

NATIONAL DISTRICT ATTORNEYS ASSOCIATION

STANDARDS AND GOALS PROJECT
Final Report

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Project Director

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STANDARDS AND GOALS

Final Project Report
(74-DF-99-0021)

Introduction:

The National District Attorneys Association Standards and Goals Project has been a complex and multifaceted program utilizing an innovative design of the developmental process. The resulting work product represents an accumulation of concepts encompassing a wide range of topics. These Standards will render a structured format for the utilization of resources presently available in prosecutors' offices, and provide tools for the identification of needs and the accomplishments of their solutions.

During the planning stages of this project, NDAA perceived a number of basic differences between Standards needed for prosecution and those presented by the National Advisory Commission and the American Bar Association. As its foundation, the NDAA Standards and Goals Project believed that a problem - solution orientation could best serve the perceived needs of the prosecution field.

In addition, the scope of this effort was designed to include administrative functions, procedural processes, and relations with other components. With this framework, it became apparent that those individuals who could best develop standards for prosecution are experienced prosecutors.

Another difference between this Project and other Standards and Goals projects is the recognition that different Standards are necessary for different types of prosecutor's offices. NDAA is the first organization which has determined that a set of standards developed as a result of the problems and needed solutions for one jurisdiction may not apply to another. As a result, the initial step of this Project was the development and implementation of a system of grouping prosecutors' office into homogeneous Task Forces. Using this selection method, six Task Forces of eight prosecutors each were involved in the development of the Standards and Commentary.

Classification System:

The prosecutors chosen for the NDAA Standards and Goals Project were all originally identified by their participation in the 1972 NDAA Prosecutor Survey, which was sent to all active NDAA members. Approximately 650 prosecution offices responded to that survey. An update of this information was done in 1974, and that data was substituted for the 1972 surveys as it became available.

Twenty-one key variables were isolated from this survey to form the development of the Classification System. These factors are all variables which are not under the control of the prosecutor. In other words, these "external factors" combine to create the environment in which the prosecutor must carry out the functions of his office. These factors are:

- Population
- Annual Felony Caseload
- Number of Assistants
- Number of Branch Offices
- Number of Local Police Agencies
- Reporting Time-Lag
- Review of Charges
- Grand Jury
- Speedy Trial
- Percentage of Cases not Heard as Scheduled
- Sentence by Jury
- Preliminary Hearing
- Appeals
- Trial Novo
- Percentage of Cases Represented by Public Defender
- Percentage of Cases Represented by Court Appointed Counsel
- Percentage of Cases Represented by Privately Retained Counsel
- Civil Jurisdiction
- Percentage of Cases Which Sentence was Recommended
- Single Supervisory Judge
- Length of District Attorney Term

To avoid working with twenty-one variables and recognizing that some of the variables are highly correlated with each other, the data was factor analyzed. This is a statistical procedure which forms independent factors from correlated variables and thus reduces the dimensions of the problem from twenty-one variables to something less, in this case - eight. The output of this process is a factor score for each office on each factor. Those factors generated from this process are listed below:

- Intake and Screening
- Grand Jury
- Delay
- Outside Complexity
- Defense Counsel
- Discontinuity
- Workload
- Sentence Recommendation

Each office is described along these eight dimensions and can be compared to any other office along each or all of the eight factors. This is the core of the selection process.

Using this design, a subsample of offices from the general file of surveys was selected and established as "base offices." Each base office was then compared to the rest of the file by calculating a single score of the sums of the square of the differences of each of the eight factors. For example, if base office A were compared with office B, and office A had a score of 3 and B a score of one for the first factor, the difference would be 2; squaring 2 results in a value of 4. The same process would be carried out for all eight factors, and then all of the resulting values would be added together to give a final index score.

On the basis of these base office comparisons, it appeared that the best breakdown would result in six groups. Population of jurisdictions is the most important single factor. Thus, with one exception, this factor was utilized in the initial grouping of offices. The exception was "number of assistants." It was believed that those offices with no assistants would be significantly different from those offices with assistants. On this basis, the six groups were established as follows:

1. Offices with no assistants;
2. Offices with a population of less than 50,000;
3. Offices with a population of 50,000 to 75,000;
4. Offices with a population of 75,000 to 125,000;
5. Offices with a population of 125,000 to 500,000;
6. Offices with a population of more than 500,000.

Thus, these groupings represent divisions that seemed to occur in the complexity and management processes of prosecutors' offices.

With these categories identified, the "average" representative office for each group was compared to the other offices in the file for the eight factors discussed above. This process provided for the computation of a Homogeneity Index. Based on this index score, the closest twenty offices were identified.

After these offices had been selected, the individual prosecutors were screened through the State Training Coordinators. The Coordinators were questioned as to how long the prosecutor had been in office, what involvement he had had on the state level, and whether or not he may be interested in participating in the Project. Those prosecutors which the Project Staff felt had the necessary experience and interest were contacted and asked to participate as Task Force members. After the prosecutor from a base office had agreed to participate, the office with an index score closest to his was contacted, and so forth until eight prosecutors had accepted. In no case did this process go beyond the initial twenty offices identified. All efforts were made to select the seven offices with an index score closest to the base office, with two exceptions. First, no state would be represented more than twice on any Task Force and at least six states would be represented in each group. Second, offices whose population varied greatly from the rest of the group were manually edited out.

The Task Force members represent thirty states and all regions of the country. But of more importance, the Task Force members compose homogeneous groups which transcend state and regional variation, and represent a specific type of office based on the factors that determine their operational environment.

Task Force Groups:

The following information lists those prosecutors who participated as Task Force members and gives an analysis of those factors which were utilized in the grouping process described above.

TASK FORCE A

Task Force Members:

James L. Brandenburg
2nd Judicial District (Albuquerque), New Mexico

Albert Necaie
2nd Circuit (Gulfport), Mississippi

William F. McKee
Richland County (Mansfield), Ohio

Richard J. Riley
Cochise County (Bisbee), Arizona

Donald A. Burge
Kalamazoo County, Michigan

Edward G. Durrance
Midland County, Michigan

James Evans
15th Judicial Circuit (Montgomery), Alabama

Robert W. Fisher
Buncombe County (Asheville), North Carolina

Analysis of External Factors:

The population range is from 315,800 to 61,900, with a mean population of 140,000. This Task Force represents the second largest of the six groups in terms of population. Geographically, these offices are characterized by fairly large jurisdictions with one center of population or metropolitan area. For the most part the areas are industrially oriented.

Annual felony load averages 658 for the eight offices, two of which include branch offices. All prosecutors are responsible for civil jurisdiction, all have a single supervisory judge, all are elected for four year terms, and all have a speedy trial rule.

All offices review charges with one exception, and only one jurisdiction has sentence by jury. None of the jurisdictions utilize a public defender system, while court appointed counsel is utilized more often than privately retained counsel. The prosecutors recommend sentence in less than 50% of their cases with one exception which makes recommendations in all cases.

TASK FORCE B

Task Force Members:

John T. Paulson
Barnes County, North Dakota

Willard Weinhold
Dawson County, Nebraska

Jon Newman
Clinton County, Michigan

Jay D. Mondry
Hubbard County, Minnesota

Ronald A. Niemann
Marion County, Illinois

Robert L. Brown
Crawford County, Ohio

Robert A. Hess
Roscommon County, Michigan

William Wallace
Gold Beach, Oregon

Analysis of External Factors:

The population range for the jurisdictions of this Task Force is from 50,364 for Crawford County, Ohio, to 9,892 for Roscommon County, Michigan. The mean (\bar{x}) population is 31,410. Thus this group ranks fifth in population of the six Task Forces. Without exception, these areas are rural. However, many of the counties include vacation or resort areas and have seasonal influx.

Annual felony caseload ranges from 50 to 100, with an average of 76 cases. Each office has one assistant, with one exception employing two. Only one prosecutor has a branch office, and only one jurisdiction utilizes the grand jury. All of the offices in this group review charges, have speedy trial, have preliminary hearing, handle appeals, have civil jurisdiction, and are elected to serve a four year term. In addition, none of these offices have sentence set by jury or a public defender system. All jurisdictions utilize a court appointed counsel in more cases than a privately retained counsel.

TASK FORCE C

Task Force Members:

John M. Price
Sacramento County, California

John D. Ward
2nd Circuit (Bridgeport), Connecticut

T. Edward Austin
4th Judicial Circuit (Jacksonville), Florida

Lee C. Falke
Montgomery County (Dayton), Ohio

Jon K. Holcombe
Onandago County (Syracuse), New York

Lewis R. Slaton
Fulton County (Atlanta), Georgia

Dennis DeConcini
Pima County (Tucson), Arizona

Donald C. Brockett
Spokane County, Washington

Analysis of External Factors:

Task force C is the largest of the six Task Forces in terms of population with a jurisdictional population range from 683,000 for Sacramento, California to 287,000 for Spokane, Washington. The mean (\bar{x}) population for this group is 512,600. Obviously, all offices have metropolitan areas. However, the jurisdictions also encompass suburban and rural areas.

Annual felony caseloads average 3,859, which is significantly higher than any other Task Force. Some areas of the external factors show variance within this group. For example, four of the prosecutors'

offices handle civil jurisdiction, while four offices are devoted exclusively to criminal prosecution. In addition, grand jury is utilized in 90% or more of the cases in four jurisdictions, while it is seldom employed in the other four areas. On the other hand, only one area does not have a public defender's system, and only one prosecutor does not serve a four year term. In addition, none of the areas have sentence by jury. Six of the eight offices review charges, have preliminary hearings and have speedy trial rules. Only two jurisdictions have trial de novo. Despite the variances mentioned above, the metropolitan orientation of the offices and the individual prosecutors indeed put them into a separate class from all other Task Forces.

TASK FORCE D

Task Force Members:

Dennis J. Batteen
Faulk County, South Dakota

N. William Phillips
Sullivan County, Missouri

William G. Carlson
Butte County, Idaho

J. Kendall Hansen
Apache County, Arizona

Denzil Young
Fallon County, Montana

Norman E. Runyan
10th Judicial District (Tucumari), New Mexico

Jerrold B. Oliver
Madison County, Iowa

Ronald Montgomery
Lee County, Virginia

Analysis of External Factors:

The jurisdictions within Task Force D have a population range from 30,000 for Apache County, Arizona to 3,000 for Butte County, Idaho. The mean population (\bar{x}) for this group is 11,740. Thus, Task Force D represents the smallest offices of the six Task Forces. With two exceptions, these are one-man offices, and primarily operated on a part-time basis. These areas are not only rural, but in most cases isolated from metropolitan areas to a significant extent.

Annual felony caseloads average 42 cases for these offices. All offices review charges, and minimal backlog is indicated by the small percentages of cases not heard as scheduled. All offices except one have speedy trial rules, civil jurisdiction, and a single supervisory judge. Only one office utilizes grand jury to a significant extent. Six of the eight offices represented have preliminary hearings, do not handle appeals, have trial de novo, and recommend sentence in a high percentage of cases. Only two jurisdictions have a public defenders' system.

TASK FORCE E

Task Force Members:

J. Zane Summerfield
Fayette County, West Virginia

Alexander Hunter
Boulder County, Colorado

Henry D. Blumberg
Herkimer County, New York

Ronald Fancher
Genesee County, New York

Paul Welch
McLean County, Illinois

Richard Bridwell
Muskinguna County, Ohio

Lawrence Kelly
Allegany County, Maryland

James Carr
DeKalb County, Illinois

Analysis of External Factors:

Task Force E is comprised of offices with a jurisdictional population range from 125,000 for Boulder, Colorado, to 67,000 for Herkimer, New York. The mean (\bar{x}) population for this survey group is 81,000. Thus, Task Force E ranks fourth in size of population among the six Task Forces.

Annual felony caseload averages 295 for this group of offices. All of the offices have speedy trial rules, and there is a minimal case backlog with one exception. Seven of the offices review charges, and seven of the jurisdictions have a single supervisory judge. None of the jurisdictions have sentence set by jury. Six of the offices utilize preliminary hearings, while only two jurisdictions have trial de novo. Five of the areas represented have a public defender system, which is relied on in a majority of cases for these jurisdictions.

TASK FORCE F

Task Force Members:

Stuart Van Meveren
8th Judicial District (Ft. Collins), Colorado

John P. Daley
LaPort County, Indiana

Robert Newey
Weber County (Ogden), Utah

Mahlon Gibson
4th Judicial District (Fayetteville), Arkansas

C. Brett Bode
Tazewell County, Illinois

Robert Baker
Shasta County, California

Frank Murray
Chittenden County (Burlington), Vermont

David Smith
Eaton County (Charlotte), Michigan

Analysis of External Factors:

The mean (\bar{x}) population of jurisdictions for Task Force F is 101,570, with a range from 80,000 for Eaton County, Michigan to 136,000 for Weber County, Utah. Thus, this is the third largest Task Force of the six developed for this project.

The annual felony case load of the offices composing this group is 404. All of the offices review charges, and all have speedy trial rules. Only one office uses the grand jury to any extent, and two offices do not hold preliminary hearings. Six of the jurisdictions have public defender systems which are heavily relied upon. Backlog

of cases is a problem among many of the offices represented. Reporting time-lag is minimal, being within 24 hours in all jurisdictions represented. Sentence recommendations are prevalent with most prosecutors doing so in 60% or more of the cases.

Developmental Process:

Between January 27, 1975, and November 19, 1975, each of the six Task Forces of prosecutors held four meetings. As mentioned above, the meetings were conducted with a problem-solution format. Prior to the first series of meetings, each Task Force member received a package of materials including details of the Project's Goals, Work Plan, and Methodology, as well as a number of standards extracted from the Standards and Goals projects of the National Advisory Commission and the American Bar Association. These extracted standards represented those which both addressed the prosecution function and the areas relating to that function. This material served as a reference for discussion purposes at the first series of meetings. In addition, a brief survey was submitted to the Task Force members at the beginning of each meeting in this initial series. This survey listed a number of key topics. Each prosecutor was asked to order these factors based on the problems the topics presented in their specific offices. Also, each prosecutor was asked to summarize the problems for these specific topics. The remainder of these first meetings was spent discussing the priority topics, referring to the NAC and ABA standards addressing these topics, and discussing how the areas should be approached for solution oriented standards.

After this first series of meetings, the Project Staff prepared research position papers and suggested standards based upon the discussions held during the series. This work product was submitted to each Task Force member prior to the second meetings. In addition, each Task Force member was asked to consider all other areas of concern which they felt should be addressed as standards. The opening of the second series began with a discussion forum to consider these additional concerns which had not been examined during the first meetings. Time constraints disallowed the discussion of all topics which needed to be considered. The second portion of this second series was devoted to review of the position papers and suggested standards. A number of modifications of the material derived from this review process. Thus, preparation for the third series including developing materials for those topics which were initially proposed at the second series and modifying that material which had been reviewed.

The work product submitted to the Task Force members prior to the third meetings represented approximately fifty (50) topics. The third series was similar in format to the second round of meetings. New topics were discussed in terms of problems and possible solutions. The material which had been developed as a result of discussions during the second series was reviewed and modifications of that material were considered. In addition, the position papers which had been reviewed at the second series were re-examined with

the resulting modifications incorporated. This latter material was adopted at this series of meetings. The third series also represented a point where the structure of the completed work product began to take shape. Instead of approaching each topic as a separate entity, the inter-relations of the specific topics became a focal point. Each time standards were adopted for topics, consideration was made as to how those standards affect the other areas being considered.

The fourth and final series of meetings was devoted to an analysis of those papers which were submitted to Task Force members as a result of the discussions at the third series of meetings. The thrust of this series was toward final adoption. Nevertheless, some modifications resulted. These changes were then incorporated into the Standards and Commentaries and submitted to the Task Force members after their fourth meetings. This final series concluded with discussions of implementation methods. Each Task Force recognized that there are two basic types of standards; one type which prosecutors can implement directly, and another which prosecutors can encourage, but need the cooperation of others to implement.

Thus, the developmental process was one of problem-solution oriented discussions followed by an in-depth three-step procedure of review, modification, and adoption.

Project Evaluation:

Methods:

The NDAA Standards and Goals Project employed a multi-faceted evaluation process. The first component of the evaluation design was

a meeting-by-meeting assessment of progress. Six prosecutors participated as Project Prosecutor/Evaluators. Each of the twenty-four Task Force meetings was attended by a Prosecutor/Evaluator. These individuals assessed the meetings in terms of five basic criteria:

1. Preparation by the Task Force members;
2. Materials submitted prior to each meeting;
3. Task Force members' input at the meetings;
4. The appropriateness of the Agenda, and
5. The progress made toward completion of a final work product.

Following each meeting, the Prosecutor/Evaluator in attendance submitted a written report addressing these concerns. Because of the limited time frame of four meetings for each group, it was important that these evaluations highlight constructive criticism and recommendations to enhance the efficiency of each meeting. Because of their objectivity within the meetings and concern for the project, the Prosecutor/Evaluators were in a position to offer the Project Staff a perspective unlike that of any other individuals involved in this effort.

The second facet of the evaluation design is that of a Project Independent Evaluator. James Garber, Director, Criminal Justice Institute, was selected as the Independent Evaluator. Unlike the Prosecutor/Evaluators, who had the responsibility of assessing the

program on a meeting-by-meeting basis, Mr. Garber viewed the Project in its entirety. By attending a number of the meetings, including at least one for each Task Force and at least one during each of the four series, and meeting with the Project Staff at least once during each quarter, Mr. Garber had the opportunity to examine all areas of the Project. By submitting quarterly reports to the Project Staff, Mr. Garber has offered a unique insight into the operations and progress of the Standards and Goals Project.

The final facet of the evaluation design is a post-project evaluation which concentrates on the potential impact of the work product on prosecution and the criminal justice system as a whole. As neither of the above facets actually deal with quantitative measures in terms of potential or actual performance and benefits, this component quantifies the work product and measures the project's impact. Arthur D. Little, Inc. has been contracted to perform this evaluation. Their report is presented in the Appendix.

Prosecutor/Evaluators:

Andrew Sonner, Montgomery County, Maryland
Bernard Carey, Cook County, Illinois
Robert Johnson, Anoka County, Minnesota
Elliot Golden, Kings County, New York
Robert Rennie, Pauls Valley, Oklahoma
Roger Rook, Clackamas County, Oregon
Keith Kinsman, Clackamas County, Oregon

Independent Evaluator:

James Garber, Executive Director
Criminal Justice Institute
Detroit, Michigan

Post-Project Evaluator:

Arthur D. Little, Inc.
Michael Tate
Washington, D.C.

Work Plan Review:

The following information is an analysis of actions during the Project corresponding to the work plan's forty-eight points.

1. NCPM develops Matrix of prosecutorial offices using 1972 national prosecutorial survey as base data. Completed by September 1, 1974: This initial step was completed early in the grant period. Dr. Stanley Turner and Edward Ratledge were employed as consultants to provide the technical expertise in the development of this matrix design. They have been active in following through on the design to determine the homogeneity of the Task Forces.

2. NCPM develops sub-Matrix of 30 to 40 "base offices" to use as control group from 1972 survey. To be used as digital interface comparison to 1974 survey. Completed by September 1, 1974: As another initial step, this was completed early in the Project. 1974 data was substituted as it became available.

3. NCPM, using base offices as control, selects 15 to 25 key questions of 1972 survey to use as base data. From this base NCPM will do an update of 1972 survey for selective comparative analysis with 1974 survey responses. Completed by September 15, 1974: Twenty-one key questions were selected. As noted above, these topics were factor analyzed.

4. NCPM and NDAA will jointly formulate 1974 national prosecutor survey questionnaire. Completed by September 1, 1974: Based on the above factors, this survey was developed.

5. NDAA will disseminate survey to all prosecutor offices and begin receiving responses. Dissemination completed by September 1, 1974. Responses completed by May 1, 1975: The survey was mailed to all prosecutor offices throughout the United States. Follow-up mailings went to those offices who did not submit initial responses or submitted incomplete data. Based on these mailings, a response rate of 42% was achieved.

6. NCPM will prepare a historical overview of the standards and goals movement in the United States. Completed by October 1, 1974: This overview was developed by NCPM, submitted to the NDAA office, and presented as part of a package of materials which was disseminated to Task Force members. In addition, an oral presentation of the history of the Standards and Goals movement was given as part of the introduction of each Task Force meeting throughout the first series.

7. NDAA will do follow-up on questionnaire to offices not responding in initial mailing. Completed by December 15, 1974: See comment under Point 5, above.

