

NCJRS

U.S. DEPT. OF JUSTICE  
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE  
WASHINGTON, D.C. 20531

TECHNICAL ASSISTANCE REPORT  
ON THE  
OFFICE OF THE COMMONWEALTH'S ATTORNEY  
FOR THE  
30th JUDICIAL DISTRICT OF KENTUCKY  
MAY 5-7, 1976

NCJRS

MAR 8 1977

ACQUISITIONS

NATIONAL DISTRICT ATTORNEYS ASSOCIATION  
MANAGEMENT, EVALUATION AND CONTRACTS DIVISION  
211 EAST CHICAGO AVENUE, CHICAGO, ILLINOIS 60611

CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT  
INSTITUTE FOR ADVANCED STUDIES IN JUSTICE  
WASHINGTON COLLEGE OF LAW  
THE AMERICAN UNIVERSITY  
WASHINGTON, D.C.

This study was performed in accordance with the terms of  
Law Enforcement Assistance Administration Contract Number  
J-LEAA-013-76.

The views expressed in this report are not necessarily  
those of the Law Enforcement Assistance Administration.

## Table of Contents

I.	INTRODUCTION . . . . .	1
II.	JURISDICTION AND SYSTEM OVERVIEW . . . . .	4
III.	BACKGROUND TO FINDINGS AND RECOMMENDATIONS . . . . .	8
IV.	OPERATIONS . . . . .	10
	A. INTAKE . . . . .	11
	B. SCREENING . . . . .	13
	C. ASSIGNMENT OF CASES . . . . .	15
	D. TRIAL PREPARATION . . . . .	16
	E. PLEA NEGOTIATION . . . . .	17
	F. DISCOVERY . . . . .	19
	G. INVESTIGATORS . . . . .	20
	H. CASE SCHEDULING . . . . .	22
	I. INTERAGENCY RELATIONS: POLICE . . . . .	26
V.	ADMINISTRATION . . . . .	31
	A. LINE OF AUTHORITY . . . . .	32
	B. OFFICE MANUAL . . . . .	39
	C. SECRETARIAL STAFF . . . . .	46
	D. PAPER FLOW . . . . .	50
	E. FILES . . . . .	54
	F. STATISTICS . . . . .	61
	G. CASE INVENTORY . . . . .	72
	H. EQUIPMENT . . . . .	75
	I. PHYSICAL FACILITIES . . . . .	77
VI.	DEVELOPMENT . . . . .	91
	A. ROLE OF THE COMMONWEALTH'S ATTORNEY . . . . .	92
	B. MASTERPLAN . . . . .	95
	C. NEW PROGRAMS . . . . .	97
	D. GROWTH AND RESTRUCTURE . . . . .	99
	E. TRAINING . . . . .	101
	F. SPACE DEVELOPMENT . . . . .	102
	G. PROGRESS REPORT . . . . .	103
VII.	CONCLUSION . . . . .	106

# SUMMARY OF RECOMMENDATIONS

<u>Recommendations</u>	<u>Page</u>
- / ESTABLISH TARGET DATE FOR PRESENTING CASES TO GRAND JURY	13
- / HAVE CASES REVIEWED BY AN ATTORNEY WITH TRIAL EXPERIENCE	13
- / ARRANGE TO HAVE COMMONWEALTH'S ATTORNEY HANDLE CERTAIN PRELIMINARY HEARINGS	13
- / TAKE STEPS TO INSURE THAT THE THREE TRIAL TEAMS HAVE SUBSTANTIALLY EQUAL WORK LOADS	15
- / CREATE COMPLETE CASE FILE AT EARLIEST POSSIBLE POINT	16
- / DEVELOP, COMMIT TO WRITING, AND DISSEMINATE TO ALL TRIAL ATTORNEYS A UNIFORM PLEA NEGOTIATION POLICY	17
- / CONSIDER A PLEA NEGOTIATION CUTOFF DATE WHICH IS TIED INTO THE RETURN BY THE GRAND JURY	18
- / IMPLEMENT A SMOOTHER PROCEDURE FOR RESPONDING TO DISCOVERY MOTIONS	19
- / DESIGNATE ONE INDIVIDUAL TO BE CHIEF OF THE INVESTIGATIVE UNIT	20
- / ASSIGN AT LEAST ONE SECRETARY TO THE INVESTIGATIVE UNIT	21
- / DETERMINE THE KIND OF WORK WANTED FROM THE INVESTIGATIVE UNIT	21
- / ESTABLISH A COMPREHENSIVE TRAINING PROGRAM FOR INVESTIGATORS	21
- / REVIEW CASES, BEGINNING WITH OLDEST AND WORKING UP TO MOST RECENT	23
- / VIGOROUSLY RESIST ALL CONTINUANCES	24
- / ESTABLISH A TRAILING SYSTEM	24
- / DESIGN AND IMPLEMENT A UNIFORM POLICE REPORT	26

<u>Recommendations</u> (Cont'd)	<u>Page</u>
- COMPLETE AND FURNISH A UNIFORM RAP SHEET TO THE OFFICE	27
- PARTICIPATE IN TRAINING POLICE	27
- CREATE A LIAISON BETWEEN OFFICE AND MAJOR POLICE AGENCIES	27-28
- DRAW A FORMAL ORGANIZATIONAL CHART	33-34
- CONSIDER APPOINTING AN INDIVIDUAL TO FUNCTION AS OFFICE MANAGER	34-35
- DESIGNATE A CHIEF FOR EACH TEAM AND OPERATIONAL UNIT IN THE OFFICE	35
- DELEGATE AUTHORITY TO ATTORNEYS AND OTHER STAFF PEOPLE	36
- DELEGATE PEOPLE TO THOSE POSITIONS WHERE THEY CAN MAKE THE GREATEST CONTRIBUTION TO THE OFFICE	37
- DESIGN A MEANINGFUL OFFICE MANUAL	39-45
- INSURE THAT SECRETARIAL STAFF UNDERSTAND THE OVERALL OBJECTIVES OF THE OFFICE	47
- DRAW UP JOB DESCRIPTION FOR EACH OF THE SECRETARIAL POSITIONS	48
- CROSS-TRAIN SECRETARIES SO THAT EACH CAN DO THE JOB OF THE OTHERS	48-49
- REVIEW SECRETARIAL WORK LOAD AND ADEQUACY OF STAFF TO MEET IT	49
- ENSURE THAT SECRETARIES UNDERSTAND AND RESPECT OFFICE POLICIES AND PROCEDURES	49
- STANDARDIZE PAPERWORK COMING INTO THE OFFICE	52
- FILE ALL FILE FOLDERS IN CENTRAL FILEROOM BY CASE NUMBER	55
- CREATE A UNIFORM C.A.'S FILE NUMBERING SYSTEM TO INCLUDE ALL CASES	56
- REMODEL INDEX CARD SYSTEM	56-57
- TURN OVER RESPONSIBILITY FOR RAP SHEET INFORMATION TO THE VARIOUS POLICE AGENCIES	57
- DO AWAY WITH ALPHABETICAL BINDERS OF CASE SLIPS	57
- FILE CLOSED CASES BY NUMBER	58

<u>Recommendations</u> (Cont'd)	<u>Page</u>
- CLARIFY MAIN RESPONSIBILITIES OF THE FILE CLERK	58-59
- CONSIDER A SECOND FILE CLERK TO WORK IN CENTRAL FILES	59
- IMPLEMENT A MEANINGFUL, COMPREHENSIVE STATISTICS GATHERING PROGRAM	61-63
- DO A MONTHLY CASE INVENTORY OF ALL CASES ON THE DOCKETS	72
- DETERMINE THE MANNER IN WHICH EQUIPMENT RESOURCES CAN BE USED MOST EFFECTIVELY	75-76
- PROVIDE LARGER OFFICES FOR SENIOR ATTORNEYS WHERE POSSIBLE	88
- PROVIDE FOR LIBRARY/CONFERENCE ROOM	88-89
- ASSIGN USE TO THE THIRD FLOOR GRAND JURY SPACE	89
- CONTINUE TO USE SPACE IN THE LEGAL ARTS BUILDING	89-90
- UNDERTAKE A STUDY OF THE PRINCIPLES OF MANAGEMENT	92
- CONSIDER FUNCTIONING AS A CJS SPOKESMAN	93
- INCLUDE MEDIA IN ON PLANS FOR OFFICE	94
- COMPOSE A MASTERPLAN FOR THE ENTIRE OFFICE	95
- MAINTAIN A HIGH PRIORITY ON DEVELOPING NEW PROGRAMS IN THE OFFICE	97
- ACCOMMODATE AND PREPARE WITNESSES THOROUGHLY	97
- UTILIZE LEGAL INTERNS FROM LOCAL LAW SCHOOLS	98
- HAVE OFFICE CONDUCT ITS OWN TECHNICAL ASSISTANCE	98
- RESTRUCTURE OFFICE	99
- RELIEVE FIRST ASSISTANT OF FILE DUTIES AND RESPONSIBILITY FOR ONE TRIAL SESSION	99
- REORGANIZE EACH TRIAL DIVISION	99
- MOVE ASSISTANTS TO THE QUARTERLY & POLICE COURTS	100
- ASSIGN TWO LEGAL INTERNS TO EACH TRIAL DIVISION	100
- ESTABLISH AN IN-HOUSE TRAINING PROGRAM FOR STAFF	101
- DEVOTE MANAGEMENT PLANNING TIME TO DEVELOPMENT AND USE OF SPACE	102

## I. INTRODUCTION

In response to a request from David L. Armstrong, Commonwealth's Attorney of the 30th Judicial District of Kentucky, a Technical Assistance team visited his office in Louisville May 5-7, 1976. A second visit was made to his jurisdiction on August 27-28, 1976.

The Technical Assistance team consisted of the following individuals:

Carvel R. Harward, Team Leader  
Management, Evaluation and Contracts Division  
National District Attorneys Association  
Chicago, IL

Michael A. Bignell, Consultant  
ARIBA, AIA, Architect  
3034 M. Street, NW  
Washington, DC

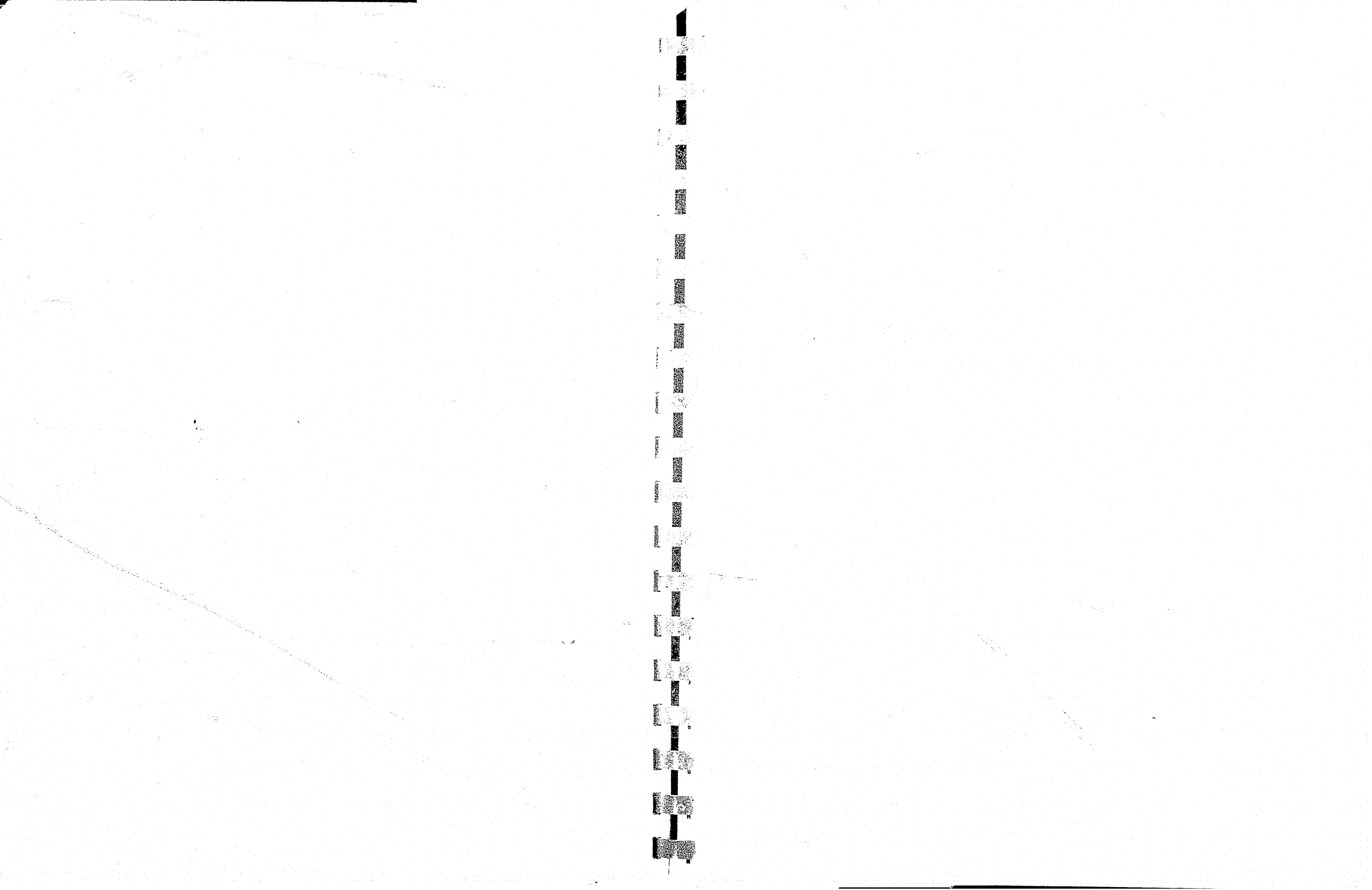
Andrew L. Sonner, Consultant  
State's Attorney for Montgomery County  
Rockville, MD

Preston A. Trimble, Consultant  
District Attorney - 21st District  
Norman, OK

William F. Wessel, Consultant  
First Assistant District Attorney  
New Orleans, LA

NOTES

NDA





Project at American University, Washington, DC. The purpose of the consultation was to provide detailed recommendations for use of space provided under the planned relocation of the Commonwealth's Attorney's office into new offices in the new Hall of Justice facility, and to review whether or not other space should be retained elsewhere for the Department.

