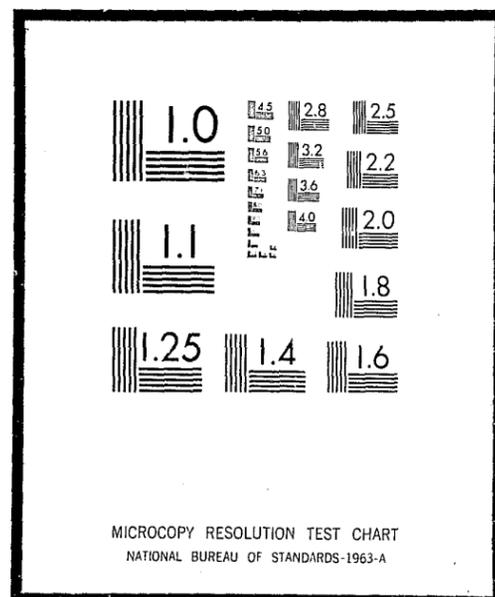


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U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

Date filmed

7/7/76

GUIDEBOOK OF PROJECTS FOR PROSECUTION AND DEFENSE PLANNING

Prepared by:

National College of District Attorneys
National Association of Attorneys General
National Legal Aid and Defender Association
Federal Defenders of San Diego, Inc.

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FOREWORD

This is one of two volumes containing proven projects and ideas designed to help improve the operations of agencies in the courts, prosecution, and defense area. Although both volumes were written under an LEAA grant to the National Center for State Courts, the portions contained herein were prepared solely under the direction of the National College of District Attorneys assisted by the National District Attorneys Association (Prosecution), the National Legal Aid and Defender Association and the Federal Defenders of San Diego, Inc. (Defense), and the National Association of Attorneys General. Editorial changes were made by or under the direction of LEAA Technical Assistance Division staff.

This volume was primarily prepared for use by state planning agencies and LEAA regional offices as a resource document. The project summaries contained herein represent ongoing projects, combinations of projects, and suggestions that should prove useful in planning improvement projects in prosecutor and defense offices. An attempt was made to assemble from the states and from individual operating offices some of the best projects and ideas available in the country. Due to the time constraints many good projects undoubtedly went undiscovered and some were received too late for publication. Additional projects and ideas may be prepared at a later date to supplement the materials contained in these two initial volumes.

The purpose of these publications is to assist courts, prosecution, and defense planners by offering a representative choice of proven ideas to aid them in planning, designing, reviewing, and implementing the many proposals to which they give consideration each year. The purpose of these guidebooks is not to prescribe to SPA's or operating agencies particular projects or ideas which they should implement or fund.

We offer our thanks to the prosecutors and defenders who donated their time and energy to make this portion of the guidebook program a success.

TAD/OCJA
LEAA
Washington, D. C.

P R O S E C U T I O N

Prosecution

This chapter describes innovative prosecution projects in five major areas of concern: statewide prosecution services, training, office management, screening, and special prosecution units. Most of the projects catalogued in the chapter have been implemented in one or more prosecutor's offices. One criterion for selecting these projects was their applicability to diverse types of prosecutor's offices.

Although all of the projects listed herein are deserving of serious consideration for funding, the number one priority for all states is the prosecutor technical assistance, coordination, and training office project. Implementation of this project would benefit every office within a state by providing technical assistance in implementing other innovative programs, by professionalizing the staff through well designed training programs, by representing the prosecutors' interests in dealings with other governmental and non-governmental agencies, and by bringing about reasonable uniformity in the operations and procedures of the various prosecutor's offices in a state. Thus, a prosecutor technical assistance, coordination, and training office can be the mechanism for supporting and improving all prosecutor's offices within a state.

Other projects deserving of priority treatment are in the areas of office management and screening. The development of efficient management techniques can aid prosecutors to fulfill their functions more effectively without large increases in manpower. The implementation of various screening and diversion projects can reduce the number of cases which enter the judicial process, thus enabling prosecutors to concentrate on the most serious offenses and dangerous offenders, thereby reducing the delay between arrest and conviction in priority cases.

Finally, it should be noted that this chapter is intended to assist in the selection of innovative prosecution projects. The choice of a particular project, its design and budget, should and can be adapted to the individual prosecutor who desires innovation. Thus, the following projects are but examples of equally valid approaches to the problems of improving prosecution services.

Three national organizations support prosecutors and provide a wide variety of information and assistance:

1. National District Attorneys Association
Patrick F. Healy, Executive Director
211 East Chicago Avenue
Chicago, Illinois 60611, (telephone 312-944-2667)
2. The National College of District Attorneys
George A. Van Hoomissen, Dean
College of Law
University of Houston
Houston, Texas 77004
(telephone 713-749-1571)
3. National Center for Prosecution Management
Joan E. Jacoby, Executive Director
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OFFICE OF CENTRAL SERVICES TO PROSECUTORS

The single most important project to benefit local prosecutors is that of the Prosecutor Training Coordination and Technical Assistance Unit. Approximately 35 of these are in operation today in one form or another.

A statewide office of central services to prosecutors is absolutely essential to the progress of further professionalizing the prosecutor's office. In those states having a central office, it has served as a conduit for information, new ideas and trends in the area of criminal law and for a source of technical assistance. It has acted as a catalyst and energizing factor to educate and direct prosecutors toward uniformity of function and goals. Those states lacking such an office have also lacked organization, direction and significant progress.

These offices have been located primarily with the prosecuting attorneys' associations, although some of them are located in Attorney General's offices. Location within the office of the Attorney General or another agency than the prosecutors association can make the function subject to the vicissitudes of politics, changes of personnel, etc.

The potential effectiveness of such a coordination unit is enhanced if the director and staff have a day-to-day working relationship with the prosecutors, are responsible to them, and have a personal knowledge of their problems and functions and are personally acquainted with them. The success of any such project depends to a large extent upon the cooperation afforded it by the prosecutors.

PROSECUTOR TECHNICAL ASSISTANCE, COORDINATION
AND TRAINING OFFICE

GOALS:

To provide technical assistance, coordination and training to state prosecutors and related law enforcement personnel. To bring about uniformity in operations and procedure for various prosecutor's offices in a state. To represent the office and its needs to other governmental and non-governmental agencies. To further professionalize the office of prosecutor and increase its proficiency.

METHODS:

To create the office of prosecutor training and technical assistance coordinator, whose functions may be, but are not limited to, the following:

(1) Rendering technical assistance in the area of research, initially for the trial level, and ultimately, upon the creation of a brief bank, for the appellate level. Drafting assistance and actual trial assistance in significant cases will also be offered.

(2) Providing a central clearinghouse for prosecutor problems and coordination. This will create and maintain channels of communication for the exchange of important information among state prosecutors, making the collective knowledge and experience of the offices of prosecutor available to all. This may include statewide circulation of newsletters, dissemination of materials and information concerning innovations, trends and concepts in the area of criminal law.

(3) Planning, promoting and executing intrastate training seminars on a structured basis (e.g., urban vs. rural, experienced vs. inexperienced, management vs. operations). In effect, institute a continuing legal education program for prosecutors.

(4) Developing manuals for statewide use: policy, procedure, standards, forms.

(5) Acting as liaison for prosecuting attorneys with other governmental and non-governmental agencies (office of Governor, legislature, courts, police, state planning agencies, state bar associations, etc.).

(6) Collecting statistics from each office and evaluation of needs; instigate office management studies and provide assistance in grant applications.

BUDGET:

Personnel to be funded include the following: executive director; assistant directors; secretaries; part-time help. In addition, funds are

necessary to hire consultants if a formal training program is included in the grant application; if the application is for the operation of the office alone, then funds for consultants should be left for the individual training grant applications.

Funds should also be provided for travel and subsistence for the executive director and/or his assistant to all prosecutor's offices in the state (at least twice yearly), to national association of prosecutor training coordinators meetings, to conferences within and without the state, and to various other state meetings.

Office equipment, including furniture, typewriters (an IBM Mag Card System is preferable), tape recorders, copier, duplicator, and reference library, should be funded. Office space, printing, postage, auditing, telephone, and office supplies should be included in the grant, as required.

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525 West Ottawa
Lansing, Michigan 48913
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S C R E E N I N G

PROSECUTOR SCREENING OF FELONY COMPLAINTS

GOALS:

To provide intensive screening and pre-trial preparation of felony complaints in order to insure that the felony courts process the most serious cases and to reduce felony cases to misdemeanors when appropriate.

To reduce the indictment workload of the office by screening out superfluous charges and to handle all cases more expeditiously by providing prosecutorial review and compilation of case files as soon as possible.

To provide formal procedures for plea negotiation and to provide factual data for docket formulation.

METHODS:

Several methods can be utilized separately or in combination with each other:

Some offices review felony complaints before formal charges are filed. This enables the prosecutor to decide which cases he will take to felony court. Some offices have developed an early and formalized plea negotiation procedure which forces defense counsel to bargain with designated prosecutors because plea bargains will not thereafter be accepted. In addition, some offices are developing a system for assigning values to cases in order to designate which cases deserve special attention.

Some offices are now utilizing 24-hour prosecutorial services in the lower courts to screen-out bad charges or less important cases.

Some offices have obtained federal funds to assign full-time prosecutors to lower courts for the purpose of reducing felonies to misdemeanors when appropriate. In addition, some offices have established a pre-trial case preparation procedure which is designed to ensure that the prosecutor is prepared for trial and to dispose of pre-trial matters in conferences with defense attorneys. All of these programs are designed to screen-out bad felony charges and improve case preparation.

In jurisdictions where police place felony charges without prior review by prosecutors, the prosecutor's office must establish a screening unit to process such charges prior to grand jury action or formal charge by warrant, information or indictment.

BUDGET:

The Harris County, Texas office has established a central complaint section with prosecutors available 24-hours per day. The assistant District Attorney in charge of the complaint desk is paid \$17,000 per year. Philadelphia and Baltimore pay their initial screening prosecutors

approximately \$15,000 per year. The salaries requested for such units must be commensurate with those of experienced prosecutors on the staff since screening prosecutors must be able to evaluate a case and place it in the proper channels. This type of work is a highly sensitive prosecutorial function and demands responsible individuals. It has been the experience of at least one office that it is difficult to find experienced prosecutors who are willing to devote the majority of their time to screening, plea negotiation and case preparation. Therefore, the salaries of the members of such units should be fixed as high as practical in order to attract experienced attorneys. It is also possible to utilize law clerks, interns or paraprofessionals in some aspects of the screening function provided they are closely supervised by prosecutors who will ultimately make the decisions of how the cases will be processed.

The "Complaint Clearance Section" of the Travis County, Texas District Attorney's Office is funded \$70,161 for the first sixteen months of operation. Staff includes a chief assistant district attorney at \$12,700, two assistant district attorneys at \$10,800 each, one grand jury assistant district attorney at \$10,200, two investigators at \$10,610 each, and three secretaries at \$6,000 each.

The "Circuit Court Pre-Trial Screening Unit" of the State's Attorney's Office of Montgomery County, Maryland is funded at \$40,633 for the first year of operation. An assistant state's attorney at \$16,750 (two-thirds time) will head the unit; a secretary at \$7,200 and a paraprofessional screener at \$12,000 will assist him.

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PRE-TRIAL DIVERSION OF DRUG OFFENDERS

GOALS:

To remove certain classes of drug offenders from the adjudicative process. A substantial portion of criminal justice resources are now allocated to the processing of drug cases, despite the following considerations:

(a) Most of the cases involve drug users and addicts, rather than drug distributors;

(b) Drug use, as distinguished from distribution, is a "consensual" crime, and its threat to the safety of others is significantly less than that of general "street crime";

(c) The preferred treatment of the drug user is a drug rehabilitation program rather than traditional processing through the criminal justice system.

To divert the large number of drug offense cases not involving distributors will allow criminal justice personnel to concentrate on the processing of other criminal cases. This should reduce crime, through an increase in the conviction rates, due to improved case preparation, and reduced caseloads, thereby reducing the number of undesirable plea bargains as well as speeding conviction and incarceration of violent offenders and recidivists.

To begin speedy rehabilitation of drug abusers, under a diversion program, beginning almost immediately after apprehension. This should reduce the number of offenders whose drug problems increase, while charges are pending against them, often to the point where they commit other offenses to support their drug habit.

METHODS:

Objective criteria are established and uniformly applied to the types of offenders who will be considered for placement in the program. One criterion is that the offender not be a distributor.

Offenders meeting the criteria are referred to a drug rehabilitation agency. If the agency, after investigation, is willing to accept the offender, and if the offender is willing to be so placed, the offender undergoes treatment and/or counseling through the agency.

Prosecution is deferred, dismissed without prejudice or adjourned while the offender participates in the rehabilitation program. If rehabilitation program is satisfactorily completed, the prosecution, if still pending, is dismissed. The offender is prosecuted only if he fails to complete the rehabilitation program.

The rehabilitation agency operates independently of the prosecutor and the courts, although within guidelines established by the prosecutor, and is subject to such status reports as the prosecutor shall require.

Ideally, a diversity of rehabilitation modalities are available for drug offenders. A drug offender is initially referred to a central agency, such as a county-wide drug abuse commission, which determines the most suitable rehabilitation program to which the offender should be referred for treatment.

BUDGET:

The minimum staffing requirements of the program are one full-time person supported by one secretary to handle the processing of the offender until placement in the rehabilitation program. This person should have knowledge of both law enforcement and drugs. A salary of \$10,000 to \$15,000 is recommended. An assistant prosecutor, devoting approximately 1/3 time, should supervise the referrals and should make the ultimate decision of whether a particular offender should be placed in the program. Large jurisdictions would need additional personnel and should consider employing a paraprofessional with a social work background to be assigned to the prosecutor's office.

The Philadelphia Pre-Indictment Drug Rehabilitation Project deals with non-drug offenders, as well as drug offenders, and is funded at \$210,000, with \$118,000 in federal funds. Staff includes an assistant district attorney (one-third time), an administrative assistant (full-time), two court officers, two court clerks, and a court stenographer (each one-fifth time). A program director (full-time) at \$16,750, an assistant director-counselor (full-time) at \$11,950, and six counselors (each full-time) at \$7,500 complete the unit.

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JUVENILE OFFENDER INTAKE SCREENING
AND DIVERSION PROJECT

GOALS:

The objectives of this project are to insure that the most minor cases are screened from the adjudicative process at the point of arrest, so that the juvenile offender is not processed through the criminal justice system when the matter is appropriate for other treatment; to establish the prosecutor's office as the proper agency to determine what cases are appropriate for prosecution rather than the police or the probation office; and to reduce the incidence of serious criminal involvement by first offenders by establishing an effective rehabilitation program beginning at the time of arrest for the first offense.

METHODS:

Uniform standards are developed to insure equal treatment for similarly situated juvenile offenders. Less serious first offenders charged with non-violent offenses are provided with an opportunity to enter a rehabilitative framework with educational, therapy, and counseling components.

The operation of such a unit would be similar to the pre-trial diversion of minor offenders described herein.

BUDGET:

A juvenile offender intake screening and diversion project for a metropolitan jurisdiction would be funded at \$200,000. Staff includes one assistant district attorney (half- or full-time), one administrative assistant (full-time), one intake interviewer (full-time), a director-counselor (caseworker), six counselors (each full-time), and one secretary.

This is a hypothetical budget for a metropolitan jurisdiction. It is based on the budget of the pre-trial diversion of minor offenders project.

STUDY OF CHANNELING CERTAIN CRIMINAL
CASES TO NON-CRIMINAL DISPOSTION

GOALS:

The purpose of this study is to inventory, analyze and evaluate existing means of diverting extraneous matters from the local criminal justice system. For example, traffic violations, alcoholics, consumer disputes, narcotics violations and family arguments result in the expenditure of a large portion of police and prosecution resources. The study should result in practical recommendations for decriminalization through the development of alternative non-criminal procedures, including necessary enabling legislature for solving problems and resolving conflicts.

METHODS:

A steering committee composed of prosecutors, judges, legislators, executive staff, and student researchers should make use of questionnaires, conduct studies of selected courts, conduct interviews with involved agencies, conduct studies of model legislation and research existing applicable statutes.

BUDGET:

The cost of this study would be between \$50,000 and \$75,000 to pay the expenses of expert consultants, assuming they would be willing to participate in the project without remuneration other than actual expenses such as per diem and travel. The greatest expenditure would be for student researchers.

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American Bar Foundation
1155 East 60th Street
Chicago, Illinois 60637
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INTAKE INTERVIEWER
(PROSECUTOR'S OFFICE COMPLAINT DESK)

GOALS:

To provide centralized and specialized intake of all citizen complaints and inquiries in the prosecutor's office so that such persons seeking, calling or visiting the prosecutor's office in search of assistance, can receive assistance expeditiously. The primary purpose is to enable the citizen to obtain an answer to his complaint or inquiry with one call or visit to a knowledgeable interviewer who knows the structure and functions of local law enforcement, general government and social service agencies; knows the type of assistance available; and has the time and resources to satisfy the citizen that everything possible has been done by the prosecutor's office to aid him.

METHODS:

All offices need the services of an intake interviewer. Some offices use receptionists; others use police officers or investigators; others simply channel such calls to a prosecutor who may not have the time to devote to the complainant. If the prosecutor takes time to handle citizen complaints and inquiries, the quality of his regular criminal work may suffer.

Handling citizen complaints is an extremely difficult task since most are civil in nature and many are from disgruntled individuals who have exhausted their remedies and simply want to tell a public official what they think of the system. If the function is performed effectively, the prosecutor will gain valuable information about the problems of the criminal justice system and the areas in which his office is not functioning satisfactorily.

Some complaints will enable the prosecutor to institute investigations and prosecutions before the problems are brought to the attention of the general public by frustrated citizens.

The intake interviewer must be trained to know the work of all governmental agencies in his jurisdiction and the available civil and criminal remedies. He must compile a list of key personnel in each agency who have the authority to act, and their phone numbers. He must be trained to recognize a serious situation and fix priorities. He must also have a system to record data, place it on suspense, and ultimately satisfy both the citizen and the prosecutor that the complaint has been handled satisfactorily. He must also be able to retrieve information so that periodically he can report on the nature of complaints and what they tell the prosecutor about how the criminal justice system is operating.

BUDGET:

The small office can utilize a paraprofessional in this function. Personnel with experience in other agencies, such as law enforcement, social services or employment services, are desirable. Law students are excellent, but they usually are not available full time, and the intake interviewer should be a full-time employee. The recommended salary range is \$7,500 to \$10,000.

The larger offices can place this function under their administrator or in an investigative unit. If the office has a 24 hour screening operation, the function can be placed there. A paraprofessional or several of them, can perform this function under the supervision and guidance of an experienced prosecutor. The recommended salary range is \$10,000 to \$15,000 for a large office.

CONTACT:

There are no known grant applications from the larger offices. Many grants have been made to smaller offices throughout the country for para-professional assistance. Contact state planning agency or regional LEAA office for assistance.

PRE-TRIAL DIVERSION OF MINOR OFFENDERS

GOALS:

To remove the certain classes of minor offenders from the adjudicative process.

To reduce crime through the following effects:

(1) Prosecutors and courts will be able to concentrate on more serious cases. This should result in increased conviction rates in such cases, through better case preparation, and should reduce the number of undesirable plea bargains which result from large caseloads. It is assumed that the reduced caseload will also allow the speedier conviction of the more serious offender, thus speeding incarceration of violent offenders and recidivists.

(2) Minor offenders will be rehabilitated more effectively, thereby significantly decreasing the number of such offenders who become recidivists. This enhanced rehabilitation rate stems from the speed with which the process begins, almost immediately after apprehension, and from the positive reaction of the offender to the realization that the criminal justice system is giving him a chance to avoid "one mistake" which could seriously impair his future.

METHODS:

Objective criteria are established and uniformly applied to the types of offenders who will be considered for placement in the diversion program. The principal criteria are: (a) non-assaultive nature of the offense; (b) lack of significant previous criminal record. (Drug offenders normally should be processed through a separate diversion program.)

A prosecutor, in exercising his discretion, refers to a probation agency all offenders meeting the diversion criteria.

If the offender voluntarily agrees to placement in the probationary program, and if the agency recommends placement, the offender is diverted to the program. The agency's recommendation is based upon an interview with the offender and a background investigation. The probation is for no more than one year and the offenders whom the agency believes to require longer probationary periods are not placed in the program.

Court action is deferred, dismissed without prejudice, or adjourned, while the offender is in the probationary program. The offender is prosecuted only if he fails to successfully complete probation. If court action is still pending upon successful completion of probation it is then dismissed.

The probation agency maintains a full-time staff and has broad range rehabilitation support capacities, either within the agency itself or through referral to other agencies.

The probation agency operates independently from the prosecutor, although within guidelines established by him, and makes such periodic reports on a probationer's status as a prosecutor requires. Communications between the offender and the agency are confidential.

CITIZENS' COMPLAINTS CENTER

BUDGET:

The minimum personnel requirements for a diversionary program are:

One assistant prosecutor (at least 1/3 time), to supervise referrals and authorize placements; one director of the probation agency; one probation case worker for each 100 offenders placed in the program; one intake interviewer; and adequate clerical assistance.

It is desirable to have one full-time person to coordinate the referral process, and to serve as liaison between courts, prosecutor and police.

Philadelphia's pre-indictment probation drug rehabilitation project deals with non-drug offenders, as well as drug offenders, and provides for a deputy district attorney (1/3 time) with a full-time administrative assistant at \$9,300 and four probation officers at \$10,500 each. It utilizes the services of HELP, Inc. a voluntary community organization with funds for contractual services in the amount of \$118,000.

The Baltimore State's Attorney office's first-offender program contemplates a staff consisting of a project director, two intake counselors, and an investigator, and will use federal funds in the amount of \$130,000 to contract with state employment service agencies.

Genessee County, Michigan utilizes a director, six counselors, three secretaries, one assistant prosecutor (1/3 time). The project budget of \$130,000 is partially supported by \$30,000 in-service fees from non-indigent offenders placed in the program and \$20,000 in LEAA funds.

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GOALS:

The goal is to maximize the effectiveness of the prosecutor when confronted with situations involving disputes among citizens that do not require criminal prosecution, e.g., many intrafamily disputes and neighborhood conflicts. For such cases, the intention is to provide the prosecutor with alternate mechanisms for fair and equitable resolution of such conflicts.

METHODS:

Professional mediators and arbitrators, assistant prosecutors and social welfare information and referral specialists comprise the staff for the center. Each incident is screened by a paraprofessional and directed to either the mediation component, the prosecution component, or the social welfare component.

Interview rooms are provided for each professional in order to preserve privacy. For both the prosecution and the mediation component, hearings are scheduled in which all parties to the dispute can air their grievances.

BUDGET:

Cost will vary depending on the population of the jurisdiction involved. Projections are based on urban populations between five hundred thousand and one million.

Salaries of mediators, prosecutors and social workers, office space costs, and operating costs for one year are \$90,000 to \$115,000. First year costs may include additional amounts for office space modification, and staff acquisition and training.

