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REPORT ON THE TECHNICAL ASSISTANCE VISIT
TO THE COUNTY ATTORNEY'S OFFICE

MARICOPA COUNTY, ARIZONA
JUNE 24-27, 1980

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ACQUISITIONS

This study was performed in accordance with the terms of
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The views expressed in this report are not necessarily
those of the Law Enforcement Assistance Administration.

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I. INTRODUCTION

On June 24 - 27, 1980, a Technical Assistance Team from the Criminal Prosecution Technical Assistance Project visited the offices of Charles E. Hyder, Maricopa County Attorney, in Phoenix, Arizona. The Technical Assistance team examined the County Attorney's management and operations functions in accordance with the terms of a grant from the Law Enforcement Assistance Administration. Members of the team* included:

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The purpose of the visit was to analyze resource allocation throughout the office as it relates to both attorney, investigative and support personnel generally. An overall assessment of the entire office was not attempted, nor was it desired. Neither was the technical assistance visit designed to review statutory requirements as they affect a prosecutor's office, or evaluate performance against those requirements. A review of work performance evaluation was not part of the visit's purpose. The purpose of a technical assistance visit is to evaluate and analyze specific

*Vitaes are attached as Appendix A.

problem areas and provide recommendations and suggestions for dealing with these areas. It is designed to address a wide range of problems stemming from paperwork and records management systems, personnel and organizational procedures, financial management and budgeting systems, space and equipment requirements, and specialized operational programs, projects, and procedures unique to the delivery of prosecution services.

The technical assistance program is designed to provide the prosecutor with a quick response and a short turn-around time from the initiation of the request, to its approval by LEAA and subsequent delivery by the technical assistance contractor. Under ideal conditions, the prosecutor does not have to wait long for assistance.

During the visit, interviews are conducted with those members of the office who are most directly involved in the problem areas. Their functions and tasks are examined, as are their perceptions of the problem. The flow of paperwork may also be examined if it is one of the problem areas. Interviews may also be conducted with personnel involved in other components of the criminal justice system, such as police, courts and the public defender's office.

The basic approach is to examine the office with reference to its functional responsibilities. This means that the process steps of intake, accusation, trials, post-conviction activities, special programs and projects, juveniles and other areas are examined with respect to their operation, administration and planning features. Taking a functional analysis approach permits observation of the inter-connecting activities and operations in the process steps and identification of points of breakdown if they exist.

Once the problem and its dimensions have been specified, an in depth analysis is made which results in an identification of the major elements and components of the problem, and an exposition of needed change, where applicable.

After the problem has been fully examined, its dimensions discussed, and the analysis of the critical component factors undertaken, recommendations that are practical and feasible are made.

The visit to the Maricopa County Attorney's office focused on possible changes in the assignment of personnel; the necessity for additional personnel, and the possibility of decreasing personnel. The Technical Assistance Team also focused on the paper flow of the office and the interface with other criminal justice system agencies.

Each criminal jurisdictional process point in the office (intake, accusatory, trials) was examined from this viewpoint. Additionally, since the problem focused on total resource allocation in an office having both criminal and civil jurisdiction, the various process points on the civil side were investigated. In the latter connection, the County Attorney's extensive child support enforcement jurisdiction was included.

Since the approach of the Technical Assistance team is problem analysis oriented, each of the areas here will be considered separately. However, an overall assessment will first be given.

The Technical Assistance team would like to thank Mr. Hyder and his staff for their cooperation and assistance during the visit. Reception of the team was excellent, and the staff's willingness to candidly discuss the strengths and weaknesses of the office was of considerable assistance to the technical assistance team in carrying out its tasks.

II. BACKGROUND

The National District Attorneys Association conducted a two pronged technical assistance visit to the Maricopa County Attorney's office in February of 1977. One team, funded under an LEAA grant looked at the office at large. The other team, funded by the Office of Child Support Enforcement, HEW, devoted it's efforts to an examination of the County Attorney's Family Support Unit. At that time the County Attorney, Mr. Charles Hyder, had been in office only a few weeks. Recommendations were made separately by both teams concerning the operations and management of the office. Since that visit, Mr. Hyder has done an excellent job in implementing those recommendations made in 1977. Almost all of the recommendations presented by NDAA have been implemented and significant improvement has been made. In those areas where there has not been full implementation, staffing and budgetary constraints have been the primary cause.

The recommendations made in this report acknowledge that there are additional steps to be taken based upon the significant improvements that have already been made and that good office management is a constant refinement of steps already taken.

III. SYSTEM OVERVIEW

The County Attorney's Office of Maricopa County is staffed by over 250 employees, over a hundred of whom are attorneys. The office is responsible for the prosecution in the county of all state criminal offenses.. The County Attorney also provides civil counsel to the various governmental agencies within Maricopa County. Criminal prosecutive responsibilities are handled by the Charging Bureau, the Criminal Trial Bureau, the Major Felony Bureau and the Special Operations Bureau. The County Attorney's civil jurisdiction is the responsibility of the Civil Bureau. Juvenile and adoption matters are handled by the Juvenile Bureau. Additionally, there are a number of specialized functions carried out by the Research Unit, the Adult Diversion Program, the Victim-Witness Program and the Investigations Bureau.

Criminal case intake is the responsibility of the Charging Bureau which is staffed by attorneys with the highest level of experience in the office. This Bureau directs cases either to the Grand Jury or to a preliminary hearing if charges are to be brought by information. Case presentation to the Grand Jury is made by the Charging Bureau. It also has responsibility for the preliminary evaluation as to a defendant's candidacy for the Adult Diversion Program and filing of criminal complaints in the justice court.

Preliminary hearings are conducted by attorneys assigned to the Criminal Trials Bureau. Unless the Grand Jury returns a no true bill, or the case is dismissed at the preliminary hearing, or the defendant pleads to a lesser charge, an arraignment is thereafter held on the information or indictment. At this time a case assignment is made by

computer to an individual Superior Court docket. There are currently ten individual dockets specifically designated to handle criminal cases.

The computer also establishes the "first trial setting" for the case. Normally, if the defendant pleads to a lesser charge, it will be done at this "first trial setting." A "second trial setting" is set for those cases which it appears will go to trial.

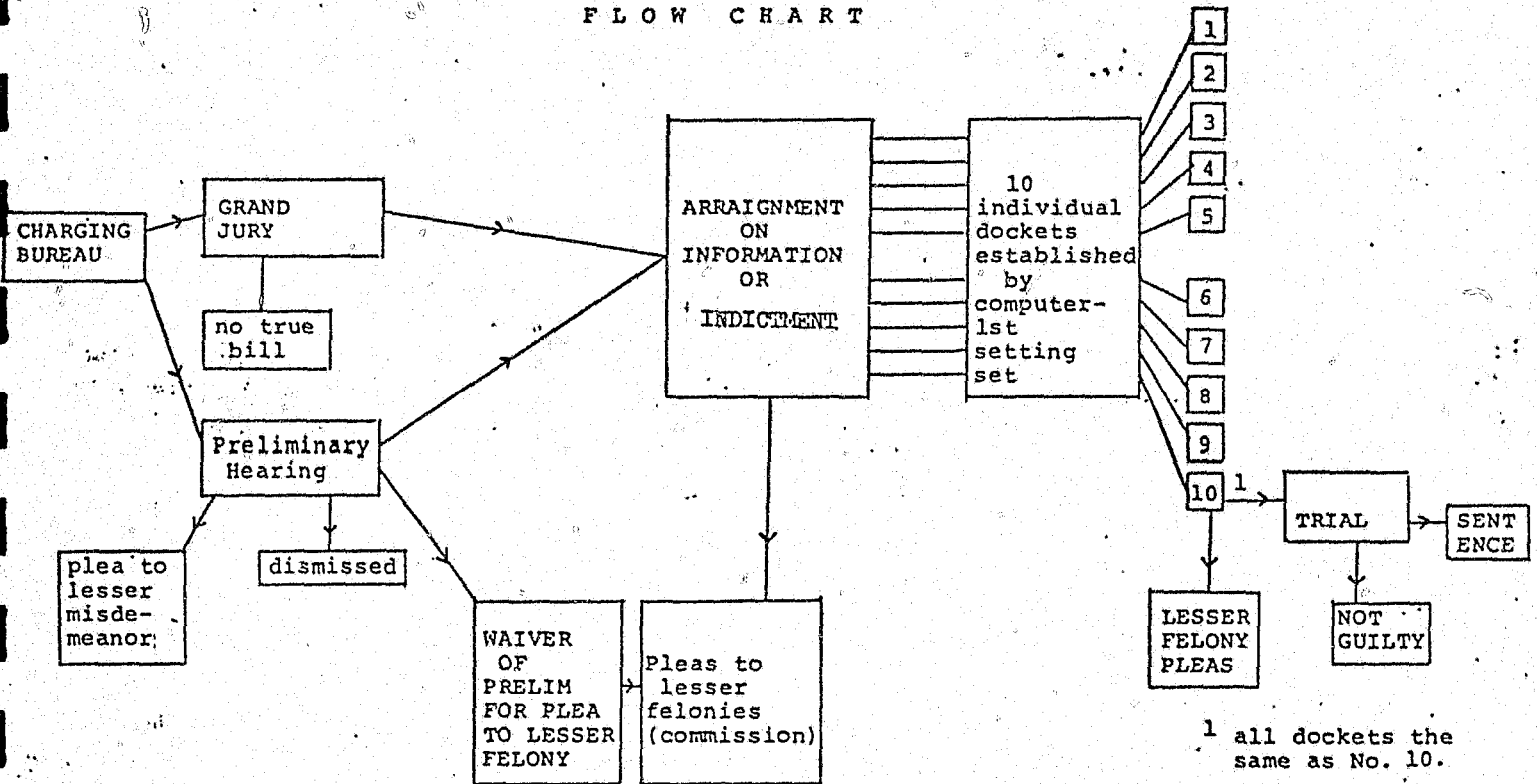
Trials are handled by the Criminal Trial Bureau, which is divided into five trial groups consisting of an average of seven attorneys. They are responsible for all cases except those which are tried by the Major Felony Bureau and Special Operations Bureau.