The National District Attorneys Association is available to assist the Commonwealth's Attorney in implementing any of the recommendations set forth in this report. The Association also welcomes any request for other assistance it may provide.

NOTES

## II. JURISDICTION AND SYSTEM OVERVIEW

The 30th Judicial District comprises Jefferson County. The County seat and largest city is Louisville. In 1970 the population of Jefferson County was approximately 700,000. It is anticipated that the population will increase by 80 to 90 thousand by 1980. Less than half of the County population resides in Louisville. In recent years, the suburban area has increased in population while the center city has decreased.

Police. The largest police agencies in the County are the Louisville Police Division and the Jefferson County Police Department. The Louisville Police Division is part of the Department of Public Safety, which has major responsibility for planning and administering police, fire, and vehicle impoundment activities. The Department of Public Safety also acts as liaison between the Regional Criminal Justice Commission, the Jefferson County Police Department, and the state Department of Justice. In addition to these agencies, there are some 75 other police agencies in Jefferson County.

NOTES:

Courts. The County Court includes four divisions: Quarterly, Juvenile, Probate, and Special District. The Quarterly Court has jurisdiction in criminal cases where the fine does not exceed \$500 or the jail sentence does not exceed one year. It also has jurisdiction to conduct preliminary hearings in all felony matters committed outside Louisville city limits. The Juvenile Court hears cases involving abused, neglected, dependent, or delinquent children under 18 years of age. This court has county-wide jurisdiction.

The Louisville Police Court has exclusive jurisdiction over all violations of city ordinances. It has concurrent jurisdiction with the Circuit Court over misdemeanors committed within city limits where the possible fine is less than \$500 or the possible jail sentence is less than one year. The court also has jurisdiction to conduct preliminary hearings in felony matters within the Louisville city limits.

The Circuit Court is divided into three branches: Chancery, Common Pleas, and Criminal. In criminal misdemeanors cases, the Circuit Court has concurrent jurisdiction

NOTES

with the Quarterly Court, the Police Court, and the Magistrate's Court. The Circuit Court has exclusive jurisdiction in all felony matters in the County as well as misdemeanor matters where the fine exceed \$500 or the imprisonment exceeds one year. The criminal branch is divided into three divisions, with criminal cases assigned sequentially to each. The Circuit Court also has an appellate jurisdiction de novo from Quarterly and City Courts.

Public Defender. There is a local public defender's office which is state chartered and administered by a board composed of bar association representatives. The director of the office is appointed by the fiscal court, the administrative body of the county. He has a staff of approximately 15 attorneys. The public defender has jurisdiction in all Louisville City and Jefferson County courts, providing legal counsel for indigents charged with offenses which may result in loss of liberty or fine of over \$500.

Commonwealth's Attorney. The Commonwealth's Attorney of the 30th Judicial District is David L. Armstrong. He took office in January of 1976. Prior to that date he was engaged in private law practice.

NOTES.

He has also had experience as a local court prosecutor and a juvenile judge. His staff consists of fifteen attorneys, six investigators, six secretarial-clerical personnel, and one law clerk.

The Commonwealth's Attorney is responsible for prosecuting felony cases which have been processed through the lower courts and held for Grand Jury presentation. Both presentation of cases to the Grand Jury and prosecution of persons indicted by the Grand Jury are conducted by the Commonwealth's Attorney's staff.

In Louisville there is a police court prosecutor and several part-time prosecutors who prosecute cases in the Louisville police court. In the County there is a County Attorney's office which, among other things, prosecutes criminal matters in the County Court. None of these prosecutors are affiliated with the Commonwealth's Attorney's office.

NOTES

NDAA

### III. BACKGROUND TO FINDINGS AND RECOMMENDATIONS

The findings and recommendations in this report are based upon the management approach of the National District Attorneys Association. To facilitate the evaluation, the functions of the Commonwealth's Attorney's office were divided into the following three areas:

1) Operations. This area pertains to the major functions of a prosecutor's office in processing cases. It includes investigation, intake, screening, diversion, Grand Jury activities, plea negotiations, and trials. Operations also include the functional relationships between the Commonwealth's Attorney's office and police, courts, correctional agencies and institutions, and other components of the criminal justice system.

2) Administration. This area pertains to the resources, procedures, and controls necessary to support operations. It includes space and facilities, equipment, paper flow and file control, office systems, budget, and personnel management.

NOTES

3) Development. This area pertains to both short and long term objectives. It includes staff development, anticipation of future caseload, special projects, and expansion of the Commonwealth's Attorney's role as the chief law enforcement officer in his jurisdiction.

NOTES:

IV. OPERATIONS

In this section of the report, the Technical Assistance team focuses upon the Commonwealth's Attorney's operations. Various aspects of operations are discussed in the sub-sections that follow. Both findings and recommendations are included in the various discussions. The same format is followed in Sections V and VI below.

NOTES:



A. INTAKE. The following steps generally take place in the course of a case coming into the system.

1. There is ordinarily a delay of several weeks or months from the time of arrest to the preliminary hearing. During this period, there is no system whereby the Commonwealth's Attorney is advised of or consulted in any case. During this period, cases can be dismissed, bargained, or delayed without the Commonwealth's Attorney's knowledge. The exception to this practice occurs if a police officer decides on his own to bring a case to the Commonwealth's Attorney's office.

2. After a case is bound over by the lower court judge, it is brought to the Commonwealth's Attorney's office where it is prepared for the Grand Jury. A secretary prepares the cases by typing the indictment or charging papers and writing a brief summary of the case.

NOTES

3. An Assistant presents cases to the Grand Jury.  
In most cases, a True Bill is returned.

4. After cases are returned by the Grand Jury, they  
are assigned to one of three divisions of the Circuit Court.  
In turn the Commonwealth's Attorney's office has three  
teams to correspond to the three Circuit Court judges.  
Cases are immediately assigned to an Assistant who has respon-  
sibility for the case and the file until it is closed.

NOTES:

B. SCREENING. Because of the intake procedures described in the preceding sub-section, the Commonwealth's Attorney has little control over the cases that eventually come into his office. The Technical Assistance team makes the following recommendations for the Commonwealth's Attorney to consider in order to provide a screening function.

1. Grand Jury. One possibility is to establish a target date or time period by which cases must be prepared and presented to the Grand Jury. This would mean that police reports would have to be complete and witnesses located by that date. In addition, the case should have been reviewed by an attorney with trial experience who would make a determination as to trialworthiness.

2. Preliminary Hearing. In discussing the matter of screening with the County Attorney, members of the Technical Assistance team found that it would be possible to work out an arrangement whereby certain preliminary hearings would be handled by the Commonwealth's Attorney. This possibility should be explored by the two prosecutors.

NOTES:

3. Police. A system should be developed whereby the Commonwealth's Attorney's office will learn which cases will ultimately come to them at the earliest date possible. The best arrangement is to have the police present a matter to the Commonwealth's Attorney's office before charges are formally filed, providing a prosecutor with the opportunity to evaluate the case. Where there has been an on-site arrest, the Commonwealth's Attorney's office should receive a complete report immediately.

NOTES:

C. ASSIGNMENT OF CASES. As indicated above, cases which are returned by the Grand Jury are assigned to one of three divisions of the Circuit Court. Thus each case is assigned to a particular judge. The Commonwealth's Attorney's office is structured so that there are three teams to correspond to the three Circuit Court judges who sit in the three divisions. Each team has a captain who is generally responsible for the docket within his division.

The Technical Assistance team recommends that the Commonwealth's Attorney take steps to insure that the three trial teams have substantially equal work loads. At present, the workload depends entirely upon the three Circuit Court judges. In the event these judges do not perform at the same rate of speed, the workload of the trial teams will be unequal.

NOTES:



E. PLEA NEGOTIATION. Team members found that as a general rule there is little uniformity in the area of plea negotiation. There is no uniform policy in effect among the judges. There is a ten day rule in the Commonwealth's Attorney's office whereby no plea negotiations will be entered into within ten days of trial. This rule is not, however, uniformly enforced.

The Technical Assistance team makes the following recommendations with respect to plea negotiation.

1. A uniform plea negotiation policy should be developed by the Commonwealth's Attorney, committed to writing, and disseminated to all trial attorneys. This will insure that uniform plea negotiation policies are in effect for all trial divisions. The policy need not be unduly restrictive, but it should denote the perimeters within which an attorney is free to negotiate. Dissemination of the written policy should be accompanied by discussions at staff meetings to insure it is completely understood.

NOTES.

2. Consideration should be given to a plea negotiation cutoff date which is tied into the return by the Grand Jury. For example, the Commonwealth's Attorney might set a six-week period after the return of the indictment. During this period, all motions should be filed and exchanged, and all pleas should be negotiated. The period thereafter would then be reserved exclusively for extensive trial preparation and not for plea negotiation. Plea negotiations would be reinstituted after the cutoff date only in extraordinary circumstances.

NOTES:



F. DISCOVERY. The Technical Assistance team recommends that the Commonwealth's Attorney consider implementing a smoother procedure for responding to discovery motions. At present, considerable time and effort go into opposing motions for discovery by defense counsel. In the long run such opposition is not productive. If discovery is made fully and expeditiously within the limits prescribed by the rules, it is likely that serious plea negotiation will get under way sooner.

NOTES:

G. INVESTIGATORS. At present there are six investigators on the staff of the Commonwealth's Attorney. Three of the investigators are assigned individually to particular trial divisions. The other three investigators have primary responsibilities in three separate areas: extradition; white collar crime and fraud; warrants and parolees. There is no chief of the unit. The investigators have varying degrees of law enforcement experience. Most of them have a little investigative experience. The training that they do receive is basically "on the job."

The Technical Assistance team makes the following recommendations for the Commonwealth's Attorney's investigators.

1. The Commonwealth's Attorney should designate one individual to be chief of the investigative unit. He should have direct responsibility for supervising all investigative efforts. However, the investigators assigned to any trial team or any other operational unit should be supervised by the attorney in charge of the team or unit; the assignment and supervision should be coordinated between the attorney and the chief of the investigative unit.

NOTES:

2. To assist the investigators in preparing reports and preparing other paper work, at least one secretary should be assigned to the investigative unit.

3. The Commonwealth's Attorney should make a determination of the kind of work that he wants the investigative unit to conduct. It is a general rule that police officers should investigate crimes which have already occurred, whereas prosecution investigators should help prosecutors prepare cases for trial and conduct certain investigations for the Commonwealth's Attorney.

4. A comprehensive training program should be established for the investigators. This should consist of both in-house training and various seminars and training sessions held outside of the office. This training should be part of the overall office training effort discussed in Section VI below.

NOTES:

H. CASE SCHEDULING. The Technical Assistance team obtained the following statistical information regarding felony arrests and dispositions in 1975:

	<u>%</u>	<u>Cases</u>	<u>%</u>	<u>Defendants</u>
Arrests (felony)	100	5,652	100	6,500
Dismissed or bargained in lower courts	62	3,537	63	4,096
No true bill	1	90	1	104
Indicted	37	2,025	36	2,300

1975 Dispositions

Plead to felony	50	1,120
Plead to misdemeanor	24	550
Filed away	7	153
Dismissed	13	296
Jury trials	6	110
Total	100%	2,229

According to these figures, the intake of cases was 2,025 plus 364 misdemeanor appeals, making a total of 2,389. During the same period there were only 2,229 dispositions.

NOTES: This leaves 160 cases as a backlog.

There are several reasons for the backlog. Some of the problem areas are within the Commonwealth's Attorney's control, and some are not. The bifurcated Louisville system, described elsewhere in this report, carries its own built-in delays. Team members found that cases can take up to eight months to get to the Grand Jury. For example, one armed robbery which occurred in December of 1974 proceeded according to the following schedule: arrest within one week; indictment in August of 1975; trial in May of 1976.

The Technical Assistance team recommends that the Commonwealth's Attorney do everything he can to speed up the processing of cases and reduce the backlog, including the following steps.

1. Case-by-case review. Beginning with the oldest cases and working up to the most recent, such a review should be conducted by the Commonwealth's Attorney's most experienced personnel. This review should be directed towards making a realistic assessment of the trialworthiness of each case and the likelihood of prevailing in court.

NOTES:

2. Continuances. Everytime a continuance is granted, the caseload is effectively increased: that is, the case must be handled again at a later date. Thus continuances contribute greatly to the creation of a backlog. The Commonwealth's Attorney and his Assistants should resist all continuances, except when continuance is absolutely justified. No continuance requested by an attorney should be allowed unless first authorized by the First Assistant.

