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**Uniform
Case Evaluation
and Rating**

PROMIS

PROSECUTOR'S MANAGEMENT
INFORMATION SYSTEM
An Exemplary Project of LEAA

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PROMIS (Prosecutor's Management Information System) is a management information system (computerized or manual) for public prosecution agencies and the courts. Developed under a grant from the United States Department of Justice, Law Enforcement Assistance Administration (LEAA), PROMIS has been in operation in Washington, D.C., since January 1971 and is in various implementation stages in more than 30 other jurisdictions.

LEAA has designated PROMIS an Exemplary Project. Such designation is reserved for criminal justice programs judged outstanding, worthy of national attention, and suitable for adoption by other communities.

The Institute for Law and Social Research (INSLAW) has prepared a series of 21 briefing papers to explain to nontechnical audiences of prosecutors, court administrators, criminal justice planners, and members of the bar the underlying concepts of management and organization inherent in PROMIS. It is expected that these briefings will assist other jurisdictions to evaluate and when appropriate, implement PROMIS in part or in its entirety. The implementation can range from adoption of the concepts of management and organization, to the use of PROMIS forms and paperwork procedures, to the application of the manual or semiautomated version of PROMIS, and, finally, to the installation of the computer software.

Other PROMIS documentation produced by INSLAW under grants from LEAA includes a handbook on *PROMIS For The Nonautomated or Semiautomated Office*, research designs for using PROMIS data bases in statistical studies of criminal justice policies, a six-volume set of computer software documentation, and a 20-minute color documentary of PROMIS (16mm film or video cassette) for nontechnical audiences. The 21 briefings are as follows:

1. Management Overview of PROMIS
2. Case Screening
3. Uniform Case Evaluation and Rating
4. Special Litigation (Major Violators) Unit
5. Witness Notification Unit
6. Paralegals
7. Comprehensive Training
8. Reasons for Discretionary and Other Actions
9. Counting by Crime, Case and Defendant
10. Research Uses of PROMIS Data
11. Uniform Crime Charging Manual
12. Police Prosecution Report
13. Crime Analysis Worksheet
14. Processing and Trial Preparation Worksheet
15. Police Intake Worksheet
16. Standardized Case Jacket
17. Interface with Other CJIS
18. Privacy and Security
19. Analysis of Costs and Benefits
20. Transferability
21. Optional On-Line Inquiry and Data Input Capability

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PROMIS
BRIEFING SERIES *

ACQUISITIONS

**3. Uniform Case
Evaluation and
Rating**

The need for a method by which to evaluate and rate cases in terms of the gravity of the crime and of the accused's criminal background has been long recognized by many jurisdictions, especially by those whose prosecutive resources must contend with a burgeoning case load. Until recently, however, a tested technique had not been available to sort out the most serious from the myriad of cases (particularly in the high-volume misdemeanor area) flowing through urban prosecution offices.

Underscoring concern over the absence of a case rating technique, a report of a large city's criminal justice coordinating council concluded, "The current indictment volume no longer allows District Attorneys the luxury of treating each case as equally important. Procedures for handling the case load must be developed that reflect the severity of the case and its importance to goals such as deterrence." 1/

Likewise, the National Advisory Commission commented on the danger of processing cases for trial without regard for their individual characteristics. This amounts to "ignoring an opportunity to serve the interests of individual defendants as well as those of the general public." 2/

What is called for is a means to replicate in large prosecution agencies the small-town prosecutor's knowledge of his case load. Frequently contending with a relatively light work load and handling cases from screening through trial, prosecuting attorneys in small jurisdictions can become intimately familiar with each case and know how each compares with others in terms of the seriousness of the offense and the criminal career of the offender.

A major benefit of PROMIS is to permit chief prosecutors in large offices to achieve technologically what many of their small-town counterparts do more naturally and spontaneously.