The Major Felony Bureau handles the prosecution of major offenses and major offenders. This Bureau receives cases through direct contact with law enforcement agencies, as well as through the Charging and Criminal Trial Bureaus. The Major Felony Bureau presents its own cases to the Grand Jury or conducts preliminary hearings in those cases to be charged by information. In an exception to general office policy, the Major Felony Bureau during an aggravation hearing, makes sentence recommendations in all of its cases, arguing for the maximum sentence.

The Special Operations Bureau prosecutes cases involving organized crime, land fraud, white collar and other economic crimes, official corruption and large-scale pornography. In this Bureau, the same attorney handles a case from investigation, through a disposition and in the post-conviction area as well.

The following flow chart illustrates the progress of a criminal case through the system in Maricopa County.

FLOW CHART



The Maricopa County Attorney's Civil Bureau, with its two divisions--the Legal Services Division and the Family Support Division--has extensive civil jurisdictions. The Division represents in excess of 25 county departments. It represents the County Treasurer, all school districts in the county, the Clerk of the Court, the Maricopa County Sheriff and the Maricopa County Board of Supervisors in an advisory capacity, as well as in all litigation, and in EEOC and civil rights hearings.

The Family Support Division is required by statute to enforce court issued support orders. It also handles all prosecutions where the parentage of a child is in question, as well as participating in divorce actions where the right to child support is involved.

In addition to criminal and civil responsibility, the County Attorney also handles juvenile cases. The Juvenile Bureau processes adoptions, reviews and files delinquency and incorrigibility petitions, prosecutes juveniles for delinquent acts, including transfer cases, and prepares and argues juvenile appeals.

There are two specialized programs currently in operation in the office, the Adult Diversion Program and the Victim-Witness Program. The Adult Diversion Program is designed to remove first offenders charged with nonviolent, non-drug felony offenses from the criminal justice system. In order to be accepted into the program, the offender must not contest his guilt and must not have a history of illegal behavior.

If a defendant is accepted into the Adult Diversion Program, prosecution is suspended for two years, while he participates in community-based rehabilitation. If the requirements of the program are met the charges against the defendant are dismissed with prejudice. If the program is not successfully completed, prosecution is resumed.

The Victim-Witness Program encourages the participation of victims and witnesses in the judicial process. This is done through short term counseling and social service referral, dissemination of information about the criminal justice system, and witness alert programs. At the present time, these services are only available to those involved in more serious crimes.

The Investigations Bureau, staffed by thirty investigators, assists attorneys in the office in their trial preparation and also initiates investigations in cases requiring extended periods of time dealing with such matters as white collar crime with its attendant complex legal evidentiary questions, and public corruption cases. The Bureau also provides investigative assistance in the family support area and conducts investigations requested by the Grand Jury.

IV. ANALYSIS

The analysis of the Maricopa County Attorney's Office focused on total resource allocation within both the criminal and civil jurisdiction of the County Attorney's office. Examination of the office focused on: (1) the functioning of the Charging Bureau, (2) pretrial docket control, (3) the use of preliminary hearings, (4) the use of investigators, (5) the Legal Services Division, (6) the Family Support Division, (7) the Juvenile Bureau, and (8) the records management system.

A. Charging Bureau

The primary responsibility of the Charging Bureau is the review of cases presented by the various law enforcement agencies in the county for legal and factual sufficiency to bring charges. This is the most critical stage in the prosecution function. At this point in the criminal justice system the prosecutor exercises vast discretion and it is here that he determines: (1) whether or not an individual should be charged with a crime and (2) at what level to charge a suspect. Two concepts are extremely important in this area, and the Maricopa County Attorney seems to have both of them adequately covered. The first involves the standards which must be met before an assistant county attorney will in fact file a case in the criminal justice system. The standards adopted by the Maricopa County Attorney's Office are complete, reasonable, and pragmatic. They encompass the technical legal requirements for commencing a criminal prosecution, and a realistic approach to the probability of concluding an action commenced with a reasonable degree of certainty as to conviction. Secondly, the intake section of a prosecutor's office, encompassing as it does the gatekeeping function, should be staffed by persons who are well trained in the technical elements of criminal and

constitutional law, and who also have had the experience and training to be aware of possible problems concerning the case which might occur as it is processed toward disposition. In this regard, the County Attorney has assigned well experienced attorneys to the Charging Bureau with the requisite skills to perform this task. The staff, with the guidelines provided by the standards, should effectively carry out the screening process. However, in order for this experienced staff to apply these well stated standards, it must have sufficient information made available to it from the various police agencies in Maricopa County which investigate cases and prepare reports there.

It is imperative not only that the right cases be commenced in the criminal justice system with the right charges, but also that they be presented as expeditiously as possible from the time of the alleged offense. Presently at the main Phoenix office of the County Attorney and in both his east side and west side branches, police crime reports are dispatched to the offices in batches carried by a courier who has no knowledge of the cases in question. Generally the reports are complete and accurate as far as they go. More often than not, however, additional information is needed before the assistant prosecutor can make his charging decision. When that occurs, the report must be sent back for further information (or "furthered" as it is colloquially known). This results in unnecessary undue delay in bringing charges.

Many of the cases presented for filing to the Charging Bureau contain only the police Departmental Report, a signed Prefiling Checklist and sometimes a copy of the defendant's local rap sheet. Based upon the sparseness of the file, it is difficult to make more than a very basic analysis of the case which is presented. In addition, the charging

assistants seldom talk to the arresting police officer. Even when cases are sent back for further information, and it is received, it is often not adequate to make an effective, efficient decision. The most experienced attorneys in the office are being assigned to the Charging Bureau but are not being given sufficient information with which to work. An experienced attorney, given sufficient information as to a criminal case, is able to evaluate it quickly and thoroughly as to its merits, strengths or weaknesses. However, a thorough analysis requires that the prosecutor be given the opportunity to at least question the investigating officer.

