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NATIONAL DISTRICT ATTORNEYS ASSOCIATION
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FINAL REPORT
OF
MILWAUKEE COUNTY
DISTRICT ATTORNEY PROJECT:
ASSISTANCE TO THE
URBAN PROSECUTOR

A final report submitted July 15, 1975
to the
Wisconsin Council on Criminal Justice
by the
National District Attorneys Association.

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I. INTRODUCTION

On October 14, 1974, an agreement was entered into by the State of Wisconsin, represented by its Department of Administration, and the National District Attorneys Association. According to the agreement, the National District Attorneys Association was to perform an evaluation of the Milwaukee County Urban Prosecutor Project. This final report is submitted pursuant to Section II. "Scope of Services" of the agreement.

The following report is divided into three sections. Section II describes the objectives, activities, and results of each of the six Milwaukee County Urban Prosecutor Projects. Section III contains the conclusions and recommendations of the evaluators with respect to each of the six Urban Prosecutor Projects. Section IV describes the activities of the evaluators. Included with this report is a separately bound summary of principal findings and recommendations.

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II. PROJECT OBJECTIVES, ACTIVITIES, AND RESULTS

This section of the report describes in detail the various accomplishments of each of the six Urban Prosecutor Projects. Each of the six Projects is treated separately below in Sections A through F.

Each lettered section below is further divided into numbered sections. At the beginning of each numbered section, there stands a statement of an original objective followed by a statement of a modified objective, if any. The original objectives are taken from the initial grant proposal entitled "Assistance to the Urban Prosecutor" (Program 21, State Plan). Any modified objectives come either from the "Quarterly Narrative Reports" submitted to the Wisconsin Council on Criminal Justice or from reports submitted directly to the evaluators. Following each statement of objective, a narrative discussion will describe the activities that have been undertaken during the evaluation period, and the results of those activities.

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A. TRAINING, POLICIES, AND PROCEDURES UNIT

1. Original Objective: "Conduct at least 26 bi-weekly training seminars for new and relatively inexperienced assistants."

Modified Objective: "Conduct two full Basic Training courses for new and relatively inexperienced assistants, each course consisting of approximately 21 two-hour training sessions or seminars."

During the second quarter of the funding period, 26 topics were developed to form the Basic Training Program. The series was presented in bi-weekly sessions beginning January 7, 1975 and ending April 29, 1975. A "Topic Evaluation Form" which was used to gather responses from assistants who participated in the Basic Training Program is included in Appendix A of this report (pages 125-128). The evaluation form records the date, subject matter covered, and "Participants Questionnaire" is also included in Appendix A (page 129); the questionnaire asks each participant in the Basic Training Program to evaluate the program and its

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contributions to the participant's professional abilities.

Based on the experience of developing and presenting this series of 26 bi-weekly training seminars, the heads of the unit determined that subject matter and time limitations called for modification to a format consisting of 21 two-hour sessions. From past hiring experience, it is anticipated that the 21 session course will be given semi-annually to groups of six to ten newly appointed Assistant District Attorneys.

The evaluators reviewed the completed evaluation forms. The response indicates that the sessions were successful and that the attendees benefited from the materials presented. Several constructive suggestions were offered as well, and they have been noted by the heads of the unit. Appropriate action is being taken to improve the Basic Training Program in accordance with these suggestions before another session begins.

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2. Original Objective: "Spend at least one man-day per assistant in an in-court evaluation of performance followed by a critique of assistants' work."

Modified Objective: "Drop the objective as such and integrate its intended objective into the advanced training seminars, in-court demonstrations, and an overall critique and evaluation system."

During the second quarter of the funding period, the unit conducted a search for critiquing and evaluating materials in many of the largest prosecution offices around the country. That search provided little information.

Since the unit was not able to develop a comprehensive critique and evaluation system, it was decided that devoting one man-day per assistant to courtroom evaluation would not be feasible. Other priorities in the office were considered more important. The heads of the unit believe that critique and evaluation will necessarily occur as part of the advanced training sessions being planned by the unit (Objective four below).

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3. Original Objective: "Research and prepare policies to be adopted by the District Attorney in at least 12 hitherto undefined areas."

Modified Objective: "Research, prepare, and modify policies to be adopted by the District Attorney as the need arises."

This objective is now seen as part of the development and maintainance of an office policy manual. In the original grant application, development of a policy manual was a separate objective of this unit (Objective six).

During the first quarter of the grant period, work was begun on a policy and procedures manual. This initial step involved compiling and rewriting, where necessary, existing office policies and procedures that had accumulated over the years in memorandum form.

During the second quarter of the grant, it was determined that a more comprehensive approach was needed. In some areas, no formal policy existed; in others, guidelines to office

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operations were either not clearly understood or impossible to locate in written form. As a result, a policy and procedure committee was formed; it consisted of the District Attorney, both Deputy District Attorneys, the Office Administrator, and the two heads of the Policy and Training Unit. A series of regularly scheduled meetings were held, and by the end of the quarter the manual was about 90% complete.

The committee approached its task with a very comprehensive plan of development. They solicited copies of policy and procedure manuals from some 60 of the larger prosecution offices in the country. Based on a study of many of these manuals, they held planning sessions to determine the areas that their own format should cover. The committee held six sessions to review drafts of its various policies and procedures, and then prepared an original draft which was circulated for a review and critique by a cross section of Assistant District Attorneys in the office. These critiques resulted in a second draft, which was again reviewed and critiqued by another cross section of Assistant District Attorneys. The result was a tentative final draft containing 91 different statements of policy and procedure, and an

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appendix containing copies of the various forms used in the office. Approximately 1/3 of these policies and procedures either had never been formulated, or had never been produced in written form. The remaining 2/3 were policies and procedures that were gathered from inter-office memos over a period of six years, and then rewritten by the committee.

During the third quarter of the grant period, some 13 sections of the policy manual were revised from the previous draft. The unit also spent considerable time and energy developing policy guidelines in a number of new areas: Referral of miscreancy offenses to the City of Milwaukee as violations of municipal ordinances in lieu of criminal prosecution; processing of county traffic ordinance violations that were recorded but not charged; handling complaints made against police officers; assisting police in obtaining search warrants.

Because of work done on revising policies and drafting new ones, the policy manual has not yet been printed and distributed. It is anticipated that this will occur during the fourth quarter of the grant period. A copy of the "Table of Contents" of a draft of the Policy and Procedure Manual is

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included in Appendix A of this report (pages 130-134).

The evaluators have seen copies of policies and procedures developed by this unit. They represent a tremendous amount of work. Questions regarding office policy and procedure are currently being resolved by this unit as a result of its work on the policy and procedure manual. Distribution of the manual in printed form throughout the office will no doubt further improve understanding of policy and procedure in the office.

At the last evaluation visit, the manual was at the printers. It will be bound in looseleaf form. Thus, the manual can be easily amended as policy and procedure change over the years, and as comments and criticism come in. In order to promote the latter, the unit is in the process of developing a critique form for assistants to use once the manual has been distributed.

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4. Original Objective: "Provide actual in-court demonstrations of how to handle trials or hearings in at least two major proceedings (e.g. "trial," a "Wade hearing," a hearing on the suppression of physical evidence, a preliminary examination, etc.) per month."

Modified Objective: "Provide in-court demonstrations with relatively inexperienced District Attorneys on an "as needed" basis, integrated into the basic and advanced training sessions by use of both live mock and videotaped in-court demonstrations."

During the second quarter of the grant period, the unit fulfilled the original objective above by holding 16 in-court appearances. A unit member always worked with a less experienced assistant. The in-court appearances included preliminary examinations, pre-trial motions, trials, sentencing, and post-conviction motions.

Other demonstrations were given by the unit as well. There were 15 demonstrations of interviewing and preparing various types of witnesses including the "friendly" witness, the

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"hostile" witness, expert witnesses, and children. There were also 38 other demonstrations which included plea negotiation sessions, preparation of affidavits, and the marking of exhibits for trial. One videotape was made of a mock motion to suppress physical evidence. These various activities were performed at times by an inexperienced assistant under direction, and at times by a training unit member.

During the second quarter of the grant period, members of the training unit determined that in-court demonstrations reached too limited an audience; only those assistants who were actually able to attend and observe were able to benefit. Accordingly, the unit modified the objective in favor of holding live mock demonstrations during non-court hours. Much larger groups of assistants can be reached by this means. The unit also determined that videotaped demonstrations of actual in-court proceedings would be more useful to a wider range of assistants. The unit does continue, however, to provide in-court demonstrations "as needed." For example, the unit is prepared to demonstrate trial techniques to an assistant who is trying his first jury trial, or is making

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his first complicated pre-trial motion. This activity was extended to the point where a member of the training unit "second chaired" two relatively inexperienced assistants during their first felony jury trials.

Unit members believe that the results that were to be achieved under the original objective will be realized in a number of different ways. Both mock court demonstrations and videotaped in-court demonstrations are to be part of both basic and advanced training sessions. For those who need it, the training unit is available on an "as needed" basis for in-court demonstrations. During the third quarter of the funding period, the unit has devised another approach to in-court demonstrations by assuming responsibility for three major criminal cases: A complicated theft by fraud case; a "Columbo" type murder case still in the investigation stage; a multi-count Grand Jury indictment case of an automobile theft ring. Less experienced assistants are involved in a wide variety of activities in all of these cases.

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5. Original Objective: "Produce a "trial manual" for the guidance of Assistant District Attorneys."

The unit anticipates that the manual will be assembled during the fourth quarter of the grant period. Legal outlines, memoranda, and check lists which have been prepared for the Basic Training Course are to be included in the trial manuals. The unit also indicates a realization that the trial manual will have to be modified beyond the 12 month period of the initial grant in order to accommodate changes in the law and to develop areas not yet covered during the first 12 months.

6. Original Objective: "Produce or maintain a looseleaf policy manual for distribution to all Assistant District Attorneys."

This activity is discussed above under "Original Objective three."

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7. Original Objective: "Increase by 10% the number of staff lectures to police agencies or police schools."

Modified Objective: "Provide instruction to police agencies and police schools as requested, provide lectures and instruction to other outside groups, provide on-the-spot assistance to police agencies as needed regarding legally difficult areas of operations."

During the second quarter of the grant period, the unit determined that their resources were needed in areas that were more critical than developing lectures to police agencies. As a result, activity in this area has been confined to responding to requests for speakers and requests for clarification of difficult legal matters.

The unit has participated in the following activities:

Lectured on bad check cases to newly elected prosecutors at the State of Wisconsin Newly Elected Prosecutor's School;

Lectured on "The Witness Problem" to 90 prosecutors at the National District Attorneys Association's Pre-trial Strategy Seminar;

Lectured on presentation of polygraph results at the Wisconsin District Attorneys Association's

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Mid-winter Conference;

Spoke on the prosecutor's role in society to 80 Explorer Scouts;

Provided 16 hours of lecture and instruction to various police agencies including the Milwaukee County Sheriff's Deputy School, the Bayside Police Department, and the Fox Point Auxiliary Police--topics included the Wisconsin Criminal Code and Arrest, Search and Seizure;

Provided procedural advice to various police agencies on the preservation of evidence and on the common law right to arrest;

Attended two difficult lineups in order to advise police on the law;

Assisted the District Attorney in taping a 1½ hour radio program on the current drug problem;

Lectured on trial tactics at a senior criminal law seminar in Marquette University Law School;

Lectured at various high schools on the function of the District Attorney's office;

Provided information and advice to District Attorneys of surrounding counties on issues of criminal law.

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8. Original Objective: "Issue periodic bulletins to Assistant District Attorneys and police agencies on important, new developments in the law, at least 12 in number."

Modified Objective: "Issue legal memoranda to Assistant District Attorneys and develop "standard" jury instructions for office use as the need arises."

During the first quarter of the grant period, a system was set up whereby the training unit received an advanced copy of the Wisconsin Supreme Court decisions within a day or two of their printing. The unit also began monitoring the "Criminal Law Reporter" and other materials and memoranda concerning developments in the law. At the same time, it was determined that legal memoranda should be issued on an "as need arises" basis rather than sticking to the original goal of 12 bulletins. The unit also determined that the Wisconsin Uniform Jury Instructions do not keep pace with changes in the law nor have they been promulgated for each criminal section. Therefore the unit included development of "standard" jury instructions as part of its modified

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objective to issue legal memoranda.

During the second and third quarters of the grant period, legal memoranda were written in conjunction with the Basic Training Course. The following legal memoranda were also written:

An analysis of current developments in the law pertaining to "speedy trial" which was distributed to Assistant District Attorneys and several of the judges trying criminal cases--a copy of this analysis is included in Appendix A (pages 135-143);

A set of revised jury instructions in rape cases which has been widely used by judges in Milwaukee County--a copy of these jury instructions is found in Appendix A (pages 144-149);

A legal memorandum on custody of physical property prepared for the Police Department of the City of Franklin;

A legal annotation regarding confidentiality of police reports and officers' memo books prepared for the Police Department of the City of Milwaukee;

A legal memorandum "Rape Victim--Physician/Patient Privilege" prepared for the Witness Support (Anti-rape) Unit of the District Attorney's office;

Legal "blurbs" to the District Attorney's staff on recent developments in the law without in-depth analysis.

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9. Modified Objective: "Develop a program of advanced training sessions for assistants who are beyond the "relatively inexperienced" stage."

This objective was not part of the initial grant proposal. During the period of the grant, members of the training unit began discussing advanced training for assistants who were already functioning adequately on a daily basis. Training unit members felt that attorneys ceased to develop as rapidly and as far as they could for two reasons: They seldom had an opportunity to be critiqued by others, and they seldom had an opportunity to observe trial attorneys who were more effective than themselves. It was determined, therefore, that advanced training seminars which were conducted as a workshop with a limited number of participants would be of great value to the office. The unit plans to use videotape equipment to present live in-court proceedings of participants in the workshop. The sessions are proposed to begin in late summer or early fall.

The training unit issued a memorandum describing the proposed

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Advanced Training Program. The course would be made up of one three-hour session per month for some six to eight sessions. Sessions would probably be held on Saturday mornings. The first hour is to be devoted to instruction on the fine points of a particular legal technique. In the second hour, members of the workshop are to view a videotape of one of their workshop colleagues practicing that particular technique. In the third hour, a group discussion will comment on the instruction presented and offer a critique of the videotape demonstration.

The memorandum announcing the proposed Advanced Training Program also asked assistants to indicate areas in which they felt advanced training was needed. A copy of this memorandum is included in Appendix A (pages 150-154).

The memorandum also asked for an indication of whether or not each assistant was interested in participating in the workshop. The training unit received a tremendous positive response when some 40 of the assistants in the office indicated they were interested in participating in Advanced Training Sessions.

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10. Modified Objective: "Develop a comprehensive critique and evaluation system."

During the second and third quarters of the grant period, members of the training unit made inquiries of prosecutor's offices around the country in order to find a critique and evaluation system which might be adopted in the Milwaukee office. That search produced little valuable information. Accordingly, the training unit has determined that it must develop its own system for critiquing and evaluating the performance of Assistant District Attorneys. The process has begun, but members of the training unit anticipate that it will take the balance of the first year of funding under the grant to develop the program. Evaluation and critique of assistants would not begin until the second year.

As part of the activity under Objective four above, a considerable amount of time has been spent observing and critiquing assistants during in-court and mock demonstrations. Observations based on these demonstrations have been forwarded to the District Attorney and his deputies in order to help them evaluate the fitness of various staff members for

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certain assignments.

11. Modified Objective: "Assume primary responsibility for in-house library developments and creation of a brief bank."

Both of these areas have been neglected in the past. It was determined that the training unit would be most appropriate for overseeing this objective, which was not part of the original grant proposal. During the third quarter of the grant period, two meetings of the library committee have been held. At the meetings, possible new acquisitions were discussed and decisions to purchase various items to supplement the library were made. The training unit is still deciding whether or not the time and effort involved in establishing and maintaining a brief bank should be afforded by the office. Consequently, activity on establishing a brief bank is currently postponed. However, one assistant has volunteered to keep it up on his own time as an expansion of a brief bank he developed for his own use.

12. Modified Objective: "Perform technique and strategy

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conferences with individual District Attorneys and police personnel."

During the period of the grant, this objective was established by the training unit; it was not part of the original grant proposal. Members of the training unit noted the many occasions on which Assistant District Attorneys and police needed advice in technique and strategy. During the third quarter of the grant period, some 50 technique and strategy conferences were held with individual staff members in order to help them on particular cases. Some conferences were short, others lasted over an hour. They involved particular strategic positions, case investigation and preparation, trial technique, and evidence procedure. The training unit has also initiated a policy of advising individual police departments on difficult areas of law enforcement as need arises.

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B. PRETRIAL UNIT

1. Original Objective: "Ensure uniformity of prosecutor recommendations in the plea bargaining process in cases subjected to formalized pretrialing. Discourage the practice of shopping for a better "deal" through strict policies and procedures governing plea bargaining."

In October of 1974, Mr. Charles Clevert began work as a full-time pretrialer. Only one other attorney in the office, a member of the Speedy Trial Team, was allowed to do pretrialing. The two pretrialers were located in offices next to one another. As a result of having only two pretrialers who were in close communication, the unit was able to move toward the above objective of ensuring uniformity in pretrial recommendations and of discouraging prosecutor "shopping."

In order to ensure uniformity in the operation of the Pre-trial Unit over future periods and changes in personnel, the unit is developing a written statement of plea bargaining principles. The unit indicates that the task of writing out plea bargaining principles will be finished during August of 1975.

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2. Original Objective: "Facilitate compliance with discovery requirements, thereby eliminating unnecessary adjournments and dismissals and assuring full disclosure."

Statistics provided by the Pretrial Unit indicate a considerable increase in the number of formal discovery demands being made during the period of the grant. The following figures indicate the increase in discovery activity:

QUARTER	DISCOVERY MOTIONS
I	74
II	141
III	241

Under Objective three below, it is reported that after the Pretrial Unit was established, there was a 60% increase in the number of offers accepted as a result of pretrial negotiations. The evaluators believe that this increase of offers accepted is a result of the increased amount of discovery that now takes place during pretrial conferences.

3. Original Objective: "Conduct pretrial conferences for 2,000 cases including felonies and selected misdemeanors. Achieve prompt disposition, without trial, of 1,500 cases."

There is a strong indication that the goal of pretrialing

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2,000 cases a year is presently being met by the unit. During the first three quarters of the grant period, the following numbers of pretrial conferences were held:

QUARTER	PRETRIAL CONFERENCES
I	358
II	419
III	551

At this rate, a total exceeding 2,000 pretrial conferences is likely to be achieved during the coming year.

The Pretrial Unit has developed logs and card indexes in order to record the disposition of cases. This information system has not as yet been fully implemented. However, the unit did furnish evaluators with sample statistics from three different time periods, one before the unit came into existence and two after the unit had begun. The statistics are as follows:

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	I: 100 cases (before Unit established)	II: 100 cases (after Unit established)	III: 100 cases (after Unit established)
No. of Cases Surveyed	100	104	71
<u>Results of Pre-trial</u>			
Offers Made	51	71	67
Offers Not Made	49	33	4
	<u>100</u>	<u>104</u>	<u>71</u>
Offers Accepted	33	53	43
Offers Denied	18	11	16
No Answer Yet	--	7	8
	<u>51</u>	<u>71</u>	<u>67</u>
<u>Cases Disposed Of</u>			
Guilty Plea	40	56	46
Based on Offer	28	51	38
Based on Revised Offer	3	0	4
Not Based on Offer	9	5	4
	<u>40</u>	<u>56</u>	<u>46</u>

The above statistics indicate an increase in pretrialing activity. In the first 100 cases, 51 offers are made; in the second 100 cases, 71 offers are made, an increase of nearly 40%. Information is not in on all of the 100 cases in the third group. However, with 67 offers made in the 71 cases surveyed so far, it is apparent that the increase in offers made has been sustained. The number of

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offers accepted has also increased significantly, from 33 in the first 100 cases to 53 in the second 100 cases. This is an increase of some 60%. A sharp increase can also be seen in the number of cases disposed of by a guilty plea based on the offer from the Pretrial Unit: 28 in the first 100 cases and 51 in the second 100 cases, an increase of over 80%. Although the figures are not yet complete for the third 100 cases, the indication is that the substantial increases have been sustained.

