District Attorneys assigned to those two departments and each takes his or her turn in the screening assignment. Neither the arresting officer, inspector nor witnesses are regularly seen nor personally spoken to by the Assistant District Attorney screening the misdemeanor cases before arraignment. It does appear that the Assistant District Attorney can and on occasion does "discharge" (as opposed to "dismiss") defendants in some percentage of cases (estimated at about twenty percent) although no statistics were presented to me. The screening Assistant will occasionally call the complainant or inspector on the telephone in order to aid him in making a determination as to whether or not to discharge a defendant. I am further advised that in a substantial number of cases involving victims, the complaining witness may himself come in to sign the complaint, or will on occasion be called in by the screening assistant. For the most part however the complaint is prepared strictly from the police incident report in accordance with notations made thereon by the screening assistant and is signed by a liason police inspector.

Screening of Felony cases is done in a substantially different manner than in misdemeanor cases. Under the felony team concept described above, a member of the team is assigned for a particular week to "re-booking". This term relates to the reviewing of cases after an arrest and the making of a determination as to whether, and in what fashion, a complaint is to be drawn. Under this procedure the inspector assigned to a particular felony arrest reports to the re-booking assistant district attorney in the felony team designated for the crime category which is the subject of the arrest. The police incident report is furnished to that assistant district attorney as well as the inspector's report, statements if any, rap sheet (prior arrest record) hospital reports, etc. The felony team re-booking assistant reviews the facts with the inspector and then determines whether, and what charges shall be filed. It should be noted that the re-booking assistant does not speak to or interview the arresting officer (unless coincidentally it happens to be the inspector himself) or any of the civilian or other witnesses.

The team member re-booking assistant after evaluating the case and coming to some determination prepares a form 015-C which he submits to the typist for the drawing of the complaint. This form contains information concerning the name of the defendant, the charges, dates, name of victim and other pertinent data necessary for the preparation of the complaint. In the event that charges are to be reduced or dismissed, or further investigation is required, the attorney also prepares a form number 248-C for transmittal to the police department indicating what additional investigation is required prior to filing, or the reason for the dismissal or reduction of charges.

✓ Once the complaint is typed it is forwarded to a police liason inspector. It should be noted that there are two inspectors assigned to such duty. One of them, Inspector _____ deals with felony complaints and the other inspector, _____, deals with misdemeanor complaints. It is the duty of these inspectors, among other things, to see to it that police incident reports are received within the 48 hour time requirement for arraignment after arrest, to sign the complaint as complainant, and to arrange for notification to the city prison to produce the defendant for arraignment where the defendant is in custody.

✓ It should be noted that in almost all instances the complaint is a hearsay complaint (on information and belief) signed by the liason inspector as the complainant. In misdemeanor cases, if the defendant is in custody, a copy of the police incident report is attached to the complaint to provide the factual allegations necessary in such cases, since there are no probable cause hearings in misdemeanor cases.

✓ 12.60 Citizen Complaints: Citizens complaint emanates from three sources: mail, letter or visit to office. Assistant Chief District Attorney _____ is the person to whom all telephone and mail complaints are referred. He estimates that there are approximately 1500 such complaints a year. He further advises that, at the rate of approximately 5 a week, an informal hearing is held to discuss the subject matter of complaints received by the District Attorney's Office. At that time the complainant appears as does the person against whom the complaint is made, the latter having been notified to appear by means of an "informal citation" which may be equated with a request to appear. He advises that a report of such complaint and hearing is made .

✓ A program is presently being formulated calling for the arbitration of citizen complaints in cooperation with the American Arbitration Association. If the pilot program is successful it is anticipated that a grant application will be made to LEAA for the funding thereof.

✓ In addition to mail and telephone complaints, as indicated above, a number of persons make complaints personally and directly to the District Attorney's Office. In this regard they speak to an investigator who is assigned, by rotation out of the investigator staff, to a complaint desk in the reception area in the District Attorney's Office.

✓ Little or no statistical records appear to be kept of citizen complaints nor does there appear to be any formalized procedure for the handling thereof.

✓ Consideration should be given to formalizing a citizen complaint procedure with proper reporting and statistical recording thereof. Furthermore it appears a serious waste of the time and talent of the Assistant Chief District Attorney to require that telephone and mail citizen complaints be routinely routed to, and handled by him. (and 9 23)

✓ 12.70 Alternative to Prosecution Programs: At the present time there appears to be only one official diversion program established under the law. This is pursuant to Penal Law, _____ relating to narcotic first offenders charged with either misdemeanor or felony possession of narcotics. If accurately explained this program is of very little value and primarily consists of the exhibition of motion pictures dealing with the dangers of drug addiction.