The Technical Assistance team recommends that individual detectives or the arresting officer in cases where there is no detective, bring their own cases to the charging prosecutor where they remain available for questioning, etc., as needed. (In a recent LEAA funded survey by the BSSR of eighty urban American prosecutors, it was revealed that 50% of them received cases at intake from the detective on the case. Another 20% used the arresting officer to bring the police report to the prosecutor.) This would give the prosecutor immediate access to information regarding the credibility of witnesses and the availability of evidence and eliminate the need to "further" so many cases. Given the fact that detectives must spend time responding to "furthered" cases, it would be more cost effective for them to appear personally at the prosecutor's office and respond to all inquiries at once. Moreover, the detective himself would have an immediate review by the prosecuting official and an immediate decision on his cases. This would thus eliminate the built in time lapse in the type of batching system presently in operation.

The efficacy of a criminal prosecution in large measure depends upon the immediacy of its presentation and entry into the criminal justice system. Implementation of this requirement, i.e. that the detective bureau of the various police agencies present their own cases to the charging prosecutor, should immediately decrease to a negligible percentage, the number of cases requiring "further investigation", vastly enhance the speed with which a case enters the criminal justice system, and enhance the professionalism of the county attorney's charging functions.

B. Preliminary Hearing

Preliminary hearings are held in those cases which are charged by information. It is a probable cause proceeding conducted before a justice of the peace, the majority of whom are not lawyers in Maricopa County. Hearsay evidence is admissible at these hearings. The prosecutor from the Criminal Trial Bureau who conducts the preliminary hearing, will not necessarily be the one who will try the case.

Each attorney who conducts a preliminary hearing prepares a "Preliminary Hearing Evaluation" which optimally should contain information of use to the trial attorney, including such things as impressions of the witnesses, and results of interviews. As presently structured and used, these evaluations are not the useful tool they can be. Nor are they presently completed in all cases.

There is a related problem, not of the prosecutor's making, at preliminary hearings having to do with the inefficient use of time. Generally, the assistant county attorney assigned to the case is present, prepared to conduct the hearing. Quite often he must wait for the justice of the peace or defense attorney to arrive. As a result, much of the prosecutor's time is wasted.

It is suggested that better use be made of this "down time." This is the first point in the Arizona criminal justice system where it is mandatory that various witnesses appear. Although there is a witness interview form presently included in the prosecution file, it does not seem to be effectively utilized by the personnel, and it does not seem to incorporate a number of things which might be useful to a trial attorney's subsequent proceedings. It should be mandatory that the preliminary hearing attorneys interview all witnesses that are available. They should determine and include upon a prosecutor's impression sheet (a totally in-house, work product, non-discoverable, information sheet), specific subjective judgments about the witnesses and the evidence available, in order to enhance the case review capabilities for trial attorneys, relative to possible pleas and trial conviction probabilities. Pretrial and trial attorneys should be prepared to present, through the office administration, examples of the types of impressions that they find most useful in making decisions at the later stages of a criminal case, so that an appropriate form can be devised to be prepared by the preliminary hearing attorneys. Adequate supervision should be maintained so that this function is in fact performed. The use of this revised "Preliminary Hearing Evaluation" form and the utilization of waiting time to fill it out is one way to alleviate both the problem of inefficient use of time and the problem of lack of information available to the trial attorneys.

Presently the accusatory function is split between two bureaus. Presentations to the Grand Jury are made by the Charging Bureau, while preliminary hearings are conducted by the Criminal Trial Bureau. Within the Criminal Trial Bureau, the preliminary hearing is conducted by one attorney, while the trial is conducted by someone else. This procedure

can sometimes result in gaps in information in the file when it finally arrives at the desk of the trial attorney. Even with a comprehensive evaluation, it will sometimes be necessary for the trial attorney to re-interview witnesses and obtain further information.

There are two possible solutions which can be recommended. (The portion of these recommendations dealing with plea negotiations would, of course, not be applicable if the recommendation, infra, dealing with pre-trial docket control is implemented.) The first proposal is to assign a case to an attorney in the Criminal Trial Bureau before the preliminary hearing and make him responsible for that case from charging through the preliminary hearing until ultimate Superior Court disposition. In this way, the attorney who interviews the witnesses and hears any evidence presented by the defense at the preliminary hearing will also be the attorney who tries the case. A witness will not have to tell his story several times to several different people in the office.

Under this method of case assignment the prosecutor would also be in a position to deal more effectively with defense counsel in reaching a disposition of the case. Once counsel realizes that a case will be handled by the same prosecutor through each process step, and that he will not be able to "shop around" in an attempt to negotiate a better plea, he will be more likely disposed toward a quick disposition of the case.

Implementation of this recommendation will require negotiation and agreement between the County Attorney and the Presiding Criminal Judge to resolve scheduling problems so that an attorney will not be called upon to be in multiple locations simultaneously. This problem

could be alleviated by using more trial teams consisting of three members each. The members of a team could then cover for each other as necessary in the event of multiple case settings in different courts.

A second solution would be to have the Charging Bureau responsible for all preliminary hearings as well as Grand Jury presentations. Those attorneys in the Criminal Trial Bureau who currently conduct preliminary hearings would be reassigned to the Charging Bureau. This would consolidate all screening functions under one bureau. The attorney in the Charging Bureau would then interview the witnesses, gather information and then send the case to either a preliminary hearing or Grand Jury as deemed most advantageous to the office. This would allow the attorney in the Charging Bureau to make a complete and thorough screening of each case to the point of arraignment.

If this solution is adopted, the Charging Bureau should be required to make a written recommendation as to the ultimate disposition of the case. Requiring a written recommendation from which any deviation would necessitate approval would insure a thorough, thoughtful analysis by the attorney in the Charging Bureau and also permit review of the work of the Charging Bureau as well as the work of the Criminal Trial Bureau.

C. Pretrial-Docket Control Unit

At the present time there is no pretrial-docket control unit in the Maricopa County Attorney's office. Although there is an articulated set of case settlement standards, the interpretation of these standards may vary from attorney to attorney. Approval is sometimes required by

more than one supervisor before an attorney can accept a plea to a lesser charge, which almost always causes delays. Under the present felony practice in Maricopa County, pleas to lesser charges are accepted until time of trial. This causes a loss of control over the docket, a senseless waste of judge and court personnel time, frustration for witnesses who must make repeated appearances often only to find on the trial date that a plea is to be entered, and certainly a repeated waste of trial preparation time by the prosecutor.

It is recommended that a pretrial docket control unit be created in the County Attorney's office. The unit should be staffed by a separate group of experienced semi-supervisory personnel. The acceptance of all lesser pleas should occur only within this unit. To function effectively, pretrial docket control must occur in a judicial environment in which courts operate with individual dockets (such is the case presently in Maricopa County), and there must be complete cooperation on the part of the court. The court has the power to set dates for initial conferences which must be attended by all parties. This is necessary to effectively establish a plea cut-off date, and thereby a pure trial docket.

The present "trial setting" operation within the Superior Court can also be utilized for the implementation of pretrial conferences, final conferences, plea cut-off dates and a pure trial docket. The "first trial setting" is established by a computer after the case is bound over for trial at a preliminary hearing, at which time the case is also, by computer, assigned to an individual court docket. At the present time the "first trial setting" is an artificial date. If anything happens at all at a "first trial setting", it is a plea. In no instance does a trial actually take place.

This "first trial setting" is a mandatory appearance date, and it could be at this date that the pretrial and docket coordinator assigned to this particular judge's docket could have his initial interview to determine whether or not a plea may be taken at that time, or whether or not motions are to be held which might determine the attitude of both the prosecution and the defense relative to a plea, or if the case is in fact going to trial. The second trial setting could be adjusted at that time depending upon whether motions are involved in the case. The time lapse might be greater if there are motions than if there are no motions to be argued and decided. The "second trial setting" date, which is also a mandatory appearance date for all parties, could be utilized as the plea cut-off date. This plea cut-off date, in order to make a pure trial docket an actuality, must be totally, effectively, and solidly upheld with no exceptions. If there is to be a plea to a reduced charge it must be taken by the plea cut-off date. Beyond that, there is either a trial or a plea as charged. Because it will be at this time that a real trial date will be scheduled and because at this time all of the reduced pleas will have been eliminated from the individual docket calendars, a pure trial date may be established with only one case set for trial on one date for each docket. Since the judiciary can mandate the appearance of counsel for both sides in court hearings, the judicial cooperation necessary for the establishment of a pretrial and docket coordination unit will be readily available. The Presiding Judge for the Superior Court of Manicopa County has already indicated his support for a pure trial docket. Since the prosecutor can object to any pleas to lesser charges at any time, the effectiveness of the plea cut-off date is solely in his hands and his part of the bargain towards a pure trial docket can be accomplished.