During the second and third quarters of the grant period, the unit developed and implemented a process of "time bomb plea bargaining." According to this procedure, a pretrial conference is held in each felony case within 21 days of arraignment. A special court appearance is scheduled approximately 31 days after arraignment to report to the court the results of the pretrial conference. If at the court appearance the defendant decided to plead guilty on a basis acceptable to the court, the guilty plea would be accepted on this date. If the defendant decided instead

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to go to trial, the Assistant District Attorney would not hold the offer open. Evaluators believe that "time bomb plea bargaining" has been influential in the increase of activity reported by this unit.

The unit also reports that during the third quarter of the grant period, it began taking all responsibility for handling alibi motions filed and discussed during pretrial conferences. Assumption of this responsibility relieves the trial assistant, and it expedites the investigation of this type of defense by the District Attorney's office.

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C. ADMINISTRATIVE SUPPORT UNIT

This unit has two major goals: (1) To provide efficient office operations to support the prosecuting attorneys and (2) to develop in conjunction with other segments of the criminal justice system an integrated statistical system for use in daily operations and planning. Progress towards achieving these major goals is discussed below under the various objectives and sub-objectives of the unit.

In addition to work done to meet the specific objectives of the original grant proposal, this unit has had an effect in other areas. Early in the period of the grant, the Administrative Support Unit worked closely with the District Attorney and his deputy in advertising the new positions funded by the Urban Prosecutor Project, in processing applications, and in selecting persons to fill the jobs. This unit has continued to support the entire Urban Prosecutor Project by developing report forms for evaluation.

The functioning of this unit has also freed staff members for other duties. For example, the addition of a new

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secretary enabled a clerk to assist the Speedy Trial Team to develop a jail list. During the second quarter of the grant period, the office Administrator was freed from other administrative duties to concentrate his efforts on flow charting the subpoena procedure in Milwaukee County. The problem was both important and complex, and the existence of the Administrative Support Unit was a key factor in enabling the office Administrator to devote his time to it.

The Administrative Support Unit reports that during the third quarter of the grant period, a "General Weekly Memo" was introduced into the office routine. Beginning April 25, 1975, the General Memo has been issued each Friday. It replaces the earlier practice of issuing memos on an "as needed" basis. The memo is designed to keep all staff members aware of current developments in the office, and the Administrative Support Unit believes that the memo has raised the general awareness of staff members as to overall office needs. Although the memo is not one of the original objectives of the unit, the office Administrator points out that without the staff support provided by the Administrative Support Unit, he could not have freed himself to

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produce a General Weekly Memo.

Activities of the Administrative Support Unit toward meeting the objectives of the initial grant application are described below. In addition, a comprehensive "Monthly Control Sheet" is included in Appendix B of this report (pages 156-157). The Monthly Control Sheet, supplied by the Administrative Support Unit, reports the progress of each activity in terms of the following headings: "Not Begun," "Begun" "Advance", "Completed." The Monthly Control Sheet included in Appendix B is the latest received by the evaluators; it covers the period between May 7 and June 6, 1975.

1. Original Objective: "Establish a modern system for handling correspondence."

There are three areas under this objective.

- a. Incoming general correspondence. The District Attorney's office passes mail directly to Assistant District Attorneys if they are addressed by name. As a result, assistants open

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much of their own mail, at times destroying useful envelopes. Furthermore, mail often must be rerouted because the assistant named in the address is no longer the appropriate person to receive the letter.

During the third quarter of the grant period, the unit has studied the possibility of instituting completely centralized handling of mail. They have received cost estimates for an automatic time stamping machine and an automatic letter opener. In addition, two procedures were initiated on a trial basis for two staff members: (1) all mail not marked "confidential" or "personal" is opened and delivered to the appropriate secretary; (2) correspondence requiring an immediate answer is distinguished from routine correspondence.

Full implementation of centralized mail handling is still under discussion in the office. There is some concern about violation of privacy. Also, a follow-up system is still under study.

b. Incoming phone calls. There has been little progress

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in this area. The chief difficulty is the fact that 17 of the Assistant District Attorneys do not have specialized secretarial services designated to them. Discussion is still underway about how to assign secretaries to transmit telephone messages to these attorneys.

c. Incoming public. Project Turnaround, which is to be fully staffed by August 15, 1975, provides for two units that will work in this area: The Citizen Contact and Support Unit and the Citizen/Victim Complaint Unit.

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2. Original Objective: "Establish and maintain a modern record system." There are nine related areas.

a. Develop new case file.

b. Develop instructions for case file.

A new case file folder was put into use during the second quarter of the grant period. Instructions for filling it out have not been completed; the unit anticipates the instructions to be completed by August 1, 1975. However, a memo was distributed March 20, 1975, discussing all significant changes from the old case jacket, and soliciting responses to the new jacket.

c. Develop forms list and instructions.

d. Clerical procedures training manual.

These two objectives are being handled together. The ultimate objective is to develop a District Attorney Clerical Staff Handbook to be given to all new staff members. The handbook would contain information about office procedures, and it would include appropriate forms and instructions for using them, depending upon a person's job. In addition, a master

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form book is to be maintained for all areas.

The unit has made a beginning, but there is a great deal yet to be done. There are a great many forms in use in the office, and there are many functional descriptions to be written. Unit staff has not yet had the time to devote to completing the project. They anticipate completion in August of 1976.

e. Processing of polygraph requests. This objective was completed during the second quarter of the grant period. Formerly, it was necessary for an Assistant District Attorney to handle scheduling and contact procedures in polygraph requests. These duties have been transferred to a member of the clerical staff. A copy of the "Polygraph Test Check Sheet" is attached to Appendix B of this report (page 158).

f. Payroll recording of D. A. time. During the third quarter of the grant period, a cumulative record has been kept of Assistant District Attorney work time. The system also reflects daily assignments of assistants.

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An individual time summary card has also been developed for assistants. It has not been introduced because of union negotiations. The card has been in effect for legal interns, however, beginning in May of 1975. It is anticipated by the unit that the time recording cards will be in use for assistants by October of 1975.

g. Systematized personnel records. The object of this activity is to create a central source of materials relating to office personnel: salary data, personnel records, new employee paper work, termination interviews, vacation scheduling, etc. Progress towards this goal was made by the distribution of the "Affirmative Action Record Keeping Program" on May 9, 1975. Under this program, the following record keeping devices were implemented: An Application Log; a Hiring Log; a Promotion and Transfer Log; a Termination Log. The unit anticipates that the other central personnel records will be completed by February of 1976.

h. Development of integrated statistical system. This objective is discussed below under Objective 7. Statistics.

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i. Witness and expert witness payment processing. In this area, a central source would be established to make travel and hotel arrangements for witnesses, and to issue the proper affidavits and orders to process payment of these bills. Project Turnaround, which will begin August 15, 1975, is to be in charge of this activity.

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3. Original Objective: "Establish a system for evaluating workload and output, and procedures to meet identified manpower problems." There are five areas of activity.

a. Fix responsibility for workload and output evaluation.

Activity in this area is still in the beginning stage. An initial review and realignment of certain key secretarial tasks has been completed. The ultimate goal of this activity is to achieve stabilization within the clerical staff and to aid attorneys with additional clerical services.

b. Develop work counts. During the third quarter of the grant period, work counts either had been started or were being continued in the following areas: General correspondence, complaints/correspondence done on automatic typewriters, subpoenas and orders to produce issued by the subpoena room, number of judges on the daily calendar and number of cases before those judges, citizen and police complaints received daily, phone calls received at the switchboard, pieces of incoming mail received. The office has also begun a count of outgoing correspondence. This

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activity will continue on an ongoing basis.

c. Compare work counts with previous period of time. This activity is continuous at the present time.

d. Institute regular meetings with staff and supervisors.

A number of staff meetings have been held. In February and March, a Deputy District Attorney gave training sessions on "Legal Underpinning of Court Procedure" and "Motions, the Heart of Contemporary Court Procedure." At the end of March, the Procedures Coordinator held a meeting to inform employees about their responsibility and to instruct them on some of the basic work habits: e.g., use of carbon copies, covering machines, turning off machines when not in use. In May a training session was held dealing with the Speedy Trial Team, plea bargaining, and felony file folders.

The unit has received positive feedback from those who have attended the meetings. To date, meetings have not been scheduled for a particular day of the month, but they intend to establish this procedure by the end of the calendar

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year.

e. Reschedule work and workload with backup procedures.

Work has begun towards the goal of having clerical personnel know each others jobs so that one can fill in for another in case of sickness or at vacation time. The unit anticipates that this objective will be substantially completed as the clerical staff handbook is compiled over the coming year.

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4. Original Objective: "Supervise clerical personnel and general office operation." There are three sub-objectives. -41-

a. Restructure sign in/out procedure. During the third quarter of the grant period, a clerical sign in-sign out sheet previously used in the office was redesigned and put into effect. Maintenance of time-in and time-out records is part of the personnel record keeping system described above under Objective 2. G.

b. Improve control of overtime, vacation and other time off. By the third quarter of the grant period, all requests for time off and vacation were being processed through the Procedures Coordinator. The unit reports that as a result of this procedure, 1975 vacations have been much more carefully planned than ever before. The Procedures Coordinator is able to avoid over-scheduling of vacations during the month of December, and to encourage vacations during the month of July, when the office has supplemental clerical help provided by a Summer Youth Program. The Procedures Coordinator is also watching overtime.

c. Develop job description file. Work has begun towards this objective by filing any job description that is

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produced in the office, such as when a new position is requested. The unit anticipates that this objective will be substantially completed by July of 1976, but it will necessarily be an ongoing process as duties change.

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5. Original Objective: "Establish an efficient interoffice communications system." There are three sub-objectives.

a. Have definite secretaries assigned to definite assistants.

b. Give secretaries increased responsibility for inter-communication between assistants, maintenance of assistants' calendars and records.

In the District Attorney's office, approximately 19 Assistant District Attorneys belong to one of seven special units; each of these units is served by a secretary. Some 10 other assistants located together on the sixth floor have a secretary assigned to them. Seventeen assistants remain who do not have specialized secretarial services designated to them. The unit is experimenting with assigning secretaries and giving them additional responsibilities, but they are encountering difficulties because of a shortage of secretarial personnel. As a result, progress towards both of the above objectives is only in the initial stage.

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c. Maintain policy and procedures manual. This manual is to be distinct from the Office Policy and Procedures Manual. It will deal with responsibilities for administrative procedure in such areas as approval for payment of bills and ordering of polygraphs. Some progress has been made in accumulating materials for a manual. Supervisors of the major sections of the office have been asked to record procedures for their respective sections. These descriptions of procedures will then be standardized and put into a central manual. The unit anticipates completion by August of 1976.

6. Original Objective: "Establish procedures to administer government grants in an orderly manner, including proper collection of specialized data to facilitate evaluation." There are three sub-objectives.

a. Maintain files correlating information for reports. During the second quarter of the grant period, files were made for the various reports of the Urban Prosecutor Grant and for collecting items to be sent to evaluators. The unit considers this objective complete for all financial

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reports and most other reports. It is to be utilized in the preparation of new reports for the various grants as they occur.

b. Maintain a tickler file to ensure reports are sent when required. A tickler file has been established, but the unit indicates that it is not always used. Frequently there have been higher priority items to be taken care of. The unit anticipates that the tickler file will be fully implemented by August of 1975.

c. Maintain files correlating data for presentation for grant renewals. A centralized file has been established and the unit reports that data collection is becoming more regular all the time. There are still forms to be revised, but the system is nearly complete. During the third quarter of the grant period, the unit used these materials to prepare applications for renewal of the Urban Prosecutor Grant. The application was forwarded and approved for submission by the Milwaukee County Board of Supervisors. Subsequently it was presented to the local planning agency

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for processing to the state planning agency.

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7. Original Objective: "Define the data base needed to evaluate performance and identify problems, and establish a system to collect such data. Lay ground work for computerization."

A major objective of the Administrative Support Unit has been to develop an integrated statistical system. Progress has come in response to requests from two sources: The evaluation team assigned to monitor progress of the Urban Prosecutor Project; the design requirements of the information system for Project Turnaround.

The evaluation team from the National District Attorneys Association visited the office in February and April. As a result of their suggestions, a number of data gathering activities were begun. The Pretrial Unit has furnished a set of statistics based on three different samplings of 100 cases each as an indication of progress made by the unit. Counts of clients served have begun coming in from the Witness Support (Anti-rape) Unit. The evaluation team has also suggested a number of statistical indicators that the Speedy Trial Team should gather. Success in implemen-

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ting these suggestions has been varied, but the Administrative Support Unit has made important advances in data gathering.

Milwaukee County has received a 1.2 million dollar grant for Project Turnaround, a victim-witness project. It provides for a court-prosecutor-criminal justice information system. The project will begin August 15, 1975. As a result, there has been a great deal of planning for the gathering of statistics during the third quarter of the grant period. Two new statistical reports were initiated on a monthly basis: A report of cases filed and disposed in each of the major court areas; a study of felony cases pending before each judge according to age of case. These reports have been useful in predicting the office workload. Planning for Project Turnaround has also resulted in a detailed list of all data items that the District Attorney's office would like to receive from the system, and a preliminary list of reports that will be needed. These requirements will be further defined during the fourth quarter of the grant period as Project Turnaround is more fully organized.

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In order to prepare for Project Turnaround, the office Administrator visited Cleveland, Philadelphia, Washington D.C., and Houston in order to study the statistic gathering systems in those cities. Information was also received on the Tampa system. This information ought to help the Milwaukee County District Attorney's office design a statistical gathering system that will reflect the most advanced thinking in the country.

The office is also studying PROMIS carefully for integration into the planned criminal justice information system. The office is interested in expanding the "continuance" section of that system so that a computer reading could reflect more fully the status of a court case and the previous events in the case. The office is also interested in obtaining a count of Assistant District Attorney appearances from such a system as part of quality control. Such a count could also be used to demonstrate what the unit believes to be the excessive caseload borne by Assistant District Attorneys in the county: Over 250 cases per year by each felony trial attorney, and over 3,000 cases per year for each misdemeanor traffic trial attorney.

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D. WITNESS SUPPORT (ANTI-RAPE) UNIT

The format for discussing the objectives, activities and results of this unit will differ from the three preceding discussions. First all of the objectives of the unit, both original and revised, are given. A discussion of activities and results then follows. This format is adopted because many of the activities carried on by the unit are likely to lead simultaneously to more than one objective. A conference with a victim of rape, for example, might help prepare her for a courtroom appearance (Objective 2) at the same time that it provides liaison between the victim and some member of the criminal justice system (Objective 4). The evaluators have no way of knowing precisely what transpires at any meeting between members of the unit and the people they service.

In the third quarterly report, the director of the unit reported some revision of objectives. Two of the objective in the initial grant application were eliminated:

"Reduce the number of trials adjourned, and cases

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dismissed, because of missing witnesses by 30%."

"Increase the number of successful prosecutions for sex crimes and rapes."

It had been noted in the interim evaluation report that these objectives were not feasible for this unit because the unit did not have direct control over achieving them.

The following six objectives were given as the revised objectives of the Witness Support Unit in the third quarterly report. The first four objectives are unchanged from the initial grant application; Objectives 5 and 6 were added during the third quarter of the grant period.

1. Original Objective: "Reduce the suffering of female victims of sex crimes through counseling and/or referral to appropriate agencies which provide medical, psychological, and social service."

2. Original Objective: "Educate victims of rape and other sensitive sexual crimes concerning legal procedures in the criminal justice system thereby strengthening them in court

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room appearances and encouraging them to pursue the initial complaint through the final stages of prosecution."

3. Original Objective: "Assure the timely appearance of witnesses by providing telephone alert services, transportation, escort services, and other needed support for selective witnesses."

4. Original Objective: "Improve public understanding of and cooperation with the 'system' by acting as witness advocates in instances in which witnesses are aggrieved by the 'system.'"

5. Modified Objective: "Contribute toward community education with respect to: The myths connected to the crime of rape; the emotional needs of the victim of sexual assault; the legal process involved in prosecuting the offender; recommended guidelines for prevention of rape and for initiating legal prosecution in the event that a sexual assault does occur; and other related issues as appropriate."

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6. Modified Objective: "Contribute towards the sensitization of personnel in institutions which commonly service or come in contact with victims of sexual assault."

Counseling and Support of Victims.

Statistics kept by the unit indicate a high volume of activity. Appendix C of this report contains statistics on case referrals and counselor activity conducted by the unit during three individual months: February, March, and April of 1975 (pages 160-162). During this period, staff had 1,475 contacts of supportive and informative nature. 726 of these contacts were directly with victims of sexual assault. Of this number, 89 involved attending legal proceedings with a victim: 31 complaints, 12 preliminary hearings, 2 motions, 2 pretrial meetings, 38 trials, and 4 other proceedings (e.g. polygraph tests). A total of 243 contacts were made with family or friends of victims. Other contacts included the following: 198 conferences with Assistant District Attorneys; 38 contacts with other attorneys; 148 police contacts; 15 contacts with medical personnel; 79 contacts with agencies; 28 other contacts (e.g. clergy).

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During the same three month period, the unit began working with 64 new clients. 44 were referred by the District Attorney's office, 8 were referred by police, 4 referred themselves, 3 were referred by community social agencies, and 1 was referred by a private attorney. Of the 64 new victims, 54 requested prosecution. 14 of the cases were dropped, 7 by the Assistant District Attorney at the time of charging and 7 by police. 6 cases remained on open file with the police. 10 women chose not to go through the legal system. In 2 of those cases, women based their decisions on the Supreme Court ruling against prohibiting the press from using a victim's name.

The following statistics pertain to cases that were closed during this three month period: Twenty eight charges were never issued, five cases were closed at preliminary hearing, six at motions and other proceedings, and eighteen at trial. The outcome of the cases tried was as follows: Thirteen found guilty as charged, six plead guilty to the original charge, four plead guilty to a lesser charge, and two were acquitted.

During the third quarter of the grant period, the unit revised

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its monthly statistical reporting forms. There are now two separate forms: A "Counselor Activity Sheet" and a "Legal Case Statistics" form. Copies of these two forms are found in Appendix C of this report (pages 163-164).

These statistics are a good indication of activity towards the first four objectives cited above: To provide support and information to victims and witnesses in sex crimes. The unit has also received response to its activities in the form of letters from people with whom they have worked. Two of these letters are reproduced in Appendix C of this report. One is from Assistant District Attorney Frank T. Crivello (page 165). In Mr. Crivello's words, "It is my professional opinion that without the services of your unit, this particular case of rape and sexual perversion could not possibly have been brought to trial." He singles out the unit's counselor, Sandy Mahkorn, for special praise. Ms. Mahkorn is also praised in a letter from a rape victim: "The woman, Sandy Mahkorn, who stayed by my side like a sister throughout the whole ordeal was a great comfort to me" (page 166).

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The unit is going to begin evaluating its level of services after a matter has been closed. The various individuals who were contacted during a case will be asked to evaluate the service rendered by the unit: The victim of sexual assault, police agencies involved, Assistant District Attorneys involved, courts, and other members of the criminal justice system who might have been involved. This process of evaluation will serve to regularize the input of subjective responses to the unit that are now received in the form of letters such as the two cited above.

All arrest reports involving rape are reviewed by the unit in order to determine whether or not the victim has been contacted. Approximately 80% of the contacts are made at the arrest stage, when help is most needed. The remaining 20% are contacted at various stages thereafter. Ultimately, the unit deals with 100% of the rape cases. However, the unit is experiencing difficulty with the police department at the investigation stage. The unit reports that police officers investigating charges of rape have been ordered not to cooperate with the Witness Support Unit. As a result, the unit does not learn of rape crimes as they are reported. As

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the period of the grant continues, however, members of the unit are experiencing more and more cooperation with individual police officers. At the beginning of the grant period, police contacts in rape investigations were zero; during the third quarter of the grant period, there were eight contacts from police.