✓ There is also an unofficial diversion program for persons charged under Penal Law _____ relating to driving while intoxicated. This program, called "lucky deuce" is an alcohol rehabilitation program wherein three private

referral agencies receive offenders referred to them by Municipal Court judges. This program is very new and is of an ^{un-}official nature in this County. Charges against persons placed into such diversion programs are "continued" pending the successful completion of the program.

✓ It should be noted that both of the aforesaid alternatives to prosecution are based solely upon a determination made either by statute or by the court, and not by the prosecutor. Prosecutorial discretion should also be exercised in the decision to divert. Consideration should be given to establishing additional diversion programs in conjunction with social welfare agencies, child welfare agencies and drug and alcohol rehabilitation programs. The cooperation of the probation department should be sought with respect to providing unofficial probation supervision to appropriate defendants as a diversion method, and court employment projects and other diversion techniques should be examined into the employed. 35)

13.00 LOWER COURT OPERATIONS:

✓ As stated above it becomes necessary to discuss the lower court operations to a limited extent as they reflect upon intake and screening, and also as they impact upon the higher court operations by virtue of the preliminary hearings held therein.

✓ 13.20 Initial Arraignments : Arraignments are held on both misdemeanor and felony complaints in the Municipal Court. Departments 10 and 15 of the Municipal Court are designated for misdemeanor arraignments. Departments 9, 11, 12 and 19 of the Municipal Court are designated for the arraignment of felony complaints and for the holding of preliminary hearings in felony cases.

It should be noted that, notwithstanding the fact that under the new felony team concept, it is proposed that a felony team member examine into and "re-book" (i.e. draw the complaint) in felony cases, should said re-booking assistant be unavailable because he is involved in a preliminary hearing or trial, or other aspect of a case previously assigned to him, another team member or, if one is not available, Assistant Chief District Attorney, _____ or his deputy, _____; does the re-booking. This also evidences a possible breakdown in the vertical representation system sought to be achieved by this new felony team concept.

✓ 13.30 Probable Cause Hearings: At the present time the felony team member to whom a case is assigned, if available, handles the preliminary hearing; if he is not available another member of his team or an assistant district attorney assigned to the preliminary hearing department handles the preliminary hearing. Prior to that hearing the assigned attorney, (or the substitute member of his team) prepares a "notice of preliminary hearing" (form number 207-C), This form, addressed to the inspector to whom the case is assigned indicates, among other things, the department to which the case is assigned for preliminary hearing and the date and time thereof, and advises the inspector to have the witnesses report to the District Attorney's Office one hour before the time of said hearing. The form further provides a check list for the attorney to indicate various evidentiary items, or other information, required for the preliminary hearing. The attorney also prepares, and attaches to said notice, subpoenas for civilian witnesses and a subpoena form for police witnesses required for the preliminary hearing. This form together with the subpoenas is left at a central location to be picked up by the police department for ultimate transmittal to the appropriate police inspector.

If the defendant is held to answer for felony charges after a preliminary hearing, a felony information must be filed within 15 calendar days of that holding. The original court papers, including the holding order of the Municipal Court judge is transmitted to the clerk's office of the Superior Court Bureau of the District Attorney's Office. In addition, the Assistant District Attorney handling the preliminary hearing also forwards to that clerk's office his papers concerning the matter with his own notation thereon of the Municipal Court's judge's holding. Since the official document is the original holding order of the Municipal Court judge, this instrument becomes the prime source of information from which the felony information is prepared. Once received in the Superior Court Bureau Clerk's Office, the holding order is examined by _____ who, lightly in pencil, makes hand written notations thereon indicating the counts to be drawn, and the papers are thereafter transmitted to typists for preparation of the felony information. The typists use charge allegations previously formulated and kept by them for specific counts of the information. It should be noted that since the publication of the " _____ Uniform Crime Charging Standards" developed by the _____ District Attorneys' Association there have been changes in these standardized charge allegations which necessitate the correcting or re-drawing of some of the counts for felony informations.

Once the Superior Court information is typed it, together with the holding order and the District Attorney's file, is delivered to Assistant Chief District Attorney _____ who reviews the file and examines the proposed information in order to determine that it accurately sets forth the counts which may properly be charged. He makes any corrections or additions which he deems necessary or appropriate and further staples notations

onto the file with respect to dispositional and other recommendations.

It should be noted that Mr. _____ in reality acts as the Chief of the Superior Court Bureau and that notwithstanding the formation of the specialty felony teams all prosecutors informations are presently reviewed by him before filing. In practice it is only after he is satisfied with the proposed felony information and he affixed his signature to same that the information is filed.

