

PUERTO RICO CRIME COMMISSION

EXECUTIVE SUMMARY

EVALUATION OF

SAN JUAN's DISTRICT ATTORNEY's OFFICE

INVESTIGATION UNIT

November, 1977



CONSULTORES TECNICOS ASOCIADOS

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November 14, 1977

Ms. Flavia Alfaro de Quevedo, Esq.  
Executive Director  
Puerto Rico Crime Commission  
G.P.O. Box 1256  
San Juan, Puerto Rico 00936

Dear Ms. Alfaro:

Enclosed please find our Executive Summary on the evaluation of San Juan's District Attorney's Office Investigation Unit. (76-A-672-44). In the same we summarize the results of the interviews, file audits, and statistical evaluations undertaken to determine the Unit's effectiveness.

We have concluded that, in general, the Unit has accomplished most of the specified objectives. For those areas where the objectives were not accomplished, the reasons for the same, as well as recommendations for improvements are presented.

Our thanks for the trust you have placed on our firm.

Cordially,

CONSULTORES TECNICOS ASOCIADOS

Nelson Famadas  
Partner

NF/lam  
Enclosed

## I. INTRODUCTION

During the last years, criminal incidence, measured in terms of new cases, has presented notable increases, particularly with respect to the activity of San Juan's D.A's Office. The resources available to prosecute these cases did not increase accordingly. Because of the disparity, there has been an increase on the amount of pending cases.

In order to attempt a solution to this problem, an Investigation Unit was created in 1975 with an LEAA grant. This Unit provides technical and administrative assistance to the Assistant District Attorneys (ADA) by prescreening cases before being submitted to the Courts. This would reduce the amount of routine work and caseloads assigned to the ADA's, improve the quality of investigations and reduce the amount of pending cases. In addition, the Unit would serve as a training center for potential ADA.

The purpose of this report is to present a summary of the evaluation undertaken by the consultant to determine if the objectives have been met.

## II. EVALUATION OF THE ADMINISTRATIVE ASPECTS OF THE PROJECT

This section summarizes the results of the analysis on indicators (qualitative and quantitative) which would allow the consultant to establish the Unit's productivity and to compare the differences prior to the establishment of the project.

### 1. Installation of Basic Elements

#### - Personnel

Personnel turnover was determined to be .47 which is extremely high. Replacement time was determined to be 451 days, or 54% of total days of the project, thus showing that personnel remain on the project for too short a period of time.

#### - Equipment

The consultant inspected all purchase orders and compared the same with fund requests. Also a physical check was made of most of the purchases. Apparently, all purchases made have been installed at the San Juan DA's facilities. There was a discrepancy of only \$4,351.09 between the inspection

and the vouchers.

- Procedures

It was found that formal procedures were not changed appreciably due to the introduction of the Unit.

- Productivity

The cost per case (based on D.A.'s office payroll) increased from \$30.57 in 1975 to \$36.97 in 1976.

Although, in comparison with previous years, there is a marked reduction.

## 2. Training Programs Offered

Basic training given was "on the job" type. A clerical seminar was offered but was found to be inadequate by the consultant. Only one investigator was sent to a seminar (in organized crime).

## 3. Personnel Selection Criteria

In general terms, position requirements are adequate for the position description. In reality, the personnel have to perform jobs which require higher skills than what they have.

#### 4. Case Processing

By mid 1976 due to state budgetary limitations, the Unit's lawyers were being required to undertake more and more functions as prosecutors, thus reducing the Unit's investigative capability.

#### 5. Interpersonal Relations, Perception and Attitude

The consultant interviewed all of the Unit's assigned personnel, including the Investigators, Clerical personnel, and lawyers (Special D.A.) to determine personal attitudes, and administrative, legal and investigative adequacy. The most relevant issues presented by the interviewers were:

- resentment by Unit's personnel due to low pay
- lack of motivation due the temporary nature of the job positions
- friction with supervisory personnel
- low morale, as they feel that the Unit's objectives are not being accomplished

#### 6. Adequacy of Services Offered to Judges and A.D.A.

Based on the interviews conducted with the judges, it

was found that they were not fully aware of the existence of the Unit.

On the other hand, the ADA interviewed were pleased and satisfied with the work being undertaken by the Unit. They felt that it had contributed to the improvement of cases, investigations and successful prosecutions.

#### 7. Interagency Services and Meetings

There is only one documented meeting with Police officials to coordinate the investigative work.

#### 8. Increase or Decrease in the Amount of Pending Cases

Table 2-2 (numbering as per original report) present a number of indicators which help analyze the case movements between years. (Table 2-2-A discounts drunkenness cases). The indicators all tend to confirm that a reduction of the workload has taken place. At the same time, however, they point towards possible problems for 1977.