CONTACT:

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OFFICE MANAGEMENT

STANDARDIZED RECORD SYSTEM FOR LAW ENFORCEMENT AGENCIES

GOALS:

To standardize records and procedures for law enforcement agencies (sheriff, municipal police departments, etc.) operating within the jurisdiction of a single prosecutor's office;

To eliminate the need for the prosecutor to keep different records from each enforcement agency concerning the same topic;

To speed up assimilation, filing and distribution of records in the prosecutor's office, thereby providing more time for the prosecutor to reduce case backlog and lessen the time lapse between arrest and trial.

METHODS:

Develop and standardize offense report forms within the jurisdiction which are instituted by the component agencies of the law enforcement community;

Provide records of arrest;

Provide records of prior criminal conduct of an accused and fingerprints, etc., necessary for successful prosecution;

Standardize case flow from each law enforcement agency within the prosecutor's office;

Standardize the paper flow from law enforcement agencies into the prosecutor's office.

BUDGET:

A hypothetical budget of \$20,000 - \$30,000 would include funds for a systems survey to determine the acceptable alternatives, to design the optimum forms and records system.

The budget would also provide for implementation.

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QUARTERLY PLANNING

GOALS:

The objectives of this project are to identify underlying problems in office operations and take corrective actions and to assure that the press of business does not keep the prosecutor's office from remedying conditions detracting from efficiency and effectiveness.

METHODS:

Heads of operations and staff units in office submit each quarter a list of problems noted in office, such as requirement for policy determinations, new procedures, or training actions.

Chief prosecutor or designated assistant compiles all submissions, structures items into homogenous groupings, and forwards combined list of items to each operations or staff unit head for review, additions, deletions, etc.

Chief prosecutor reviews comments made, develops agenda for planning meeting, and organizes meeting.

At planning meeting, group determines action to be taken on each problem, person responsible for accomplishing action, and deadline for taking the action.

Chief prosecutor and operations and staff heads monitor progress towards completion of quarterly agenda by using specially prepared charts which show tasks, persons responsible, and deadlines in a calendar-like format.

BUDGET:

Costs include only art work and printing for production of charts four times a year: approximately \$600.

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STREAMLINING RECORDS, SYSTEMS AND FILING PROCEDURES

GOALS:

To reduce the unnecessary handling of case folder, court dockets, etc.;

To streamline filing procedures to make maximum use of available space allotments;

To make optimum use of available secretarial help, particularly in the area of typing arrest warrants, complaints, informations and indictments;

To be able, at any time, to locate file, disposition (if any), prosecutor and status by particularizing records-keeping of every file once it enters the criminal justice system;

To provide critically needed management reports, statistical reports and statistical analyses.

METHODS:

The adoption of a microfilming system within the prosecutor's office will considerably reduce the tremendous space problem.

The unnecessary handling of case files can be reduced by having a centralized records-keeping section. A file should enter this section, be recorded as to the name of the prosecutor who is responsible for it, etc., and be available to the prosecutor who is handling the case.

The utilization of the "tear-out" type of form, which contains the complaint, arrest warrant, information and indictment, would allow only one typing to complete all of the required forms, thereby saving secretarial time.

Filing containers, such as circular, horizontal or automated filing cabinets, will be used in a manner most advantageous to available space.

The optimum use of automatic typewriters, dictating equipment and copying machines would be employed.

BUDGET:

If the restructuring of the procedural and systems method is the result of recommendations made after a management study, the budget should include funds for a systems follow-up study by the same firm.

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PROSECUTORS' OFFICE PARAPROFESSIONAL PROGRAM

GOALS:

To establish training programs for paraprofessionals, including secretaries, designed to train non-lawyers employed by prosecutors in the internal operation, duties and organization of the office.

To upgrade the efficiency of the prosecutor's office by hiring and training paraprofessionals to handle those tasks which do not require the attention of an attorney, thereby allowing prosecutors to direct their attention to duties which merit their consideration.

To make the prosecutor's office more economical, by utilizing lower paid paraprofessionals to dispose of certain necessary tasks previously handled by highly-paid attorneys, thereby reducing the necessity of hiring additional prosecutors to dispose of matters not requiring legal expertise even as the office workload increases.

METHODS:

An analysis should be made of current practices in the prosecutor's office to determine which duties can be assumed by paraprofessionals; among these duties are the following:

Screen "off-the-street" complaints (cf. "citizens' Complaints Center")

Screen incoming phone calls that deal with complaints.

Take statements from witnesses.

Assist in case processing (e.g., investigations in case-intake process, notification of witness, gathering evidence)

Position classification and standards should be developed, including on-the-job training.

BUDGET:

The Montgomery County, Maryland "Paraprofessional Support Program" is funded at \$41,369, with \$30,082 in federal monies. Three paraprofessionals, each funded at \$9,000/year, constitute the major expense of the grant; one assistant state's attorney, devoting 20% of his time to the project, will direct it. One secretary (\$7,200/60% of time) will service the grant.

The paraprofessionals project of the State's Attorney's Office for Prince Georges County, Maryland is funded at \$19,600, with \$13,900 in federal funds.

Page 2. It provides for two full-time paraprofessionals at \$6,240/year each and one assistant state's attorney at \$12,000 (one-quarter time).

The United States Attorney's Office of Washington, D.C. recommends a budget of \$150,000 to conduct studies and establish the program for a 12-18 month period. It is believed that a budget of 100,000 would be required for a minimum effort.

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WITNESS NOTIFICATION

GOALS:

To reduce trial delay, thereby bringing cases to trial more promptly and decreasing opportunities for defendants free on bail to commit further offenses, by insuring the appearance of all necessary prosecution witnesses at the proper place, date, and time for trial or any other court proceeding requiring their presence;

To cut down on witness fees and wasted time for both civilians and police officers, by reviewing facts of each case and assuring that only necessary witnesses are called for each appearance;

To maximize the availability of police and other investigative personnel for criminal investigation and street patrol by utilizing clerical personnel and mail service with return receipts for all civilian witnesses in the first instance. Personal service of subpoenas would be necessary only for witnesses who fail to respond to mail service.

METHODS:

An assistant prosecutor at the time of charging or indictment would determine which witnesses would be necessary to make out all elements of the offense and would note their names accordingly. Clerical personnel would then type and mail the notifications with sufficient lead time before the scheduled appearance to allow for return notice or for personal service;

In jurisdictions where there is access to a court or other computer system, notice can be handled on an automated print-out and then followed up in the same fashion;

The prosecutor assigned to a particular case would be responsible for speaking with each witness whenever a case is continued in the courtroom so that the witness will know the reason for the delay and understand that the prosecutor is interested in the witness and concerned for his or her personal convenience. He would also note any change of address or anticipated vacation or other temporary absence so that a rescheduling can be at the witnesses' convenience.

BUDGET:

Resources for this project should be confined mainly to printing and mailing costs since all other costs would be already born by other elements of the criminal justice system. Even in large metropolitan jurisdictions, this would not exceed \$25,000 to \$30,000 annually.

PROSECUTOR'S OFFICE ADMINISTRATOR

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GOALS:

To develop data needed to justify increased funding for the office;

To free prosecutor from administrative duties so that he can devote time to case and trial preparation, etc.;

To streamline and modernize the operations of the prosecutor's office;

Centralize records-keeping within prosecutor's office.

METHODS:

Devise, distribute and maintain personnel evaluation reports;

Devise, distribute and maintain reports indicating case disposition, intake, total volume, etc.;

Centralize and maintain all budget information;

Centralize and supervise all salary records;

Handle all purchasing of equipment for office;

Constantly update and modernize operating procedures within the office;

Handle floor plans and location of offices within the prosecutor's office;

Coordinate special units within the office to insure the successful completion of extraordinary projects;

Study other prosecutor's offices, and meet with other administrators;

Make manpower utilization studies to effect decentralization of professional, paraprofessional and secretarial staff;

Call in outside management consultant firms when necessary.

BUDGET:

While budget requirements vary, it is of critical importance that funds be allotted to the following areas:

(a) Study the systems and management procedures of the office by (1) hiring an outside consultant to perform a study; and (2) travel to other prosecutor's offices which employ an office administrator to study their procedures and draw upon their expertise.

(b) Put into operation the results of the studies.

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GOALS:

To provide the system by which sufficient information can be gathered to provide the local prosecutor with a profile of his daily office operation;

To provide the local prosecutor with sufficient information to allow an identification of problem areas within his office;

To eliminate unnecessary forms and procedures and to eliminate the collection of useless statistics;

To provide the initial step toward possible computerization of the office.

METHODS:

Review all existing paper flow and statistical procedures;

Determine the statistical information required to provide management information. The points of significant contact that the prosecutor has in the criminal justice system must be identified, i.e., screening, preliminary hearing, grand jury, trial, etc. Quantitative and qualitative data must be obtained at these contact points;

Simple forms requiring little preparation time should be designed to assist in data gathering;

Forms for all paper flow should be simplified and combined.

BUDGET:

\$50,000 to \$100,000 is needed to implement a manual management information system in a large office. Existing office procedures and paperwork flow must be evaluated and, if necessary, changes in these areas be made prior to implementing the manual system.

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MANAGEMENT INFORMATION SYSTEM (COMPUTERIZATION)

GOALS:

To provide a more efficient means of storing and retrieving information needed in the daily operation of the office;

To eliminate a large number of clerical forms and procedures;

To provide current information on individual cases;

To provide efficient means for case indexing and docketing;

To demonstrate the utilization of active computerized files of an individual offender's record to interface with NCIC, etc;

To demonstrate the feasibility of using computers and advanced data processing techniques in the administration of criminal justice.

METHODS:

Systems analysis and conceptualization: analyze the process for which the computer system is being designed in terms of the office's structure, current operations, decision-making and information requirements.

Systems design: this phase is concerned with devising an information handling system for the above conceptualized system. Tasks to be performed here include detailed design of a system, data base and specifications and development of the data acquisition plan and criteria for audit trails and controls.

Systems development and implementation: system must be programmed, tested and "debugged." Data should be documented at all points and new procedures converted to the new system. Personnel require orientation and training to make possible the full and accurate use of the system.

Evaluation: after implementation is achieved, constant and consistent evaluation of both in-put and out-put of the system are an integral part of the system.

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PROMIS (PROSECUTOR'S MANAGEMENT INFORMATION SYSTEM)

GOALS:

To systematically score and rank pending cases so that additional efforts can be devoted to cases involving relatively more serious offenses and offenders;

To provide help with daily operational problems by, for example, automatically notifying witnesses of court dates and times, promptly reporting when a defendant has more than one case pending, and quickly spotting cases beginning to languish in courts;

To provide a capability for quickly compiling a wide variety of statistical data on office performance, including rates and reasons for case rejections, continuances, and dismissals, and disposition profiles by types of charges.

METHODS:

PROMIS can be either computer-based (large volume offices) or manual (small offices). The computer-based version is being modularized so that offices can pick and choose only those aspects that are desired. The manual version can be implemented with two weeks orientation.

BUDGET:

For the computer version, costs include \$50,000 to \$100,000 to prepare the manual system (office procedures, forms design, and paper flow changes) to support PROMIS and \$25,000 to \$50,000 to make computer design and programming changes to tailor PROMIS to local offices.

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District Attorney's Office
Denver, Colorado

Los Angeles County District Attorney's Office
Los Angeles, California

ADMINISTRATIVE SYSTEMS STUDY

GOALS:

Optimize the system for prosecuting all complaints and improving disposition rates;

Restructure functional responsibilities to assure optimum utilization of the professional staff;

To develop operating procedures that comply with the legal requirements of prosecution and provide more readily accessible records in cases to permit more effective scheduling of activities;

To develop a management control system that would provide information for managing activities of the office;

To identify and describe those areas in which interfacing agencies have an effect on the efficiency of the prosecutor's office and to develop an alternative approach for solving the problems which occur between the prosecutor and other related agencies in the criminal justice system;

To develop standards with which to evaluate the performance of the prosecutor's office.

METHODS:

A management consulting firm should study the systems and procedures of the prosecutor's office to accomplish the above objectives.

This study should be conducted by such a firm for the following reasons:

(a) The limited staff of the prosecutor's office will not permit an in-depth study to be conducted internally;

(b) An objective analysis by outside experts experienced in the governmental management field will be better able to provide acceptable alternative methods and approaches.

BUDGET:

The study of the operations of the Bronx County District Attorney's Office is funded at \$79,000, with \$55,000 in federal funds, and it will be conducted by an outside management analyst who will evaluate staff assignments, clerical and other support needs, record-keeping procedures, case flow, and methods utilized to gather statistics. The budget includes funds for travel to other prosecutor's offices to analyze their operations.

The Attorney General's Office of Delaware has applied to LEAA for a \$27,450 grant to fund an "Organization and Management Information Study" of four months' duration which is designed to optimize that office's record-keeping and information handling capability.

The State's Attorney's Office of Montgomery County, Maryland has a \$10,800 grant with the National Center for Prosecution Management to study office operations and to recommend innovative programs. LEAA has contributed \$8,000 of the grant.

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SUPPLEMENTING OF PROFESSIONAL STAFF OF PROSECUTOR'S OFFICE

GOALS:

To reduce the time lapse between arrest and trial;

To departmentalize the prosecutor's office so that all professional help will be familiar with the cases for which they are responsible;

To reduce the caseload of each prosecutor so that he is better able to represent the citizens of his jurisdiction, thereby causing the criminal justice system to work for the victim as well as for the accused.

METHODS:

Employ a sufficient number of assistant prosecutors to meet the above goals;

Employ a sufficient number of secretaries, investigators, and other paraprofessionals to service the professional help;

Provide adequate office space for new professional and secretarial help;

Equip these offices with office equipment, library, telephones, etc., for these personnel.

BUDGET:

The Prosecuting Attorney's Office of Zanesville, Ohio has a project funded at \$20,400, with the federal share at \$14,000, to provide one full-time felony investigator at \$10,000 who is supported by a secretary (20% time).

The "Major Crime Investigator" project of the Lawrence County, Missouri Prosecuting Attorney's Office is funded at \$9,600, with the federal share at \$7,200, and is designed to provide the prosecutor with a full-time investigator who will provide investigative expertise in crimes which have a serious impact on the community.

The District Attorney of the Louisiana Tenth Judicial District has a three-year project funded at \$20,500 for the first year, with the federal share at \$12,700, which provides for one investigator to maintain personal liaison between all investigative offices and the office of District Attorney during the critical phases of criminal investigations.

The State's Attorney for Prince Georges County, Maryland has an expanded services project funded at \$32,800, with \$22,000 in federal funds, to provide two full-time prosecutors and one secretary.

A \$32,700 grant (federal share: \$27,000) to the District Attorney, Jefferson County, Texas provides for a full-time attorney to handle all cases involving juveniles. Another grant to the same office funded at \$67,300 (federal share: \$50,500) provides for attorneys, investigators, and support personnel to handle misdemeanor and consumer fraud cases.

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S P E C I A L U N I T S

THE PROSECUTING ATTORNEY IN JUVENILE COURT
THE PROSECUTING ATTORNEY OF KING COUNTY
SEATTLE, WASHINGTON

GOALS:

To meet the need for more regularized legal procedures in the Juvenile Court, and to accept prosecutorial responsibility for contested juvenile proceedings, the first full-time Deputy Prosecuting Attorney was assigned to this court in May, 1970. A second full-time deputy was assigned at the request of the Juvenile Court administration five months later and the present staff now includes four Deputy Prosecutors. The role and functions of Deputy Prosecutors have broadened significantly since the full-time entry.

METHODS:

The three most prominent roles of the prosecutor in this Juvenile Court now include:

1. Screening police reports and interviewing police officers and witnesses to ascertain whether the evidence which could be presented at trial is legally sufficient to justify the filing of a petition;
2. Supervision of the preparation of delinquency petitions;
3. The presentation or prosecution of contested causes.

The second role was accomplished in a two-phase process, by which the petitions clerks and calendar clerks who previously prepared petitions and set hearings under probational or other direction were instead placed under prosecuting attorney supervision. Within a year, the budget for these advanced clerical positions was transferred from the Juvenile Court to the Prosecuting Attorney.

Deputy Prosecutors attend all types of hearings: preliminary, fact finding, dispositional, probation review, and probation revocation. They have replaced the judge and referee as the primary source of legal information and opinion to probation and detention staff. They oversee the preparation of search warrants and warrants of apprehension, participate in staff in service training programs, and review administrative memoranda which may be issued by the presiding judge following review and comment by a variety of probation and related agency personnel.

During 1972 a "Law Enforcement Liaison Coordinator" was employed by the Prosecuting Attorney to assist that office in obtaining law enforcement reports regarding juveniles and to facilitate communication in a variety of ways between that office and the more than twenty law enforcement agencies in the country. The present incumbent of this position is a retired law enforcement officer.

This office has ended its earlier practice of assigning deputies for only six months to the juvenile court and now makes indefinite assignments of staff attorneys particularly interested in experiencing a juvenile court specialization.

One 1972 administrative memorandum significantly influenced by this office listed thirty specific offenses, essentially felonies which

could not be informally adjusted by probation staff without prosecutor approval. Under this rule, when the probation department wishes not to file, but the prosecutor is insistent on filing, a judge or commissioner (referee) makes the filing authorization decision following hearing.

BUDGET:

Deputy prosecuting attorneys employed at the Juvenile Court are paid within a range of \$925 to \$1,400 per month, depending upon seniority and experience. Present complementary staff includes four or five petitions and calendar clerks, paid about \$6,000 per year, and the law enforcement liaison coordinator. The Juvenile Court furnishes space to these personnel, within the Juvenile Court complex which now includes four attorneys.

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PROSECUTOR-POLICE LIAISON (SERIOUS CRIMES)

GOALS:

To provide prosecutorial assistance to police on a 24-hour basis; specifically in the handling of violent crimes, regarding:

1. granting of immunity to participants;
2. charges to be made against suspects;
3. review of search warrant applications;
4. advice as to potential self-incrimination and identification problems;
5. scientific tests necessary to develop evidence.

METHODS:

Prosecutor should be available on a 24-hour basis to advise police on such crimes as murder, rape, armed robbery, kidnapping, arson, aggravated assault and extortion. Prosecutor is thereby enabled to develop case file at earliest possible time in serious felonies and to maintain continuity of police-prosecutor cooperation from the time of arrest to trial. To cover this detail full-time would require five prosecutors in major metropolitan offices.

Prosecutor must actually be physically located with the police investigative units in order to develop rapport and close cooperation. Prosecutor should enter case only on request of police officer in charge. No on-the-scene deployment of prosecutors should be made unless requested by police. Prosecutors will only advise on interrogations and lineups; they will take no active part so as not to become witnesses.

All discussions with informers will be conducted by police officers. Police make decisions prior to arrest on advice of prosecutor. Prosecutor's file must be initialed as soon as the Serious Crimes Unit is called into the case and must be continually updated as the case progresses to trial. These cases may then be expedited and given priority in processing since they are considered the most serious cases in the office.

While prosecutors assigned to the liaison unit may try certain cases to assure continuity, this is only a secondary role of the police liaison prosecutor.

BUDGET:

Baltimore's project provides for a Chief at \$20,000 and four Assistants at \$18,000 each to cover homicides and selected cases among other categories such as rapes, holdups, etc. Philadelphia's project provides for a Chief at

BUSINESS CRIMES UNIT - MAJOR FRAUDS

\$22,600 an Assistant Chief at \$19,000 and fifteen Assistants at \$14,000 each to cover all arrests and review of search warrant applications in police districts on a 24-hour basis; five Assistants are assigned to each district.

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GOALS:

To provide a specialized unit in the prosecutor's office to investigate and prosecute complex frauds in business which ultimately affect the whole community.

METHODS:

Major frauds are usually extremely involved and demand experience in accounting and corporate finance not normally available to the prosecutor. This project would build capabilities in this area so that the prosecutor and the police would not have to rely on insurance and private investigators and the corporate victims to develop such cases. Although organized shoplifting and stolen securities, credit cards and checks would come under the scope of this unit, it is not intended to be a collection agency for businesses which have been defrauded.

The unit would be aimed particularly at widespread frauds involving significant losses which would ultimately be passed on to the public in increased costs for goods and services. The unit should develop close contacts with the business community so as to be aware of those areas needing special attention.

The unit should be staffed with either experienced police officers assigned to it or trained investigators on the prosecutor's staff. The unit should have special funds and equipment for informants and surveillance requirements.

The prosecutor should be experienced in the prosecution of major frauds with an in-depth knowledge of search and seizure law. It is preferable that he have a background in accounting or business management. The unit should have an accountant on its staff.

The unit should also develop close rapport with the local Internal Revenue Service, FBI and state agencies concerned with business regulation and consumer protection. A prosecutor should be assigned to direct the investigation of a particular case with ultimate responsibility for trial and final disposition.

BUDGET:

The project budget should provide for a director in the \$20,000 - \$25,000 salary range, with experienced assistants within the \$15,000 - \$20,000 bracket. The investigators should be police detectives experienced in the law of theft or individuals on the prosecutor's staff with similar training and experience. Special funds should be made available to hire experts in accounting and the detection of illegal equipment and products on a contractual basis. At least \$10,000 - \$20,000 should be necessary depending on the size of the office. These funds would also be used to pay informers or maintain the cover of unit's agents.

UNFAIR TRADE PRACTICES AND CONSUMER
PROTECTION UNIT

GOALS:

To provide a central location where individual citizens can bring consumer complaints to the attention of investigators who are alert to violations of fair business practices. To organize a special unit in the prosecutor's office to monitor mass media advertising, to detect and prevent sophisticated fraudulent and deceptive trade activities.

To create an awareness in the business community of the fact that their activities are being reviewed on a regular basis, so that an atmosphere will exist that would give the public increased confidence that business in the community are not engaging in fraudulent or deceptive practices. To recover money for individual consumers and prosecute the most flagrant violators of consumer law.

To protect the low-income consumer from being defrauded so that he will have increased confidence in the ability of law enforcement officials to seek out and prosecute those individuals who commit economic crimes against persons least able to protect themselves.

METHODS:

The unit would screen consumer complaints, review media advertising on a regular basis, send speakers to community organizations and schools, and draft legislation, if necessary, for the jurisdiction. Liaison would be maintained with already-existing consumer and business agencies and neighborhood groups.

Appropriate remedies would include restitution, formal warning, criminal prosecution, or civil injunction through court order or consent decree.

Certain entire fields of business activity would be investigated by the utilization of paid experts in fields such as automobile and appliance repair.

BUDGET:

A senior assistant prosecutor in the \$20,000 to \$25,000 salary range should head the unit. The unit should be staffed, where possible, with law students or recent law graduates who could channel their enthusiasm into imaginative and creative areas of investigation. Other college students could also assist in complaint intake and field investigation.

Expense money of \$10,000 to \$15,000 should also be available to pay for expert witnesses on defective repairs, product safety, and product analysis. The budget should also include a small amount for printing and distributing consumer protection literature to inform the public on existing laws and available remedies, with a checklist of tips to follow when dealing with a merchant or before signing an installment sales contract.