8. NDAA and NCPM will develop survey questionnaire to 50 states querying either the state prosecutors association, the executive or the legislative branch of the government, as to "standards and goals" status on programs or actual standards that have been developed or

implemented in conjunction with the national efforts of the American Bar Association, National Advisory Commission, National Center for State Courts, etc. Completed by December 1, 1975: This survey was mailed to Prosecutor Training Coordinators in all states. A follow-up was mailed to those coordinators not responding to the initial mailing. Some recipients referred the questionnaires to agencies responsible for the development of State Standards. Information was gathered on 42 states. Through this information, NDAA was able to obtain a copy of the Standards developed for Michigan, as well as drafted material from other states. The results of this survey will also be of tremendous value during the implementation phase of the NDAA Standards and Goals Project.

9. NCPM will develop digital computer program for formulation of Matrix of 1974 responses to survey. Completed by November 15, 1974: As the 1974 survey responses became available, they were incorporated into the formulation of the Matrix design. Again, Dr. Turner and Mr. Ratledge provided technical consultation to NCPM staff in this development.

10. NDAA will supply to NCPM 1974 survey responses. This will be done throughout the survey period, so that NCPM can do a composite Matrix analysis: This was done on an individual survey basis as NDAA received such responses. This is true for the follow-up responses as well.

11. NDAA and NCPM, from Matrix, will isolate six (6) homogeneous categories of prosecutor offices based upon population of jurisdiction, case load, jurisdictional legal requirements, and other relevant factors. Completed by November 1, 1974: This information is discussed above.

12. NDAA will select eight (8) individuals to serve as Task Force members on the first of the pre-selected homogeneous prosecutor office categories : This information is discussed above.

13. Six (6) prosecutors will be selected to serve as evaluators at each of the individual Task Force meetings. Prosecutor/Evaluators will attend each of the meetings on a rotational basis. This selection will be made by NDAA. These individuals will be under consultant contract and will be paid a sum of \$100 per three-day meeting. The selection will be completed by December 20, 1974. Also, an individual totally independent of the program will be selected to do an overall evaluation of the Standards and Goals Program. This individual will be selected by NDAA and approved by LEAA. This person will also be under consultant contract. This individual will be paid a flat consultant fee of \$3,500. The selection of the individual will be completed by January 17, 1975:

NDAA designated six leading prosecutors, representing a cross-section of the country, as do the Task Force members, to serve as prosecutor/evaluators. These individuals are:

Elliot Golden; Kings County, New York
Robert Johnson; Anoka, Minnesota
Roger Rook; Clackamas County, Oregon
Andrew Sonner; Montgomery County, Maryland
Bernard Carey; Cook County, Illinois
Robert Rennie; Pauls Valley, Oklahoma

A schedule was designed so that two prosecutor/evaluators would attend each Task Force meeting, attending each of the six groups at least once, viewing each of the four series of meetings.

After the first three meetings, it was observed that it would be of greater benefit to redesign this evaluation component so that only one Prosecutor/Evaluator would attend each meeting and a one-day meeting could be held at the conclusion of the first series. Such a meeting was held on April 16, 1975.

Concerning the Independent Evaluator, James Garber, Director of the Criminal Justice Institute in Detroit, Michigan, was designated and subsequently approved by LEAA as part of the special condition responses approval. Mr. Garber has submitted quarterly reports beginning with the period from January 1 to March 31, 1975.

In addition, at the request of LEAA, a third evaluation approach has been conducted. Arthur D. Little, Inc. has been selected through a "referral for proposal" selection process. This firm has conducted an evaluation to determine the potential impact of the drafted work product. Although the project was not structured in a quantitative design, Arthur D. Little, Inc. has developed an evaluation which does quantify its potential impact.

14. The agenda will be prepared by NDAA with the help of NCPM for the first Task Force meeting. Included in the agenda will be a statement of purpose for the meetings, and expected results of the meetings. This will be completed by January 17, 1975: Agendas were included in the packages of material sent to Task Force members prior to the first meeting.

15. Packets containing relevant materials will be distributed to all Task Force members of group "A." Completed by January 20, 1975: Prior to the first Task Force series, a package of materials was developed and disseminated to all Task Force members and Prosecutor/Evaluators. This package included:

- A cover letter by NDAA President Preston Trimble,
- A meeting agenda,
- An outline of suggested topics to consider,
- A memo detailing the roles and responsibilities of Task Force members,
- An overview of the Standards and Goals process,
- Rules for procedures at the Task Force meetings,
- A distribution list of project personnel, Task Force members, Prosecutor/Evaluators, executive personnel, Independent Evaluator, and LEAA personnel,
- The Standards and Goals Work Plan, including a calendar,
- A statement of the anticipated implementation of the project, and
- All NAC and ABA Standards relating directly to the prosecutor's office and function.

16. The first Task Force meeting, and also the first meeting of group "A," will be held on Wednesday through Friday, January 27-29, 1975: This first meeting was held as scheduled in Albuquerque, New Mexico. The major problem during this trial conference was focusing

on the topic areas of developing standards. This was resolved at the second and subsequent meetings by the utilization of the "Priority Identification Survey." There was no question that the basic objective of developing standards for prosecutors through the homogeneous groups was a sound concept and could be achieved within the project resources.

17. Evaluation of first Task Force meeting will be made by NDAA and NCPM. Any agenda items or objectives that prove fallible will be adjusted accordingly. Completed by February 5, 1975: The major pitfall of the initial Task Force meeting is discussed above. NDAA and NCPM staff met after the Task Force meeting and worked to resolve all problems indicated, no matter how minor they appeared. The package of materials was refined, as well as staff presentations. There was general agreement among Prosecutor/Evaluators the project independent evaluator, and project staff themselves that the subsequent Task Force meetings showed vast improvements over the experimental initial effort.

18. The five remaining Task Forces, groups "B," "C," "D," "E," and "F," will hold meeting series number one. Group "B" will meet on February 26-28, 1975, Wednesday through Friday, Group "C" will meet March 3-5, 1975, Monday through Wednesday, Group "D" will meet March 17-19, 1975, Monday through Wednesday, Group "E" will meet March 24-26, 1975, Monday through Wednesday, and Group "F" will meet April 2-4, 1975, Wednesday through Friday: Each Task Force meeting was held as scheduled.

19. Composite of first series of meetings will be drafted by Project Staff. Overall discussion intent will be developed by NDAA and the work of NCPM and NDAA will be disseminated to respective Task Force members. Completed by April 11, 1975: The Quarterly Report submitted to LEAA for the period from January 1, 1975, through March 31, 1975, includes a Task Force Profile for each of the six Task Forces making up the project. Within each Task Force Profile is an analysis of the first series of meetings. Collectively, these profiles represent a composite of this series. A number of work assignments for project staff resulted from each of these meetings. These topics were divided into assignments between the Chicago office and the Washington office. Work began on the development of position and research papers immediately after their assignment. Upon completion of a set of papers for a Task Force, they were copied and relayed to the Task Force members in preparation for the second series of meetings. Members were asked to analyze the papers prior to the second meeting so that modification of particular topical concepts could begin.

20. Evaluation of each of the six Task Forces will be prepared by the Prosecutor/Evaluators retained under consultant contract. This evaluation will be presented to both NDAA and NCPM. This will be completed by April 11, 1975: Prosecutor/Evaluators submitted their reports shortly after each meeting. Project staff did not feel it would be appropriate to dictate the evaluation design and primarily

asked evaluators to make determinations of those topics they believed to be most appropriate. Thus, each evaluation varied in detail and recommendations. However, all reports gave staff direction and methods of improving the meeting process, as well as preparation of work.

21. This will conclude the first series of the six Task Force meetings of the Standards and Goals Project. Work will now commence to determine progress made in relationship to previously stated goals and objectives of projects. Initial drafts of work products thus far completed will be prepared. Completed by May 2, 1975: The accumulation of quarterly reports, meeting minutes, and evaluators' reports determine progress. The development of work products was an on-going process throughout the project period.

22. Agendas for second series of the six Task Force meetings will be developed. Completed by April 1, 1975: The agendas for the second series isolated the topics which were discussed at the first meeting from those which had not yet been addressed. Thus, the "New Business" topics were set out as those to be approached, as the "Old Business" topics were discussed at the first series.

23. Meeting schedule and agenda will be disseminated to Task Force members for meetings of the second series of the program. This will be completed by April 5, 1975: Letters and agendas were sent to Task Force members two to three weeks prior to the individual meetings. In most cases, this material was forwarded with the research papers.

24. The six Task Force meetings of groups "A" through "F," will be conducted as follows: group "A" will meet May 5-7, 1975, Monday through Wednesday; group "B" will meet May 19-21, 1975, Monday through Wednesday; group "C" will meet May 28-30, 1975, Wednesday through Friday; group "D" will meet June 2-4, 1975, Monday through Wednesday; group "E" will meet June 9-11, 1975, Monday through Wednesday; group "F" will meet June 16-18, 1975, Monday through Wednesday: All meetings were held as scheduled. The basic format of discussion which was found productive in the first series was utilized throughout this second series. The results of these meetings show that a great number of topics were discussed and input from Task Force members was thorough.

25. Composite of second series of meetings will be drafted by Project Staff. Overall discussion intent will be developed by NDAA and the work of NCPM and NDAA will be disseminated to respective Task Force members. Completed by June 25, 1975: As mentioned above, the development of the work product was an on-going process. However at this point in the project, this development took on a new dimension. Staff not only developed research and position papers based upon the discussions at the meetings, but they also made modifications of papers discussed at the second series. This process of refinement continued throughout the Project period.

26. Evaluation of each of the six Task Force meetings will be prepared by the Prosecutor/Evaluators and presented to both NDAA and NCPM. Completed by June 23, 1975: Again, Prosecutor/Evaluators attended all meetings of the second series and submitted reports based upon their observations. While Project Staff maintained that there should be a free hand in the design of the evaluators' reports, they did make suggestions on specific areas which had been addressed in most meetings.

27. An analysis will be conducted to determine progress made in relationship to project goals and objectives. Drafts of work products thus far completed will also be prepared. Completed by July 14, 1975: The Quarterly Report submitted to LEAA addressing the period from April 1, through June 30, 1975, traces the progress made throughout that time period, and thus presents the achievements in relation to the Project's goals and objectives. Concerning the preparation of the work product, this is an ongoing process whereby topics were assigned to staff members who assumed responsibilities for those topics for each Task Force through each meeting. Consequently, updating was a continuous process. Several new topics surfaced during the second series of meetings and assignments for development, drafting and updating were made to individual staff members.

28. Agendas of third series of Task Force meetings for all six groups will be developed. Completed by June 27, 1975: Prior to

the third series, an outline was prepared as a structure for discussion. This would allow each Task Force to address all topics that every other group discussed.

29. Meeting schedules and agendas will be disseminated to Task Force members of each of the six groups for the third series of meetings. Completed by July 7, 1975: Dissemination of meeting schedules and agendas were made to each Task Force member at least two weeks prior to the third meeting. In addition, the materials to be reviewed and discussed at the third meeting was mailed in advance to allow each prosecutor time to prepare for the meeting.

30. The third series of the Task Force meetings will be conducted between July 21, and September 10, 1975, as follows:
group "A" will meet July 21-23, 1975, Monday through Wednesday;
group "B" will meet August 13-15, 1975, Wednesday through Friday;
group "C" will meet August 18-20, 1975, Monday through Wednesday;
group "D" will meet August 25-27, 1975, Monday through Wednesday;
group "E" will meet September 3-5, 1975, Wednesday through Friday;
group "F" will meet September 8-10, 1975, Monday through Wednesday :
Each Task Force meeting was held as scheduled. Attendance at the meetings was excellent, with only four of the forty-eight members unable to attend, and valuable input was made by each of the members present. The orientation of the meetings during this series was slightly different than that of the first and second series. Because

of the submitted work product for many of the topics, the discussions were oriented toward the review of that material. However, where topics had not been discussed before or new topics were identified, the format utilized throughout the first and second series was adapted to gain the members' input.

31. Composite of third series of meetings will be drafted by Project Staff. Overall discussion intent will be developed by NDAA and the work of NCPM and NDAA will be disseminated to respective Task Force members. Completed by September 24, 1975: On September 15, 1975, a staff meeting was held to determine the progress made and the needs of each topic for each Task Force. Preparation was begun to develop and draft the new topics which had not been submitted to the Task Forces previously and modification of those topics that had been drafted was made.

32. Evaluation of the Task Force meetings will be prepared by the Prosecutor/Evaluators and submitted to both NCPM and NDAA. Completed by September 24, 1975: The reports of evaluators were promptly received.

33. Determination will be made as to progress thus far achieved in relationship to goals and objectives of project. Initial drafts of work project thus far completed will be prepared: The Quarterly Report submitted for the period from July 1, through September 30, 1975, details the activities and progress made.

34. Agenda of fourth series of Task Force meetings will be developed. Completed by September 19, 1975:

35. Meeting schedules and agendas will be disseminated to Task Force members for fourth series of meetings. Completed by September 26, 1975: Agendas, format outlines, and the drafted work product was mailed to the Task Force members at least two weeks prior to their fourth meetings. Standards which were adopted at the third meeting were submitted as reference, Standards needing modifications were submitted as amended, and new Standards were submitted as prepared based on the discussions at the third meetings.

36. The fourth series of each of the six groups comprising the Task Forces will be conducted between October 6, and November 19, 1975, as follows: group "A" will meet October 6-8, 1975, Monday through Wednesday; group "B" will meet October 15-17, 1975, Wednesday through Friday; group "C" will meet October 20-22, 1975, Monday through Wednesday; group "D" will meet October 29-31, 1975, Wednesday through Friday; group "E" will meet November 10-12, 1975, Monday through Wednesday, group "F" will meet November 17-19, 1975, Monday through Wednesday:

All meetings were held as scheduled. The attendance was very high, with 40 of the Task Force members being present at this series. One Task Force member had resigned from office and subsequently, the Project. One other unfortunate incident was that the Prosecutor/Evaluator scheduled to attend the first meeting of this series was unable to attend. While efforts were made to find a replacement, conflicts prevented such an alternative.

It was reported in the previous quarterly narrative that each group had received material on between forty-three (43) and fifty (50) topics for the third series. This left approximately thirty (30) to thirty-seven (37) topics to be discussed at that series of meetings. Thus, a large amount of material remained to be developed after those discussions and prior to the fourth series. In addition, staff had the responsibility of changing all Standards which the Task Forces requested at the third series.

In the Independent Evaluator's Third Quarterly Report, Mr. Garber states, "The Schedule anticipated the completion of the drafting of most, if not all, of the Standards and Goals (during this series). The fourth round would then be used to polish, review and adopt the Standards . . . It now appears that this projected time frame may have been too ambitious."

The factor which makes this an accurate statement is the scope of the work product. The project staff had anticipated that all topics to be addressed as Standards would have surfaced by the conclusion of the second series. However, as one Task Force would identify a new area, the project staff felt that it was its responsibility to bring this issue forward for discussion at the other meetings. Whether or not a specific group chose to address Standards concerning a topic which another group raised was dealt with on an individual Task Force basis. The point is that the scope of the issues ultimately addressed was considerably greater than had been anticipated by either the Task Forces or the project staff.

Various solutions were considered to offset the problems created by this increased scope. It was decided that each Task Force would receive materials prior to the fourth series which were the result of changes from materials submitted to the third meeting. If no changes were needed for a specific topic, that material was not re-submitted. However, introductions to each meeting in the fourth series made it clear that if a Task Force member objected to an adoption from the third meeting, that topic would be reopened for further discussion and consideration. In addition, the Task Force members received Standards for their consideration on all topics which had initial discussion at the third series. Many, but not all, of these topics had accompanying commentary. This necessitated a new review process after the fourth meeting.

Because of fiscal and time constraints, additional meetings were not considered. As a result a mailing to the Task Forces was made on December 22, 1975. This included all new materials and modifications resulting from the Task Force members' decisions at the fourth series.

37. Composite of fourth series of meetings will be drafted by Project Staff. Overall discussion intent will be developed by NDAA and the work of the Project will be disseminated to respective Task Force members. Completed by November 26, 1975: The official record for each Task Force meeting was the minutes kept by the project staff. The minutes were prepared and submitted to all Task Force members, and the appropriate Prosecutor/Evaluator and the Independent

Evaluator one to two weeks after each such meeting. Because this fourth series was believed to be the most crucial, each meeting was tape recorded. If any discrepancies appeared in the notes of the reporter, these tapes were consulted for review of the actual discussions.

In addition, the Task Force members were urged to bring forth any contradictions or inconsistencies found within the minutes as indicated by their notes or recollections. No responses were received for this set of minutes.

38. A final documentation of the fourth series of meetings will be prepared by NDAA and disseminated for review/comments to respective Task Force members. Completed by November 28, 1976: As noted above, the scope of the project was greater than anticipated. One of the effects of this increased scope was a delay in the final mailing to the Task Force members. Because staff felt that it was better to achieve a quality in the reports which was consistent with the previous materials and NDAA's past and present efforts, the materials were not mailed until December 22, 1975. This work product not only included materials which the Task Force members did not receive prior to the fourth meeting, but also all modifications resulting from the fourth series. With the receipt of this material, each Task Force member had obtained all work product relevant to his particular group. Thus, the opportunity for each Task Force member to address every topic developed had been completed.

39. Evaluation of each of the fourth series of Task Force meetings will be prepared by the Prosecutor/Evaluators and presented to NDAA. Completed by November 26, 1975: As mentioned above, circumstances prevented a Prosecutor/Evaluator attending the first meeting in the fourth series. As a result, twenty-three (23) of the twenty-four (24) Task Force meetings were evaluated, with the overall effect of this evaluation design being one of great assistance to the testing of specific hypothesis of the project, as well as serving as a guide for project decisions. In particular, the factor of different standards being developed for different homogeneous groups and the validity of the homogeneous groups were both confirmed through these reports.

40. Work product thus far completed will be analyzed in relationship to expected realization of goals and objectives. This will also be disseminated in packets of material for review/comment by Task Force members. Completed by December 5, 1975: The Quarterly Report for the period from October 1, through December 31, 1975, serves as a progress status, detailing the activities and accomplishments during that period.

41. Responses from Task Force members will be evaluated and synthesized to aid in overall evaluation of project thus far completed. To be achieved by December 12, 1975: The original project evaluation component was designed to 1) determine overall accomplishments, and

2) evaluate the effectiveness and efficiency of each separate Task Force meeting. There were minimal provisions for objective determinations of the impact of the standards as such. As a result, the project's LEAA monitor has urged that an evaluation design be prepared to measure such impact. On January 8, 1976, Mr. James Manak, the Project Director, met with Mr. Marc Nerenstone of LEAA. Mr. Nerenstone has formulated an evaluation design that will measure the effect of the Standards and Goals Project and its specific meetings by determining the subsequent action of the attending Task Force members and Prosecutor/Evaluators. Project staff does not believe it would be efficient to duplicate such an effort, which would be carried out in an objective manner by an independent evaluator. A "Referral for Proposal" was developed and submitted to potential evaluators. Arthur D. Little, Inc. was selected and commenced this evaluation on March 5, 1976.

42. A draft of the final reports will be developed using the composite summaries of the Prosecutor/Evaluators, the composite summaries of NCPM, and the composite summaries of NDAA; and the drafts thus far completed by NDAA. At this time, it will be necessary to determine if one overall final report will be developed to coincide with the six homogeneous groups of prosecutors. Completed by December 16, 1976: Composites of the drafted work

product of each Task Force has been developed. Because the mailing of final material was delayed, as indicated above, this process has subsequently been delayed.

Upon consultation with the project's Independent Evaluator, Prosecutor/Evaluators, and Task Force members, it was decided that the drafted work product would be assembled in a topical format including standards adopted by each Task Force and a following commentary for each topic. The advantage of this format includes minimal duplication, ready access to standards developed by various groups and less printing costs. The only perceived disadvantage of this format is the length of time to perform the initial coordination.

43. The final reports will be printed in rough draft (blue lined) and disseminated to the Task Force members, related service organizations, and other NDAA members : Because the scope and depth of the Project exceeded initial expectations, revisions have been made in the dissemination process. An extremely significant factor which was not originally perceived is the absolute need for a sophisticated, well planned review process prior to dissemination. Neither time nor funds have allowed for such a process during this developmental phase. As a result, a review component is a prime area of activity included in the implementation design which is detailed below.

Nevertheless, 200 copies of the drafted work product will be photocopied and disseminated to Project participants, NDAA Board

members, and other concerned individuals and agencies. Through agreement between NDAA Executive Director, Patrick Healy, and the Project's LEAA monitor, such a dissemination will take place no later than August, 1976.

44. Responses will be received and any corrections, additions, or deletions, will be included in final product. Final document will be printed and disseminated: The current concept for review is the appointment and assembling of a 15 member panel. This panel will be composed of Task Force participants, NDAA Board members, and other members of the criminal justice community. The panel will hold a three day meeting to analyze the drafted work product, make recommendations to the NDAA Board of Directors/Executive Committee. At that point, modifications will be made in the drafted work product and widespread dissemination will follow. This process is detailed in the NDAA Standards and Goals Implementation Project grant application.