TABLE 2-2

PROPORTIONAL RELATIONSHIP  
PENDING AND SOLVED CASES  
DISTRICT ATTORNEY'S OFFICE  
SAN JUAN

	1969	1970	1971	1972	1973	1974	1975	1976	1977 *
Pending Accusations	3,602	3,855	3,925	3,345	4,977	5,914	6,303	6,214	5,749
%	-----	7.02	1.82	10.70	14.55	18.13	6.58	- 1.41	- 7.48
Accusations Presented	4,869	4,923	5,385	5,690	6,215	7,034	8,348	7,737	3,433
%	-----	-1.11	9.38	5.66	9.23	13.18	18.68	- 7.32	-----
Transfers	55	21	37	37	93	62	1,099	46	43
<b>TOTAL</b>	<b>8,416</b>	<b>8,757</b>	<b>9,273</b>	<b>9,998</b>	<b>10,099</b>	<b>12,886</b>	<b>13,552</b>	<b>13,095</b>	<b>9,139</b>
Pending Accusations	.43	.44	.42	.43	.49	.46	.47	.47	.63
%	-----	2.33	-4.55	2.38	13.95	6.12	2.17	.00	34.04
Cases Solved	4,635	4,644	5,056	4,809	5,295	6,718	8,374	8,156	3,825
Cases Solved/Total Presented	.95	.94	.94	.85	.85	.96	1.00	1.05	1.11
Cases Solved/Total	.55	.53	.55	.48	.52	.52	.62	.62	.42
%	-----	3.64	3.77	12.73	8.33	0.00	19.23	0.00	-32.26
Filed Cases	713	913	964	1,045	1,440	1,903	2,300	2,076	1,026
Filed Cases/Total Presented	.15	.19	.18	.18	.23	.27	.27	.27	.30
Filed Cases	.08	.10	.10	.10	.14	.15	.17	.16	.11
%	-----	25.00	-----	-----	40.00	7.14	13.33	5.88	-31.25
Pending Cases	3,855	3,925	4,345	4,977	5,974	6,303	6,214	5,749	5,314
Solved Cases/Pending	1.20	1.18	1.16	.97	.89	1.07	1.35	1.42	.72
%	-----	1.67	1.69	-16.38	- 8.25	20.22	26.17	5.19	-49.30

\* Up to July 1, 1977.

Source: Department of Justice.

TABLE 2-2-A

PROPORTIONAL RELATIONSHIP  
PENDING AND SOLVED CASES  
(DOES NOT INCLUDE DRUNKENNESS CASES)  
DISTRICT ATTORNEY'S OFFICE  
SAN JUAN

	1969	1970	1971	1972	1973	1974	1975	1976	1977
Pending Accusations	4,095	4,329	4,568	5,029	5,914	6,994	7,331	6,214	5,749
%	-----	5.71	5.22	10.09	17.60	18.26	4.82	-15.24	-7.48
Accusations Presented	5,604	5,583	6,195	6,406	7,320	8,183	9,032	7,737	3,433
%	-----	-0.37	10.96	3.41	14.27	11.79	10.38	-14.34	-----
Transfers	55	21	37	37	93	62	1,099	46	43
<b>TOTAL</b>	<b>9,644</b>	<b>9,891</b>	<b>10,762</b>	<b>11,398</b>	<b>13,141</b>	<b>15,115</b>	<b>15,264</b>	<b>13,095</b>	<b>9,139</b>
Pending Accusations	.42	.44	.42	.44	.45	.46	.48	.47	.63
%	-----	4.76	-4.55	4.76	2.27	2.22	4.35	-2.08	34.04
Cases Solved	5,315	5,323	5,697	5,487	6,147	7,784	9,050	8,156	3,825
Cases Solved/Total Presented	.95	.95	.92	.86	.84	.95	1.05	1.05	1.11
Cases Solved/Total	.55	.54	.53	.48	.47	.51	.59	.62	.42
%	-----	-1.82	-1.85	-9.43	-2.08	8.51	15.69	5.08	-32.26
Filed Cases	713	913	964	1,045	1,440	1,903	2,300	2,076	1,026
Filed Cases/Total Presented	.13	.16	.16	.16	.20	.20	.25	.27	.30
Filed Cases	.07	.09	.09	.09	.11	.13	.15	.16	.11
%	-----	28.57	-----	-----	22.22	15.38	15.38	6.67	-31.25
Pending Cases	4,329	4,568	5,029	5,914	6,994	7,331	6,214	5,749	5,314
Solved Cases/Pending	1.23	1.17	1.13	.93	.88	1.06	1.46	1.42	.72
%	-----	-4.88	-.342	-17.70	-5.38	-20.45	9.43	-2.74	-49.30

\* Up to July, 1977.

Source: Department of Justice.

### III. DIRECT SERVICES OF THE UNIT

This chapter analyzes the problems that were measured by the consultant in terms of the attainment of the Unit's Objectives:

#### 1. Changes Identified

The time period which covers the Unit's implementation can be divided into two phases. The first phase covers up to approximately March of 1976. The second phase would cover up to the 1st. of November, 1977. The project suffered major changes between the two periods.