3. Scheduling. The Technical Assistance team finds that a possible solution to the scheduling problem is a system whereby cases trail one another by the week. According to such a system, cases are set on Monday and if they are not reached on that day, they are to be tried on Tuesday. If not Tuesday, then Wednesday, and so on through the week. In this way, witnesses are kept on call and in close contact with the office; witness control problems, incidentally, can be minimized under a trailing system. As cases appear ready for trial, then a short period of time before the trial (e.g., one hour) witnesses can be notified and brought in. Such a system requires a great deal of coordination, but the benefit is great: cases

NOTES:

can be disposed of expeditiously. With better screening, more early case evaluation, and implementation of a plea cut-off date, the trial calendar will be more "pure" and easier to schedule.

NOTES:

I. INTERAGENCY RELATIONS: POLICE

As discussed in sub-sections A, B, and D, above, Assistants encounter considerable delays in obtaining a complete file on a case. These delays can be cut down by concerted liaison efforts with the various police agencies in the jurisdiction.

The Technical Assistance team makes the following recommendations:

1. The Commonwealth's Attorney should consider designing and implementing a uniform police report to be used in every case that will ultimately come into the Commonwealth's Attorney's office. These reports should be turned over to the Commonwealth's Attorney's office within 72 hours of arrest. At the end of this section of the report, we have included a sample uniform arrest report that the Commonwealth's Attorney may wish to consider in designing a report suitable for his own purposes.

NOTES:



2. The Commonwealth's Attorney should take steps to have a uniform rap sheet completed and furnished to his office in each case that his office will prosecute. Like the arrest report, the rap sheet should come to the Commonwealth's Attorney's office automatically and in a timely fashion (e.g., within 72 hours).

3. The Commonwealth's Attorney should participate in training police so that their work product will be as useful as possible to the prosecution effort. Part of the training should involve recommendations 1 & 2 above: the bit of information that the prosecutor requires from police offense reports and rap sheets in order to be able to evaluate a case properly. Police training should also distinguish between police investigative work and prosecution investigative work. Regular participation in police training will help promote a two way flow of understanding between police and prosecutors.

4. The Commonwealth's Attorney should create a liaison between his office and the two major police agencies in the County, the Louisville Police Division and the Jefferson County Police Department.

NOTES:

One form of liaison might be a regularly scheduled meeting between the Commonwealth's Attorney and the police in order to exchange information and to plan/review training activities such as those outlined in recommendation 3 above, as well as the scheduling and preparation of police officer witnesses for trial. In beginning a liaison effort, the Commonwealth's Attorney might consider developing a liaison with only one of the police agencies--either the Louisville Police or the Jefferson County Police--and then letting the other police agencies follow suit as soon as the first liaison effort is under way.

NOTES:

NATIONAL CENTER FOR PROSECUTION MANAGEMENT  
MODEL PROSECUTION REPORT

EVENT NO.		PROSECUTORS	
DEF ID NO.	CHARGES	STATUTE	
DEF TRUE NAME (ID ONLY)	BOOKING NO.		
DEF STATED NAME	SOC SEC NO.		
ALIASES OR NICKNAMES	SEX	RACE	D.O.B.
	TIME IN AREA		RELEASE STATUS
ADDRESS (INCLUDE APT NO.)	PHONE	AUTHORITY/NO. ASST.	DATE
	BUS		
	RES	COURT OR VENUE	
DATE AND TIME OF OFFENSE	DATE AND TIME REPORTED TO POLICE	BY WHOM	
DATE AND TIME OF ARREST	LOCATION OF ARREST		

CO-DEFENDANTS: STATUS arrested (A) wanted (W) LOCATION jail (J) bond (B)							
(1) NAME	ADDRESS	STATUS	LOC.	(2) NAME	ADDRESS	STATUS	LOC.
(3) NAME	ADDRESS	STATUS	LOC.	(4) NAME	ADDRESS	STATUS	LOC.

DEFENDANT CHARACTERISTICS:

PRINCIPLE DEF.	YES <input type="checkbox"/>	NO <input type="checkbox"/>	UNK. <input type="checkbox"/>	ANY RELATION TO (IF YES DESCRIBE)
PREVIOUS RECORD:	YES <input type="checkbox"/>	NO <input type="checkbox"/>	UNK. <input type="checkbox"/>	VICTIM
STATEMENT.	DENIED <input type="checkbox"/>	ADMITTED <input type="checkbox"/>		OTHER WITNESSES
IF ADMITTED	ORAL <input type="checkbox"/>	SUMMARY <input type="checkbox"/>		CRIMINAL JUSTICE STATUS
	WRITTEN <input type="checkbox"/>	ATTACHED <input type="checkbox"/>		UNUSUAL CONDITIONS

CRIMES AGAINST PERSON :	CRIMES AGAINST PROPERTY:
NO. OF VICTIMS.	AMOUNT TAKEN
EXTENT OF INJURIES	AMOUNT RECOVERED
	AMOUNT DAMAGE:
	OWNERS NAME
	ADDRESS :
	TELEPHONE:

EVIDENCE: (PHYSICAL PROPERTY, STATEMENTS, OTHER)			
DESCRIPTION	HOW, WHERE, WHEN, RECOVERED	IN WHOSE CUSTODY NOW	SCIENTIFIC TESTS AND TYPE
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			
(7)			

EVIDENTIARY CHAIN: (LIST ALL PERSONS WHO HANDLED OR POSSESSED THE ITEM AT THE TIME OF RECOVERY AND THEREAFTER IN CHRONOLOGICAL ORDER)				
ITEM	DATE	ITEM	DATE	ITEM
(1)				
(2)				
(3)				
(4)				
(5)				
(6)				

ADDITIONAL INVESTIGATION REQUESTED	DATE REQUESTED	DATE NEEDED
------------------------------------	----------------	-------------

BRIEF DESCRIPTION OF CRIME

WITNESS STATEMENTS IN THE FOLLOWING ORDER: VICTIM, POLICE, EXPERTS, OTHERS			
(1) NAME	ADDRESS	PHONE BUS. RES.	OCCUPATION ALT. CONTACT NAME: PHONE: AVAILABILITY:
SYNOPSIS OF TESTIMONY:			
(2) NAME	ADDRESS	PHONE BUS. RES.	OCCUPATION ALT. CONTACT NAME: PHONE: AVAILABILITY:
SYNOPSIS OF TESTIMONY:			
(3) NAME	ADDRESS	PHONE BUS. RES.	OCCUPATION ALT. CONTACT NAME: PHONE: AVAILABILITY:
SYNOPSIS OF TESTIMONY:			
(4) NAME	ADDRESS	PHONE BUS. RES.	OCCUPATION ALT. CONTACT NAME: PHONE: AVAILABILITY:
SYNOPSIS OF TESTIMONY:			
(5) NAME	ADDRESS	PHONE BUS. RES.	OCCUPATION ALT. CONTACT NAME: PHONE: AVAILABILITY:
SYNOPSIS OF TESTIMONY:			
(6) NAME	ADDRESS	PHONE BUS. RES.	OCCUPATION ALT. CONTACT NAME: PHONE: AVAILABILITY:
SYNOPSIS OF TESTIMONY:			

ATTACHMENTS BROUGHT TO PROSECUTOR		NAME OR ID NO. OF WITNESS DIRECTED TO APPEAR (PROS. ONLY)			
ITEM	ITEM	ARRAIGN.	PRELM. HRG.	G.J.	TRIAL
CONTINUATION REPORT	ARREST WARRANT				
ARREST REPORT	LOCAL RECORD				
OFFENSE REPORT	FBI RECORD				
SUPPLEMENTAL REPORT	STATEMENTS				
SEARCH WARRANT					
SIG. OF OFFICER	BADGE AGENCY/UNIT DATE	SIG. REVIEWING OFFICER		BADGE AGENCY/UNIT DATE	
COPY 1					

V. ADMINISTRATION

Members of the Technical Assistance team found the Commonwealth's Attorney's office to be enthusiastic, and interested in doing well. Team members find that in such a positive climate, needed administrative changes can best be accomplished. In the following sub-sections of the report, the Technical Assistance team focuses upon various facets of the office Administration.

NOTES.

A. LINE OF AUTHORITY.

The Commonwealth's Attorney personally provides direct supervision of staff members, and he attends to the great number of administrative details. This personal leadership has resulted in a positive working relationship. Each staff member functions as if everyone is part of one team. The Technical Assistance team compliments the Commonwealth's Attorney and his staff for their success in working together as well as they do.

There are, however, drawbacks to the present line of authority. Administration is casual in the sense that definite lines of authority--who reports to whom--are not at all clear. It is a general goal of management that each person should report to only one "boss," even though the entire office, regardless of its size, should certainly consider itself to be working for the Commonwealth's Attorney. The staff at Louisville is too large for responsibility and commensurate authority not to be delegated to certain key staff members. Such delegation will necessarily call for a definite line of authority leading from each employee

NOTES:

through his or her immediate supervisors on up to the Commonwealth's Attorney himself. The recommendations below are made with the acknowledgement that the Commonwealth's Attorney has achieved a high degree of esprit de corps by his personal leadership.

This kind of leadership should of course continue, but by means of definite delegating of authority that will ultimately free the Commonwealth's Attorney from routine duties that can be delegated to others.

The Technical Assistance team makes the following recommendations in regard to lines of authority and office organization.

1. Organizational Chart. The Commonwealth's Attorney and his chief Assistants should draw up a formal organizational chart establishing definite lines of authority to include every member of the staff. At the end of the sub-section of the report, we have included a sample organizational chart for the reference of the Commonwealth's Attorney in developing a chart suitable for his own office. A sample chart, of course, shows only one way in which an office might be

NOTES:

organized-there is no single chart that is a model for all offices. However, it is important that an organizational chart exist, even with the understanding that it will likely be modified as time goes on. Some of the key positions provided for on the sample chart are discussed in the recommendations that follow.

2. First Assistant. The Commonwealth's Attorney should consider naming a First Assistant who would supervise the operations of the office on a daily basis and would report regularly to the Commonwealth's Attorney. The First Assistant would generally be responsible for the manner in which Assistants perform case intake, screening, preparation, and trial work. The First Assistant would necessarily be an experienced and trusted trial attorney with real leadership abilities. His position would be so important and demanding that he would have little time to do "court" work himself.

3. Office Manager. The Commonwealth's Attorney should consider appointing an individual to function as office manager. The office manager would be responsible for all "support" functions: insuring that paper flow is smooth and orderly; supervising the secretarial-clerical staff; collecting compre-

NOTES: hensive statistics and other management data; managing budget-



ary and fiscal matters. The office manager may or may not be an attorney - some of the finest prosecution office managers in the country are non-attorneys. The office manager must above all be someone who understands both the Commonwealth's Attorney's objectives and good management principles, and one who can take charge of the support staff and functions.

The function of office manager will complement that of the First Assistant. The two individuals will necessarily work closely together to insure that operations and administration are coordinated as well as possible. Another approach is to organize the administrative function into one administrative unit, with one person in charge but with assignments divided between two or three persons: for example, personnel management, grants writing, and program development could be divided. It should be noted that any secretarial personnel assigned to work directly with a trial team or other operational unit should be supervised by the respective unit chief.

4. Chiefs. The Commonwealth's Attorney should review and determine to what degree he wishes his staff to be directed by unit chiefs on down the line. The first consideration is

NOTES:

that there be a Chief Investigator named who would supervise the other investigators on a daily basis and would report to the First Assistant. Another consideration is the designation of a Division Chief for each of the trial divisions. If the Commonwealth's Attorney wishes each Division to have a specific leader, he should assign definite and clear responsibilities/ authority to the Division Chief. The Division Chief would in turn report to the First Assistant. As the situation now stands, the limits of responsibility and authority of the Division leader are not clear. The team recommends that there be a designated chief of each team and operational unit in the office.

5. Delegation of Authority. The "secret" of successful management is delegation. By delegating authority the Commonwealth's Attorney can free himself from hour-to-hour and day-to-day problems that would otherwise consume his entire attention. Among other things, the Commonwealth's Attorney must be free to participate in his own activities with other agencies of the criminal justice system and community relations, as well as planning for a future of the jurisdiction. By delegation of authority the Commonwealth's Attorney will be free to do those things only he can do.