Notwithstanding the enunciated policy of the District Attorney that he will not permit plea bargaining in felony cases, there are a number of devices which can be and are employed both prior to the preliminary hearing, as well as after the preliminary hearing but before the filing of the felony information, by which charges can be reduced or increased. Notwithstanding the holding order after the preliminary hearing, felony information charges can be further increased or reduced provided however that the charges as set forth in the felony information can be sustained from the facts adduced at the preliminary hearing.

✓ 12.80 Case File: No pre-printed case jacket or case folder is presently used for the District Attorney's file. A blank case folder is presently utilized. Notations are made on the folder in handwriting and are placed in certain positions on the folder where, according to long standing practice their purpose or meaning can be recognized. Information is placed on the folder by Mr. _____ indicating items such as the date of the preliminary hearing and the name of the attorney and inspector assigned to the case and other pertinent data. He also staples to the files other instructions with regard to evidentiary items or documentation needed such as certified copies of prior records of conviction and as stated above, recommendations with respect to the possible plea and sentence recommendations which might be taken at the pre-trial conference.

✓ In this regard the use of a pre-printed case jacket should seriously be considered. It would have both operational and management value. The model case jacket developed by the NDAA together with the instructions manual prepared therefor should be considered for adaptation to requirements of the _____ District Attorney's Office. The check list provided thereon, and the area for confidential instructions and notations under the flap of the model case jacket could significantly be employed. The use of a pre-printed case jacket would remove any future questions as to the meaning or identity of the various handwritten notations presently placed on the blank case jacket as it progresses through the system and, further would obviate the necessity of continually stapling notations onto the file.

14.00 GRAND JURY

✓ The law in the State of _____, permits the prosecution of felony cases by either felony information after preliminary hearing or by Grand Jury indictment. Although he has the authority to proceed through the Grand Jury, the District Attorney has not established a grand jury procedure, does not have any specific assistants assigned to the presentation of cases to the Grand Jury and has not utilized the Grand Jury to date. The preceding administration did utilize the Grand Jury in limited cases, primarily in matters such as homicides. The District Attorney claims that he does not have the personnel to staff a Grand Jury and, furthermore, that under the present state of California law there is serious question as to whether or not a grand jury may vote an indictment unless it receives evidence of the possible defense claims as well. It is the District Attorney's contention that this legal question creates numerous problems making use of the grand jury impractical.

✓ Neither is the Grand Jury utilized for investigative purposes.

While the District Attorney himself has no subpoena power, the grand jury may subpoena witnesses before it and conduct investigations under the District Attorney's direction.

✓ In the present state of affairs the District Attorney's Office exercises a "passive" role in the administration of criminal justice in that it merely prosecutes cases in the main received from police arrests, but does not actively initiate investigations into possible areas of criminal activity. Consideration should seriously be given to changing the role of the District Attorney from a "passive" one to an "active" one and to utilize the Grand Jury not only for the initiation of inquiries into suspected criminal activity but also to hear evidence in cases where arrests have been made involving serious matters such as homicides, cases involving undercover police officers or informants whose identities should be protected and sensitive cases involving sexual assault and young children.

15.00 HIGHER COURT OPERATIONS

15.10 Arraignment

15.20 Pre-Trial Conferences and Discovery

15.30 Plea Bargaining Procedures

15.60 Motions

✓ A Superior Court information must be filed within 15 days after the defendant is held to answer as a result of a preliminary hearing. Under present practices the Municipal Court judge wherein the preliminary court hearing was held will set an arraignment date in the Superior Court within 21 days after the hearing.

/This arraignment is held in Department 22, the Master Calendar Department of the Superior Court. At the time of arraignment bail may be modified and counsel, if not previously assigned, appointed or retained is provided. A pre-trial conference date is set at that time for approximately 3 weeks after the arraignment and a trial date is set for approximately one week thereafter. All motions are required to be made before the date set for pre-trial conference.

✓ Assistant District Attorney: [redacted] together with Assistant District Attorney: [redacted] are assigned to the Master Calendar Department of the Superior Court. Ms. [redacted] is in charge of the master calendar operations. Prior to arraignment she reviews the prosecutor's file and the felony information to see that all is in order and, furthermore, that the instructions previously given by Mr. [redacted] have been complied with. She also acts as a check on Mr. [redacted] with respect to his evaluation of the case and will confer with him if she has any disagreement or otherwise believes it is necessary. Should any amendment of the information be required this will be done in the Master Calendar Department.

✓ The Master Calendar Department has a daily arraignment and motion calendar as well as a daily pre-trial conference and sentence calendar. The master trial calendar is called each Monday of each week. 2

✓ Motions customarily made in that department include motions for discovery, motions for suppression of physical evidence under the Penal Code [redacted], and motions under Penal Code [redacted] addressed to the legal sufficiency of the information. If an information is dismissed for legal insufficiency the District Attorney can start prosecution denovo at the Municipal Court level. 1

✓ Motions under Penal Code _____ remain and are decided upon in the Master Calendar Department. ✓ Motions under Penal Code _____ are referred to trial departments for hearings. It should be noted that there are no pre-trial motions relating to voluntariness of confession or identification and that these two issues are treated as trial motions and determined during trial.