CITIZEN EDUCATION UNIT

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GOALS:

To provide the public with accurate information, effectively presented, regarding the causes of crime, crime prevention and the operation of the criminal justice system;

To reduce crime in the following ways:

1. Citizens aware of sound crime prevention practices would, through use of such practices themselves, decrease the opportunities for crime or otherwise discourage crime commission. Examples of citizen conduct sought to be obtained in this respect would be locking cars, installing adequate home locks, and engraving ownership identification on valuable personal property, thereby making theft more difficult or less likely to ultimately benefit the criminal;
2. Citizens aware of the inadequate resources allocated to law enforcement would be more willing to support additional public expenditures for law enforcement, thereby increasing its capacity to apprehend and convict criminals;
3. Citizens who are helped to understand the need for reforms in the criminal justice system, particularly in the area of offender rehabilitation, will support such reforms, thereby allowing reform to take place rather than be prevented through fear of adverse public reaction. This would allow better offender rehabilitation and thereby reduce crimes committed by recidivists.

METHODS:

There should be a unit of this type in each major prosecutor's office in the state. In addition, there should be a unit in the state prosecutor training coordinator's office to handle some programs on a statewide level and to assist performance of the citizen education function in prosecutor offices whose size does not merit a county unit.

Among the projects for which the unit would be responsible are the following:

1. Prepare and deliver educational programs in schools, churches, service clubs and other local citizen gatherings.
2. Prepare educational programs and messages for local public service radio and television news.
3. Work with other local agencies in developing action programs to improve criminal justice.
4. Prepare and disseminate educational pamphlets and other materials particularly for use in schools.

BUDGET:

One assistant district attorney (\$16,000 - \$20,000 level) and one

NARCOTICS STRIKE FORCE

secretary. It is desirable that the project's professional staff person be an experienced prosecutor because he will need to answer numerous legal questions in the course of his public appearances.

A significant budget for producing radio and television messages and for printing educational materials should also be provided.

GOALS:

To establish a unit comprised of specially-trained prosecutors and police (investigators) to conduct a multi-faceted enforcement program against suppliers and distributors of narcotics or other controlled substances.

METHODS:

The unit may be a single jurisdiction or regional in scope depending upon the type of drug traffic within the area.

The unit should consist of specially trained prosecutors and investigators or members of applicable police systems as required under the above paragraph.

The project would supply the necessary legal, investigative and stenographic personnel to:

1. adequately gather and process intelligence data, both strategic and tactical, from informants, personal observations, custodial personnel, arrest registers, closed cases, docket entries, public records, newspapers, electronic surveillance and previous raids, such as photographs and address books, that would initially be directed at the lower echelons of the drug hierarchy (e.g., street retailers and their immediate suppliers) but would open doors toward the upper level of the drug hierarchy;
2. handle the exceedingly technical legal problems and exhaustive commitment of man hours to undertake the use of electronic interception as a major tool against the primary offenders in the upper level of the drug pyramid. Successful prosecution of a major offender normally hinges on electronic surveillance, since he must still direct his operation involving placing orders with out-of-town suppliers, directing the movements of couriers and decoys, and having drugs processed into marketable form and ultimately distributed to various independent wholesalers or retailers, even though he minimizes his actual contact with contraband drugs;
3. utilize carefully-conducted grand jury probes backed by adequate investigative resources with capacity to grant immunity to lower echelon drug pushers as witnesses to reach major offenders, and to punish witnesses for contempt for refusal to testify, and thereby to charge witnesses with perjury if applicable;
4. adequately insure proper and timely drafting of search warrants, affidavits, petitions and indictments;
5. effectively investigate, develop and prosecute major cases requiring extensive time, preparation, development and trial by a team of special legal/investigation personnel;
6. provide ample funds to maintain informants, protect witnesses from intimidation and maintain surveillance for extended periods of time;

7. develop useful citizen-oriented informant networks;
8. make data available to and provide liaison with the Federal Bureau of Narcotics and Dangerous Drugs, state police and other concerned federal, state and local enforcement agencies;
9. allow multiple jurisdiction capability where applicable to insure coverage of adequate target area;
10. provide concentrated legal, investigative and stenographic manpower at the time of need, such as weekends or round-the-clock investigations;
11. provide sufficient funds for "police-controlled buys" or extended investigations.

BUDGET:

A budget of \$150,000 to provide for a project director at \$20,000 to \$25,000, with experienced assistants at \$15,000 to \$20,000 each. Police detectives experienced in drug investigations and an adequate supporting clerical staff should be assigned to the project. The funds would also be used to pay informers or maintain the cover of the unit's agents.

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MAJOR VIOLATORS PROSECUTION TEAM

GOALS:

In large metropolitan prosecutors' offices, criminal prosecution is often handled in assembly-line fashion with trial attorneys reviewing a case for the first time moments before trial. This project attempts to identify a day or two in advance the more serious cases destined to reach the trial prosecutor so that these cases can receive special preparation. The project is to assure a complete case preparation for a trial on the merits for the more serious cases.

METHODS:

A special unit of prosecutors reviews the pending calendar a day or two in advance and individually prepares the more serious cases and the cases involving recidivists. After these special cases are individually prepared and "packaged," they are put back on the "assembly-line" for transit to the trial prosecutors, thus freeing the major violators unit to specially prepare cases on the next day's calendar.

BUDGET:

A budget of \$100,000 would provide for the salaries of experienced prosecutors and a secretary.

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POLICE LEGAL ADVISOR

GOALS:

To provide experienced legal advisors to extend technical legal assistance to local law enforcement agencies on a 24-hour basis;

To act as liaison between the local prosecutor's office and law enforcement agencies;

To develop and provide necessary legal training courses for law enforcement officers;

To acquaint law enforcement personnel with recent legal decisions affecting the law enforcement agencies' functions.

METHODS:

The police legal advisor would be employed by and be responsible to the local prosecutor, and assigned to the local law enforcement agency. In large or metropolitan areas, the advisor would perform only as a police legal advisor. In a smaller or less populated area, the police legal advisor would perform a dual role such as police advisor and in-service training officer for prosecutors.

Systematic review of case rejections or modifications in charging would be made by the police legal advisor and disseminated to concerned police agencies. The advisor would make suggestions for remedying recurring problems and would assist in remedial training as required.

BUDGET:

The police legal advisor project of the County Attorney of Davis County, Utah is funded at \$21,500, with the federal share at \$15,000. The budget provides for one legal advisor who will be available for field assistance to investigators, preparation of informal legal opinions and instruction to police officers on the significance of recent legislation and judicial decisions. However, it is recommended that \$25,000 to \$30,000 would be the minimum grant request for this type of project. The grant should also provide for travel, printing, duplicating, and secretarial assistance.

CONTACT:

Bennett P. Peterson, County Attorney
Davis County Court House
Farmington, Utah 84025
Tel. (801) 295-2394

POLICE LEGAL ADVISOR - COORDINATOR

GOALS:

To provide experienced legal advisors to law enforcement agencies on a state-wide, 24-hour basis, to act as coordinators to the various local police legal advisors;

To develop and distribute police manuals on a state-wide basis;

To develop and make available necessary legal training courses for law enforcement officers on a state-wide basis;

To provide law enforcement agencies state-wide with recent major decisions affecting the law enforcement agency's functions;

To develop and distribute standard state-wide forms for use by law enforcement agencies.

To assist state and local law enforcement agencies in developing in-service training programs;

To develop state-wide training programs for local prosecutor's investigative staff;

To act as liaison between law enforcement agencies and the prosecuting attorneys and between prosecuting attorneys and state-wide criminal justice programs for police (e.g., within the university system) thus providing fewer lost or reversed cases because of police error, as well as a reduction in superfluous cases entering the court dockets (by means of explanations for rejection or modification of cases and remedial training, as necessary) and better utilization of existing manpower.

METHODS:

The police legal advisor-coordinator would operate from the state office of prosecutor training coordinator, providing state-wide coordination and assistance to local police advisor units, providing police legal advisor's services to locations of insufficient size to support a local police advisor, and providing standardization of forms and state-wide coordination liaison.

BUDGET:

\$30,000 to \$40,000 would be the minimum grant request for a police legal advisor-coordinator. The budget would also provide for travel, printing, duplicating, and secretarial assistance.

MAJOR OFFENSES BUREAU

CONTACT:

Tony H. Hight, Executive Director
District Attorneys Association of Georgia
Suite 406, Electric Plaza Building
501 Pulliam Street, S. W.
Atlanta, Georgia 30312
Tel. (404) 523-5383

GOALS:

To provide a specialized unit in the prosecutor's office to investigate and prosecute selected felony cases involving offenders with prior criminal records who have a high probability of becoming felony recidivists. The most serious cases are selected at the initial stage of the criminal process so that these cases can receive special attention through adjudication and sentence.

METHODS:

A special unit of prosecutors is established to prosecute cases involving such major felony offenses as attempted murder, serious assaults, robberies, burglaries, kidnapping, rape, arson, and extortion. The cases in the preceding categories which will be selected for prosecution by the unit will include those which involve offenders with prior criminal records and where there is a high probability that such defendants will become felony recidivists.

Assistant prosecutors assigned to the Investigation Department will assist the police in the investigation of cases involving major felony offenses. After completing an investigation, they will determine if there is sufficient evidence and if the case should be handled by the unit. Subpoenas for grand jury appearances will be issued to witnesses.

Cases selected for this unit are assigned to an assistant who will prosecute the case at trial. The unit will be responsible for securing an indictment and insuring that the case is prepared for all further proceedings through sentencing, including pre-trial motions and plea bargaining.

BUDGET:

A budget of \$381,100, with \$276,300 in federal funds, provides for a bureau chief who will direct the project; eleven assistants are assigned to prosecute cases from grand jury presentation through sentence. Support staff includes three secretaries. The grant contemplated a planning phase of two months' duration and an implementation phase of ten months.

CONTACT:

Philip E. Lagana, Chief, Major Offenses Bureau
Kings County District Attorney's Office
Municipal Building
Brooklyn, New York 11201
Tel. (212) 684-5100

ORGANIZED CRIME TASK FORCE

GOALS:

To establish a unit within the prosecutor's office to work in close contact with other law enforcement agencies to mount an intensive and highly coordinated effort against organized elements in the community, in whatever fields these elements may operate (e.g., gambling, prostitution, narcotics, corruption of public officials, extortion and commercial fraud).

METHODS:

These units may be single-jurisdiction or regional, depending upon the extent of organized crime in the community.

These units would include experienced prosecutors who would have assigned to them either trained investigators or experienced police officers.

The unit should be responsible to the District Attorney and operate independently because of (a) the highly sensitive nature of its operations and (b) the need for top-level decisions at any moment of case development. However, provisions should be made for sharing of intelligence and target information with other office operations, as well as other law enforcement agencies at periodic meetings. These meetings may also be utilized to evaluate progress and fix priorities.

Prosecutors and personnel assigned to the unit must be available on a 24-hour basis.

The unit should develop and maintain an extensive intelligence and information system on organizations and individuals suspected of organized criminal activity, including the structure of such organizations, key members and modes of operation.

As a case develops it should be assigned to a specific prosecutor who would be responsible for directing and coordinating all aspects of the case through trial and final disposition. This will fix responsibility in one man and provide for continuity of effort.

The unit should be provided with ample funds to maintain informants, protect witnesses from intimidation and maintain surveillance for extended periods of time. (LEAA has provided special procedures for the accountability of such funds.)

The unit must also have specially trained investigators who can operate sophisticated electronics equipment. (See attached list of equipment and cost from Kings County District Attorney's Office.)

BUDGET:

Harris County, Texas, has a Chief at \$23,000 and two Assistants at

SPECIAL CASES UNIT

\$21,000 and \$19,000 respectively. This grant also provides funds for consultants and accountants as needed and an undercover fund in the amount of \$7,000. Kings County, New York (Brooklyn) provides for three Assistant District Attorneys and twelve highly paid police investigators. The federal funds are used primarily for the purchase of equipment. (See attached list of equipment and cost.)

CONTACT:

Carol S. Vance, District Attorney
Harris County Court House
Houston, Texas 77002
Tel. (713) 228-8311

Eugene Gold, District Attorney
Municipal Building
Brooklyn, New York 11201
Tel. (212) 684-5100

Garrett H. Byrne, District Attorney
Suffolk District, New Court House
Boston, Massachusetts 02108
Tel. (617) 227-9500

James N. Garber, Chief, Criminal Division
Office of Prosecuting Attorney
1200 Frank Murphy Hall of Justice
Detroit, Michigan 48226
Tel. (313) 224-5767

District Attorney
Denver, Colorado

GOALS:

To provide prosecutors with the capacity to effectively investigate and prosecute all forms of organized and white-collar crime;

To take effective action in such public interest areas as consumer protection and environmental protection;

To take such action because these problems generally go unchecked. Neither police nor prosecutors have personnel allocable to such cases on a full-time basis;

To establish such a special unit to deal with the above problems in the prosecutor's office consisting of both investigators and attorneys, to concentrate on the investigation and prosecution of special cases, with the intensity, imagination and close cooperation of both investigative and prosecutorial services that is demanded for success against more complex criminal or anti-social activities.

METHODS:

A special cases unit is essentially designed for offices that do not have units specifically devoted to organized crime, consumer protection and environmental protection.

The special cases unit would be flexible and could operate in any of these areas, as well as others, such as public corruption, to the extent that special units operating within such areas do not already exist within the office.

Attorneys would be intensively involved in the investigation stage of the cases being developed by the unit, assuring legal investigative procedures and the development of elements of evidence needed for conviction.

The unit should possess auditing capability, in order to conduct effective investigations involving business records and net worth.

The unit should possess or have available to it a substantial battery of communications and surveillance equipment for use in undercover investigations.

BUDGET:

A minimal unit would consist of two full-time assistant prosecutors, two full-time investigators and two secretaries. The attorneys and investigators should be highly experienced and salary ranges of \$18,000 to \$25,000 for the attorneys and \$12,000 to \$18,000 for the investigators would be appropriate.

INTELLIGENCE UNIT

Equipment purchases including two automobiles would average \$25,000. A confidential expenditure fund of \$5,000 and a training budget of \$2,500 should also be provided.

It should be emphasized that the preceding describes a minimal special cases unit. Many offices would require a unit at least twice as large as that described above.

CONTACT:

Bennett Peterson, County Attorney
Davis County Court House
Farmington, Utah 84025
Tel. (801) 295-2395

Walter Cohen, Assistant District Attorney
Chief, Policy and Planning
Room 666 City Hall
Philadelphia, Pennsylvania 19107
Tel. (215) MU 6-2664

GOALS:

To establish a unit within the prosecutor's office to work in close liaison with other law enforcement agencies to develop an intensive and highly coordinated intelligence capacity concerning criminal activities in the community.

METHODS:

The unit must have senior trained investigators assigned to develop, maintain and disseminate intelligence data concerning criminal activities in the community.

The unit should report and be responsible to the District Attorney and operate independently of other investigative units because of the sensitive and delicate nature of its operation.

The unit should develop and maintain an extensive intelligence and information system on organizations and individuals suspected of criminal activities, including structure, membership, associations and modes of operation.

The unit should have the capability of developing intelligence data on major fraud, white collar crimes and off-the-street crimes.

BUDGET:

A hypothetical budget of \$100,000, with \$75,000 in federal funds, would provide for the salaries of experienced investigators, one secretary, the cost of one automobile, and funds to pay informers.

CONTACT:

District Attorney
Atlanta Judicial Circuit
301 Fulton County Courthouse
Atlanta, Georgia 30301

T R A I N I N G

PROSECUTORS' TRAINING AND OPERATIONS MANUALS

GOALS:

To acquaint prosecutors with current case and statutory authority which is operational in their jurisdiction. To equip prosecutors with the essential trial techniques required to try cases. To inform prosecutors of the organizational apparatus and responsibilities in their own offices.

METHODS:

Prepare and distribute a comprehensive training manual (perhaps compiled by state prosecutor training coordinator) including relevant decisional and statutory authority, indexed and cross-referenced for easy access. Experienced prosecutor having both trial and administrative background in the office (or prosecutor training coordinator), with secretarial and research assistance should draft the manuals. Prepare and distribute manuals containing jury instructions, indictment forms, office procedures and organization.

BUDGET:

Assuming project director is also in charge of intra-office training, no additional salary appropriation is required.

Assuming also that paraprofessionals and/or legal interns will be participating in drafting the manuals and that these persons are also funded under an existing grant, no funds for personnel (unless additional clerical assistance is needed) will be necessary.

The only major expense would be for copying and printing.

CONTACT:

David Simondson, Assistant State's Attorney
204 Court House
Baltimore, Maryland 21202
Tel. (301) 752-2000

Joseph P. Busch, District Attorney, Los Angeles County
600 Hall of Justice
Los Angeles, California 90012
Tel. (213) 626-3888

Tony H. Hight, Executive Director
District Attorneys Association of Georgia
Electric Plaza Building
Atlanta, Georgia
Tel. (404) 523-5384

Director of Research and Publications
National College of District Attorneys
University of Houston, College of Law
Houston, Texas 77004
Tel. (713) 749-1571

Honorable Guy Rogers, Chief, Criminal Division
Attorney General's Office
State Capitol Building
Jackson, Mississippi

PROSECUTORS' INTRA-OFFICE EDUCATIONAL PROGRAMS

GOALS:

To provide necessary training to newly-hired prosecutors, investigators, law school interns (cf. Prosecutors' Office Law School Internship Program) and secretaries (cf. Prosecutors' Office Paraprofessional Program) in basic criminal law and procedure, as well as the internal operation and organization of their own offices. Such a program should be designed to increase the effectiveness and efficiency of the office.

To inform all prosecutors in the office of recent developments in criminal law, procedure and trial techniques. To provide library material, brief banks and other reference information, as required, to supplement the office legal facilities. To provide training liaison with other law enforcement agencies. To assure a greater degree of uniformity in the exercise of prosecutorial discretion and trial practice.

METHODS:

A training section in each office should be established, headed by an experienced prosecutor whose primary responsibility should be office training (ideally, for metropolitan offices, training sections should be headed by a full-time prosecutor).

A survey and analysis of training needs is made for the entire office and priorities are assigned for the development of training materials and sessions.

A media analysis is performed to identify the most effective mix of media for the program and case materials (video tapes, movies, student manuals, and instructor guides are prepared accordingly).

Training sections should be responsible for (a) regularly scheduled training seminars for prosecutors in their offices, to include instruction in the above areas; (b) training manuals (as supplemented by materials published by prosecutor training coordinator in the state, cf. Prosecutor Technical Assistance, Coordination and Training Office Grant); (c) preparation and maintenance of an office brief and memo bank, indexed for easy access; (d) selection and purchase of office library and reference material.

BUDGET:

\$150,000 for an office in a metropolitan jurisdiction for a full-time director of training, a training development contractor, clerical personnel, office supplies, and printing.

CONTACT:

Charles R. Work, Chief, Superior Court
United States Attorney's Office
Washington, D. C. 20001
Tel. (202) 426-7686

Joseph L. Carr, Special Operations Bureau
Office of the District Attorney, Los Angeles County
600 Hall of Justice
Los Angeles, California 90012
Tel. (213) 626-3888

PROSECUTORS' OFFICE LAW SCHOOL INTERNSHIP PROGRAM

GOALS:

To relieve prosecutors of some of the burdens of case preparation (e.g., witness interviews, legal research and drafting), pre-trial preparation (hearings, motions) and trial (all types of criminal cases), thereby making the prosecutor's office more efficient and effective in prosecuting criminal cases by obtaining inexpensive assistance.

To establish clinical programs for law school students designed to a. train senior law students in prosecutor skills, b. acquaint them with the responsibilities and duties of a public prosecutor, and c. recruit and evaluate them for potential future employment as prosecutors upon graduation.

METHODS:

Utilize prosecutor with trial experience and administrative ability as project director. Project director and law school dean or professor selects senior law students who are interested in a potential future as prosecutors. Reward students with law school credit or financial remuneration. Assign interns to specific departments or prosecutors to be supervised by experienced prosecutors. Provide orientation by: project director (e.g., training sessions and student training manuals), department heads, staff meetings, and weekly meetings of and reports by interns. Project should include typical work experience of prosecutors: (legal research and drafting, contacting and interviewing witnesses); preparing case file for trial; pre-trial (motions, bail hearings, grand jury sessions, etc.); and trial (juvenile, misdemeanor courts, sentencing proceedings).

BUDGET:

The State's Attorney for Montgomery County, Maryland has an internship project funded at \$12,501 (federal share: \$5,000) which provides for a ten week summer intern program under the supervision of the State's Attorney (1/10th time) and two assistants (1/12th time).

The District Attorney's office of Philadelphia has a law school intern program funded at \$38,200, with \$28,700 in federal funds. This budget provides for twenty summer interns who work for ten weeks and receive \$120.00/week each. There are also ten interns who work fifteen hours a week during the school year and receive \$45.00/week each.

CONTACT:

Walter Cohen, Assistant District Attorney
Chief, Policy and Planning
Room 666, City Hall
Philadelphia, Pennsylvania 19107
Tel. (215) MU6-2664

Arthur A. Marshall, Jr., State's Attorney for Prince
Georges County
Court House
Upper Marlboro, Maryland
Tel. (301) 627-3000, ext. 483

Andrew L. Sonner, State's Attorney for Montgomery County
Room 126, Courthouse
Rockville, Maryland 20850
Tel. (301) 279-8211

Peter Andreoli, Assistant District Attorney, New York
County District Attorney's Office
155 Leonard Street
New York, New York
Tel. (212) 732-7300

Judge N. S. Sweet, Jr., Professor of Law
Project Director of Law School Intern Program
University of Mississippi School of Law 38677
Tel. (601) 232-7361

Noble R. Pearey, Prosecutor, Marion County
City-County Building
Indianapolis, Indiana 46204

Garrett H. Byrne, District Attorney
Suffolk District Courthouse
Pemberton Square
Boston, Massachusetts 02108
Tel. (617) 262-6733

TRAINING PROGRAMS FOR STATE PROSECUTORS
PROSECUTING ATTORNEYS ASSOCIATION OF MICHIGAN

GOALS:

To structure a regular, ongoing program of continuing education for prosecutors and their assistants, both on an intrastate and interstate basis. To induce uniformity in practice and procedure throughout the state in the operation of the office of the prosecutor. To increase the competency and effectiveness of state prosecutors and to insure the uniform application of laws statewide.

METHODS:

The prosecutor training coordinator should plan, promote and execute a structured program of training and education for prosecutors and assistant prosecutors throughout the state. A schedule of intrastate seminars should be planned for each year. A sample schedule could consist of five seminars, including: basic training (60 attendees, 2 days); in-service training (60 attendees, 4 days); and management training (urban: 15 attendees, 3 days; rural: 45 attendees, 4 days). The seminar program should be based upon the needs of the individual states.

The prosecutor training coordinator should also administer a fund for travel and scholarships for state prosecutors to out-of-state schools and conferences such as those provided by the National College of District Attorneys, the National Center for Prosecution Management, and Northwestern University.

Basic training should include instruction in the following areas: introduction to the office of prosecutor; manuals (what they are and how to use them); prosecutors' discretion; functioning of office (branches and bureaus); police/court-prosecutor relationships (division of powers and duties).

In-service training should include instruction in special areas, such as: public relations; policy; trial tactics; special problems (defenses; white collar crime; chain of custody of evidence; introduction of evidence; extradition; Uniform Interstate Detainer Act and attendance of foreign witnesses); appellate practice (brief writing and oral arguments); motion practice (pre-trial; trial; post-trial); habeas corpus and prisoners' civil rights; discovery. Instruction in management techniques should include systems administration, operations and planning.