*One of a series of 21 Briefing Papers for PROMIS (Prosecutor's Management Information System), this publication was prepared by the Institute for Law and Social Research (INSLAW), Washington, D.C., under a grant from the Law Enforcement Assistance Administration (LEAA), which has designated PROMIS as an Exemplary Project. Such a designation is reserved for criminal justice programs judged outstanding, worthy of national attention, and suitable for adoption by other communities. Presenting a bird's-eye view of PROMIS capabilities, the Briefing Papers are one facet of INSLAW's LEAA-funded program designed to assist local prosecutors evaluate and, when appropriate, implement PROMIS. In January 1971, the computerized information system was initiated in Washington, D.C., where prosecutors continue to rely upon PROMIS to help them manage more effectively an annual work load involving allegations of 8,500 serious misdemeanors and 7,500 felonies. (A manual version of PROMIS is also available and parallels the capabilities of the computerized system.)



CASE RATING BARRIERS

Any technique enabling the larger prosecutive agencies to become sufficiently familiar with cases to rate them must meet and skirt a number of built-in roadblocks with which prosecutors are all too well acquainted. First, a given prosecutor's perception of the relative importance of individual cases becomes both blurred and incomplete by high-speed assembly line processing methods, where his or her momentary control over--and responsibility for--a case pertains to only one stage of the proceedings, such as screening, arraignment, or trial. This type of processing is most frequently utilized to keep pace with the influx of misdemeanors and preliminary-stage felonies. As a result, all cases begin to look alike.

Second, even if this fragmentation of responsibility and control did not exist and each prosecuting attorney handled cases from beginning to end, the sheer volume and the limitations of memory preclude meaningful attempts at uniform, consistent case evaluation and rating.

Third, legal nomenclature masks underlying differences in similarly charged cases. For instance, as every prosecutor knows, not all aggravated assaults are of equal seriousness. Some entail extensive personal injury, others minimal. Some are committed by loan sharks with a string of prior arrests and/or convictions, others by first offenders. As the President's Commission observed, "The same criminal conduct may be the deliberate act of a professional criminal or an isolated aberration in the behavior of a normally law abiding person.... The system depends on prosecutors to recognize these distinctions..."^{3/}

Fourth, the task of case rating becomes even more complicated when one tries to evaluate the relative importance of cases involving different charges. How do you compare apples with oranges, burglaries with robberies?

The upshot is that all cases tend to become indistinguishable, and supervising attorneys are unable to allocate prosecutive time and resources in a rational manner. So each case, regardless of importance, tends to receive the same attention. Too often, this permits hardcore recidivists to slip through without having the charges against them tried on their merits.

BENEFITS FLOWING FROM CASE-RATING CAPABILITY

If, as with PROMIS, cases can be consistently and evenhandedly rated through computer-generated numerical scores, they can be ranked in order of the gravity of the accused's criminal history and crime. This ranking bestows exceptional managerial leverage on the chief prosecutor, who can now apportion his office's time and manpower according to



the relative importance of pending cases, which is not only good management per se but also operationally reflects the public's concern over repeat offenders and serious crime. 4/

President Ford, in a speech on September 24, 1974, voiced the public's concern and called upon the nation's prosecutors to assign priorities to cases involving violent crimes and habitual offenders. 5/ He underscored the same point in his June 1975 crime message to Congress: "Prosecutors often lack information on a defendant's criminal history and thus cannot identify habitual criminals...." Obviously, few (if any) prosecution agencies have the manpower to give priority attention to all cases whose ranking reflects an above-average rating. But, certainly, some of the top-ranked cases--the top 20 percent, for example--could receive more intensive pretrial preparation than the others.

Viewed superficially, automated case rating and the resultant ranking of cases in priority sequence may smack of mechanistic justice or may seem like a denial of prosecutive discretion. Actually, the precise opposite is true. First, computerized case rating frees prosecutors from being forced to treat cases bearing the same legal charge in the same manner--even though logic dictates that each burglary case pending trial does not merit the same prosecutive emphasis. Stripping away the mask of anonymity which identical legal terminology affords, the case-rating procedure permits prosecutive judgment to conform more closely to the specific facts surrounding the defendant and his or her crime than would otherwise be possible--hardly the application of mechanistic justice. Second, because differences among cases are now visible, available, and easily compared--thanks to the computer-generated list of case rankings--a relatively objective basis and several new opportunities are created for the exercise of prosecutive discretion:

1. The opportunity to exert positive management control over the case load. In an urban office, this translates into special, intensive preparation of cases involving serious crimes and habitual offenders, the hallmarks of top-ranked cases. In Washington, D.C., the conviction rate for those serious misdemeanor cases that PROMIS designated--through its case-rating capability--for intensive pretrial preparation is reported as 25 percent higher than for the cases processed under normal procedures.