✓ Under the new felony team concept the attorney to whom the case is assigned, if not on trial or otherwise engaged, is expected to handle his own pre-trial conference. However, in many instances this is not possible as a result of which the attorneys assigned to the Master Calendar Department handle the pre-trial conference. 2

✓ As many as 40 to 50 per cent of the felony informations are disposed of by plea at the pre-trial conference. Very often witnesses who are placed on a "stand-by" subpoena at the time of the pre-trial conference are not advised of such subsequent disposition and will unnecessarily show up in court. 27

✓ As indicated above discovery motions may be made in the Master Calendar Department of the Superior Court. In most cases this is the second time a discovery motion is made since, in almost all cases, a discovery motion has previously been made in the Municipal Court prior to preliminary hearing. The discovery obtainable under _____ law is very broad. Depending upon the attitude of the assistant district attorney handling the matter as well as considering the adversary with whom he is dealing, discovery may be done either informally or formally on motion papers. I was present and observed one such informal discovery conference between the trial attorney and the defendant's attorney at the preliminary hearing stage of the proceeding.

✓ Various police and other reports were furnished to defense counsel who could make copies of them if he wished and upon completion of the conference the defendant's attorney executed a form 020-C "Acknowledgment of Discovery" wherein he certified that he inspected the various reports and evidence enumerated therein.

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negot.*
It should be noted that said conference also served as a basis for discussion of possible disposition through plea negotiations. As heretofore indicated the District Attorney has established a policy prohibiting the taking of reduced pleas in serious felony cases. Clearly the case load in the Superior Court, which approximates 250 pending cases, does not constitute such a backlog of cases necessitating plea bargaining for administrative purposes (solely to clear the calendars). The policy of the District Attorney to encourage realistic charging so as not to require plea bargaining is basically sound. It is submitted however, that on *occ.* occasions, notwithstanding the fact that the original charges are proper, under certain circumstances plea to lesser charges might be appropriate and in the interest of justice. Such circumstances might include (a) the subsequent discovery of mitigating factors not otherwise known before, (b) factors effecting the availability or credibility of important prosecution witnesses, (c) the cooperation of the defendant within other investigations or against co-defendants, (d) infirmities in the case which develop subsequent to the original charging, (e) the character of the defendants, their age and prior criminal record, and others. Accordingly serious consideration should be given to the modification of the District Attorney's no plea bargaining policy so as to allow for contingencies such as herein above set forth. Adequate review procedures should be formalized and instituted to see that such policies are adhered to.

plea negot

15.32 Written Substantive Guidelines: At present there are no written substantive guidelines with respect to plea negotiations or for other pre-trial proceedings. It is suggested that the formulation of guidelines would be helpful to members of the staff, to the court and to the bar at large in promoting uniformity and even-handedness in both practice and procedures.

cc ✓ 15.33 Review Procedures: In addition to the review of the felony information which occurs before arraignment in the Master Calendar Department as outlined above, procedures have been established requiring the trial assistant to prepare and file a memorandum with regard to any disposition which results in a reduction or dismissal of charges. This memorandum is forwarded to Mr. [] for review and thereafter to the Chief Assistant District Attorney and District Attorney. Additionally Mr. [] regularly reviews sentences imposed as they are reflected on the daily sentence calendar.

✓ 15.50 Witness Control: As previously indicated, prior to the preliminary hearing held in the Municipal Court a form 207-C ("notice of preliminary hearing") is forwarded to the police inspector together with subpoenas for necessary witnesses. That form also requests the inspector to notify other named witnesses whose names may not have been included in the police incident report. There appears to be some question as to what the inspectors actually do with these subpoenas and whether or not personal service is actually made in every instance. There is some suspicion that notifications are often made by telephone. As is also indicated above witnesses are also notified by subpoena marked "stand-by subpoena" at the time the case appears on the pre-trial conference calendar. In examining into the procedures relative to the notification of police and civilian witnesses it appears that in many instances witnesses are not adequately notified, are not notified of changes in circumstances obviating or postponing their appearance or that the case has been disposed of. Consideration should be given to the establishing of a Victim-Witness

program. In this regard additional information may be obtained through NDAA Victim-Witness project; furthermore such program may qualify for LEAA funding.

Superior Ct. 15.70 Trials: If a felony case has not been disposed of at the pre-trial conference in the Master Calendar Department it is calendared for trial approximately one week thereafter. At the time the case appears on the trial calendar plea discussions may again be had and if the case is not disposed of by plea the matter will proceed to trial.