BUDGET:

Budget would need to cover the training coordinator, perhaps an assistant, secretarial back-up, office rent and equipment (at least for out-of-state speakers), attendee travel and subsistence.

CONTACT:

James L. Shonkwiler, Prosecuting Attorneys Association of Michigan
Seven Story Office Building
525 West Ottawa
Lansing, Michigan 48913
Tel. (517) 373-6541

S T A T E W I D E P R O S E C U T I O N S E R V I C E S

REGIONAL PROSECUTORS

GOALS:

Five principal goals have been set forth:

- (1) To provide a central pool of regional prosecutors to assist or supplement local prosecutors when their caseloads or current crises require such assistance;
- (2) To eliminate the accumulation of case backlog;
- (3) To assist the inexperienced, newly-selected local prosecutors and assure that the local one-man prosecuting office will be able to meet the problems of a unique or time-consuming special prosecution;
- (4) To provide an improved and more uniform administration of criminal justice moving the guilty felon into the prison or probation system more quickly, and the non-guilty accused back into society;
- (5) To reduce the number of times a case is reviewed, resulting in more negotiated pleas, and thereby reduce trial preparation load and relieve crowded jails of pre-trial congestion.

METHODS:

Develop a pool of trained, skilled prosecutors, who would be staff members of the state office of prosecutor training coordinator (or, alternately, prosecutors from other jurisdictions who would be funded by the state office as necessary for the project) to assist local prosecuting attorneys, upon request, because of:

- (1) Excessive workloads in the local office
- (2) Inexperienced local prosecutors
- (3) Unique or unduly time-consuming cases
- (4) Disqualification of the local prosecutor

BUDGET:

A hypothetical budget of \$121,000 (federal share: \$91,000) would provide for the salaries of five attorneys and one secretary (\$90,000), travel and lodging (\$17,500), and equipment, including office furnishings and one automobile (\$17,000).

CENTRAL APPELLATE ASSISTANCE

GOALS:

To provide central appellate technical assistance for state prosecutors in order to create a higher level of professional competence in appellate appeals, reduce reversed convictions, and free the local prosecuting attorney for more thorough preparation for trial, leading to speedier case dispositions and thereby reducing:

1. the time from arrest to trial
2. case backlog .

METHODS:

A staff of skilled appellate attorneys, secretarial help and law clerks should operate from the state office of prosecutor training coordinator to render technical assistance in drafting appellate briefs, provide brief drafting services in required instances, sponsor and direct applicable training sessions for prosecuting offices, maintain a brief bank, prepare amicus curiae briefs where applicable in major prosecutorial interest cases, and maintain for dissemination current techniques, authorities and technical defenses.

BUDGET:

A hypothetical budget for a central appellate assistance project in a small state can be at \$52,130 (federal share: \$31,600), which provides for a project director contributing 80% of his time, a full-time staff attorney, and a full-time secretary.

EXTRADITION OF PRISONERS INCARCERATED IN OTHER
JURISDICTIONS

GOAL:

To provide funds to prosecutors, particularly those in small jurisdictions, to pay the costs involved in extraditing prisoners from other jurisdictions, in order to comply with the speedy trial provision of the Sixth Amendment.

METHODS:

A fund can be established to aid prosecutors in paying the costs of transporting defendants from prisons located in other states or from those in the federal system, thereby insuring that dangerous offenders do not escape trial because the prosecutor cannot provide speedy trial.

BUDGET:

Funds should be sufficient to enable all state prosecutors to provide travel expenses in each such case to and from the other jurisdiction for a minimum of three round trips for the security personnel and two round trips for the inmate.

CONTACT:

Tony H. Hight, Executive Director
District Attorneys Association of Georgia
Suite 406, Electric Plaza Building
501 Pulliam Street, S.W.
Atlanta, Georgia 30312
Tel. 404/523-5383

A P P E N D I X

(NATIONAL PROSECUTION PROGRAMS)

This appendix lists national resources which can benefit prosecutors throughout the United States.

PROSECUTORS' REGIONAL AND NATIONWIDE TRAINING PROGRAMS
NATIONAL COLLEGE OF DISTRICT ATTORNEYS
HOUSTON, TEXAS

GOALS:

To provide prosecutors with intensive, postgraduate education in critical areas of the criminal law which typically have not been covered in law school or office training. To stimulate the individual prosecutor to examine his role in the criminal justice system and to consider prosecution as a career opportunity. To challenge the prosecutor to become involved in areas of the criminal law within his jurisdiction, but which are often beyond his expertise. (prosecution of, e.g., organized crime, consumer fraud, environmental degradation) To acquaint the prosecutor with recent developments and techniques in prosecuting cases, thereby maximizing his ability to successfully try cases. To inform prosecutors of developments in efficient law office administration, thereby allowing them to prosecute cases more efficiently and effectively.

METHODS:

Funds should be provided by appropriate state or local agencies to enable prosecutors to attend regional or nationwide training courses conducted by non-profit organizations such as the National College of District Attorneys.

BUDGET:

Expenses of programs conducted by the National College of District Attorneys are as follows:

1. Regional training and specialized seminars: four days @ \$25 per day (meals and lodging), plus \$25 registration fee (course materials), plus travel expenses.
2. Career Prosecutor Course: 1 month @ \$300 tuition plus \$200 room and board, plus travel expense.

CONTACT:

George A. Van Hoomissen, Dean, National College of District Attorneys,
College of Law, University of Houston, Houston, Texas 77004. Tel. (713) 749-1571.

GRANTSMANSHIP TRAINING FOR PROSECUTORS

GOALS:

To acquaint prosecutors with the available sources of federal, state and foundation funding for essential services and innovative projects to be undertaken by their office.

To provide prosecutors with the technical skills required to obtain such grants.

To inform prosecutors of the variety of separately-funded specialized units (e.g., consumer protection, organized crime, narcotics) and the advantages thereof.

METHODS:

Training session held at meeting of prosecutors' association at which LEAA personnel and prosecutors with experience in drafting grant applications describe techniques of obtaining federal and foundation funding.

Training sessions should include terminology, grant application preparation, instruction on available funds and appropriate grants; faculty members should be comprised primarily of LEAA personnel (state planning agencies, regional court specialists, etc.).

BUDGET:

Assuming that this training program will be held at the annual meeting of the state prosecutors, no additional funds for attendee travel need be provided. However, some allocation should be for travel and accommodations for non-prosecutor faculty (primarily LEAA personnel). Some funds should also be appropriated for reproduction of course materials.

CONTACT:

The National College of District Attorneys
University of Houston, College of Law
Houston, Texas 77004
Tel. (713) 749-1571

CONTINUED

1 OF 3

TECHNICAL ASSISTANCE MANUAL PROJECT

GOALS:

The purpose of this project is to develop two manuals relating to critical areas of prosecution management. One will address itself to the problems of case screening, the other to paperwork and records management. These will be practical procedural manuals designed to assist the prosecutor in implementing modern management techniques in these areas.

METHODS:

The source materials for these manuals is being gathered through on-site visits to several prosecutors' offices and through survey of the literature in the field. The on-site research is being conducted by a paperwork management specialist and by a screening management specialist. The National Center for Prosecution Management in conjunction with the National District Attorneys Association have selected prosecutors' offices with outstanding paperwork and/or screening operations, and these offices will be visited. The literature survey will be conducted in the Washington, D. C. area by part-time research assistants.

After the research is completed and manual outlines are prepared, a subject matter review board, consisting of eight district attorneys or assistants with experience in case screening and/or paperwork management, will review the outlines for authenticity and completeness. After both manuals are written, an editorial board will review them. After approval by the Board, the manuals will be disseminated to prosecutors around the country. Also, the manual can be used in a series of training conferences for administrative and clerical personnel.

CONTACT:

Paul Whipple
National Center for Prosecution Management
Suite 701, 1900 L Street N.W.
Washington, D.C. 20036
(telephone 202-785-3933)

NATIONAL CENTER FOR PROSECUTION MANAGEMENT AND PROSECUTOR
TECHNICAL ASSISTANCE PROJECTS

GOALS:

The prosecution function is central to the criminal justice process. Unless it is well performed, the system cannot function properly. Yet no management study of how that function is performed has been undertaken. The National Center for Prosecution Management project provides for the development of minimum guidelines and standards by which to measure the management efficiency of prosecutors' offices, with emphasis on the interface between prosecutor offices and all other elements of the criminal justice system.

The technical assistance project under the direction of the National Center for Prosecution Management is intended to aid prosecutors to solve the administrative problems that hamper their law enforcement in so many jurisdictions.

METHODS:

The National Center's staff and consultants conduct studies of operations in a number of prosecutors' offices, aimed both at improving the operations of those officers and at developing standards for prosecution management.

The guidelines and standards developed by the National Center are used to establish national comparability regarding the quality of management and operational efficiency of the prosecution function. The project examines and identifies those significant variables in the prosecutors' management system which must be placed under control to effectively operate a prosecutors' office. Then models are constructed which can be used in the establishment of minimum guidelines and standards. This effort is followed by publication and dissemination of national guidelines which can be used by prosecutors' offices.

The technical assistance project under the direction of the National Center will provide short-term, diagnostic, management services to prosecutors who because of the demands of their daily responsibilities, do not have the opportunity to evaluate their problems and to improve the management of their offices.

CONTACT:

Joan Jacoby
James Beck
National Center for Prosecution Management
Suite 701, 1900 L Street N.W.
Washington, D.C. 20036
(telephone 202-785-3933)

CLEPR

The Council on Legal Education for Professional Responsibility, Inc. (CLEPR) is a specialized philanthropy established under a grant from the Ford Foundation and supported also by an LEAA three year grant to sponsor experiments in clinical legal education including education of law students to serve in public defender and prosecutor offices. CLEPR has made over 100 grants assisting clinical programs at law schools across the country. Details of these grants and other information about CLEPR's program are available.

For further information please write:

Council on Legal Education for
Professional Responsibility, Inc.
280 Park Avenue
New York, New York 10017
(212) 697-6800

NATIONAL PROSECUTORIAL PLACEMENT BUREAU.

GOALS:

To demonstrate to prosecutors that long-range planning in area of intake of high caliber, career-minded prosecutorial personnel is an essential element in the ultimate success of the office of prosecutor in reducing the incidence of crime, reducing the problem of backlog and the time between arrest and trial;

To attract the highest caliber of law school graduates to the office of prosecutor by evaluating and recruiting such students while still in law school;

To instill career motivation in new prosecutorial personnel;

To improve the image of the office of prosecutor and establish public service therein as an exemplary goal.

METHODS:

This project contemplates a three-phase program:

(a) Promotion: teams of district attorneys will visit key law schools in the country after preliminary negotiations with the student representatives. Together with the student representatives the district attorneys will discuss with the students the functions and responsibilities of such offices and the tangible and intangible rewards of service therein.

(b) Establish a placement bureau: such bureau will be established in a national office such as the National District Attorneys Association, which can accommodate requests from district attorneys offices across the country for intern personnel and satisfy such requests with applications for intern employment by students in other parts of the country. This, of course, will bring an interchange of new ideas, plans, and concepts from one area of the country to another.

(c) Placement: arrange specific placement of student personnel in requesting offices with provisions for length of service, stipend, duties; most importantly, for project evaluation by both office and student.

(under consideration)

A T T O R N E Y G E N E R A L

STATE ATTORNEYS GENERAL

The role of the Attorney General in the criminal justice system varies greatly among the states. In some, his involvement in the criminal process may be limited to appellate litigation and in other states, such as Delaware, New Jersey, and Rhode Island, he may be deeply involved in all aspects of criminal litigation. Thus, in this section, which describes projects that can be implemented by Attorneys General, there are some which are similar to those designed for local prosecutors. This overlap is occasioned by the differing roles of Attorneys General among the states and provides SPA's and RO's with a necessary flexibility in making funding decisions. Thus, decisions to increase or decrease the involvement of Attorneys General in the criminal justice system will be made at the state level.

The inclusion of projects relating to technical assistance, coordination and training in the prosecution and Attorneys General sections raises the issue of whether these projects should be directed by state district attorneys association or by state departments of justice. It is not the purpose of this guidebook to resolve this difficult issue but only to suggest that there are alternative methods to achieve similar goals. The resolution of the issue will depend on the needs and desires of the interested parties in each state, and it would be undesirable to prescribe a single national policy.

One national organization supports state attorneys general and provides a wide variety of helpful information:

National Association of Attorneys General
Patton G. Wheeler, Executive Director
320 West Jones Street
Raleigh, North Carolina 27603
Tel. (919) 834-3386

ATTORNEY GENERAL'S DEPARTMENT RESEARCH AND PLANNING UNIT

GOALS:

To set up a special unit to investigate the needs and responsibilities of the office, emphasizing new areas of crime and to conduct research and planning projects. These include: case calendaring; assessment of crime trends; analyzing how best to handle special prosecution cases; and other problems bearing on workload and prosecutive effectiveness.

METHODS:

The unit would be established and staffed with a Director, an Assistant Director and a secretary. A detailed work plan was developed, encompassing six to eight projects, with the total involving "mixes" of: time frames, forecasting; scope of functions involved; clarity of problem definition; and mode of output packaging.

BUDGET:

Salaries (not including \$8,602 match)	\$39,445
Travel (not including \$700 state)	2,500
Other (not including \$5,300 state)	2,000
Total	<u>\$43,945</u>

CONTACT:

Assistant Attorney General T. Park
Providence County Courthouse
Providence, Rhode Island 02903
Tel. (401) 831-6850

AREA PROSECUTOR

GOALS:

Strengthening of prosecutorial function in a state.

METHODS:

An area prosecutor unit within the Iowa Department of Justice, consisting of five attorneys who are responsible for investigating and prosecuting selected important criminal cases throughout the state. The Area Prosecutors render oral advice and active assistance of every kind, as requested by County Attorneys. The program idea came from the Minnesota experiment, but has been instituted on a statewide basis. A full-time professional traveling prosecutor is available to assist County Attorneys where the complexity of a case, the time required to try it, the inexperience of the prosecutor, a prosecutor's conflict of interest, or a sensitive area (corruption of police or other local officials) is involved.

BUDGET:

\$121,000 total, mainly salaries of five attorneys and one secretary (\$90,000). Other large item is travel and lodging, \$17,500, of which \$16,500 is matched by the Attorney General. Equipment is \$7,000, including standard office furnishings and one automobile, all matched by the Attorney General, as is \$6,000 office expenses. LEAA funds are for salaries and \$1,000 of travel and lodging.

CONTACT:

Ira Skinner, Jr., Area Prosecutor
Iowa Department of Justice
Executive Hills, East
1223 East Court, Room 202
Des Moines, Iowa 50319
Tel. (515) 281-3648

SOURCE BOOK FOR USE IN JUNIOR AND SENIOR HIGH SCHOOLS

GOALS:

To prepare a booklet entitled "Youth and the Law" to acquaint junior and senior high school students with the laws relating to the crimes generally associated with youthful offenders and to emphasize the legal and social consequences of crime to the teenagers of the state. No similar book for young people exists.

METHODS:

A consultant was employed to help prepare the book, working with the Attorney General and staff attorney. Twenty chapters were written, one on each of the major crimes committed by teenagers and others on general topics such as What is the Law? How do the Courts Work? and Your Rights if Arrested. An advertising firm was employed to help design the book and select illustrators and a photographer. As a result of bringing together legal expertise of the Attorney General's office and writing-editing expertise of professionals, an attractive and informative book was produced.

BUDGET:

Salary of consultant (@ \$500 per month)	\$ 6,000
Payment of advertising firm and illustrators	10,909
Printing costs (5,000 books)	19,796
Other	1,666
Total (federal share only)	<u>\$38,371</u>

CONTACT:

Attorney General Robert B. Morgan
N. C. Department of Justice
Justice Building
P. O. Box 629
Raleigh, North Carolina 27602
Tel. (919) 829-3377

PROSECUTOR TECHNICAL ASSISTANCE UNIT

GOALS:

1. A higher level of professional competence among prosecutors.
2. Improved and more uniform administration of justice.
3. Reduction of the number of appeals due to prosecutor error.
4. Reduced turnover among prosecutors, through increased expertise, competence and professional pride.
5. Creation of a greater degree of cooperation and respect between all elements of the criminal justice system.

METHODS:

1. Technical assistance to prosecutors, ranging from specific research to trial assistance.
2. Prosecutor training seminars.
3. Prosecutor's manual.
4. Newsletter for prosecutors containing digests of current court decisions and other materials of interest.
5. Central clearinghouse for resolution of prosecutors' problems and coordination of efforts in dealing with problems of more than local concern.

BUDGET:

Total is \$131,000, \$78,000 LEAA and \$53,000 match. \$80,000 for salaries; LEAA funds two lawyers, and Attorney General funds a secretary. \$14,000 for speakers, professional advice re planning training, preparing manuals; this is mostly match. \$18,000 for operating expenses, all match. Other items are \$9,500 for travel, mostly LEAA, and \$8,500 for office equipment, mostly match.

CONTACT:

Mr. William J. Schafer, III
Chief Counsel, Criminal Division
Office of the Attorney General
159 State Capitol
Phoenix, Arizona 85007
Tel. (602) 271-4266

DEVELOPMENT OF A CONTINUING EDUCATION PROGRAM FOR PROSECUTING ATTORNEYS

GOALS:

To develop a continuing education program for prosecutors and to produce a manual for prosecutors.

METHODS:

Recent law graduate with interest in criminal law hired to work with law professors, Executive Director of Wisconsin District Attorneys Association, and advisory committee composed of prosecutors and others with expertise in criminal law. Use of three types of programs:

1. Regional seminars of one day or less, designed to attract part-time prosecutors who can not attend programs of longer duration.
2. Use of University Educational Telephone Network, with listening stations in all Wisconsin counties, to present short lectures coordinated with materials distributed to form parts of prosecutor's manual.
3. Five day training course for new prosecutors, to be held after November elections.

BUDGET:

Salaries (Only full-time person is the Coordinator. One professor at 20%, another at 5%; ETN programming specialist at 25%; typist at 50%; some money for law student assistants.) \$26,000

Travel	3,000
18 hours on ETN	1,800
Overhead costs (based on 56% of salaries)	13,000
Total Other	5,100
Totals (including \$12,00 match)	\$49,000

CONTACT:

John I. Norsetter, Project Coordinator
Extension Law Department
L 401, Law School
University of Wisconsin
Madison, Wisconsin 53706
Tel. (608) 262-3833

AID & INFORMATION SERVICE FOR PROSECUTORS, PEACE OFFICERS & JUDGES

GOALS:

Technical assistance via digests of cases and legislation, pamphlets on specific subjects, instant advice and research; and participation in training programs as lecturers.

METHODS:

1. Newsletter containing recent decisions and legislation.
2. Pamphlets on specific subjects.
3. Statewide toll-free WATS telephone lines for requests for advice and research (most recent figures are 75 requests per week).
4. Participation in training programs.
5. Periodic visits to "clients" to ascertain problems of concern to them.
6. Use of previously purchased fast mailing equipment.

BUDGET:

\$145,000 total, including \$55,000 match all in salaries of two lawyers and one secretary. \$27,000 block funds also for salaries for part of one lawyer, one secretary, and mailing room personnel. \$11,000 travel. \$51,000 for supplies etc. -- major items are \$11,000 for WATS service, \$22,000 postage.

CONTACT:

Assistant Attorney General Tom W. Bullington
Chief, Crime Prevention
P. O. Box 12548
Austin, Texas 78711
Tel. (512) 475-2861

TRAINING CRIMINAL JUSTICE PERSONNEL
IN CONSUMER FRAUD PROSECUTION

GOALS:

To train district attorneys, county detectives, police, justices of the peace and other law enforcement officials in methods of investigating, recognizing, and prosecuting consumer fraud cases. There is an increase in consumer fraud problems, but local officials do not know the law in this area, what agencies to contact for information, how to obtain evidence or to convict in these cases.

METHODS:

An attorney would be hired to develop training programs, which will vary in scope and content according to the group being involved. It is expected that at least five course-type programs on consumer law will be held, lasting about 20 hours, each with twenty participants. A larger number of fifty.

BUDGET:

Personnel: 1 attorney, 1 steno full-time; (part of other \$21,944 attorneys and secretaries time contributed as match, not included)	1,470
Travel and car rental	2,250
Other	4,536
Total (federal share only)	<u>\$30,000</u>

CONTACT:

Assistant Attorney General Joel Weisberg,
Director, Bureau of Consumer Protection
Attorney General's Office
238 State Capitol, Harrisburg, PA. 17120
Telephone (717) 787-3391

STATEWIDE PROSECUTIONS UNIT

GOALS:

To create in the Department of Justice a Special Prosecutors Section, which would be responsible for investigation and prosecution of organized crime, particularly as it relates to illegal manipulation of markets, bidrigging, and related official misconduct. This should result in lower prices, more competition, and modification of government purchasing practices.

METHODS:

The grant provides for five attorneys, five investigators, and four secretaries. Field investigations will be conducted, building upon existing information, particularly of negotiated contracts. Cooperation with state, local and federal agencies will be stressed. Awareness of organized criminal activity of purchasing should be developed, along with expertise in dealing with it. The project should be of interest to other states in providing specific information as to the manner in which organized manipulation of markets and prosecuting those responsible.

BUDGET:

Salaries and benefits (Not including \$9,665 grantee contribution)	\$170,500
Equipment (grantee contribution-\$14,430)	
Other (grantee contribution-\$16,240)	
Total federal	<u>\$170,500</u>

CONTACT:

Assistant Attorney General Bennett Cullison, Jr.
Iowa Department of Justice
State House
Des Moines, Iowa 50319
Telephone (515) 281-5164

ORGANIZED CRIME PREVENTION COUNCIL

GOALS:

To determine the profile and scope of organized crime activities in Wyoming. To develop mechanisms for intelligence and control of organized crime, including both staff efforts and legislation. To develop programs designed to assist local agencies in upgrading capabilities and intelligence.

METHODS:

The Council was created by Executive Order and is Chaired by the Attorney General. It will develop and coordinate strategies for organized crime control. The grant will provide a staff member to conduct surveys and coordinate the Council's work.

BUDGET:

Salary of special agent and secretary (Not including \$6,500 local funds)	\$11,680
Travel and per diem	2,620
Equipment (including an auto)	4,000
Other	1,200
Total (federal only)	<u>\$19,500</u>

CONTACT:

Neil F. Compton, Chief Special Agent, Office of the Attorney General
210 State Capitol
Cheyenne, Wyoming 82001
Telephone (307) 777-7384

D E F E N S E

DEFENDER COMPENDIUM

The thirty-six (36) summaries of existing or proposed defender projects have been designed to give a broad sampling of the variety of programs furnishing legal assistance and related services to those charged with crime who are financially unable to employ counsel. These programs have been divided into nine (9) classifications:

- I Defender (14)
- II Appellate and Post-Conviction (5)
- III Training (4)
- IV Supporting Services (3)
- V Legal Interns (2)
- VI Juvenile (2)
- VII Feasibility and Evaluation (2)
- VIII Offender Rehabilitation (2)
- IX Special (2)

The defender offices listed include those from various parts of the country and demonstrate the various types of defender systems. No specific type of program is recommended, but where feasible a full-time staff of attorneys of an organized defender should be used in lieu of individually appointed counsel. The organized defender staff should always be supplemented by the local bar, but experience has shown that criminal law is a specialty that can best be mastered by the specialist. Even the organized defender office might not be able to best meet all the needs of the community, and the Roxbury District Defender Program is an example of an experimental program designed to meet the needs of a small well-defined area. Emphasis has also been given to the federal public defender and the federal community defender organization (18 U. S. Code 3006A) because of the flexibility permitted under the recent federal legislation and the fact that these federal defender programs are adequately funded.