45. Development will begin for a plan of solution-implementation and a drafting of goals and objectives for the solution-implementation. Concepts for an implementation approach were initiated prior to the fourth series of Task Force meetings. A survey was designed and disseminated to the Task Force members throughout this series. This survey gathered data on implementation approaches for all Standards developed. Based on this information, a design was developed to structure such an effort. A grant incorporated this design and was

submitted to LEAA on January 9, 1976. NDAA was notified that this proposal should be modified to concentrate on the areas of review and dissemination and pilot states. Thus, the design was restructured and resubmitted on February 13, 1976.

46. NDAA will develop simultaneously a method for comprehensive evaluation of this program and its implementation: Included within the grant application for implementation is a detailed in-house evaluation which will concentrate on qualitative assessments of the various activities, as well as a "Referral for Proposal" to be utilized for the selection of an independent evaluator. The thrust of the implementation phase is to determine the effectiveness of Standards after their implementation. Thus, both the Project Staff and the Independent Evaluator will concentrate on determining the impact of these Standards on the problems of the prosecutors' offices.

47. Project Staff will prepare a comprehensive analysis of the Standards and Goals project including history, evaluation, and final work product to be submitted to LEAA: A draft of the work product was submitted to LEAA on March 5, 1976. This Final Report serves as a comprehensive analysis of the activities and accomplishments of the project. Appendices included in this report are the evaluation reports of the project's Independent Evaluator and the final report of the post-project's evaluation effort conducted by Arthur D. Little, Inc.

48. The implementation program and the evaluation program will commence simultaneously by NDAA. This program is expected to continue for a period not less than fifteen months and not greater than twenty-four months: This implementation effort will run for twelve months, beginning in June, 1976. Grant application 0251-99-DF-76, which is presented in the Quarterly Report covering the period January 1, 1976 through March 31, 1976, details the activities anticipated for this project.

APPENDIX A

To: National District Attorneys Association
National Prosecutorial Standards and Goals Project

Re: Independent Evaluator Quarterly Report
(January 1, 1975 - March 31, 1975)

From: James N. Garber
Executive Director
Criminal Justice Institute

The National District Attorneys Association project to establish standards and goals for the prosecution function is long overdue. It undoubtedly has not been attempted prior to this time because of the extreme difficulty in establishing those benchmarks by which the prosecutorial function can be measured, or the even greater difficulty in establishing ideals which can only be achieved by changes in the law and by an increase in the resources available to that profession. However, if such benchmarks and ideals can be articulated and established in writing, then local prosecutors throughout the country will have the criteria that they have desired for so long. The criteria to guide their performance and to assist them in seeking the necessary changes of law and in procuring the required increase in resources.

This already difficult endeavor is severely compounded by the fact that the standards and goals must be national in scope and impact. It is compounded by the fact that prosecution by its very nature is a parochial activity. Each state, and within each state, every county or district has evolved its own prosecutorial characteristics. These characteristics were developed historically to suit the social and geographic needs of the local community. An autonomous attitude persists in each of these communities and this attitude is highly resistant to any attempt from outside to impose a more universal scheme. To devise statements of performance by which prosecutors across the country can be guided and to have these statements precisely set forth so as not to be so vague or general as to be unusable and yet to have these statements reflect the authority, dignity, and importance of the office is a most ambitious project indeed.

Yet, the necessity for such standards cannot be denied. Prosecutors for years have sought methods by which their actions could be measured against some commonly held norm. When a prosecutor is attacked in the press for accepting a plea to a reduced charge, it is impossible to defend himself even though "plea bargaining" is a universally employed and generally accepted prosecution technique. When a prosecutor prepares a request

for additional staff, upon what scale is his case to be weighed? Caseload? Population? On the other hand, when a prosecutor has been derelict in his obligation to the public, it is extremely difficult to establish this dereliction short of establishing a violation of some criminal statute. Be recognized that the standards and goals therefore must be both a useful tool in the hands of a qualified professional prosecutor, and a yardstick by which his client, the public, may measure their attorney's performance and conduct in their behalf.

The need for national standards and goals for the prosecutorial function has of course been recognized by agencies other than the National District Attorneys Association. The American Bar Association and the National Advisory Commission on Standards and Goals for the Criminal Justice System have both made attempts to create standards for the prosecution function. Unfortunately, both of these groups chose to create a single standard for all prosecutorial agencies. Neither of these well meaning groups attempted to distinguish between a standard applicable to the prosecutor in Gogebic County, Michigan and one which would apply to the District Attorney of Los Angeles County, California, even though the first is a one man partially compensated prosecutor and the latter has a staff in excess of five hundred deputy district attorneys and a budget in excess of twenty seven million dollars annually. To measure the Gogebic County prosecutor against the standard applicable to the District Attorney of Los Angeles or to have the Gogebic County prosecutor seek to attain a goal established for the Los Angeles County District Attorney is on its face ludicrous. It was pleasing to note therefore, that the National District Attorneys Association has avoided this pitfall. To my knowledge, it is the first project of its kind to establish by statistically valid means those characteristics which have allowed for the creation of several homogeneous groups. These groups, secure in the knowledge that they accurately represent a class, are free to establish and adopt standards by which their class may be measured and to establish and adopt goals to which members of their class may reasonably aspire.

After the identification of the prosecutorial characteristics the methodology for the creation of standards and goals was adopted. Six homogeneous groups or task forces were selected by computer using the characteristics. These task forces were scheduled to hold four meetings each, during the course of one calendar year. The first meeting is designed to acquaint the membership with the project and each other, and to develop a strong working relationship. The second meeting will product parameters for the

standards, to identify key issues, words, and phrases. The third round is to produce the greatest amount of finished material, and the fourth round will polish that material until it is a finished product. It will also insure that a complete negotiation process had taken place. That process will conclude with the resolute adoption of standards and goals for that class of prosecutorial office represented. Without such conclusiveness, the standards and goals would be weakened by a limited base of representative support.

To assure validation of the project effort, the designers wisely built in a number of report, review, and evaluation components. Minutes will be made of each meeting and a task force report will be drafted by project staff and ratified by task force members prior to issuance. Prosecutor-Evaluators, many with long experience in the field, have been selected and assigned rotationally to the task forces. These evaluators are to assist the membership and are to report to the National District Attorneys Association in both a quantitative and qualitative fashion concerning the progress being attained. Another evaluator, a non-prosecutor, has been selected to monitor the overall standards-development activity from a quantitative point of view. No constraints were devised or placed upon the independent evaluator. He is left to employ his own methodology and design. The technique which has been selected by this independent evaluator is to examine all of the written output as it is generated. This review is to be supplemented by attendance at selected task force meetings. The evaluator will attend, at least, one meeting during each of the four rounds. The evaluator will also attend a minimum of one meeting of each of the task force groups. Special emphasis will be placed upon the meetings of the third round since it is anticipated that these will be the meetings during which the greatest productivity will be demonstrated. The evaluation judgment will then be based upon whether the products described by the project design are in fact being produced and whether the task force groups are in fact on the predetermined schedule. The independent evaluator does not now, nor will he in the future, make any judgments concerning the validity of the standards or goals nor will he state any judgment as to the possibility of their being implemented or achieved. The independent evaluator, in compliance with this schedule, attended two meetings during the first round. The first was the meeting of Task Force C held in Tuscon, Arizona on March 3, 4, and 5, 1975, and the second was Task Force E held in Chicago, Illinois, March 24, 25, 26, 1975. In addition,

the minutes and the prosecutor-evaluator reports for all Task Forces have been read and reviewed. There has been up to March 31, little written material, other than that already mentioned, generated by the task forces. However, it is anticipated that a great deal of written material will be generated as a result of the first round of meetings. This material will be available for review prior to the submission of the second quarterly report at the end of June.

Based upon the review of the reports and personal attendance, it is the opinion of the independent evaluator that the project has met its quantitative goals through March 31, 1975.

This report essentially covers the first round of meetings of the individual task force groups. Since the membership of these groups had not previously met, were unknown to each other, and were as yet unfamiliar with the totality of the task before them, this first round of meetings was primarily a test of the project staff's ability in group dynamics. It was imperative that each of the actors, be they a member of the task force, a prosecutor-evaluator, or a staff member establish his role, his task, and his identity within the group. This was the test presented to staff and it was one, that despite a faltering start, to which they were equal. In recognition of this task, staff chose to structure the first round meetings over a two and a half day period. The first day to be spent largely in reviewing the offices represented at the meeting. The purpose in doing so was to familiarize each of the members with the make-up of the task force membership. It was hoped that this period would serve as a loosening-up session during which the group would come to better know itself and meld into a working unit. Unfortunately at the first meeting, this session did not achieve the desired cohesiveness. In part this was because staff was progressing through a learning period during which they would identify their role.

That staff did learn from the meeting of Task Force A became obvious at the Madison, Wisconsin meeting of Task Force B. While not in attendance, the independent evaluator has discussed this meeting with the prosecutor-evaluators who were present. The independent evaluator also has talked with two of the members of Task Force B. He is of the opinion that Task Force B's meeting was highly successful, and achieved all the desired results.

Unfortunately, the same cannot be said about the first meeting of Task Force C. While certainly the results of this meeting were quantitatively superior to that of Task Force A, it fell

short of the results achieved by Task Force B. Essentially, the problem at Task Force C was a strong tendency on the part of the participants to engage in "war stories". The independent evaluator was personally in attendance at this meeting and was impressed that the membership did not fully understand that its role was to develop standards and goals. There seemed to be a misconception that the group was constrained by existing laws and circumstances. Also the group found it difficult to do something other than review existing standards set forth by the ABA or the NAC.

The independent evaluator looks forward with great interest to the results of the second meetings of Task Force A and C. It will be necessary that they produce a large volume of material in order to catch up to the other groups.

The meetings of Task Force groups D, E, and F were most encouraging. From a quantitative standpoint, the groups not only developed a strong working rapport, but produced a far greater volume of work than had been previously seen or anticipated. This result must inure to the credit of staff. By this time, they had quite clearly learned from the experiences of the first three groups and played a strong role in guiding the latter three groups into the correct organizational paths.

A word concerning the prosecutor-evaluators is appropriate at this point. Just as the members of the Task Force groups and the staff had some difficulty in determining their role, so did the prosecutor-evaluators. At first there was an obvious hesitancy on their part to express any opinion or to draw upon their vast reservoir of experience in the prosecution field. Later, however, this reticence was overcome and the statements and guidance offered by the prosecutor-evaluators at the last several meetings were most valuable and of great importance to the conduct of those meetings.

In summation, it is the analysis of the independent evaluator that the project is well on its way. It is on schedule and on target. The meetings were held and were well attended. The participation by the members was good and there was an obvious zest for the task before them. Staff preparation was thorough, complete, and prompt. The prosecutor-evaluators were in attendance and they delivered their findings. The follow-up in terms of transcripts and task force reports which were to be generated has been good, complete, and on-time.

In terms of the ability of the task force groups to maintain the output schedules, it would appear that Task Forces B, D, E, and F have the best start, with Task Force A and C the only ones working on a close margin. The project staff is aware of this close margin and have indicated that they are prepared to push hard to insure that those two groups not only maintain the timetable laid out but build a greater margin in round two.

The opinion of the independent evaluator, based upon all the foregoing, is that the initial timetable and the product list have been faithfully followed and that the project is quantitatively on, or ahead, of schedule, in all the categories.

TO: National District Attorneys Association
National Prosecutorial Standards & Goals Project

FROM: James N. Garber, Executive Director
Criminal Justice Institute

RE: Independent Evaluator Quarterly Report
(April 1 - June 30, 1975)

DATE: September 22, 1975

During the three months period covered by this quarterly report the second round of Task Force meetings was held. In my first quarterly report I indicated that the first round of Task Force meetings was an exercise in group dynamics. During this round the members were to become acquainted with the project and with each other. The hope was that a strong working relationship would result. Any work product developed during this period would be considered to be a plus. The second round of meetings was to result in the description of the parameters of the standards. By the end of this round the issues should be identified and progress made toward addressing them. Staff would have commenced drafting position papers which would be transmitted to the Task Force membership and that later meetings during the third and fourth rounds would refine them into a finished standard reflecting the group opinion. It is against these benchmarks that I will compare the progress made during the second three months of the project.

EVALUATOR METHODOLOGY

It would not be possible, necessary or productive for the independent evaluator to attend each of the 24 Task Force meetings. I, therefore, determined

that I should attend at least one meeting of each of the groups. In addition, I would attend such additional meetings as deemed necessary. Since it is my role to evaluate the quantity rather than the quality of the work product, it seemed appropriate that I schedule the greater portion of my attendance during the third and fourth rounds. This is the period in which the greater amount of work should be produced.

It was further obvious that it would be necessary to supplement attendance at the meetings by offsite review of the work product and by independent consultation with staff members, Prosecutor-Evaluators, and members of the various Task Forces.

In compliance with the above described methodology I participated in several meetings and reviewed large amounts of work product.

On April 16, 1975 I attended a meeting of the Prosecutor-Evaluators held in Chicago, Illinois. This was a one day session. It was attended by all the Prosecutor-Evaluators and most staff members. The purpose of the meeting was two-fold. First, to make recommendations to staff and second, to refine the role of the Prosecutor - Evaluator.

I attended the meeting of Task Force B held in Park City, Utah on May 19, 20, 21, 1975. This was to be the only meeting that I was to attend during the second round. The other meetings I reviewed the material prepared by staff as well as the minutes of each meeting. In addition, I reviewed all Prosecutor-Evaluator reports. Because of my interest in Group A and Group C I discussed with the Prosecutor-Evaluator in attendance at those meetings their

opinion of progress attained during the second round. In addition, I discussed the progress of these two groups with selected members of the two Task Forces and with project staff.

At the conclusion of the second round I met with staff in Chicago. At this time I had an opportunity to discuss with them their perspective of the progress being made and to impart to them my views and suggestions in preparation for the third round of meetings. At that meeting I was provided with a draft of the quarterly report prepared by staff. I have reviewed that report.

Based upon the foregoing, I am prepared to submit my independent evaluation of the project as it reaches its halfway point. I will divide the evaluation into three different areas. First, my evaluation of the performance of project staff. Second, my evaluation of the Prosecutor-Evaluators and third, the evaluation of the group effort being made by the individual Task Forces.

STAFF EVALUATION

During the course of the first six months of the Standards & Goals Project there has been a dramatic change in the composition of the project staff. Early in the project, Mrs. Joan Jacoby submitted her resignation as the Executive Director of the National Center for Prosecution Management. This was closely followed by the resignation of Mr. Herb Graham and the reassignment of Mr. Leonard Mellon. These changes reflected a 60% turnover in the project staff assigned from NCPM. Each of these people held high positions of authority and responsibility within NCPM. The remaining two staff members, while well qualified, were relatively new to NCPM and the project. Despite this tremendous

turnover, the staff of NCPM and indeed the entire staff have performed superbly during the second quarter.

In my first report I indicated some concern over the ability of staff to handle the meetings. Whatever misgivings I may have had are now totally at rest. Not only has staff operated well during the course of the formal meetings but the quality and the amount of background material that has been produced by them has been outstanding. I have had several opportunities to function in connection with groups such as the Standards & Goals Project. I have participated as a member of a Task Force, as a consultant and as a staff member. Never have I seen any better staff work than I have observed during the course of the first six months and, more importantly, of the three month period from April to June 30.

The quality and quantity of work indicates a maturation of the staff membership. While there was never any question concerning their dedication to the project, they have now identified and assumed their proper role in relation to the members of the Task Forces. My only concern is that the Task Force members have come to rely so heavily upon staff that there is now a danger that the Task Forces will become nothing but ratification committees. Staff has done an excellent job in the preparation of position papers. Those papers could well form the subject matter of a complete Standards & Goals text. However, if this project is to be successful, it is necessary that the Task Forces read, debate and adopt their own set of Standard & Goals. It is not sufficient that a team of dedicated staff members prepare these Standards & Goals. This is particularly true in regard to commentary. I am concerned that not enough attention is being given by the Task Forces to this most important area. During the course of the third round, I will give strong attention to this developing phenomenon.

The foregoing comment is obviously not a condemnation in any way of staff. Quite to the contrary, the reliance by the Task Force upon staff is a recognition of the excellent work being performed.

PROSECUTOR-EVALUATOR

At the outset of the Standards & Goals project, two members of the Prosecutor-Evaluator cadre were in attendance at each Task Force meeting. Initially there was a hesitancy on the part of these evaluators to participate in the discussion. During the first round of meetings the philosophy of the Prosecutor-Evaluators seemed to be that their role should be that of an observer and not a participant. At the meeting of April 19, 1975 in Chicago, the role of the Prosecutor-Evaluator was discussed in great length. While the minutes of this meeting are contained in the quarterly report submitted by NDAA staff, I would be remiss if I did not comment that I thought it to be one of the very positive aspects of the project to date. It resolved the schizophrenia that was developing among the evaluators. It identified for them their proper role and it removed from them the inhibitions that some might have had toward participation. Further, it identified the redundancy of having two evaluators present at each Task Force meeting. The benefit of this meeting was readily observed during the second round not only by the Independent Evaluator but by the Prosecutor-Evaluator and the Task Force members. It would have been a waste of several years of experience and ability to muzzle the Prosecutor-Evaluator.

The other dimension provided by the use of Prosecutor-Evaluators is their written reports. I have found them to be frank and incisive. These reports have been of great value not only to the Task Force members but to staff and to me.

As noted earlier I have felt the need to discuss the progress being made by individual Task Forces with some of the evaluators. On these occasions they have been candid. These discussions have been of great assistance.

The quality of performance by the evaluators both at meetings and in their reports reflect to the credit of staff. For it was staff of NDAA and NCPM who are responsible for the selection of the evaluators.

TASK FORCE EVALUATION

Task Force A. As I have indicated I had some concern regarding the progress made by Task Force A at its initial meeting. In the first quarterly report I indicated that I believed the comparative lack of progress made by this group was because it was in effect the guinea pig group. The project was new to all concerned. Staff had not had the opportunity to handle any groups and each person was new to his role. Because of these factors mistakes were made. Despite these mistakes, Task Force A was still on its schedule. However, it was well behind some of the other groups.

Because of my concern I sought out two of the members of Task Force A for a discussion of the project from their perspective. I discussed the concept and the progress of the project with each of these gentlemen. Both of them are well known to me and I believe that I can rely upon their judgment and opinion. While both expressed a feeling of confusion following the first meeting, they both indicated a belief that the second meeting had resolved this confusion. They further stated that they perceived no difficulty in meeting the deadlines prescribed for them. This opinion was confirmed by Mr. Rennie, the Prosecutor-Evaluator present at the second round meeting. He stated that he was satisfied Group A had

made up any ground lost at meeting one. This was further confirmed by the staff members who had been present at all meetings during the first two rounds.

It is my intention to further investigate the progress of Task Force A by my personal attendance at the third round meeting which will be held during the month of July in San Francisco. At this point, however, it is my considered judgment that Task Force A is presently on schedule.

Task Force B. Task Force B at the conclusion of the first quarter was progressing faster than Group A and Group C but not as rapidly as Groups D, E and F. I attended the second round meeting of Task Force B held on May 19, 20, and 21 at Park City, Utah. I am pleased to report that whatever misgivings I may have had are now totally set to rest. During the course of the two-and-a-half day meeting the group was forced by the elements into total togetherness. As was noted in the report of Robert Johnson, this produced unusually fine results both qualitatively and quantitatively.

Task Force C. From the very outset this Task Force has given me more concern than any of the other five. At the initial meeting the desired working relationship did not evolve. The Task Force members left the initial meeting as eight individuals rather than a single group. There was not the same degree of commitment nor level of understanding of the project that was apparent in the other groups. As a result, Task Force C was considerably behind the other five groups.

While I did not attend the second meeting of Group C, I did discuss the meeting with Andy Sonner, the Prosecutor-Evaluator present at that meeting. I also discussed the progress of Task Force C with the entire staff at the quarterly review in Chicago. Unfortunately my concerns were confirmed by both staff and Mr. Sonner.

The Task Force still has not jelled as a unit. There still seems to be a commitment to the status quo. They have not recognized that the project seeks standards and goals which may not be immediately obtainable. The group continues to constrain itself with existing statutes, laws, court rules and constitutions. There also seems to be an underlying commitment on the part of two or three members to other standards. Any conflict which is suggested with those standards gets relatively short shrift.

While it is not my responsibility to be concerned with quality of work and while it is true that Task Force C has covered all the material brought before it, I do believe that there must be a recognition that its work product will leave something to be desired unless there is a rapid turnabout.