As a result of the establishment of a pretrial-docket control unit, there will be direct centralization of responsibility for following the plea negotiations policy to be established by the elected county official, without whom the various assistant county attorneys have no power to accept reduced pleas whatsoever. It should be his policies and his alone that are incorporated and followed throughout the criminal justice system in the county in which he is elected to perform this function. Centralization of the function will allow him to maintain control of his policies and allow him to center responsibility for any possible violations. The implementation of a unit of this nature, with the necessary cooperation of the courts, would enhance the professionalism of the County Attorney's office.

D. Family Support Division

The Maricopa County Attorney has extensive civil jurisdiction, in addition to his criminal responsibilities. In this regard he is like 51 percent of the urban prosecutors recently queried in the LEAA funded, BSSR survey mentioned supra. These civil responsibilities are carried out by the Civil Bureau, which includes the Legal Services Division (discussed infra, under "Miscellaneous") and the Family Support Division.

The Family Support Division is required by statute to enforce all court issued support orders. Currently, in addition to its general duties of enforcing these orders, establishing paternity, and handling both incoming and outgoing URESA matters, the office is required under state law to participate in divorce actions where the right to child support is involved.

A problem has developed in the Family Support Division in connection with the service of process. Generally, this function is handled by the Sheriff, but the great increase in the volume of cases involving child support enforcement matters has resulted in the Sheriff's office no longer being capable of properly fulfilling this function.

Child support cases in Maricopa County are all assigned a court date before they are sent out for service of process. If returned unserved, additional papers must be prepared and a new court date set with the entire process repeated. Many unnecessarily wasted hours are spent attempting to dispose of cases on the court calendar in which service has not been made. The resultant backlog continues to increase. The use of a private service of process organization in this area has been proposed. When used in other jurisdictions, it has proven very cost-effective. As with other approved Title IV-D expenditures, 75 percent of the cost of such service is reimbursable from the Federal government. It is therefore recommended that the Family Support Division be permitted funding to provide for the cost of private service of process.

Recent action by the Arizona legislature now makes it possible to have blood tests admitted into evidence in paternity cases. In the majority of cases presently in Maricopa County, neither the defendant nor the state, acting on behalf of the child, has the necessary funds to pay for these tests. Costs of these blood tests are 75 percent reimbursable by the Federal government under the Title IV-D program. A fund of \$50,000 provided by the county, with the additional 75 percent Federal financial participation, would adequately fund this service.

The use of blood tests in paternity actions in other jurisdictions has resulted in cost reductions as they relate to prosecutor hours and court and jury hours spent in trials. Thus again, the cost-effectiveness of the program is enhanced. It is recommended that funding be provided for blood testing in Maricopa County.

There are presently eight attorneys, including the coordinator, four investigators, and 23 clerical personnel in the Family Support Division. Currently, the County Attorney's contract with the Arizona Department of Security (the state IV-D agency) is being renegotiated. The Department, inter alia, is asking that the County Attorney take on additional child support enforcement responsibilities such as attempting the recovery from decendants' estates now in probate of child support AFDC payments made and not reimbursed to the state. It is clear, however, that with its present workload, the County Attorney's office could not hope to carry out additional responsibilities in this area without additional personnel.

At the present time, the office is averaging 750 - 800 cases per month. Active cases in the office now exceed 12,000. If the waiting time for appointments could be reduced, these figures would be even higher. Waiting time for appointments to file actions are approximately eleven weeks for reciprocals (i.e., those cases where the absent-parent is in another state), five days for paternity actions and six weeks for local actions.

Eleven additional legal clerks and one additional attorney have been requested in the budget submission for 1981. The attorney would be primarily assigned to assist in handling paternity actions. Prior to a year ago most paternity actions did not go to trial but were decided either by default or

resolved out of court. Currently the office in Maricopa County is filing an average of 80 paternity cases per month, with a very high percentage of them proceeding to litigation. It has been found impossible for one attorney to handle all of the trials, motions, and depositions that are involved in such paternity litigation. The attorney would be used as time permitted to assist the other attorneys with their exceptionally heavy calendars.

The majority of the day-to-day work in a child support enforcement unit is done by investigators and other non-legal personnel. Such is the case in the Maricopa County Attorney's office. This is in keeping with the philosophy of the national child support enforcement law that in order to achieve maximum cost effectiveness, attorneys should be utilized only for court appearances and preparation attendant upon those appearances. (It is obvious the attorney's time is so expensive relative to other personnel costs, that it dominates them.) Accordingly, an office of the size of the County Attorney's child support enforcement unit, must be sufficiently staffed if cost effectiveness is to be achieved. The request for eleven additional legal clerks will barely allow the office to perform its statutory duty in the child support enforcement area.

During 1979, approximately 7 million dollars in child support payments was collected by the County Attorney. Currently, \$600,000 per month is being collected, of which 40 percent is AFDC related. Thus, with the Federal incentive payment of 15 percent, the Family Support Division is earning approximately \$36,000 per month as a result of its child support enforcement effort. Projected over the course of a year, this amount will total \$432,000. At the present rate of collections, the funding of the Family Support unit (with 75% Federal financial participation and 15% incentive) is costing Maricopa County but ten percent of the child support budget effort. A more cost-effective

effort can be had (i.e., increased collections at modest cost) only if additional manpower is provided the County Attorney. Collections will not get higher without it.

Every section in the Family Support Division is presently understaffed and the office will fall even further behind in meeting the demands placed on it by state and federal law if this matter is not provided for. Therefore, it is recommended that the Family Support Division's request for funding of an additional attorney and eleven additional legal clerks should be granted.

E. Juvenile Bureau

The jurisdiction of the Juvenile Bureau is extensive. The duties of the bureau include reviewing juvenile referrals and filing delinquency and incorrigibility petitions; attending advisory hearings, detention appeals and dispositional hearings when appropriate; investigating and prosecuting juvenile cases set for adjudication, including transfer and juvenile gang cases; investigating and prosecuting child abuse cases and preparing and arguing juvenile appeals. The office is also responsible for processing and making court appearances on adoption and related matters; processing destruction of juvenile record requests; investigating and prosecuting juvenile traffic cases and processing law enforcement and public inquiries concerning various juvenile legal issues. Attorneys in the Juvenile Bureau also research and submit proposed juvenile and child abuse legislation.

During 1979 the Juvenile Bureau screened approximately 5,000 juvenile court referrals and filed nearly 4,000 petitions. During that year they prosecuted approximately 2,000 trial cases. The present caseload is approximately 5,000. Each attorney in the division, at any one time, has 50-55 cases on his trial calendar. They are required to screen 100 - 120

cases a month. Each assistant has an average of 35 cases per month which are turned around and there are approximately 400 cases at intake at any given moment.

In 1979 there were 120 transfer cases, i.e. those involving juveniles whose cases were transferred to the Adult Felony Court because they were either not amenable to treatment in the juvenile court or society's protection required that they be treated as adults. The juvenile court facility in Maricopa County is located several miles away from the main office of the County Attorney and from the Superior Courts in the County. When a transfer occurs, a contested case must be handled by the juvenile deputies. Juvenile appeals are also handled by the deputies in the Juvenile Bureau. This requires a long trip to the State Capitol for purposes of oral argument.

The County Attorney's statutory duty to represent parents in adoption matters is a rather broad one. In 1979 the office processed nearly 400 adoptions. At the time of the site visit the increase in that caseload was up twenty percent over last year.

Presently there are eight attorneys assigned to the Juvenile Bureau, and seven clerks and one investigator. The investigator handles all cases for the Juvenile Bureau, including child abuse and assault cases. Because of its high caseload and high amount of litigation in all sectors of its responsibility, the Juvenile Bureau is currently understaffed. It is the recommendation of the Technical Assistance team that the office be staffed with at least three additional attorneys and an additional investigator.

