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**Witness  
Notification Unit**

**PROMIS**

PROSECUTOR'S MANAGEMENT  
INFORMATION SYSTEM  
An Exemplary Project of LEAA

INSTITUTE FOR  
LAW AND  
SOCIAL RESEARCH  
1125 15th Street, N.W.  
Washington, D.C. 20005

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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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JAN 27 1978

**5. Witness  
Notification  
Unit**

"If I had it to do over again, I wouldn't even have reported the robbery." Featured in the press, this statement by a witness (and victim) was made after he experienced his fifth unproductive court appearance, which resulted only in a continuance. The witness figured he had lost more money because of his court-related absence from work than had been taken from him at gunpoint.

As one of its four top priorities in combating such high-fear crimes as stranger-to-stranger robbery, the National Advisory Commission has called upon criminal justice agencies to actively encourage citizen participation. "Without the active cooperation of citizen jurors and witnesses, the judicial process cannot function."<sup>1/</sup> The Commission also noted:

"Citizens--as victims, witnesses, defendants, or jurors--experience delay, inconvenience, and confusion. These personal experiences contribute to an undercurrent of popular dissatisfaction that is undermining the public's respect for the American court system."<sup>2/</sup>

Witness exasperation is often heightened by criminal justice managerial and operational problems. There are scheduling conflicts that require police officers, expert witnesses, and defense attorneys to appear at the same time in different courts on different cases, with the court frequently unaware that the conflicts exist until the day of trial. To some extent, the unnecessary repetition of court appearances by witnesses is caused by archaic subpoena practices.<sup>3/</sup>

For these and other reasons, the National Advisory Commission recommended the following: "A central source of information concerning all participants in each case . . . should be maintained. This should be used to identify as early as possible conflicts in the schedules of the participants to minimize later continuances because of schedule conflicts."<sup>4/</sup>

\*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.)



PROMIS takes cognizance of witness problems in a dual manner. First, it is a device by which prosecuting attorneys can evaluate the impact of such problems on overall office performance. Second, PROMIS serves as a potent tool by which district attorneys can minimize witness difficulties through the application of modern managerial methods.

#### MEASURING THE IMPACT OF WITNESS PROBLEMS: AN EXAMPLE

The ability of PROMIS to probe and measure the operational impact of witness problems is explained principally by the incorporation of "reason information" into the system's data base--reasons why certain decisions were made during the processing and adjudication of cases. Such information is retrievable for research and analysis.<sup>5/</sup>

As implemented in the prosecutor's office in Washington, D.C.,<sup>6/</sup> PROMIS receives as input a number of witness-related reasons explaining various prosecutive or court decisions. When analyzing witness-related reasons pertaining to why prosecutions were terminated through a rejection of charges (at the screening stage), a nolle prosequi action, or a court dismissal, PROMIS noted that of the 6,266 cases with citizen witnesses considered by the prosecutor's office over a six-month period, 19 percent were dropped because of behavior that attorneys interpreted as lack of witness cooperation.

To say the same thing another way, of the total number of lay (non-police) witness cases not prosecuted, 39 percent of such decisions were made because of what the prosecution perceived to be witness cooperation difficulties--the largest single category of aborted prosecutions.

Spurred by this PROMIS finding, a subsequent field survey of 922 witnesses suggested that at least one in five perceived by prosecutors as "noncooperators" did not warrant that designation.<sup>7/</sup>

This research disclosed that what the prosecutor perceived as non-cooperation was often the product of a failure in communications between citizen witnesses, on the one hand, and the police and prosecution on the other. Citizens were sometimes unaware that they were considered as witnesses to a crime; they frequently did not understand the significance of their role; they often failed to receive effective communications about trial schedules. In short, "the system" obstructed witness cooperation in too many instances.

These and other witness-related problems are attacked by the Witness Notification Unit.



### TACKLING WITNESS PROBLEMS THROUGH PROMIS

Because of their sheer volume, misdemeanor and preindictment felony cases would normally constitute the prime target for a Witness Notification Unit. At the prosecutor's office in Washington, D.C., the task of the Witness Notification Unit is greatly facilitated by PROMIS, which automatically generates special preprinted subpoena forms advising witnesses when and where to appear for scheduled misdemeanor trials. The subpoenas, such as the one in Figure 1, are sent not only to citizen witnesses but also to arresting police officers, assisting officers, and expert witnesses.