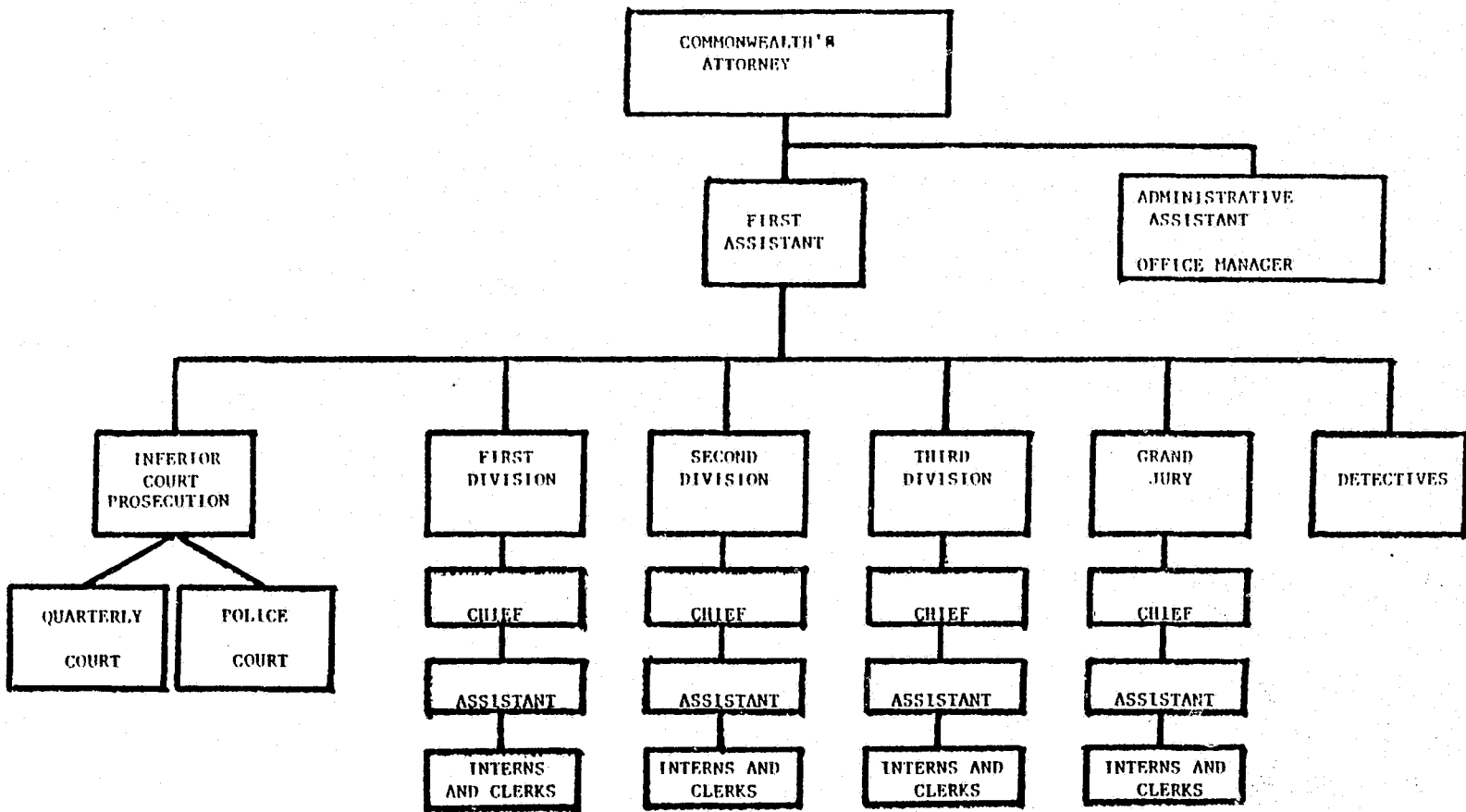
NOTES:

One rule of thumb to follow in delegating a task is this:  
if it can't be delegated, see if it really needs to be done  
at all.

In delegating authority, the Commonwealth's Attorney  
will have to review the talents of his staff, recognizing  
that some attorneys are fine trial men, some attorneys are  
fine administrators, some are good at research, and some  
at planning--but that few professionals can do everything  
well. Though the task may initially be an unpleasant one,  
attorneys and other staff people should be delegated to those  
positions where they can make the greatest contribution to  
the office.

NOTES:

SAMPLE ORGANIZATION CHART



B. OFFICE MANUAL

Policies and procedures should be established and published in a manual. Policies necessarily reflect the philosophy, goals and objectives of the Commonwealth's Attorney. Procedures explain "how to do it" and must, of course, be consistent with the policies.

The primary purpose of an office manual is to provide all members of the staff with a systematic approach to their work, resulting in efficient and consistent handling of cases and other matters.

The manual has several secondary purposes. It can be used to help introduce and orient new people as well as provide guidelines to experienced staff members. It also helps prevent morale problems, decrease confusion, and increase performance by clarifying policies and procedures and giving structure to all office activity.

NOTES:

The Commonwealth's Attorney as the elected or appointed official, chief law enforcement officer in his jurisdiction, and primary office administrator must be responsible for what goes into the manual. However, he does not have time to do it personally. To assist in designing and constructing the manual it is suggested that responsibility and commensurate authority be delegated to at least one other person. If a committee is utilized it should be small enough to be functional. In any event, the Commonwealth's Attorney must put final approval on the format and content. Since composition of a manual is usually too big of a job for one person it is advisable to assign different sections to different persons who have special knowledge and experience.

Present policies, both written and unwritten, are the primary source of material for the manual. These should be reviewed and compared for consistency, sufficiency and clarity. Obviously, any policy or procedure statement must be clear if it is to be understood by all concerned.

NOTES:

In constructing a manual it is recommended that a ring binder with loose-leaf pages be utilized. Material should be separated according to subject matter and divided into sections or paragraphs. One good method of indexing material for easy reference is to number main chapters or headings and use decimals for sections or paragraphs. If a section or paragraph needs to be changed or new material added, it can be done easily; one page at a time can be removed or added. A table of contents or index should be included.

In composing job descriptions, it is suggested that each present staff member describe the position as he or she perceives it, and then a person in supervisory capacity reviews the description for consistency with the desire of the Commonwealth's Attorney. Any conflict should be resolved before the manual is completed. Participation from the staff will result in more accurate job descriptions being drafted. Care should be taken, however, not to memorialize in writing inefficiencies and bad practices; just because someone does something in a particular manner presently does not mean that is the way it should be set forth in the manual and performed in the future.

NOTES:

Some prosecutors prefer to have policies and procedures for all staff members in one manual. Others prefer having a manual for the attorneys and another for non-attorneys on the staff. The format of a manual which works well in one office may not necessarily in another. A decision necessarily needs to be made in each office concerning the format which would be most advisable.

The following may be considered in composing a manual:

CHAPTER I. INTRODUCTION

- 1.01 USE AND MAINTENANCE OF THE MANUAL
- 1.02 HISTORY OF OFFICE
- 1.03 OFFICE ORGANIZATION (include chart)
- 1.04 GENERAL EXPLANATION OF OFFICE OPERATIONS (those functions and activities of the attorneys and paraprofessionals in processing cases)
- 1.05 GENERAL EXPLANATION OF THE OFFICE ADMINISTRATION (those functions and activities of the secretaries and other personnel providing support to operations, such as file control and maintenance of calendars)
- 1.06 GENERAL EXPLANATION OF THE GOALS, PURPOSES, AND OBJECTIVES OF THE OFFICE AND THE NEED FOR EACH STAFF MEMBER TO BE CREATIVE

NOTES:



**CONTINUED**

**1 OF 3**

CHAPTER II. PERSONNEL

- 2.01 EXPLANATION OF POSITIONS AND TITLES OF PERSONNEL
- 2.02 PERSONNEL MANAGEMENT
- 2.03 SALARY ADMINISTRATION
- 2.04 TERMINATION: VOLUNTARY AND INVOLUNTARY
- 2.05 EMPLOYEE BENEFITS
- 2.051 TIME OFF WITH PAY (holidays, vacation, sick leave, personal leave, jury duty, etc.)
- 2.052 HEALTH AND HOSPITALIZATION INSURANCE
- 2.053 WORKMEN'S COMPENSATION AND UNEMPLOYMENT INSURANCE
- 2.06 WORK SCHEDULE
- 2.061 HOURS
- 2.062 ABSENCE--ILLNESS AND TARDINESS
- 2.063 COMPENSATORY TIME
- 2.064 OUTSIDE EMPLOYMENT
- 2.07 DECORUM AND APPEARANCE
- 2.08 PERFORMANCE, EVALUATION AND PROMOTIONS
- 2.09 STAFF DEVELOPMENT (staff meetings, special training sessions, seminars and conferences)

CHAPTER III. OFFICE MANAGEMENT

- 3.01 LINES OF AUTHORITY AND UNITY OF COMMAND
- 3.02 JOB DESCRIPTIONS
- 3.03 FILING AND RECORD KEEPING SYSTEMS
- 3.031 ADMINISTRATIVE CORRESPONDENCE FILES
- 3.032 CRIMINAL CASE FILES
- 3.033 CIVIL CASE FILES
- 3.034 BRIEF BANK
- 3.04 TYPING AND WORD PROCESSING SERVICES
- 3.05 OFFICE EQUIPMENT
- 3.06 OFFICE SUPPLIES
- 3.07 TELEPHONES: RECEIVING AND PLACING CALLS
- 3.08 MAIL AND WRITTEN CORRESPONDENCE: RECEIVING, SENDING AND ROUTING
- 3.09 LIBRARY
- 3.10 SECURITY OF THE FILES AND INFORMATION
- 3.11 STATISTICS
- 3.12 BUDGET MANAGEMENT

CHAPTER IV. EARLY CASE EVALUATION, PRETRIAL, DIVERSION AND CASE PREPARATION

- 4.01 GENERAL POLICY REGARDING PROSECUTORIAL DISCRETION
- 4.02 REVIEW OF CHARGING DECISION
- 4.03 QUANTITY AND QUALITY OF EVIDENCE PREDICATE TO SEEKING AN ACCUSATORY INSTRUMENT
- 4.04 DIVERSIONARY PROGRAMS AND ALTERNATIVES TO PROSECUTION
- 4.05 FURTHER INVESTIGATION TO MAKE CASE MORE TRIAL-WORTHY
- 4.06 POLICE AND OFFENSE REPORTS
- 4.07 CONVICTION AND ARREST RECORDS
- 4.08 ASSIGNMENT OF CASES TO PROSECUTORS
- 4.09 LOWER COURT PROCESSES
- 4.10 GRAND JURY
- 4.11 HIGHER COURT PROCESSES
- 4.12 PREPARATIONS FOR PRETRIAL MOTIONS
- 4.13 PREPARATION OF CASES FOR TRIAL
- 4.14 GENERAL POLICY STATEMENT REGARDING SPECIAL CASES (homicide, rape, other serious felonies, drug cases, etc.)
- 4.15 JOINDER OF CHARGES
- 4.16 JOINDER OF DEFENDANTS
- 4.17 IMMUNITY
- 4.18 BAIL EVALUATION
- 4.19 FUGITIVES
- 4.20 RECIDIVIST CASES

CHAPTER V. PLEA NEGOTIATION, TRIALWORK, SENTENCING, AND POST CONVICTION ACTIVITIES.

- 5.01 MOVING CASES TO DISPOSITION (procedural time table and speedy trial rules)
- 5.02 PLEA NEGOTIATION (standards, authority, and timing)
- 5.03 DISCLOSURE OF EVIDENCE
- 5.04 WITNESS CONTROL (police, expert, civilian, other)
- 5.05 FAILURE OF WITNESS TO APPEAR

- 5.06 CONTINUANCES AND ADJOURNMENTS
- 5.07 SELECTING JURORS (includes policy regarding peremptory challenges)
- 5.08 COURTROOM DECORUM, TRIAL TACTICS AND TECHNIQUES
- 5.09 SENTENCING
- 5.10 APPEALS

CHAPTER VI. RELATIONSHIP WITH OTHER CRIMINAL JUSTICE ENTITIES, PUBLIC GOVERNMENTAL ENTITIES, DEFENSE ATTORNEYS, AND THE PRESS

- 6.01 COURTESY
- 6.02 GENERAL COMMUNICATIONS (written, telephonic, and personal interviews)
- 6.03 CITY, COUNTY AND STATE OFFICIALS
- 6.04 POLICE AND INVESTIGATORS
- 6.05 DEFENSE ATTORNEYS
- 6.06 PRIVATE CITIZENS
- 6.07 PRESS
- 6.08 CONFIDENTIALITY OF FILES AND OTHER MATTERS

After the manual is designed, composed and distributed it will need to be reviewed regularly to make certain it is current and relevant.

NOTES

C. SECRETARIAL STAFF.

The assignments of the secretarial staff are divided along functional lines which appear to be logical and effective. One secretary functions as the executive secretary. Her duties include serving as the Commonwealth's Attorney's personal secretary, monitoring purchases, maintaining personnel records, and to a limited extent supervising the other secretaries. One secretary serves as the record room clerk, maintaining the index cards and other records in that area. One secretary serves as the Grand Jury secretary. One secretary serves as receptionist in the main office. Two other secretaries are located in the offices across the street from the main office.

Based upon interviews with the entire secretarial staff, the Technical Assistance team found them to be well suited for their duties. The executive secretary served as the Commonwealth's Attorney's personal secretary before he took office. The Grand Jury secretary has worked in the office several years and is very familiar with Grand Jury activities. The receptionist is courteous and handles the public very well. Members found that all of the secretaries understand their assignments and approach

NOTES

them dutifully. There are, however, areas where improvement can be made.

The Technical Assistance team makes the following recommendations for the secretarial staff.

1. The Commonwealth's Attorney should insure that the secretarial staff understand the overall objectives of the office, including the exact role of the Commonwealth's Attorney in the jurisdiction. A good way to accomplish this is to hold regular secretarial staff meetings at which both practical matters and long range goals and objectives can be discussed. These meetings can be conducted by the office manager, with a Commonwealth's Attorney attending when appropriate. Meetings should have a definite agenda including some of the following areas: announcements of new policies and/or procedures; discussion of existing policies and/or procedures; training; announcement of office-goals; discussion of particular problems; commendation for work well done; suggestions. If the secretarial staff meetings are held on a regular basis, it will promote two-way communication between management and secretarial staff on vital issues.

NOTES:

2. A job description, including check off lists for each task, should be drawn up for each of the secretarial positions. A good way to accomplish this task is to ask each secretary to describe one of her tasks in detail each day until her entire job has been fully described. Then someone from management, most likely the office manager, should review the job description for appropriateness, efficiency, and accuracy. Any discrepancies should be resolved. The resulting job description can be compiled into a job descriptions manual (possibly forming part of the office manual described in the preceding sub-section of this report). Among other things, a detailed job description will make breaking in new employees much easier.