F. Records Management System

It is essential to the smooth functioning of the prosecutor's office that the records management system be capable of supporting the paperwork flow. The Maricopa County office is distinguished by its modern centralized tape supported typing system. However, the one weakness in the system is in the important area of intake and charging. The paperwork system in this area is redundant and inefficient. There are too many forms containing too much duplicative information and an absence of forms for some of the information needed. In contrast to the rest of the paperwork systems, the Charging Bureau and Grand Jury support functions are inadequate at the present time.

Since a new mini-computer and word processing system is due to be installed in the fall thereby affecting all the paperwork and record keeping systems in the office, the opportunity to correct these deficiencies and meet the requirements of the new system is unparalleled. Because changes to the paperwork systems are inevitable, this is the time when the best economies can be achieved. The contractor has apparently already stated that the existing forms are compatible with the new equipment and others will be changed as necessary. But this will not remedy the fundamental weakness of the paperwork system as it exists today in the Charging Bureau.

What is needed is the skill of a forms and records specialist, to study the paperwork flow, the information and forms design and the requirements of both the new word processing system and the operations of the Charging Bureau. Based on this study, a new system could be designed, tested and made operational in time for the installation of the new word

processing system. A person with such skills is presently employed at the State Hospital. It is recommended that a request be made to detail him to the office for four to six weeks to perform the study and produce the requisite forms.

The statistical system maintained by the office is one of the best manual systems in the country. Its automation should be considered to provide the County Attorney with additional management information and the ability to perform analytical studies for future program development and planning purposes. The ability to evaluate the ongoing operations of the office and to plan for changes in programs or emphasis is clearly aided by the availability of statistical information. At the present time, the capability is there but the turn-around time is slow because of the manual status of the statistics keeping.

Special attention should also be given to strengthening the records retention and destruction scheduling function in the office. Storing closed cases in valuable office space is costly and inefficient not only to the prosecutor but the county taxpayer as well. The fact that a records retention program has just been undertaken is commendable. Since this is the first time that there has been a systematic effort to place this perennial problem under control, it is essential that enough staff time and support be given to this program so that procedures can be developed to permit the maintenance of an orderly retention and destruction schedule and to provide adequate coordination with the other county agencies involved.

G. Support Personnel

Adequate support personnel are essential to the workings of any office. In the Maricopa County Attorneys office, the lack of adequate support is

particularly apparent in the Charging Bureau, the Grand Jury section and in the Juvenile Bureau. There are two recommended solutions. The first is to request additional support personnel through the budgetary process to bring the office at least up to minimum standards. The second is to seek additional strength through the expanded utilization of the Arizona State University work study programs, especially in areas that have a peripheral attachment to the office, such as the departments of sociology, psychology, political science and public administration, in addition to the School of Law. These students could be compensated by course credit from the university in lieu of salary, thereby creating less of a strain on budgetary resources.

H. Miscellaneous

The Legal Services Division of the Civil Bureau was also examined. This bureau represents all county departments in Maricopa County. During 1979 it handled 1,782 newly filed lawsuits in addition to existing cases. These included tort and contract actions against the county, as well as school litigation, garnishments, tax actions and condemnation actions.

All misdemeanor appeals from the city court and justice courts are handled by the Civil Bureau also. The majority of these 12 to 15 appeals a week are trials de novo.

In spite of the heavy caseload of the Legal Services Division, it is the conclusion of the Technical Assistance team that at the present time it is adequately staffed insofar as attorneys and other clerical and support personnel are concerned.

The Victim-Witness Program was implemented to facilitate the participation of victims and witnesses in the judicial process. The Victim-Witness Program provides short term counseling and social service referral, criminal justice information and witness call-off and alert. The witness call-off

system is designed to notify subpoenaed witnesses that they need not respond to their subpoenas when a case is either pled or continued. The witness alert system notifies witnesses to appear approximately one hour before they are scheduled to testify. At the present time the functions being performed by the Victim-Witness Bureau are both appropriate and effective. In many criminal justice systems it is the lack of communication between the victims of the crime, who should be the most important persons in the criminal justice system, and prosecuting officials, which leads to an ultimate break-down of criminal cases, and leads to decisions unfavorable to the victim and the prosecuting attorney. At the present time, the Victim-Witness Bureau reviews all of the files and makes a subjective value judgment as to which cases are critical and require victim-witness communication. It is unfortunate that a lack of resources makes full scale communication and follow through almost solely applicable to cases prosecuted by the Major Offense Bureau. Because of the importance of assuring the appearance of the victims and witnesses at all court hearings, and because of the importance of the victims and witnesses themselves, the office should strive to expand the services presently performed to all of those who are touched by the criminal justice system as a victim or a witness to a crime.

The County Attorney's Investigations Bureau provides both investigative support to trial counsel in ongoing cases, and also initiates its own investigations. One of its specific duties is the handling of investigations for agencies where a conflict of interest exists and a request is made by the agency for the County Attorney to handle the matter. Public corruption cases are also handled by the bureau. It also conducts confidential investigations at the request of the grand jury.

Investigators assigned to the Family Support Division perform a number of time consuming tasks, not the least of which is the extensive parent locator work required by Title IV-D.

The County Attorney's juvenile caseload nearly duplicates his adult one. In some ways it is a more onerous one. Unfortunately, inhouse investigative assistance in the Juvenile Bureau is presently minimal. The nature of the caseload and the extensive statutory duties assigned that Bureau require that more investigative help be given it.

It is in the area of lengthy and technical investigations that a prosecutor's inhouse investigative staff is vital. White collar crimes, for example, often require extended investigations by sophisticated investigators possessing unique skills and training. One skill consistently required in this area deals with accounting and accounting practices. Chains of evidence in prosecutions involving complex economic crimes are usually convoluted and very complex. The testimony of well-trained knowledgeable investigators is a sine qua non to the success of such cases. It is not at all unusual for prosecutors and their investigators involved in complex economic crimes, to spend years in investigation and to have to deal with, literally, filing rooms full of evidence which must be qualified and admitted at trials which quite often takes months to complete.

The Maricopa County Attorney's use of regular staff of his own investigators is in keeping with the standards promulgated by both the National District Attorneys Association (which grew out of an extended study funded by LEAA) and the American Bar Association.

The National Prosecution Standards of the National District Attorneys Association (1977) Standard 3.4 calls for having "funds made available for the employment of professional investigators to handle those responsibilities of the office." Several factors are to be examined in determining the needs of the office, including the number of criminal cases with which the office must deal, the amount and types of additional, noncriminal responsibilities handled by the prosecutor, the amount and level of sophistication of organized crime and corruption existing in the prosecutor's jurisdiction and the size and complexity of the prosecutor's staff in relation to case preparation and other relevant concerns.

There is often a question as to whether these investigators should initiate investigations or merely work on ongoing cases. Standard 3.4 recommends that "Investigators shall be utilized in legal or other areas as determined necessary by the prosecutor. These would include case investigation of both existing cases, and economic crime and corruption issues that are potential cases."

Based upon these standards, and the needs of the Maricopa County Attorney's office, it is recommended that an additional investigator be acquired to work on active cases as well as possible issues, at the discretion of the prosecutor.

The American Bar Association Standards Relating to the Prosecutive and Defense Function, 2.4.(b) provides that "Funds should be provided to the prosecutor for the employment of a regular staff of professional investigative personnel and other necessary supporting personnel, under his direct control. . ."

The ABA commentary to the above standard is illuminating as to the reasons underlying the need for the prosecutor's own investigative staff:

Traditionally, most prosecutors have relied on the police, sheriff and other law enforcement officers for investigation of crime. Their investigative work necessarily figures in much of the prosecutor's activity, since in most cases prosecution is initiated as the result of efforts on their part. However, the prosecutor may need to conduct investigations which the police are unable or unwilling to undertake or investigations of public officials, including the police themselves. For such purposes and also to carry out lengthy or especially technical investigations, he should be provided with independent professional investigative personnel who are subject to his supervision.

The County Attorney, in utilizing his own regular staff of investigators, is in keeping with the practice of prosecutors generally who are responsible for prosecuting crime in major, urban areas of the United States. In the LEAA funded study by the BSSR alluded to earlier in this report, it was found that 95 percent of the prosecutors surveyed, employed their own investigative staff. Included in the jurisdictions surveyed were 11 circuits in Florida, 14 counties in California, and four counties in Texas.