✓ 15.71 Trial Preparation: In theory under the new felony team concept the case has been assigned to a trial attorney member of the felony team since re-booking. Accordingly he should have had ample opportunity to prepare the case for trial. In actuality however, if not previously assigned to a felony team trial attorney, the case is assigned to a trial attorney at the time of the filing of the felony information and the arraignment in the Superior Court. Since the case will not appear on the trial calendar for approximately 4 weeks from the date of arraignment there is approximately one month's time in which the assigned trial assistant may prepare for trial.

✓ 15.72 Investigative Support: Little investigative support is obtained from the approximately 10 investigators assigned for criminal matters in the District Attorney's Office. In the main, investigative support must be obtained from the _____ Police Department or other police agency involved in the arrest. There are, in the opinion of persons spoken to, serious shortcomings in the quality and availability of police investigative support. The police laboratory and other forensic services are available to the prosecutor. However, police inspectors are not customarily assigned

to the prosecutor's office for the purpose of trial preparation and must conduct whatever pre-trial investigation is assigned to them in addition to their other regularly assigned duties. There is a serious need for the employment and utilization of investigators by the District Attorney as part of his staff for the purpose of trial preparation as well to initiate investigations not being done or within the capability of the police department. The District Attorney should not be placed in a position where he must rely solely upon the police investigation capabilities in order to properly function.

C. R. Davis ✓ 15.80 Backlog: Except for a special group of election fraud cases, which will be discussed hereafter, there appears to be no real backlog of felony cases awaiting trial. Accordingly to a schedule presented to us there are approximately 250 cases awaiting trial. There are 10 trial departments in the Superior Court and, except for approximately 15 older cases resulting from the fact that bench warrants had previously been issued for the defendants or there has been some other similar explainable delay, all of the remaining cases appear to be no older than 4 months from the date of filing of the felony information.

II ✓ 15.90 Appeals: The District Attorney does not handle appeals from orders or convictions in the Superior Court. These appeals are handled by the Attorney General of the State of _____? It should be noted however that the District Attorney does handle appeals from orders and convictions emanating from the Municipal Court, and that these appeals are heard in the Superior Court.

Case Docket

15.40 Docket Management and Continuances: As previously noted, a Master Calendar Department of the Superior Court manages the flow of cases into the approximately 10 Superior Court trial departments. This master calendar procedure has been in existence for the past 5 years. Prior to that each department had its own trial calendar. It is claimed that the master calendar procedure has effectively reduced the backlog from approximately 750 felony cases awaiting trial to the 250 cases hereinabove referred to. Accordingly no change is recommended with regard to the master calendar method of docket management in the Superior Court.

15.73 The Operations of Special Teams: In addition to the specialty felony teams hereinabove mentioned the District Attorney proposes to establish specialty units relating to the areas of vice (which includes gambling and prostitution), terrorism, mental health, building inspection and elections and campaign law enforcement.

It should be noted that there have been practically no prosecutions for gambling in recent times since there are almost no arrests. Similarly we are advised that prostitution is given a low priority for prosecution, and that out of approximately 10 arrests a day for prostitution about 7 are dismissed for insufficiency.

The problems of terrorism and radical terrorist groups is of particular significance in _____ At present there is no staff available for investigation into such areas, although funds for same are being sought for the next fiscal year.

In the category designated mental health it should be noted that the District Attorney is mandated by statute to be the party plaintiff in actions for the civil commitment of incompetents. At the present time one investigator is assigned to these proceedings; however, because of increased

requests for jury trials on the issue of competency the District Attorney's involvement has increased.

The District Attorney is similarly mandated to act with respect to elections and campaign law enforcement. In these matters he has concurrent jurisdiction with the State's Attorney General. At the present time, as a result of a special situation which occurred prior to the last general election there are hundreds of felony cases awaiting prosecution for election frauds relating to illegal voting by non-residents. The District Attorney has absolutely no capacity to handle this volume of cases.

Consideration should be given to the establishment of a task force approach to this problem in cooperation with the Attorney General to seek grant funds so as to establish an additional temporary department in the Superior Court in which these cases can be handled and the judicial personnel necessary therefor. The proposal should also include funds to provide for the employment of additional Assistant District Attorneys, investigators and other support staff until this situation is alleviated. This approach has been successfully utilized in other jurisdictions where because of special circumstances (as for example the imposition of stringent speedy trial rules) large backlogs of cases had to be disposed of. In these situations LEAA funds were obtainable for the establishment of additional trial departments and to provide the judicial, prosecutorial and also defense resources necessary to implement crash programs.