3. Secretaries should be cross-trained so that each can do the job of the others: The job descriptions recommended in the preceding paragraph will facilitate cross-training considerably. Cross-training can be accomplished by means of rotating secretaries for several weeks among various positions until they have performed every secretarial function in the office. With a fully cross-trained secretarial staff, absences due to illness, vacation, or resignation can be accommodated with a minimum of difficulty. At the same time secretaries will have a better understanding of the overall operations of the Commonwealth's Attorney's office,

NOTES

and they will be in a better position to advance as openings occur.

4. As the Commonwealth's Attorney increases his services to the jurisdiction, there will need to be additional secretarial staff to provide the necessary support. Accordingly, the office manager should conduct an ongoing review of the secretarial work load to insure that there is adequate staff to meet it.

5. Each and every secretary should understand and respect the policies and procedures in the office, including the lines of authority. New systems, such as file control, and information systems, cannot be implemented without full support of the secretarial-clerical staff.

NOTES



D. PAPER FLOW.

The following sequence describes the paper flow activities that generally take place after a felony arrest by the Louisville Police Division.

1. The suspect is booked into the Central Lock-up where an "arrest slip" is made up by the arresting officer. It contains a brief description of the defendant, incidents, and witnesses.

2. The Central Lock-up makes up a multiple-part arrest record/booking slip form. One copy of this form goes into the Police Court envelope which functions as the case jacket.

3. The Police Courts envelope is then sent to the Court. It follows the proceedings and the defendant in the Police Court.

4. According to 1975 statistics, 62% of felony arrest cases were disposed of in the lower courts. 38% of the felony arrest cases went to the Grand Jury. The only document that always goes to the Grand Jury before the hearing is the booking slip. Sometimes the arrest slip is also sent and sometimes it is not.

NOTES:

5. The Grand Jury clerk makes up a case slip summary which is identical with the arrest slip. Generally no police report of investigation is sent over. As mentioned and discussed in Section IV. I. Interagency Relations: Police, there is no definite form of police report.

6. The Grand Jury Assistant Commonwealth's Attorney adds to the file only the "case slip." This is prepared after conferring with the police officer. It should be noted that the Commonwealth's Attorney's records clerk does make an attempt to obtain a rap sheet on the defendant prior to the Grand Jury hearing.

7. An Assistant Commonwealth's Attorney sees a report of the police investigation only after indictment and generally after arraignment. After the file folder reaches the Commonwealth's Attorney's records clerk, a number is obtained from the Clerk of Court and the jacket is completed. It is then sent to the trial division chief to whom the case has been assigned.

The procedures following an arrest by a member of the Jefferson County Police Department are similiar to those listed above except

NOTES

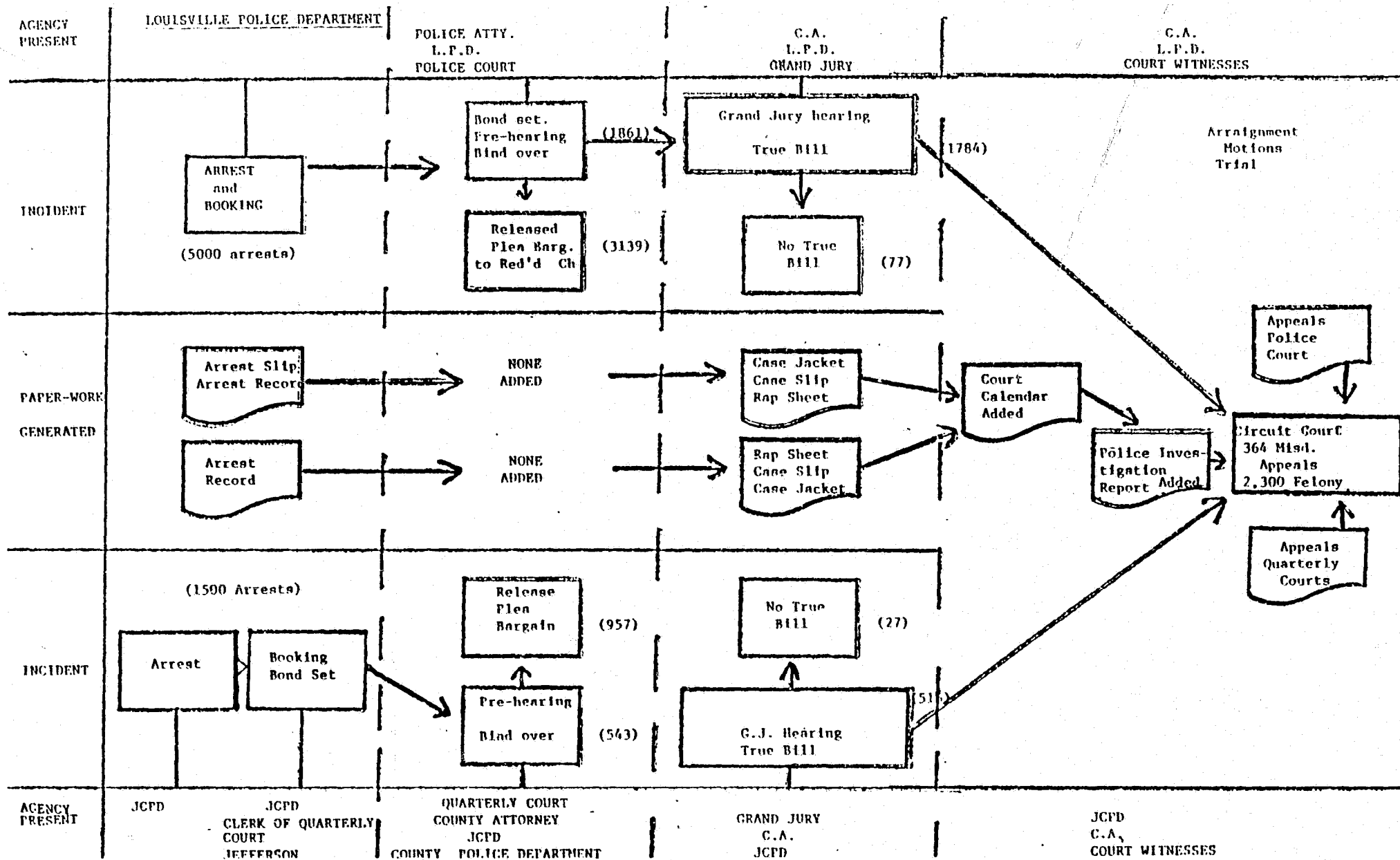
that an arrested person is first "booked" by the Clerk of the Quarterly Court for the purpose of setting bond. The accused person is then booked into the Central Lock-up. In the County, there are approximately 75 other police agencies which perform similiar functions.

On rare occasions and with the approval of the Commonwealth's Attorney, police may submit cases directly to the Grand Jury, by-passing the Police and Quarterly Courts.

All appeals from lower courts are lodged in the Circuit Court and tried de novo. The record on appeal is then sent to Circuit Court from the lower court. Sometimes the Assistant Commonwealth's Attorney receives a file folder from the lower court prosecutor, but this transfer does not take place with any regularity.

As the above paragraphs indicate, there is a need for standardization of paperwork coming into the Commonwealth's Attorney's office as cases come in from the various police agencies and go through the various lower courts. At the end of the sub-section of the report, we have included a flow chart diagraming the paper flow in cases coming into the Commonwealth's Attorney's office.

NOTES



E. FILES.

Although there is a file room, there is no comprehensive central filing system. Files are kept alphabetically by last name of defendant. As a result, one must know the names of all co-defendants in a case in order to locate the files.

At present, the file room has the following files and index systems:

- a. Sixteen alphabetical binders for open cases on the docket. These contain copies of the "case slip," one for each defendant.
- b. One alphabetical binder of case slips in which current case slips are placed prior to inserting them in the 16 alphabetical binders.
- c. Alphabetical index cards for open cases. These cards contain case number, disposition, and rap sheet information in multiple copies.
- d. Closed case cards filed alphabetically.
- e. FBI rap sheet files in alphabetical order.
- f. Closed case folders in alphabetical order.
- g. Open case folders. These folders are supposed to be filed

NOTES:

alphabetically, but in practice they are stacked in various places throughout the various offices.

The multiplicity of filing and index systems in the file room and the lack of centralized filing of case folders creates a real problem. One indication of the magnitude of the problem is as follows: according to the current open binders, there are some 3,350 open cases on the docket; according to the open index cards, there are some 4,000 cases on the docket. With this number of open cases, it is essential that centralized filing be established.

Considering the workload in the file room at present, it is understaffed. It should be noted that the file clerk spends a majority of her time updating the rap sheets.

The Technical Assistance team makes the following recommendations for filing.

1. All file folders should be called back to the central file room and filed in that location by case number. Consideration should be given to separating the case folders (as well as the index cards) into the following main categories: a) Open/active; b) Open/at large; c) closed.

NOTES

2. In implementing the above recommendations, consideration should be given to creating a uniform Commonwealth's Attorney's file numbering system. A well-designed file numbering system should provide at a glance the following kinds of information: month and year the case came into the office; the accumulative number of the case in that year. Other information might be included in a numbering system as well: trial team or Assistant assigned to the case; type of case by crime category; court division assigned. A sample number is as follows: 046-0150. This number provides the following information: the case came into the office in the month of April (04); the case came into the office in 1976 (6); the case is the 150th case that has come into the office during 1976 (0150). Other numbers or letters indicating trial team, type of crime, etc., can simply be added to the number by means of a suffix.

3. The index card system should be remodeled. The rap sheet information now kept should be eliminated, and more court activity information should be provided. At the end of the sub-section of the report, we have included an index card used in another jurisdiction--the Commonwealth's Attorney may use it for reference in designing an index card

NOTES

to fill his own particular needs. There are two basic functions that such an index card can perform: a) An alphabetical index by last name of defendant (all co-defendants should of course have separate index cards) which will provide the case file number so that the file folder can be readily retrieved; b) A status reference giving the up-to date status information on each case. As described in recommendation 7 below, it will be easy for the file clerk to keep the status of each index card current as file folders are returned to central filing after each proceeding.

4. The responsibility for rap sheet information should be turned over to the various police agencies. As recommended elsewhere, police should be required to furnish a complete rap sheet to the Commonwealth's Attorney at the initial bond hearing or, at the latest, by the time of the first setting of the preliminary hearing.

5. All of the alphabetical binders of case slips should be done away with. Central filing of case jackets plus the index card system recommended above provide everything necessary for basic central records.

NOTES



6. Closed cases should be filed by number. This will make transition to dead storage easy.

7. The above recommendations will eliminate many of these tasks now performed by the file clerk. Her main responsibilities should be as follows:

a. Assume personal responsibility for all case folders. This will require a check-out system whereby Assistants and any others needing file folders will assign an "out card" indicating name and date file was removed. The out card will then be filed in place of the missing file. When the file is returned, the file clerk will check it back in. The most effective way to insure that files are not misplaced is to assign personal responsibility for their whereabouts to one individual.

b. Maintain current status information on the index cards. This will require Assistants to return case file folders to central filing after every proceeding, and to indicate the current status of the case in the appropriate sections of the preprinted case file folder now in use in the office. By simply transferring the most recent status

NOTES:

from the case file folder to the index card before re-filing the case file folder, the file clerk will "automatically" keep up-to-date status information on every case in the index. Thus, she can also function as the central information source for status information on any case. Telephone and in-person inquiries on case status can be routed directly to the file clerk. This saves the time of other secretaries and attorneys.

c. The file clerk is in the best position to maintain many of the statistics on cases as they come into the office and go through the various proceedings. The subject of statistics is discussed in a subsequent sub-section of this report.

8. Consideration should be given to a second file clerk to work in central files. Although the above recommendations are intended to streamline the present fileroom activities, it is essential that sufficient personnel be assigned to this vital area in order that cases can be properly kept track of and statistics can be properly maintained.

NOTES



F. STATISTICS

There is no comprehensive program underway in the office. The attorneys do not keep statistical records for the Commonwealth's Attorney. No record is maintained of the various reasons that the majority of felony arrest cases do not go the Grand Jury: e.g., poor police work, plea negotiation in lower court, bond jumping, missing information. Of the cases going to the Grand Jury and going to trial, there is no breakdown as to category of crime. Reasons are not quantified for nollies, nor is there a compilation of the results of jury trials. Priorities are not established for types of defendants or types of crimes. A comprehensive statistical program could provide this kind of information and a great deal more that would be of vital importance to the Commonwealth's Attorney in managing his office.

The Technical Assistance team recommends that the Commonwealth's Attorney design and implement a meaningful, comprehensive statistics gathering program in his office. Presently, he relies substantially on the courts and police for statistical data. There should be less reliance on other entities for such information and more effort

NOTES:

expended to collect the data within his office.

The first decision to be made has to do with the kind of information to be collected. The Commonwealth's Attorney should call in key staff members and discuss this matter with them. The nature of the statistical information should be as follows: the number of cases coming into the office during each accounting period; the kinds of cases involved; the number of defendants involved; the age of cases; the length of time from indictment to final disposition; the number and age of pending cases; activity within each criminal division of the Circuit Court; the activity of each attorney on the staff; the number and kinds of matters being handled by the investigators; the disposition of the cases.