Community and Professional Contacts. The unit has carried on considerable activity in educating the community about its mission. In its third quarterly report, the unit listed 35 speaking engagements during the months of February, March and April. Speaking engagements were held at schools; before professional, governmental, and civic groups; and over the media. A copy of the outline of the talk presented before the "Emergency Room Nurses Association" on April 30, 1975, is included in Appendix C of this report (pages 167-170). A glance at the topics covered by that talk indicate that it is very much aimed at accomplishing Objectives 5 and 6, dispelling some of the standard myths associated with the crime of rape and making professional people who come in contact with rape victims more sensitive to the victim's needs. The unit has composed a questionnaire that

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is given to those who attend its speaking engagements. A copy of the questionnaire is included in Appendix C of this report (page 171). The unit has also received letters in response to its speaking engagements. Included in Appendix C of this report (pages 172-175) are copies of letters of appreciation received after talks on local television, at a local university, before the Department of Public Welfare, and before the Welcome Wagon Club.

The Witness Support Unit had been studying its role with respect to the Womens Crisis Line which already had been in existence to aid rape victims in the Milwaukee area. The unit initially had considered operating a 24 hour emergency telephone service. During the third quarter of the grant period, the unit determined that it did not want to compete with the Women's Crisis Line. The unit will therefore not set up a 24 hour emergency call service. Instead members of the unit work to train operators of the Women's Crisis Line.

Related Activities. In November of 1974, the unit rendered assistance to two Milwaukee women who had been rape victims

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in Sheboygan County. The unit provided support for the victims at various times before the trial and during the trial itself, which lasted eight days. A narrative description of that case and a letter of appreciation from the District Attorney of Sheboygan County is included in Appendix C of this report (pages 176-178).

During the third quarter of the grant period, members of the unit were active in encouraging the media to establish a public policy that they would not use a rape victim's name in a news story. This activity was a result of the United States Supreme Court decision prohibiting states from prohibiting the press to publish information on public record. The unit received many phone calls expressing concern over the court decision. Ultimately, the media in Milwaukee County did issue a statement that they would not use a rape victim's name in a news story.

The unit has been working with a committee from the Milwaukee County Medical Society to develop uniform standards of treatment for rape victims. It is antici-

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pated that a proposal will be approved by the committee during the fourth quarter of the grant period. The unit has also been working with a local private hospital to develop a sexual assault center. A preliminary draft of that project is under review by the Comprehensive Health Planning Agency. The unit was involved in developing the project, and it is also named in the project as a referral source for all victims coming into the proposed sexual assault center. If the project is funded, the unit will play a major role in the training of the medical personnel on the emotional needs of victims, legal recourses open to them, and forensic training for the staff in the event they are called upon to testify.

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E. SPEEDY TRIAL TEAM

This unit is in its second year of funding. Its initial goal was to ensure that cases which were "spun off," assigned to outside judges, or assigned to "overflow" courts would receive appropriate handling by the District Attorney's office. The unit was to provide prosecution for those cases in which a speedy trial was requested by a defendant; it was also to relieve the congestion of older cases within the Milwaukee County Court.

During the second year of funding, this unit has encountered two difficulties that are not within its control. First, there has been a significant increase in the felony caseload during recent months. The first four months of 1975 saw an increase of 37% in total cases filed compared to the first four months of 1974. Between the same two periods, there was a 99% increase in robbery cases filed. Second, the court system has been in a state of considerable flux. In the first part of the two year grant period, the unit was responsible for staffing the courts of judges brought in especially to relieve the congestion in Milwaukee County; these were either retired judges or judges from

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outside Milwaukee County. In the past several months, additional full-time felony courts were created to handle cases in which speedy trials had been demanded. These courts had to be staffed by members of the Speedy Trial Team. Cases were assigned wholesale to these courts, making it difficult for the unit to preselect older cases for special attention. At present, the Chief Judge intends to phase out all retired judges and to operate with five full-time felony courts rather than the eight presently operating. These changes in court structure have caused real difficulties in the scheduling of Speedy Trial Team assistants.

As a result of the above conditions and also at the suggestion of the evaluators in their interim report, the Speedy Trial Team restated its objectives in its third quarterly report. These objectives and attendant activities and results are discussed below.

Objective 1. "Increase the number and percentage of criminal cases tried (a) within a period of 90 days,

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and (b) within a period of one year."

The unit has supplied the following statistics:

	<u>Jan. 31, 1974</u>	<u>Jan. 31, 1975</u>	<u>April 30, 1975</u>
Total Active Cases Pending	1,132	1,531	1,695
No. of Cases Over 90 Days Old	685	867	901
% of Total	60.5%	56.6%	53.2%
No of Cases Over 1 Year Old	185	200	185
% of Total	16.3%	13.0%	10.9%

During the 15 month period indicated above, the percentage of total cases over 90 days old decreased from 60.5% to 53.2%. During the same period of time, the percentage of cases over 1 year old decreased from 16.3% to 10.9%.

During this period, the absolute number of cases pending in the courts increased because of the recent increase in crime mentioned above. Although this evidence is not conclusive, the evaluators believe that this unit is helping to reduce the backlog of old cases.

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Objective 2. "Staff and handle criminal cases in those courts that are selected to specialize in cases where speedy trials are demanded by defendants and those courts temporarily constituted and staffed by outside judges to expedite the processing of felony cases in Milwaukee County."

The Speedy Trial Team has been active in handling criminal cases before non-Milwaukee County judges who had been assigned to handle criminal cases in Milwaukee County. For the most part, older cases were assigned to these judges, and it was appropriate that the Speedy Trial Team handle them. Also, the Speedy Trial Team has handled cases before civil judges who have been assigned to hear criminal cases which call for speedy trial.

During the quarter of February-April 1975, two extra circuit courts were staffed by Milwaukee County judges. The Speedy Trial Team took full responsibility for handling matters in these courts; it is estimated that in excess of 1200 matters were on the calendars of those courts during this period. During the same period,

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members of the Speedy Trial Team appeared before other judges handling 96 matters in February, 62 matters in March, and 40 matters in April. Included in these activities were 12 jury trials.

Objective 3. "Attempt to reduce the population of the Milwaukee County Jail in so far as it consists of prisoners who have not yet been tried."

With the help of the Administrative Support Unit, a weekly list has been prepared of all court cases scheduled in the following week in which a defendant has been incarcerated for over 30 days. This list is sent to all judges and to all Felony Trial Team Captains. This list is intended to alert these people to coming

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court appearances so that adjournments might be avoided.

There have not been as yet regular counts in order to measure the progress of the unit in this area. In fact, the unit has characterized its efforts as being largely "missionary." Nonetheless, members of the unit believe that people in the criminal justice system are more aware of the problem, and that the number of adjournments in these cases has been reduced.

Objective 4. "Identify cases where it is appropriate for the state to move for a speedy trial or where speedy trial issues are likely to be raised, and follow, handle, and dispose of those cases. On occasion assist Assistant District Attorneys in reviewing and processing cases in their assigned courts to expedite disposition of older cases."

Because of the tremendous increase in the caseload since the beginning of 1975, the unit has not had staff available to assist other Assistant District Attorneys or to seize the initiative in demanding speedy trials for the

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State. Members of the unit note that because of the new Wisconsin speedy trial case, State v. Hadley, 66 Wis. 2nd 350, it may be necessary for the District Attorney to file large numbers of speedy trial demands in serious cases simply to prevent wholesale dismissals. Because of its experience, the unit is in a good position to evaluate and select out those cases in which speedy trial demands would be appropriate. The unit also anticipates that the computerized informational system now being developed as a result of Project Turnaround may make it possible to identify aging cases more quickly and to coordinate appropriate action with the criminal court judges.

Objective 5. "Assist the Pretrial Unit in the achievement of its objectives by designating attorneys to engage in pretrialing and by furnishing supervision and secretarial and clerical services to the Pretrial Unit."

Activities of the Pretrial Unit are described above in Section B. It is appropriate that the resources of the

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Speedy Trial Team be used to aid the Pretrial Unit since potential guilty pleas can immeasurably speed the processing of cases through the court system.

Objective 6. "Develop a system that will assure prompt trial on Milwaukee County charges, where appropriate, of persons detained in prisons outside Milwaukee County, which system should (a) assure that prisoners are brought back for trial promptly after the filing of detainers; and (b) avoid placing detainers on prisoners who should not be returned for trial."

During the second and third quarters of the second year of funding, the unit has disposed of approximately 60 cases involving a demand for speedy trial by defendants who were incarcerated outside of Milwaukee County. This activity removes a burden from other members of the staff, and it protects against cases being dismissed for lack of speedy trial. As a result, the office is rid of open warrants or complaints against defendatns who normally would not come to trial until they had been

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released from prison.

During the May-July 1975 quarter, the unit intends to review existing detainers to determine whether or not the prisoners involved should be brought back for trial. In cases which have aged to the point that there are serious difficulties in obtaining evidence, the unit will consider the alternative of lifting the detainer.

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F. DRUGS, GAMBLING, AND ORGANIZED CRIME UNIT

This unit is in its third year of funding. The objectives of the unit stated in the original grant application are as follows:

Locate and prosecute organized criminal activity in such fields as drug distribution and gambling;

Provide liaison between the District Attorney and the 19 separate police agencies within Milwaukee County--the unit was also to provide in-service training and educational courses to these agencies as well as to concerned lay groups;

Coordinate prosecution of persons known to be connected with organized criminal activity--this objective includes providing legal assistance to local law enforcement agencies in an effort to prosecute the higher echelons of gambling and drug pushers.

The chief organizational means of attaining these objectives was the assignment of two Assistant District Attorneys to work exclusively on organized crime.

During the second and third years of the funding of this unit, the staff was expanded to three Assistant District Attorneys, one investigator, and one secretary.

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It was the mission of this group to develop the expertise necessary to achieve the above objectives.

The following discussion describes the various activities of this unit during the third year of its funding.

DRUGS.

In the course of its investigations, the unit has made a number of large drug recoveries: \$50,000 worth of heroin; \$20,000 worth of marijuana; 800 pounds of marijuana; 135 pounds of marijuana; 50,000 Amphetamine tablets; 5000 dosage units of LSD. These recoveries were the result of extensive investigation and undercover operations. The unit followed up its work by prosecuting the various offenders. During the February-April quarter of 1975, for example, the unit issued over 100 felony cases against individuals charged with delivery of controlled substances.

During the third year of its funding, the unit has provided special assistance to suburban police to deal with

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their drug problems. The investigator, who is trained in undercover work, has generated cases in a number of Milwaukee County suburban communities by working with their police departments. The unit also reports that two deputies from the Milwaukee Sheriff's Department have been assigned to the unit for the purpose of drug enforcement. During the third quarter of this funding year, these investigators have worked in the suburban areas of Milwaukee County. The unit has also continued to issue all undercover drug cases developed by agents of the Wisconsin Department of Justice and the Milwaukee Police Department Vice Squad.

During the third quarter of this funding year, the unit has conducted seven one-day seminars on drug law enforcement. These seminars have been attended by over 240 officers from every suburb of Milwaukee County. A copy of a Drug Law Enforcement Seminar program and two pages of topics covered at the seminars are included in Appendix D of this report (pages 180-182).

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A member of the unit, Joel Rosenthal, has prepared a manual entitled "A Uniform Controlled Substances Act Violation Trial in Wisconsin" (copyright November 1, 1974). The manual covers every stage of a case, from complaint through sentencing. It is extensively documented. The manual has been accepted for publication by the National District Attorneys Association, and it is also to be reproduced by the University of Wisconsin Department of Law Extension Division for distribution to all prosecutors in the State of Wisconsin. Mr. Rosenthal also conducts the session on search warrants for the Training Unit. He has prepared a thoroughly documented paper on the subject to go along with his presentation.

GAMBLING.

During the first three quarters of this funding year, the unit has issued counts against some 96 individuals. The unit has maintained a policy of giving attention to major violators. During the third quarter, two major bookmakers were charged. In one case, the unit recovered some \$80,000 worth of football betting slips;

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in another case, the unit recovered records and money from a substantial horse betting operation. Both recoveries were made by means of search warrants.

The unit has also continued to assist local merchants and organizations by advising them as to the legality of various contests and lotteries. During the present funding year, the unit has issued literally hundreds of opinions in this area.

Prostitution.

During this funding year, the unit proceeded against prostitution violations by means of John Doe investigations. Some 95 witnesses were interviewed, resulting in 19 felony counts against 5 individuals, and another 6 felony counts against 3 individuals. Ultimately 4 defendants were found guilty during the second quarter and another 5 were found guilty during the third quarter. Convicted defendants include three notorious figures: Leroy Bell, described by the judge as the "king pin" of prostitution in Milwaukee; James Jennaro, identified as

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having significant ties to organized crime; Alice Grant, operator of one of Milwaukee's two largest houses of prostitution. Public impact as a result of these investigations and trials has been considerable. One in-depth series of newspaper articles reported that four of six major houses of prostitution had shut down, and that numerous organized call-girl operations were curtailed.

Extortion.

During the third quarter of the present funding year, the unit initiated a John Doe investigation into an arson case. As a result, 22 felony counts were issued against 7 individuals. They included several who are known to have ties to individuals in organized crime: Sally Papia, James Jennaro, Max Adonnis, and Joseph Basille. Charges against these individuals include extortion, loan sharking, arson, and robbery.

The unit is investigating an attempt to murder a State's witness in connection with a commercial fencing case.

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Charges are expected to be issued during the fourth quarter of the present funding year. In another case, the unit issued charges against three individuals for extortion and battery; the victim was a witness in several drug cases.

Corruption. The unit was involved earlier in the present funding year in an investigation of corruption by city officials in licensing. A John Doe investigation resulted in charges against an alderman, a former alderman, the Sergeant of Arms of the City Council, and co-conspirators. Charges included forgery and misconduct in public office.

Follow-up. The unit has considered it essential to follow up important cases involving organized crime. When a major figure is charged, the unit has a policy of making all appearances in the case including the preliminary hearing, motions, and the trial. The unit pays particular attention to seeing that a case is tried as quickly as possible. The unit has also given aid to police in special

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cases such as securing search warrants. Because of the complexity of organized crime cases, the unit considers its follow up activities to be essential.

LIAISON.

In addition to liaison activities mentioned above under Drugs, the head of the unit meets on a monthly basis with the United States Attorney, the Internal Revenue Service, the Drug Enforcement Administration, the Sheriff's Office, and representatives of other law enforcement agencies. These meetings are important to coordinating activities against organized crime.

Publicity. The unit has been successful in making its activities known to the Milwaukee County community by means of press coverage. Evaluators have seen copies of dozens of news stories describing the activities of the unit during the three years it has functioned. The unit has found, particularly in recent months, that as successful convictions of organized crime figures are made known to the community, informants have come for-

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ward to provide additional information on various organized crime matters. The evaluators believe that this is an indication of the success of the unit in establishing its credibility.

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III. CONCLUSIONS AND RECOMMENDATIONS

In this section of the report, the evaluators give their conclusions as to the merits of the six Urban Prosecutor Projects. Recommendations are also offered. Each of the six projects is discussed separately below.

A. TRAINING, POLICIES, AND PROCEDURES UNIT.

In keeping with the recommendations offered in the interim report of the evaluators, this unit has modified its objectives from what they were in the original grant application. Some items such as the policy manual and the training sessions were given higher priority, and others were held in abeyance. In addition, the unit added four objectives that were not part of the original grant application. These changes are recorded in Section II of this report above. The evaluators believe that the heads of this unit have shown good judgment in making the modifications that they have. Evaluators conclude that between the time of their first visit and their last visit, this unit became much more flexible and realistic with respect to its objectives.

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Basic Training Courses. The unit determined by trial and error that no one in the unit had sufficient expertise to produce videotaped training films for use in the Basic Training Course. They intend to use the equipment in other ways: As an aid in critiquing for the advanced seminar series, and for recording confessions. The questionnaires developed by the unit will prove valuable in evaluating its training program on a continuing basis. The evaluators conclude that the unit has successfully completed this objective.

In-court evaluation. The unit dropped its initial objective for two reasons. Too much time was required to evaluate assistants' work in court. Also, members of the unit believed that evaluation would be accomplished in the course of realizing two of their new objectives: Advanced training seminars and a comprehensive critique and evaluation system. The evaluators concur.

Policy manual. At the time of the final evaluation visit on June 10, 1975, the manual was at the printers.

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It was also indicated, however, that there would be a distribution of the manual for comment by various bureau chiefs and other key personnel. The evaluators recommend that, if feasible, the unit distribute a xerox copy of the manual office-wide to obtain criticism and constructive comments. It should also be noted, however, that the unit is in the process of developing a critique form for assistants to use once they have received the office manual.

A tremendous amount of research, review, and editing has gone into the production of the office manual. The evaluators conclude that the office as a whole will benefit greatly from this manual. The unit has successfully completed this objective.

In-court demonstrations. The unit has modified its original objective so that in-court demonstrations will be given either on an "as needed" basis or they will be integrated into the basic and advanced training sessions.

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The evaluators conclude that this is a reasonable modification in view of the constraints of manpower. The evaluators noted with approval that the unit has devised another approach to in-court demonstrations by assuming responsibility for three major criminal cases and involving inexperienced assistants in them. This should prove to be a good training procedure.

Trial manual. The production of a trial manual appears to be the largest single task still facing the unit. Evaluators recommend that this objective be given support in order to ensure its successful completion. Some work has been done in that legal outlines, memoranda, and check lists which were prepared for the Basic Training Course are to be included in the trial manual. Members of the unit report that they have received favorable feedback from the court regarding use of check lists by assistants. Production of the full trial manual should further improve the performance of assistants.

Police lectures. Because of time constraints, the unit

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has not developed a series of lectures for police agencies. The unit has sent speakers when requested and has also provided clarification of legal matters when requested. The evaluators recommend that development of a series of lectures for police agencies be given high priority. It is axiomatic that many cases are lost because of lack of awareness on the part of police investigators as to proper constitutional and other procedures to be followed at the inception of a criminal case. In order to increase the likelihood of successful prosecution, police should be made aware of the proper procedures to be followed in such areas as identification, search and seizure, and obtaining confessions.

Memoranda. The unit has distributed legal memoranda in the form of a "current legal developments memo." These memoranda are more than just law decisions or discussions of the law. Evaluators note that the memoranda have very practical application. They give advice to assistants on what steps to take in their own work in view of various

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legal decisions. Also, the unit has prepared uniform jury instructions for utilization in rape cases. These instructions have received the approval of the courts. The evaluators conclude that the unit is successfully meeting this objective.

Advanced training. The unit is currently developing an advanced training program by soliciting from assistants the areas in which they feel they need additional instruction. The unit intends to develop its program according to those needs. The unit is seeking certification for the advanced training program so that it would count as credit towards a continuing education requirement of the Wisconsin Bar. The evaluators believe that such certification will be a great asset to the District Attorney's office.

This is an objective that was not part of the initial grant proposal. The Training Unit has proposed a program that unquestionably answers a need that has been felt in the office: Some 40 assistants indicated that

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they would participate in the program. The evaluators conclude that the program proposed so far is a good one. In particular, it is a wise policy to require those who join the program to attend each and every session. This requirement will enhance the mutual critique and evaluation that will be part of the program.

The head of the unit has indicated to the evaluators his interest in assuming supervision of a state-wide training program because of inaction on the part of the state district attorneys association in this area. The evaluators recommend that such a commitment be reviewed very carefully before being made. Such a program might require spending time away from the Milwaukee office at a period when its own training programs need supervision.

Evaluation. The unit has established the objective of developing a system for critiquing and evaluating the performance of Assistant District Attorneys in the Milwaukee office. Members of the unit were able to find little in the way of evaluation systems in other prosecutors' offices around the country where they made inquiries.

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This is an extremely difficult objective, but it can be accomplished. The evaluators enclose a copy of a performance appraisal in use in another prosecutor's office as one example of an evaluation system (see Appendix E, pages 184-190).

Library-brief bank. The evaluators conclude that good progress has been made towards establishing a current library. Meetings have been held at which the needs of the library have been assessed, and appropriate goals have been set. The evaluators believe it was a good idea to form a library committee from various parts of the office; in that way the knowledge and experience of different individuals will help ensure the maintenance of a first-class legal library for the office.