Task Force D, E and F. It is not necessary for the purposes of this report to differentiate between these three groups. From the outset they have grasped the purpose of the project and have melded together into strong homogenous units. They are ahead of schedule not only in relation to the benchmarks established by the grant narrative but they are well ahead of even the optimistic guideposts which they imposed upon themselves. I am confident that each of these three groups will have a completed document on schedule.

SUMMARY

With the exception of Task Force C, I am well satisfied with the quantitative aspects of the National District Attorneys Association Standards & Goals Project. I have reviewed the second quarterly report submitted by staff and I adopt, by reference, the review of the work plan which commences on page 4 of that report and runs through page 9.

The project at its halfway point is ahead of schedule. I think that it is important to be ahead of schedule at this point because the heavy workload of decision making will occur in the third and fourth rounds. The staff and the Task Force members are prepared for lengthy meetings during the course of the third round. If the Task Force members read and study the material prepared by staff prior to the Task Force meetings, I am confident they will have sufficient time to successfully complete the project. During the next quarter I will give careful attention to two areas. The overall progress of Task Force C and the focus of all the groups toward the preparation of the commentary.

TO: National District Attorneys Association
National Prosecutorial Standards & Goals Project

FROM: James N. Garber, Executive Director
Criminal Justice Institute

RE: Independent Evaluator Quarterly Report

DATE: November 21, 1975

The third quarter of the Standards & Goals Project was designed to be the most productive. The schedule anticipated the completion of the drafting of most, if not all, of the Standards & Goals. The fourth round would then be used to polish, review and adopt the Standards. It would also be the meeting at which the commentary would be reviewed and approved. This would complete the Task Force phase of the project and the second, or implementation phase, would then begin. It now appears that this projected time frame may have been too ambitious. While the Standards will undoubtedly be drafted and adopted, there is serious doubt that all of the commentary will have been reviewed by the end of the fourth round meeting.

During the course of the third quarter all of the third round Task Force meetings took place. I personally attended two of the six meetings. The first was the meeting of Group A in San Francisco which took place on July 21-23. The second was the meeting of Task Force D which took place in Bangor, Maine from August 25-27. In addition to my attendance at these meetings, I spent considerable time in discussion with the four prosecutor/evaluators who were in attendance at meetings B, C, E and F. I, of course, read all of the material which was prepared by staff as well as reviewing the minutes and prosecutor/evaluator reports of all six meetings.

I continued to be impressed by the quality and quantity of work being done by the project staff. Through their efforts a skeleton outline of the final product has been completed. This skeleton outline has been fleshed out with the research reports prepared by the staff. What at the outset appeared to be an almost insurmountable task, that of delineating the issues and topics within workable confines, has also been completed. It would appear that the final number of topics will be between 75 and 80. Because of the effort of staff, the Task Force members have been able to devote their time to the issues rather than to research.

The handling of the meetings by staff has also become much more polished during the course of the project. The war stories and digressions which marked the earlier sessions have become nonexistent during the third round. The sessions can now be characterized as hard working and productive.

The efforts of the prosecutor/evaluators are also most impressive. These gentlemen have been able to maintain their identities as evaluators while at the same time contributing to the Task Force meetings a dimension of experience and knowledge which has been valuable to the membership. They have continued to be helpful to me in the performance of my task, as independent evaluator, through their willingness to candidly discuss the progress of the project.

In my second quarterly report I indicated that I would give specific attention to two aspects of the project. The first of these was the progress being made by Task Force C. The second was a concern over the lack of attention being given to the commentary. At the close of the third round I am pleased to report that Task Force C is now back on schedule and I am confident that they will achieve results which are the equal of the other five groups.

My second concern still exists and grows stronger. As I indicated above, I do not now believe that it will be possible for any of the groups to deal with the total commentary package by the close of the fourth round. In fact, I do not believe that it is possible for staff to complete on time a commentary package which will reflect the viewpoint of the Task Force membership. For this to have been possible, the groups should have adopted in final language, all of the Standards by the end of the third round. This has not happened. It will, therefore, be necessary for considerable amounts of work to be done to complete the Standards. This work must be done during the fourth round. The commentary regarding the Standards adopted at the fourth meeting will not be available for review until a later date. Unless a fifth round of meetings is held, this commentary can be acted upon only by mail or some other format which would fall short of total discussion and adoption. I am of the opinion that consideration must be given to some form of meeting at which the commentary can be discussed and approved. Obviously the best alternative would be a fifth round of Task Force meetings. All members could be in attendance, could review the commentary and adopt it. However, if this is not fiscally possible, a session might be held at which representatives of the individual Task Forces could meet and ratify the commentary. Such a meeting might have one other benefit, the development of a transition from the drafting stage into the implementation stage. For as the fourth round approaches, the question of implementation now must be addressed.

Implementation is a two pronged question. First, what form will the final product take and, second, what form will the implementation program take. The Standards & Goals can be physically separated in two ways. They can be divided

and published as Task Force reports or they could be divided and published topically with the individual Task Force viewpoints identified in the commentary. In either instance, a question rises as to how differences between the Task Force reports are to be handled. Some obviously will be attributable to the differences between the makeup of the groups. For instance, the creation of an economic crime unit within a large Group C office may have considerable merit. However, such a Standard would be totally inapplicable to a one man, part-time office such as those represented in Group E. There will still be issues which cannot be resolved upon such a basis. For instance, the question of abolishing the exclusionary rule has the same application to a one man Group D office as it would to a large Group C office. Therefore, conflicting action could not be distinguished quite so easily.

The second area of implementation which must now be addressed is the issue of an overall implementation program. Before any program of implementation can be commenced it will be necessary for the NDAA as an organization to adopt and ratify the work of the Task Force groups. It is none too soon to decide how this ratification process is to take place.

Since my role is that of a quantitative evaluator I make no suggestions as to how either of these implementation problems should be resolved. Rather, I point them out so that they might be addressed as soon as possible.

In general, I think that the work of the project has gone satisfactorily. If the issues that I have addressed in this report are dealt with I feel confident that this project will be brought to a highly successful completion and that the work performed will bear considerable fruit.

TO: National District Attorneys Association
National Prosecutorial Standards & Goals Project

FROM: James N. Garber, Executive Director
Criminal Justice Institute

RE: Independent Evaluator Quarterly Report
(October 1, 1975 - December 31, 1975)

DATE: March 8, 1976

The fourth and last of the scheduled rounds of Task Force meetings has been completed. They were held during that period covered by this fourth and final quarterly report. During the course of the final quarter I personally attended three of the six meetings. The first of these meetings was Group C held in Niagara Falls, New York from October 20 - 22, 1975. The second meeting was Task Force D held in Key West, Florida from October 29 - 31, 1975, and the last of these meetings was Task Force F held November 17 - 19, 1975 in San Diego, California. Subsequent to those meetings I met on December 2 with members of staff in Chicago, Illinois to discuss the progress made to date and the plans being made for Phase II, the implementation phase of the project. Since December 2 I have had the opportunity to review all of the Prosecutor-Evaluator reports, all of the reports of the six Task Forces as well as the fourth quarterly report of staff. Based upon these meetings and review, I am pleased to report that, despite earlier apprehension, the first phase of the National Standards and Goals project has been successfully completed on schedule.

In my report submitted for the third quarter I had indicated that the original time frame for completion of the project might have been too ambitious. I based this upon a concern that the commentary would not have

been reviewed by the end of the fourth round of meetings. While this apprehension was not totally unfounded, I am now of the opinion that it was over-emphasized. All six Task Forces completed the drafting of the substantive portions of the Standards and Goals within the first two days of the fourth meeting. This allowed them to spend a good portion of those meetings in discussion of proposed commentary. While I would have preferred that each of those Task Force groups could have agreed upon all the language of the commentary during the fourth round meetings, that was not possible. However, they did agree in principal and, in my judgment, they gave sufficient guidance to staff for the preparation of the commentary. Staff has drafted a commentary package which has been submitted to each of the Task Force members for their comment. I understand that there is now a consensus on the language of the commentary. Since a fifth round of meetings was fiscally impossible and the time frame did not allow approval at the fourth round, this procedure was deemed the next best method. It was an adequate if not the preferred way of accomplishing the desired result.

With the end of Phase I, attention must be focused on Phase II, that of implementation. The staff of the project has already commenced a smooth transition from creation to implementation. For instance, a decision has been made concerning the format in which the Standards and Goals will be published. It will be done topically as opposed to individually by Task Force. A second question concerning the reconciliation of differences between group recommendations has been addressed. It will be recalled that while some of the differences contained in the Standards and Goals can be attributable to the differences between the makeup of the groups, others cannot be so reconciled.

While initially I was of the opinion that it would be necessary to eradicate these differences, I am now impressed that staff's recommendation to indicate majority and minority opinion is the better approach. I am, therefore, satisfied that staff is headed in the right direction regarding this aspect of the project.

The last transitional concern is the adoption or ratification of the Task Force product. The first step in gaining ratification by the National District Attorneys Association will be a series of seminars which will take place during the course of the winter convention to be held in New Orleans on March 6, 1976. Subsequent to that convention, a meeting will be held at which there will be representation from the Task Forces, from the Board of Directors of the NDAA, and from outside agencies. Hopefully, from these meetings will come a consensus which will allow the orderly commencement of Phase II.

In anticipation of this consensus, staff has already prepared a grant application which would fund the second phase of the project. I have had an opportunity to review this grant application and I heartily endorse it. I believe it sets forth a plan which is well conceived and is capable of successful completion within the time frame set forth therein. I believe it contains a budget which is reasonable but sufficient to adequately sustain the project. I hope the request is looked upon favorably by the appropriate funding agencies.

It has been a distinct privilege to have been a part of Phase I of this outstanding project. The cooperation and work of the staff have been excellent. The dedication and enthusiasm of the Task Force members has been a credit to all those working prosecutors who they represented. The work

of the Prosecutor-Evaluators has been invaluable both to staff and to myself.

What appeared at the outset to be a fine idea has now progressed toward becoming a fine accomplishment. My congratulations to all involved.

APPENDIX B

FINAL REPORT
EVALUATION OF
NDAA STANDARDS AND GOALS PROJECT

April 1976

Arthur D. Little, Inc.
Washington, D.C.

SUMMARY AND CONCLUSIONS

The initial year of the NDAA Standards and Goals Project focussed on development of standards in 27 major areas, and included some 275 major standards or sub-parts. NDAA contracted with Arthur D. Little, Inc. (ADL) on March 5, 1976, to evaluate the initial year's effort, focussing particularly on action taken by prosecutors involved in standards development to implement those standards in their jurisdictions.

ADL reviewed the standards and associated working papers, designed a questionnaire, pre-tested that instrument in eight interviews with participating prosecutors, and sent mail questionnaires to the other 39 members of the six standards development Task Forces. The data on which this report is based are from some 44 respondents (eight by interview and 36 by mail) and our conclusions apply specifically only to the jurisdictions represented by those prosecutors.

Major findings are:

- 1) Standards of greatest current relevance for action were in the areas of Trial Procedure, Facilities, Miscellaneous Problems, Courts, and Speedy Trial.
- 2) Implementation effectiveness on those top-ranked standards ranged from 14% to 26% of the possible adoption actions.
- 3) Barriers to implementation were by far most likely to be required actions yet to be taken by other parties, such as the state legislature, the courts, or county boards.

Cost was the second-ranked barrier.

- 4) A large number of standards were already being met in many of the jurisdictions represented on the Task Forces. Twenty of the 27 major standards areas had over 50% of the standards already met for those 44 jurisdictions.
- 5) The impact of standards implementation potentially affects four types of beneficiaries: the public; victims and witnesses; the defendant; and the prosecutor. Impacts are expected to occur in terms of time savings, cost savings, improved information, improved management, enhanced administration of justice, and alternatives to incarceration.
- 6) No specific benefits were estimated or quantified, but implementation strategies are suggested based on the criteria of current importance for action and relatively low implementation action to date.
- 7) While differences are found among Task Forces, the least active jurisdictions seem to be the largest jurisdictions and the one-man offices. The moderate-size jurisdictions, (Task Forces II, III, IV, and V) from about 25,000 to 500,000 in population, all show both a potential action agenda and significant action.

- 8) Implementation emphasis should be on moderate-sized jurisdictions, and on high-ranking standards within those. Our suggested strategy of picking low implementation items within those is based on a premise that standards with higher implementation scores seem to require less effort and, hence, are less in need of emphasis from NDAA.
- 9) Each priority action standard should be examined for its own barriers, but the clear focus should be on inducing other relevant actors to cooperate. Thus, a strategy of identifying which actors need to make what changes is a logical step. Naturally, the prosecutor should already have taken (or be prepared to take) what action he can unilaterally.
- 10) Relatively few prosecutors indicated that they were awaiting formal NDAA adoption of the standards before attempting to meet those standards in their own jurisdictions. It is reasonable to assume that these Task Force participants had a high degree of confidence in the usefulness and validity of the standards which might not be shared by other prosecutors. Therefore, the NDAA role of developing and endorsing a thoroughly prepared and carefully considered set of standards is a potentially important one in gaining wide prosecutor acceptance of the standards. Since many standards have several versions, most jurisdictions will find something to fit their case.

- 11) A major emphasis of subsequent work should be to examine the actual impact of standards--related changes--to identify what tangible impacts occur and affecting whom.

I. OBJECTIVES AND CONTEXT

The objective of this evaluation was to assess the initial year of the NDAA Standards and Goals Project against the primary criterion of the degree to which Task Force member prosecutors attempted to implement standards in their jurisdictions. This criterion clearly has surface validity. If the prosecutors who spent a year developing particular standards and honing the language thereof, are not sufficiently interested to try to make them go in their own jurisdictions, there is little reason to believe that prosecutors at large will exhibit such interest. Such a measure is, however, subject to a number of qualifications. These are important in understanding and interpreting the results of the evaluation.

- The standards, as they now exist, were always viewed as a draft document and wider dissemination was discouraged by NDAA.
- Many of the standards were already in existence and represented a codification by the Task Forces of existing ways of doing business.
- Some of the standards will require significant efforts to persuade other parties to act, notably state legislatures, county boards, or courts.
- Some of these standards will require significant amounts of money to implement, either to pay additional staff, to construct additional facilities, or to perform additional functions.

- There is no assurance that all of the prosecutors from similar jurisdictions have agreed on a particular standard. The way in which the standards were agreed to was a classic one of legislative compromise. If a particular standard was particularly important to two members of a Task Force and they could effect a compromise on which they would agree, the other less interested members of the Task Force were likely to go along.
- Finally, some implementing action will have been taken during the period of time that the Task Forces were active that is essentially unrelated to Task Force activity. One example is the enactment of a new code of criminal procedure which implements some standards, but is a result of activities and actors apart from these prosecutor Task Forces.

Even given these qualifications, it seems reasonable to examine what changes have taken place in the areas covered by the standards since NDAA's project began.

In addition to these factors, some other points which are relevant are the fact that the prosecutor is usually elected and that he is typically busy and his office frequently understaffed. The fact that he must run for election suggests timing considerations about when to implement particular standards, perhaps including preferences to take some actions and not take others immediately before an election. That he is busy and perhaps understaffed suggests only that there may, at any given time, exist reasons why the adoption of standards is not a priority.

Recognizing, then, that inaction need not mean disinterest, and that the next logical phase of a standards effort is dissemination and implementation, we examine here what effects the standards have thus far had on their developers.

II. METHODOLOGY

Our methodology proceeded through six steps: orientation, criteria development and instrument design, instrument testing and revision, data collection, development of analytic plans, and tabulation and analysis.

A. Orientation

The orientation stage includes two primary activities. First, the project director met with NDAA Standards and Goals staff at NDAA headquarters in Chicago, on March 5 and 6, for purposes of talking through the methodology, identifying any problems in data collection or how to get in touch with prosecutors, and securing the mass of written material that was the standards and commentary. The second part of the orientation phase was to thoroughly review the various working papers, including quarterly reports to LEAA, quarterly evaluation reports, meeting agendas and minutes, background papers, summaries of projects, as well as the standards and commentary themselves. The amount of paper was considerable, with the standards and commentary themselves filling nine looseleaf binders.

B. Criteria Development and Instrument Design

The next stage, that of development of evaluative criteria and instrument design, immediately followed the review of all of the working papers and the standards. We defined two evaluation criteria, one related to the current status of each standard in the particular jurisdiction, the other related to the factors affecting implementation. In the first category, we were interested in whether the standard had existed prior to the work of the Task Force, whether an implementation attempt had been made, whether the standard was high or low priority, and whether the standard was now in force in the jurisdiction. In the second category, where a standard had not been implemented or had been implemented since January 1975, we were interested in what other actors had to cooperate, time requirements, cost of implementation, or other reasons that might be informative as to implementation. As we began to design the data gathering instrument, it became apparent that the instrument was going to be very long, and in consequence of that condition, it was important to allow maximum ease of response.

Essentially the same instrument was used both for interviews and for the mailed questionnaire. Summary statements of each standard were arrayed along one side of a matrix.* Across the top of the

*Clearly the use of summary statements of what are for the most part rather complicated standards, may have created some problems of interpretation for the respondents. This is a limitation to the instrument that we recognize. However, it should be noted that all respondents were involved in the drafting of these standards and presumably were more than superficially familiar with them. Further, we received only one comment that a summary version of one standard did not reflect the respondent's full understanding of that standard.

matrix columns were headed with our evaluative criteria. The survey respondents were to answer by placing check marks in the appropriate column opposite each standard or major sub-part of that standard.

C. Testing and Revision

The third stage, that of instrument testing and revision, began with a visit to the NDAA Mid-Winter Meeting in New Orleans for the purpose of conducting interviews with eight prosecutors who were members of the Task Forces. Those interviews served to validate the instrument, with minimal changes required. The changes that were made subsequent to the New Orleans interviews were to clarify the summary statements of a few standards and to add several standards sub-parts that had been left out of the initial instrument. It was also necessary to devise a mail questionnaire protocol and additional instructions. Thus, each of the Task Force members were mailed a questionnaire with a letter outlining the purpose of the questionnaire and the nature and duration of the study. Additionally, they were sent an instruction sheet on how to complete the questionnaire and a separate sheet of definitions for each of the response column headings. Each prosecutor's office was contacted by telephone initially to let him know that the questionnaire was on its way and to solicit his cooperation in responding quickly. Each office was contacted a second time by telephone to see if there were any difficulties in filling out the questionnaire and to resolve those difficulties over the phone. As necessary, some prosecutors' offices were contacted still again, either by members of the ADL team or by NDAA

staff in Chicago. Additionally, the prosecutors were furnished an addressed, postage paid envelope in which to return the questionnaires.

D. Data Collection

The data collection stage was comprised of the interviews in New Orleans (which were used for data collection as well as for pre-testing of the instrument) and the mailed questionnaire phase described above. The New Orleans meeting and interviews took place on March 10 and 11. The revised questionnaires were mailed out on March 15, with a request that they be completed by March 22. We received the last questionnaire tabulated on April 5. Responses were received from 44 of the 47 Task Force members as detailed below in Table 1.

TABLE 1
RESPONSES BY TASK FORCE

Task Force	Universe	# of Responses
I	8	8
II	8	8
III	8	7
IV	7	6
V	8	7
VI	8	8
Total	47	44

E. Analysis Plans

The next stage was the development of analytic plans and procedures. This stage actually began with the design of the instrument and proceeded through initial report drafting. The basic elements of that plan were to tabulate the data as it came in, grouped by Task Force; to analyze the data, both by Task Force and in the aggregate; and

to further analyze the data in terms of priority subject matter areas identified by the prosecutors, the level of implementation of each standards area, and the nature and importance of barriers to implementation.

F. Tabulation and Analysis

Finally, we needed to go through the actual process of tabulating and analyzing the data. The next sections of this report detail the findings, report the analysis, and draw conclusions from that data. Here we will describe the analytic techniques used.

The first problem was to determine how to handle the amount of data generated. We had responses from 44 prosecutors to each of some 275 standards or pieces of standards. Further, with respect to many of those standards we had multiple responses, as for instance, when both an action status was identified and the barriers or factors affecting implementation were also identified. Thus, if we were to present all of the data, according to seven different categories of action status and an additional five categories of barriers or factors affecting implementation (three of them divided into at least three sub-factors) we would have needed a matrix that had 275 rows and at least 12 columns. Clearly, that was impractical, both for analysis and for understanding. The question, then, was how to reduce the data such that analysis was manageable, the data retained meaning and some useful ordering could be done.

Our first decision was to specify the objectives of analyzing the action status responses. We decided on three areas of interest. We were interested in determining the importance of the standards

to the prosecutors, the degree to which the standards had been implemented, and the degree to which the standards were already the customary way of doing business in the jurisdiction.