2. The opportunity to consider in systematic fashion diversion programs for defendants involved in the lowest ranked cases.

3. The opportunity--in jurisdictions where this is permitted--to schedule, or recommend that the court schedule, top-ranked cases ahead of others. As the National Advisory Commission stated, "Priority scheduling recognizes habitual offenders, violent offenders, and professional criminals as major contributors to the crime problem. Differential treatment of these few offenders for scheduling purposes will be a positive contribution to reducing crime and assuring safer streets."6/ And



American Bar Association criminal justice standards assert that the prosecuting attorney "should advise the court of facts relevant in determining the order of cases on the calendar."^{7/} Similarly, Chief Justice Warren Burger, speaking to a judicial conference, suggested that the seriousness of the crime and the extent of the prior criminal record be systematically taken into account, along with other factors such as pretrial release status, in scheduling cases in order to avert the kinds of adjudicative delay that sap public confidence.^{8/}

Another major benefit of case ratings is that they give the prosecutor the means by which to monitor and enforce the application of evenhanded justice. He can monitor whether defendants with comparable criminal backgrounds who commit comparable offenses (in terms of legal charges as well as case rating) are given equal treatment. For example, if a defendant is charged with aggravated assault but is allowed to plead to a misdemeanor charge while another assault defendant with an identical case rating is forced to go to trial on a felony, justice may not have been applied evenhandedly. The supervising prosecutor could take appropriate follow-up action to assure that the discretionary authority delegated to subordinates by the chief prosecutor is being exercised in accordance with office policy. This is facilitated when, as with PROMIS, reasons why prosecutors made certain decisions (reject a charge, nolle prosequi a case, accept a plea to a different charge, etc.) can be retrieved from an automated information system. With PROMIS, the chief prosecutor can link reasons recorded by subordinates not only to the general statutory offense but also to the crime rating of the specific act being prosecuted under the statute, and the rating of the defendant's prior criminal record.^{9/}

HOW PROMIS GENERATES CASE RATINGS

PROMIS-computed case ratings are routinely available to the prosecutor's office in Washington, D.C.^{10/} The ratings have succeeded in giving visibility to the differences in the importance of cases and, as one prosecutor commented, have helped to fulfill "our responsibilities to ensure evenhanded and consistent justice."

The computer-assigned case rating, or importance score, is derived from modified versions of two scales developed by criminologists. Based on criteria originated by Thorsten Sellin and Marvin E. Wolfgang, one scale assesses the gravity of the crime in terms of the degree of harm done to society rather than in terms of legal nomenclature. As detailed in Figure 1, the scale evaluates the relative importance of certain factors associated with the crime by assigning numerical values--or weights--to them.^{11/} These weighted factors pertain to personal injury, property damage or loss, and intimidation. (If judged appropriate, other factors could be added--such as whether the crime involved the possession or sale of narcotics.)



Reflecting a version of a scale developed by D. Gottfredson, ^{12/} weighted factors associated with the gravity of the defendant's criminal history (see Figure 2) are evaluated by PROMIS. Although Figure 2 emphasizes prior arrests of the accused, conviction data are becoming increasingly available (thanks in part to PROMIS' ability to update police records with dispositions) and, accordingly, will be used in conjunction with arrest information.

Information pertaining to the factors in the two scales is requested by a Crime Analysis Worksheet, which is completed during case screening by an assistant prosecutor in cooperation with the arresting officer.^{13/} Data relevant to the gravity of the crime and of the accused's criminal career are subsequently entered in PROMIS, which automatically computes two overall scores or ratings: one for the crime and another for the defendant. The higher the rating, the more important the case.