After a decision is made as to the kind of data needed, forms should be designed for data collection. Then, the most appropriate points in the office for collecting data should be identified. As indicated in the preceding sub-section, the file clerk is a likely individual to do at least part of the data collecting. The people who are ultimately assigned to collect the information should be adequately instructed.

NOTES:

The overall responsibility for a successful statistical data collection effort belongs to the person who functions as office manager. He or she should ensure that the data given to the Commonwealth's Attorney for his reference is in very manageable form. The Commonwealth's Attorney ought not have to go through piles of paper to extract the data he needs; the extractions and conclusions should already be made for him to use as management tools.

Although a comprehensive prosecution management information system is of great importance to the Commonwealth's Attorney in managing his office, his present caseload of 2000-2500 cases per year does not justify an automated processing system. If the Commonwealth's Attorney takes over the Quarterly and/or the Police Court's preliminary hearings and sets up a screening system, he may find automation advisable, since his caseload will then be 6500 per year. Before this can be determined, however, some understanding of the caseload, attorney requirements, and priorities to be established must be reached.

Toward this end, the Technical Assistance team recommends that immediate steps be taken to establish a manual system of case tracking and statistical gathering.

NOTES:

At the end of this sub-section of the report, the team has included a model statistical gathering form that the Commonwealth's Attorney may consider in designing statistical gathering forms for his own purposes. This kind of form can be used by both attorneys and the file clerk. On a daily basis, a mark in any box on the grid can simply count for one activity. At the end of each week, the daily counts can be compiled onto one form for that week. The same procedure can take place monthly, quarterly, and yearly. These reports can be forwarded to the First Assistant and the Commonwealth's Attorney-- they need not be involved in the day-to-day statistical gathering operation. As the statistical gathering system is implemented and develops, case and work patterns will emerge that will provide valuable management information (e.g., whether burglary filings are up or down from last year, what the rate of cases coming in from the various courts is).

For a point of information and reference, the Technical Assistance team is including one more set of information at the end of this sub-section of the report. This information includes copies of forms used in the District

NOTES:

~~Attorney's office, East Baton Rouge Parish. These forms~~

were developed specifically for that office, to be used in a very highly developed manual information system.

They are designed and constructed on a grid format, the mode which experience has proven to be the most effective. The first of these forms provides a great deal of information about felony cases. The categories of offenses are listed on the left hand column and the activity elements are listed across the top. In the column entitled "No Bills" there are six different reasons that can be given; the number of no bills for each reason is posted. In the next column the number of bills filed is posted. The pleas of guilty are divided into two categories: as charged and to reduced charge. The number of jury trials is divided into three categories: conviction, acquittal, and mistrial. There is a column to record data regarding dispositions pursuant to non-jury trials. As can be seen, there is provision for a variety of other information, including continuances and nolle-prosses. Data can be posted as to the reason for continuances and the number of continuances for each reason. The same is true for nolle prossed; the number of cases nolle prossed can be posted according to the reason for such disposition.

NOTES:



The last column provides some data regarding sentences. Across the bottom of the form, there is provision for totals, first for the various categories, and then for the grand total of each column.

The next exhibit is a copy of the instrument used to collect the same kind of data for misdemeanor matters as was just explained for felonies.

The next page is a copy of the form used to collect data regarding juvenile matters. It is designed basically in the same way as the forms used for misdemeanors and felonies and adult cases, but has columns for information specific for juvenile matters. First of all there is a column for the number of cases received. The next column uses specific information about cases no-billed. Then there are other columns, as can be seen, for other reasons. Obviously, an instrument for juvenile activity in the 30th Judicial District of Kentucky would necessarily have to be tailored according to the processes in that jurisdiction.

NOTES

It is evident that many other statistical gathering instruments could be constructed according to this format. These models should give the Commonwealth's Attorney a firm idea of what a sophisticated manual system can accomplish.

NOTES:

NDA

		JUSTICE COURT					
		INTAKE	TRIAL COURT		Fel.	Misdemeanor	JUV.
Period Covered:		Reviewed	Accepted	Denied	Forfeited	Set for Trial	Continued by St.
		Continued Def/C	Guilty Pleas	Acquittals	Jury Trials	Judge Trials	Convictions
		Dismissed	Mistrials	NTA	Released	Set for Trial	Continued
		Guilty Pleas	Jury Trials	Judge Trials	Acquittals	Convictions	Dismalshals
		Petition filed	Petition dispd.				
ADA:							
Arson	Defs. Cases						
Assault	Defs. Cases						
Assault/Batt w/in	Defs. Cases						
Battery	Defs. Cases						
Burglary	Defs. Cases						
Controlled Sub.	Defs. Cases						
Child Abuse	Defs. Cases						
D U I	Defs. Cases						
Distb. Peace	Defs. Cases						
Forgery	Defs. Cases						
Grand Larceny	Defs. Cases						
Juvenile	Defs. Cases						
Murder	Defs. Cases						
Manslaughter	Defs. Cases						
NSF Checks	Defs. Cases						
Petit Larceny	Defs. Cases						
Proseut/Pander	Defs. Cases						
Rape	Defs. Cases						
Receiving	Defs. Cases						
Robbery	Defs. Cases						
Unath. Use	Defs. Cases						
Other Felonies	Defs. Cases						
Other Misd.	Defs. Cases						
TOTALS	Defs. Cases						





District Attorney's Office East Baton Rouge Parish 11th Judicial District Statistical Information Juvenile Section Period Covered Present(s) Reporting	Number Cases Reported	Number Cases Not-Adjudicated and Reasons 1. Illegal Search/Seizure 2. Pre-Negotiation 3. At Victim's Request 4. Insufficient Evidence	Number Cases Adjudicated	Pleas of Guilty 1. As Billed 2. To Lesser Charge	Verdicts 1. Conviction 2. Acquittal	Motive Factors and Reasons 1. Pre-Negotiation 2. Failure of Evidence 3. At Victim's Request 4. Insufficient Evidence 5. Mitigating Circumstances (written on bill)	Post-Trial Hearings and Motion Hearings	Continuances 1. By Defendant 2. By Court 3. By State 4. Trial in Progress 5. Defendant Absent
<b>FLORISSY</b>								
Handgun/Buyer	1	1		1	1	1		1
	2	2		2	2	2		2
Aggravated Battery	1	1		1	1	1		1
	2	2		2	2	2		2
Aggravated & Simple Burglary	1	1		1	1	1		1
	2	2		2	2	2		2
Armed & Simple Robbery	1	1		1	1	1		1
	2	2		2	2	2		2
Theft & Receiving Stolen Things	1	1		1	1	1		1
	2	2		2	2	2		2
Rape/sexual	1	1		1	1	1		1
	2	2		2	2	2		2
Other Offenses	1	1		1	1	1		1
	2	2		2	2	2		2
Total (a)	1	1		1	1	1		1
Total (b)	1	1		1	1	1		1
<b>WISDOMIANON</b>								
DWI	1	1		1	1	1		1
Traffic	1	1		1	1	1		1
Theft	1	1		1	1	1		1
Possession Marijuana	1	1		1	1	1		1
Resisting Officer	1	1		1	1	1		1
Disobeying Police	1	1		1	1	1		1
Total (a)	1	1		1	1	1		1
Total (b)	1	1		1	1	1		1

G. CASE INVENTORY.

As recommended in an earlier section of this report, an immediate inventory of all cases on each court docket should be made and compared to the clerk's docket and the open cards. The Commonwealth's Attorney should also consider having his trial Division Chiefs do a monthly case inventory of all cases on their dockets on a continuous basis. In order to perform the inventory, a form should be designed with columns to provide the following kinds of information:

Case Number

Defendant(s)

Date of Indictment

Charge

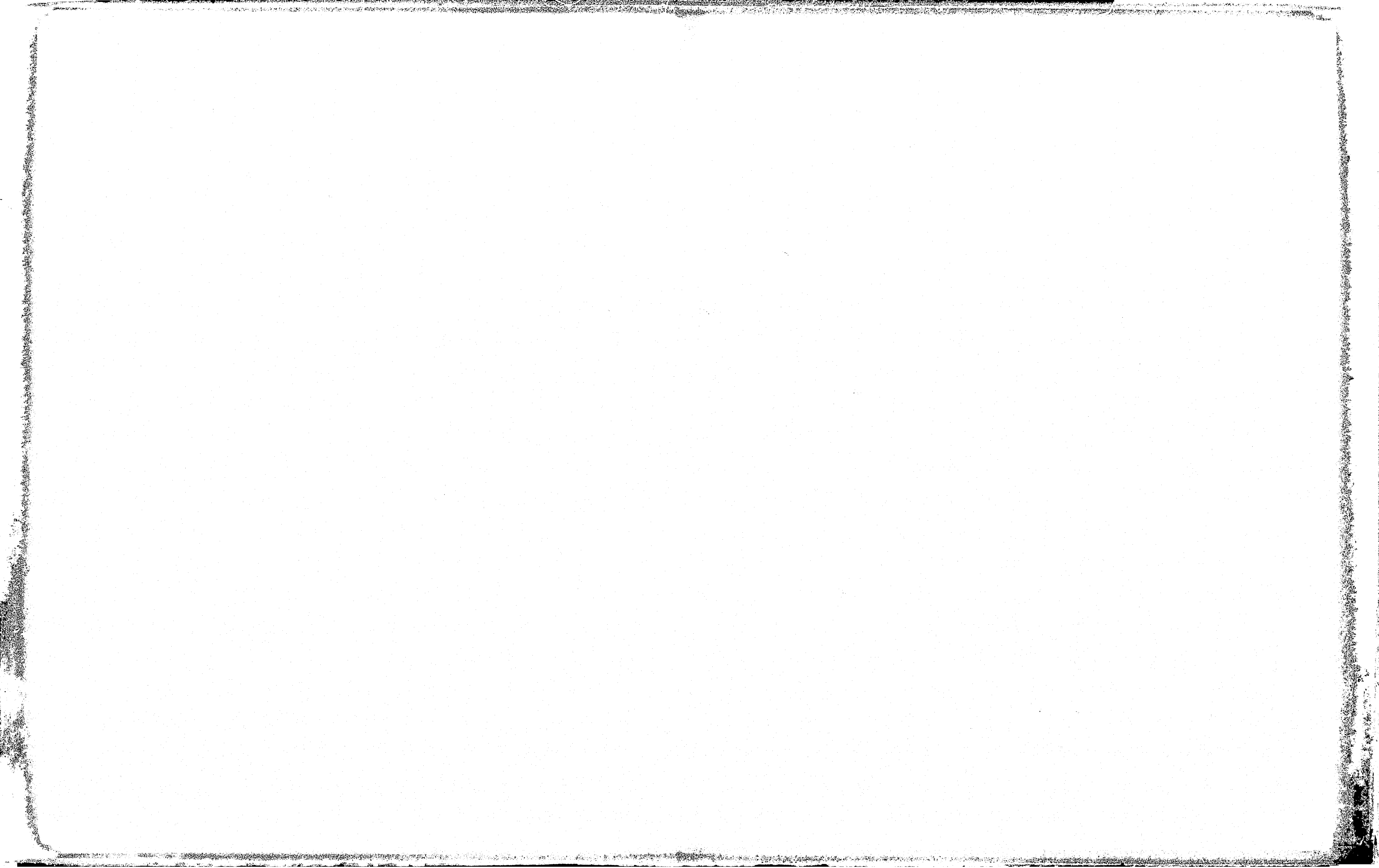
Status: jail, bail, at large

Next action date

Purpose

Number of days since indictment

NOTES.







H. EQUIPMENT.

Office equipment is up to date. It includes electric typewriters, two automatic typewriters, dictating equipment, and a copying machine. However, staff members need more training in the use of this equipment.

The Technical Assistance team recommends that the Commonwealth's Attorney and his staff, in particular the office manager, determine the manner in which their equipment resources can be used most effectively. The automatic typewriters, for example, are presently used only a portion of the time to their fullest extent. These machines are not used to capacity because no one in the office has ..

- 1) analyzed the workload to determine the kinds of typing jobs that can be best handled by the automatic typewriters and
- 2) designed the flow of work accordingly.

There are a number of tasks that automatic typewriters are suited to do. One category of work suitable for the automatic typewriter is the form letter which is too important to run off on a duplicating machine or to design as a form with blanks to be filled in. Many letters fall into this category: letters to particular members of the community (e.g., local merchants); letters to

NOTES

other agencies of the criminal justice system (e.g., police departments); letters to members of the judiciary or the defense bar; letters to governmental officials. Another category of paperwork suitable for the automatic typewriter is the long document: briefs, memoranda, and tracks, etc. Because of the ease with which corrections, additions, and deletions can be made to such items while they are in the process of being revised, they are best done on automatic typing equipment.

The office manager should also be delegated with responsibility to ensure that full use is made of dictating equipment. If properly used, dictating equipment can pay for itself by saving considerable time for both attorneys and secretaries. Often, however, office staff need to be instructed and encouraged to utilize the equipment because they are not in the habit of doing so.

NOTES.

I. PHYSICAL FACILITIES.

This sub-section focuses on the optimum use of the space being made available for the Commonwealth's Attorney's Office and recommends some short-term improvements that can be made in these facilities.

It is clear that a great deal of detailed planning, regarding space, interior design, and furniture selection has been invested in the Hall of Justice facility. As a general location, it will promote a great improvement in the functioning of the Commonwealth's Attorney's Department. The image of the Office will be enhanced, and the proximity to judges and courtrooms will be very beneficial to the attorneys. It was noted, however, that some problems of layout in the facilities do exist, as outlined in this sub-section; some immediate short-term improvements are therefore suggested.