1. Assessing Importance

In order to identify the standards that were considered most important by each Task Force and in the aggregate, we devised a measure called the J-Score. The J-Score is the sum of the responses to three categories, "implementation attempt--high priority", "no implementation attempt but high priority", and "office now in compliance". Thus, for any individual standard, the J-Score represents the aggregate assessment of the prosecutors that it is both relevant and actionable. The measure deliberately excludes those standards that were already in existence (since they are not actionable), as well as those that the prosecutor considers to be of low priority. The J-Score is entered on the charts that we display in the next section. The absolute value of the score is meaningless taken alone. It is useful as a way of comparing differing standards or of the same standard from different Task Forces, to enable ranking of the standards according to their relevance for action.

For the J-Score rating as well as for the other quantitative assessments to be done, we have grouped the standards into areas. For example, rather than deal with the separate sub-parts of the area of Pre-Trial Release, we have compiled a J-Score for the entire standards area of Pre-Trial Release. This reduces the number of separate parts that require analysis from 275 to 27, but it serves an analytic purpose beyond making the data more

manageable. First, it gives us numbers that are large enough to allow some reasonable discrimination as to the importance of particular areas which is not possible if we dealt with each major sub-part of a section by each Task Force, since the maximum possible number of responses for a Task Force was eight. Secondly, the numbers are larger where the standards area has a greater number of major sub-parts, allowing the numbers to be particularly large when that standards area is particularly needful of action and of particular importance to the prosecutors. This means, as will be seen in the Findings section, that standards with many sub-parts, such as Trial Procedure, will have a greater likelihood of being rated as particularly important (as reflected by a high J-Score). However, they will be rated as particularly important only to the extent that the sub-parts had not been implemented prior to the Standards and Goals effort and that they are considered of high priority by the participating prosecutors.

2. Implementation

The second view we wanted to take of the standards was the degree to which implementation action had taken place. This is recorded in two ways: first, as the absolute number of implementation actions that have occurred as measured by response to the column "Office now in compliance", and second, by computing a percentage of implementation effectiveness. That percentage is the number of implementation actions divided by the J-Score. Thus, we are measuring the percentage of instances in which a standard was implemented, where it was regarded as important. We recognize

that in some instances the fact that the jurisdiction is now in compliance with a particular standard may not be directly related to an individual prosecutor's action or to his involvement in the Standards and Goals effort. For example, where a state enacts a new code of criminal procedure, some of the standards may now be implemented as a consequence of actions quite apart from the member prosecutors' initiatives. We have counted such actions regardless, believing that many such changes are likely to be the results of the efforts of many parties over a prolonged period of time in which prosecutors will probably have played a role.

3. Ratifying the Status Quo

The third area in which we were interested was the degree to which the standards adopted were already customary ways of doing business in the various jurisdictions. It seemed clear that, to some extent, Task Forces found it important to codify as standards of the prosecutorial profession things that had long been in practice in many jurisdictions. Identifying the degree to which this was so was important both so that we could get a handle on implementation attempts within the appropriate context, and so that we could examine the degree of action necessary from one Task Force to another. There would seem to be merit in codifying such customary ways of doing business, both as an expression by prosecutors that this is necessary and appropriate to the conduct of the public business, and as expressions of standards against which prosecutors feel it is reasonable for the public to measure

their performance. The percentage of instances that Task Forces concerned themselves with matters already accomplished, albeit not necessarily by way of written requirement, is examined in the analysis.

Finally, on the standards recently implemented or not yet acted upon, we were interested in the factors related to implementation, including cost, the need for other parties to take action, time required, and the possible contribution of adoption of the standards by NDAA. Thus, the prosecutors were asked to respond to whether those factors were important to the implementation of the standard.

In the findings section which follows, we shall explore findings according to four categories:

- the J-Score index of relevance and actionability;
- implementation effectiveness;
- factors or barriers affecting implementation; and
- benefits or impacts of enactment.

In the closing section on benefits of enactment, we shall explore the implications of these findings, particularly to NDAA as they move toward adopting the standards, distributing them to prosecutors throughout the country, and urging their formal implementation in individual jurisdictions.

III. ANALYSIS AND FINDINGS

A. Relative Importance of Standards

As shown on Chart I, the most important standards areas for these, the smallest jurisdictions represented in the Task Forces, were as follows: Trial Procedure, Speedy Trial, Courts, Screening, and Diversion. However, only Trial Procedure stands out from the rest as of particular actionable relevance.

Clearly, at the bottom of the list are those standards areas dealing with Police, Defense, Fair Trial/ Free Press, the Charging Decision, Use of Grand Jury, and Additional Research Resources.

However, it is difficult to draw a line based on our J-Score index of relevance to distinguish the standards of least and only of moderate import.

For Task Force II, as seen on Chart II, Trial Procedures once again heads the list, although it is very closely followed by the standards areas concerned with Facilities, Diversion, Speedy Trial and Pre-Trial Release. At the bottom of the list appear Corrections, the Charging Decision, Defense, and Free Trial/Free Press. Once again, it is difficult to distinguish between those standards of moderate import and those of little import. Generally speaking, the J-Score index is higher for a greater number of standards than for Task Force I. That would suggest the possibility of reasonable change in these jurisdictions is somewhat greater than in the one-man offices.

CHART I

TASK FORCE I

STANDARDS RANKED BY IMPORTANCE
(J-SCORE INDEX)

Standard	J-Score	No. of Imple- mentation Actions	Implementation Effectiveness	Factors Affecting Implementation			
				Cost Factor	Other Actors a Factor	Time Factor	NDA Adoption
Trial Procedure (17)	38	2	.05	4	42	1	0
Speedy Trial (15)	18	1	.05	0	21	2	0
Courts (21)	18	1	.06	4	34	7	1
Screening (8)	12	3	.25	3	4	2	0
Diversion (11)	11	3	.27	2	5	3	0
The Prosecutor (1)	10	2	.20	3	15	4	0
Discovery/Disclosure (13)	9	4	.44	0	5	0	0
Staff Personnel (3)	8	1	.12	8	11	1	0
Investigative Function (7)	7	0	0	1	10	0	0
Pre-Trial Release (10)	7	0	0	0	26	0	0
Miscellaneous Problems (19)	7	0	0	2	25	1	0
Training (4)	6	0	0	0	10	0	0
Pre-Trial Appearances (12)	5	0	0	1	11	0	0
Corrections (22)	5	0	0	2	9	1	0
Post-Trial Procedure (18)	4	0	0	1	7	1	0
External Responsibilities (27)	4	1	.25	2	3	1	0
Plea Negotiations (16)	3	0	0	0	3	0	0
Professional Ethics (25)	3	1	.33	0	1	1	0
Intergovernmental Role (2)	2	1	.50	1	1	1	0
Facilities (5)	2	0	0	8	18	0	0
Office Policy & Procedure (6)	2	0	0	1	0	3	0
The Charging Decision (9)	1	1	1.00	9	0	0	0
The Grand Jury (14)	1	0	0	0	4	0	0
Additional Research Resources (24)	1	1	1.00	1	3	0	0
Fair Trial/Free Press (26)	1	0	0	1	1	1	0
Police (20)	0	0	-	0	0	0	0
Defense (23)	0	0	-	0	2	0	0

CHART II

TASK FORCE II

STANDARDS RANKED BY IMPORTANCE (J-SCORE INDEX)

Standard	J-Score	No. of Imple- mentation Actions	Implementation Effectiveness	Factors Affecting Implementation			
				Cost Factor	Other Actors a Factor	Time Factor	NDAA Adoption
Trial Procedure (17)	23	10	.43	8	41	7	1
Facilities (5)	21	5	.24	19	19	4	1
Diversion (11)	20	2	.10	17	24	14	1
Speedy Trial (15)	18	4	.22	2	20	2	0
Pre-Trial Release (10)	17	10	.59	2	15	2	0
Miscellaneous Problems (19)	13	1	.08	0	17	2	4
Courts (21)	12	6	.50	2	13	0	2
Staff Personnel (3)	11	3	.27	9	15	2	0
Investigative Function (7)	11	3	.27	4	9	3	0
Screening (8)	11	2	.18	5	4	7	2
Pre-Trial Appearances (12)	11	6	.54	0	19	1	0
Discovery/Disclosure (13)	11	5	.45	1	13	0	0
Office Policy & Procedures (6)	10	4	.40	6	2	5	1
The Prosecutor (1)	8	0	0	8	19	4	2
External Responsibilities (27)	6	4	.40	3	2	1	0
Plea Negotiations (16)	5	2	.40	2	7	4	2
Training (4)	4	1	.25	1	12	2	1
The Grand Jury (14)	3	2	.66	3	5	0	0
Additional Research Resources (24)	3	1	.33	2	2	0	1
Intergovernmental Role (2)	2	1	.50	0	1	0	0
Post-Trial Procedure (18)	2	0	0	0	2	0	1
Police (20)	2	0	0	2	0	0	1
Professional Ethics (25)	2	2	1.00	0	0	0	0
Corrections (22)	1	1	1.00	0	0	0	1
The Charging Decision (9)	0	0	-	0	0	0	0
Defense (23)	0	0	-	0	0	0	0
Free Trial/Free Press (26)	0	0	-	0	0	0	0

For Task Force III, as shown on Chart III, clustered at the top of the list are the standards areas dealing with Trial Procedure and Facilities. Rather clearly at the bottom of their relevance and importance assessment are those dealing with Corrections, Additional Research Resources, Professional Ethics, Intergovernmental Role, Defense, and Fair Trial/Free Press. Here the separation between the top two standards areas and those in the middle is somewhat more sharply defined than in the case of Task Force II, suggesting what may be a somewhat clearer focus of standards considered appropriate by Task Force III participants.

For Task Force IV, as shown on Chart IV, far and away the most important area of standards was Trial Procedure. We should note that Trial Procedure is also the standards area with the greatest number of sub-parts, suggesting that it is considered important by most prosecutors, but also giving it greater possible rank than other standards, at least to the extent that the sub-parts have not been implemented in the jurisdiction. Following in importance are identified the standards dealing with Speedy Trial, Miscellaneous Problems, and Courts. Then there is a cluster that includes Facilities, Pre-Trial Release, Pre-Trial Appearances, and Post-Trial Procedure. At the bottom of the list, rather clearly, are Charging Decision, Additional Research Resources, Intergovernmental Role, and Fair Trial/Free Press. Since this is the first Task Force we have examined in which the

CHART III
TASK FORCE III
STANDARDS RANKED BY IMPORTANCE
(J-SCORE INDEX)

Standard	J-Score	No. of Implementation Actions	Implementation Effectiveness	Factors Affecting Implementation			
				Cost Factor	Other Actors a Factor	Time Factor	NDA Adoption
Trial Procedure (17)	36	9	.25	8	36	2	9
Facilities (5)	34	15	.44	12	12	8	0
Diversion (11)	19	6	.31	1	1	1	4
Miscellaneous Problems (19)	18	4	.22	6	22	5	6
Courts (21)	14	7	.50	6	14	3	5
Office Policy & Procedure (6)	12	3	.25	5	0	9	0
Staff Personnel (3)	11	2	.18	7	10	1	0
The Prosecutor (1)	11	1	.11	8	13	0	0
Speedy Trial (15)	11	0	0	4	15	1	4
Screening (8)	11	5	.45	3	2	2	0
Training (4)	11	0	0	4	13	4	2
Post-Trial Procedure (18)	9	0	0	3	18	3	6
Pre-Trial Appearances (12)	8	5	.63	0	4	0	1
Investigative Function (7)	7	1	.14	2	8	3	0
The Charging Decision (9)	5	1	.20	1	2	1	0
Discovery/Disclosure (13)	5	4	.80	0	1	0	0
Police (20)	5	3	.60	1	2	0	1
External Responsibilities (27)	5	2	.40	2	2	2	0
Pre-Trial Release (10)	4	2	.50	1	2	0	0
Plea Negotiations (16)	4	3	.75	0	1	0	1
The Grand Jury (14)	2	0	0	0	1	0	0
Corrections (22)	1	0	0	0	1	0	0
Additional Research Resources (24)	1	0	0	1	1	1	0
Professional Ethics (25)	1	1	1.00	0	2	0	0
Intergovernmental Role (2)	0	0	-	0	0	0	0
Defense (23)	0	0	-	0	0	0	0
Fair Trial/Free Press (26)	0	0	-	0	0	0	0

CHART IV

TASK FORCE IV

STANDARDS RANKED BY IMPORTANCE (J-SCORE INDEX)

Standard	J-Scores	No. of Imple- mentation Actions	Implementation Effectiveness	Factors Affecting Implementation			
				Cost Factor	Other Actors a Factor	Time Factor	NDA Adoption
Trial Procedure (17)	51	17	.33	9	81	0	0
Speedy Trial (15)	25	6	.24	0	24	0	0
Miscellaneous Problems (19)	21	6	.29	2	18	0	0
Courts (21)	21	6	.29	7	25	0	0
Facilities (5)	18	0	0	18	18	11	0
Pre-Trial Release (10)	15	13	.87	1	16	7	0
Pre-Trial Appearances (12)	15	9	.60	2	14	1	0
Post-Trial Procedure (18)	15	6	.53	0	22	0	0
The Grand Jury (14)	10	5	.50	0	2	0	0
Plea Negotiations (16)	8	6	.75	0	5	0	0
Defense (23)	8	4	.50	0	0	0	1
Office Policy & Procedure (6)	6	1	.17	5	1	4	0
External Responsibilities (27)	6	1	.17	1	2	1	0
The Prosecutor (1)	5	0	0	5	10	1	0
Corrections (22)	5	1	.20	0	0	0	0
Staff Personnel (3)	4	0	0	4	8	2	0
Investigative Function (7)	4	0	0	1	3	0	0
Diversion (11)	4	1	.25	4	2	1	0
Professional Ethics (25)	4	3	.75	0	2	0	0
Screening (8)	3	1	.33	4	1	2	0
Discovery/Disclosure (13)	3	1	.33	0	3	0	0
Training (4)	2	0	0	3	13	0	0
Police (20)	2	0	0	1	0	0	0
The Charging Decision (9)	1	1	1.00	1	0	0	0
Additional Research Resources (24)	1	0	0	1	1	0	0
Intergovernmental Role (2)	0	0	-	0	0	0	0
Fair Trial/Free Press (26)	0	0	-	0	0	0	0

area labelled "Miscellaneous Problems" appears ranked quite highly, we should note that this chapter of the standards deals with a diversity of problems ranging from a standard relating to unified prosecution of both misdemeanors and felonies, juvenile prosecution problems, civil commitment, incompetency proceedings, welfare law enforcement, URESA implementation, extradition, and environmental law enforcement. A standard urging that the exclusionary rule be abolished is also included in this miscellaneous problems section.

For Task Force V (Chart V), once again Trial Procedure is far and away considered the most important actionable area identified, followed by a cluster that includes Miscellaneous Problems, Facilities, Courts, Pre-Trial Release and Pre-Trial Appearances. Thus, except for the exclusion by Task Force V of Speedy Trial and Post-Trial Procedure as being among their top priorities, the ranking is virtually the same as that of Task Force IV. At the bottom of the list are the standards dealing with Inter-governmental Role and the Charging Decision.

Task Force VI, the Task Force representing the largest jurisdictions, as shown on Chart VI, has the standard dealing with Facilities as the most important area, followed by a cluster including Trial Procedures, Miscellaneous Problems, Staff Personnel and Courts. A large number of standards are clearly of considerably less importance in the view of these prosecutors. Additionally, the

CHART V

TASK FORCE V

STANDARDS RANKED BY IMPORTANCE
(J-SCORE INDEX)

Standard	J-Score	No. of Imple- mentation Actions	Implementation Effectiveness	Factors Affecting Implementation			
				Cost Factor	Other Actors a Factor	Time Factor	NDA Adoption
Trial Procedure (17)	43	15	.35	3	36	0	0
Miscellaneous Problems (19)	22	10	.45	1	18	0	0
Facilities (5)	21	4	.19	11	11	0	0
Courts (21)	21	7	.33	9	24	1	0
Pre-Trial Release (10)	18	14	.78	0	4	0	0
Pre-Trial Appearances (12)	17	13	.76	0	3	0	1
Staff Personnel (3)	13	2	.15	8	15	0	0
Training (4)	11	0	0	1	11	0	0
Office Policy & Procedure (6)	11	4	.36	2	2	2	0
Speedy Trial (15)	11	2	.18	2	18	0	0
Plea Negotiations (16)	9	7	.78	0	2	0	0
Post-Trial Procedure (18)	9	7	.78	0	3	0	0
Screening (8)	8	4	.50	1	2	1	0
Discovery/Disclosure (13)	8	7	.88	0	3	0	0
The Prosecutor (1)	7	0	0	2	8	0	0
Police (20)	7	5	.71	1	2	1	0
External Responsibilities (27)	7	5	.71	0	0	0	0
Defense (23)	6	6	1.00	0	2	1	0
Fair Trial/Free Press (26)	6	5	.83	0	1	0	0
Investigative Function (7)	4	0	0	1	11	0	0
Diversion (11)	3	1	.33	1	1	0	0
The Grand Jury (14)	3	0	0	1	5	0	0
Corrections (22)	3	2	.67	0	1	0	0
Additional Research Resources (24)	3	2	.67	0	1	0	0
Professional Ethics (25)	3	3	1.00	0	0	0	0
Intergovernmental Role (2)	0	0	-	0	0	0	0
The Charging Decision (9)	0	0	-	0	0	0	0

CHART VI

TASK FORCE VI

STANDARDS RANKED BY IMPORTANCE
(J-SCORE INDEX)

Standard	J-Score	No. of Implementation Actions	Implementation Effectiveness	Factors Affecting Implementation			
				Cost Factor	Other Actors a Factor	Time Factor	NDA Adoption
Facilities (5)	40	5	.13	14	19	18	0
Trial Procedures (17)	23	3	.13	3	39	0	8
Miscellaneous Problems (19)	20	0	0	2	25	1	1
Staff Personnel (3)	18	1	.06	8	24	8	0
Courts (21)	16	0	0	4	13	0	0
Post-Trial Procedure (18)	11	0	0	1	22	0	2
Speedy Trial (15)	9	0	0	1	15	1	1
Office Policy and Procedure (6)	9	1	.11	5	8	3	0
Screening (8)	6	1	.17	1	3	5	0
Training (4)	5	0	0	1	5	0	0
Investigative Function (7)	4	1	.25	0	2	1	1
Additional Research Resources (24)	4	2	.50	2	4	0	0
The Prosecutor (1)	4	1	.25	1	6	1	0
The Grand Jury (14)	3	0	0	0	5	0	5
Discovery/Disclosure (13)	3	0	0	1	5	1	0
Intergovernmental Role (2)	3	0	0	1	1	1	0
Corrections (22)	2	1	.50	0	2	0	1
Diversion (11)	2	2	1.00	0	0	1	0
External Responsibilities (27)	2	0	0	1	2	1	1
Pre-Trial Release (10)	1	0	0	1	3	0	1
The Charging Decision (9)	1	0	0	0	0	1	0
Pre-Trial Appearances (12)	1	0	0	1	3	2	1
Plea Negotiations (16)	1	0	0	1	3	1	0
Police (20)	1	1	1.00	0	1	0	0
Professional Ethics (25)	1	0	0	0	0	1	0
Fair Trial/Free Press (26)	1	1	1.00	0	0	0	0
Defense (23)	0	0	-	0	0	0	0

J-Score index of relevance, although generally comparable with all of the other jurisdictions at the top, drops to quite low numbers very quickly.

Examining the numbers in the aggregate, as shown on Chart VII, the area of standards seen as most important is Trial Procedure. That area is then followed by a cluster that includes Facilities, Miscellaneous Problems, Courts, and Speedy Trial. There is a rather large middle ground running through over a dozen standards. Clearly at the bottom would be the standards dealing with Intergovernmental Role, Fair Trial/Free Press, and the Charging Decision.

The standards area concerned with Trial Procedure was ranked as the most important area by five of the six Task Forces, and for Task Force VI it was ranked second. In three Task Forces it was far and away the most important area of potential action. In the others, it was not separated by very much from other problems, usually including Facilities. Consistently at or near the bottom of this index of relevance were such standards as those dealing with Fair Trial/Free Press, the Intergovernmental Role of the prosecutor, the Charging Decision, and Additional Research Resources.