Eventhough some problems arose during the project startup, such as the office's move to the new judicial center and slowness in recruiting, overall the Unit accomplishes the expected objectives. During this first phase, a number of changes took place, such as:

- Rotating Shifts up to 2:00 A.M. (later reduced to 12:00 P.M.)
- Better administrative coordination
- A large number of pending cases were evaluated (by the Unit) for filing
- Errors in "querellas" (complaints) were reduced

- Conviction rate was increased

During the period comprised by Phase II, the D.A.'s office started increasing the use of the Unit's lawyers as Prosecutors, thus considerably reducing the investigative capabilities of the same.

## 2. Analysis of Objectives

The grant request objectives were analyzed individually, with the following conclusions being reached:

- The ADA workload was reduced, although more effectively during Phase I
- The consultant believes that pre-screening should be carried out by ADA, because of the delicate nature of the decision
- No evidence was found that policemen had been formally advised on case preparation
- Based on a selective investigation of cases, it was found that those cases in which the Unit had participated seemed to be more complete
- The effectiveness of the investigators in the location and citation (supremo) of witnesses could not be

measured, although the activity is undertaken by the Unit's Investigators

- Specialized legal research is being conducted by the ADA themselves
- Uniformity of cases was found to be higher after the Unit was installed
- The number of resolved cases are kept higher than the number of new cases, except for 1977
- Continuity of case investigation is reduced for Phase II of the Project
- CJIS system is not being used effectively by the D.A.'s office

#### IV. STATISTICAL SUMMARY

The consultant could not establish that the following data was being collected specifically with regards to the Unit:

- Number of cases found guilty as a result of the Unit's participation
- Characteristics of investigated cases
- Reasons for not submitting cases to the Courts
- Investigations not undertaken or incomplete
- Number of cases where there is no probable cause being filed before submitted.

Other relevant indicators were compiled and analyzed by the consultant. Most of them show structural differences between pre-1975 and post 1975. Care must be taken in attributing this change strictly to the Unit's intervention, as other activities also took place during that period, to wit:

- T.A.S.C.
- Amendments to the Transit Law
- Moving to the New Judicial Center

Overall, the data still points to the fact that the Unit has contributed to the improvement of the D.A.'s office operations.

To conclude the above, the following indicators were studied:

1. Guilty Pleas
2. Accumulated Cases
3. Characteristics of Solved Cases
4. Cases Ageing
5. Cases Filed before Indictment
6. Drunkenness Cases
7. Preliminary Hearings
8. Cost Productivity of the Unit



## V. CONCLUSIONS AND RECOMMENDATIONS

In general, and taking into consideration the fact that the objectives presented in the grant request are quite ample (and mainly non quantifiable), it can be concluded that the Unit has accomplished its objectives.

In particular, the following is concluded:

1. The Unit has provided an adequate training ground for potential A.D.A.
2. The Unit has helped reduce the amount of pending cases, although the total effect cannot be measured precisely.
3. Finally, the routine workload of the A.D.A. has been reduced, although as before, the effect attributable strictly to the Unit cannot be measured precisely.

It can be anticipated, based on statistics up to July, 1977, that, if state resources for the D.A. office are not increased by 1978, its operational efficiency will revert to the pre - 75 situation.

Based on the evaluation, the following recommendations can be considered:

1. Establish mechanisms to improve employee mobility so that eventual transfers to state funded positions may be possible.
2. Augment state budgetary resources for the D.A.'s office.
3. Prepare a formal training program which would include areas such as:
  - case preparation
  - administrative procedures
  - supervision and public relations
  - CJIS use
  - productivity measurement
  - use of firearms
4. Improve the data collection procedures at the D.A.'s office so as to be able to clearly separate the Unit's activities. A Data Worksheet is submitted by the Consultant for consideration.

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INFORME SEMANAL

	TIPO DE DELITO		TOTAL
	GRAVE	MENOS GRAVES	
Denuncias Atendidas			
Investigaciones Iniciadas			
Investigaciones Concluidas			
Casos Archivados antes de someter			
Ordenes de Arresto			
Querellas Atendidas			
Vistas Preliminares			
Vistas Celebradas			
Casos en que el Acusado renunció			
Resoluciones:			
Se encontró C. P.			
Exonerado			
Traslados			
Archivado			
Referidos a Juez Superior			
se sostuvo criterio			
se determinó causa			
Acusaciones Radicadas durante el mes			
Nuevas			
Traslados			
Reabiertos			
Casos Resueltos			
Por Jurado			
Por Tribunal de Derecho			
Archivados			
Traslados			
Acusaciones Pendientes de semana anterior			

5. Reevalue case assignment procedures particularly with regards to investigative work, so as to better coordinate the Unit's work.
6. Establish an interagency coordinating program with the Police so as to improve the joint investigative work of both units.
7. Create the position of Unit Director. An Assistant District Attorney with experience should be appointed to this position.
8. Submitt legislation to provide the Unit's investigators with the power to arrest.
9. Assign additional personnel to the D.A.'s office so that CJIS may become operational.

Finally, in the preparation of future grant requests, care must be taken to establish specific and quantifiable objectives which would help in monitoring the project.



**END**