FAMILY SUPPORT BUREAU

✓ As of April 1, 1976, the District Attorney will assume full responsibility for family support enforcement. At present this is assumed by several agencies in addition to the District Attorney. Funding has been

obtained to greatly enlarge the District Attorney's capacity to handle these proceedings under the " IV-D program" in which 75 per cent Federal funding is obtained. Furthermore, additional sums of money are obtainable from the Federal Government, in the form of an incentive bonus based upon the percentage of support monies collected.

The size of the District Attorney staff formerly assigned to family support was limited to 6 persons, consisting of 1 lawyer, 4 investigators and 1 secretary. Under the new program the staff will be increased to 127 persons including 5 lawyers, 50 investigators and 71 support staff. Furthermore, the Family Support Unit will be moving to other quarters outside of the Hall of Justice.

Inasmuch as the procedures previously established with respect to Family Support have been abandoned, and such services are presently being performed on an interim basis, with an interim staff, until the new program is finalized and implemented, an evaluation of the current or former program would be of little value at this time. The Chief of the newly to be created Family Support Bureau, _____, has been recruited but has not yet joined the staff. In the meantime _____ has involved himself in the administrative details relative to the new program assisted by _____ who is presently acting as the Assistant Director of the Family Support Bureau.

Similarly, inasmuch as the new Family Support Unit has not been formalized in any definitive way, and has neither recruited all of its personnel not become operative it would be meaningless to attempt any evaluation of the proposed new program at this time. It is recommended however that after the new unit has been finalized, plans formulated, and it has become operative, an evaluation thereof be performed. In this regard assistance may be obtained from the N.D.A.A. Project on Child Support.

RECOMMENDATIONS

✓ Based upon my observations and evaluation during the course of my visit to the Office of the District Attorney in _____ as is more specifically set forth in my report above, the following recommendations are made:

Assignment ✓ 1. Modify the newly instituted felony specialty teams charged with the responsibility of prosecution in the eight named crime categories so as to provide for felony specialty teams in only three categories: (a) Homicide, (b) Sex Offenses and (c) Narcotics. As will be more fully discussed in the recommendations relating to the creation of a unit for intake, screening and charging, the three felony teams aforementioned will have input ability, and provide vertical representation (continuity of attorney), in those three categories of felony cases at all stages of prosecution including intake, screening and charging, preliminary hearing, drawing of the charging documents, Superior Court arraignment, pre-trial conference, motions and trial. Furthermore the assignment of the felony team assistant in these three categories to undertake the preliminary hearing (or Grand Jury, if utilized) will relieve some of the burdens presently placed on the preliminary hearing attorneys regularly assigned to the Municipal Court.

✓ 2. Establish a General Felony trial unit within the Superior Court Bureau, wherein trial attorneys shall be responsible for the preparation and trial of all other categories of felony cases from the time of arraignment in the Master Calendar Department through pre-trial conference and trial, if not otherwise disposed of.

✓ 3. With the present assignment of approximately 28 attorneys to the eight felony teams it will be possible to staff the three specialty units and the general felony bureau as follows and leave four additional attorneys available for intake, screening and charging:

Homicide Unit: 5 attorneys

Sex Crime Unit 3 attorneys

Narcotics Unit: 3 attorneys

General Felony trial Unit: 13 attorneys

✓ 4. Continue the present master calendar operation which has proven successful in calendar management and control.

✓ 5. Create a bureau calling for Intake, Screening and Charging at the earliest possible moment of contact with a case. Early case assessment and proper screening and charging can save countless manhours for police, prosecutors and the courts and prevent calendar congestion and delay. Establish procedures in cooperation with the police department providing for evaluation of a case based upon personal interviews with the witnesses, both civilian and police, in felony cases. Initial charging documents (complaints) should be prepared simultaneously therewith:

✓ (a) Experienced trial assistants should be assigned to this Bureau. Personnel is presently available by reason of the reduction of the number of specialty teams and the creation of the General Felony Trial Unit, since re-booking responsibility by the assistants assigned to the General Felony trial Unit will be eliminated.

✓ (b) The Intake, Screening and Charging Bureau should be staffed and in operation 7 days a week from at least 8.00 A.M. to 5.00 P.M. Consideration should further be given to creating a 24 hour intake, screening and charging operation utilizing LEAA funds if available.

✓ (c) In all felony arrests the arresting officer or other police officer with full knowledge of the case, together with all available civilian witnesses, should be brought to the Intake, Screening and Charging Bureau, at the District Attorney's Office in the Hall of Justice by the morning after the arrest at the very latest. Misdemeanor intake, charging and screening should also be conducted by this bureau but, because of manpower limitations would, except in the most unusual cases, be done on the basis of the police incident report and other documentation.