(Coincidentally, a respected jurist has suggested that a quantitative method by which to assess the relative seriousness of the offense and of the prior record of the defendant could be of assistance to judges faced with sentencing decisions. He proposed development of "a kind of detailed profile or checklist of factors that would include, wherever possible, some form of numerical or other objective grading."^{14/})

Computer-generated ratings are available for both misdemeanor and felony cases. However, because the tremendous volume of misdemeanors (about 8,500 cases) in the Washington, D.C., prosecutor's office would tend to cause pending cases involving repeat offenders and the more serious crimes to get lost in the shuffle--like so many needles in a haystack--PROMIS was designed to identify them by (1) comparing the ratings for all misdemeanor cases scheduled by the court for a given trial date, (2) ranking them from most to least important, and (3) printing out this ranking well in advance of the trial. (Though the sequence in which a court might call the cases it has scheduled for a given date may be oldest case first, alphabetical, or in ascending order by docket number, PROMIS lists those same cases in descending order of importance.) In other jurisdictions, large volumes of pending felonies would make felony ranking reports very desirable.

To spotlight repeat offenders, PROMIS ranks cases starting with those having the highest defendant criminal-history rating; if two or more cases have the same defendant score, those with the higher crime ratings are ranked ahead of the others. This list of ranked cases is referred to as a priority calendar.



I-Offense	Weights*
Did the defendant possess a weapon at the time of the offense? (Answer without regard to charges)	
(a) Yes - firearm or replica (e.g., gun, starter pistol, toy pistol)	<input type="checkbox"/> 1-----+5
(b) Yes - other dangerous weapon (e.g., knife, baseball bat, tire wrench)	<input type="checkbox"/> 2-----+1
Did offense involve injury or death:	
If "yes" complete all that are applicable:	
(a) Number receiving minor injuries but not treated	-----1 times N**
(b) Number treated and released	-----4 times N
(c) Number hospitalized	-----7 times N
(d) Number killed	-----26 times N
Was victim(s) threatened or intimidated? (If sex offense, go to next question)	
If "yes," record number of victim(s) individually and deliberately threatened or intimidated for each of the following:	
(a) By physical force or verbal only	-----2 times N
(b) By display of weapon(s)	-----4 times N
*These are preestablished numerical values which connote the relative significance of the answers and which are summed in the computer to provide the crime gravity rating scheme.	
**"N" equals the appropriate number for the response to this question.	

FIGURE 1
RATING THE CRIME



I-Offense

Weights*

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

If "yes," complete all that are applicable:

- (a) Number of victims of forcible sexual intercourse

_____ ---10 times N**

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

_____ --- 2 times N

Did offense involve theft, damage or destruction of property:

If "yes," complete all that are applicable:

- (a) Number of premises forcibly entered

_____ --- 1 times N

- (b) Number of motor vehicles stolen

_____ --- 2 times N

- (c) Dollar value of property stolen, damaged, or destroyed: (Exclude automobiles recovered intact and undamaged)

- (1) Under 10 dollars
- (2) \$10 through \$250
- (3) \$251 through \$2,000
- (4) Over \$2,001

- ☐ 1-----+1
- ☐ 2-----+2
- ☐ 3-----+3
- ☐ 4-----+4

*These are preestablished numerical values which connote the relative significance of the answers and which are summed in the computer to provide the crime gravity rating.

**"N" equals the appropriate number for the response to this question.

FIGURE 1 (CONT.)
RATING THE CRIME



Weights*

yes ☐ 1
no ☐ 2
unk ☐ 3

yes ☐ 1-----+10
no ☐ 2
unk ☐ 3

yes ☐ 1-----+2.5
no ☐ 2
unk ☐ 3

-----If greater than 1
arrest - +5

-----If greater than 1
arrest for crimes
against person +5

*These are preestablished numerical values which connote the relative significance of the answers and which are summed in the computer to provide defendant gravity rating.