Little work has been done on the brief bank. The unit has assigned a low priority to this objective because of expanded efforts towards other goals. The unit indicates that during a second year, it may be able to construct a brief bank for the entire office that could even be expanded for state-wide use. At present, the unit has not

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developed a means of cataloguing and indexing briefs for a brief bank. The evaluators have given the unit the location of other operational brief banks around the country that might be of assistance to the unit in its own efforts.

RECOMMENDATIONS

It is the conclusion of the evaluators that the Training, Policy, and Procedure Unit has achieved and in some cases gone beyond the requirements of the grant. Unit members have done an excellent job of establishing first year operations, particularly in assigning priorities to various activities and in modifying goals. A second year should be even more successful. The evaluators strongly recommend second year funding for this unit.

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B. PRETRIAL UNIT.

Uniformity. The evaluators conclude that designation of a full-time pretrialer for this unit is achieving the objective of uniformity in the plea bargaining process. The evaluators have pointed out the importance of a written document detailing the guidelines to be used in pretrialing for the sake of continuity of pretrialing policy. The unit indicates that this document will be completed in August of 1975. At that point, this objective will be met.

Discovery.

Pretrial 2,000 cases. Statistics furnished by the unit indicate that activity in these two areas has increased significantly at a steady rate throughout the first three quarters of the present funding year. There has been a 250% increase in number of formal discovery demands made between the first and third quarters; second and third quarter statistics indicate that the unit is currently pretrialing at a rate exceeding 2,000 cases per year. The evaluators conclude that these statistics indicate the

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two above objectives are being met.

The evaluators suggested in their interim report that a statistical data gathering system be implemented in order to monitor activity by this unit. The unit has developed logs and card indexes; however, they have not yet been fully implemented. When more statistical information is available, results will be clearer. Based on the statistics from case samplings received so far, the evaluators conclude that the Pretrial Unit is increasing the number of cases disposed of without trial, thus decreasing backlog and delay. The evaluators also conclude that the increased percentage of offers accepted is a result of the increase in discovery now taking place during pretrial activity.

The evaluators believe that "time bomb" bargaining offers an extremely interesting subject for evaluation. They recommend that the unit conduct a detailed study of the results of this approach to plea bargaining. A perennial problem in the criminal justice system around the country

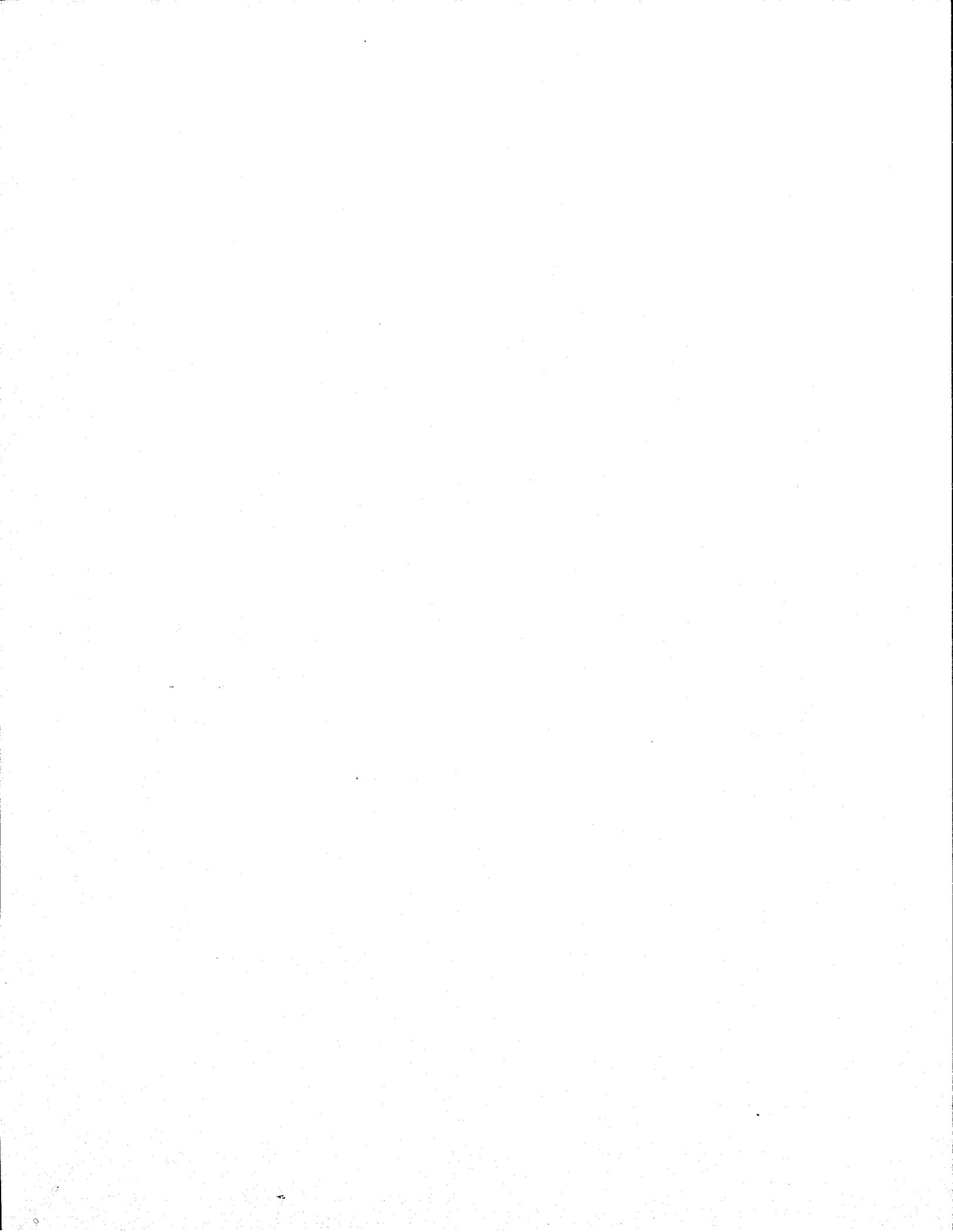
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is lack of certainty about the results of various policies and procedures that are adopted. Detailed statistical results from the "time bomb" method of bargaining could make an important contribution to the criminal justice system as a whole. Any documentation system, however, must be put in place at the earliest possible moment.

RECOMMENDATION

The evaluators conclude that this unit has substantially met the objectives of the initial grant proposal, and that it is functioning well. Although a comprehensive assessment of the results of unit activities cannot be made for another year, there is presently a strong indication that the unit is making an important contribution to uniformity in the criminal justice system, and in relieving the backlog of cases. The evaluators strongly recommend that this unit be funded for a second year.

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C. ADMINISTRATIVE SUPPORT UNIT.

Correspondence. The unit has conducted studies on the feasibility of a central mail system, and it has implemented experimental models. If the results are positive, full implementation will take place. Little has been done in the area of handling telephone calls and visitors. Although progress has been made, the evaluators conclude it is unlikely that this objective will be met during the present funding period.

Record system. The evaluators conclude that satisfactory progress has been made towards objectives in this area.

A new case file has been developed, although formal instructions for filling it out are not yet complete. A number of other forms have been developed for a number of purposes: Making polygraph requests; keeping track of Assistant District Attorney working time; requests for investigations; requests for witnesses. The institution of these forms is an indication of progress, but the real test is their usefulness--no evaluation is available at this time. The unit has also begun systematizing its personnel records by documenting its affirmative action procedures. The only area

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in which insufficient progress has been made is the development of a clerical procedures training manual.

Evaluation of workload. The unit has made good progress in this area. A method of gathering raw counts has been implemented to evaluate the quantity of clerical work. The evaluators note that a mechanism for evaluating work quality has not been devised; this task may be extremely difficult to accomplish.

The training sessions have been instituted, and positive feedback has been received. The evaluators recommend that some mechanism for obtaining feedback from all parties involved in all training sessions be implemented.

In addition, suggestions for topics to be covered should be solicited from those being trained.

Two objectives--fixing responsibility for workload evaluation, and rescheduling workload--are being accomplished slowly. From documentation made available to them, evaluators have had difficulty in determining what procedures are

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being used to move towards accomplishing these objectives. The evaluators recommend that the methodology for achieving these objectives be amplified by the unit.

Supervise clerical personnel. The evaluators find satisfactory progress in all activities leading towards this objective. A sign in procedure is now functioning, and requests for time off have been centralized. Further work must be done on the job description file, but it is proceeding.

Inter-office communications. The evaluators find limited progress towards achieving this objective. Experimental efforts are underway in the area of assigning secretaries to Assistant District Attorneys, and giving them additional responsibility. There is, however, a clerical shortage in the office that may prevent the accomplishment of this objective. This difficulty is beyond the scope of the unit. At this point, the evaluators consider it unlikely that this objective will be met during the present funding year.

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Administration of grants. The evaluators have noted that the timing and quality of grant reports has improved considerably during the funding period. In addition, systematic records are being made of significant expenditures. The evaluators conclude that this objective is being accomplished.

Data collection--computerization. In their interim report, the evaluators recommended that work should begin on developing data items and model reports for the development of an integrated statistical system. This work was begun in the third quarter and is nearly complete. The Administrator has a good feel for the problems likely to occur as Project Turnaround begins in August, 1975. He has seen to it that the District Attorney's office will get maximum benefit from the system. The evaluators recommend that the Administrator continue planning and designing report layouts. He should discuss his work in this area with other unit leaders so that any duplicative data collection can be eliminated when Project Turnaround is implemented.

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Other activities. The Administrative Support Unit has made important contributions to the District Attorney's office during the present funding period in areas beyond its initially stated objectives. The unit has supported the Urban Prosecutor Project in two ways: The unit participated extensively in staffing the ten positions that were created by the Project; the unit has been instrumental in developing and collecting evaluation materials for the present evaluation effort from the six units of the Urban Prosecutor Project. The evaluators have been favorably impressed both by the quality of staff hired under the Urban Prosecutor Project, and by the constructive participation in the evaluation processes by the members of the Urban Prosecutor Project as a whole.

This unit has also been active during the present funding period in preparing for the Project Turnaround grant that will be implemented in the criminal justice system in Milwaukee County in August of 1975. The evaluators note that the existence of the Administrative Support Unit has

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freed the Administrator so that he has been able to make preparations in the District Attorney's office to take full advantage of this important grant.

The evaluators have also noted that the "General Weekly Memo," which was introduced into the office by this unit, promises to make an important contribution to office communications. The memo is in fact a comprehensive weekly news letter calling attention to a variety of items: New policies and procedures in the office; staff changes; accomplishments within the office; and news items that have a bearing on the District Attorney's mission. The evaluators believe that such a memo makes an important contribution towards promoting a sense of purpose in a large prosecution office.

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RECOMMENDATIONS

This unit has undertaken an extensive amount of work. Although a higher level of completion might be expected, the late staffing of the unit prevented this. Nonetheless satisfactory progress has been made, with better work in some areas than in others. The evaluators recommend that this unit be funded for a second year. The evaluators also recommend that the unit thoroughly review the means and ends of its various activities, both current and proposed, at the end of the current funding year.

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D. WITNESS SUPPORT (ANTI-RAPE) UNIT

The evaluators have found this unit to be operating very successfully. They conclude that the District Attorney has chosen a very capable individual to direct the unit. The successes that the unit has enjoyed so far are due largely to the commitment of the director to the mission of the unit, and the flexibility she has demonstrated in developing the activities of the unit during the current funding year.

As a result of the interim report submitted by the evaluators, the director of the unit decided to eliminate two initial objectives: Reduction of the number of trials adjourned because of missing witnesses; increase of the number of prosecutions for sex crimes and rape. The director concurred with the view of the evaluators that these objectives were subject to circumstances beyond the control of the unit, and should therefore not be among the unit's objectives. In fact, the evaluators believe that the ultimate result of the work of the unit will promote both of those objectives. Nonetheless, the director used good

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judgment in eliminating them.

The director has also decided against implementation of another original objective, the creation of a 24-hour emergency call service. In the process of evaluating the need for such a system, the unit decided it was not in the best interest of the community to compete or even to appear to compete with an existing Women's Crisis Line in Milwaukee. Instead, a close liaison has been established with the Women's Crisis Line. The evaluators consider this to be a wise decision, particularly since the Witness Support Unit has involved itself in training Women's Crisis Line operators.

The unit has accomplished a great deal in promoting public awareness of its program. Lectures to various groups and use of the media are contributing to public awareness on a large scale. The evaluators believe that word of the unit and its operations is becoming well known in the community: There are now incidents in which victims of sexual assault first come to the unit before reporting the matter

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to police.

The unit has also taken steps in the medical community to ensure a uniform protocol for treating rape victims. This activity has been carried on in conjunction with the Milwaukee County Medical Society. The unit is also working on the development of a sexual assault center at a local hospital. At the center, medical professionals would minister to the physical and mental needs of victims of sexual assault. The evaluators note that these activities with the medical community will promote the unit's objective of relieving the suffering of victims of sexual assault. These activities will also lead to more effective prosecution as medical personnel are educated in the requirements of the District Attorney's office in prosecuting sexual assault cases.

Relations with the police department constitute the most serious problem this unit has encountered, although there is indication of improvement as time goes on. Most initial contacts come when a victim is at the District

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Attorney's office filing a complaint. There is no procedure whereby police notify the unit at the time a sex crime is reported. It is the understanding of the unit that police officers have been told by high authority not to refer sexual assault victims to the unit. Subsequently, several officers who were previously skeptical of the value of the unit have openly stated their support. Some detectives have covertly been alerting the unit when a rape is reported.

The evaluators conclude that the Witness Support Unit is constantly demonstrating its credibility to police, and that the situation is likely to improve as the unit continues its work. The negative attitude in the police department is particularly damaging to the work of the unit because the period immediately after a sexual crime has been reported is crucial; at this point members of the unit could do most to assuage fears and support victims and witnesses. No member of the Witness Support Unit is allowed to be present when police interview a victim or a witness. During such interviews, police endeavor to determine if an alleged rape was "legitimate." Members of the unit note that once

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police believe a victim, they are very supportive. Meanwhile, however, victims are treated as second class citizens. The evaluators note that an indication of the attitude of senior police officers is the fact that the Vice Squad has responsibility for investigating sexual assault crimes. This attitude is completely alien to the work being done by the Witness Support Unit, and to the spirit of enlightened criminal justice throughout the United States.

The unit has also made accomplishments on the administrative side. The unit discovered that a statistical record form initially devised by the County was cumbersome, and it developed new ones. Daily logs are kept of all counselor activity. In line with a recommendation by the evaluators, separate case jackets are maintained on legal proceedings in which the unit is involved. These case jackets permit quick retrieval of information. The unit has also developed forms to be filled out by victims and witnesses concerning the performance of police, medical personnel, and the Witness Support Unit.

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The evaluators recommend that the unit try to develop a means of gathering socio-economic information regarding the victims of sexual assault and the defendants in the various cases. Such data could ultimately provide a base for establishing future programs. The evaluators suggest that the director of the unit consider preparing to implement this objective during the second year of funding.

RECOMMENDATIONS

The evaluators have seen an impressive range of activities in planning, counseling, and community relations developed by this unit during the present funding period. Response in the form of letters from victims who have been helped by the unit and participants in various speaking engagements is a good indication of the important work being done by this unit. The evaluators strongly recommend that the unit be funded for a second year.

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E. SPEEDY TRIAL TEAM

The evaluators have found this unit the most difficult of the six units to evaluate. Two factors contribute to the problem. First, the objectives of the unit are more far reaching than the issue of speedy trial. Second, many of the measureable outputs of the unit are not under unit control. In contrast with other units of the Urban Prosecutor Program, the Speedy Trial Team is not and could never be in control of its output. Despite these difficulties, there are signs that the unit is performing as intended.

Increase cases tried within 90 days and within 1 year.

Statistics provided by the unit indicate that this objective is being met. Despite the increase in absolute number of cases, there has been a sustained decrease in percentage of older cases over the period from January 31, 1974 through April 30, 1975.

The evaluators note that the statistical information system soon to be installed should provide a more detailed

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look at the output of this unit. The evaluators recommend that the unit measure its effectiveness according to the following criteria: The average number of days required to process cases in which a demand is made for speedy trial; the number of cases dismissed because of failure to meet the speedy trial requirements; the average age of cases for both defendants who are detained and defendants who are at liberty.

Staff "Speedy Trial" Courts. The unit has met this objective. At present, there are no statistical measures to determine the effectiveness of this activity with respect to the overall mission of the Speedy Trial Team.

Jail list. The unit has been circulating a weekly jail list of prisoners awaiting trial in an effort to reduce the population of the Milwaukee County Jail. There are no statistical measures with which to determine the success of meeting this objective. The evaluators recommend that the unit record the following information: (1) The number of persons appearing on the jail list each week; (2) The

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disposition of each person who appears in court, along with the amount of time detained if disposition is final; (3) Total detained population for the week; (4) Number of new detainees for the week. These measures should provide a first step toward determining the ability of the unit to affect the detained population.

Identify Speedy Trial Cases. This objective is within the capacity of the unit, but at this point it cannot be pursued without further manpower. The evaluators recommend that the unit establish a file containing a brief indication of the number and nature of cases which are identified for speedy trial. In this way the unit can monitor its output.

Assist the Pretrial Unit. This objective has been met.

Develop a system for trying persons detained outside Milwaukee County. The unit reports activity towards achieving this objective. However, there is no indication as to whether this is an improvement over the situa-

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tion that obtained prior to the existence of the Speedy Trial Team. The evaluators recommend that the unit collect statistics on current outstanding detainers and new detainers, on a monthly or a quarterly basis. This would give an objective measure of the effect the unit is having in this area. The unit should also provide documentation describing the system proposed for assuring prompt trial in these cases.

Revised Objectives. The evaluators have studied a memo dated May 22, 1975 listing revised objectives for the Speedy Trial Team. A discussion that follows indicates a very realistic approach to the fact that the unit is handicapped in achieving its objectives because of the recent increase in crime and the state of flux that exists in the courts. The evaluators conclude that this memo accurately reflects the situation of the Speedy Trial Team with respect to its objectives: Depending upon current events outside the unit, the unit can be expected to fulfill only some of its objectives in the foreseeable future.

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RECOMMENDATIONS

The evaluators conclude that the current objectives of the unit are appropriate. A measure of the effectiveness of the unit depends partially on circumstances beyond the control of the unit. More data can be gathered, however, along the lines suggested above. At present, data is too incomplete to make a final statement on the fulfillment of the objectives of the unit. Nonetheless, the evaluators conclude that the unit is progressing satisfactorily under current circumstances. The evaluators recommend that this unit be funded for a third year.

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F. DRUGS, GAMBLING, AND ORGANIZED CRIME UNIT

The evaluators conclude that this unit has completely fulfilled the objectives set forth in its initial grant application. In order for such a unit to begin to function, it must develop a credibility with informants in order to gather intelligence. During the nearly three years that the unit has been in operation, it has made its weight felt in Milwaukee. Numerous news items attest to its public image, and a flow of informants, particularly in recent months, indicates that the unit has established an effective intelligence system.

It is axiomatic that the success of an organized crime unit can not be measured by statistics on the number of persons indicted or convicted. Many man-hours go into investigations that prove fruitless but that must be conducted if a unit is to do a proper job. Nonetheless the evaluators recommend that in order to document their activities, the unit keep logs. Such records can demonstrate the complex and extensive activities that lie behind an indictment or conviction of an organized crime figure.

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The unit has done a good job of establishing credibility with other law enforcement agencies. It has been particularly active in rendering services to suburban police agencies in Milwaukee County for combating drug abuse.

It is extremely difficult for any prosecutor's office to prosecute organized criminal activities in the normal course of business. Such work demands expertise and sophistication both in the investigative phase and in preparation for trial. The unit has maintained a policy of following all investigations through the trial itself. The evaluators have concluded that the successful prosecutions described in Section II. F. of this report could not have been accomplished without the Drugs, Gambling, and Organized Crime Unit. It should also be noted that these convictions resulted from original investigations conducted by the unit; they did not originate in the ordinary course of events.

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Of some 75 individuals prosecuted by this unit, 15 are considered to be at the top of the organized crime element in Milwaukee County. The evaluators note that such convictions always create massive disruptions in the underworld, strengthening the position of the state in enforcing drug, gambling, prostitution, and other laws. The evaluators conclude that this unit has been responsible for conducting a very successful fight against organized crime.