The best available national resource is the professional defender staff of the National Legal Aid and Defender Association (NLADA). For details of the assistance see Appendix A.

Also, LEAA has awarded a technical assistance grant with American University, Washington, D. C., to provide research and consultant service which help may be applied for through the SPA.

A handy guide and reference of general principles is the American Bar Association Minimum Standards on Providing Defense Services (approved Draft 1968).

I

DEFENDER

ALLEGHENY COUNTY PUBLIC DEFENDER
PITTSBURG, PENNSYLVANIA

GOALS: The Allegheny county public defender did not provide representation at preliminary hearings following the decision in Coleman v. Alabama, 399 U. S. 1 (1970). One reason was that this office lacked sufficient manpower. Another was that there were over 130 courts throughout the county where such hearings could be held and this dispersion was a matter of convenience for the 235 separate police agencies. This program sought to provide constitutionally required assistance of counsel at the preliminary hearing.

METHODS: In early 1972 the Governor's Justice Commission, the Pennsylvania LEAA funding agency, approved a grant permitting the Public Defender to hire twelve (12) full-time assistants for the purpose of providing such representation. The starting salaries for these attorneys is \$17,000 per year. In addition, the plan required that the Public Defender work with the court's in centralizing the preliminary hearings so that they would be held in six (6) places throughout the county.

BUDGET: Total cost approximately \$250,000

Contact: George H. Ross
Public Defender of Allegheny County
200 Jones Annex
Pittsburg, Pennsylvania 15219
Tel. (412) 355-5803

DEFENDER ASSOCIATION OF PHILADELPHIA

GOAL: To provide effective representation and supporting services to all persons charged with crime or delinquency in Philadelphia who cannot afford to employ counsel.

METHODS:

1. The Defender Association of Philadelphia (DAP), a private non-profit corporation, has a full-time staff of ninety-five (95) attorneys, ten (10) social workers, one (1) psychiatrist, twenty-five (25) investigators, and sixty-three (63) administrative and clerical personnel. It is managed by a Board of thirty (30) directors.

2. This defender office is divided into three (3) divisions headed by an attorney in charge: State Adult, State Juvenile, and Federal. In addition, the State Adult Division is divided into ten (10) departments (Felony, Major Cases, Municipal Court, Probation and Parole, Deferred Sentence, Prison and Mental Health Counseling, Social and Psychiatric Services, Appeals, Pre-trial Motions, and Law Development). The Juvenile Branch also has a Social and Psychiatric Services Department. The function of each department head is to supervise the work of his department in meeting the needs of the attorneys in charge of each of the divisions. Thus the preparing of a brief in an appeal from a conviction in the Federal Court Division would be supervised by the Chief of Appeals in the Adult Division.

3. In the year ending June 30, 1972, the DAP served approximately 76,000 people. This service ranged from filing a petition to allow a convicted inmate to be released temporarily from prison for the purpose of attending a relative's funeral to representation through final appeal.

4. Because of the size of its caseload, it is impossible, without an expenditure of vast sums of money, for the office to provide the pure one-on-one type defense. It, therefore, relies on the zone defense where various attorneys were responsible for representation at different stages of the criminal proceeding. However, the need to establish better rapport with the client to be defended was recognized and the office set out to establish a hybrid one-on-one zone system of providing representation. Most of the zone defense aspects were retained. The client still receives representation at his preliminary arraignment which occurs about three (3) hours after arrest (where bail is set, counsel appointed, and a hearing date given) from the attorney assigned to that centralized court. An assistant defender is on duty there 24 hours a day throughout the year. He is still interviewed by one of the attorneys assigned on a daily basis to prison or office interviewing. His file is still reviewed by the Chief of the Pre-trial Motions department for determination whether motions should be filed in the case. If such motions are filed they will be presented and argued by attorneys assigned to that division. The Chief Investigator or his assistant still reviews the file to determine what type investigation is required and what documents (i. e., transcripts of preliminary hearings, hospital records, et cetera) should be ordered. The one change that has occurred in the procedure is that the attorney who is to try the case and other cases listed in a particular courtroom for a week is assigned the week prior thereto to pretrial preparation. This means that he is given time to review his files for preparation and order further preparation when needed and that he can meet with each of his clients and witnesses.

If the case is continued the attorney is expected to prepare a file memorandum concerning his preparation and discussion with the client. This memorandum and the file are reviewed and the same procedure is followed by the next attorney assigned to the zone where the case next is listed for trial. If the case is tried and the defendant is convicted the trial attorney is responsible, under the guidance of the appropriate department head, to prepare the appeal. All trial files whether disposed of or still open are reviewed when they come back from court by the appropriate department for the purpose of determining a need for further follow-up. This procedure retains the benefits of the zone system (i. e., a savings in expenditures and a development of expertise) and acquires the benefit of the one-on-one system (i. e., rapport with clients).

5. The DAP has a program of prison orientation and counseling which supplements its other work. An attorney is assigned to the Eastern Diagnostic and Classification Center, the intake center for Philadelphia county defendants and others who are committed to the state penitentiaries. Once a week he lectures the "incoming class" concerning the requirements for filing an appeal, the appropriateness of receiving proper time credit on a sentence, the meaning of the minimum and maximum sentences and any other problems which may arise. On the other days, he meets individually with residents having specific problems for the purpose of assisting them. If the inmate wants to meet with his privately retained counsel the DPA attorney is expected to contact that attorney. If the matter concerns doing something in a county other than Philadelphia, the DAP attorney refers it to the Public Defender of that county. Where a matter can be handled by the DAP it is referred to the appropriate department head for assignment. Once every three (3) months an attorney tours all nine (9) other state correctional institutions and performs the same functions. The DAP is attempting to obtain funding so that these institutions can be covered on a daily basis.

6. Among other programs in the office are (a) a bail reduction program (b) a pre-trial rehabilitation program, (c) a law student intern program, (d) a law reform program, (e) a recruitment and training program and (f) a program to coordinate and evaluate all sixty-two (62) defender offices operating in Pennsylvania.

BUDGET: In fiscal year 1972 the DAP had a budget of \$2.2 million. Attorney salaries range from \$10,000 to \$25,000. Approximately \$1.8 million came from a purchase of services contract with the City of Philadelphia. Approximately \$300,000 came through LEAA grants. Additional funding was received under the Criminal Justice Act and from the United Fund.

Contact: Vincent J. Ziccardi, Defender
Defender Association of Philadelphia
1526 Chestnut Street
Philadelphia, Pennsylvania 19102
Tel. (215) LO8-3190

ROXBURY-DORCHESTER COMMUNITY DEFENDER OFFICE

GOALS: Particular neighborhoods with substantial ethnic and racial concentrations and accompanying poverty and crime problems need legal and social services particularly suited to their needs. Years of poor services administered to entire metropolitan areas of which a neighborhood like Roxbury-Dorchester is only a part has produced frustration and resistance there.

The Roxbury Community Defender Office provides legal and social services tailored to the specific problems and needs of that community. Particular attention is given with the community defender concept in order to recoup the loss of confidence in such services bred from past lack of performance.

METHODS: To establish a satellite office of the state public defender organization in this neighborhood to maintain high visibility in a black community through weekly radio programs and a policy of taking a walk-in case as well as court appointed cases. This office serves approximately 1,000 defendants in a year, 90% of whom were charged with felonies. Approximately 50 cases were walk-ins, approximately 700 were disposed of in the district court (the criminal court of limited jurisdiction).

A 90% felony-charge ratio emphasizes the serious crime problem in Roxbury. An increase in walk-in cases will indicate the community rapport. A social worker serves to complement the legal service.

Staff includes eight (8) attorneys, two (2) investigators, one (1) receptionist, five (5) secretaries, one (1) staff assistant, one (1) administrative assistant, and a bookkeeper. Administrative competency is stressed.

The community defender concept is an important new development in defender services capable of receiving partial funding from diverse federal sources, including Model Cities. A similar program exists in the Hunters Point district of San Francisco. Both these community defender organizations exist where the general service is also served by an organized public defender office, but this defender office can better meet the needs of a high caseload area.

BUDGET: Current operating budget for 1972:

Personnel	\$ 200,000
Library	1,000
Operating costs	43,000
Travel	3,000
	<u>\$ 247,000</u>

Contact: Wallace Sherwood
Director of Roxbury Defender Community Incorporation
126 Warren Street
Roxbury, Pennsylvania 02119
(617) 445-5640

FEDERAL DEFENDER PROGRAM INC.
COMMUNITY DEFENDER ORGANIZATION FOR THE
UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF ILLINOIS

219 South Dearborn Street
Chicago, Illinois 60604

GOAL: The purpose or goal of Federal Defender Program Inc. is to provide effective legal representation to legally indigent defendants (as provided for and required by the Criminal Justice Act of 1964, as amended, 18 U.S.C. 3006A) charged with federal crimes in the Northern District of Illinois.

METHODS: FDP is an Illinois not-for-profit corporation chartered in 1965. In 1971 FDP was designated and accordingly received a grant as a community defender organization pursuant to and in accordance with Title 18 U.S.C. §3006A(h)(2)(B). As recommended by Sec. 1.4 of the American Bar Association Standards Relative to Providing Defense Services, executive management and corporate authority and control over FDP is vested in and exercised by a Board of Trustees composed of leading business, labor and civic leaders of the community as well as leading members of the court's bar. The day-to-day operation of the office is the responsibility of the Executive Director.

In addition to representing forty per cent of the approximately 1200 defendants annually represented, FDP fully administers and supervises the appointment of counsel for the remaining sixty per cent of the legally indigent defense cases. FDP strongly believes not only in the value of, but also the need for, maintaining the interest of the organized practicing bar in criminal cases. Accordingly, FDP coordinates the appointment of counsel in criminal cases, recruits experienced attorneys into service, makes appropriate adjustments in case-loads of all appointed counsel and takes into account specialization or expertise among members of the bar.

Staff: Including the Executive Director there are five full-time staff attorneys, four of whom are experienced criminal practitioners. On the occasion of their initial contact with the FDP office defendants are assigned an attorney who continues to represent that defendant in any and all matters arising thereafter - whether they arise out of this case or subsequently initiated cases. (FDP panel attorneys follow the same procedure). In addition to handling their own cases, staff attorneys from time-to-time assist panel attorneys where requested.

Panel Attorneys: The appointment of a practicing attorney to membership on the FDP panel is made solely on the basis of proven experience, ability and integrity. Applicants must be recommended by a judge of the court. Presently there are approximately eighty panel attorneys, all of whom are highly experienced and qualified federal practitioners. Panel membership is well recognized and accordingly desired by local attorneys.

Duty Day System: On a rotating basis panel attorneys select convenient "duty days", and other days are designated FDP Staff duty days. Each month a list is distributed to the judges and other concerned agencies listing for each court day either the name of a panel attorney or FDP itself. On his "duty day" the designated attorney is present in the offices of FDP and available for immediate appointment. All appointments made that day are made to the "duty attorney". Not only are the judges spared the task of locating attorneys willing to accept appointments in criminal cases, but the availability of the duty attorney insures ready contact between client and attorney and thus a speedy resolution of the primary question at the stage of criminal proceedings - i.e., defendant's right to bail and conditions thereof.

Facilities and Services: Both staff and panel attorneys make use of the FDP library and a motion and brief bank which catalogues extensive material relative to the practice of criminal law in the federal courts. Staff and panel attorneys are likewise invited to and participate in yearly day-long seminars on trial related topics.

BUDGET: The budget listed below is that approved for the fiscal year ending June 30, 1973:

Personnel Compensation	\$136,218.00
Retirement	6,000.00
Rent	22,000.00
Insurance	4,000.00
State Unemployment Compensation Ins.	1,100.00
Travel	800.00
Communications, including telephone and postage	3,000.00
Supplies, dues and other contractual services	2,000.00
Furniture	1,000.00
Office equipment	4,000.00
Library	2,500.00
Miscellaneous expenses	382.00
TOTAL	\$183,000.00

The budget for the prior fiscal year (ending June 30, 1972) was \$135,000.00.

The average salary for the staff attorneys is \$20,720.00 per annum. In addition to five attorneys the staff includes two secretaries, a clerk and an investigator.

Contact: Terence F. MacCarthy, Executive Director
Federal Defender Program Inc.
219 South Dearborn Street
Chicago, Illinois 60604
Telephone: (312) 431-9400

SEATTLE-KING COUNTY PUBLIC DEFENDER ASSOCIATION
SEATTLE, WASHINGTON

GOALS: King County, Washington, with a population of 1.2 million is a diversified community of whites, blacks, Asian-Americans, Chicanos, American Indians and Eskimos. The paramount goal of the Defender Association is to provide representation of a quality equal to that of the outstanding private practitioners. Additional goals are to promote improvements and reform in the criminal justice system, and to train professionals and paraprofessionals from the minority communities.

METHODS: In 1969 a task force of inner city Seattle residents decided to allocate Model Cities funds for the creation of a private public defender service which would offer indigent defendants in municipal court the equal protection previously denied them. Subsequently, a not-for-profit corporation was formed whose board consists of representatives chosen by the Model City community, the bar association, and the mayor.

During its three (3) year existence the office has expanded from three (3) to thirty (30) lawyers and provides representation in almost all city misdemeanors and county juvenile and mental commitment cases. In 1970, consistent with bar association recommendation, the King County Office of Public Defense was created by the County Council. The administrator screens all applicants for indigent representation in felony and state misdemeanor cases and appoints the defender association in 75% of these cases and private counsel in 25%. The performance of the private attorneys is carefully monitored by the administrator and the defender association provides them with technical assistance as well as the services of its investigators and corrections' counselling staff. In 1972 the Association will provide representation in approximately 1500 felonies, 3000 misdemeanors, 2000 juvenile proceedings and 520 mental commitment hearings. On an individual appointment basis, staff attorneys have represented 150 defendants on federal charges. In addition, there is representation in appeals, parole and probation hearings, and petitions for habeas corpus, mandamus, and certiorari. Prior to formal appointment, attorneys offer advice to "walk-in clients," provide counsel at City and County lineups, and respond to emergency requests by means of a 24-hour answering service.

In all phases of its representation, the Defender Association maintains the "one-on-one" approach whereby the defendant is represented by the same attorney all critical stages of the proceedings. In addition, a "mixed" caseload is maintained by all attorneys so that the most experienced attorneys, while handling a higher percentage of felonies, will represent clients in misdemeanors and other proceedings. This system while complicating the docketing process enables more experienced staff attorneys to have an impact in the misdemeanor area and provides the newer attorneys an opportunity to assume felony responsibilities as soon as they are properly trained. Significantly, with very few exceptions, a not guilty plea is entered in all misdemeanor cases which then proceed to trial. Because one is entitled to a trial de novo after a conviction in city or county misdemeanor trials, a guilty plea would constitute a waiver of the superior court trial de novo and obviate the benefits of a trial or plea bargaining.

The training of staff is of a continuing nature and is based on (1) an initial orientation period, (2) bi-monthly staff seminars, (3) the use of an office brief, form, and memo bank; (4) periodic demonstration seminars utilizing staff and outside experts; (5) attendance in local and out-of-state seminars and courses.

The juvenile representation is provided by seven (7) attorneys who work out of a private residence near the juvenile court. The men and women in this area have a minimum two (2) year commitment and are selected, in part, on their interest in expanding the scope of juvenile rights and improving the quality of resources for juveniles found to be delinquent or dependent. The juvenile court attorneys are assisted by investigators and corrections counsellors who seek the expansion and improvement of community based resources. The juvenile court attorneys represent juveniles in felony cases where the juvenile court has declined jurisdiction. In addition, in order to develop their trial skills and broaden their perspectives, they handle a limited number of felony assignments. Similarly, the staff attorneys in the adult practice handle a limited number of juvenile cases.

Supportive services are provided by eight (8) secretaries, six (6) investigators, and a corrections counselling team of five (5) ex-offenders, a psychologist, and staff director. In addition, student interns assist in research and at trial by virtue of a student practice rule.

BUDGET: Because the funding is obtained from several different sources, one of the major problems in the continuing of the varied aspects of the overall program. At present, most of the financial support is derived from King County in the felony practice and Model Cities (HUD) for the city misdemeanor practice. Additional support is obtained from LEAA, Emergency Employment Act funds, and the Department of Labor.

For calendar year 1972 the budget includes the following:

Personnel	\$ 522,793	Attorneys' salaries range from \$11,000
Fringe benefits	89,007	to \$22,000 per annum.
Rent	27,605	
Insurance	2,689	
Travel	7,325	
Equip. rental & repair	15,300	
Equip. purchase	6,883	
Library	3,406	
Office supplies	10,707	
Telephone & utilities	32,555	
Postage	1,131	
Printing & publication	1,868	
Expert witnesses	1,024	
*Correctional counseling	2,005	
Training	2,007	
Consultants	10,986	
Remodeling	9,000	
Miscellaneous	2,395	
	<u>\$ 748,686</u>	

*Supplemented by EEA and LEAA funds

Contact: Phillip H. Ginsberg, Chief Attorney
Seattle-King County Public Defender Association
Seattle, Washington 98104
Tel. (206) MA2-4815

FEDERAL DEFENDERS OF SAN DIEGO, INC.
THE FEDERAL COMMUNITY DEFENDER ORGANIZATION
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

GOAL: The ultimate goal is to provide prompt quality legal and auxiliary services necessary to an adequate defense to those charged with federal crimes who are financially unable to employ counsel at the most economical cost in San Diego and Imperial Counties, California. This defender office seeks to emulate the independence and quality service provided by a comparably sized law firm.

METHODS:

1. The defender services are provided through an independent non-profit organization of the local bar which employs a full-time staff of attorneys and supporting personnel. The organization is governed by thirteen (13) directors, all lawyers with a representative from each local law school. The directors are nominated by the president of the county bar association.

2. A substantial number (40%) of the appointed criminal cases are made to members of a court-designated panel of local attorneys so as to involve the local bar and provide a comparison with the full-time defender service.

3. The attorneys of the defender organization are full-time with no outside practice and are paid competitive wages comparable to those paid by the prosecution.

4. Four (4) full-time bilingual investigators (ratio of more than one (1) investigator per three (3) attorneys) complement and support the work of the attorneys. (This office uses a team concept of attorney and investigator on every case.) The Chief Investigator is also qualified in the use of the polygraph.

5. Continuity of representation and personal client contact is achieved by assigning an attorney to a case after initial appearance, and this assignment continues through trial and complete appellate review.

6. The scope of representation includes representation in ancillary matters (i. e., forfeitures and immigration) consistent with available manpower resources.

7. Paraprofessionals are used to assist appellate and post conviction proceedings. (This office employs a former "writ writer" as a legal research associate who coordinates all appellate work and insures that deadlines on the processing of appellate cases are met.)

8. Professional and specialized training for all staff is provided (i. e., defense lawyer training courses, language training, and investigator training).

METROPOLITAN PUBLIC DEFENDER SERVICE
 PORTLAND, OREGON

9. A clinical internship program of eight (8) legal interns from the two (2) local law schools is an integral part of the defender office. These students are not compensated but receive credit for their participation. They assist attorneys in Magistrate's court during initial arrangements, bail review, and sentencing of misdemeanor defendants.

10. The defender office assists the court in the training of the panel attorneys and conducted an 18-hour (6 session) course on federal criminal law. This training is a prerequisite for membership on the panel of appointed attorneys.

11. The defender office conducts a weekly evaluation meeting and a weekly training luncheon for staff attorneys and investigators. At the evaluation session the attorneys discuss their cases and obtain the advantage of group analysis and comment.

12. Our 24-hour bilingual telephone answering service with on-call availability of attorneys affords accessible and early contact from (prospective) clients.

13. A contemporary law office setting with an adequately furnished library is maintained.

BUDGET: The proposed budget for 1972-73 follows:

Personnel	\$ 324,200	The staff consists of an Executive
Taxes	17,000	Director (\$27,500), a Chief Trial Attorney
Group Insurance	3,400	(\$22,500), nine trial attorneys (\$13,000-
Unemployment Ins.	6,200	\$19,000), a Chief Investigator (\$16,500),
Insurance	1,000	three investigators (\$9,000-\$11,000), a
Travel	2,000	Legal Research Associate (\$13,300), an
Xerox	2,800	Administrative Assistant (\$10,000), seven
Space improvements	1,000	legal secretaries and clerical (\$5,500-
Telephone	5,500	\$9,000).
Dues & subscripits.	600	
Postage	1,200	
Advances to experts	3,000	
Contractual labor	1,000	
Maintenance & repair	300	
Stationery & supplies	5,500	
Miscellaneous	3,100	
Professional training	5,000	
Library	2,500	
Equip. inc. Investig.	4,000	
Furniture	2,200	
	<u>\$ 391,500</u>	

Contact: John J. Cleary, Executive Director
 Federal Defenders of San Diego, Inc.
 325 West F Street
 San Diego, California 92101
 Tel. (714) 234-8467

GOALS: To represent up to 75% of the indigent criminal defendants charged in Multnomah County Court with felonies, non-traffic misdemeanors, and civil commitments through a public defender's office and to expand this coverage through contract to nearby Washington and Clackamas counties.

METHODS: The Metropolitan Public Defender (MPD) office commenced operation in June 1971 as a pilot program funded by the Columbia Regional Association of Governments with LEAA funds. It originally employed two (2) attorneys, two (2) investigators, two (2) clerical personnel, and two (2) staff workers were assigned to the "Alternatives Program." The office was intended to supplant the appointed counsel system.

Multnomah County, with a population of 500,000, entered into a \$280,000 contract with the MPD's Office for fiscal year 1972-73, to provide funding for representation of 75% of the indigent felony, non-traffic misdemeanor, and civil commitment work in the County courts. As a result the staff presently consists of twelve (12) attorneys, seven (7) investigators, five (5) clerical personnel, six (6) "Alternatives Program" personnel, and four (4) legal interns drawn from Northwestern Law School at Lewis and Clark College. Eighteen (18) members of the non-legal staff receive the majority of their salaries from work incentive, legal intern, or educational assistance type programs.

In 1972-73 the office expects to handle 1400 felony and 800 misdemeanor cases, and expects to handle a sufficient number of civil commitment cases to keep one attorney busy on a full-time basis.

The office's "Alternatives Program" has research agency resources throughout the state and has catalogued the availability of rehabilitation programs. Its staffers submit pre-sentence reports to the court suggesting specific programs as alternatives to sentencing; the Program's information and assistance is available to lawyers throughout the state.

The office has recently contracted in nearby Washington and Clackamas counties to set up branch offices in those two counties to provide the same type of coverage offered in Multnomah county.

The MPD's Service, Inc. is governed by a five (5) man board of directors, with representatives from the county, the city of Portland, and the State and County Bar.