FIGURE 2
RATING THE DEFENDANT



I-Offense

Weights*

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

yes ☐ 1
no ☐ 2
unk ☐ 3

If "yes" complete the following:

	Felony	Misdemeanor
(a) Convicted in last five years	yes <input type="checkbox"/> 1 no <input type="checkbox"/> 2 unk <input type="checkbox"/> 3	yes <input type="checkbox"/> 1 no <input type="checkbox"/> 2 unk <input type="checkbox"/> 3
(b) Number of previous convictions	_____	_____
(c) Number of convictions for crimes against the person	_____ _____ _____	_____ _____ _____
(d) Years of last three convictions (use last 2 digits e.g., '73, '74)	_____ _____	_____ _____

*Originally, conviction data were not routinely available at intake and screening, which is the time when the Crime Analysis Worksheet is completed. Now that conviction data are gradually becoming available, research is under way to determine the appropriate weights for the answers.

FIGURE 2 (CONT.)
RATING THE DEFENDANT



Some cases may be placed at the top of the priority calendar regardless of their rating. This will occur when the screening prosecutor checks the "override" box on the Crime Analysis Worksheet. Indicating that priority attention is required no matter what the case rating might turn out to be, an override may be triggered, for example, because the accused is considered a major violator or was involved in an incident having serious racial overtones.

The upshot is that the priority calendar enables supervising attorneys to compare at a glance the seriousness of cases scheduled for an upcoming trial day without having to spend considerable time (assuming it were available) reading and analyzing individual case files in a uniform, evenhanded manner. The range of potential benefits flowing from the case rating capability of PROMIS has been explored in the preceding section. One such benefit--intensive pretrial preparation of top-ranked cases--is the subject of a separate publication in this Briefing Series.15/



FOOTNOTES

1/Executive Committee, Criminal Justice Coordinating Council of New York City, 1973 Criminal Justice Plan (New York: Criminal Justice Coordinating Council of New York City, 1973), p. 59.

2/National Advisory Commission on Criminal Justice Standards and Goals, Courts (Washington: Government Printing Office, 1973), p. 95.

3/President's Commission on Law Enforcement and Administration of Justice, Task Force Report: The Courts (Washington: Government Printing Office, 1967), p. 5.

4/See William A. Hamilton and Charles R. Work, "The Prosecutor's Role in the Urban Court System: The Case for Management Consciousness," Journal of Criminal Law and Criminology, June 1973, p. 184.

5/President Gerald R. Ford (Address to the 81st Annual Convention of the International Association of Chiefs of Police, Washington Hilton Hotel, Washington, D.C., September 24, 1974).

6/National Advisory Commission, Courts, p. 95.

7/American Bar Association Project on Standards for Criminal Justice, The Prosecution Function and the Defense Function (Chicago: American Bar Association, 1971), p. 112.

8/Warren E. Burger, "The Image of Justice" (Remarks delivered to the Second Circuit Judicial Conference in Manchester, Vermont, September 10, 1971).

9/Briefing No. 8, Reasons for Discretionary and Other Actions, explores the use of reason data in more detail.

10/In the District of Columbia, the U.S. Attorney serves as the local prosecutor. About 75 lawyers are assigned to the D.C. Superior Court (equivalent to a state court of general jurisdiction), where prosecution of local "street crime" cases is conducted. About 16,000 allegations of such crimes are considered for prosecution annually.

11/For background information about this scale, see Thorsten Sellin and Marvin E. Wolfgang, The Measurement of Delinquency (New York: John Wiley & Sons, 1964).

12/See D. Gottfredson and R. Beverly, "Development and Operational Use of Prediction Methods in Correctional Work," Proceedings of the American Statistical Association (Washington, American Statistical Association 1962); D. Gottfredson and J. Bonds, A Manual for Intake Base Expectancy Scoring: Form CDC--BEGIA (Sacramento: California Department



of Corrections, Research Division, 1961); Gottfredson and Ballard, "Differences in Parole Decisions Associated with Decision-Makers," Journal of Research in Crime and Delinquency, July 1966, p. 112.

13/Briefing No. 2, Case Screening, highlights the events occurring during the screening process. Also see Briefing No. 13, Crime Analysis Worksheet.

14/Marvin E. Frankel, Criminal Sentences: Law Without Order (New York: Hill and Wang, 1973).

15/See Briefing No. 4, Special Litigation (Major Violators) Unit.



END