RECOMMENDATIONS

The evaluators recommend that the Drugs, Gambling, and Organized Crime Unit be refunded or institutionalized. They also recommend that additional resources be made available in terms of manpower and investigative staff in order to expand the operations of the unit. Some cases are not investigated because of a lack of manpower. For example, at the time of the final evaluation visit, evaluators learned of a narcotics matter which had been lying dormant for some five months because of the excessive workload borne by the unit. Milwaukee County should

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not lose the momentum in the fight against organized crime that this unit has developed.

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IV. EVALUATION ACTIVITIES

A. METHODOLOGY

The evaluation was conducted by a team consisting of the following individuals:

J. David Bourland, Director
Management, Evaluation and Contracts Division
National District Attorneys Association
Chicago, Illinois

James N. Johnson, Team Leader
Management, Evaluation and Contracts Division
National District Attorneys Association
Chicago, Illinois

Seymour Rotker
Chief Assistant District Attorney
Bronx County, New York

Edward C. Ratledge
Associate Director
Census and Data Systems
Division of Urban Affairs
University of Delaware
Newark, Delaware

Members of the evaluation team conducted three on-site visits to the Milwaukee County District Attorney's office. These visits occurred on the following dates: February 4-5, 1975; April 11, 1975; June 10, 1975.

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During the on-site visits, a number of evaluation tasks were performed. Interviews were held with unit heads of each of the Urban Prosecutor Projects. At these interviews, the current status of each program was discussed in terms of accomplishments, difficulties, and ultimate objectives. During these interviews, the evaluators suggested modification of procedures and objectives in some cases. They also alerted unit heads to resource materials.

The evaluators also collected a variety of data from the various units, both quantitative and qualitative in nature: they included work counts, class and lecture outlines, inter-office and legal memoranda, and various questionnaires containing feedback from a number of activities. The appendices of this report contain some of these items gathered by the evaluators. During their visits, the evaluators also made a number of suggestions of procedures that ought to be implemented in order to further evaluation of the Urban Prosecutor Project. Many of these suggestions were implemented.

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As part of the evaluation process, the evaluators submitted two reports to the State of Wisconsin detailing their findings and recommendations. The first was an interim report submitted April 1, 1975. A copy of the report was also sent to the Milwaukee County District Attorney's office. In visits subsequent to issuing the interim report, the evaluators found that the report had been helpful to the District Attorney's office in suggesting modifications to project and evaluation activities. The second report issued by the evaluators is the present Final Report. A copy is also being sent to the Milwaukee County District Attorney's office. The evaluators anticipate that this report will be similarly helpful to unit leaders of the Urban Prosecutor Project.

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B. PROBLEMS, RECOMMENDATIONS, BENEFITS

The following discussion describes problems that the evaluators encountered during the evaluation process. Recommendations for future evaluation efforts and benefits that have derived from the present evaluation are also discussed. Each of the six Urban Prosecutor Projects is discussed below separately.

General Recommendations. The evaluation process was difficult in its initial stages because an evaluation system had not been devised at the same time that the grant proposals were being drawn up. An evaluation system should be developed and implemented at the same time a program is being developed and implemented, not afterwards. A delay in evaluation planning can make evaluation difficult and even impossible. For example, some objectives initially proposed by the Urban Prosecutor Projects could not be evaluated because there was no measure of past activity with which to compare "progress" anticipated by the proposed Urban Prosecutor Projects. In some cases objectives were inappropriate since they were subject to influences beyond the control of the unit.

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As a result, the evaluators and unit leaders of the Urban Prosecutor Projects had to design a basic evaluation system many months after the system should already have been implemented. The evaluators include the following outline of an ideal evaluation system. Although implemented at a late date, the evaluation system is substantially in effect for the Urban Prosecutor Project at the time of this report.

1. Design reports are required for any evaluation effort. These reports describe the need for each program, the program objectives, and the methodology. In addition, a proposed time schedule should be included for each activity. The evaluation efforts that led up to the Interim Report of the evaluators were largely concerned with ensuring that each of the Projects was functioning under an appropriate design report. In particular, time tables of activities were lacking. The absence of sufficiently detailed design reports drawn up simultaneously with the initial grant proposal proved to be the single greatest impediment to the evaluation process.
2. A second report should describe weekly or monthly activity including number of clients served, classes held, etc. The

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four new units of the Urban Prosecutor Project all experienced delay in staffing at the beginning of the grant period. As a result, this type of report was slow in coming. Presently, the projects are generating satisfactory quantitative reports. Project Turnaround will improve this area of reporting in the near future.

3. A third type of report is qualitative in nature; it is usually supplied by the client serviced. There has been an increasing amount of feedback of this type during the second half of the present funding year. Units have also been responsive to recommendations by the evaluators that questionnaires be implemented in order to generate feedback on a consistent basis.

4. A report should be forthcoming in the event that a program is not living up to expectations. Such reports lead to modified objectives. A memorandum is often sufficient for this purpose. During the third quarter of the present funding year, objectives were appropriately modified in many areas. In many cases, modifications were either prompted by reports to the evaluators or were suggested by the evaluators themselves.

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The evaluators recommend that as the various units continue their operations, a review of objectives be made on a periodic basis, every three or six months. In this way, the District Attorney can assess whether or not resources are being well used, and he can ask for appropriate adjustments.

The evaluators also recommend that any future applications for refunding be developed with more input from unit heads. Applications for second year refunding were developed by the executive staff of the District Attorney's office. The evaluators believe that the best application will be drawn up when input is provided from those who live with the unit on a daily basis.

Training, Policy and Procedure Unit. The evaluators found the head of this unit, Mr. Joseph Tesch, to be very frank in his discussion of the unit during evaluation interviews. With the various questionnaires that have been implemented in this unit, the head of the unit is in a good position to evaluate progress and modify goals as needed in the coming months. Evaluators found Mr. Tesch particularly open to suggestion that he modify objectives. They were also able to suggest sources for a critique system and a brief bank.

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Pretrial Unit.

The most important contribution that the evaluators have made to this unit is to suggest the kinds of data the unit should be gathering in order to document its activity and measure its progress towards various objectives. The unit has developed a log and card index system at the suggestion of the evaluators. This information should enable the unit to document the effect it is having on reducing the backlog of cases. Evaluators have also recommended that the unit begin documenting the results of its "time bomb" plea bargaining system as soon as possible. This information will be of great value not only to the unit, but to the Wisconsin criminal justice system as a whole. In a period of a rapidly increasing crime rate, documented procedures on how to speed up this segment of the criminal justice process successfully are vitally needed.

Administrative Support Unit. The evaluators have encouraged the head of this unit to assess objectives and the methodology for achieving them on an ongoing basis. This unit has a great number of sub-objectives to coordinate. Some of them are not feasible given the present clerical force of the office: e.g.

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assigning secretaries to handle correspondence and phone calls for particular assistants. Other objectives such as development of a forms list and a clerical training manual need a higher priority if they are to be accomplished during a second year of funding. The evaluators recommend that this unit (1) conduct an end-of-first-year review of progress towards meeting its various objectives and sub-objectives, and (2) modify methodology or objectives in those areas where little progress has been made. Such a review should result in a realistic time table for a second year.

Witness Support (Anti-rape) Units. The director of this unit has responded well to suggestions that the design reports of the unit be modified. The evaluators have also been able to suggest changes in record keeping that will help the unit run more smoothly as the caseload increases. Evaluators have also suggested further information that should be gathered in order to help the unit direct its activities in the future. The evaluators believe that the evaluation forms being developed by the unit for its clients will provide an appropriate supplement to the statistical data now being gathered.

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Speedy Trial Team. The evaluators have encountered two kinds of problems in evaluating this unit. Because of situations beyond the control of the unit, its workload is both increasing and unpredictable. As a result, this unit has had to remain more flexible with respect to its objectives than any of the other Urban Prosecutor Projects. As of the end of May, 1975, the unit has reassessed its objectives with the understanding that not all of them can be accomplished. The evaluators believe that this is an appropriate modification of the original "design report."

The evaluators have also recommended that more data be gathered to document the activity that has taken place. In some cases, there is no record of past activity to use as a standard of comparison for current progress (e.g. jail list, detainers). Some progress is being made. More progress is anticipated when Project Turnaround is implemented in August of 1975.

Drugs, Gambling, and Organized Crime Unit. Members of the evaluation team were impressed by the professionalism of the unit. It should be noted that one of the evaluators, Mr. Rotker, has particular expertise in this area after heading up the

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Rackets Bureau in Bronx County for five years. The evaluators believe that their most significant evaluation contribution in this area is to alert the State of Wisconsin to the fact that, in their professional opinion, Milwaukee County will lose a fine organized crime unit if this unit is not funded on a permanent basis. In the course of evaluation, the evaluators have recommended to the unit that they keep a more comprehensive log of their various activities for the sake of future evaluation.

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APPENDIX A

Attachments from the Training, Policies, and Procedures Unit.

MILWAUKEE COUNTY DISTRICT ATTORNEY'S OFFICE
BASIC TRAINING PROGRAM

Topic Evaluation Form

1 = poor
2 = adequate
3 = very good

Date	Topic	Overall Content	Training Personnel	Workshops/ Simulations	Handouts
Tuesday, Jan. 7, 1975	Basic Duties and Responsibilities of an Assistant District Attorney, by Joseph E. Tesch. COMMENTS & SUGGESTIONS:				
Thursday, Jan. 9, 1975	Policy & Procedure, by Joseph E. Tesch COMMENTS & SUGGESTIONS:				
Monday, January 13, 1975	Policy & Procedure, by Joseph E. Tesch COMMENTS & SUGGESTIONS:				
Monday, Jan. 20, 1975	Consumer Fraud Program, by Fred Matestic COMMENTS & SUGGESTIONS:				
	Consolidation Procedure by Peter Donohue COMMENTS & SUGGESTIONS:				
	Children's Court Center by Frank Crisafi COMMENTS & SUGGESTIONS:				
Tuesday, Jan. 21, 1975	Extradition & Fugitive Warrants by William Gardner COMMENTS & SUGGESTIONS:				

Date	Topic	Overall Content	Training Personnel	Workshops/ Simulations	Handouts
Tuesday, Jan. 21, 1975	Drugs, Gambling & Organized Crime, by Thomas Schneider COMMENTS & SUGGESTIONS:				
	Welfare Fraud, Abandonment & Non-Support, by Alan Love COMMENTS & SUGGESTIONS:				
	Special Evaluation Unit by George Mueller COMMENTS & SUGGESTIONS:				
Monday, Jan. 27, 1975	Complaint Drafting, by Joseph E. Tesch COMMENTS & SUGGESTIONS:				
Thursday, Jan. 30, 1975	Complaint Drafting, by Joseph E. Tesch & Schiro COMMENTS & SUGGESTIONS:				
Monday, Feb. 3, 1975	Discovery & Disclosure by Michael Ash COMMENTS & SUGGESTIONS:				
Thursday, Feb. 13, 1975	Search Warrant Applications, by Joel Rosenthal COMMENTS & SUGGESTIONS:				
Monday, Feb. 17, 1975	Inquests, by Lee Wells COMMENTS & SUGGESTIONS:				

Date	Topic	Overall Content	Training Personnel	Workshops/ Simulations	Handouts
Monday, Feb. 24, 1975	Habeas Corpus, by Thomas Schulz COMMENTS & SUGGESTIONS:				
Monday, March 3, 1975	Prohibition and Mandamus, Writs by Thomas Schulz COMMENTS & SUGGESTIONS:				
	Initial Appearance by Joseph Tesch COMMENTS & SUGGESTIONS:				
Monday, March 10, 1975	Preliminary Examination by Joseph Tesch COMMENTS & SUGGESTIONS:				
Monday, March 17, 1975	Motion to Suppress Statements by Joseph Tesch COMMENTS & SUGGESTIONS:				
Monday, March 24, 1975	Motion to Suppress Identification by Thomas Schulz COMMENTS & SUGGESTIONS:				
Tuesday, April 1, 1975	Motion to Suppress Physical Evidence by Thomas Schulz COMMENTS & SUGGESTIONS:				
Monday, April 7, 1975	Simulated Motions to Suppress Statements & I.D. by Joseph Tesch, Thomas Schulz & Frank Schiro COMMENTS & SUGGESTIONS:				

Date	Topic	Overall Content	Training Personnel	Workshops/ Simulations	Handouts
Wednesday, April 23, 1975	Negotiations and Guilty Pleas by William Sosnay and Mike Malmstadt COMMENTS & SUGGESTIONS:				
Monday, May 5, 1975	Incompetency and Insanity by Richard Klinkowitz COMMENTS & SUGGESTIONS:				
Tuesday, April 29, 1975	Sentencing, Parole and Probation Proceedings by Thomas Schulz COMMENTS & SUGGESTIONS:				

MILWAUKEE COUNTY DISTRICT ATTORNEY'S OFFICE
BASIC TRAINING PROGRAM

Participant's Questionnaire

1. Prior to attending the Basic Training Program, did you have any trial experience? _____
If so, what type? _____

How much trial experience? _____
2. Overall, how would you rate the training program with regard to your experience level and current training needs?
_____ at too low a level
_____ met our needs well
_____ over our heads
3. Do you have any comments on the size and composition of the training class? If so, please state them. _____

4. Do you feel the training program was adequate in preparing you for your responsibilities in the Misdemeanor Courts? Felony Courts? Please comment. _____

5. Please feel free to furnish any additional comments which you feel can be helpful in conducting future training programs. _____

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DATE April 24, 1975
TO Legal Staff
FROM Joe Tesch & Tom Schulz
SUBJECT Current Legal Developments

Attached hereto is a memorandum concerning the case of Hadley v. State (1974), 66 Wis. 2d 350. We have attempted to analyze it closely because we feel it will be continually raised as a defense and will have far reaching practical effects.

We will continue to distribute this type of memorandums as the situation warrants. In that connection, we would appreciate your keying us into particular in-court problems that arise out of new state and federal decisions.

JET:jk

Attachment

DATE : April 24, 1975
TO : Legal Staff
FROM : Joe Tesch & Tom Schulz
SUBJECT : Current Legal Developments: Hadley v. State (1974), 66 Wis. 2d 350

This case deals with a defendant's statutory and constitutional rights to a speedy trial. The facts of the case important to an understanding of the Court's decision are listed below in chronological order:

December 9, 1971	Armed robbery A occurred.
January 30, 1972	Armed robbery B occurred.
March 14, 1972	Defendant arraigned on different armed robbery.
March 16, 1972	Complaint filed re: robberies A and B.
March 16, 1972	Initial appearance A and B.
March 23, 1972	Preliminary hearing on A and B; bind over.
March 24, 1972	Information filed on A and B.
¹ April 7, 1972	Arraignment: Not Guilty on A and B; defendant also arraigned on two other counts (D and E).
July 6, 1972	Supreme Court appoints John Fiorenza as Judge to try armed robberies A and B (also possibly C, D and E).
August 26, 1972	Record shows some type of conference with Judge Fiorenza.
² September 11, 1972	Judge Fiorenza ruled <u>statutory</u> (971.10) right to speedy trial violated. Defendant released on bond (971.10(4)). Defendant renewed speedy trial demand. Defendant stipulated all cases could be heard by same jury panel.
September 27, 1972	Trial date for one of the cases, but no trial held.

-
- ¹ Armed robbery C was scheduled for trial on April 12, 1972. On April 7, defense counsel is quoted; "So what I am suggesting to the Court is this: If we can from the clerk, either now or at some later point in the day, obtain trial dates on each of these three files (5 counts) at a point six to eight weeks from now, I feel it would give the defendant adequate time to prepare and still be within the three-month period required by the statute for a speedy trial." The trial judge stated, "The cases would be set up within the next 60 days." A few days later, the trial judge became ill.
- ² Judge Fiorenza held that a speedy trial was demanded on April 7, 1972; that defendant's constitutional right to speedy trial not violated because after deducting the two-month adjournment requested by defense counsel from the five-month delay, the three-month delay didn't warrant a dismissal. Trial dates were then set for all of the cases. (Wisconsin Supreme Court held the deduction of the two months was erroneous in deciding the constitutional question.)

October, 1972	Defendant found guilty by jury of armed robbery C. Defendant received six years jail. (This case not subject of appeal)
November 27, 1972	Judge Fiorenza's assignment terminated.
June 26, 1973	Trial date for counts A, B, D and E. Judge Morton denied motion to dismiss for lack of speedy trial. (Record is unclear, but it appears that counts D and E were tried this date and dismissed on this date or shortly thereafter.)
September 18, 1973	Denial of a renewed motion to dismiss.
September 25, 1973	Denial of renewed motion to dismiss. Defendant found guilty of both counts A and B in a six hour trial. (Wisconsin Supreme Court stated it was a simple case to try).
September 28, 1973	Defendant received consecutive sentences on each count, A and B and consecutive to previous sentence on C.

ISSUE:

Whether defendant was denied his constitutional right to a speedy trial?

STATE'S POSITION:

- (A) That defendant's request for a reasonable adjournment to prepare for trial should be charged against the defendant and constitutes a waiver, pro tanto, of the right to speedy trial (known as the "Demand-Waiver" rule); and,
- (B) that defendant failed to demonstrate prejudice as a result of the delay and, therefore, was not entitled to a dismissal.

DECISION:

Wisconsin Supreme Court held that the defendant's constitutional right to a speedy trial was violated and, therefore, remanded the case to trial court and ordered the complaint and information dismissed.

ANALYSIS OF OPINION:

As to the "Demand-Waiver" rule, that the defendant had waived his right to a speedy trial by requesting an adjournment, the Wisconsin Supreme Court stated that this argument had been refuted by Barker v. Wingo (1972), 407 U.S. 514, 92 S. Ct. 2182, 33 L. Ed. 2d 101, and followed in Day v. State (1973), 61 Wis. 2d 236, 212 N.W. 2d 489.

The court held that since those cases specifically repudiated the "Demand-Waiver" rule, Judge Fiorenza initially on September 11, 1972, erred in deducting the two months from the five month delay, although they do not conclude that the action should have been dismissed at that time (after only five months delay).

The Barker case which was followed by Day, set out the criteria which should be considered in deciding whether the right to a speedy trial has been violated:

- 1) Length of Delay
- 2) Reason for Delay
- 3) Defendant's assertion of right
- 4) Prejudice to the Defendant.

Using these criteria, the court is to balance the State right to bring the defendant to justice against his right to have it done speedily.

Citing the proceedings on April 7, 1972, September 11, 1972 and September 25, 1973, the court held that the defendant had diligently asserted his right for a speedy trial. The court further held that although the state has the main burden of protecting the right of speedy trial, nevertheless, the defendant has a responsibility to assert his right to a speedy trial in order to distinguish it from cases where the defendant does not want to be tried.

The court adopted the Barker position that an appropriate delay can be justified for a valid reason; but, that the delay must be intrinsic to the case itself, reasoning from Barker that the "inevitable personal prejudice" resulting from delay and the fact that the "major evils protected against. . . exist quite apart from actual or possible prejudice. . ." to the defense. The court indicated that the illness of a judge is not intrinsic to the trial of the case, but that a missing or ill witness is.

The court further held, again citing Barker, that delay as a result of overcrowded courts or lack of judicial manpower is not the fault of the defendant and that such circumstances must 'rest with the government rather than the defense.'

The majority opinion then analyzed the facts of the instant case as compared to the Barker case and concludes as follows:

"Three of the factors would lead a court to conclude there was a deprivation of the constitutional right of a speedy trial.

1. Delay of 18 months was so excessive that it leads prima facie to the inquiry of whether there was a denial of a speedy trial.
2. The delay is at best entirely explainable because of the inability of the State of Wisconsin to have available in a timely manner judicial and prosecutorial manpower.
3. Defendant early asserted his right and continued to assert his right. There is no evidence in record to indicate the defendant sought a delay."

As to the fourth factor, prejudice, the court stated:

"Barker, . . . pointed out that none of the four factors was 'either a necessary or sufficient condition to the finding of a deprivation of the right of speedy trial.' A reasonable reading of Barker leads to the inevitable conclusion that no burden is placed upon the defendant to show he was prejudiced in fact. Moreover, Barker holds that the assertion of the right to speedy trial is in itself probative of prejudice."