There are some interesting and probably predictable differences between the Task Forces. At the level of the smallest jurisdiction, the one-man offices, Trial Procedure is clearly the most important set of standards as they see it, and the standards drop off in importance and actionability fairly quickly. This may well be because there is a limited amount that one man can reasonably

CHART VII

AGGREGATED TASK FORCES

STANDARDS RANKED BY IMPORTANCE (J-SCORE INDEX)

Standard	J-Score	No. of Imple- mentation Actions	Implementation Effectiveness	Factors Affecting Implementation			
				Cost Factor	Other Actors a Factor	Time Factor	NDAA Adoption
Trial Procedure (17)	214	56	.26	35	285	10	18
Facilities (5)	136	29	.21	82	97	41	1
Miscellaneous Problems (19)	102	21	.21	13	125	9	15
Courts (21)	102	27	.26	32	123	11	8
Speedy Trial (15)	92	13	.14	9	113	8	5
Staff Personnel (3)	65	9	.14	44	83	14	0
Pre-Trial Release (10)	62	39	.63	5	66	9	1
Diversion (11)	59	15	.25	25	33	20	5
Pre-Trial Appearances (12)	57	33	.58	4	54	4	3
Screening (8)	51	16	.31	17	16	19	2
Post-Trial Procedure (18)	50	15	.30	5	74	4	9
Office Policy & Procedure (6)	50	13	.26	24	13	26	1
The Prosecutor (1)	45	4	.09	27	71	10	2
Discovery/Disclosure (13)	39	21	.54	2	30	1	0
Training (4)	39	1	.03	10	64	6	3
Investigative Function (7)	37	5	.13	9	43	7	1
Plea Negotiations (16)	30	18	.60	3	21	5	3
External Responsibilities (27)	30	11	.37	9	11	7	1
The Grand Jury (14)	22	7	.31	4	22	0	5
Police (20)	17	9	.53	5	5	1	2
Corrections (22)	17	5	.29	2	13	1	2
Defense (23)	14	10	.71	0	4	1	1
Professional Ethics (25)	14	10	.71	0	5	2	0
Additional Research Resources (24)	13	6	.46	7	12	1	2
The Charging Decision (9)	8	3	.38	11	2	2	0
Fair Trial/Free Press (26)	8	6	.75	1	2	1	0
Intergovernmental Role (2)	7	2	.29	2	3	2	0

CONTINUED

1 OF 2

try to change and a limited number of changes that are likely to make sense in that jurisdiction. A somewhat similar pattern is seen in the largest jurisdiction, represented by Task Force VI. Once again Trial Procedures is at the top, but after the initial three standards are ranked, the drop off in importance is pronounced. Very quickly, the number of instances in which a standard is not yet implemented and considered of high priority drops to very small numbers. It seems likely that in these jurisdictions, most of the standards already are in place or they have been considered previously. The J-Score index starts slightly lower and decreases more rapidly for Task Force VI than is the case with Task Forces IV or V. Although Task Force VI starts slightly higher than Task Forces II and III, the same pattern of rapidly decreasing J-Scores is evident. It would seem then, that the Task Forces representing jurisdictions of moderate size, less than 500,000 and perhaps greater than 50,000, thus including Task Forces III, IV and V and similar jurisdictions would certainly be the most appropriate targets for these standards. Task Force II represented a population of less than 50,000, although the actual participating jurisdictions had an average population of some 31,000. According to the data reported here, such jurisdictions would also be appropriate targets, although perhaps they should be redefined to be jurisdictions with a population of 25-50,000.

B. Implementation

As shown on Charts I to VII, there is a good deal of variation in the number of implementation actions taken and the implementation effectiveness for any single standard as between Task Forces, and from one standard to another within Task Forces. The most dramatic differences again occur for the largest and smallest jurisdictions when compared with moderate or medium size jurisdictions. For Task Force VI, representing the largest jurisdictions, only seven of the 27 major areas of standards showed any implementation action at all. The reasons are likely to be extensions of the reasons offered above in the analysis of which standards were most relevant and important. Many of these standards will pre-exist the project in large jurisdictions; where that is not the case, many of the standards will probably previously have been examined and found wanting for some reason.

For the one-man offices represented by Task Force I, some 13 of the 27 areas of standards showed some implementation action. By and large, however, the implementation effectiveness was relatively low, especially for those standards ranked by the Task Force as being most relevant.

Examining the implementation effectiveness of the five most important standards for each Task Force and in the aggregate, the small to medium size jurisdictions clearly stand apart from the one-man offices and the largest jurisdictions.

FIGURE 1

IMPLEMENTATION EFFECTIVENESS OF MOST IMPORTANT STANDARDS

Standard Ranking No.	Task Forces						Aggregate
	I	II	III	IV	V	VI	
1	.05	.43	.25	.33	.35	.13	.26
2	.05	.24	.44	.24	.45	.13	.21
3	.06	.10	.31	.29	.19	0	.21
4	.25	.22	.22	.29	.33	.06	.26
5	.27	.59	.50	0	.78	0	.14

On the whole, Task Forces II through V have been more successful at implementation. If they are representative of their types of jurisdictions, it may indicate greatest pay-off in those jurisdictions. We shall comment on the barriers to implementation in the following section.

One additional factor which constrains the implementation effort is the degree to which the individual Task Forces were working on an agenda which represents already existing ways of doing business. To some significant extent the Task Forces both individually and collectively were adopting standards that were already met in many jurisdictions. Charts VIII to XIV represent the results by Task Force and in the aggregate, of this percentage of standards met prior to January 1975. In effect, this ratification of the status quo was strongest in the largest jurisdictions as represented by Task Force VI, where only eight areas of standards

CHART VIII

TASK FORCE I

PERCENTAGE OF STANDARDS MET PRIOR TO JANUARY 1975

Standard	Score
Office Policy & Procedure (6)	.19
Training (4)	.29
Facilities (5)	.38
Additional Research Resources (24)	.38
Diversion (11)	.41
Screening (8)	.41
Staff Personnel (3)	.46
Courts (21)	.48
Professional Ethics (25)	.50
Speedy Trial (15)	.53
Pre-Trial Appearances (12)	.56
Investigative Function (7)	.58
The Prosecutor (1)	.58
External Responsibilities (27)	.63
Miscellaneous Problems (19)	.66
Trial Procedure (17)	.66
Discovery/Disclosure (13)	.73
Corrections (22)	.75
Post-Trial Procedure (18)	.76
The Grand Jury (14)	.80
Plea Negotiations (16)	.81
Intergovernmental Role (2)	.83
Police (20)	.84
The Charging Decision (9)	.85
Pre-Trial Release (10)	.91
Defense (23)	.92
Fair Trial/Free Press (26)	.94

CHART IX

TASK FORCE II

PERCENTAGE OF STANDARDS MET PRIOR TO JANUARY 1975

Standard	Score
Additional Research Resources (24)	.12
Training (4)	.21
Facilities (5)	.26
Diversion (11)	.30
Office Policy & Procedure (6)	.31
Staff Personnel (3)	.36
Courts (21)	.37
Investigative Function (7)	.42
External Responsibilities (27)	.44
Miscellaneous Problems (19)	.45
Speedy Trial (15)	.47
The Grand Jury (14)	.50
Trial Procedure (17)	.50
Professional Ethics (25)	.50
Corrections (22)	.53
Pre-Trial Appearances (12)	.54
Discovery/Disclosure (13)	.55
Screening (8)	.57
Police (20)	.59
Post-Trial Procedure (18)	.62
The Prosecutor (1)	.67
Pre-Trial Release (10)	.72
Plea Negotiations (16)	.74
Fair Trial/Free Press (26)	.78
Defense (23)	.81
Intergovernmental Role (2)	.96
The Charging Decision (9)	.97

CHART X

TASK FORCE III

PERCENTAGE OF STANDARDS MET PRIOR TO JANUARY 1975

Standard	Score
Training (4)	.24
Facilities (5)	.37
Diversion (11)	.41
Office Policy & Procedure (6)	.45
Investigative Function (7)	.49
Speedy Trial (15)	.50
Pre-Trial Appearances (12)	.53
Screening (8)	.57
Miscellaneous Problems (19)	.57
Post-Trial Procedure (18)	.59
Staff Personnel (3)	.60
The Prosecutor (1)	.64
Trial Procedure (17)	.67
Courts (21)	.68
External Responsibilities (27)	.71
Additional Research Resources (24)	.71
The Charging Decision (9)	.74
Discovery/Disclosure (13)	.74
The Grand Jury (14)	.78
Plea Negotiations (16)	.79
Professional Ethics (25)	.79
Pre-Trial Release (10)	.80
Police (20)	.82
Corrections (22)	.82
Fair Trial/Free Press (26)	.96
Intergovernmental Role (2)	1.00
Defense (23)	1.00

CHART XI

TASK FORCE IV

PERCENTAGE OF STANDARDS MET PRIOR TO JANUARY 1975

Standard	Score
Facilities (5)	.23
Training (4)	.28
Courts (21)	.34
Office Policy & Procedure (6)	.39
Additional Research Resources (24)	.42
Speedy Trial (15)	.43
Trial Procedure (17)	.47
Professional Ethics (25)	.50
External Responsibilities (27)	.50
Miscellaneous Problems (19)	.51
Staff Personnel (3)	.54
Diversion (11)	.55
Pre-Trial Appearances (12)	.55
The Prosecutor (1)	.56
Post-Trial Procedure (18)	.56
Corrections (22)	.58
The Grand Jury (14)	.62
Pre-Trial Release (10)	.64
Screening (8)	.67
Police (20)	.67
Defense (23)	.69
Investigative Function (7)	.70
Discovery/Disclosure (13)	.73
Plea Negotiations (16)	.81
Intergovernmental Role (2)	.83
Fair Trial/Free Press (26)	.83
The Charging Decision (9)	.97

CHART XII

TASK FORCE V

PERCENTAGE OF STANDARDS MET PRIOR TO JANUARY 1975

Standard	Score
Training (4)	.24
Office Policy & Procedure (6)	.31
Additional Research Resources (24)	.36
Facilities (5)	.43
Courts (21)	.47
Investigative Function (7)	.51
Miscellaneous Problems (19)	.51
Staff Personnel (3)	.52
The Grand Jury (14)	.53
Post-Trial Procedure (18)	.54
External Responsibilities (27)	.54
Screening (8)	.57
Diversion (11)	.58
Pre-Trial Appearances (12)	.58
Discovery/Disclosure (13)	.61
Trial Procedure (17)	.61
Corrections (22)	.61
Speedy Trial (15)	.63
Professional Ethics (25)	.64
The Prosecutor (1)	.67
Police (20)	.68
Pre-Trial Release (10)	.69
Defense (23)	.71
Fair Trial/Free Press (26)	.78
Plea Negotiations (16)	.79
The Charging Decision (9)	.91
Intergovernmental Role (2)	1.00

CHART XIII

TASK FORCE VI

PERCENTAGE OF STANDARDS MET PRIOR TO JANUARY 1975

Standard	Score
Speedy Trial (15)	.33
Miscellaneous Problems (19)	.39
Training (4)	.42
Additional Research Resources (24)	.50
Courts (21)	.56
Post-Trial Procedure (18)	.58
Facilities (5)	.58
Staff Personnel (3)	.63
Diversion (11)	.66
Trial Procedure (17)	.69
Pre-Trial Appearances (12)	.70
Discovery/Disclosure (13)	.70
The Grand Jury (14)	.70
External Responsibilities (27)	.72
Screening (8)	.77
The Prosecutor (1)	.80
Office Policy & Procedure (6)	.83
Investigative Function (7)	.88
Professional Ethics (25)	.88
Pre-Trial Release (10)	.89
Police (20)	.91
Plea Negotiation (16)	.93
Fair Trial/Free Press (26)	.94
The Charging Decision (9)	.95
Defense (23)	.96
Intergovernmental Role (2)	.96
Corrections (22)	1.00

CHART XIV

AGGREGATED TASK FORCES

PERCENTAGE OF STANDARDS MET PRIOR TO JANUARY 1975

Standard	Score
Training (4)	.28
Facilities (5)	.38
Additional Research Resources (24)	.41
Office Policy & Procedure (6)	.42
Speedy Trial (15)	.48
Diversion (11)	.50
Courts (21)	.50
Staff Personnel (3)	.52
Miscellaneous Problems (19)	.52
Pre-Trial Appearances (12)	.58
External Responsibilities (27)	.59
Screening (8)	.59
Investigative Function (7)	.60
Trial Procedure (17)	.60
Post-Trial Procedure (18)	.61
Professional Ethics (25)	.64
The Prosecutor (1)	.66
The Grand Jury (14)	.66
Discovery/Disclosure (13)	.67
Corrections (22)	.72
Police (20)	.76
Pre-Trial Release (10)	.78
Plea Negotiations (16)	.81
Defense (23)	.86
Fair Trial/Free Press (26)	.88
The Charging Decision (9)	.90
Intergovernmental Role (2)	.93

were less than two-thirds complied with already. For the other Task Forces, from one-half to two-thirds of the Task Force areas were less than two-thirds complied with. The Charts VIII to XIV array the Task Force areas in ascending order of previously existing standards. That is, the standard area in which the smallest percentage of standards were previously met for the jurisdictions represented by that Task Force is listed first, the standard area which is next least met is listed second, and so forth. These status quo ratings were derived by determining the percentage of prosecutors for each standards area who had previously met that standard within their jurisdiction prior to January 1975. Thus, the index score on the chart is the total number of responses for each standard area that indicated that standard (sub-part by sub-part) was previously in existence, divided by the total number of possible such responses. As the aggregated Task Force Chart XIV shows, in only seven of the 27 areas was the "status quo index" 50 percent or less. Thus, in 20 of the areas, the standards adopted were more likely to pre-exist in these jurisdictions than not. There is, of course, some merit in writing down such standards so that they may be used as a measure of adequacy of the prosecutor's office, and by extension, an agenda for areas needing improvement.

We shall comment in the section on impacts on some implementation strategy choices. It may be useful to consider, however, how the most important standards (as measured by J-Socres) fit with this "status quo" ranking. One would hope to find the standards ranking high among the standards areas of relatively low "status quo" scores.. That would tend to confirm both the possibility for action and the importance of action. Indeed, six of the most important standards are in the ten areas which are least likely to already be in place. Further, taking a score of .66 as a cut-off, which means that the standards area still needs action in at least one-third of the cases, only one of the top ranking standards (Pre-Trial Release) would be excluded.

The standards which are least likely to already exist and which were not ranked high are those dealing with Training, Office Policy and Procedure, and Additional Research Resources.

The most important standards and their corresponding status quo scores, are:

<u>J-Score Rank</u>	<u>Standard</u>	<u>% Met Prior to January 1975</u>
1.	Trial Procedure	.60
2.	Facilities	.38
3.	Miscellaneous Problems	.52
4.	Courts	.50
5.	Speedy Trial	.48
6.	Staff Personnel	.52
7.	Pre-Trial Release	.78
8.	Diversion	.50
9.	Pre-Trial Appearance	.58
10.	Screening	.59

C. Barriers to Standard Implementation

Presented in this section is an analysis of the major barriers to the implementation of the standards developed by the NDAA Standards and Goals Project Task Forces. The specific barriers of interest here are as follows:

- Costs (high, moderate, low)
- Action of Others (courts, county councils, state legislature, others)
- Time Requirements (6 months, 3-6 months, 1-3 months)
- Disagree with Standard (not needed)
- Awaiting NDAA Adoption

They will be examined (by individual Task Force and in the aggregate) with respect to the following:

- Frequency of Major Barriers
- Internal Analysis of Specific Barriers
- Analysis of Most Significant Barriers

TASK FORCE I

1. Frequency of Major Barriers

Task Force I has clearly cited the actions of others (specifically the courts, county councils, state legislatures, etc.) as the primary barrier to the implementation of standards, as 65% of the total responses fell into this category.

FIGURE 2

DISTRIBUTION OF BARRIERS TO STANDARD IMPLEMENTATION

	Cost	Action of Others	Time Requirement	Disagree (not needed)	NDAA Adoption	TOTAL
Response Frequency	54	271	30	64	1	420
% of all Total	.13	.65	.07	.15	.002	1.00

Fifteen percent of the responses suggested that the reasons for not implementing were due to the fact that the prosecutor's office saw no need for or disagreed with the standards in questions. Costs (13% of all barrier responses) were an even smaller barrier to implementation, while the time requirements represented 7% of all responses. The area which appears to have had no influence on the smaller jurisdictions' adoption of standards is formal NDAA approval (.2%).

2. Analysis of Specific Barriers

The following is an analysis of responses to sub-areas of each barrier.

COST

	H	M	L	Total
Frequency of Response	22	13	11	46
% of Total Responses	.48	.28	.24	1.00

TIME REQUIREMENTS

	6 mo.	3-6 mo.	1-3 mo.	Total
Frequency of Response	18	5	7	30
% of Total Responses	.60	.17	.23	1.00

OTHER ACTIONS

	Ct.	C.C.	S.L.	Other	Total
Frequency of Response	80	21	153	16	270
% of Total Responses	.30	.08	.57	.06	1.00

The charts above reveal the following with respect to sub-group emphasis for each barrier:

- When costs were mentioned, they were estimated as being high in 48% of the responses with the remaining cost barriers being equally distributed between medium and low, 28% to 24% respectively.
- Sixty percent of the responses indicating time to be a major factor estimated a period of six months as being required.
- Other actions (the primary deterrent to standard implementation) impeding the implementation of standards specifically refer to those of the state legislature in over 50% of the responses, with court actions mentioned in almost one-third of the responses.

3. Analysis of the Most Significant Barriers

FIGURE 3

RANKING OF THE TEN MOST DIFFICULT STANDARDS TO IMPLEMENT,
WITH RESPECT TO BARRIERS

Cost	Other Action	Time	Not Needed	NDAA Adoption	All Barriers
Charging Decision (9)	Trial Procedures (17)	Courts (21)	Screening (8)	Courts (21)	Trial Procedures (17)
Facilities (5)	Courts (21)	Prosecutor Selection (1)	Facilities (5)	---	Courts (21)
Staff Personnel (3)	Pre-Trial Release (10)	Diversion (11)	Diversion (11)	---	Special Problems (19)
Courts (21)	Special Problems (19)	Office P&P (6)	Special Problems (19)	---	Facilities (5)
Trial Procedures (17)	Speedy Trial (15)			---	Pre-Trial Release (10)

The standards which appear to be the most difficult to implement are those which deal with the following:

- 17-Trial Procedures (jury selection, trial decorum, rules of evidence, etc.)
- 21-Courts (organization, administration, reform, management, etc.)
- 19-Special Problems (misdemeanor prosecution, juvenile justice, civil commitments, etc.)
- 5-Facilities (location, size, staff, library, etc.)
- 10-Pre-Trial Release.

The reason that these standards are the most difficult to implement is primarily due to the fact that they require actions by

other agencies (i.e., courts, state legislature, etc.). Support for this contention is found by reviewing the top five standards in the "other actions" column of the preceding chart. Standards 21, 17, 19, 10 are all in the top four. On the other hand, the major barrier to implementing the facilities standards (5) is cost. Although it ranks sixth in the "other action" column, it is second in the "cost" category.

The comparison of priority (high J-score) standards with those standards most consistently mentioned as having major barriers to their implementation, reveals the following relevant points:

- Seven of Task Force I's top ten priority standard areas also rank in the ten most difficult standards to implement.

They consequently represent a preliminary list of standards which may require more prosecutor and NDAA support in getting local approval. The seven are:

- 1 (Prosecutor Selection)
 - 3 (Staff Personnel)
 - 8 (Screening)
 - 10 (Pre-Trial Release)
 - 15 (Speedy Trial)
 - 17 (Trial Procedure)
 - 21 (Courts)
- Actions by others clearly represents the major obstacle (of the five barriers) to the implementation of Task Force I priority standards.

- Status quo percentages of the priority standards indicate the following standards as being ones which have the lowest current utilization rate (and subsequently will require more effort to implement than other priority standards):

- 11 (Diversion)
- 3 (Staff Personnel)
- 21 (Courts)
- 25 (Professional Ethics)
- 15 (Speedy Trial)

TASK FORCE II

1. Frequency of Major Barriers

FIGURE 4

DISTRIBUTION OF BARRIERS TO STANDARD IMPLEMENTATION

	Costs	Actions of Others	Time Requirements	Disagree (not needed)	NDAA Adoption	Total
Response Frequency	96	261	60	48	21	486
% of Total	.20	.54	.12	.10	.04	1.00

- Over half (54%) of the responses citing barriers to the implementation of standards overall indicated actions of others as the stumbling block.
- One out of every five responses indicated cost to be the primary barrier to standard implementation.

- Time requirements and prosecutor disagreement with standards represented almost equal (12 and 10% respectively) proportions of the barrier responses, while NDAA adoption was cited as being an impeding factor in 4% of the barrier responses.