Indigent appellate work in the state is handled by the Oregon Public Defender's Office. Therefore, the office handles no appeals. Nor does it handle juvenile proceedings.

BUDGET: The 1972-73 budget calls for expenditures of \$280,000 for the staffing heretofore indicated. All of the office funding now comes from a county contract.

Contact: James D. Hennings, Director
Metropolitan Public Defender
825 Failing Building
618 South West Fifth Avenue
Portland, Oregon 97204
Tel. (503) 248-3880

FEDERAL PUBLIC DEFENDER OFFICE
CENTRAL DISTRICT OF CALIFORNIA (LOS ANGELES)

GOALS: Under the Criminal Justice Act, California's Central District Court in 1971 established a full-time Federal Public Defender's (FPD) Office to provide legal representation to up to 75% of those persons financially unable to employ counsel in federal criminal cases within the District. Major emphasis is on representation from arrest or arraignment through appeal. Coverage also extends to federal probation and parole revocation hearings and post conviction cases. The office is supplemented by a thirty (30) man private indigent defense panel whose main responsibility is to represent defendants where the FPD declares a conflict of interest in multiple defendant cases. The Central District has a population of over seven million (7,000,000), and a federal criminal caseload second to that of the District of Columbia.

METHODS: This FPD's Office (and there are others similarly organized in San Francisco, Sacramento, Phoenix, Albuquerque, Miami, Hartford and Kansas City (Mo.)), has fifteen (15) lawyers, three (3) investigators and twelve (12) clerical personnel, all full-time. The entire staff is based in the Los Angeles Federal Courthouse. Service is provided as needed to defendants in distant jails or before outlying Magistrates.

The FPD is appointed by the Ninth Circuit Judicial Conference on the recommendation of the Central District Court for a term appointment and has full hiring, firing, and administrative responsibility. He is subject to the budget approval of the Judicial Conference of the United States. Administrative support for supplies, services, budgeting and accounting is provided by the Administrative Office of the United States Courts.

Within the office, the Chief Deputy is responsible for the monitoring, reviewing, and screening of all appeals in which the office is involved.

Deputies are assigned to defendants at the earliest possible time; defense is organized on a "man-to-man" rather than a "zone" basis, so the original deputy stays with the defendant until the case is closed.

Investigative manpower is devoted as needed to all sides of a criminal case: defense pre-sentence investigation reports are submitted in cases where a confinement recommendation is anticipated and potential alternatives exist.

During 1972-1973, twelve (12) law students have been assigned to the FPD's Office by the University of Southern California, University of California at Los Angeles, Loyola University, and Southwestern Law Schools for credit as part of the schools' clinical programs. Each student is assigned to a Deputy FPD to assist him, as well as working on office research and investigative projects.

While the FPD takes no hand in the direct assignment of specific cases to appointed counsel, the office provides in-courthouse facilities, complete access to its brief bank and library, and an ongoing continuing education program for their benefit.

The office is expected to handle 2,250 cases in 1972-1973, including 100 parole revocation cases and 70 appeals. Close to 90% of its cases are felony cases.

BUDGET: Funding comes directly from The Administrative Office of the United States Courts. The approved budget for 1972-1973 reveals the following:

Total Annual Expenditures \$ 535,000

Major Expense Items

Attorneys Salaries (at the same rates as AUSA's beginning at \$13,300)	\$ 285,000
Investigators and Clerical	160,000
Other benefits	40,000
Psychiatrists, Experts, Interpreters	14,000
Telephones	8,000
Travel	7,000
Copy equipment and other rental	5,300
Other office expenses	6,400
Law books	3,000
Miscellaneous	7,700

Contact: John K. Van de Kamp
Federal Public Defender
Federal Courthouse Building
312 North Spring Street, Room 707
Los Angeles, California 90012
Tel. (213) 688-2854

PUBLIC DEFENDER
EIGHTH JUDICIAL CIRCUIT
GAINESVILLE, FLORIDA

GOALS: To provide legal representation to those unable to afford it in misdemeanor, felony and juvenile cases as well as appeals and post convictions. This public defender office extends legal services in Alachua, Baker, Bradford, Gilchrist, Levy and Union Counties, an area of 453,000 population.

METHODS: The Circuit Public Defender is an elected official, who has a full time staff of four (4) attorneys, two (2) full time investigators, and two (2) clerks. This office also employs a law graduate (recent candidate on the last bar exam) in a position of Deputy Assistant Public Defender.

In conjunction with the University of Florida Law School, this defender office has the advantage of assistance provided by fifteen (15) legal interns.

The office of the Public Defender is created by statute.

BUDGET: The total annual budget for this Circuit Public Defender is \$140,000 per year. The range for attorneys' salaries is \$13,000 to \$22,000; the Public Defender receives approximately \$28,000 per annum. The range for investigator salaries is \$10,000 to \$12,000, and the range for clerical salaries is \$5,000 to \$6,000 per annum.

Contact: R. A. Green, Jr.
Public Defender
Eighth Judicial Circuit
317 North East First Street
Gainesville, Florida 32601
Tel. (904) 376-2597

CIRCUIT DEFENDER
FIRST JUDICIAL CIRCUIT
SOUTHERN ILLINOIS
SPONSOR: ILLINOIS DEFENDER PROJECT

GOALS:

1. To establish a program that will enable seven (7) sparsely populated (pop. 88,000) rural counties to meet their obligation to provide quality legal representation to the indigent accused in a criminal case. Most rural counties individually are unable to acquire and finance qualified criminal lawyers with a trained investigative staff, but a defender office established for seven (7) counties could efficiently provide this needed defender service.

2. To compare the quality of full-time defender attorneys with that previously provided by appointed attorneys on a part-time basis.

METHODS: A circuit defender office was established in seven (7) southern Illinois counties (Alexander, Johnson, Massac, Pope, Pulaski, Saline, and Union) as a part of a statewide defender project. The circuit defender was selected by the Executive Director of Illinois Defender Project, the parent organization, and approved by its governing body.

The circuit defender is assisted by one (1) full-time lawyer, one (1) investigator, and two (2) secretaries. The circuit defender office had a main office and a branch office to serve the needs of a large geographical area.

The circuit defender accepted appointments in any indigent criminal case in these seven (7) counties. The defenders served in both felony and misdemeanor cases. Because the grant created this experimental defender service where previously only appointed counsel served, the defender office waived the nominal fees for appointed counsel in order to induce the local judges to use this new defender.

BUDGET: The current budget is:

Circuit Defender	\$ 21,000
Assist. Cir. Defender	17,500
Investigator	10,000
Secretary	7,200
Secretary	6,000
Personnel benefits	3,200
Rental	2,100
Office equipment	1,000
Library	1,000
Telephone	3,000
Utilities, postage & stationery	1,200
Travel	4,500
	<u>\$ 77,700</u>

Contact: Dennis Hogan, Circuit Defender
First Judicial Circuit
911 Washington Street
Cairo, Illinois 62914
Tel. (618) 734-1974

PUBLIC DEFENDER
TWELFTH JUDICIAL DISTRICT
SEBASTIAN COUNTY (FT. SMITH), ARKANSAS

GOALS: This grant initiated a public defender office in Sebastian County (pop. 33,000) to provide a qualified and accessible full-time defender service so as to furnish legal representation to those financially unable to acquire it in felony and misdemeanor cases. The objective of the program is to provide indigents with a defense in a criminal case equivalent to that provided by retained counsel, for unfortunately, that type of representation is not forthcoming from appointed counsel who are paid \$25 a case.

METHODS: Both the public defender and deputy public defender are full-time employees and are not permitted an outside practice. This defender office also has a full-time investigator and a full-time secretary, as well as a part-time secretary.

The public defender is selected by the county judge with the approval of the circuit judge to insure competency and skill in the handling of a criminal case. The operation of the public defender office is monitored by a five (5) man committee composed of the county judge and officials of the Sebastian County Bar Association. (The selection of the public defender by the judges before whom he may appear is questionable, but the concept of a board to preserve the professional independence of the defenders is good. See ABA Standards on Defender Services 1.4).

This public defender office handles all indigent criminal cases except where there is a conflict of interest (approximately 90% of indigent criminal cases). Since December 1, 1971 this defender office has handled 500 felony and misdemeanor cases.

This defender office also provides representation on appeals (two pending appeals) and post conviction petitions (two pending cases).

This defender office also has the assistance of a third attorney made available under the provisions of the Emergency Employment Act.

BUDGET: The budget of this defender office follows:

Public Defender	\$ 20,000
Deputy Defender	13,650
Investigator	9,500
Secretary	5,000
Secretary (pt. time)	2,200
Consult. to local attys, transcripts, subpoenas	4,850
Travel	2,000
Office equip. & library materials	3,675
Office supplies & overhead	1,325
	<u>\$ 62,200</u>

Public Defender
Twelfth Judicial District
Sebastian County (Ft. Smith) Arkansas
Page Two.

Note: The attorney made available by the Emergency Employment Act was authorized up to \$1,000 per month.

Contact: Don Langston
Public Defender
Twelfth Judicial District
Ft. Smith, Arkansas 72901
Tel. (501) 785-2326

PUBLIC DEFENDER SANTA CLARA COUNTY
SAN JOSE, CALIFORNIA

GOALS: In a large diverse metropolitan area with a substantial crime problem to provide legal representation to persons financially unable to employ counsel in criminal cases in courts of general and limited jurisdiction and in juvenile, mental illness, and drug addiction commitment proceedings. Santa Clara County (pop. 1,060,000) is an LEAA "Pilot City."

METHODS: The public defender office is created by statute and governed by ordinance, and the public defender is appointed by the board of supervisors. This public defender office has thirty-seven (37) lawyers, ten (10) investigators, five (5) legal aides, and thirteen (13) clerical personnel. All personnel are full-time employees. In 1970-71 legal representation was furnished in 12,399 cases. Representation was provided in 3,801 felony cases, 5,337 misdemeanor cases, 1,534 juvenile proceedings, 1,080 mental illness cases and 647 special proceedings (which include probation violations, extradition, certificates of rehabilitation, petitions for writ of habeas corpus and other extraordinary writs).

The 1970-71 structural breakdown of the office is attached as Appendix A. The principal sections are the Superior Court Division, the Municipal Court Division, Investigation Division, and Administrative Services Division.

The single most important consideration of this public defender office's excellence in criminal representation arises from the careful selection of personnel. Adequate compensation and the reputation of this defender office attract great numbers of qualified candidates.

In January 1972, ten (10) new attorneys were hired, and this office conducted an orientation program for the new attorneys on several Saturdays. A formal seminar has been conducted by a judge on sentencing, including the aggravated sentences (habitual offender and mentally disordered sex offender) for the attorneys, especially the newer attorneys.

In conjunction with Professor A. Amsterdam, Stanford Law School, the program has developed a Student Trial Manual, which also serves as a guide for new attorneys. Sheldon Portman, the Public Defender, has prepared a Handbook on Search and Seizure which is supplemented by a monthly case digest.

In the Juvenile Court thirty-five (35) law students assist attorneys, principally in interviewing clients. Those students certified under the State Practice Act participate in hearings. During school term the office also employs five (5) work study students, and during the summer two (2) full-time law students are employed. Also, two (2) third-year law students from Stanford Law School work in the office for a full semester (an elective) and prepare a paper on some facet of the criminal justice system.

During 1960-1970, with a \$15,000 grant from Stanford University, an offender rehabilitation project was initiated in which a part-time social worker served as a resource worker in providing alternatives at the time of sentencing other than confinement.

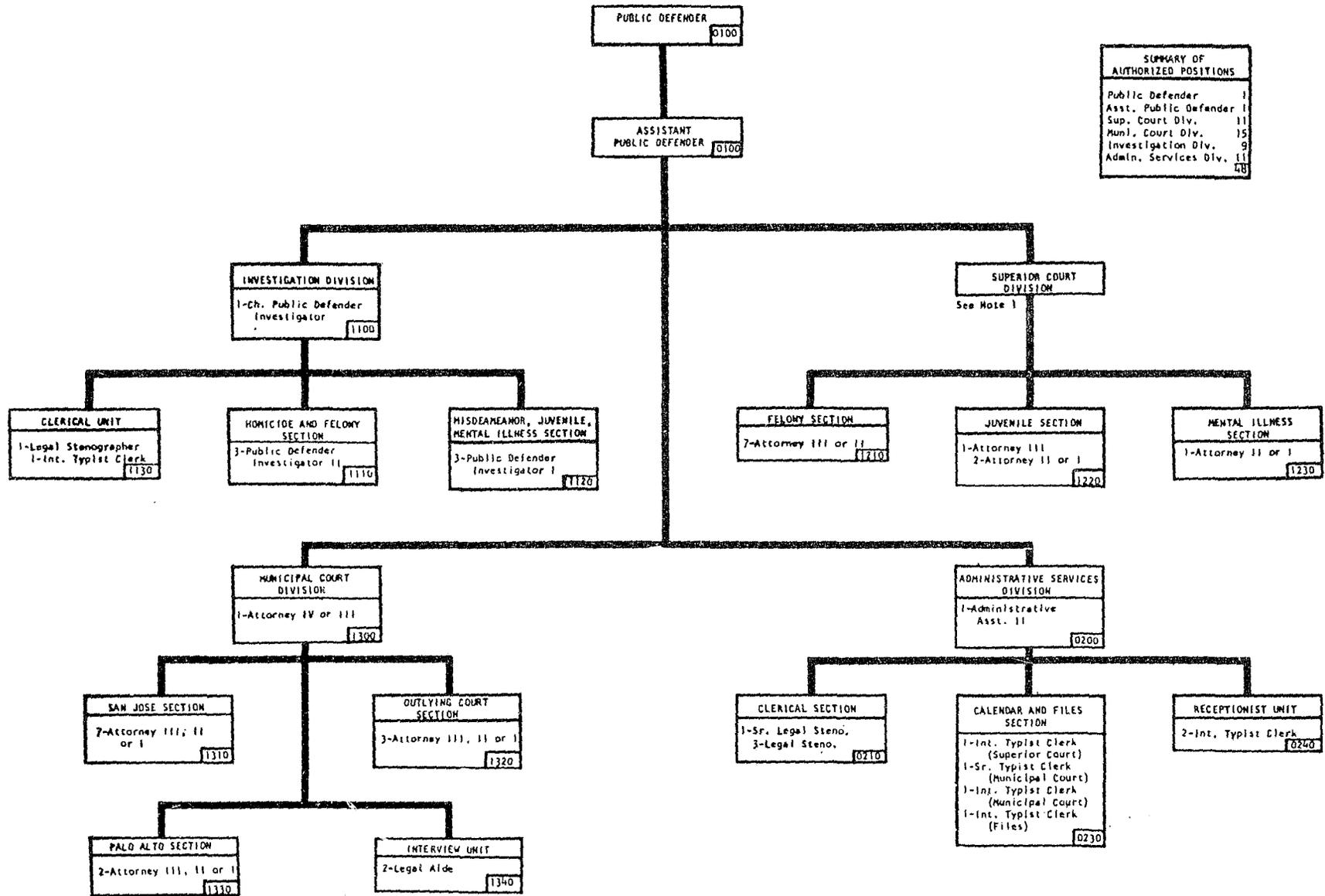
This public defender office engages in law reform activities in proposing legislation through the Santa Clara County Bar Association and the California Public Defender's Association for the improvement of criminal and juvenile law. This public defender office has also pursued an appeal to establish fundamental rights. For example, one of its cases held that imprisonment of an indigent for non-payment of a fine violates due process and equal protection under the law. In Re Antazo 3 Cal. 3d 100 (1970).

BUDGET: The last available budget for this defender office is 1970-71 which reveals the following expenditures:

Salaries	\$ 723,695	The annual salary ranges are listed below
Communications	15,002	according to position: Public Defender
Insurance	1,472	(\$27,360-\$33,264), Assistant Public Defender
Office Expense	9,768	Attorney V (\$24,816-\$30,180), Attorney IV
Prof. & Special Serv.	4,417	(\$21,960-\$26,700), Attorney III (\$18,972-
National Institute Grant	7,605	\$23,064), Attorney II (\$16,380-\$19,920),
Rent of Equip.	3,498	Attorney I (\$11,928-\$14,508), Chief Investi-
Rent - Structures	71,787	gator (\$15,228-\$19,116), Assistant Chief
Trans. & Travel	2,104	Investigator (\$13,812-\$16,788), Investigator
Auto mileage	3,650	II (\$12,528-\$15,228), Investigator I (\$11,352-
Auto services	11,478	\$13,812), Legal Aides (\$10,308-\$12,528),
Other overhead	8,791	Administrative Assistant (\$10,560-\$12,828),
	<u>\$ 863,267</u>	Sr. Legal Stenos (\$8,280-\$10,056, Legal
		Stenos (\$7,524-\$9,132).

The actual expenditures for 1971-72 were approximately \$1,100,000 for this public defender office. The proposed budget for 1972-73 is \$1,435,909.

Contact: Sheldon Portman
Public Defender of Santa Clara County
230 East Gish Road
San Jose, California 95112
Tel. (408) 299-3221



SUMMARY OF AUTHORIZED POSITIONS	
Public Defender	1
Asst. Public Defender	1
Sup. Court Div.	11
Munl. Court Div.	15
Investigation Div.	9
Admin. Services Div.	11
	48

APPENDIX A

NOTES:
 1. The Assistant Public Defender also serves as head of this division.
 All attorneys (except the Public Defender and Asst. Public Defender) are alternate classes IV, III, II or I. In assigning attorneys, the Public Defender strives to assign them in the classes as shown above.

PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA
WASHINGTON, D. C. 20004

GOALS: This public defender office seeks:

1. Provide effective legal representation and related services for 60% of the persons charged with crime in the District of Columbia who are financially unable to employ counsel. This representation includes criminal cases at the Municipal and Superior court level, juvenile proceedings, family court proceedings, and appeals and post conviction petitions.
2. To assist and coordinate the representation provided by individually appointed attorneys (40% of the indigent cases).
3. To provide a broad range of social services to make future involvement in the criminal process less likely.

METHODS: The public defender service is governed by a seven (7) member uncompensated board of trustees to provide independent and zealous representation to its clients. The single most important factor that this defender office suggests for its high quality defender representation arises from the fact that a defender is assigned a single attorney who follows the case through to completion. The use of "one-on-one" representation avoids the shifting of a defendant to several attorneys for a single case. A full-time staff of forty-six (46) attorneys and thirteen (13) investigators furnish legal representation in the various courts of the District of Columbia in all types of criminal and quasi-criminal proceedings. Attorneys joining this office are required to give a three (3) year commitment, and their initiation into the office commences with a training program.

The Offender Rehabilitation Division consists of thirteen (13) social workers who provide counseling, location of jobs, narcotics treatment, and other social services to defendants to secure the defendant's release prior to trial and to offer suggestions through counsel to the court for other than commitment if the defendant is found guilty.

One attorney and eleven (11) clerical personnel administer the appointment of counsel program whereby the appointment of individual attorneys in criminal and juvenile proceedings is coordinated by the defender office. The vouchers for compensation are processed by the defender service, which carries out the policy limiting any individual attorney's receipt of funds to a maximum of \$18,000 per year. Investigation and other technical assistance is available to the private attorneys from the defender office.

BUDGET: The budget for fiscal year ending June 30, 1971:

Personnel Compensation	\$ 930,094
Personnel Benefits	78,924
Travel: staff	13,000
Transportation of Things	5,000
Rent, Communications & Utilities	20,000
Printing & Reproduction	6,250
Other Services	69,600
Renovation Costs	18,000
Supplies & Materials	14,797
Equipment	<u>53,841</u>

Total \$ 1,209,506

The budget for the present fiscal year ending June 30, 1973 is \$1,730,000.

The salaries of attorneys range from those without experience at \$13,300 to those with five (5) or more years experience at \$20,000, but the average salary for the present attorney staff is approximately \$16,000 per annum. The investigator salaries range from \$10,000 to \$11,500 per annum with the Chief Investigator with substantial tenure receiving \$13,300. Secretarial staff is classified at a GS-8 rating (\$8,153 per annum).

Contact: Norman Lefstein, Director
Public Defender Service of the District of Columbia
601 Indiana Avenue, N. W.
Washington, D. C. 20004
Tel. (202) 628-1200

SAN MATEO PRIVATE DEFENDER PROGRAM
REDWOOD CITY, CALIFORNIA

GOAL: To provide defender services in San Mateo County (pop. 550,000) through a panel of local qualified attorneys coordinated by an administrator under the supervision of the local bar association.

METHODS: The San Mateo County Bar Association with a panel of 160 local attorneys, certified by the private defender program, provides representation to indigent defendants in criminal cases in both the Superior and Municipal courts as well as juvenile proceedings and mental health proceedings. This panel is backed up by a "resource panel" of twenty (20) well qualified attorneys who will respond in specific cases. The executive director of the San Mateo County Bar Association serves as executive director of the private defender program, and he is selected by the Bar Association. Both he and the deputy director administer the program and occasionally accept appointments. One full-time attorney furnishes representation in juvenile court. One full-time investigator and one contract part-time investigator are used by this defender program.

In addition to a training program for panel attorneys, a legal internship program is operated in conjunction with the local law schools to provide assistance to the panel attorneys.

The funds for the program are provided pursuant to a contract entered into between the Bar Association and San Mateo County.

This administrator type defender program is an alternative to a public defender, where the size of the area or the volume of cases would not justify an organized defender office with a full-time staff.

BUDGET: The current budget is \$750,000 which covers the cost of the administrative defender program as well as the costs of the panel attorneys. Approximately one fourth (1/4) of the total budget covers administrative and supportive services. Approximately \$33,500 of this administrative and supportive cost covers the cost of experts, the part-time investigator, and other related expenses. The fee schedule for payments to private attorneys is set by the Private Defender Program.

Contact: Ramon S. Lelli, Executive Director
San Mateo Private Defender Program
234 Marshall Street
Post Office Box 1278
Redwood City, California 94064
Tel. (415) 369-1441, extension 2891

APPELLATE AND POST-CONVICTION

STATEWIDE APPELLATE AND POST-CONVICTION DEFENDER SYSTEM
MINNESOTA PUBLIC DEFENDER

GOALS: To deliver prompt quality legal services to financially deprived individuals who are defendants in the criminal justice system, from the time of their apprehension through appellate or post conviction review; to deliver these services with the same independence, professional lawyer-client relationship, and strong advocacy that is supplied by competent privately retained counsel. The role of the lawyer is that of the defendant's protector, intermediary, and learned friend who with understanding and thoroughness lends every effort to be of assistance in the solution of the defendant's problems. In this regard the goal is to also deliver civil legal services to defendants and inmates with related civil legal problems through existing legal services programs or by setting up associated offices to deliver the services.

METHODS:

1. The Minnesota Judicial Council, an independent statutory organization set up to initiate and work for the improvement of all laws, supervises the defender system. The council is composed of eleven (11) lawyers and judges including a justice of the Supreme Court, two (2) district court (general trial jurisdiction) judges, and seven (7) others (including at least one municipal court judge) appointed for three (3) year staggered terms by the Governor.