✓ (d) Establish procedures calling for the notification by the police department, to a "duty assistant" regularly assigned on a rotating basis in each of the three specialty units, when an arrest has taken place with which that unit would become concerned. This will afford the specialty unit team input into the intake, screening and charging operation either personally or by telephone. Notification should also be required in extraordinary circumstances where no arrest has taken place but when an incident has occurred which may ultimately result in an arrest for such crime so as to afford an opportunity for prosecutor input and legal advice even before arrest. "Duty Assistants" can be provided page call devices ("beepers") for contact during the evenings or weekends.

(e) All re-booking, reductions, discharges, dismissals or diversion decisions should be made at the Intake, Screening and Charging Bureau by members of that staff, with appropriate input by the specialty team members as to their respective areas of responsibility.

(f) Preparation of a detailed written synopsis and analysis of the case, should be required of the Intake, Screening and Charging Bureau attorney with recommendations for further investigation or action to be taken. In this regard consideration should be given to the utilization of a "police-prosecutor report", a model for which is available through and recommended by the National District Attorneys Association.

✓ (g) A citizen's complaint unit should be established within the Intake, Screening and Charging Bureau for the receipt of mail and telephone complaints as well as "walk in" complaints made to the District Attorney's Office. An attorney assigned to the bureau should be available to give advice and direction to such complaints, with appropriate reports to be prepared of all actions taken.

✓ (h) Establish alternatives to prosecution other than those presently available. Diversion programs can remove appropriate cases from the criminal justice system early in the event and provide adequate and proper justice in appropriate situations. Areas for diversion should be explored including referral to Social Welfare Agencies, Child Welfare Agencies, meaningful Drug and Alcohol Rehabilitation Programs, Probation Department for pre-charging supervision, court employment and vocational rehabilitation programs. Pending the successful completion of such programs cases can be "discharged", and can be re-instituted if necessary.

✓ (i) All charging documents, complaints, felony informations and indictments should be prepared at the Intake, Screening and Charging Bureau, to which should be assigned the requisite number of typists for that purpose. These documents should be verified, checked and approved for filing at that bureau. In cases involving felony arrests for homicide, sexual assault and narcotics, participation by the specialty unit members assigned to such cases should be required in the formulation of such documents.

✓ (j) The Intake, Screening and Charging Bureau should be under the supervision of a bureau chief and, if possible, a deputy bureau chief, and should require, on a seven day basis, the assignment of at least two attorneys, two typists, one clerk and one investigator daily.

✓ 6. Use of the Grand Jury in felony cases should be considered on a selective basis. Problems involving the disclosure of under-cover informants or investigators, homicide and sex cases as well as other cases involving unique situations may well warrant utilization of the Grand Jury. Furthermore, the use of the Grand Jury as an investigative resource, and for initiating investigations where no arrest has yet taken place is invaluable. There is a distinct need for the District Attorney to become actively involved in initiating criminal investigations and not to remain merely a "passive" receiver of the police work product.

✓ 7. The District Attorney should, in addition to actively initiating investigations through the Grand Jury, initiate in-house investigations of alleged or suspected criminal activity with his own investigative staff and/or with the police department and other law enforcement agencies.

8. Relieve attorneys of purely clerical or other ministerial duties which should be properly assigned to support staff. There is a severe shortage of support staff for clerical, stenographic and investigative functions.

✓ 9. Consider the establishment of a Victim-Witness program with an adequate witness and police officer alert system so as to avoid unnecessary inconvenience to witnesses with adequate notification and amenities so as to encourage cooperation and prompt attendance when needed. In this regard consideration should be given to the various victim-witness programs that are presently underway in the other prosecutors' offices throughout the United States, details of which may be obtained from the N.D.A.A. Victim-Witness Project. Consideration should be given to the possibility of obtaining grant funds for the formation of such a program within the office.

✓ 10. Until such time as a formal witness ~~system~~ alert system is established consider mailing subpoenas to witnesses in most cases, and using departmental notification for police witnesses instead of seeking personal service. In most instances mail service will be sufficient. If further proper service is required as a prerequisite to a motion to punish for contempt for failure to appear, personal service can be made in those few instances as required.

personally ✓ 11. Consider the establishment of an Election Frauds Task Force to handle the problem of the numerous election fraud cases resulting from last year's election. This should be considered in cooperation with the Attorney General and should seek LEAA funding for the purpose of providing necessary resources to establish Superior Court trial departments and provide judicial personnel, prosecution personnel and defense personnel as would be required to handle these cases on a "crash program" basis.

12. After the newly proposed Family Support Bureau has been finalized, and has commenced functioning, arrange for proper evaluation of its activities utilizing, if required, the resources of the National District Attorneys Association Child Support project.