V. CONCLUSIONS

This analysis and recommendations are presented with the realization that the County Attorney's Office has already made significant progress in the area of good management and resource allocation. The County Attorney is to be commended for the many steps he has taken to implement the recommendations made by the NDAA Technical Assistance teams in 1977.

As a result of the study undertaken by the CPTAP Technical Assistance team, the following changes are recommended:

In the Charging Bureau, every effort should be made to enlist the cooperation of the law enforcement agencies in having cases presented for charging by the investigator assigned to the case. This would eliminate the need to send cases back for further information and reduce the time necessary to bring charges.

At the preliminary hearing stage, although the attorneys have no control over the amount of time spent waiting for the hearing to begin, it is suggested that this time could be used more efficiently. Through the use of a revised "Preliminary Hearing Evaluation" sheet, information could be obtained at this time for use by the prosecutor. Witnesses could be interviewed and evaluated and other information could be entered on the evaluation sheet at this time.

It is also proposed that in order to further facilitate the smooth flow of cases from preliminary hearing to trial, a case should be assigned to an attorney in the Criminal Trial Bureau before the preliminary hearing and he be made responsible for that case from charging through the preliminary hearing until ultimate disposition. In order to implement this suggestion, scheduling problems will have to be worked out with the Presiding Criminal Judge so that attorneys are not required to be in two courtrooms simultaneously.

An alternate suggestion would be to have the Charging Bureau responsible for all preliminary hearings as well as Grand Jury presentations. This would consolidate all screening functions in one bureau and allow the attorney in the Charging Bureau to make a thorough screening of each to the point of arraignment.

A pretrial-docket control unit should be established in order to facilitate the taking of pleas to reduced charges and pleas to the original charge. In this way, a plea cut-off date could be established and only those cases which will actually go to trial would be docketed. This will allow for greater control by the prosecutor in the carrying out of his policies regarding plea negotiations.

In the Family Support Division of the Civil Bureau there are several suggestions. First, funding should be provided for the acquisition of a private means for service or process. The Sheriff's office can no longer keep up with the demand caused by the ever increasing child support enforcement workload for service of process and the result is a backlog in the court and wasted hours attempting to dispose of cases.

It is also recommended that funding be provided for blood testing to be used in paternity cases. These tests are now admissible, and their use in these cases could result in a reduction of both attorney hours and court and jury hours spent in trials, an increase in the amount of child support collections, and in a more cost-effective operation.

Finally, due to the heavy litigation demands placed upon the Family Support Division and the ever increasing statutory duties in the child support enforcement area, it is recommended that funding be provided for an additional attorney and eleven additional legal clerks.

The Juvenile Bureau handles all juvenile petitions, prosecutions and appeals. It also handles child abuse cases, juveniles transferred to the Adult Felony Court, juvenile traffic cases and adoptions. Currently, each attorney has approximately fifty cases on his trial calendar. Accordingly, the Juvenile Bureau is seriously understaffed and it is recommended that at least three additional attorneys and an additional investigator be added to this bureau.

Most of the problems associated with the records management system will be alleviated with the installation of a new mini-computer and word processing system. However, in order to assure that this new system adequately meets all the needs of the paperwork flow of the office, it is suggested that a request be made to detail to the office for four to six weeks, a records specialist who is currently employed at the State Hospital. This person should study the paperwork flow and forms design requirements, especially of the Charging Bureau, in order to assure that the new system will be as efficient as possible.

It is also recommended that the statistical system be automated in order to improve the current turn-around time, and that procedures continue to be developed to maintain an orderly records retention and destruction schedule.

In the area of support personnel, there are two suggestions. The first is to request additional support personnel, which would require higher levels of funding. The alternative is to make greater use of work study programs and internships in connection with the various departments of Arizona State University.

Finally, it is suggested that the victim-witness services be expanded to include all victims and witnesses, not just those involved in major crimes. Victims should be kept apprised of the progress of their case through the system and of the final disposition.

If these procedures are implemented, the resources of the office will be utilized in such a way as to realize a sizeable savings in time and manhours as well as taxpayer dollars.

APPENDIX A

LEONARD R. MELLON

Research Associate, Bureau of Social Science Research, since January 1978. Formerly, Project Director, National District Attorneys Association, 1975-1977; special counsel, National Center for Prosecution Management, 1974-1975; chief assistant state attorney, 12th Judicial Circuit of Florida, Sarasota, 1974; assistant state attorney, 11th Judicial Circuit of Florida, Dade County, Miami, 1971-1974; Counsel, Transcommunications Corporation, 1969-1971; sole practitioner, Miami, 1965-1969; assistant attorney general, Florida, 1958-1965.

Instructor, Florida State University, 1958-1960; Florida Sheriff's Bureau of Law Enforcement Academy, 1960-1964; Florida Bar Association's Continuing Legal Education Program, 1966; Criminal Justice Institute, Miami Dade Community College, 1972-1973; University of Oklahoma, 1974; Northwestern University School of Law, Summers of 1976 and 1977.

Education: B.S. (political science), Florida State University; B.S.F.S. and Lib. Georgetown University.

Current Research:

Project Director, Criminal Prosecution Technical Assistance Project--a facility to provide national level technical assistance in the prosecution area and participate in the development and improvement of criminal prosecution projects and programs supported by LEAA (Law Enforcement Assistance Administration).

Deputy Project Director, Phase II, Research on Prosecutorial Decisionmaking--a continuation of the Phase I program to conduct research on prosecution nationwide and to test techniques and procedures to measure uniformity and consistency in decisionmaking (Law Enforcement Assistance Administration).

Recently Completed Research:

Research Associate, White Collar Crime Study--a systematic review and analysis of major data sources relevant to white collar crime, supported by a grant from the Law Enforcement Assistance Administration.

Deputy Project Director, Phase I, Research on Prosecutorial Decisionmaking--a nationwide research program to develop techniques and procedures for increasing uniformity and consistency in decisionmaking, supported by the Law Enforcement Assistance Administration.

Past Experience:

As Project Director, National District Attorneys Association, directed a large-scale DHEW-supported study which assisted and encouraged prosecutors and others nationally to participate in the

Federal Child Support Enforcement Act (Title IV-D of the Social Security Act). In connection with the study, conducted regional orientation and training conferences nationwide, developed a reference source for prosecutors on child support enforcement, and a clearinghouse on current child support data; directed and participated in technical visits by child support enforcement consultants to prosecutors offices nationwide.

As special counsel to the National Center for Prosecution Management, prepared under an LEAA grant, standards and goals for homogeneous groups of prosecutors in the U.S., organized the groups, supervised the meetings and assisted in preparation of documentation on standards and goals.

As assistant state attorney, 11th Judicial Circuit of Florida, Dade County, Miami, created special trial division for speedy processing and trial of defendants, assisted in the development of pretrial intervention (diversion) program (under an LEAA grant) and established a Magistrate's Division in the State Attorney's Office. After undertaking a survey of case intake and screening, recommended the establishment of a new system and was appointed head of the new Intake and Pre-Trial Division in the State Attorney's Office.

Selected Publications:

Transmitting Prosecutorial Policy: A Case Study in Brooklyn, New York (with Joan E. Jacoby, et al.). Research Report No. 2, Project 556, November 1979.

A Quantitative Analysis of the Factors Affecting Prosecutorial Decisionmaking (with Joan E. Jacoby, et al.). Research Report No. 1, Project 556. October 1979.

"The Prosecutor Constrained by His Environment--A New Look at Discretionary Justice in the United States," Project 450, July 1979.

Policy Analysis for Prosecution (with Joan E. Jacoby) Final report for Phase I of Project 550, Bureau of Social Science Research, April 1979.

Policy Analysis for Prosecution: Executive Summary (with Joan E. Jacoby) Final report for Phase I of Project 550, Bureau of Social Science Research, April 1979.

"Probable Cause Determination," (Commentary) National Prosecution Standards, National District Attorneys Association, Chicago, 1977.

"The Child Support Enforcement Act." Prosecutors' Deskbook, Washington, D.C.: National District Attorneys Association, 1976.

Handbook on the Law of Search, Seizure and Arrest, distributed by the Florida Attorney General's Office, 1960; revised, 1962.