2. Each of the state's ten (10) judicial districts, ranging in size from one (1) to seventeen (17) counties and in population from 200,000 to 1,000,000, is authorized to have a district public defender and assistants appointed with the approval of the judicial council. These attorneys handle the cases from arrest through conviction or other disposition. All are on a part-time retainer basis ranging from a substantially full-time fee of \$18,000 to a quarter-time fee of \$5,000 paid by the counties in each district as a pro rata percentage of population basis. This was designed to deliver legal services in the non-urban or less populated areas where the caseload does not justify full-time employees and eventually to provide full-time lawyer services in the more heavily populated areas. The average cost per felony defendant in 1972 is \$200.

3. The state public defender and assistants are appointed by the judicial council and paid by the State Legislature. These attorneys working out of their office at the law school of the University handle all post conviction cases in the district courts throughout the state, and all appeals to the Supreme Court from convictions and unsuccessful post conviction proceedings. All indigent defendants who believe they want to appeal, or to have a statutory post conviction review, have their cases evaluated by a defender and all who thereafter wish to proceed are represented by a defender. Ten (10) attorneys on a retainer basis ranging from \$5,000 for a quarter-time fee to \$11,000 for a half-time fee deliver these services. The sum of \$6,300 is available to pay four (4) additional attorneys who are on a standby basis to take occasional overload cases that otherwise could not be taken care of promptly. The caseload averages twenty-one (21) post-conviction hearings and appellate briefs each year for the

equivalent of one full-time attorney plus working up an average of fourteen (14) post-conviction cases and appellate cases that are terminated before hearing or brief writing. The work of the office is current in large part due to the fact that all initial contact with the client, client interviews, obtaining copies of the clerk's records and necessary transcripts are accomplished, together with an evaluation by the state defender, before an assistant defender is assigned to proceed with the case.

4. The state public defender's personnel assist the district defenders by providing them legal consultation, investigative services, trial assistance, record keeping, and in securing their budgets.

5. The state defender's personnel is responsible for the training and continuing legal education of all district and state defenders. In this regard the state public defender organized an annual criminal justice education course which is now in its eighth year and is now on a partnership basis with the Attorney General, the county attorneys association, and a selected group of police officers. This is administered by the Continuing Legal Education Department of the University. Attendance is about equally divided between prosecutors, defenders, and police. Live mock trials, video taped mock trials, evidence manuals, procedural and substantive law manuals, and law improvement proposals have originated in these sessions. A tuition fee built into the budgets of the various participants make this course self-sustaining. Law students are given scholarships.

6. In Hennepin County four (4) full-time assistant state public defenders are assigned to handle all of the statutory and traffic and ordinance misdemeanors in the county municipal court in Minneapolis. They are paid by the county in a range from \$12,500 - \$18,500. Each school quarter they supervise senior law students under a senior law student practice rule which permits the students to defend or assist in the defense (as well as the prosecution of cases). The students are under the close academic supervision of two (2) law school professors and are a part of an extensive civil and criminal clinical legal education program. Full-time paid summer internships are available to these students between their junior and senior years in prosecutor and defender offices throughout the state.

A pre-court screening unit of the probation office provides substantially 24-hour coverage of the jail. They interview arrested persons to obtain the necessary data before court to determine financial eligibility for defender services, bail or other conditions of release, medical service needs, the social history necessary to start any subsequent pre-sentence investigation, and information regarding possible diversion from prosecution.

7. Two (2) law school professors are assigned full-time to work with law students to provide civil legal services to prison inmates. This is called L. A. M. P. (Legal Assistance to Minnesota Prisoners). They also work on improving the administrative grievances and disciplinary procedures in the prisons in cooperation with the corrections department. A lay staffed ombudsman office deals with specific grievances within this procedure. Success in these ventures is expected to improve the success rate on parole of the inmates served.

BUDGET:

<u>State Defender Office</u>		<u>Hennepin County Office</u>	
State Defender	\$ 27,500	Attorney	\$ 18,500
Assistant Defenders	79,137	3 Attorneys @	
2 part-time law clerks		\$12,500	37,500
@ \$4,440	8,880	2 Secretaries	
Investigator	10,956	@ \$7,000	14,000
3 secretaries	21,468	10 full-time	
1 accountant-secretary	7,692	summer legal	
Contributions	8,233	interns	15,000
Insurance (hosp. & med.)	2,288		<u>15,000</u>
Maintenance & repair			\$ 93,000
(law school provides other)	200		<u>93,000</u>
State Defender misc.			
expenses	1,000		
Continuing legal education			
(annual Justice Course is			
self-sustaining)	2,000		
Printing	7,700		
Telephone	1,200		
Postage	1,320		
Travel & subsistence			
(state defender & invest.)	2,500		
Transcript cost & clerk			
of court record costs	24,000		
Office supplies	3,200		
Periodicals	350		
Furniture & fixtures	350		
Law books & subscripts.	850		
(located in law school			
library)			
Miscellaneous	175		
Total	\$ 210,999		

Contact: C. Paul Jones
Minnesota Public Defender
University of Minnesota, Law School
Minneapolis, Minnesota 55455
Tel. (612) 373-5725

STAFF COUNSEL FOR INMATES PROGRAM
TEXAS DEPARTMENT OF CORRECTIONS

GOALS: To implement the United States Supreme Court's decision in Johnson v. Avery by providing legal services and counseling for the 17,000 inmates for the fourteen (14) institutions operated by the Texas Department of Corrections.

METHODS: Given the alternative of permitting inmates to assist each other with legal problems or providing counsel, the Texas Department of Corrections chose to provide counsel. From an experimental program involving two (2) attorneys, the concept has been accepted and expanded to authorize twelve (12) attorneys, seven (7) of whom are now on the staff. The six (6) non administrative attorneys are assigned to cover over nine (9) of the fourteen (14) institutions, so that every inmate has access to counsel. The staff attorneys are assisted by eight (8) law students working as para-professionals.

Regular office space is available in each institution for interview and a writ room with a law library is available for research by attorneys as well as inmates. Special training in legal research is available for correctional personnel assigned to the writ room so they can assist the inmates.

The program is announced by notices posted in all institutions. Inmates seeking legal advice request an interview. Depending on the institution, the interview is conducted within two (2) days of the request.

BUDGET:

Personnel:

Supervising Attorney	\$12,000
11 staff attorneys at \$9,424	102,664
10 legal secretaries at \$6,556	65,560
8 interns	42,528
employee benefits	22,256
state insurance	<u>3,000</u>
	\$ 249,008

Note: The possible caseload per attorney is high, and the compensation for attorneys is inadequate.

Other:

Travel	\$ 16,200
Equipment	24,513
Law Books	<u>169,961</u>
	<u>\$ 210,674</u>

Contact: Harry H. Walsh
Post Office Box 99
Huntsville, Texas 77390
Tel. (713) 295-6371, extension 289

STATEWIDE APPELLATE DEFENDER
ILLINOIS DEFENDER PROJECT
SPONSOR: ILLINOIS PUBLIC DEFENDER ASSOCIATION

GOALS:

1. To provide effective representation on indigent appeals from criminal convictions and post-conviction proceedings by full-time attorneys in lieu of appointed counsel who receive less than adequate compensation for their services.
2. To reduce the congestion in the appellate courts and the time necessary to process a criminal appeal.
3. To provide a model appellate defender office as basis for consideration of a statutory appellate public defender office.

METHODS: The Illinois Public Defender Association, a non-profit corporation, organized a special Board of Commissioners to supervise this appellate project, as well as other defender programs. This supervisory board of eleven (11) lawyers includes five (5) public defenders and selects the Director. The other six (6) members are drawn from the community at large to provide a broad base of support.

This appellate project has three (3) principal components: an administrative office, four (4) appellate district offices, and a Chicago office.

The administrative office is the headquarters which has offices in Springfield and Chicago. The Director administers this program from Springfield, and the Deputy Director is located in Chicago. The central administrative office controls personnel and fiscal matters, but the briefs are prepared in the district offices.

The Chicago office provides legal assistance on appeals arising out of Cook County, which has almost one-half the population of Illinois (5,492,369). This appellate office supplements the work of the Appellate Division of the Cook County Public Defender to reduce the congestion in the Chicago appellate courts. The staff consists of eleven (11) attorneys and supporting clerical personnel.

Each of the four (4) district appellate offices (covering all of Illinois except Cook County) is staffed by three (3) attorneys who prepare indigent appeals in criminal cases. These district appellate defenders act as a legal reference center to local public defenders and appointed counsel.

Each summer approximately thirty-five (35) legal interns are employed to assist in the preparation of appellate briefs. Some interns are assigned to each of the defender offices.

In 1972 the Illinois Appellate Defender Act was enacted establishing a permanent state agency to carry on the work of this appellate project.

BUDGET: The present annual budget for this appellate defender service is:

Administrative Office		
Director	\$ 25,000	
Deputy Director	<u>23,500</u>	\$ 100,000 *
District Appellate Office		
3 lawyers (average \$18,000)	\$ 55,000	
2 1/2 secretaries	16,000	
Legal Interns	10,000	
Xerox & reprod. of briefs	10,000	
Telephone	4,000	
Other admin. overhead	<u>10,000</u>	
Four offices each	\$ 105,000	420,000
Chicago Appellate Office		
11 attorneys (average \$17,000)	<u>\$ 187,000</u>	<u>300,000</u>
Total		<u>\$ 820,000</u>

* The training component has been deleted, and other clerical personnel not listed.

Contact: Theodore Gottfried, Director
 Illinois Defender Project
 300 East Monroe, Suite 200
 Springfield, Illinois 62701
 Tel. (217) 789-1229

GOAL: To improve the quality of legal representation afforded to indigent appellants in criminal cases in Division One, Fourth Appellate District, California Court of Appeal (San Diego). By enhancing the appellate skills of both defender attorneys and appointed private practitioners there should also be less delay in the appellate process.

METHODS:

1. A non-profit corporation, "Appellate Defenders, Inc." would be created with the sponsorship of the San Diego County Bar Association. An Executive Director and three (3) attorneys and two (2) secretaries would provide representation in one-half of the indigent appeals.

2. The staff would assist a panel of private attorneys in the preparation and presentation of the remaining criminal indigent appeals. The panel attorneys would be compensated at a rate of approximately \$350 per appeal. Such a program will facilitate the participation of private attorneys in this procedure who might not otherwise be amenable to accepting an appointment in a criminal appeal.

3. The project will be located at a local law school and utilize legal interns in the research and preparation of briefs.

4. The Appellate Defender will not unilaterally determine that any appeal is without merit; but, consistent with the duty of an advocate, will raise all available legal arguments.

BUDGET: The annual budget of this appellate defender program is:

Executive Director	\$ 26,000
Chief Assistant	21,516
Deputy Attorney III	16,680
Deputy Attorney II	12,576
Senior Legal Steno	6,852
Legal Steno	5,904
Fringe benefits 12% of those above	10,743
Travel	2,260
Office rental	10,000
Other office operating expenses	8,550
Furnit. & office equip.	8,000
Library	<u>9,247</u>
	\$ 138,328

Contact: J. Perry Langford
 Executive Director
 Appellate Defenders, Inc.
 439 Spreckels Building
 San Diego, California 92101
 Tel. (714) 232-1053

SOLANO INMATE LEGAL ASSISTANCE PROGRAM (SILAP)
SOLANO COUNTY PUBLIC DEFENDER OFFICE

GOALS: To provide legal counseling and assistance to inmates of the county jails and the California Medical Facility, a state prison within Solano County with a prison population of 1,800. In addition, in response to inmate requests, complaints as to prison conditions are handled administratively.

METHODS: Utilizing the resources of the Solano County Public Defender, an experienced, qualified attorney is employed full-time to operate the program. He uses two (2) third year law students who work with the program full-time during academic vacations and part-time during the school year.

With the cooperation of the correctional officials, the attorney or his clerk conducts weekly inmate interviews. Inmates who request this service are provided passes to the interview room.

Interviews are conducted in private. Legitimate legal issues, if they cannot be resolved with interested officials, are reduced to habeas corpus and post conviction petitions.

BUDGET: The primary expense is for salary. In addition, a proportional amount of the Public Defender's supportive services are utilized as follows:

Salary and employee benefits	
Attorney	\$ 17,771
Law Clerks	7,518
Secretarial	5,737
Investigative	5,039
Rental	682
Telephone	1,007
Janitorial	155
Interpreters	777
Professional services	70
Maintenance of equipment	261
Office expenses	399
Travel	1,189
Equipment	<u>2,294</u>
	\$ 42,889

Contact: Paul Ligda
Public Defender of Solano County
Hall of Justice, 600 Union Avenue
Fairfield, California 94533
Tel. (707) 422-2010, extension 315



III

TRAINING

PUBLIC DEFENDER TRAINING PROGRAM
SEATTLE-KING COUNTY, WASHINGTON

GOAL: To provide training for defender staff attorneys and interested members of the private bar for effective felony representation.

METHODS: A joint effort of the defender office, the prosecutor, and a leader of the private criminal bar will:

1. Develop a fact pattern for a felony case which will pose legal and factual issues typically encountered in practice;
2. Based on the fact pattern, plan the successive demonstration seminars including (a) initial interview and investigation; (b) pretrial motions; (c) jury selection; (d) opening statements; (e) direct and cross-examinations, (f) instructions; (g) closing arguments, (h) post-trial motions; and (i) appeal;
3. Select attorneys with appropriate defense and prosecution experience for respective seminars;
4. Make arrangements for judges, courtrooms, and witnesses;
5. Make arrangements for video-taping the demonstrations and seminars for use throughout the state and for future years;
6. Notify law schools and bar associations of dates of demonstrations and seminars.

BUDGET: There should be no direct cost to the defender office. The cost of framing the fact pattern and the issues is absorbed by defender and prosecutor staff. The "experts" who conduct the demonstrations are either attorneys with the defender or prosecutor or are contributing their time. The courtroom facilities are provided at no charge. The bar association will handle the cost of making the arrangements.

Illustrative Costs:

One attorney for one week	\$ 250
Secretarial assistance	75
Expert fees	1,800
Video taping	2,000
Total	<u>\$4,285</u>

Contact: Phillip H. Ginsberg
Seattle-King County Public Defender
202 South Tower
Seattle, Washington 98104
Tel. (206) MA2-4815

ADVANCED CRIMINAL LAW PROGRAM
CALIFORNIA PUBLIC DEFENDERS ASSOCIATION

GOALS: To develop an advanced defender training program for experienced defender attorneys which includes both professional and management training.

METHODS: A one-week seminar program is scheduled at the University of San Diego School of Law. Each defender office in the state has been invited to participate by sending one or more of their senior staff attorneys who has served long enough to indicate career intentions.

The program planning was done by a California Public Defender's Association committee which is responsible for evaluating each presentation and speaker. The wide range of program content includes: opening statements, the role of the forensic pathologist, the availability of various types of expert testimony, types of psychiatric defenses, diminished capacity cases, the clinical psychologist in the criminal case, photographic techniques and visual aids, ballistics, fingerprints, and the criminologist.

The attendees will be divided into discussion groups at times in order to provide the opportunity of expanding on the ideas developed during the factual presentations and to provide an exchange of actual courtroom application of the speakers' subjects.

Law schools are invited to send an observer to the advanced course to evaluate its content, presentation, and general cost. This contact with the law schools is designed to interest them in sponsoring future programs.

BUDGET: The major expenses are: the cost of providing the facility for the program as well as the housing and transportation of the people who attend.

The University of San Diego charges \$18.25 per day per attendee to be applied to the cost of the initial program. The program is planned for 150 attorneys who will attend for five (5) days at a cost of \$13,688. In addition, there are thirty (30) speakers, administrators, receptionists, et cetera who will attend for an average of two (2) days at a cost of \$1,095. The total cost is \$14,783.

Transportation will be paid for all attendees, speakers, and administrators up to the cost of round trip air transportation. The average cost of transportation has proved to be \$36, or a total of \$6,480 for 180 persons. Other expenses include printing \$316, mailing \$59, and telephone \$150, for a total of \$525.

Contact: Paul Ligda, First Vice President
California Public Defenders Association
Hall of Justice, 600 Union Avenue
Fairfield, California 94533
Tel. (707) 422-2010, extension 315

ORIENTATION TRAINING PROGRAM
CALIFORNIA PUBLIC DEFENDER ASSOCIATION

GOAL: To provide an in-depth orientation program for new defender attorneys who would not otherwise receive this formal training at their local public defender office.

METHODS: The California Public Defender Association received a grant to conduct a one week training program at the University of San Diego School of Law. Every public defender office in the State is requested to send one or more of their newly hired attorneys. The program is conducted during the summer months to make it most convenient to the offices.

The training program emphasizes the role of various agencies in the total criminal justice system and the relation of the public defender to them. It includes: police function (panel of three police chiefs), district attorney (panel of three), court (two trial judges and one appellate judge), sentencing (judge), bail (bondsman), corrections (representatives of Adult Authority). Basic aspects of a criminal case and trial are also received, and a provision for workshop sessions of not more than ten (10) participants under the guidance of an experienced attorney is included.

Participants also submit an evaluation of the program, which serves as a guide for future training programs.

BUDGET: There are two major expenses: rental of the facility and transportation. Most law schools have facilities available to feed and house the attendees as well as for the lecture hall and the discussion rooms. The University of San Diego charges \$18.25 per day per attendee. The program is five (5) days. The cost for 100 attendees is \$9,125. In addition, there are 50 moderators, speakers, discussion leaders, and administrators who are present for an average of two days at a cost of \$1,825. Total cost is \$10,950.

Transportation for attendees and speakers has averaged \$36 per attendee or a total of \$5,400 for 150 persons. Other expenses include: printing \$265, telephone \$150, and mailing \$60, for a total of \$475.

Contact: Paul Ligda, First Vice President
California Public Defenders Association
Hall of Justice, 600 Union Avenue
Fairfield, California 94533
Tel. (707) 422-2010, extension 315

POLYGRAPH TRAINED INVESTIGATOR
SPONSOR: FEDERAL DEFENDERS OF SAN DIEGO, INC.

GOALS: To provide an investigator who is capable of administering polygraph (lie detector) examinations to defendants and witnesses in connection with the investigation of a case. Often the critical fact issue of a case turns on the testimony of a witness or a defendant, and the use of this investigative technique will reduce litigation by early resolution of truth of expected testimony.

METHODS: One full time investigator is sent to a recognized polygraph training school for a period of at least six (6) weeks and thereafter is provided with a polygraph instrument. This specially trained investigator will be available for use by other defender offices.

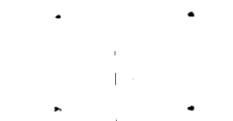
BUDGET: The Baxter Polygraph School operates a six (6) week course which costs \$750 for one investigator from a defender office. Travel and subsistence would be \$1,000 (travel from San Diego to New York and six (6) weeks subsistence). The salary for the investigator for six (6) weeks would be approximately \$2,000. The total cost for the program would be approximately \$3,800 of which fifty (50%) percent could be supplied by the defender office if it was willing to contribute the salary of the investigator during the period of the training. The polygraph instrument costs \$1,600.

Contact: John J. Cleary
Executive Director
Federal Defenders of San Diego, Inc.
325 West F Street
San Diego, California 92101
Tel. (714) 234-8467



IV

SUPPORTING SERVICES



DEFENDERS FORENSIC LABORATORY
(PROPOSED)

GOALS: To establish a central forensic laboratory to service all defender organizations and attorneys appointed in indigent criminal cases within the state by providing experts and facilities to supply reports of analyses of evidence, and if necessary, testimony.

To provide analysis and consultation regarding the laboratory tests and conclusions drawn therefrom by the prosecution's experts.

To maintain a register of witnesses and laboratories expert in technical evidence analyses within the state for referral to defender services.

To acquaint defender offices with forensic science and keep them advised of new developments.

METHODS: The Forensic Laboratory is to be located in a major metropolitan population center immediately accessible to large defender organizations. The laboratory should be established in conjunction with an established medical center.

It will provide upon request either through use of its own facilities and experts or through the use of proximate facilities and experts all types of necessary in-court expert forensic testimony.

The staff will consist of a director, assistant director, and one secretary. A current statewide catalogue of organized forensic experts, their capabilities, and fee schedules will be maintained by this office.

The staff will prepare a quarterly newsletter to be sent to all defender organizations describing its activities and developments in forensic science. The Director or Deputy Director will visit major defender offices and organize regional seminars to keep defenders abreast of current developments.

BUDGET:

Salaries:	
Director	\$ 20,000
Deputy Director	15,000
Secretary	8,100
Consultants	15,000
Transportation @ 2000	
mi p/mo. @ 10¢ p/mi	2,400
Subsistence (\$100 p/day	
x 25)	2,500
Rent: equip. & space	
750 sq. ft. at \$10	7,500
Office expenses	3,000
	<hr/>
	\$ 73,400

Contact: Joseph English
Forensic Science Center & Laboratory
Institute of Criminal Law and Procedure
Georgetown University School of Law
3800 Reservoir Road
Washington, D. C.
Tel. (202) 625-7756

STATE PUBLIC DEFENDER TECHNICAL ASSISTANCE UNIT

GOALS: County Public Defender offices frequently are understaffed and carry heavy caseloads. They do not have the funds, time, or manpower for adequate training and research since they must respond to cases at fluctuating intervals. A state public defender technical assistance unit could provide training and research assistance and combine resources and skills of different county public defender offices which lack these resources.

METHODS: The technical assistance coordinator would conduct mandatory two (2) week orientation programs for new deputies on investigations, pretrial, trial, and appellate procedures and problems.

He would brief all major criminal law cases (trial and appellate) in his state and make synopses available in a card catalogue. He would publish a current case digest which would be periodically published along with abstracts of key appellate court opinions, a commentary on a principal trial, current news of defender offices, and a description of "coming events."

These would include specialty seminars in which mock trials and appellate arguments on particular issues pertinent to public defenders would be held (motions to suppress issues, right to counsel). Guest attorneys who are specialists in their respective areas would be invited to participate in live demonstrations of their specialties. Tape recordings of superior trial presentations and Supreme Court oral arguments would be made, and video-tapes of outstanding trials would be prepared for training purposes. All would be kept in the technical assistance library.

The coordinator would form an association with neighboring state coordinators, establish by-laws, and initially share ideas and program formats. Liaison with the state planning agencies, LEAA regional offices, and the National Legal Aid and Defender Association would be maintained. If possible, services of major law schools and continuing legal education programs of the state bar would be utilized. Resources and services of the existing prosecutor training coordinator in the state can also be utilized and shared.

BUDGET:

Technical Assistance Coordinator Salary	\$ 20,000
Deputy Coordinator Salary	16,500
Legal Research Assistant	12,000
Two Secretaries	13,500
Video-taping costs	3,000
Tapes, materials & publications (digests)	2,000
Library established & maintained	1,000
Mailing costs	1,000
Consultant fees	3,000
Travel & per-diem for staff consultants & training program participants	5,000
	<u>\$78,000</u>

Contact: William P. Schafer, Chief, Criminal Division
Arizona Attorney General's Office
Phoenix, Arizona 85007
Tel. (602) 271-4266

STATEWIDE APPELLATE DEFENDER
ILLINOIS DEFENDER PROJECT
SPONSOR: ILLINOIS PUBLIC DEFENDER ASSOCIATION

GOALS:

1. To provide effective representation on indigent appeals from criminal convictions and post-conviction proceedings by full-time attorneys in lieu of appointed counsel who receive less than adequate compensation for their services.
2. To reduce the congestion in the appellate courts and the time necessary to process a criminal appeal.
3. To provide a model appellate defender office as basis for consideration of a statutory appellate public defender office.