[Although there may be evidence of prejudice in fact i.e. loss of defense witnesses] "Most interests of a defendant are prejudiced as a matter of law whenever the delay, not the result of the defendant's conduct, is excessive."

The court went on to quote the Moore v. Arizona (1973), 414 U.S. 25, 26, 94 S. Ct. 188, 38 L. Ed. 2d 183:

"Barker v. Wingo expressly rejected the notion that an affirmative demonstration of prejudice was necessary to prove a denial of the constitutional right to a speedy trial."

Our interpretation of the holding of this foregoing language in Hadley is that the 18 month delay after a demand for a speedy trial, which was not the result of the defendant's conduct, was in and of itself prejudicial and that there was no need for the defendant to show prejudice in fact. Therefore, the Wisconsin Supreme Court ordered the cases dismissed on the basis of the denial of the defendant's right of a speedy trial.

DISSENTING OPINION:

Justice Hanson writes that in Day v. State the "balancing of relevant factors test" was adopted and set forth the criteria to be used.

"Mere lapse of time, absent more, does not constitute a denial of the right to a speedy trial."

"Until there is some delay which is presumptively prejudicial there is no necessity for inquiry into other factors that go into the balance, this Court, in Day, set no specific period of time as a standard upon which to determine, conclusively or presumptively, whether or not the right to a speedy trial has been violated."

Justice Hanson writes that not only the four factors of Barker (Length of delay, reason for delay, assertion of right, prejudice) must be considered, together with such circumstances as may be relevant. Justice Hanson concludes that it is under the "totality of circumstances that the Court must engage. . .in the balancing process."

Justice Hanson then goes on to compare the facts of Barker v. Wingo and this case as they relate to the four factors involved.

	<u>BARKER</u>	<u>HADLEY</u>
1 Length of Delay	4 years	18 months
2 Reason for Delay	Illness of Chief Investigator Officer/Witness	Illness of Judge (None attributed to prosecuto or action of prosecutor)
3 Assertion of Right	20 months before trial (Hanson says this factor not to be given heavy weight because of pro forma demands)	18 months before trial
4 Prejudice (3 subfactors)		
1) Oppressive Pre-trial Incarceration	10 months	4 months
2) Anxiety & Concern	Some	None, except hope accomplice would not testify.
3) Defense Impaired	None	None
5. Wanting a Speedy Trial	Record indicates defendant didn't want to be tried.	Justice Hanson says record supports a "strong suggestion" that defendant didn't want to be tried.

Justice Hanson concludes that the 18 month delay was too long, but that the counter-balancing factors outweigh the lapse of time and that there was no prejudice to the defendant and the record suggests that the defendant did not want to be tried. Therefore, Justice Hanson would affirm the convictions.

DISCUSSION OF DISSENTING OPINION:

The persuasiveness of the dissenting opinion suffers from at least three defects:

1. The dissenting opinion never addresses itself to the problem of no action whatsoever being taken between October, 1972 and June, 1973.

2. Although the dissenting opinion concludes that the 18 month delay was too long (presumptively prejudicial?; as the majority seems to hold) it concludes that there was no prejudice in fact. The dissenting opinion does not deal with the quoted language of Moore v. Arizona, supra. in the majority opinion.

3. The dissenting opinion fashions a subjective standard "wanting a speedy trial." It concludes a strong suggestion of not wanting one because of the many motions to dismiss. The dissenting opinion does not address itself to the significance of the repeated demands for a speedy trial.

The underlying issue in this case is the problem of pre-trial delay caused by an overburdening of the justice system and the prosecutorial system in the State of Wisconsin. This problem is inexplicably entwined with the constitutional issue of speedy trial. The court's position on this problem is set forth below in the form of telling excerpts from the majority opinion.

(Re: Illness of Judge) "Other judges were available, and if they were not, the fault lay not with the defendant, but with the resources of the system of court administration in this state. Barker points out that, where the delay is the result of overcrowded courts or lack of judicial manpower, ' . . . such circumstances must rest with the government rather than the defendant.' p. 363."

". . . The emphasis of the State's brief, relying entirely, as it does, upon speedy trial as a constitutional protection afforded to an accused, overlooks the far more important constitutional purpose of protecting the interests of society. While it is important from a defendant's point of view that he be tried promptly so that his future status is put to rest and he is either acquitted or subjected to the penalties of the law, the paramount interest is society's concern that all criminal cases be disposed of speedily." p. 365.

". . . It has been recognized as an obligation of government to see that speedy trial was afforded primarily not for the benefit of accused, but to advance the interests of a system of justice and of society itself." p. 365.

"It is contrary to the public interests to weasel - word a record in an attempt to justify shortcomings of a judicial system that permits an excessive delay that jeopardizes public welfare and public safety.

"Prosecutors and judges, including this court itself, must recognize that the failure to insure a speedy trial is not in the interests of law enforcement and public order, but is contrary to it. The controlling factor, however, is that speedy trial is a constitutional right, guaranteed to the public as well as to a defendant, which the courts have the ultimate obligation to reaffirm whenever the necessity becomes apparent." p. 367.

"A review of the record in this case in its totality shows - this court can take judicial notice of the fact - that the judicial system and the prosecutorial system of Wisconsin are overburdened. Although the continual improvement in the techniques of court administration, in some cases, alleviates the problems which this case demonstrates, essentially the deficiency is the result of the court system's fiscal inability to deal speedily with the problems that are presented by modern society. The judges involved in this particular case were overworked, and the court was undermanned, both in terms of judicial manpower and supporting staff. While the court system itself has great responsibility to see to it that what resources it has operate as efficiently and as justly as possible, constitutional liberties will only be preserved if the legislature places at the disposal of the judicial branch of government adequate resources to meet the challenges that are daily apparent in our courts." p. 368, 369.

PRACTICAL CONSIDERATIONS:

1. The rationale of this case appears equally applicable to misdemeanor and felony cases.

2. It is imperative that proper notation of district attorney files of speedy trial demands and dates are made.

3. Educate the courts to the fact that crowded calendars and lack of judicial manpower are not adequate reasons for denying a defendant a trial within a reasonable time after charging.

4. Where a reason for an adjournment exists which is "intrinsic to the case" it should be highlighted.

5. Where an adjournment is imminent, try to get the defense counsel to state that he requests, stipulates or concurs in the adjournment.

6. At any time that the prosecution requests an adjournment, a record should be made of the reasons for the request. A record of the defense attorney's concurrence, objection, or stipulation should also be made.

7. The request for an adjournment and the reasons the adjournment is granted must be noted on the Judgment Roll. Request the court to direct the clerk to make a comprehensive entry. This is especially critical where the adjournment is at the request of the defense. (Normally these proceedings are never transcribed, even when a case is appealed. The court normally gleans the information only from the Judgment Roll.)

8. Have the record reflect any adjournments which are granted because of court calendaring practice as opposed to the request by either the prosecutor or the defense. De-emphasize this reason.

COUNTY OF MILWAUKEE
INTER-OFFICE COMMUNICATION 2342

-144-

DATE : April 7, 1975
TO : Staff
FROM : Joe Tesch
SUBJECT: Rape Cases - Jury Instructions

Attached is a composed jury instruction for rape cases that I believe accurately and fairly reflects the current state of the law.

It has been given in substantially this form by Judge Seraphim in State v. Paschall Lee Sanders, #I-1170 and I-2395, and by Judge Barron in State v. Alvester Gross, #I-1392.

JET:jk

Attch.

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

PROPOSED JURY
INSTRUCTIONS - RAPE

Case No.

Defendant(s).

1) Rape, as defined in section 944.01 of the Criminal Code of Wisconsin, is committed by a male who has sexual intercourse with a female he knows is not his wife, by force and against her will.

2) Before the defendant may be found guilty of rape, the state must prove by evidence which satisfies you beyond a reasonable doubt that there were present the following two elements of this offense:

3) First, the defendant had sexual intercourse with (name victim), a female who he knew was not his wife.

4) Second, that the defendant had sexual intercourse with (name victim) by force and against her will.

5) The first element of this offense requires that the defendant had sexual intercourse with (name victim) a female who he knew was not his wife. "Sexual intercourse" here means the penetration by the genital organ or penis of the male into the genital organ of the female. If there be any such penetration, no matter how slight, then there is sexual intercourse and it is immaterial whether the sexual act proceeds any

farther. Under section 939.22(36) of the Wisconsin Criminal Code, "sexual intercourse requires only vulvar penetration and does not require emission." There must be some penetration to constitute the crime, but a very slight actual penetration is sufficient; the engagement of the sexual organs at all, beyond surface contact, is sexual intercourse.

6) The second element of this offense requires that the defendant had sexual intercourse with (name victim) by force and against her will. Under the Criminal Code the phrase "by force and against her will" means either of the following:

7) First, that her utmost resistance is overcome or prevented by physical violence; or

8) Second, that her will to resist is overcome by threats of imminent physical violence likely to cause great bodily harm.

9) Under the first test, that is, rape accomplished by overcoming or preventing her utmost resistance by physical violence, not only must there be an entire absence of mental assent, but there must be the most vehement exercise of every physical means and faculty within the female's power of resistance to resist the penetration of her person, and this must be shown to persist until penetration has occurred.

10) The second test, that is, rape accomplished by overcoming her will to resist, requires that her "will to resist" is overcome by threats of imminent physical violence likely to cause death or great bodily harm.¹

11) The law does not require that the useless be done² or that the female become a martyr to test by resistance the

sincerity of a threat which, if carried out, is likely to cause death or great bodily harm.³ The "will to resist" may be overcome in either of the following two ways:

2) First, by making a threat of death or great bodily harm which causes the female to yield through fear of serious personal injury that so overpowers her so that she is incapable of and dares not resist; or,

13) Second, by making a threat of death or great bodily harm which causes in the female, in the exercise of common sense and the experience of mankind, a strong motivation or belief that resistance is completely and imminently dangerous, which thereby induces in her a choice to submit.⁴ Submission under such conditions does not constitute consent.⁵ [Optional - where appropriate] If the threat of death or serious bodily harm was through use of a dangerous weapon, that threat must be the predominating reason for the female's submission.⁶

4) The test of whether (name victim)'s will to resist is overcome is subjective, not objective. That is, the test is not whether the will to resist would have been overcome in the average or prudent female, but, given all of the circumstances of this case, including the physical and psychological make of (name victim), whether her will to resist was overcome.⁷

15) In determining whether the female used utmost resistance until it was overcome or prevented by physical violence or until her will to resist was overcome, you should use your common sense and the experience of mankind⁸ and include in your consideration the relative physical strength of the

parties, their ages, their experience, the relation of the parties, and other surrounding circumstances.

16) No rape is committed unless the sexual intercourse was accomplished by force and against the will of the female. If the female consented to the sexual act before penetration, no matter how tardily or reluctantly, the act cannot constitute rape. It must appear, in order to constitute rape, that the female resisted to the utmost of her ability and persisted in such utmost resistance until it was overcome by physical violence or force, or until her will to resist was overcome as previously defined.

7) If you are satisfied beyond a reasonable doubt from the evidence in this case that the defendant had sexual intercourse with (name victim), that the defendant knew (name victim) was not his wife, and that such act of sexual intercourse was committed against (name victim) by force and against her will as previously defined, then you should find the defendant guilty.

18) If, however, you are not so satisfied, you must find the defendant not guilty.

FOOTNOTES

1 Baldwin v. State (1973), 59 Wis. 2d 116, 124.

2 State v. Herfel (1971), 49 Wis. 2d 513, 517;
Brown v. State (1973), 59 Wis. 2d 200, 210;
State v. Schmeier (1965), 28 Wis. 2d 126, 130.

3 Herfel, supra, p. 519.

4 Herfel, supra, p. 518;
Baldwin, supra, p. 125;
Brown, supra, p. 212.

5 Herfel, supra, p. 518.

6 Herfel, supra, p. 519.

7 Herfel, supra, p. 519, 520;
Baldwin, supra, p. 127.

8 Herfel, supra, p. 517.

DATE : May 6, 1975
TO : Staff
FROM : Joe Tesch and Tom Schulz
SUBJECT : Advanced Training Sessions

We are in the process of developing an "Advanced Training Program."

Our current reflection is that a "workshop" format along the following lines is the most workable and productive:

- a) A group of 6 - 8 reasonably experienced trial attorneys;
- b) One three hour session per month for a duration of 6 - 8 sessions, probably held Saturday morning (time slot remains flexible);
- c) Session to proceed as follows (using a projected session on cross-examination as an example);

1st hour - presentation of instructional material on the fine points of cross-examination by guest expert, film, or other means;

2nd hour - viewing of videotape of one of the workshop members cross-examination during a live in-court proceeding (to be taped beforehand);

3rd hour - group discussion including comment on the presented instruction, critique of videotape performance, general exchange of ideas on the topic.

Participation - You are in no way required to enter the workshop, but if you do enter, for continuity and in fairness to the other participants, we will require that you commit yourself to attend every session. For example, you may feel perfectly competent in jury voir dire and therefore not want to attend a session on that topic. Nonetheless, because the sessions are designed to provide a medium of exchange of ideas (here from more knowledgeable to less knowledgeable) and because you would be expected to offer valuable input in the critiquing function, your participation is critical.¹

¹ You will also be surprised at how much you didn't know.

May 6, 1975

Page Two

Attached is an outline of possible topics to be covered. Fill it out and return it to the Policy and Training Unit no later than Wednesday, May 21, 1975. Be sure to indicate whether you want to participate. For instructional purposes, we will decide the makeup of each workshop group.

JET:jk

TRAINING NEEDS ASSESSMENT SHEET

RATING SCALE

- 1 -- Most Important
- 2 - Average Importance
- 3 - Least Important

Based on your own experience and observations, which of the following topics should be included in an "advanced" training program? Rate a maximum of 10 topics number "1".

<u>TOPICS</u>	<u>RATING</u>		
	<u>1</u>	<u>2</u>	<u>3</u>
<u>The Decision to Charge</u>			
a. Citizens' complaints	_____	_____	_____
b. Current decisions	_____	_____	_____
c. Office policies and procedures	_____	_____	_____
d. Criminal statutes - unique and imaginative charging	_____	_____	_____
e. Interviewing skills	_____	_____	_____
f. Interpreting police reports	_____	_____	_____
<u>Pre-Trial</u>			
a. Case preparation	_____	_____	_____
b. Plea bargaining	_____	_____	_____
c. Bail hearings	_____	_____	_____
d. Preliminary hearings	_____	_____	_____
e. Mental competency hearings	_____	_____	_____
f. Tactics in identification suppression hearings	_____	_____	_____
g. Tactics in confession suppression hearings	_____	_____	_____
h. Tactics in search and seizure hearings	_____	_____	_____
i. Discovery and disclosure: Ethical responsibilities and <u>Brady</u> obligations	_____	_____	_____
j. Pre-trial motions available to State	_____	_____	_____

RATING

TOPICS

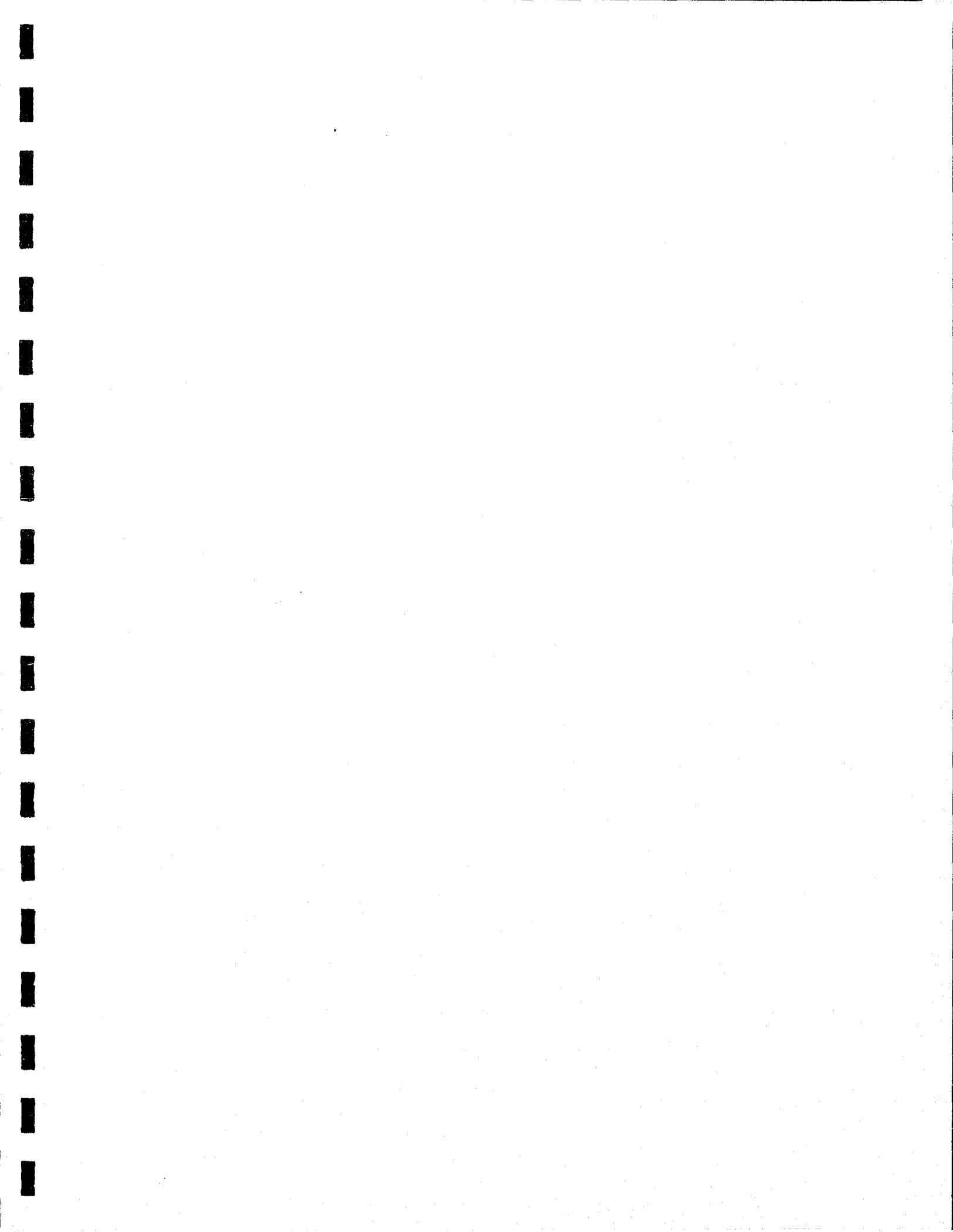
1 2 3

Trial

- a. Style - Trial personality _____
- b. Voir Dire _____
- c. Opening statements _____
- d. Direct and redirect examination of witnesses _____
- e. Marking and admission of exhibits _____
- f. Cross examination _____
- g. Preparation and examination of expert witnesses
 - 1. Generally _____
 - 2. Physicians _____
 - 3. Psychiatrists _____
 - 4. Psychologists _____
 - 5. Fingerprint _____
 - 6. Ballistics _____
 - 7. Chemists _____
- h. Evidentiary matters
 - 1. Character testimony _____
 - 2. Reputation testimony _____
 - 3. Hearsay rule _____
 - 4. Privileges _____
 - 5. Demonstrative aids _____
 - 6. Hypothetical questions _____
 - 7. Other _____
 - _____
 - _____
 - _____
 - _____

APPENDIX B

Attachments from the Administrative Support Unit.



ADMINISTRATIVE SUPPORT UNIT
(MONTHLY CONTROL SHEET)

Dates from 5-7-75 To 6-6-75

1. Establish a modern system of handling communications.
 - a. Incoming general correspondence with follow-up system.
 1. What happens to case correspondence.
 - b. Incoming phone calls with call-back system.
 - c. Incoming public with direct referral system.

2. Establish and maintain a modern record system.
 - a. Develop new case file format.
 - b. Develop instructions for filling out.
 - c. Develop forms list and instructions for filling out.
 - d. Clerical procedures training manual.
 - e. Processing of polygraph requests.
 - f. Payroll recording of D. A. time.
 - g. Systematize personnel records.
 - h. Development of integrated statistical system.
 - i. Witness and expert witness payment processing.