"Can Effective Restrictive Legislation Be Written" Paper delivered to the Southeastern Association of Boards of Pharmacy in 1962 and published in The Journal of the American Pharmaceutical Association.

(April 25, 1980)

JOAN E. JACOBY

Research Associate, Bureau of Social Science Research, 1975 to 1976 and 1977 to present. Visiting Fellow, Law Enforcement Assistance Administration, 1976 to 1977. Founder and Executive Director, National Center for Prosecution Management, Washington, D.C. 1972-1975. Director, Office of Crime Analysis, D.C. Government, 1968-1972; statistician, Management Office, D.C. Government, 1963-1968; mathematical statistician, Office of Manpower Automation and Training, U.S. Department of Labor, 1962-1963. Areas of interest and specialization: information systems, criminal justice systems and administration, prosecution and courts, public administration and local government.

Education: BA (sociology), Boston University; MA (statistics), American University.

Current Research at BSSR:

Project Director, Phase II, Research on Prosecutorial Decision-Making-- a continuation of the Phase I program to conduct research on prosecution nationwide and to test techniques and procedures to measure uniformity and consistency in decision-making. Supported by the Law Enforcement Assistance Administration.

Project Director, Performance Measurement Theory: Prosecution and Public Defense. First phase of a study to develop a theory of performance measurement in the areas of prosecution and public defense, supported by the Law Enforcement Assistance Administration.

Recently Completed Research at BSSR:

Project Director, Phase I, Research on Prosecutorial Decision-Making-- a nationwide research project which developed techniques and procedures for increasing uniformity and consistency in decisionmaking, supported by the Law Enforcement Assistance Administration.

Study Director, National Evaluation Program on Pretrial Screening Projects, Phase I--an assessment of the feasibility of conducting a nationwide evaluation of pretrial screening programs in prosecutors' offices; one of

several Phase I studies funded by the National Institute of Law Enforcement and Criminal Justice, LEAA, under its National Evaluation Program, 1975-1976.

Methodology Consultant, National Manpower Survey, 1975-1976-- nationwide survey of manpower needs and training requirements for criminal justice personnel, undertaken in cooperation with the National Planning Association and the American Institutes for Research, supported by the Law Enforcement Assistance Administration.

Past Experience:

From 1976-1977, was selected first female Visiting Fellow, Law Enforcement Assistance Administration, in a nationwide competition. She examined the emerging role of local prosecutors in the United States, results of which will be published in a book tentatively titled, The American Prosecutor: A Search for Identity.

From 1972-1975, as founder and Executive Director of the National Center for Prosecution Management, conducted substantive research into the prosecutive function, provided technical assistance to 56 individual prosecutors' offices, undertook management studies of state and local prosecution systems, organized and conducted state and national conferences, developed and published six operational manuals, and created management models and tools for implementation by prosecutors. Developed the case ranking techniques for the Bronx District Attorney's Major Offense Bureau (designated LEAA Exemplary Project), and conducted a statewide evaluation of the Massachusetts District Attorneys offices. The Center was the first national organization established to improve the management capabilities of prosecutors' offices throughout the United States. It was funded by LEAA and operated under the sponsorship of the National District Attorneys Association, National College of District Attorneys and Institute for Court Management.

As first Director of Office of Crime Analysis, District of Columbia Government, created and implemented manual and computerized information systems in the police department (Offender Status Register in WALES and Juvenile Control System for the Youth Division); in the U.S. Attorney's Office for the Superior Court of the District of Columbia (PROMIS, designated an Exemplary Project by LEAA); and in the D.C. Department of Corrections (Inmate Accounting System). All systems were developed under the project named TRACE (Tracking, Retrieval and Analysis of Criminal Events) by an interdisciplinary staff of social scientists, statisticians and systems and management analysts. This office subsequently became the model for LEAA's Comprehensive Data Statistics Program implemented throughout

the states (1968-1972).

As statistician, Management Office, D.C. Government, designed, developed and operated an automated Real Property Data Bank for the city (one of the first in the nation to be operational). With the OEO-funded Community Action Program, jointly developed and implemented an automated job-man matching system which was subsequently adopted by the Labor Department's United States Employment Service in D.C. Initiated development of a Neighborhood Early Warning System to indicate areas of deterioration requiring early public and private preventive support. Worked closely with other city agencies concerned with economic development, urban renewal, education, manpower and public safety (1961-1968).

Other previous employment include: mathematical statistician, U. S. Department of Labor, 1960-1961; statistician, Bethesda, Maryland (statistical analysis of information retrieval techniques and a study of indexer consistency), 1961-1962; operations analyst, Technical Operations, Inc., Washington, D.C. (sensitivity testing of the Air Battle Model-ABM--a computerized war game simulation model); and 1959-1960, statistician, The Mitre Corporation, Bedford, Massachusetts (analysis of simulated SAGE System).

Member, Task Force, National Advisory Commission on Criminal Justice Standards and Goals, Information Systems and Statistics; member, Project SEARCH Task Forces on Computerized Criminal Histories and Standardized Crime Reporting Systems.

Faculty, National College of District Attorneys; Lecturer, American, Catholic, Georgetown Universities, Institute for Court Management and National Association for Attorneys General.

Consultant: Courts Task Force, National Advisory Commission on Criminal Justice Standards and Goals; Alaska Judicial Council, plea bargaining study; N.Y. Criminal Justice Coordinating Council, evaluation of career criminals; Georgetown University plea bargaining study and police/prosecutor research; PRC/PMS Technical Assistance Program for LEAA National Institute; American University Courts Technical Assistance Program. Expert witness on prosecution management and efficiency, Wayne County Circuit Court, 1979.

Selected Publications:

"The Charging Policies of Prosecutors." The Prosecutor, edited by William F. McDonald. Sage Criminal Justice System Annuals, Vol. 11. Beverly Hills, London: Sage Publications, 1979, pp. 75-97.

The American Prosecutor: A Search for Identity. Lexington,

Massachusetts: Lexington Books (in press).

"The Prosecutor Constrained by His Environment--A New Look at Discretionary Justice in the United States," (with Leonard Mellon), Project 550, BSSR, July 1979.

Policy Analysis for Prosecution (With Leonard Mellon), final report for Project 550, Bureau of Social Science Research, April 1979.

Policy Analysis for Prosecution: Executive Summary (with Leonard R. Mellon), final report for Project 550, Bureau of Social Science Research, April 1979.

Research on Prosecutorial Decisionmaking: Phase I (with Edward C. Rattledge and Stanley H. Turner), final report for Project 550 Bureau of Social Science Research, April 1979.

"Evaluating the Prosecutor from a Policy Perspective." Chapter 4, Theory and Research in Criminal Justice: Current Perspectives, edited by John A. Conley. Anderson Publishing, Criminal Justice Studies, 1979, pp. 57-72.

"A Conceptual Approach for the Performance Measurement of Prosecution and Public Defense." (with Kevin J. Brosch) Paper presented at the Joint National Meeting of TIMS/ORSA, New Orleans, May 1, 1979, 15pp.

"The Deterrent Power of Prosecution." Chapter 6, Preventing Crime: Sage Criminal Justice System Annuals, edited by James A. Cramer, XX, August 1978, Sage Publications, pp. 137-161.

"Prosecutorial Policy, Impact and Implementation," paper presented to annual meeting of American Society for Public Administration, March 1977.

The Prosecutor's Charging Decision: A Policy Perspective, Washington, D.C.: United States Government Printing Office, National Institute of Law Enforcement and Criminal Justice, LEAA, January 1976.

PreTrial Screening in Perspective, Washington, D.C.: National Institute of Law Enforcement and Criminal Justice, LEAA, January 1976.

Issues in PreTrial Screening (with Neil Bomberg), Bureau of Social Science Research, 1976.

Summary of PreTrial Screening Evaluation, Phase I, Bureau of Social Science Research, 1976.

Design for Phase II Evaluation of PreTrial Screening Programs

(with Neil Bomberg and Lynn A. Curtis), Bureau of Social Science Research, 1976.

"Recommendations for Management Improvement," Summary of Proceedings: Third Management Institute, Snowmass, Colorado: National Association of Attorneys General, September 17-19, 1975, pp. 31-34.

"Case Evaluation: Quantifying Prosecutorial Policy," Judicature, LVIII, 10 (1975).