PROMIS also automatically renotifies these witnesses when scheduling dates are changed or canceled. (If canceled due to a dismissal by the court, the prosecution, or the grand jury, the Witness Notification Unit will, according to future plans, notify each witness with a letter from the prosecutor's office expressing the government's appreciation for his or her willingness to testify and listing the outcome of the case.) Whenever a trial date is changed, a special PROMIS report--the Subpoena Summary Listing (Figure 2)--alerts the Witness Notification Unit to whether PROMIS-generated subpoenas have been mailed to witnesses. A "YES" in the last column of Figure 2 indicates that a subpoena has been issued. A "NO" means that one was not sent due to an error in the name or address; the Witness Notification Unit follows up accordingly. When "TEL" appears in the last column, this informs the Witness Notification Unit that, because of the imminence of the trial, the mails would not alert the witness in time and that the unit will have to contact the individual by telephone.

Staffed primarily by paralegals,<sup>8/</sup> the Witness Notification Unit is occasionally unable to locate a witness at the address or phone number listed on the Subpoena Summary List. When this occurs, the staff attempts to find the individual through various directories or through another witness involved in the same case. If these and other methods fail, the arresting officer in the case is contacted and requested to assist.

The Witness Notification Unit is in an ideal position to coordinate requests for continuances from defense attorneys or prosecutors who are unable to appear in court on the originally scheduled date. They contact the Witness Notification Unit, which coordinates the scheduling of a new date that is mutually acceptable to all concerned--prosecutor, defense attorney, and the court. Once the prosecutor and defense attorney reach an agreement, the court's approval is often routine. Thus the sequence of events for the Witness Notification Unit is as follows:



Superior Court of the District of Columbia  
CRIMINAL DIVISION  
SUBPOENA

UNITED STATES OF AMERICA  
V.

THE PRESIDENT OF THE UNITED STATES TO

[

]

Court Appearance Date:

Court Case Number:

Date of Issue:

L

J

Arrest Date:

- ☐ You are hereby commanded to appear before the Superior Court of the District of Columbia for a Preliminary Hearing on the date shown above. Report at 8:30 a.m. to the United States Attorney's Office for the District of Columbia, Room 102, Building B, 400 F Street, N.W. Do not bring any witnesses, unless specifically instructed to do so.
- ☐ You are hereby commanded to appear before the Criminal Court Branch of the Superior Court for the District of Columbia at 9:00 a.m. on the date shown above as a witness for the United States and not depart the Court without leave thereof. Report to Room 310, Building A, 5th and E Streets, N.W.

Please disregard any previous notifications for this case. If you have any questions concerning your court appearance in this case, call the United States Attorney's Office for the District of Columbia at 426-7626.

WITNESS, The Honorable Chief Judge of the Superior Court of the District of Columbia.

SEAL

Clerk, Superior Court  
of the District of Columbia

(Please bring this notice with you when you come to Court)

FIGURE 1  
ILLUSTRATIVE PROMIS-GENERATED SUBPOENA FOR WITNESSES



APPEARANCE DATE: 08/06/74

DATE: 07/17/74

DEFENDANT	CASE NO	DATE	OFFENSE	LEAD CHARGE	PROSECUTOR	TYP	WITNESSES	SUB ISSUED
RXXX, JOHN	03426574	05/15/74	05/08/74	SIMPLE ASSAULT	G. ROBBINS	BE	SXXXXXXXXX UNIT 2D BADGE 3967 HOME TEL XXX-XXXX OFFC TEL XXX-XXXX	YES
		-LAST ACTION-						
		CT UNABLE TO REACH				2E	RXXXX, LAWRENCE P M 1010 XX NW WASH DC 20037 HOME TEL XXX-XXXX OFFC TEL XXX-XXXX	YES
						9E	DR RXXX G W HOSPITAL HOME TEL XXX-XXXX OFFC TEL XXX-XXXX	NO
NXXXXXX, THOMAS	03334074	06/17/74	05/08/74	PPW GUN		3E	NXXXXXX, VIVIAN F 1309 XX NE WASH DC 20002 HOME TEL XXX-XXXX OFFC TEL XXX-XXXX	TEL
		- LAST ACTION-						
		CT UNABLE TO REACH				3E	NXXXXXX, LEROY SR 1309 XX NE WASH DC 20002 HOME TEL XXX-XXXX OFFC TEL XXX-XXXX	TEL

FIGURE 2  
PROMIS SUBPOENA SUMMARY LIST



1. Arrive at a date acceptable to the prosecutor and defense counsel, and check, through PROMIS, if the date conflicts with another case involving the same witness(es).