The following paragraphs define the facilities to be provided for the Commonwealth's Attorney.

NOTES:

1. Present Personnel. The present office complement for the Department consists of 17 attorneys and 18 support personnel. Details of personnel distribution and basic requirements for a functional environment for each type of employee are as follows:

<u>Title</u>	<u>No. Required</u>	<u>Remarks</u>
Commonwealth's Attorney	1	Needs office with Conference table, has frequent visitors, needs private powder-room
First Assistant	1	Needs office with space for visitors
Division Chief	3	Same as 1st Assistant
Full-time Prosecutor	7	Offices with space for visitors
Part-time Prosecutor	5	Need offices, either with space for visitors, or access to conference/meeting rooms
Office Manager/Secretary	1	Needs enclosed space with view of secretarial pool
Legal Secretaries	3	Need desk space for private filing
General Secretaries	4	Need desks and space for Mag-Card machine
Receptionist	1	Desk overlooking entrance
Detectives	7	Chief needs office, others could share space; need filing cabinets and access to conference room
Records	2	Need private, lockable room in central location

2. Existing Facilities. The offices currently being used by the Department are generally in two locations: in the old Courthouse annex (in two different areas) and in the recently completed Legal Arts Building. Working conditions and general efficiency are affected by the conditions existing in the old Courthouse complex; the centralization of the Department into one location in the Hall of Justice will rectify some of these problems. The major problems with the existing conditions are as follows:

a. Fragmenting the office into different locations creates a series of communication difficulties for the attorneys, intra-departmental staff, and visitors to the office.

b. The lack of private offices for the majority of prosecuting attorneys is a hardship for them as well as for their visitors. Although the attorneys spend much of their time in court, they do need a private space to prepare for court appearances.

NOTES

NDA

c. The lack of adequate facilities to organize, store, and retrieve documents causes inefficient use of personnel time.

d. The law library, on the second floor, is also being used as office space for attorneys, and it is poorly stocked. It was noted that it is not desirable to have the professional staff absent from their point of operation in order to use a library for even an hour or two of research. The lack of an adequately maintained and located law library is further reducing the efficiency of the prosecuting attorneys.

3. Space and Location Requirements. In order to house the entire office in one area, the following net space and facilities would be the absolute minimum condition for today's level of staffing, not allowing for any substantial increase in workload, opening of new divisions, or addition of attorneys or support staff. These space standards stem from comparative analyses of other District Attorneys' facilities.

NOTES:

<u>Room or Space</u>	<u>No. Required</u>	<u>Sq.Ft. Each</u>	<u>Approximate Total Net Sq. Ft. Required</u>
Commonwealth's Attorney's Office	1	300	300
First Assistant's Office	1	200	200
Division Chief	3	150	450
Full-time Prosecutor's Office	7	150	1050
Part-time Prosecutor's Office	5	120	600
Conference Room	2 (recommended)	200	400
Library	1 (could be one of conference rooms)	200	200
Office Manager/ Secretary's Office	1	150	150
Legal Secretary's Office	3	50-125	150-375
General Secretary's Office	4	50-125	200-500
Receptionist/Waiting Room	1	300	300
Detectives Room	1	400	400
Records	1	250	250
General Storage and Refreshment Area	1	200	200
Total Net Space			4850-5375 Sq. Ft.
Addition for Circulation 25%			1213-1344 Sq. Ft.
Total Gross Area Recommended			6063-6719 Sq. Ft.
(does not allow for male-female restrooms, lounge, or toilets)			



From experience with prosecutors' offices in other jurisdictions, a conservative growth factor of up to 50% could be expected in the next five years; for planning purposes, then, a total space allocation should consist of at least 9095-10078 sq.ft. for the Department.

4. Criteria for Evaluating Plans. It is recommended that the following criteria be used as a guide for the evaluation of detailed layouts for the Commonwealth's Attorney's offices:

a. The need to keep the Department in one location for greater efficiency in attorney communication, interaction, use of library, and access to records.

b. The need for easy public access and especially witness access.

c. The need for private offices for attorneys in the immediate and foreseeable future. This requires allocating unassigned space for future growth.

d. The need for adequate clerical, court, storage, and conference room space for the Department. On the latter item,

NOTES:

it is further recommended that at least two conference rooms should be provided. One should be large enough to accommodate the entire professional staff, and one could be used also as a library.

e. The need for attorneys to have relatively easy access to courtrooms, judge's chambers, and related spaces.

f. The need for the Office to present a public image that is consistent with the dignity of its function both in the judicial system and in law enforcement activities of the court. The interior environment should provide adequate functional space for the prosecuting attorneys to work in private and to hold witness interviews away from distraction.

In the following paragraphs, the Technical Assistance team discusses the facilities to be provided to the Commonwealth's Attorney and recommends short-term improvements in those facilities.

1. Facilities in the Hall of Justice. A gross floor area of approximately 4320 sq. ft., based on measurements from the project architect's drawings, is being prepared for the

NOTES

Commonwealth's Attorney's Department on the second floor of the Hall of Justice facility. At the time of the Technical Assistance team's visit, the furniture was being moved in, and the space was virtually ready to be occupied. The layout of this portion of the second floor has a public waiting and reception area, and an open space for secretaries, with a screened off area for the secretary/manager. Assigned offices are provided for the Commonwealth's Attorney and the First Assistant. There are also small, unassigned offices for 14 other attorneys. Support facilities include a combined conference room/library; an area for the detectives, with a private office for the Chief; 3 file rooms; and a female toilet.

It was pointed out to the Technical Assistance team that space could also be made available for use by the Commonwealth's Attorney on the third floor of the Hall of Justice (the Grand Jury space). This space consists of a waiting area, two offices, two toilets, and a conference room, with a gross area of approximately 1607 sq. ft.

2. Facilities in the Legal Arts Building. In addition to the above facilities, space has recently been rented in the Legal Arts Building, primarily for use by the Career Criminal

NOTES:

Bureau. This space consists of 12 rooms or spaces of various sizes, and a gross floor area of 3,000 sq. ft. (this area was taken from the Lease Agreement).

3. Summary and Comments on Gross Floor Area Available.

From the above, it can be seen that the following gross areas are being made available to the Commonwealth's Attorney's Department.

Hall of Justice 2nd Floor	4320 Sq. Ft.
Legal Arts Building	3000
<u>Hall of Justice 3rd Floor</u>	<u>1607 potential space</u>
Total	8927 Sq. Ft.

If the total facilities provided were immediately contiguous to each other, and in close proximity to the courtrooms, it would appear that the Department would not experience major space problems in the next few years. However, with approximately 30% of the space in another building and with a portion of the remainder of the space potentially on another floor of the Hall of Justice, a management problem is created for the Department in maintaining communication and contact with the attorneys.

NOTES:

The original intention of the provisions made for the Commonwealth's Attorney in the Hall of Justice complex was to provide sufficient space in one area to allow the Department to expand for many years. However, in common with many jurisdictions, the office has grown at a more rapid rate than anticipated and major legislative changes have occurred. Such changes require both greater overall space and, to a certain extent, space that is laid out with a different emphasis than that envisioned by the original planners for the facility. The most obvious example of these changes in the operation of the Department is in the office facilities provided for the attorneys. These offices are approximately 60 sq. ft. in area and were originally intended for work areas for part-time prosecutors. With the present size of the department being 17 attorneys, 12 of whom are full-time appointments, it is clear that the bulk of these attorneys will need a larger office space than 60 sq.ft. each. A strategy is proposed in this report for dealing in part with the short-term problems posed by this situation, realizing the fact that since the space is already finished, any major changes in this layout would be costly and would delay moving the Department into the Hall of Justice Facility for many weeks at least.

NOTES

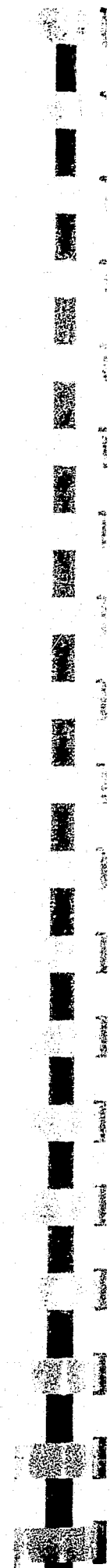
4. Recommended Strategy for Short-term Improvements.

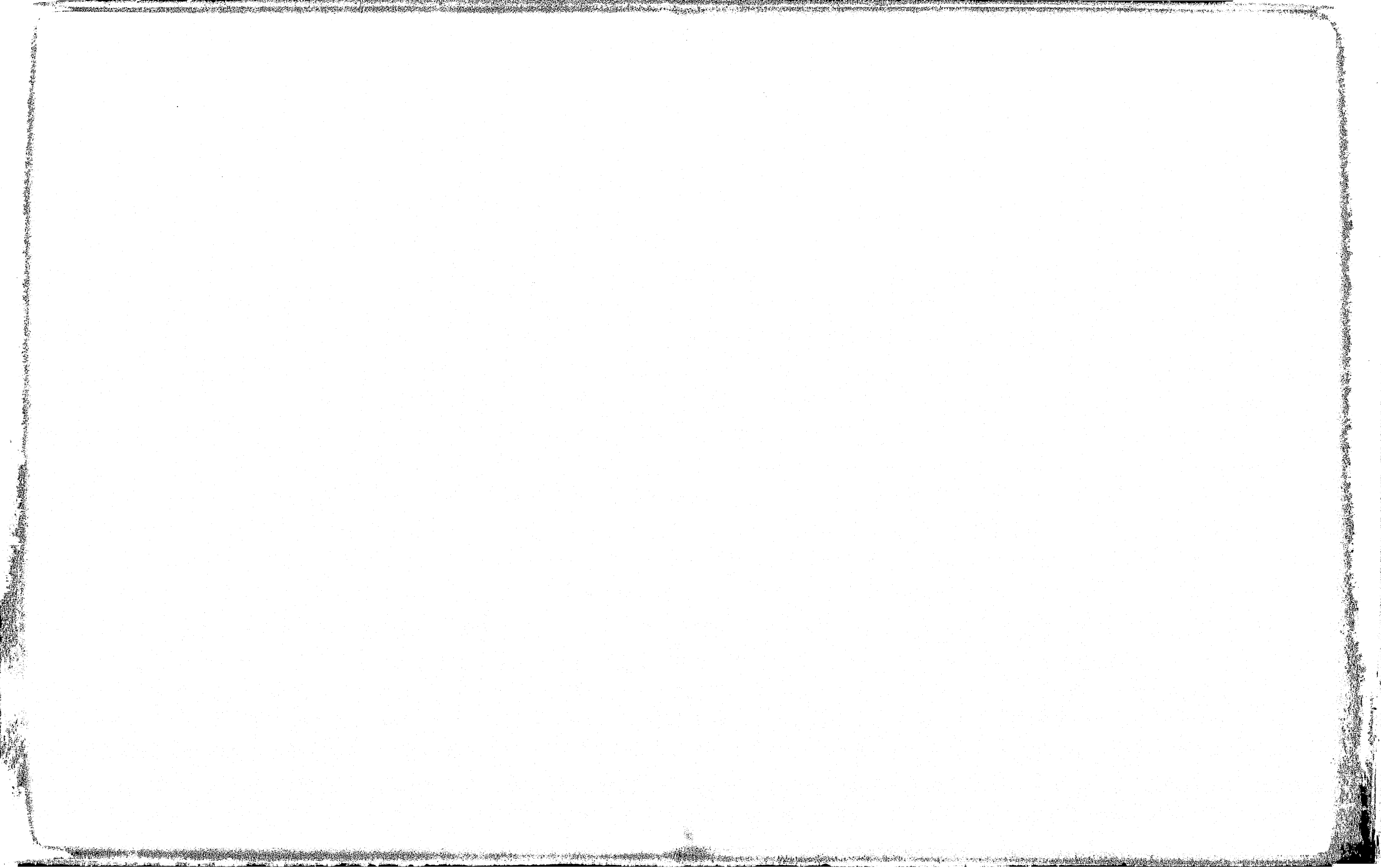
The following series of assumptions have been made in making recommendations for using the available facilities at their optimum:

a. Management and direction of the Department should be headquartered at the second floor location. The Commonwealth's Attorney, his First Assistant, and as many of the attorneys as possible should be located there.