2. Internal Analysis of Specific Barriers

ACTIONS OF OTHERS

	Ct.	C.C.	S.I.	Other	Total
Frequency of Response	61	58	122	20	261
% of Total Responses	.23	.22	.47	.08	1.00

COST

	H	M	L	Total
Frequency of Response	53	22	21	96
% of Total Responses	.55	.23	.22	1.00

TIME REQUIREMENTS

	6 mo.	3-6 mo.	1-3 mo.	Total
Frequency of Response	37	11	12	60
% of Total Responses	.62	.18	.20	1.00

The frequency of responses within barrier sub-groups reveals the following patterns:

- When the actions of others are cited as an impeding factor, the actions required in almost 50% of such instances are those of the state legislature. Courts and county council were cited 23% and 22% of the time, while various other activities were mentioned only 8%.
- Fifty-five percent of the responses indicating cost as a barrier (to overall standard implementation), rated that cost as being high. The remainder of responses placed the remainder of the cost estimates as equally likely to be medium (22%) or low (23%).
- When time requirements are cited as a barrier to standard implementation, 62% of the responses suggest a period of six months as being the minimum time needed. Three to six months were required in 18% of the responses and one to three in 20% of them.

3. Analysis of Most Significant Barriers

An analysis of Figure 5 reveals the following with respect to Task Force II:

- The standards which were mentioned most frequently as having barriers to their implementation were Trial Procedures, Diversion, Facilities, Prosecutor Selection, and Special Problems.
- The reasons for the Trial Procedure ranking is primarily due to time requirements and action by others, and to a lesser

FIGURE 5

RANKING (BY BARRIER) OF FIVE MOST DIFFICULT STANDARDS TO IMPLEMENT

Cost	Other Actions	Time	Disagree (Not Needed)	NDAA Adoption	All Barriers
Facilities (5)	Trial Procedures (17)	Diversion (11)	Special Problems (19)	Special Problems (19)	Trial Procedures (17)
Diversion (11)	Diversion (11)	Trial Procedures (17)	Pre-Trial Appearances (12)	Prosecutors Office (1)	Diversion (11)
Staff Personnel (3)	Speedy Trial (15)	Screening (8)	Trial Procedures (17)	Courts (21)	Facilities (5)
Prosecutor Selection (1)	Facilities (5)	Office P&P (6)	Grand Jury (14)	Plea Negotiations (16)	Prosecutor Selection (1)
Trial Procedures (17)	Prosecutor Selection (1) Pre-Trial Appearances (12)			Screening (8)	Special Problems (19)

extent disagreement by some prosecutors concerning the standards' actual need.

- Diversion's number two ranking is attributed to time, costs, and other actions, as it ranked first, second, and second respectively in the individual barriers. As might be expected, the major barrier to the implementation of facilities standards was costs.
- Special problems may also be among the standard groups that will be the most difficult to implement because it is the principal area of disagreement among prosecutors, and is felt to be the major standard requiring NDAA adoption.

Chart II arrays priority standards (as indicated by high J-Scores) and the frequency of responses concerning barriers to their implementation. Analysis of the data suggest:

- The top four of the six priority standards for Task Force II are also among the five most difficult standards to implement overall. They are:
 - Trial Procedures
 - Facilities
 - Diversion
 - Special Problems
- The primary barrier to the implementation of priority standards might reasonably be other actions which ranks four of the five priority standards among its most difficult to implement. Cost and time though (and even disagreement) are equally major barriers for certain standards.
- The lowest status quo percentages (indicating the extent to which standards had been in force prior to formal standard development) of priority standards were among the following:
 - 5- Facilities
 - 11-Diversion
 - 19-Special Problems
 - 21-Courts
 - 3-Staff Personnel

TASK FORCE III

1. Frequency of Major Barriers

FIGURE 6

DISTRIBUTION OF BARRIERS TO STANDARD IMPLEMENTATION

	Costs	Actions of Others	Time Requirements	Disagree	NDA Adoption	Total
Response Frequency	75	183	48	29	40	375
% of Total	.20	.49	.13	.08	.11	1.00

Points gleaned from Figure 6 are:

- Actions of others represented 49% of total responses indicating barriers to overall standard implementation, while costs constituted one-fifth of barriers cited.
- NDA adoption was a stumbling block to local standard adoption on 11% of the barrier responses and 8% disagreed with the standards in question.

2. Internal Analysis of Specific Barriers

COST

	H	M	L	Total
Frequency of Responses	31	14	30	75
% of Total Responses	.41	.19	.40	1.00

ACTION OF OTHERS

	Cts.	C.C.	S.L.	Other	Total
Frequency of Responses	50	17	91	23	181
% of Total Responses	.28	.09	.50	.13	1.00

TIME REQUIREMENTS

	6 mo.	3-6 mo.	1-3 mo.	Total
Frequency of Responses	36	11	1	48
% of Total Responses	.75	.23	.02	1.00

- Almost half (41%) of the responses citing cost as a barrier to standard implementation, rated the cost as being high. The remaining responses were divided among the medium to low estimates as follows:
 - medium 14%
 - low 30%
- Fifty percent of the barrier responses indicating a need for action by others, specified the state legislature as that action agency. The courts were specified 28% of the time with the county council and others 9% to 13% respectively.
- Clearly time barriers invariably require at least 6 months (75% of time requirement responses). Thirty-three percent of the responses indicated 3-6 months to implement standards.

3. Analysis of Most Significant Barriers

FIGURE 7

RANKING (BY BARRIER) OF THE FIVE MOST DIFFICULT STANDARDS TO IMPLEMENT

Cost	Other Actions	Time	Disagree	NDAA Adoption	All Barriers
Facilities (5)	Trial Procedures (17)	Office P&P (6)	Office P&P (6)	Trial Procedures (17)	Trial Procedures (17)
Trial Procedures (17)	Special Problems (19)	Facilities (5)	Pre-Trial Release (10)	Special Problems (19)	Special Problems (19)
Prosecutor Selection (1)	Post-Trial Procedure (18)	Special Problems (19)	Screening (8)	Post-Trial Procedure (18)	Facilities (5)
Staff Personnel (3)	Speedy Trial (15)	Training (4)	Speedy Trial (15)	Courts (21)	Post-Trial Procedure (18)
Special Problems (19)	Courts (21)		Trial Procedures (17)		Speedy Trial (15)

- The number one ranking of trial procedures is due primarily to the fact that it was the most frequently mentioned whose implementation was impeded by the actions of others. Also a major barrier to local adoption of trial procedure is formal NDAA adoption.
- The implementation of special problems will depend a great deal on the actions of others and NDAA formal adoption.

- Facility standards will find their major obstacles to be time and costs.
- Though not indicated on the chart rankings, the Speedy Trial standards implementation will depend heavily upon the actions of others.

Comparing J-Scores and Task Force III's priority standards reveals the following:

- Three of the top four priority standards are also the most difficult to implement. They are:
 - Facilities
 - Trial Procedures
 - Special Problems
- The major barriers to the local adoption of the overall standards are other actions and NDAA formal adoption.
- Status quo percentages indicate that the priority standards which currently have the lowest level of current implementation are:
 - Diversion
 - Office Policy and Procedure
 - Facilities
 - Speedy Trial.

TASK FORCE IV

1. Frequency of Major Barriers

FIGURE 8

DISTRIBUTION OF BARRIERS TO STANDARD IMPLEMENTATION

	Costs	Actions of Others	Time Requirements	Disagree	NDAA Adoption	Total
Response Frequency	69	271	36	34	1	411
% of Total	.17	.66	.09	.08	.002	1.00

- Sixty-six percent of the responses indicated actions by others as being an impeding factor, while 17% selected costs as the major deterrent.
- Time requirements and local prosecutor disagreement with the standards were equally significant stumbling blocks while NDAA adoptions was not of major importance to Task Force IV.

2. Internal Analysis of Specific Barriers

COST

	H	M	L	Total
Frequency of Response	26	25	18	69
% of Total Responses	.38	.36	.26	1.00

ACTIONS OF OTHERS

	Cts.	C.C.	S.L.	Other	Total
Frequency of Response	118	30	116	9	271
% of Total Responses	.44	.11	.42	.03	1.00

TIME REQUIREMENTS

	6 mo.	3-6 mo.	1-3 mo.	Total
Frequency of Response	24	4	8	36
% of Total Responses	.67	.11	.22	1.00

An analysis of the barrier sub-areas provides the following:

- When cost was cited, high or moderate levels were cited nearly 75% of the time.
- The specific actions by others which are essential to local standard adoption were primarily those of the courts (44%) and the state legislature (42%). County council was mentioned in 11% of the responses in this category.
- Time requirements were generally six months (76% of all responses) or more while only 1-3 months were specified in 22% of the responses.

3. Analysis of Most Significant Barriers

FIGURE 9

RANKING (BY BARRIER) OF THE FIVE MOST DIFFICULT STANDARDS TO IMPLEMENT

Cost	Other Actions	Time	Disagree	NDA Adoption	All Barriers
Facilities (5)	Trial Procedures (17)	Facilities (5)	Office P&P (6)	Defense (23)	Trial Procedures (17)
Trial Procedures (17)	Courts (21)	Pre-Trial Release (10)	Screening (8)		Facilities (5)
Courts (21)	Speedy Trial (15)	Office P&P (6)	Courts (21)		Courts (21)
Prosecutor Selection (1)	Post-Trial Procedure (18)	Screening (8)	Investiga- tive Func. (7)		Speedy Trial (15)
Office P&P (6)	Special Problems (19)	Staff Personnel (3)	Facilities (5)		Pre-Trial Release (10)
	Facilities (5)				

- Trial Procedures are represented in the top five of the most difficult standards to implement primarily due to their cost, and required actions by the courts and the state legislature, while Facilities standards required additional time by some and were disagreed with by others.
- Court, Pre-Trial Release, and Speedy Trial implementation difficulties obviously lay with the courts (and legislature) approval though some prosecutors also disagreed with the Courts standards.
- Other actions without a doubt represent the major obstacles to the implementation of overall standards.

Chart IV indicates the following:

- Five of Task Force IV's top six priority standard areas are also found among the five most difficult to implement. They are:
 - Trial Procedure
 - Speedy Trial
 - Pre-Trial Release
 - Courts
 - Facilities
- As described above, other actions represent the main deterrent to standard adoption.
- Priority areas with the lowest current utilization rates (status quo percentages) are:
 - Courts
 - Speedy Trial
 - Facilities

TASK FORCE V

1. Frequency of Major Barriers

FIGURE 10

DISTRIBUTION OF BARRIERS TO STANDARD IMPLEMENTATION

	Costs	Action of Others	Time Requirements	Disagree	NDAA Adoption	Total
Response Frequency	44	184	6	44	1	279
% of Total	.16	.67	.02	.15	.003	1.00

- The action of others (67% of responses) was the most frequently heard impeding factor, and the second most frequently mentioned area included both costs (16%) and disagreement (15%).
- Time requirements were suggested to be impeding factors in 2% of the cases reported, while NDAA adoption was not a factor at all.

2. Internal Analysis of Specific Barriers

COSTS

	H	M	L	Total
Frequency of Responses	29	13	2	44
% of Responses	.66	.30	.04	1.00

ACTION BY OTHERS

	Cts.	C.C.	S.L.	Other	Total
Frequency of Responses	62	23	81	18	184
% of Responses	.34	.12	.44	.10	1.00

TIME REQUIREMENTS

	6 mo.	3-6 mo.	1-3 mo.	Total
Frequency of Responses	4	2	0	6
% of Responses	.67	.33	0	1.00

Response frequencies within barrier categories revealed:

- That when cost barriers were mentioned, the cost was generally felt to be high (66% of the time) with almost all of the remaining responses falling into the medium area (30%).
- Seventy-eight percent of the action by others responses, referred to the courts (34%) and to state legislature (44%).
- Time requirements, though not a significant deterrent to standard implementation among Task Force V, is explained accordingly:
 - 6 months, 67%
 - 3-6 months, 33%.

3. Analysis of Most Significant Barriers

FIGURE 11

RANKING (BY BARRIER) OF THE FIVE MOST DIFFICULT STANDARDS TO IMPLEMENT

Cost	Other Actions	Time	Disagree	NDAA Adoption	All Barriers
Facilities (5)	Trial Procedures (17)	Office P&P (6)	Facilities (5)	Pre-Trial Appearances (12)	Trial Procedures (17)
Courts (21)	Courts (21)		Courts (21)		Courts (21)
Staff Personnel (3)	Special Problems (19)		Speedy Trial (15)		Facilities (5)
Trial Procedures (17)	Speedy Trial (15)		Screening (8)		Staff Personnel (3)
	Staff Personnel (3)				Speedy Trial (15)

- The difficulty in trying to get Trial Procedures, Courts, or Speedy Trial standards adopted, is the actions by others required.
- Facilities' ranking in the top five is primarily a reflection of the costs associated with their development, while Staff Personnel also requires other actions.
- Costs and other actions are the primary impeding factors in the implementation of the overall Task Force V standards.

An analysis of Chart V indicates the following:

- Task Force V priority standards coincide with its most difficult ones to implement.
- Primary barriers to Task Force V priority standards are other actions and cost.
- Of the top priority standards the following standards are currently experiencing the lowest utilization (status quo percentages) rates:
 - 21 Courts
 - 5 Facilities
 - 6 Office Policy and Procedure.

TASK FORCE VI

1. Frequency of Major Barriers

FIGURE 12

DISTRIBUTION OF BARRIERS TO STANDARD IMPLEMENTATION

	Cost	Action of Others	Time Requirements	Disagree	NDAA Adoption	Total
Response Frequency	49	210	48	27	26	360
% of Total Responses	.14	.58	.13	.08	.07	1.00

- Actions of others accounted for over 50% of the responses citing impeding factors to standard implementation, while cost and time made up 14% and 13% respectively.
- NDAA adoption was cited as a major barrier in 7% of the responses, while 8% stated disagreement with the standards.

2. Internal Analysis of Specific Barriers

COSTS

	H	M	L	Total
Frequency of Response	12	19	18	49
% of Total Responses	.24	.39	.37	1.00

ACTION OF OTHERS

	Cts.	C.C.	S.L.	Other	Total
Frequency of Response	69	27	111	3	210
% of Total Responses	.33	.13	.53	.01	1.00

TIME REQUIREMENT

	6 mo.	3-6 mo.	1-3 mo.	Total
Frequency of Response	26	7	14	47
% of Total Responses	.55	.15	.30	1.00

- When costs were mentioned, they were estimated as being high in 24% of the responses with the medium and low ranges accounting for the remaining 39% and 37% respectively.
- With respect to actions of others, the state legislature was mentioned as a key group in over 50% of the total responses. The courts were suggested on 33% of the responses and the county council 13%.
- Time requirements were generally six months or more (55% of the responses) while moderate and slight requirements were specified 15% and 30% respectively.

3. Analysis of Most Significant Barriers

Examination of the standards most frequently selected (by Task Force VI) as having barriers to their implementation, indicates the following:

FIGURE 13

RANKING (BY BARRIER) OF THE FIVE MOST DIFFICULT STANDARDS TO IMPLEMENT

Cost	Other Actions	Time	Disagree	NDA Adoption	All Barriers
Facilities (5)	Trial Procedures (17)	Facilities (5)	Trial Procedures (17)	Trial Procedures (17)	Trial Procedures (17)
Staff Personnel (3)	Special Problems (19)	Staff Personnel (3)	Facilities (5)	Grand Jury (14)	Pre-Trial Appearance (12)
Office P&P (6)	Staff Personnel (3)	Screening (8)	Pre-Trial Appearances (12)	Post-Trial Procedures (18)	Facilities (5)
Courts (21)	Post-Trial Procedures (18)	Office P&P (6)	(1,8,10,16, 21,22,27)		Prosecutor Selection (1)
Trial Procedures (17)	Facilities (5)	Pre-Trial Appearances (12)			Training (4)
					Courts (21)

- Trial Procedures, Post-Trial Procedures, and Facilities standards require actions of the courts, state legislature and others before local implementation. Trial Procedures and Post-Trial Procedure, to a lesser extent, also need NDA sanction prior to enactment.
- Facilities standards will meet cost and time restrictions.
- Other actions clearly dominate the barriers against overall standard implementation.

Chart VI indicates the following:

- Three of the six most difficult standards to implement are also top priority areas for Task Force VI (Trial Procedures, Facilities, and Courts).

- Other actions would be the focus of activities to reduce barriers to implementing priority standards.
- Status quo percentages indicate the following priority standards as having relatively low utilization rates:
 - Speedy Trial
 - Special Problems
 - Courts
 - Post-Trial Procedure
 - Facilities
 - Staff Personnel
 - Trial Procedure.

AGGREGATE BARRIER ANALYSIS

1. Frequency of Major Barriers

FIGURE 14

DISTRIBUTION OF BARRIERS TO STANDARD IMPLEMENTATION

	Cost	Action of Others	Time Requirements	Disagree	NDAA Adoption	Total
Frequency of responses	379	1378	228	274	90	2357
% of responses	.16	.58	.10	.12	.04	1.00

- 58% of all barrier responses cited actions of others as a major obstacle to the implementation of standards. Cost (16%) represented the second most frequently mentioned area followed by Disagree (12%) and NDAA Adoption (4%).
- This distribution among barriers was most consistent from one Task Force to the next. In fact, individual Task Forces displayed no significant variance in their distribution of barriers.

2. Internal Analysis of Specific Barriers

COSTS

	H	M	L	Total
Frequency of responses	173	106	100	379
% of responses	.48	.27	.26	1.00

ACTIONS BY OTHERS

	Cts.	C.C.	S.L.	Other	Total
Frequency of responses	440	177	674	87	1378
% of responses	.32	.13	.49	.06	1.00

TIME REQUIREMENTS

	6 mo.	3-6 mo.	1-3 mo.	Total
Frequency of responses	146	40	42	228
% of responses	.64	.18	.18	1.00

The internal analysis reveals:

- Nearly half of all cost barrier responses being classified as high, while the medium and low estimates were 27% and 26% respectively.
- The state legislature was the most frequently cited sub-area of action by others (49% of all responses). The courts represented 32% of the total, county council 13%, and 6% fell into the other category.
- Time requirements are typically viewed as being substantial (6 months or more) when they represent a significant barrier.
- Here again this pattern among sub-areas differs little between Task Forces.

3. Analysis of Most Significant Barriers

FIGURE 15

RANKING (BY BARRIER) OF THE MOST DIFFICULT STANDARDS TO IMPLEMENT

Cost	Actions by Others	Time	Disagree	NDAA Adoption	All Barriers
Facilities (5)	Trial Procedures (17)	Facilities (5)	Facilities (5)	Trial Procedures (17)	Trial Procedures (17)
Staff Personnel (3)	Special Problems (19)	Office P&P (6)	Screening (8)	Special Problems (19)	Facilities (5)
Trial Procedures (17)	Courts (21)	Diversion (11)	Special Problems (19)	Post-Trial Procedures (18)	Courts (21)
Courts (21)	Speedy Trial (15)	Screening (8)	Courts (21)	Courts (21)	Special Problems (19)
Prosecutor Selection (1)	Facilities (5)	Staff Personnel (3)	Pre-Trial Appearances (12)		Staff Personnel (3)

- Trial Procedures were ranked as the most difficult to implement because they require actions by others, significant costs and NDAA adoption.
- Facilities and Courts were mentioned in at least four barriers, while the implementation of standards pertaining to Staff Personnel was impeded by cost and time requirements.
- Special Problems' ranking is the result of their requirement for approval by others and the need for NDAA adoption.

The analysis of overall priority standards reveals:

- As in the case with most Task Forces, the aggregate's priority standards also rank as the most difficult to implement.
- The priority standards with the lowest utilization rates were:
 - Facilities,
 - Speedy Trial
 - Diversion, and
 - Courts.

D. POTENTIAL IMPACTS

One of the most significant aspects of these standards for prosecutors lies not in stating them or meeting them as some academic exercise, but in the impacts and benefits which may accrue as a result of their implementation. The use of public funds to develop and implement them for prosecutors across the nation demands that we know something of the payoffs involved -- their nature and scope. Because these standards have been so recently developed and because of the limited time and scope of this analysis, we have not attempted to measure their current impact in a quantitative sense. It is probably too early -- and our resources for such a task too limited. We have chosen, rather, to analyze how Task Force members viewed the importance of the standards and what efforts they had made at implementation as a way of gauging the potential importance of the standards project itself.

However, as these standards are being finalized and offered to prosecutors as measures of their own performance, it is important to look ahead to the types of impacts which we may expect, both as a way of preparing for measuring progress in a standards effort and as a vehicle for focussing implementation efforts in those areas of highest potential payoff. In doing this analysis, we have tried to learn as much as possible about the potential impacts which implementing the standards might have:

- what is the nature of those benefits;
- to whom would those benefits accrue; and
- of what magnitude might these benefits be expected to be and what alternative implementation approach might maximize these benefits?