3. Establish a system for evaluating clerical workload and output.
 - a. Fix responsibility for workload and output evaluation (quality and quantity).
 - b. Develop work counts, where possible.
 - c. Compare work count with previous period of time, where possible.
 - d. Institute system of regular meetings with office staff and supervisors.
 - e. Reschedule work and workload, with back up procedures.

4. Improve supervision of clerical personnel and general office operation.
 - a. Restructure and relocate sign in/out procedure.
 - b. Improve control of overtime, vacation and other time off.
 - c. Develop job description, file and keep up to date.

PROGRESS REPORT			
Not Begun	Begun	Advance	Completed
	✓		
✓			
✓			
			✓
		✓	
	✓		
	✓		
			✓
	✓		
		✓	
		✓	
	✓		
			✓
		✓	
	✓		
			✓
	✓		

ADMINISTRATIVE SUPPORT UNIT
(Continued)

Dates From 5-7-75 To 6-6-75

5. Establish an efficient interoffice communication system.
 - a. Have definite secretaries assigned to definite D. A.'s.
 - b. Give secretaries increased responsibility for intercommunication between D. A.'s, maintenance of D. A. calendars and D. A. record keeping.
 - c. Maintain policy and procedures manual and develop clearcut policies re: responsibilities for administrative procedure, i.e., approval for bill payment, ordering of polygraphs, coordinate with Training Unit.

6. Establish procedures to administer and report on government grants in an orderly manner.
 - a. Maintain files correlating data/information for preparing various reports.
 - b. Maintain a tickler file to be sure reports are sent when required.
 - c. Maintain files correlating data/information for presentation for grant renewals.

PROGRESS REPORT				
	Not Begun	Begun	Advance	Completed
(a)		✓		
(b)		✓		
(c)		✓		
(a)			✓	
(b)		✓		
(c)			✓	

POLYGRAPH TEST CHECK SHEET

Charge(s) _____

Requested by _____ Date _____ Approved by _____ Date _____

D. A. Case # _____ Police # _____ Crime Lab # _____ Juvenile _____

Officer in Charge _____

District & Shift _____ Accompanying Matron _____

Examinee(s): (Name, Address & Phone No.) Attorney(s): (Name, Address & Phone No.) Letter #2 & Instructions

#1 _____ #1 _____ #1 _____ (date sent)

#2 _____ #2 _____ #2 _____ (date sent)

#3 _____ #3 _____ #3 _____ (date sent)

PREDATE PREPARATION - INFORMATION NEEDED FOR EXAM:

Item Needed	Date Requested	Of Whom	Date Received	Date Mailed to Examiner
Police Reports				
Pre'l. Hearing				
D. A. Summary				
Stipulations				
Other				

Examiner's Name _____

POST DATE PREPARATION - INITIALLY, SEND ITEMS 4, 5, & 8!

Court Date(s) _____

Date of 1st Test _____ Date Informed _____ How Informed _____

CANCELLATION: Date _____ Reason: _____

Persons involved notified of cancellation? Yes _____ No _____

Date of 2nd Test _____ Date Informed _____ How Informed _____

CANCELLATION: Date _____ Reason _____

Persons involved notified of cancellation? Yes _____ No _____

Date of 3rd Test _____ Date Informed _____ How Informed _____

CANCELLATION: Date _____ Reason _____

Person involved notified of cancellation? Yes _____ No _____

ORDER TO PRODUCE EXAMINEE(S):

	Place of Custody	Date "Order" Left D. A.'s Office	Initials
#1 _____			
#2 _____			
#3 _____			

TEST RESULTS FOR EXAMINEE(S):	Admissible		Examiner Returned Material	
	Yes	No	Yes	No
#1 _____	_____	_____	_____	_____
#2 _____	_____	_____	_____	_____
#3 _____	_____	_____	_____	_____

FINANCIAL DATA:

Amount of money received from examinee/attorney (#1, #2, #3) _____

Original payment returned to examinee/attorney (#1, #2, #3) _____

Amount of Travel Expense Voucher _____

Amount of money received from examinee/attorney (#1, #2, #3) _____ (Final amount due)

APPENDIX C

Attachments from the Witness Support (Anti-rape) Unit.

REFERRALS				CASES CONTINUED					CASES CLOSED					
Case Type	New	Reopened Cont.	Total	Before Charge	After Charge				Before Charge	After Charge				Total
					Prelim. Hearing	Arraign-ment	Motions & Other	Trial		Prelim. Hearing	Arraign-ment	Motions & Other	Trial + GP	
Rape	8	38	46		1	2	3	3	5	2			4	15
Attempted Rape	2	3	5			1							1	
Sexual Perversion	1	1	2											
False Imprisonment														
Fornication	2	2	4			1		1	1					
Other	10	7	17		1	4	1	2	2				5	
Total	23	51	74		2	8	4	6	12	2			10	24
SOURCE ADA				SOURCE - OTHER				Closed by Decision of:						
Self	1	3	4						5				1	1
Attorney		5	5	1 - friend					5					
Police	1		1						1					
Medical		1	1						2					
Woman's Group	1	1	2							2			8	8
Agency		4	4											
Total	23	50 + 1	73						13	2			8 + 1	10
COUNSELLOR ACTIVITY (other than case)				Dismissal-D. A request				Dismissal-Other						
Case Related Contacts				Telephone	Personal	Other	Total	Acquittal						
Victim - Non Proceedings				132	72	4	208	Conviction					1	
Victim - Proceedings					21		21	Sentence					6	
Complaint					(9)		9	Probation w/Treat.					3	
Preliminary					(2)		2	Probation Other						
Motions					(1)		1	Incarceration						
Pretrial Meeting					(0)		0	with treatment						
Trial					(7)		7	without treatment						
Other (Lie Test)					(2)		2	Total					10	
Family and Friends				48	42		90						12	
Attorneys					7		7							
Police				13	27		40							
Medical Staff				3	1		4							
ADA's				28	47		75							
Agencies				24	2		26							
Other				11	6		17							
Total				259	225	4	488							

Number of reluctant victims who chose to continue prosecution	61
Number of reluctant victims who chose not to prosecute	5
Reasons:	
Adjournment count and case progress study	7 Adjournments

- Public and Community Relations (indicate date and organization)
- | | | | |
|------|--------------------------------------|------|------------------------|
| Date | Organization | Date | Organization |
| 2/4 | So Milw. Welcome Wagon | 2/18 | A R C |
| 2/5 | Jr. Lawyers Wives | 2/20 | Future Club |
| 2/6 | Wis. Assoc. of Corr. & Crim. Justice | 2/24 | Family Hospital |
| 2/7 | Public Conference (2/9) | 2/27 | Psychology Class - UWM |
| 2/8 | Training WCL people | | |
| 2/11 | Wauwatosa | | |

Report prepared by: *[Signature]* Date: _____
 Report for the month of: February, 1975

Case Type	REFERRALS			Before Charge	After Charge				Before Charge	After Charge					
	New	Reopened Cont.	Total		Prelim. Hearing	Arraign-ment	Motions & Other	Trial		Prelim. Hearing	Arraign-ment	Motions & Other	Trial	Total	
Rape	7	53	60	6	18		2	1	7	2		1	6	16	
Attempted Rape	2	3	5		5					1				1	
Sexual Perversion	1	2	3		1			1						0	
False Imprisonment			0					1						0	
Fornication		2	2	1										0	
Other	10	5	15	1	8		1	8	3				2	5	
Total	20	65	85	8	32	0	3	11	10	3	0	1	8	22	
SOURCE ADA		12	50	62	SOURCE - OTHER				Closed by Decision of:						
Self	2	4	6	3-Out of County				Victim	4	2				6	
Attorney	0	3	3				Police	1					1		
Police	3	1	4				D. A.	3					1	4	
Medical	0	0	0				Court	1				1	6	8	
Woman's Group	0	3	3				Police - Open File	3						3	
Agency	2	5	7				Total	11	3	0	1	7	22		
Total	19	66	85				Guilty Plea					1	2		
COUNSELLOR ACTIVITY (other than case)						Dismissal-D. A. request									
Case Related Contacts		Telephone	Personal	Other	Total	Dismissal-Other									
Victim - Non Proceedings		148	62	1	211	Acquittal									
Victim - Proceedings			32		32	Conviction									
Complaint	8					Sentence									
Preliminary	5					Plea Down Guilty									
Motions	1					Probation w/Treat.									
Pretrial Meeting	2					Probation Other									
Trial	15					Incarceration									
Other (Lie Test)	1					with treatment									
Family and Friends		44	32		76	without treatment									
Attorneys		5	2		7	Total									
Police		14	31		45										
Medical Staff		2	3		5										
ADA's		30	39		69										
Agencies		24	7		31										
Other		1	4		5										
Total		268	212	1	481										

Case Related Contacts	Telephone	Personal	Other	Total
Victim - Non Proceedings	148	62	1	211
Victim - Proceedings		32		32
Complaint				
Preliminary				
Motions				
Pretrial Meeting				
Trial				
Other (Lie Test)				
Family and Friends	44	32		76
Attorneys	5	2		7
Police	14	31		45
Medical Staff	2	3		5
ADA's	30	39		69
Agencies	24	7		31
Other	1	4		5
Total	268	212	1	481

Public and Community Relations (indicate date and organization)
 Date _____ Organization _____

Dismissal-D. A. request	
Dismissal-Other	
Acquittal	
Conviction	6
Sentence	1
Plea Down Guilty	1
Probation w/Treat.	
Probation Other	
Incarceration	
with treatment	
without treatment	
Total	12

Number of reluctant victims who chose to continue prosecution 81

Number of reluctant victims who chose not to prosecute
 Reasons: 4

Adjournment count and case progress study
 8 Adjournments

Report prepared by: Robert J. Murray Date _____
 Report for the month of: March, 1975

LEGAL CASE STATISTICS
Monthly Report

TYPE	NEW	CONT.	TOTAL	CLOSED					DISPOSITION					BY DECISION OF					
				Before Charge	Prelim.	Motions & Other	Trial	Total	Dismissed	Acquitted	Plea Down Guilty	Guilty Plea	Convicted	Police-Open File	Total	Victim	Police	ADA	Court
Rape																			
Att. Rape																			
Sex. Perversion																			
Fornication																			
SIWAC																			
IBWAC																			
Other																			
Total																			

PROCEEDINGS ATTENDED:

Complaint _____
 Prelim. Hearing _____
 Motions & Others _____
 Pre-trial _____
 Trial _____
 Other _____

AVERAGE SENTENCE PER CRIME:

Rape _____
 Att. Rape _____
 Sex. Perversion _____
 Fornication _____
 SIWAC _____
 IBWAC _____
 Other _____

Number of victims who chose to continue prosecution. _____
 Number of victims who chose not to continue prosecution. _____
 Adjournment Count _____
 Number of cases continued to next month. _____

Prepared for month of _____



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

December 20, 1974

Ms. Katherine Greenquist, Director
Anti-Rape/Witness Support Unit

Re: State v. Stokes, Case No. H-9994

Dear Ms. Greenquist:

I am taking this opportunity to thank you and commend your unit for the excellent help that I received in the above-entitled case. It is my professional opinion that without the services of your unit, this particular case of rape and sexual perversion could not possibly have been brought to trial. I wish especially to express my appreciation and commendation for the services rendered to this prosecution by your counselor, Sandy Mahkorn.

My experience with your unit thus far causes me to believe that we have taken a significant step forward in easing the sufferings of victims of crime, and in facilitating the prosecution of sensitive crimes.

I am looking forward to working with you and your fine staff again in the future.

Very truly yours,

Frank Thomas Crivello
Assistant District Attorney

FTC:ba

cc: E. Michael McCann
Herman John

-165-

William D. Gardner
Michael Ash

John J. Koenig
Richard Klinkowitz
Jon Peter Genrich
Joseph Tesch
Michael Malmstadt
Frank J. Schiro
Gary Luck
Timothy P. Garrity
Hector de la Mora
Joel Rosenthal
Herman John

Peter Donchue
William Sosney
Frank Crisafi
Alan Love
Thomas Schneider
Charles Clevert
Dennis H. Cook
Thomas Schulz
Diane Loeb
Joan Hicks

Alexander Sktenarz
John More
Nikola Kostich
Francis Slattery
Bruce Lowe
Negatu Molla
Frank Crivello
Richard Trujillo
Patricia Curley
Robert Donohoo
Stephen Jacobs
Mario Spalatin
Carl Backus
Jon N. Reddin
Fredric Malestic
James O'Brien
Steven Epstein
Karyn Dnessen
Shelawn Bankier
John Schaller
Charles Blumenfield
Fred A. Erchul II

ANTI-RAPE COUNCIL 4/14/15

Dear Mr. McCann,

I am writing this letter to inform you of what a fine job your girls on the anti-rape squad are doing. I have been a victim of rape and I commended the men and women of the squad for the respect, dignity and genuine concern that they showed towards me. The assistant D.A. who handled my case was very understanding and fair. The woman, Sandy Nakporo, who stayed by my side like a sister throughout the whole ordeal was a great comfort to me. All the reports that I heard were negative about rape cases but now through my own experience I have found them to be false and misleading. I never thought that I would report a rape if it happened to me and now that I did I will do my best to encourage other victims to do the same.

EMERGENCY ROOM NURSES ASSOCIATION
April 30, 1975

I. Background of Anti-Rape Unit

A. Development

B. What we're doing

1. Emotional support (victim and family)
2. Education
3. Training workshops

C. Relevancy to E. R. N. A.

1. Problems with medical care
 - a. Attitudes and myths regarding victim
 - b. Fear of testifying
 - c. Need uniform protocol, i.e. A.C.O.G. bulletin
 - d. Connection with police departments
 - 1.) Story of woman refused treatment

II. Myths

A. Doubt that a truly unwilling woman can be raped

1. "You can't thread a moving needle"
2. Discounts fear

B. Only "bad" women get raped

1. Washington D. C. study showed 82% victims had remarkably good reputations.
2. Even if, so what?

C. Women ask for it by dressing provocatively, etc.?

1. Federal Commission on Crimes of Violence reports that only 4% showed any precipitation.

Emergency Room Nurses Assoc.

April 30, 1975

- D. All women secretly want to be raped
 - 1. Surprisingly widely held by men
 - 2. Many have seduction fantasy - but that's quite different
- E. The rapist is a sex starved man
 - 1. Most I've seen are married or have sexual access
 - 2. 90% group rape and 70% single rape planned in advance - not impulse
 - 3. Studies have shown rapists to have higher violence potential, not sex problems
- F. In a "real" rape, the rapist attacks out of the blue
 - 1. In over half the cases the rapist and victim knew each other
- G. Most rapists beat their victims as well
 - 1. In from 10 - 25% of cases, woman was badly beaten
 - 2. Most indicate rough behavior
- H. Most rapes are inter-racial
 - 1. 85 - 95% were intra - racial
 - 2. H. Eisenberg's concern with men misunderstanding lack of consent - i.e. in cases of bralessness, etc.
 - a. Connects to justifying shoplifting - high costs justify it
 - b. Connect it to my carrying a \$5 bill to store - there for the taking
- I. Number of false rape claims is very high
 - 1. Runs from 2 - 10% - in every case except NYPD corresponded to % for other violent crimes
 - 2. In NYPD significantly lower than with other crimes

April 30, 1975

II. Care of Patients

A. Common patient reactions

1. shock and disbelief

- a. Lack of emotional effect does not necessarily mean that she has not been assaulted

2. Fear

- a. of repeated attack
- b. of exposure to friends and family
- c. of police
- d. of courts
- e. of medical exam

3. Anger and rage

- a. At her assailant
- b. At the police
- c. At medical personnel
- d. At men in general

4. Guilt

- a. For not protecting herself more carefully
- b. For perhaps precipitating attack
 - 1) She buys into all our myths

5. Total lack of control

- a. Assault
- b. Often family or friends convince her to call the police or get medical help
- c. Once in Criminal Justice system, is only "complaining witness".

B. Role of the Nurse

April 30, 1975

1. Be warm and supportive
 - a. Your sensitivity may help her get her feelings about men, etc., back into perspective
2. Allow her to talk
 - a. Often we tend to want to do all the talking
 - 1) Makes us more comfortable
3. Carefully explain medical procedure to her
 - a. Include VD and pregnancy info
 - 1) Statistically low but because of fear - can't be ignored
 - b. If patient wishes, allow a friend in exam room
4. Arrange for follow up visit if possible, VD - Pregnancy, etc.
5. Have referral sources for supportive care and for psychiatric care, if necessary
6. Education of medical staff
 - a. Working with doctors - attitudes crucial
7. Trend toward testifying
 - a. Not as experts, but to note patients affect and what was said
 - 1) Write in her own words

IV. Criminal Justice system, if time permits

V. Questionnaire

WITNESS SUPPORT (ANTI-RAPE) UNIT

1. Prior to this presentation were you familiar with the problems confronting the victim of sexual assault?

2. Was this presentation valuable to you? If so, which aspect was more meaningful?

3. Is there an area in which you would have liked more information?

4. Have you ever been a victim of sexual assault?
 - a. If so, did you report it to the police? If you did not, would you explain why not?

5. If you or a close friend were to be sexually assaulted, would you report it (or recommend that your friend report it)? Why or why not?



February 11, 1975

Ms. Kate Greenquist
Milwaukee County District Attorney's Office
821 W. State Street
Milwaukee, WI 53233

Dear Ms. Greenquist:

Thank you so much for participating in "Public Conference," February 9, 1975. Knowledgeable guests such as yourself help to make this program a very worthwhile and important public service to the entire community.

TV6 has long enjoyed a pleasurable relationship with the Milwaukee Public Library and we are proud to be able to work with them to present a quality program such as "Public Conference."

Once again, let me thank you for your contribution to the program and we hope that you will be able to join us again in the future.

Sincerely,

A handwritten signature in dark ink, appearing to read "H. J. Davis", is written over the typed name.

Henry J. Davis
Vice President and General Manager

HJD/cjg



THE UNIVERSITY OF WISCONSIN-MILWAUKEE / MILWAUKEE, WISCONSIN 53201

DEPARTMENT OF PSYCHOLOGY
PHONE: (414) 963-4746

April 17, 1975

Kate Greenquist
Witness Support Unit
District Attorney's Office
821 W. State Street
Milwaukee, Wisconsin 53200

Dear Kate,

The members of the rape victim research group and I would like to thank you for coming and sharing part of your busy schedule with us. We found your presentation most informative, and it seems most were literally spellbound for the entire talk! One of the girls commented that she had "never lost track of the time so completely!"

You and your co-workers are doing a great service to the community. We hope that your unit will be able to continue to work effectively in your present context, and are ready to lend support at any time in efforts to expand your unit to other areas of law enforcement.

Several members of the class have expressed their desire to apply the information they have gathered to work with your unit or with the crisis line. If you have additional openings for volunteer service, please contact me. They are a fine group and I can recommend each of them highly!

Thank you again for your contribution to our group.

Sincerely,

Kathryn Quina, Ph.D.

P.S. As soon as it comes off the press, I will send you a copy of the latest "sex survey" at UWM, in which 10% of a sample of college females (n=50) responded affirmatively to the question "have you been raped?"

April 4, 1975

Mr. Michael E. McCann, District Attorney, Safety Building

Sigms Bonady, Protective Service In-Service Training Committee Member, Dept. of
Public Welfare,

We are writing in response to Kate Greenquist's talk on Anti-Rape March 25th to the Child Protection Services Staff, Milwaukee County Department of Public Welfare. We are most grateful for the opportunity to become acquainted with Ms. Greenquist and learn more about the Witness Support (Anti Rape) Unit. In view of the nature of our jobs we feel it is an appropriate and needed resource in meeting a need in Milwaukee County.

Ms. Greenquist is an excellent speaker and our staff enjoyed her immensely. She is an asset to the program.

SB:cl

cc: Kate L. Greenquist, Director
Witness Support (Anti Rape) Unit

Dear Miss Matheson,

2/5/75

The South Milwaukee Welfare
League Club would like to thank you
for coming and speaking to us on
rape at our meeting, Feb. 4th.