2. Assure that the continuance request reaches the courtroom.

3. Retrieve the signed request from the court.

4. Prepare continuance documentation to update PROMIS, and notify all the parties involved.

The Witness Notification Unit performs the important job of answering inquiries from witnesses, police officers, and defense attorneys. The staff can explain court procedures and reasons for postponements to witnesses, as well as assure that witnesses realize they are witnesses. Witnesses may forget the date on which they are supposed to appear in court, as well as the court's location and the docket number of the case. The unit is prepared to answer such questions, often with a substantial assist from PROMIS' on-line capability.<sup>9/</sup> This feature of PROMIS enables the Witness Notification Unit staff to retrieve immediately summary information about all cases involving any given witness.

For example, if a witness calls the Witness Notification Unit, says his name is Robert Jones, and states he forgot the trial date and docket number of a case about which he is supposed to testify, his name is entered in PROMIS through a keyboard on a remote on-line terminal, whose television-like screen then displays all pending cases involving Robert Jones, and their status, docket number and next trial date. If there are other witnesses with the same name or a similar-sounding name, these are displayed also, as in Figure 3; the person handling the inquiry is alerted, asks the caller for his address, and supplies the correct information.<sup>10/</sup>

In essence, the Witness Notification Unit serves to guarantee clear, timely, and effective communication between prosecutor and witness. By forging this linkage, which bears so directly on prosecutory performance, the Witness Notification Unit fills a void created by today's assembly-line procedures--procedures which are designed to move huge case loads but which also take the witness too much for granted.

THE FOLLOWING WITNESSES HAVE SIMILAR OR THE SAME NAME AS JONES, ROBERT

WITNESS	ADDRESS	OFFENSE	CONTINUE	CASE
JOANS, ROBERT	748 XXXXXX PL NW, WASH	08/24/73	09/20/73	CASE04981373
JONES, ROBERT J	211 XXX AVE NW, WASH,	09/03/73	09/25/73	CASE05165273
JONES, ROBERT	300 XXX AVE NW, WASH,	06/27/73	INDICTED	CASE04528273
*****	END OF INFORMATION	*****		

FIGURE 3  
PROMIS ON-LINE DISPLAY OF PENDING CASES FOR WITNESSES



## FOOTNOTES

1/National Advisory Commission on Criminal Justice Standards and Goals, A National Strategy to Reduce Crime (Washington: Government Printing Office, 1973), p. 27.

2/National Advisory Commission on Criminal Justice Standards and Goals, Courts (Washington: Government Printing Office, 1973), pp. 1-2.

3/President's Commission on Law Enforcement and Administration of Justice, Task Force Report: The Courts (Washington: Government Printing Office, 1967), p. 91.

4/National Advisory Commission, Courts, p. 187.

5/The collection and use of reason data are explored in Briefing No. 8, Reasons for Discretionary and Other Actions. Utilization of PROMIS data for research purposes is discussed in Briefing No. 10, Research Uses of PROMIS Data.

6/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" is conducted. About 16,000 allegations of such crimes are considered for prosecution annually.

7/This witness cooperation study was conducted by the Institute for Law and Social Research under a grant from the Law Enforcement Assistance Administration. See Institute for Law and Social Research, Witness Cooperation - With a Handbook of Witness Management (Lexington, Mass: D.C. Heath and Company/Lexington Books, 1976).

8/See Briefing No. 6, Paralegals.

9/See Briefing No. 21, Optional On-Line Inquiry Capability.

10/Additional responsibilities planned for the Witness Notification Unit include supervision of the witness room, where witnesses assemble prior to testifying. Valuable to such supervisory personnel, a PROMIS-generated report--One-Day Misdemeanor Calendar--contains a listing of cases and the involved witnesses and is issued one day prior to the trial date. Also, the Witness Notification Unit may be assigned the responsibility of notifying witnesses about the ultimate disposition of cases.





**END**