1. High Impact Standards

One might easily begin at the first of the twenty-seven chapters of standards and begin extolling the potential benefits of each. The result would be an unstructured litany of laudable changes in the way parts of our criminal justice system currently operate. We have chosen, rather, to focus a discussion of the potential benefits of these standards around a set of assumptions growing out of our analysis of the Task Force members' replies to our questionnaire. These assumptions are:

- Those standards which the prosecutors themselves found to be of highest priority and most highly actionable (highest J-scores -- see discussion above for derivation of J-score) are those standards most useful to focus on in terms of potential benefits.
- Prosecutors, as experienced observers of and participants in the criminal justice system, have identified particularly troublesome areas of need upon which to focus as high priority and actionable.

- Standards identified by these prosecutors as important and actionable have the highest probability of being implemented and, hence, of actually having their potential benefits come to fruition.

Therefore, we are focussing on those standards which we believe are most important, have the highest support from prosecutors and the highest probability of actually being implemented.

As in our previous discussions, we have clustered the standards into chapters to reduce their numbers to manageable size. Here we will cover the ten chapters ranked both as high priority and highly actionable by members of all six Task Forces. (By covering these top ten chapters, we have included all of those standard chapters which fall above the mean J score of 44.4.) Listed in descending order, these chapters are:

a) Chapter 17. Trial Procedures. This includes trial decorum, jury selection, jury size, non-unanimous jury verdicts, opening statement, examination of witnesses, deposition, video tape, rules of evidence, chemical analysis, evidentiary privileges, expert witnesses, accomplice rules, special defenses, objections, trial motions, closing statements, jury instructions, and post-verdict motions. Because Chapter 17 ranked so high with all of the Task Forces (it was number one in J-scores for five of the six groups and number two for the sixth group), and because it had so many sub-parts (we separated it into 33 distinct sub-parts for purposes

of our analysis) we have looked further into this chapter to see precisely which areas of trial procedure seemed most important to the prosecutors. The five highest ranking standards within the chapter dealt with (in descending order):

- Rape victim's previous sexual conduct not relevant.
- Non-unanimous jury verdicts, except for capital punishment or life imprisonment.
- Simplify and clarify responsibility of defendant for producing evidence of affirmative or special defense.
- Certification of chemical analysis admissible; analyst's appearance may be compelled.
- Jury size less than 12, except where punishment may be death or life imprisonment.

b) Chapter 5. Facilities.

c) Chapter 19. Miscellaneous Problems. This includes misdemeanor prosecution, juvenile justice, non-delinquency juvenile proceedings, civil commitments, competency, economic crime, welfare fraud, URESA, extradition, environmental protection, and the exclusionary rule.

d) Chapter 21. Courts. This includes court reorganization and administration, state judicial council, court case flow management, trial de novo and reform of court record.

- e) Chapter 15. Speedy Trial. This includes all aspects of administration which relate to calendar control, priority case scheduling, and reduction of trial delay.
- f) Chapter 3. Staff Personnel. This covers all categories of personnel -- prosecutors, special assistants for various assignments, investigators, administrators, secretarial, clerical, paralegals and interns.
- g) Chapter 10. Pre-Trial Release. This includes release, citations, summons, first appearance, release with supervision, bail policy, policy limiting activity on release, and release powers of the court.
- h) Chapter 11. Diversion. This includes authority to divert, intake, responsibility, considerations, obtaining relevant information, safeguards, guarantees of justice, diversion review, information dispersion and establishment of diversion programs.
- i) Chapter 12. Pre-Trial Appearances. This includes first appearance, probable cause determination, arraignment, omnibus pre-trial hearings, and pre-trial conferences.
- j) Chapter 8. Screening. This includes authority to screen, establishing procedure, considerations in screening, obtaining relevant information, safeguards, appeals in screening, and information dispersion.

2. Recipients of Benefits

The potential recipients of benefits flowing from adoption of these standards fall into four categories:

a) The public at large. Many of the standards listed above have potentially substantial cost saving implications. To the extent that the public, through its tax monies, is supporting this system of justice, they stand to make considerable gains from increased efficiency and cost savings in the system. Also, enhancement of the administration of justice would have generally received public benefits in that the good of the public at large is served by the even-handed administration of justice -- rights, person and property are more effectively protected. Also, whatever heightened sense of respect and confidence in the system is generated by the implementation of these standards would be an intangible benefit accruing to the public as well.

b) Victims and witnesses of crime. The victims and witnesses of crime are those members of the public who are most immediately impacted by the performance or non-performance of the criminal justice system in the protection of their rights, person, and property. To the extent that implementation of standards reduces inconvenience, costly delays, frustration, and enhances the administration of justice, the free flow of information, and an individual's propensity to cooperate with the system, then victims and witnesses of crime are receiving benefits from these standards.

c. Defendants. Many of the standards have the intended effect of heightening the impartiality and even-handedness of the entire process of justice. As party-at-interest in this process, the defendant is an important potential recipient of such benefits. He will undoubtedly incur fewer costs (e.g., loss of liberty, lost income, exposure to undesirable conditions of incarceration, uncertainty) from a smoothly-managed system designed to ensure maximum attention to his rights under the law, and fair presentation of his position in any judicial procedure. Of course, there will be costs to the defendant in the streamlining of certain aspects of the system. To some extent current delays and mismanagement work to the advantage of the defendant, postponing his trial and judgment and decreasing the chances (statistically) of conviction. In a more ideal sense, however, improvements in the system should create benefits for the defendant as well.

d) Prosecutors. As chief law enforcement official in his jurisdiction, the prosecutor has much to gain from the implementation of certain standards. Efficiencies and cost savings in the system enable him to accomplish more with the limited resources at his disposal, as well as to be responsive to the expectations of his constituency concerning management of public funds and execution of public responsibility. Standards provide him with tools for measuring his own performance and of demonstrating his accomplishments and competency to his constituency. Implementation of certain standards should also make his job easier to carry out -- they

potentially provide him with better information, facilities, procedures, and cooperation from other actors in the system.

3. Nature of Benefits

What precisely do we mean when we speak of the benefits of implementing standards for prosecutors? What are the types of impacts which we might expect? Clearly, there are a number of ways to define such impacts, the definitions overlap in a number of areas, and some types of benefits lend themselves to quantitative measurement more than others. All of them, however, are of importance.

We shall categorize them as:

- cost savings,
- time savings,
- improved information,
- improved management,
- enhanced administration of justice, and
- alternatives to incarceration.

These benefits are listed roughly in descending order of the ease with which they can be quantified. As mentioned above, they are overlapping in some ways, since time can be expressed in terms of dollar costs, improved management also implies time and cost savings, and so forth. We believe, however, that each of the categories represents some discrete type of benefit not adequately accounted for in the other categories, and that all are of significant importance to warrant discussion.

a) Cost Savings. This type of benefit is inevitably the easiest to quantify since the language of dollar costs is common to almost every discipline. It also is of great importance to the public official -- the prosecutor -- who must justify his budget to the taxpayer through some funding body. While these costs are most easily quantifiable and significant, however, their rank at the top of this list does not necessarily suggest that they are of more importance than other types of benefits which we will discuss below; they are simply easier to quantify and measure.

Among the ten chapters of standards mentioned above as high priority/high action areas, three clusters of activities emerge which may result in cost savings for the system and for individuals. The first cluster of standards relates to eliminating redundancy in the system, general streamlining of the process of criminal justice, and collapsing of similar activities into more efficient procedures. Included in this cluster of standards are:

- six-member jury; which reduces per diem costs for jurors;
- elimination of trial de novo; which essentially eliminates the need for redundant new trials in the case of misdemeanors;
- high and uniform standards for personnel and staff in the prosecutor's office; which ensures the presence of competent, efficient manpower at the disposal of the prosecution -- which implies cost savings in processing cases;

- streamlining of pre-trial appearances, to eliminate unnecessary duplication of pre-trial hearing and arraignment; and
- omnibus pre-trial hearing which helps to sharpen and narrow issues which shows some reduction in a likelihood of appeal.

The second cluster of standards which lends itself to cost savings are those which tend to eliminate unnecessary steps/costs in the system which are not necessarily redundant, but which can still be eliminated without detriment to the welfare of concerned parties.

These include:

- shifting certain misdemeanor prosecutions out of the criminal courts -- particularly those for traffic violations; which reduces backlog and saves costs of judicial proceedings;
- participation of the prosecutor in civil commitment hearings; which tends to guard against unnecessary civil commitments and their cost to the state;
- reform of the court record; which moves toward a different method of taking and maintaining court records which would be less costly;
- avoidance of pre-trial detention; which avoids costs of incarceration;
- pre-trial diversion; which reduces aggregate costs of trial proceedings as it reduces the flow of cases into the trial process.

In addition to cost savings for the judicial system itself, these standards should also help to accrue benefits for other public systems and individuals. The standards which lend themselves to this type of cost saving include:

- prosecution of welfare fraud and economic crime; inasmuch as such active and focussed prosecution serves as a deterrent to crime of this type, significant savings would accrue to public welfare funds in the first place, and to the business community and consumer in the second place.
- enforcement of URESA, which contributes to the likelihood of payment of support funds in cases where the breadwinner resides in a different state than the dependents. This saves costs to welfare agencies which otherwise might have to support indigent families and also saves costs to those dependents by ensuring that they receive rightful support payments.
- pre-trial diversion and release; which may afford substantial savings to defendants in terms of income they would have had to forego had they been incarcerated while awaiting trial or as a result of conviction.

b) Time Savings. In large part, time savings might be expressed in terms of cost savings as well by expressing time in terms of its economic value on the labor market. However, since there are other elements implicit in time savings which cannot be adequately

accounted for by dollar equivalents, we have chosen to discuss a number of standards in terms of their specific savings of time. There are three types of time savings which these standards imply, each of which may be costed depending upon the type and magnitude of manpower needed to make them available for the judicial process. The first type of time savings is the man-day, man-hour savings implied by certain reforms in the processing of criminal cases. Standards which would have this type of impact include:

- uniform extradition procedures, which would reduce the time needed to initiate and complete extradition proceedings. With uniform and well-known procedures from state to state, the prosecutor would not be placed in a position of re-learning the process for each case;
- court reorganization and administration standards would have the effect of reducing overall duplication of effort, confusion of roles, and misuse of manpower through a rationalized and unified court system. Valuable judicial time could be most effectively used and supplemented by court administrative personnel;
- elimination of trial de novo would save valuable counsel and judicial time in redundant preparation for new trials;
- streamlining court recording would reduce the lead time needed to prepare court records for use following trial;
- pre-trial diversion saves whatever time would have been consumed by defense and prosecution in trial preparation as well as in the actual execution of a trial;

- Omnibus pre-trial hearing facilitates the process of pre-trial discovery/disclosure. This enhances speedy and effective development of both defense and prosecution cases and eliminates some delay during pre-trial and trial periods.

In addition to the concept of man-day savings, some of the prosecutors' standards also serve to reduce overall lapsed time from initial screening of a case up through final disposition. These savings are conceptually easy to quantify in terms of lapsed months or weeks, but less so in terms of economic value of lapsed time. However, in a system which has as one of its basic tenets the right to speedy trial, savings in lapsed time are clearly of significant value. The standards which are particularly useful in reducing lapsed time include:

- uniform extradition procedures; which contributes to quicker initiation of judicial proceedings;
- the entire speedy trial chapter, which posits standards for proceeding with misdemeanor and felony cases; and
- pre-trial appearance standard; which tends to streamline and eliminate duplication in this phase of the proceedings contributing to a shorter lapsed time overall.

A third type of time saving which is particularly critical is that of reduced trial time. This time in terms of its scarcity -- there are only so many judges, courtrooms, prosecutors, etc. --

and in terms of its cost -- the combined manpower of all the actors who must be present -- is particularly significant and worthy of efforts at savings. The standards which are particularly helpful in reducing this type of time include:

- six-member jury; which requires less time in examination and impanelling, logistics and deliberations;
- non-unanimous jury verdict; which also contributes to less time in deliberation;
- admissibility of chemical analysis as evidence; which reduces the necessity of witnesses to verify this type of evidence and the time necessary for their appearance;
- misdemeanor prosecution; which removes some misdemeanor prosecutions, especially traffic violations, from the trial stream;
- elimination of trial de novo; which obviously eliminates some burden upon the trial docket; and
- pre-trial conference; which, by providing a specific occasion for pre-trial planning, examination of evidence, etc., significantly reduces the time required for such activities during the actual trial.

c) Improved information. A number of the standards listed above have the result of increasing the timeliness, accuracy, and comprehensiveness of information available to various participants in the judicial process. To the extent that full and complete information contributes to speedy justice, confidence in the

system, propensity on the part of citizens to cooperate in the system, and reduced inefficiencies in the system, these information benefits are significant ones. The high-priority, actionable standards which contribute to information benefits include:

- facilities standards; which include provision for optimal record-keeping, filing systems and library facilities. These presumably contribute to the ability of the prosecution to prepare cases with full information and with minimum cost and inefficiency;
- speedy trial standards help to insure that information available both to prosecution and defense is more recent, more available, and hence more credible -- an asset in case preparation on either side;
- standards on staff and personnel also help to insure that information (particularly investigatory information) available to the prosecutor is complete, reliable, and timely as he prepares his cases; and
- diversion standards provide for securing information from all relevant public agencies in support of competent diversion decisions, and also provide for reasonable dispersion of information about the diversion program to all interested parties, including the public.

d) Improved management. The concept of improved management as a benefit to the court system overlaps to some extent the concepts of cost and time savings. We assume that a well-managed system

reduces the costs of inefficiency, duplication of effort, etc.

However, there are other benefits inherent in improved management which cannot be quantified in such a way. Because the criminal justice system is a public one, it is of particular importance that it be open, responsive to its public clients, and adhere to standards of thoroughness and equity. All of these qualities are enhanced by improved management, so we feel that some discussion of standards which contribute to these benefits is important. Some of those standards include:

- facilities; which represent the physical resources available to the criminal justice system to do its job effectively and efficiently. Adequate facilities are one tool which can contribute to overall managerial effectiveness;
- court reorganization standards relating to administration, case flow management, scheduling, structural simplification and unification, utilization of court administrators, etc., are all basic managerial improvements which should contribute to more effective management;
- speedy trial standards; which force the meeting of certain deadlines and the movement of cases through the system will necessarily result in better management of resources such that speedy trial can be attained;
- pre-trial release standards would presumably make it more difficult to be slipshod in attending to specific cases.

If the standard dictates release, except under certain circumstances, management control systems would be necessary to assure that such standards were met;

- staff/personnel standards; which make available personnel, not only of legal and judicial capabilities but also of managerial and administrative capabilities to the prosecutor in carrying out his responsibilities;
- pre-trial conference standards; which require pre-trial planning of logistical matters. This provides a specific occasion for preparation and good management of the trial process.

e) Enhancement of justice. This category of benefit is, in some ways, of highest importance, even though it is probably the hardest to quantify or measure in objective terms. The objectives of the criminal justice system of equal justice for all are, in themselves, difficult to measure and quantify. Those actions which contribute to such goals are also -- and not surprisingly -- equally difficult to pin down. The standards which are aimed specifically at ensuring due process, protecting rights, guaranteeing the impartiality and even-handedness of the system, all contribute to this benefit.

Such standards include:

- exclusion of previous sexual history as relevant in rape cases. This seeks to remedy the obvious injustices served upon the victim of rape in the past to somehow prove her own innocence rather than to prove the defendant's guilt;

- simplification and clarification of responsibility of the defendant for producing evidence of affirmative or special defense;
- streamlining the process of misdemeanor prosecution which seeks to remove somewhat less serious offenses to a level of consideration in the process more appropriate to their gravity;
- juvenile justice standards; which seek to introduce some uniformity, record-keeping and accountability into the juvenile process while still preserving some informality and keeping the interests of the juvenile balanced with the interests of the state;
- non-delinquency juvenile hearing standards; which seek to ensure that the best interests of the juvenile are supported by the prosecutor;
- civil commitment standards; which seek to reduce the likelihood of abuse of commitment proceedings and to require that indeterminate commitments shall not take place;
- competency standards which seek to reduce the arbitrariness of commitment for determination of competency to stand trial;
- speedy trial standards, which overall seek to protect the constitutional right of speedy trial;
- pre-trial release, which seek to protect the defendant from unjust and unreasonable loss of liberty prior to establishment of guilt or innocence;

- diversion; which attempts to enhance the likelihood of rehabilitation through resources other than incarceration; and
- post-trial procedures standards; which introduce the recommending power of the prosecutor into the sentencing deliberations of the judge, with the intended result of making eventual decisions about sentencing as fully informed and fair as possible.

f) Alternatives to Incarceration. This last category of benefits is one which does not seem to fit precisely in any of the others. Although it is phrased differently than the others, it represents a set of benefits which accrue to individual defendants and to the public at large because of certain decisions not to incarcerate. There are certain costs to the incarcerated individual which are avoided when some other option is available to him. Avoiding these costs is of substantial benefit to him. Such costs include the exposure to criminal and debilitating influences which are present in the penal institution, loss of freedom, disruption of the family, labelling of the individual as a con or ex-con, physical danger within the penal institution, absence from school or training, etc. Some of the standards which contribute to these cost savings are, as might be expected:

- civil commitment standards,
- competency standards,
- speedy trial standards; which reduce the length of time a person might be incarcerated prior to trial,

- pre-trial release; and
- pre-trial diversion.

4. Magnitude of Impact

Despite the fact that we have limited our discussion to ten high-ranking chapters, the result has been a rather extensive list of possible payoffs with little suggestion of what a sensible implementation strategy for these standards might look like. What we should like to be able to conclude is what the individual prosecutor might focus on first -- beyond his own individual predilections; and what the national community of prosecutors and NDAA in particular might reasonably pursue as priority items. A schema suggesting priority standards and listing their potential benefits is presented in Chart XV. Since there are few actual impacts yet to measure, it is not yet feasible to identify high impact standards in any objective sense. In the absence of empirical data about impacts, we have chosen two criteria which, when combined, seem to offer a beginning focus for prosecutors in implementing these standards.

The first criterion has to do with the attitudes of prosecutors themselves. It suggests a focus on those items which the prosecutors on these Task Forces have identified as high priority and which they have tried to implement or succeeded in implementing themselves. To the extent that these prosecutors are typical of prosecutors across the nation, these high-priority standards represent what prosecutors think are important. As we have stated

CHART XV

SUGGESTED IMPLEMENTATION PRIORITIES

Standard	Potential Benefit									
	To Whom				Nature					
	public	victim	defendant	prosecutor	cost	time	information	justice	management	altern. to incarcer'n.
Chapter 15: Speedy Trial		X	X			X		X		
Chapter 8: Staff				X	X	X	X		X	
Chapter 5: Facilities	X			X		X	X		X	
Chapter 19: Misc. Problems	X	X		X	X	X		X		X
Chapter 11: Diversion	X		X		X	X		X		X
Chapter 17: Trial Procedures										
• rape victims prior sexual history not relevant		X						X		
• non-unanimous jury verdict	X					X				
• special defense				X				X		
• chemical analysis	X					X				
• jury size	X				X	X				

before, we feel that the likelihood of implementation is clearly enhanced by the support and attention of prosecutors -- and where implementation is likely, the implicit benefits are also much more likely to occur. But that criterion alone leaves us with a fairly lengthy list of potential standards upon which to focus attention. A second criterion which will serve to sharpen implementation efforts further, is to determine which standards, identified as high priority, have had the least implementation activity so far. By enumerating standards which meet both criteria -- of high priority and low implementation activity -- we have a smaller list of important but neglected problems. From a quick look at Chart VII, which gives the aggregate J-scores and corresponding implementation scores and implementation effectiveness scores, we can create a list of those standards among the top ten priorities which have the lowest implementation effectiveness scores. Those are (in ascending order of implementation effectiveness):

- a) Speedy Trial - Chapter 15,
- b) Staff/Personnel - Chapter 3,
- c) Facilities - Chapter 5,
- d) Miscellaneous Problems - Chapter 19, and
- e) Diversion - Chapter 11.

If we assume that facilities implementation is low because of the high capital investment requirements, and that most prosecutors are already focussing upon that as a need, then another might be added to the list in place of Facilities. That would be

Trial Procedure -- Chapter 17. This is a sensible addition to the list of important problems since every Task Force rated it either first or second in priority, because it covers much of the essence of a prosecutor's duties and because our questionnaires indicate that NDAA support for this standard is potentially important to its acceptance by prosecutors.

This set of standards is one focus which NDAA might use to heighten the impact of its future efforts in the standards area.

END