All of the members I talked to
thought your speech was most
informative and that you yourself
did a terrific job. It was greatly
appreciated, and I'm sure you had
been a few people's minds and
made them start thinking about such
a pertinent social issue as rape.

Sincerely,

Kathy Sealoff
Corresponding Secretary

SHEBOYGAN TRIAL

In mid-November of 1974, I was notified that two Milwaukee women had been brutally gang-raped in Sheboygan County. Although the crime took place outside of our jurisdiction, the Milwaukee County District Attorney's office provided assistance to Sheboygan County, and for a while put one of the women in protective custody here in Milwaukee. Because of her fear of the assailants (who were members of a well-known Milwaukee motorcycle club), fear of impending proceedings and general emotional fragility, I spent a great deal of time with her. Her family ties were tenuous and she did not feel secure in talking to any of her friends - and as a consequence, Jon Reddin, an Assistant District Attorney in Milwaukee, and I were the only people she trusted enough to confide in and be comfortable with.

The other victim was less afraid, more independent (perhaps naively so), and did have significant other people to relate with. Consequently, I did spend time with her, but not nearly to the same extent as with the first woman.

Prior to any legal proceedings the women were transferred to protective custody in Sheboygan, and I maintained contact via telephone, with one personal visit shortly after they relocated. Support via telephone was sufficient throughout the preliminary hearings (there were six defendants at this time - the FBI has since apprehended another man and there is an open warrant on yet another), but as the time of the trial (the six were consolidated) approached both women became increasingly frightened. The fact that many friends of the defendants were expected and that they would be cross-examined by four defense attorneys contributed greatly to their fear.

At the request of the Sheboygan County District Attorney's office and at the strong request of the victims, I decided to drive to Manitowoc (the venue was changed because of pre-trial publicity) to be with the women during the trial. The trial lasted eight days and for many reasons was incredibly difficult for the women.

The verdicts on the six defendants were as follows:

One charged with sexual perversion was acquitted

One charged with rape and sexual perversion was convicted of fornication.

One was charged and convicted of sexual perversion.

One was charged and convicted of two counts of rape.

One was charged and convicted of one count of rape.

One was charged and convicted of two counts of rape.

I am enclosing a copy of the letter sent by the Sheboygan County District Attorney's office thanking me for our Unit's support; but what I found to be far more significant, albeit difficult to document, was the women's gratitude and the comments they made, saying they could not have gone through it without that support.

SCOTT M. BOYD
ST. DISTRICT ATTORNEY

LANCE B. JONES
DISTRICT ATTORNEY

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CORNELL DEGROTHY
ASST. DISTRICT ATTORNEY
AND WELFARE COUNSEL

JOSEPH R. CATON, JR.
ST. DISTRICT ATTORNEY

DIAL 457-0821

HOWARD W. HENNING
SPECIAL INVESTIGATOR

Sheboygan County

SHEBOYGAN, WISCONSIN 53081

OFFICE OF THE
DISTRICT ATTORNEY

April 17, 1975

Ms. Kate Greenquist
Witness Support Unit
Milwaukee County District Attorney's Office
821 W. State
Milwaukee, Wisconsin 53200

Dear Kate:

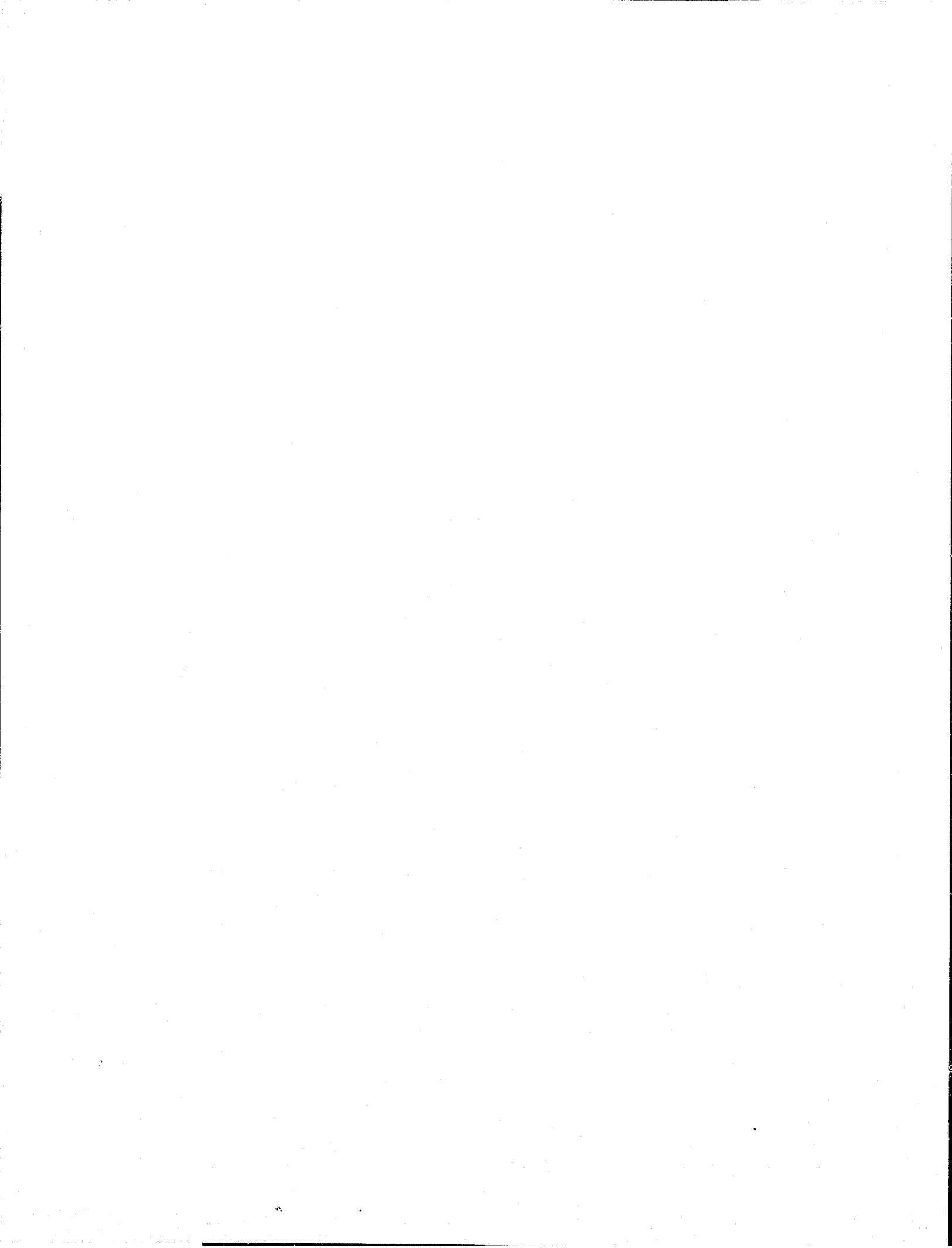
I wish to extend my belated thanks for your help and participation during our Manitowoc odyssey. Now that Dick Lent and I are once again sober we realize the invaluable assistance you gave us helping Diane, and keeping Cinnamon in line. Diane now has a job in a local factory and Cinnamon is somewhere in the sunny South. Loose ends such as State vs Wentworth will be cleared up later. Once again on behalf of Dick and myself thanks a lot for your help. If you ever come through Sheboygan, please drop in and say hello.

Very truly yours,

LANCE B. JONES
DISTRICT ATTORNEY

Scott M. Boyd
Scott M. Boyd
Assistant District Attorney
Sheboygan County

SMB:dh



CONTINUED

2 OF 3

APPENDIX D

Attachments from the Drugs, Gambling, and Organized Crime
Unit.

DRUG LAW ENFORCEMENT SEMINAR

TUESDAY, APRIL 8, 1975
AT
WAUWATOSA POLICE DEPARTMENT

PRGROOM OF INSTRUCTION

7:30 P.M. - 7:45 P.M.	WELCOME AND INTRODUCTION - TOM SCHNEIDER THE ORGANIZED CRIME AND CONTROLLED SUBSTANCES UNIT
7:45 P.M. - 8:45 P.M.	COORDINATING INVESTIGATION AND PROSECUTION - JOEL ROSENTHAL THE UNIFORM CONTROLLED SUBSTANCES ACT DRUGS, SEARCH AND SEIZURE
8:45 P.M. - 9:00 P.M.	BREAK
9:00 P.M. - 10:00 P.M.	USE OF INFORMANTS AND SEARCH WARRANTS - JOEL ROSENTHAL DEVELOPING THE INFORMANT A SEARCH WARRANT DEMONSTRATION
10:00 P.M. - 10:30 P.M.	INTERAGENCY COOPERATION - TOM SCHNEIDER

* * * * *

STAFF

TOM SCHNEIDER	ASSISTANT DISTRICT ATTORNEY, MILWAUKEE COUNTY DISTRICT ATTORNEY'S ORGANIZED CRIME AND CONTROLLED SUBSTANCES UNIT
JOEL ROSENTHAL	ASSISTANT DISTRICT ATTORNEY, MILWAUKEE COUNTY DISTRICT ATTORNEY'S ORGANIZED CRIME AND CONTROLLED SUBSTANCES UNIT

NORTH SHORE
DRUG LAW ENFORCEMENT SEMINAR

Selected Sections of Chapter 161

161.41(1) Except as authorized by this chapter, it is unlawful for any person to manufacture or deliver a controlled substance.

161.41(lm) Except as authorized by this chapter, it is unlawful for any person to possess, with intent to manufacture or deliver, a controlled substance. Intent under this subsection may be demonstrated by, without limitation because of enumeration, evidence of the quantity and monetary value of the substances possessed, the possession of manufacturing implements or paraphernalia and the activities or statements of the person in possession of the controlled substance prior to and after the alleged violation.

161.41(2r)(a) It is unlawful for any person to possess a controlled substance classified in schedule I or II which is a narcotic drug unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter.

161.41(3) It is unlawful for any person to possess a controlled substance, other than a controlled substance classified in schedule I or II which is a narcotic drug, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter.

161.42(1) It is unlawful for any person knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft or other structure or place, which is resorted to by persons using controlled substances in violation of this chapter for the purpose of using these substances, or which is used for manufacturing, keeping or delivering them in violation of this chapter.

161.46 Any person 18 years of age or over who violates s. 161.41(1) by distributing a controlled substance listed in schedule I or II which is a narcotic drug to a person under 18 years of age who is at least 3 years his junior is punishable by the fine authorized by s. 161.41(1)(a) or a term of imprisonment of up to twice that authorized by s. 161.51(1)(a), or both. Any person 18 years of age or over who violates s. 161.41(1) by distributing any other controlled substance listed in schedule I, II, III, IV or V to a person under 18 years of age who is at least 3 years his junior is punishable by the fine authorized by s. 161.41(1)(b), (c) or (d) or a term of imprisonment of up to twice that authorized by s. 161.41(1)(b), (c) or (d) or both.

DRUG LAW ENFORCEMENT SEMINAR

Problem Number One:

John Jones is arrested on a burglary charge in the Village of Middleton. Searched pursuant to his arrest he is discovered to possess a few grams of marijuana and numerous amphetamines on his person.

When questioned about these drugs, Jones indicates that he obtained them from a white male named Jack Smith in his early twenties who lives somewhere in the 1500 block of Arnsdale Avenue.

The Middleton police have received numerous reports from neighbors that a young, white male in his twenties who resides at 1520 Arnsdale Avenue has had an unusual amount of traffic to and from his house and relate rumors that this individual is selling drugs.

Jones has indicated a hesitancy to cooperate.

How would you develop an investigation of Smith's alleged drug dealing?

APPENDIX E

Attachment of Evaluation Materials.

BALTIMORE'S PERFORMANCE APPRAISAL SYSTEM

-184-

THE STATE'S ATTORNEY'S OFFICE MEMORANDUM

DATE: SEPTEMBER 15, 1971
TO: ALL PERSONNEL
FROM: MILTON B. ALLEN *MBA*
SUBJECT: PERFORMANCE APPRAISAL

This is primarily for the information of new employees, but I want to remind old employees that this office periodically reviews the performance of each individual. The wage and salary freeze applies to merit increases and requests to up-grade positions. It does not apply to promotions. Therefore, we shall undertake an evaluation of each employee within the next two weeks in order to prepare our promotion list.

The system to be used is basically as follows:

(a) Professional Staff -- All personnel in grades 37 and above will be rated by their immediate supervisor on a 5 point scale. This scale evaluates a person's performance as follows: 1 - Outstanding; 2 - Above Average; 3 - Average; 4 - Below Average and 5 - Unacceptable. Division Chiefs will submit their ratings to the Deputy for Administration and office-wide ratings within grades will be prepared at a meeting between the State's Attorney, his Deputies, and Division Chiefs. This means that an Assistant State's Attorney II, for example, would only be compared with other Assistant State's Attorneys II in the office. In a sense, we are establishing "totem poles" within each grade from the most outstanding employee down to the lowest rating within each grade.

As promotion possibilities open, only those individuals rated outstanding or above average will be considered for a promotion. If an assistant is rated below average or unacceptable he will be told the reasons why he is rated so by his immediate supervisor and will be given 90 days or less to work out his deficiencies. Otherwise he will be terminated.

Division Chiefs and Deputies are not authorized to disclose the position on the "totem pole" of any individual. An individual will only know where he stands when he is either rated outstanding or above average and is subsequently promoted; or when he is warned by his supervisor that he is being rated below average or unacceptable. This is not a horse race, but, with 78 attorneys on the staff, we have to have some method of determining who is outstanding and who is not doing the job. This is a simple method by which the supervisor who is being paid to supervise rates his subordinates. When and if it becomes necessary that he is rated below average, or unacceptable, his only recourse shall be a direct appeal to me through the Deputy for Administration. At such time, I shall expect his supervisor to substantiate the employee's deficiencies and the employee to answer them.

(b) Administrative/Clerical Staff -- Fundamentally the same rating system shall be used for employees engaged in administration and secretarial/clerical duties. The Chief of Administration Division is now forwarding a Performance Appraisal Sheet to the various Division Chiefs in order for them to rate employees in these classifications. The criteria used for this system are listed in the Performance Appraisal Sheet. Again, outstanding employees will be promoted as openings occur and below average or unacceptable employees will be warned of the deficiencies in advance of their termination.

I hope that the fact that we have personnel rating systems does not change the overall relationships which we now have in the office. I do not want subordinates cultivating their supervisor's friendship but I do want supervisors and subordinates to know where they stand with regard to performances on the job. I personally want some system for promoting or terminating individuals which is based on as an objective evaluation as possible. I also want to know periodically how each employee on my staff is doing. This seems to be a workable system.

SM/mv

STATE'S ATTORNEY'S PERFORMANCE APPRAISALS

INSTRUCTIONS

The Division Chief shall rate each individual assigned to him within his respective grade. When comparing individuals, do not compare, for example, an ASA II with an ASA III.

Each Division Chief should have a concept of what an average prosecutor within a certain grade can be expected to do. Rate each individual against the "average" prosecutor concept. For your information, think of the various grades as follows:

ASA I - Supervisory; qualified to supervise a team of prosecutors and/or clerical personnel.

ASA II - Fully qualified to prosecute any case assigned to him/her; must be technically competent in the criminal law and an experienced trial lawyer unless he/she is assigned to a non-trial function; supervisory ability not required, but mandatory for promotion to an ASA I.

ASA III - Not fully qualified to try any case, but has proven himself/herself capable enough to be retained on the staff until promotional opportunities become available.

ASA IV - Entry grade; the assistant is still on a trial basis, or he/she may be in a particular function in which the office cannot justify a higher grade.

Do not rate an individual outstanding unless you believe that he/she is the best or one of the best whom you have seen perform within the particular grade and should be promoted at the very next opportunity.

Do not rate an individual below average unless you are prepared to notify him/her of that rating after the totem poles are established. The notification will be in writing and will inform the individual of specific deficiencies which, if not corrected prior to the next performance evaluation, will result in termination of employment.

Do not rate an individual unacceptable unless you have already warned him/her of particular deficiencies which have not been corrected and you believe that termination is now in order.

Do not rate an individual unless he/she has been under your supervision, or a supervisor assigned to you for at least three months. If this is the case, place UKN after his/her name for unknown.

For your information, in rating your personnel use the following numerical designations after each person's name:

Outstanding = 1

Above Average = 2

Average = 3

Below Average = 4

Unacceptable = 5

FOR CLERICAL STAFF

SECRETARIAL/CLERICAL-PERFORMANCE APPRAISAL

NAME: _____

DIVISION: _____

SUPERVISOR: _____

RATING VALUATION:

- 1 -- Outstanding
- 2 -- Above Average
- 3 -- Average
- 4 -- Below Average
- 5 -- Unsatisfactory

RATING CRITERIA:

- 1. Ability to get along with co-workers..... ()
- 2. Manner in properly handling telephone calls..... ()
- 3. Promptness in completion of job duties..... ()
- 4. Initiative in performance of duties..... ()
- 5. Neatness in personal appearance..... ()
- 6. Accuracy and neatness of typing..... ()
- 7. Shorthand - dictation ability..... ()
- 8. Machine - dictation ability..... ()
- 9. Neatness of work..... ()
- 10. Ability to maintain professional attitude towards job..... ()
- 11. Adaptability to new methods and procedures..... ()
- 12. Adaptability to increased work-load volume..... ()
- 13. General knowledge of job duties..... ()
- 14. Attendance and punctuality..... ()
- 15. Willingness to accept extra duties..... ()
- 16. Willingness to work over-time if necessary..... ()
- 17. Adaptability to noise and distraction in job environment..... ()

OVERALL RATING ()

COMMENTS:

Signature of Supervisor

PERSONNEL RATING AND PROGRESS REPORT

NAME DATE

DEPARTMENT

INSTRUCTIONS

Place a check mark (✓) on the line at a point which most closely indicates your judgment on each quality.

Consider any one factor at a time. Do not allow your decision on one quality to affect your judgment on another.

Consider the entire period covered and not isolated incidents alone.

Use the spaces provided for "explanation" to comment on any particularly strong or weak points concerning the individual.

DO NOT WRITE IN THIS SPACE

	1	2	3	4	5	6	7
A							
B							
C							
D							
E							

1. DEPENDABILITY:

Consider working habits. Is work completed on time? Do you have to follow up?

Needs close supervision.

Needs some supervision.

Generally reliable.

Only occasional supervision.

Justifies complete confidence. No supervision.

Explanation

2. INITIATIVE AND INGENUITY:

Does he suggest new ideas or improvements? Consider his ability to accomplish results under adverse conditions and to think along original lines.

Little or no initiative shown.

Some initiative shown.

Fairly resourceful.

Very resourceful.

Exceptionally resourceful.

Explanation

3. QUALITY OF WORK:

Disregard volume. Consider only accuracy, neatness, etc.

Careless and sloppy.

Somewhat careless.

Moderately accurate.

Seldom inaccurate.

Exceptionally accurate.

Explanation

4. COOPERATION AND DISPOSITION:

Consider his attitude towards his work, associates, company, and its effect on others. Also his willingness to work with and for others.

Shows reluctance to cooperate.

Could be more helpful to others.

Gets along well with associates.

Goes out of the way to cooperate.

Unusually cooperative and well liked.

Explanation

5. JOB KNOWLEDGE:

Does he know the requirements of the job he is working on? The methods, systems and equipment pertaining to the job?

Needs to study job.

More knowledge would be helpful.

Adequate knowledge.

Good working knowledge.

Unusual understanding of all phases of job.

Explanation

QUANTITY OF WORK:

Disregard quality. Consider only volume produced. Check any production records you may have or other records.

Very slow worker.

Could do more.

Average producer.

Above average producer.

Unusually fast worker.

Explanation

7. OVER-ALL RATING:

Consider the individual as a whole.

Outstanding

Above average

Average

Below Average

Unsatisfactory

Explanation

Significant Changes in Job in Past 6 Months:

Significant Changes in Employees Performance During Past 6 Months:

Significant Personal Data:

Additional Comments:

DO NOT WRITE BELOW THIS LINE

RECOMMENDED ACTION:

Reason for Rate Change:

Job Performance

Length of Service

OTHER (Explain):

Effective Date

Dept. Head's Signature

Approved By: Pers. Mgr.

Div. Head

Date

Date



END