Annexed to this report and made a part hereof is an organizational chart (representing the joint thinking of the members of the Technical Assistance Team) setting forth the various administrative and operational bureaus, and a chain of organization for the office. I have indicated thereon, in parenthesis at each applicable point the number of Assistant District Attorneys recommended for assignment to those units to which this report addresses itself. Although additional professional personnel is clearly required by the office, as well as a massive infusion of support staff, the indicated numbers represents personnel presently available in the District Attorney's Office and within the capacity of the existing staff for such assignment.

I am grateful for the opportunity to have been part of this Technical Assistance Project.

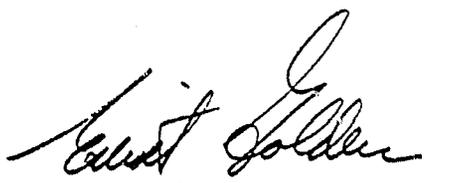
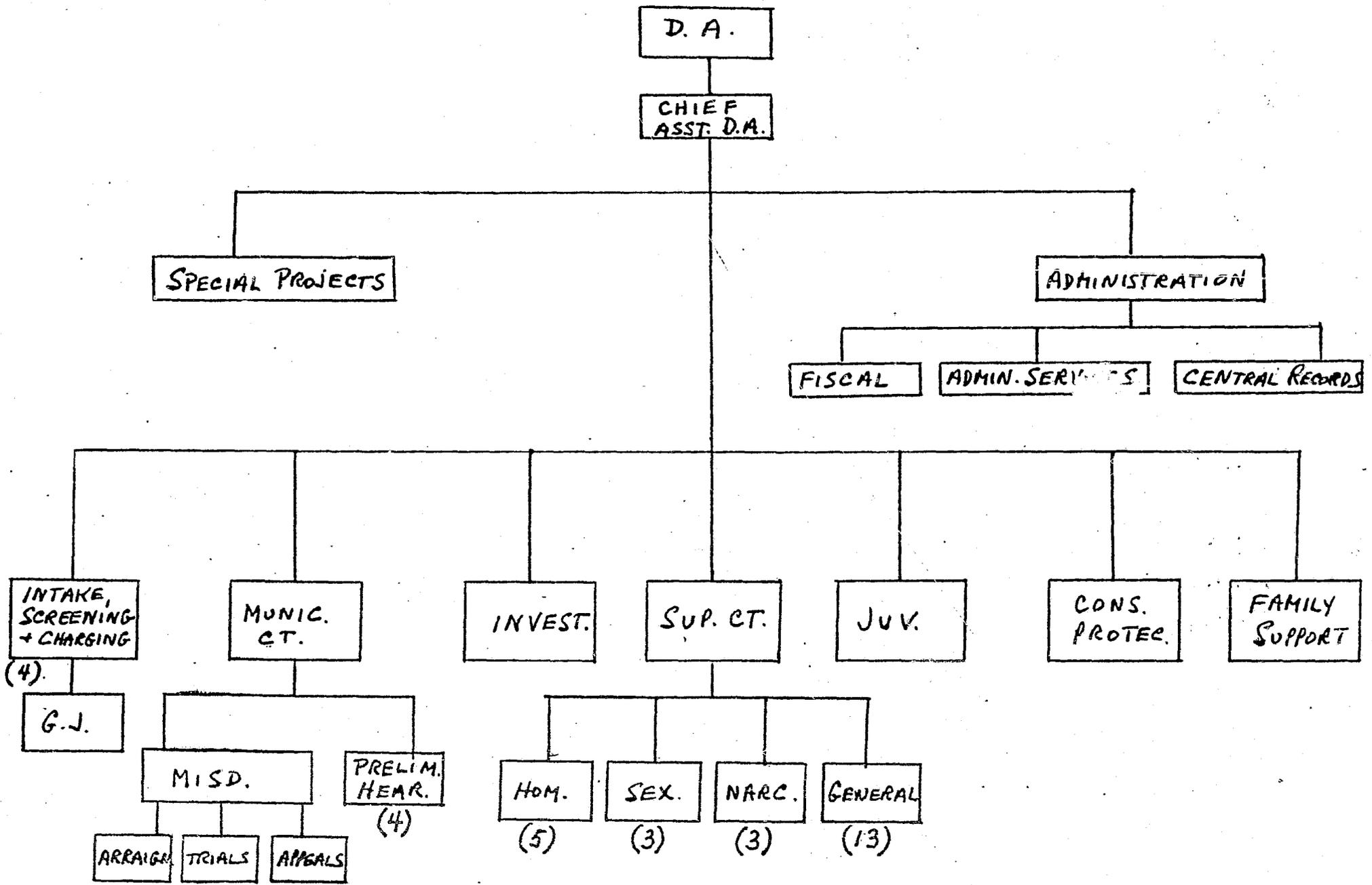

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TABLE OF ORGANIZATION



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