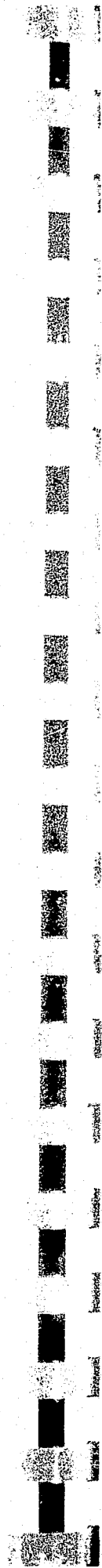
b. Wherever possible, attorneys who are located elsewhere should be organized into management units that do not require frequent contact with the main core group of the Department. The Career Criminal Bureau is a good example of this type of management unit.

c. The minimum of physical remodeling should be undertaken, both to reduce initial capital expenditures and in anticipation of the continuing climate of change, which is liable to create the need for further reorganization of personnel space. Given the above constraints, the following improvements are recommended for the Hall of Justice 2nd floor location (see the figure at the end of this sub-section):





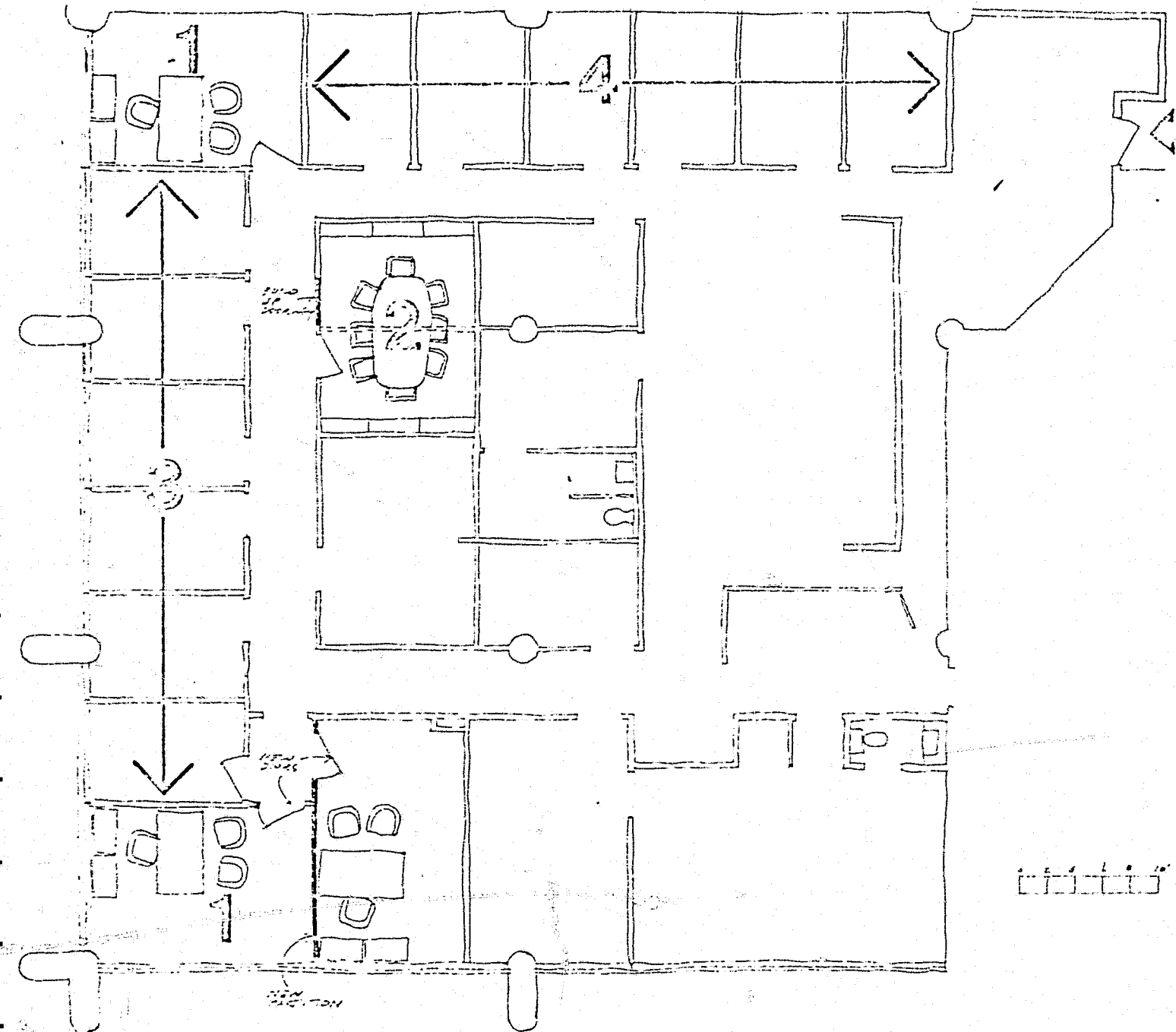




**CONTINUED**

**2 OF 3**

- 1 OFFICES FOR DIVISION CHIEFS
- 2 CONFERENCE ROOM/LIBRARY
- 3 ATTORNEY OFFICES
- 4 ATTORNEY/OR DETECTIVE OFFICE



RECOMMENDED RE-ASSIGNMENT OF OFFICES, SECOND FLOOR HALL OF JUSTICE FACILITY

VI. DEVELOPMENT

In this section of the report, the Technical Assistance team addresses those areas of planning and program development that are the unique responsibility of the chief prosecutor.

NOTES

A. ROLE OF THE COMMONWEALTH'S ATTORNEY.

The Commonwealth's Attorney should take steps to ensure that his function is that of a planner and manager not only for his own office but for the criminal justice system in the jurisdiction generally. There are a number of ways to accomplish this, many of which are discussed in this report. As described in an earlier section, the Commonwealth's Attorney should make more efficient use of his time by delegating authority. Up until now, he has been available to virtually anyone and everyone. Some of the liaison work with police and contact with citizens should be delegated among the staff.

In terms of being a manager, the Commonwealth's Attorney should undertake a study of the principles of administration. He should learn the terminology and precepts of the field (e.g., management by objectives, the Blake/Mouton managerial grid). The Commonwealth's Attorney should always be on the lookout for better ways to organize his office. One means of obtaining relatively detached managerial advice is to schedule a "retreat" for an afternoon, day, or weekend to

work with key staff members upon common management problems. The Commonwealth's Attorney should also consider management courses/seminars sponsored by the NDAA, the National College of District Attorneys, and other professional groups. Courses are available both for chief prosecutors and key staff members.

Program development is one area of management that the Commonwealth's Attorney should give considerable thought to. Team members noted that relatively few federal grants have been awarded to the City of Louisville. Thus the chances of obtaining grants ought to be good. A number of program possibilities are discussed in a subsequent sub-section of this report.

In assuming a leadership position in the criminal justice system, the Commonwealth's Attorney should consider functioning as a CJS spokesman. The public does not understand the fine distinctions between the various elements of the criminal justice system. Someone must let them know, and the Commonwealth's Attorney is the most likely individual.

The Commonwealth's Attorney should also include the media in on his plans for his office in order that they may inform the public of the innovations he is making in the office. At the same time he should keep an ear attuned to feedback from the community.

The leadership role discussed in the preceding paragraphs is a demanding one, and it requires considerable time. This is the over-riding reason that elsewhere in the report there are so many recommendations made concerning ways that the Commonwealth's Attorney can delegate relatively routine matters to members of his staff. Only in this way can he free himself to perform the leadership role in the criminal justice system that he alone can play.

NOTES

B. MASTERPLAN.

The Technical Assistance team recommends that the Commonwealth's Attorney compose a comprehensive masterplan for his entire office. He should invite participation in the development of the plan by members of his staff, particularly those in supervisory positions. One method of gathering resource material for the plan is to assign a particular individual the job of collecting information on various programs being conducted by prosecutors throughout the nation. These programs can then be reviewed for possible adaptation and implementation in Louisville.

The masterplan should include both long and short range objectives. Virtually every recommendation made in this report is suitable for inclusion in a masterplan. The plan should be accompanied by scheduled steps that will meet each objective, as well as a logical timetable. This will allow the Commonwealth's Attorney to assess his progress towards meeting objectives. Ultimately the masterplan will allow the Commonwealth's Attorney to address himself systematically to every aspect of his office operations and the criminal justice system.

NOTES



One example of how the masterplan might work is as follows. The office might propose a goal that serious criminal cases will be disposed of as quickly and effectively as possible. This goal would call for specific tasks: e.g., to define the cases to be considered "serious"; to draw up a list of those cases; to establish procedures for regularly identifying such cases as they come in; to have those cases assigned to the most capable Assistants; to devise a means of evaluating the effectiveness of such a program at regular intervals in the future. Any of these tasks could be drawn up according to a time schedule so that the Commonwealth's Attorney would know at any point how much had been accomplished towards achieving the particular goal.

C. NEW PROGRAMS.

The Technical Assistance team recognizes that the Commonwealth's Attorney is doing much and recommends that he maintain a high priority on developing new programs in the office. The following list of possible programs is given as an indication of the kind of program he should consider. Specific information in any of these areas can be furnished by the National District Attorneys Association upon request.

1. Victim Witness Assistance. There is a need to plan more for the accommodation and preparation of the witnesses for their participation in the various court proceedings, as well as to provide comfort and protection to the victims and witnesses. The NDAA Commission of Victim Witness Assistance can provide a good deal of information on such areas as accommodation, preparation, notification, etc.

NOTES

2. Legal Interns. The Commonwealth's Attorney should consider utilizing legal interns from local law schools; among other things, a legal internship can provide a source of future Assistant Commonwealth's Attorneys. Interns could be assigned to each trial team and each operational unit, and should then be included on the organizational chart accordingly.

3. Self Technical Assistance. The Commonwealth's Attorney should consider a program whereby his office conducts its own technical assistance on a regular basis. This would include following the paper flow through the office to check for inefficiencies. Even the smallest items (e.g., having the attendance sheet simply note those who were absent) can be real timesavers over the long run.

D. GROWTH AND RESTRUCTURE.

In the event the Commonwealth's Attorney assumes responsibility for the Police and Quarterly Courts, his office will be faced with an additional burden of over 3,500 cases. The office is not prepared for this burden either in terms of personnel or space.

The Technical Assistance team recommends that the Commonwealth's Attorney consider restructuring his office along the lines described below in the event he assumes responsibility for Police and Quarterly Courts. The following steps are recommended.

1. The First Assistant should be relieved of his trial duties and his responsibility for supervising one Trial Division.

2. Each Trial Division should be re-organized so that it is composed of one Senior Assistant and one Junior Assistant or, alternatively, two Senior Assistants per Division. All Divisions would then be supervised by one Chief of Trials.

3. The Assistants made available under recommendation #2 should be moved to the Quarterly and Police Courts.

4. Each Trial Division would have two legal interns assigned. They would handle misdemeanor appeals.

NOTES

NDA

E. TRAINING.

The Commonwealth's Attorney should establish an in-house training program for his staff. The program should include basic training for new Assistants and advanced training for more experienced members of the staff. It is appropriate to delegate responsibility for the training program to one individual.

A good way to develop an advanced training program is to solicit topic areas from the entire staff as to areas in which they would like to receive more training. Then an agenda can be drawn up. The advanced training sessions can take the form of lectures, demonstrations, discussions, or a combination of the three.

The individual assigned to responsibility for training should also keep abreast of the various training conferences, seminars, and programs available within the state and elsewhere around the nation. When any Assistant is sent to such a program, he should be prepared to report back and share what he has learned with the rest of the office.

NOTES

F. SPACE DEVELOPMENT.

As was seen in the sub-section dealing with physical facilities, departments such as the Commonwealth's Attorney's will need a great deal of management skill to cope with their demands for increased or re-configured space utilization. Since space will always be at a premium, the Technical Assistance team recommends that management planning time be devoted not only to the deployment of personnel, but also to the development and use of space.

The few minor physical changes recommended in this report should also serve as a reminder that the Hall of Justice facility must be capable of adaptation to changing conditions and rearrangement, particularly in the office and support areas of the Commonwealth's Attorney's Department.

G. PROGRESS REPORT.

Representatives from the National District Attorneys Association had occasion to visit the Commonwealth's Attorney's Office in the later part of August, 1976 and, inter alia, reviewed the status of the office and the progress since the initial Technical Assistance visit reported herein.

The Commonwealth's Attorney and members of his staff are definitely committed to improving every aspect and phase of the office. They are diligent in gathering information about various projects and programs found to be effective in Prosecutors' offices throughout the country. They have also been extraordinarily active in inviting various people to their office to make suggestions for improvement. For example, in addition to the National District Attorneys Association, representatives from the National Legal Data Center, Inc., were invited in to offer Technical Assistance regarding the career offender program.



It is also apparent that the Commonwealth's Attorney has been implementing many recommendations for improvement. One of the most obvious areas has to do with the organizational format. He has accepted the concept presented by the Technical Assistance team and implemented it by designating a First Assistant who functions as such and by designating certain unit chiefs to supervise various functional operational units. He has delegated certain responsibility and commensurate authority to each of these chiefs. There is a highly developed line of authority and chain of command, allowing the Commonwealth's Attorney to do many things that only he can do, things which he did not have time to do earlier when he was trying to do everything himself.

There are new programs either in effect or in advanced planning stages. A career offender program has been implemented. An Economic Crime Unit, a Prosecutor's Information System, and a Victim-Witness Program are in advanced stages of planning.

Many tools for better management have been adopted, including an improved approach to statistical gathering.

NOTES

NDAA

The Commonwealth's Attorney and some of the members of his staff take a very active part in reaching out into the community to inform and involve more people about the Criminal Justice System.

Also, the office has taken on some new areas of responsibility, such as handling all felonies in the Police and Quarterly Courts.

In summary, the Technical Assistance team commends the Commonwealth's Attorney for his interest and dedication and encourages him to maintain his momentum for progress.

NOTES

NDAA

VII. CONCLUSION

The findings and recommendations in this report are presented with the realization that the Commonwealth's Attorney has already accomplished a great deal, and that he has present plans for future improvement. The Technical Assistance team compliments him for his achievements.

The recommendations in this report are made in reference to the objective of the National District Attorneys Association: To assist the local prosecutor in assuming his proper role as the chief law enforcement officer in the criminal justice system.

The National District Attorneys Association appreciates the opportunity through the Technical Assistance program to assist the Commonwealth's Attorney in improving the quality of prosecution management.

NOTES

**END**