"The Prosecutor: Discretionary Power Exercised in a System of Constraints," Proceedings of the 141st Annual Meeting of the American Association for the Advancement of Science, 1975.

"Budgeting as a Management Tool for the Prosecutor," The Prosecutor, X, 4 (1974).

Final Report: Project TRACE Washington, D.C.: Office of Crime Analysis District of Columbia Government, 1972.

"DEWS--District Early Warning System for Neighborhood Deterioration," Urban and Regional Information Systems for Social Problems, Kent State University, 1967.

"How to Build a Data Bank with Other People's Money," The Large Scale Policy E.D.P. System: Its Problems and Prospects, New York: New York University, 1966.

"The Consistency of Human Indexing," The Coming of Information Technology, Chicago: Chicago University Press, 1965 (with Vladimir Slamecka).

(October 24, 1979)

DOMINICK R. CARNOVALE

BIOGRAPHY

Dominick R. Carnovale, a native of Geneva, New York, received a Bachelor of Arts Degree from Hobart College in up-state New York, and after service in the Armed Forces, attended the Detroit College of Law. Upon graduating with the number one scholastic average in his class, he was awarded the Degree of Juris Doctor in 1960. He thereupon served as law clerk for the Honorable Theodore Souris in the Michigan Supreme Court. Mr. Carnovale then worked as both appellate and trial lawyer in the Wayne County Prosecutor's Office for two years, before going into private practice with the firm of Carnovale and McCall. He spent six years in private practice as a criminal defense trial and appellate lawyer until November of 1969, when he was appointed by Prosecutor Cahalan to be Chief of the Appellate Department of the Wayne County Prosecutor's Office. In 1973, his duties were expanded and he became Chief of the Recorder's Court Trial and Appellate Departments until March of 1974, when he was appointed Chief of the Criminal Division, in which capacity he served until his appointment in February, 1977 as Chief Assistant Prosecuting Attorney.

Dominick R. Carnovale

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While Mr. Carnovale was Chief of the Appellate Department, he was instrumental in obtaining LEAA funding for law student intern programs, and served as the project director and immediate overseer of these programs for the next three years. A number of these former student interns are now members of the Wayne County Prosecuting Attorney's staff, another is the Prosecuting Attorney of Hillsdale County, Michigan, and others are assistant prosecuting attorneys in other jurisdictions throughout Michigan and in other states. Mr. Carnovale was also instrumental in creating the Victim-Witness Assistance Program of the Wayne County Prosecutor's Office, without the benefit of LEAA funding or any additional County funding, solely through the use of regular budget funds and the solicitation of donated time and services from a local printer and the Criminal Justice Institute. Mr. Carnovale was also the initiating project director under Federal funding for three additional units of the Wayne County Prosecutor's Office: The Consumer Protection Agency, the Prosecutor's Management Information System (PROMIS), and the Prosecutor's Repeat Offenders Bureau (PROB), which is Wayne County's Career Criminal Unit.

Dominick R. Carnovale

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Mr. Carnovale is a member of the Michigan State Bar Association, is a Charter Member of the Criminal Law Section of the State Bar of Michigan, and an elected Council Member of that Section. He is a former elected member of the Representative Assembly of the State Bar. He is a member of the National District Attorneys Association, as well as of the Prosecuting Attorneys Association of Michigan, and the Detroit Bar Association. He is a former member of AFSCME. A Democrat, he served as a Special Group Chairman for the 1976 Jefferson-Jackson Day Dinner of the Democratic Party of the State of Michigan.

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1st Term 1975 - 1978
2nd Term 1979 - 1982

PRIOR EMPLOYMENT:

Assistant Solicitor 26th Judicial District
June 1970 - December 1974
Financial Officer of a Land Development Company
October 1969 - May 1970
Legislative Liaison for Charlotte Chamber of Commerce
1969 Session of General Assembly
January 1969 - June 1969
Solicitor - Mecklenburg County Domestic Relations Court
July 1968 - December 1968
Tax Senior, Arthur Andersen & Co.
September 1965 - July 1968

EDUCATED:

Charlotte Public Schools; Woodberry Forest School, 1958;
University of North Carolina at Chapel Hill, A.B. English, 1962;
Duke University School of Law, L.L.B., 1965;
Special Student in Accounting with Courses at The University
of North Carolina, Duke University, Queens College, and The
University of South Carolina, C.P.A., 1969.

Personal:

Single
Born July 12, 1939, Charlotte, North Carolina
Hobbies: Sailing, Tennis, Backpacking, Scuba, Reading

OTHER ACTIVITIES:

National District Attorney's Association - Vice President
North Carolina District Attorney's Association - Immediate Past President
Governor's Crime Commission
North Carolina Criminal Code Commission
National College of District Attorney's - Lecturer
Charlotte Council on Alcoholism - Director
Myers Park Presbyterian Church
Open House Board of Trustees - Trustee
Carolina Wrestling Officials Association - Past President

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Date of Birth: December 17, 1952, Bethesda, Maryland

Education: Miami-Dade North Community College
University of Florida, Gainesville
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1972, A.A.
1975, B.A. Sociology
1977, M.A. Sociology

Research and Work Positions:

Research Analyst. Criminal Prosecution Technical Assistance Project, Bureau of Social Science Research, Inc. LEAA-funded grant to provide technical assistance to prosecutor offices and organizations nationwide. Principle duties include: principle management of the project; assessing the need and type of technical assistance to be provided; conducting on-site evaluations and assessments of prosecutor's offices; writing or assisting with the writing of all technical assistance reports and the major portion of the writing for three substantive monographs on criminal prosecution; developing and assistance with the final report. April, 1980 to present.

Assistant Director. Wisconsin Parole Project, Wisconsin Center for Public Policy. LEAA-funded grant to evaluate Wisconsin's Parole Decision-Making Guidelines. Principle duties included: assisting with the overall design, analysis and administration of the project; designing data collection instruments and codebooks; working with the representative agency on structuring parole guidelines; and responsibility for the final report and articles forthcoming. May, 1979 to December, 1979.

Consultant. Police and Social Service Agency Project, Wisconsin Center for Public Policy. Project funded under a grant from LEAA to examine community interaction between the police and the various social service agencies in the areas of criminal justice and mental health. Consultant areas: research design and final report review. April, 1979 and February-March, 1980.

Assistant Director. Wisconsin Sentencing Project, Wisconsin Center for Public Policy. Project funded by LEAA grant to examine felony sentencing patterns in Wisconsin's trial courts. Principle duties included: assistance in project administration, design and all methodological matters; making presentations at state advisory committee meetings; advising the Wisconsin Legislature on sentencing areas; designing data collection instruments and codebooks; and responsibility for final report and articles forthcoming. January, 1978 to March, 1979.

Research Analyst. First Appearance Court Study, Gainesville, Florida. Dr. Charles Frazier, principle investigator. Principle duties included: coding, writing and documenting the relevant computer programs. 1976-1977.

Instructor. University of Florida, Introductory Sociology. Principle duties included: instruction of 50 undergraduates for three quarters; design and grading of all exams. 1977.

Publications:

Shane-DuBow, Sandra and Walter F. Smith. An Evaluation of Wisconsin's Parole Decision-Making Guidelines. Madison, Wisconsin: Public Policy Press, 1980.

Shane-DuBow, Sandra, Walter F. Smith and Kim Burns Haralson. Felony Sentencing in Wisconsin. Madison, Wisconsin: Public Policy Press, 1979.

Smith, Walter F. Public intoxication and public policy: The effectiveness of the Florida Myer's Act (in progress).

Smith, Walter F. Official crime rates and social control: A test of Erikson's hypothesis, unpublished M.A. thesis, University of Florida, Gainesville, Florida, 1977.

Academic Awards:

Teaching and Research Assistantship, University of Florida, 1977.
Research Assistantship, University of Florida, 1976.

Research Interests:

Criminology: Courts research and evaluation, Methodology, Post-sentencing variability, Organization theory.

Applied Research: Sentencing and post-sentencing variability, Criminal adjudication process with emphasis on arrest, prosecution, courts and correctional supervision, Sociology of Law, Social program evaluation.

Social Psychology: Labelling theory, Self-concept theory.

END