METHODS: The Illinois Public Defender Association, a non-profit corporation, organized a special Board of Commissioners to supervise this appellate project, as well as other defender programs. This supervisory board of eleven (11) lawyers includes five (5) public defenders and selects the Director. The other six (6) members are drawn from the community at large to provide a broad base of support.

This appellate project has three (3) principal components: an administrative office, four (4) appellate district offices, and a Chicago office.

The administrative office is the headquarters which has offices in Springfield and Chicago. The Director administers this program from Springfield, and the Deputy Director is located in Chicago. The central administrative office controls personnel and fiscal matters, but the briefs are prepared in the district offices.

The Chicago office provides legal assistance on appeals arising out of Cook County, which has almost one-half the population of Illinois (5,492,369). This appellate office supplements the work of the Appellate Division of the Cook County Public Defender to reduce the congestion in the Chicago appellate courts. The staff consists of eleven (11) attorneys and supporting clerical personnel.

Each of the four (4) district appellate offices (covering all of Illinois except Cook County) is staffed by three (3) attorneys who prepare indigent appeals in criminal cases. These district appellate defenders act as a legal reference center to local public defenders and appointed counsel.

Each summer approximately thirty-five (35) legal interns are employed to assist in the preparation of appellate briefs. Some interns are assigned to each of the defender offices.

In 1972 the Illinois Appellate Defender Act was enacted establishing a permanent state agency to carry on the work of this appellate project.

STATEWIDE APPELLATE DEFENDER
ILLINOIS DEFENDER PROJECT
SPONSOR: ILLINOIS PUBLIC DEFENDER ASSOCIATION

GOALS:

1. To provide effective representation on indigent appeals from criminal convictions and post-conviction proceedings by full-time attorneys in lieu of appointed counsel who receive less than adequate compensation for their services.
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In 1972 the Illinois Appellate Defender Act was enacted establishing a permanent state agency to carry on the work of this appellate project.

CONTINUED

2 OF 3

BUDGET: The present annual budget for this appellate defender service is:

Administrative Office		
Director	\$ 25,000	
Deputy Director	<u>23,500</u>	\$ 100,000 *
District Appellate Office		
3 lawyers (average		
\$18,000)	\$ 55,000	
2 1/2 secretaries	16,000	
Legal Interns	10,000	
Xerox & reprod.		
of briefs	10,000	
Telephone	4,000	
Other admin.		
overhead	<u>10,000</u>	
Four offices each	\$ 105,000	420,000
Chicago Appellate Office		
11 attorneys (average		
\$17,000)	<u>\$ 187,000</u>	<u>300,000</u>
	Total	\$ <u>820,000</u>

* The training component has been deleted, and other clerical personnel not listed.

Contact: Theodore Gottfried, Director
Illinois Defender Project
300 East Monroe, Suite 200
Springfield, Illinois 62701
Tel. (217) 789-1229

V
LEGAL INTERNS

FEDERAL DEFENDER PROGRAM INC.

INTERN-AT-LAW PROJECT

219 South Dearborn Street
Chicago, Illinois 60604

GOAL: The Intern-at-Law Project's purpose and goal is to offer to interested law school students the benefits that derive from supervised association with experienced and skilled practicing criminal lawyers. It is intended solely to afford participating students exposure that may interest and educate them in the practice of trial law, particularly criminal. Students are not expected to engage in more than minimal investigative or research assignments in the cases to which they are assigned--not because their help would be unwelcome, but because of limitations on their time and the feeling that the law schools more appropriately and adequately supervise legal writing and research. Nor is student participation regarded as augmentation of the bar's responsibility to try and defend criminal cases.

METHODS: At the time of the opening of fall classes each of the Deans of the six participating law schools, the University of Chicago Law School, IIT-Chicago-Kent College of Law, DePaul University College of Law, Loyola University School of Law, The John Marshall Law School and Northwestern University School of Law, select and submit to the Project approximately fifteen students who desire to participate in the "intern-at-law" project. The Project expresses its preference for junior law students on the theory they are more idealistic and receptive to criminal law and are not primarily concerned with the prospects of obtaining a position which they realistically appreciate will not relate to criminal law.

Each student is personally interviewed by a Project staff attorney. A student information form prepared by the student together with a confidential report prepared by the staff attorney is placed in the students' file jacket and maintained throughout the year to record and evaluate the students' participation in the Project.

The student's first contact with the Project normally is his assignment, with another student, to a duty day in the office of the Federal Defender. The students function much as associate counsel, joining with the Federal Defender duty attorney in the initial interviews of clients (on the typical day there will be five appointments in criminal cases), arraignment and pleas, and bond hearings before a District Court Judge or United States Magistrate.

Normally, students will serve three duty days during the course of the school year, and probably one additional day in the "complaint" section of the United States Attorney's office, although the number varies depending on the type of experience the student has had his first or second duty day. For example, if an unusual number of appointments is made on the student's first duty day, one additional duty day may be sufficient.

Students are generally assigned to different panel attorneys on each duty day to give them the benefit of diversity of approach and thought.

During their duty days the students assist and participate in interviews with clients, interviewing witnesses, conferring with prosecuting agents and attorneys, participate in hearings before the Magistrates, attend arraignment and pleas, discuss initial strategy and generally engage in informal conversations with the duty attorney. Most of the students are encouraged and do continue to work with the attorneys on cases initiated on their duty days.

All students are required to assist in the preparation of pre-trial motions and supporting briefs. To avoid unnecessary research and assist the students in preparing such motions and briefs a comprehensive "Motion and Brief Bank" is maintained in the Project office. Indexed topically, the students can quickly obtain copies of motions recently filed in the court together with supporting briefs. Recent cases or law review articles covering the subject are also included in the Motion and Brief Bank.

Participation in an actual trial is both offered to and required of the students. The trials usually last 3 to 5 days. The students, who sit at counsel table, attend in-chamber and side-bar conferences. Consistent with the purpose of the Project, trial experiences are not limited to cases where counsel was appointed to represent the defendant. The leading criminal attorneys in the area intern students in their retained cases.

Subsequent to trials resulting in convictions the students assist in the preparation of related post-trial motions. They are also acquainted with the preparation and filing of notices of appeal as well as the perfection of an appeal. Some students, on a volunteer basis, assist in the writing of appellate briefs and with the permission of the Seventh Circuit Court of Appeals sit at counsel table at the time of oral argument.

Saturday seminars directed at narrowly defined trial oriented subjects are conducted for the benefit of the students. Members of the judiciary, prosecutors and leading criminal lawyers lectured and then participated with the students in an informal question and answer period. These lectures acquaint the students with the practical day-to-day issues and concerns of practicing criminal lawyers.

While the decision as to contribution of time basically is the student's and interest and availability of time vary greatly, it is estimated that an average of about six hours a week throughout the year will yield a view, however basic, of the elements of criminal law procedure and the steps involved from arrest to trial. This estimate is based on the assumption that, excluding several weeks each semester for exams, students will have about 25 weeks available for participation. It is hoped that each intern will participate in at least one trial. We regard the four-day trial as about the longest in which a student should participate full-time, though occasional attendance at and participation in longer trials may be suggested.

In their participation with the Project students are regarded not as law clerks or research assistants, but as associate counsel to the assigned attorneys. Students are expected to associate with the attorneys at all pertinent stages of the proceedings -- for example, interviews, investigations, conferences with opposing counsel or the judge, appearances in court and participation at trials. Restrictions are placed on the number of hours that may be devoted by students to any given research project so as to maximize the availability for different experiences.

The students are neither paid nor, with the exception of one school, receive academic credit. The most difficult problem in the operation of the Project is that of communication and contact between the students and assigned attorneys, who number more than 100. Experience has taught that without regular written reports either students or attorneys are apt to lose touch with each other or feel that their expectations are not being satisfied. With reports and personal contact, this problem can be minimized. Students at each school are also informally designated as persons who should be contacted as questions or problems arise.

BUDGET:

Personnel Compensation	\$21,355.00
Equipment	4,805.00
Telephone and Postage	1,400.00
Office Supplies	1,850.00
Printing	2,600.00
Legal Publications	<u>1,500.00</u>
TOTAL:	\$33,510.00

Contact: Terence F. MacCarthy, Executive Director
Federal Defender Program Inc.
219 South Dearborn Street
Chicago, Illinois 60604
Telephone: (312) 431-9400

CRIMINAL JUSTICE CLINIC
UNIVERSITY OF CALIFORNIA, HASTINGS SCHOOL OF LAW

GOALS: To provide practical training for law students in the administration of criminal justice and to help augment overworked staffs for prosecution and defense offices by placement with the offices of law student interns.

METHODS: Each semester 30 to 40 law students are enrolled in the clinic. They are assigned to various criminal justice agencies over a five (5) county area, primarily defender and district attorney offices and judges handling criminal cases where they will work twelve (12) hours weekly under the direct supervision of a member of the agency staff. These students participate under the provisions of a State Practice Act which permits appearances of students under certain circumstances in court under supervision of an attorney.

Over the course of the semester, weekly seminars of two (2) hours each are held which deal with the criminal justice procedure from beginning to end. Actual demonstrations with student participants are an important part of these seminars. The students are required to submit weekly reports for review by the instructor. The students are not paid, but earn four (4) units, and, if their work is highly rated, can become eligible to earn four (4) additional units by remaining in the program in a more limited role for another semester.

Contact between the employing agency and the school is maintained by the instructor who makes personal visits to talk with those reviewing the students' work as well as to see what the student is doing.

BUDGET: The total budget in grant funds is \$40,692. Personnel expenses make up the majority of the cost:

Full-time instructor	\$14,000	
Part-time instructor	11,000	
Secretary	7,000	
Temporary help	1,500	
		\$ 33,500
Other expenses are:		
Travel	\$ 1,582	
Rental Office space	3,960	
Telephone	500	
Materials, books & pamphlets	150	
		\$ 7,192
Total		\$ 40,692

Contact: Gordon Van Kessel
Hastings School of Law
198 McAllister Street
San Francisco, California 94102
Tel. (415) 557-2468

VI

JUVENILE

JUVENILE OFFICE
LEGAL AID SOCIETY
CHICAGO, ILLINOIS

GOALS:

1. To provide legal services for children or their parents in actions where a state agency seeks to confine a child or impair the fundamental procedural, statutory and constitutional rights of the child or parent.
2. To provide legal services to insure that state agencies having custody of a child provide proper treatment for the child.

METHODS:

1. In June, 1970, the Legal Aid Society of Chicago initiated a new concept in its juvenile office. By substantially cutting the intake of cases the office insured that the clients, including the children and/or their parents could be accorded the full range of constitutional and statutory rights to which they are entitled. The theory motivating the reduction in intake was impact litigation and not law reform. The results obtained by providing strengthened resources to each case however did lead to law reform.

2. The staff consists of three (3) full-time lawyers, three (3) secretaries, a social work assistant and a student investigative aide. The active caseload per attorney is approximately fifteen (15) cases thus insuring that all resources are brought to bear in these priority cases which reflect issues in a large number of other cases in the juvenile court. Nonetheless, the aim in each case is to obtain the relief sought by the client, the need, rather than a formulated plan, dictates the priorities.

3. This juvenile office has sought redress in the following types of cases: incarceration of runaways, proceedings to declare a youth in need of mental health which resulted in institutionalization, the type of care by mental health institutions for youthful inmates, neglect proceedings in which the parents lose custody of their children, the transfer of youth from correctional institutions to mental institutions without a hearing, the plea procedure in juvenile delinquency proceedings (should the protective standard be the same as for the adult), the right of a youth adjudicated a delinquent to be advised of the right of appeal, right of confined juvenile delinquents to basic human treatment, and the preventative detention of youths.

4. This juvenile office resorts to the federal courts as well as the state courts, and the smaller caseload permits follow-up on appeal. In many cases relief is obtained before the litigation is completed.

Juvenile Office
Legal Aid Society
Chicago, Illinois
Page Two.

BUDGET: This office is funded by federal OEO funds and local funds. The current budget is:

Chief Attorney	\$ 20,000
Staff Attorney	16,000
Staff Attorney	12,500
Secretary	7,200
Secretary	7,200
Secretary	7,200
Law & Social Work	5,500
Student Investigative aide	5,500
Office overhead	8,000.
Library	6,000
Equipment	<u>3,500</u>
	\$ 98,600

Contact: Patrick T. Murphy
Attorney-in-Charge
Juvenile Office
Legal Aid Society
1114 South Oakley
Chicago, Illinois 60612
Tel. (312) 421-2061

TRAVIS COUNTY JUVENILE DEFENDER PROJECT
TRAVIS COUNTY, TEXAS

GOALS: To attract and train sufficient legal talent to provide representation of juveniles within the juvenile justice system in Travis County as required by the United States Supreme Court in Gault decision and supplementing state court decisions. Travis County has a population of 295,516. The estimated workload is 2,000 referrals requiring more than 300 formal court appearances.

METHODS: Two juvenile defender offices were established, one neighborhood office (financed in part with Model Cities money) and another at the juvenile detention center. Each office is staffed with a full time trained attorney and a full time legal secretary.

In cooperation with the University of Texas School of Law, a juvenile justice seminar will be offered. The seminar will be taught by a professor of law who serves as a legal adviser. He is assisted by the Juvenile Court Judge and the Chief Probation Officer. From these students enrolled, twenty (20) will be selected to assist in the project. These students are divided into two (2) units of ten (10) each. The first group are volunteers devoting four (4) hours per week and are assigned to various duties, e. g., screening of cases, social investigation, preparation of cases. The second group are paid for eight (8) hours per week as guardians ad litem to preserve the right of the child and presenting to the Court any matters felt to insure a finding in the child's best interests. Only a portion of these students work directly with the two defenders. The majority work with others in the juvenile justice system.

BUDGET:

Personnel:		
Sr. Defender	14,500	
Jr. Defender	9,600	
Legal Secretary I	6,360	
Legal Secretary II	5,400	
Investigator	7,800	
Law Student Aides	10,080	
Employee benefit	<u>6,449</u>	
Professional and Contract services	1,270	\$ 60,189
Travel	3,861	
Equipment	2,786	
Construction (renovation of rental office space)	1,680	
Supplies - Services	<u>7,954</u>	
		\$ 77,740

Contact: Ray Grill
Senior Juvenile Defender
2515 South Congress
Austin, Texas 78704
Tel. (512) 442-6733

FEASIBILITY STUDY FOR PROVIDING A
STATEWIDE PUBLIC DEFENDER PROGRAM IN NEW MEXICO

GOALS: To evaluate the effectiveness of a pilot public defender program operating in the Ninth Judicial District of New Mexico, to evaluate the "pros and cons of assigned counsel versus contract counsel," and to evaluate the feasibility of a statewide public defender program in New Mexico.

METHODS: The Courts Specialist for the New Mexico Governor's Council on Criminal Justice Planning contacted the Courts Assistance Project of American University, funded by LEAA to provide technical assistance to Courts, Prosecution, and Defense. American University then subcontracted with the National Legal Aid and Defender Association (NLADA) to provide the service requested.

Three (3) lawyers with substantial defender experience were chosen to make the one week study by NLADA.

Time limitations curtailed the evaluation to segments of four (4) of New Mexico's thirteen (13) judicial districts. Interviewed were judges, court personnel, district attorneys, professors, defense attorneys, and legal service program attorneys. In Clovis, the team examined the pilot defender program in operation.

Also reviewed were the annual reports of the Director of the Administrative Office of the Courts, and numerous papers and proposals relevant to the study. This survey team evaluated and compared the various types of defender systems with the needs of the New Mexico community for effective representation in indigent criminal cases.

Upon completion of the five (5) day evaluation, the team prepared a report recommending the establishment of a statewide public defender system under the supervision of a state defender, and submitted a plan outlining the program's implementation. The report has been submitted to the New Mexico Governor's Council on Criminal Justice Planning.

BUDGET: NLADA who conducted the study with the assistance of American University budgeted the three (3) man team study at \$4,000, broken down as follows:

Consultant Fees (20 man days at \$100 per man per day)	\$ 2,000
Travel	1,000
Subsistence	500
Car rental	100
Miscellaneous	400
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	\$ 4,000

Contact: Marshall J. Hartman
National Director of Defender Services
1155 East 60th Street
Chicago, Illinois 60637
Tel. (312) 684-4000

EVALUATION AND MANAGEMENT STUDY OF
THE MASSACHUSETTS DEFENDER COMMITTEE

GOALS: To conduct upon request of The Massachusetts Defender Committee (MDC) an evaluation of all seven (7) MDC offices and the Roxbury Defender Project, a related project, to determine whether the offices met the needs of their indigent defendants in light of basic criteria for defense services established by the Supreme Court, NLADA and ABA standards, and the obligations of MDC under its enabling statutes and court rules.

METHODS: The MDC contracted with NLADA in 1972 for this evaluation. Each of the evaluators chosen possessed substantial defender experience, for eight (8) of the evaluators served as directors of other defender programs.

Three (3) evaluators made a preliminary trip to Massachusetts in preparation for the full field investigation. Six (6) weeks later the full field team spent a week in Massachusetts and observed firsthand the operation of all the offices under study. An attempt was made to interview every MDC and Roxbury Defender, in addition to clerical and secretarial personnel. MDC and Roxbury Board members were also interviewed, as were judges, private lawyers, district attorneys, bar representatives, legal services program attorneys, and non-lawyer community representatives. Client interviews were conducted in jails, penal institutions, and court.

Among the areas considered in the study were: office management and supervision, recruiting and employment policies, manpower needs, training, salaries, caseloads, morale, the use of students and paraprofessionals, office file and record keeping procedures, physical facilities, and the quality of representation provided to the client in juvenile, trial court, and appellate courts. The evaluation was prepared and conducted with the use of the new evaluation design for defender system prepared by NLADA with detailed methodology, standardized questionnaires, and organized format for on scene observations and interviews.

BUDGET: The Massachusetts Planning Agency provided a grant of \$20,000 to MDC who in turn contracted with NLADA for the evaluation. The evaluation was budgeted as follows:

Travel	\$ 2,037
Subsistence	3,140
Consultant fees at \$100 p/man p/day	7,100
Final report costs	4,400
Administration & misc. costs	<u>3,323</u>
	<u>\$20,000</u>

Contact: Marshall J. Hartman, National Director of Defender Services
National Legal Aid and Defender Association
1155 East 60th Street
Chicago, Illinois 60637
Tel. (312) 684-4000

VIII
OFFENDER REHABILITATION

ANTI-RECIDIVISM PROJECT
SAN FRANCISCO PUBLIC DEFENDER

GOALS: To reduce recidivism by providing the defense attorney with the resources to develop and propose dispositional plans which include treatment needs as well as rehabilitation plans. At the time the project was proposed indications were that 25% of those charged with felony offenses had prior felony convictions and half of those placed on probation would be charged with new crimes during their probationary period.

METHODS: The public defender office hired an attorney to review every case handled by the office to determine if the defendant needed the service. Those who could benefit were referred to a full-time social worker who is responsible for family contacts and who is completely familiar with all available community resources. She also can refer the individual client to a psychiatrist who is hired on a part-time basis.

Together with part-time law students and the attorney responsible for handling the case, the anti-recidivist team develops, if possible, realistic plans of rehabilitation within the community to present to the court at the time of disposition.

BUDGET: The budget for this component program is:

Attorney	\$22,500	
Clerk-Steno	6,843	
Social worker	9,204	
Psychiatrist (pt-time)	7,200	
3 Pt-time students	<u>9,360</u>	
		Personnel \$55,100
Other expenses are:		
Automobile	\$ 2,500	
Auto upkeep	250	
Telephone	600	
Office supplies	500	
Furnishings	570	
Typewriter	<u>500</u>	
		Other expenses
		\$ 4,920
		Total <u>\$60,020</u>

Contact: Robert Nicco
San Francisco County Public Defender
Room 205, Hall of Justice
805 Bryant Street
San Francisco, California 94103
Tel. (415) 553-1671

SEATTLE-KING COUNTY PUBLIC DEFENDER
CORRECTIONS COUNSELING PROJECT

Project Summary Prepared for the Compendium of Outstanding Courts' Projects.

I. Project Title

Seattle-King County Public Defender Corrections Counseling Project.

II. Statement of Objectives:

The purpose of the project is to increase the opportunity for proper court evaluation at sentencing of adult felony defendants. The primary objective of the project is to keep qualified defendants in the community and out of prison through the maximum use of community resources.

III. Methods

A) A local King County Superior Court rule 101.01 (j) (see attachment) requires defense counsel as well as the Prosecuting Attorney and the State corrections agency to submit presentence reports. The reports of defense counsel prepared as a result of the work product of the Corrections Counseling Project emphasize the defendants' social history, rehabilitation needs and the community resources available to meet those needs. Individualized rehabilitation programs are set forth in the presentence reports.

B) The majority of the project staff are ex-offenders, who have been in prison. It is our belief that ex-offenders under the supervision of the attorney of record are better prepared than most professional social workers to gain the trust and confidence of our clients. In addition, a staff psychologist is available to act as a consultant to the staff and to work directly with disturbed clients. Acting as agents of the attorneys, within the protection of the attorney/client privilege, the counselors have a unique opportunity to work with the client early in the court process and to help him plan effectively for his future.

C) A large part of the work of the project is to find and evaluate community resources, and to develop good working relationships with those agencies best equipped to serve our clients.

IV. Budget

The total budget for the project is \$97,444.00, most of which is used to pay salaries and benefits for five counselors, a secretary, a staff psychologist and a director. Our major funding sources are the Emergency Employment Act (50%), LEAA (30%) and the Defender budget (20%).

V. Contact Person

Phillip H. Ginsberg, Chief Attorney
Seattle-King County Public Defender
202 Smith Tower
Phone: (206) MA2-4815

IX
SPECIAL

COUNTY JAIL LAWYER
(Proposed)

GOALS: A full-time lawyer in the county jail would:

1. Provide competent legal assistance to prisoners at the time of their booking at the jail -- the earliest feasible opportunity for providing legal assistance.
2. Provide ongoing assistance to secure pretrial release for persons who have not yet been brought to trial and to seek appropriate review in the courts of unnecessary restraints, especially the failure to provide a money surety.
3. Furnish legal assistance in representation on administrative matters relating to detention, i. e., disciplinary actions, computation of release date, et cetera.
4. Assist the attorney of the inmate in expediting the speedy disposition of the case.
5. Be available for review of grievances of inmates.

METHODS: In a county jail with an inmate population of 800 or more, a full-time lawyer and a full-time secretary would provide legal assistance to all persons in custody of the sheriff. The attorney would not supplant but merely supplement or provide assistance where not available by the attorney representing the inmate in the case giving rise to his detention. Although the lawyer would furnish the assistance at the jail or other places of detention (and may be afforded some office at the jail), the operation would have to be clearly independent of any regulation or control by the jail authorities.

This activity could best be operated in conjunction with a defender office or bar association. This program, under the auspices of a defender office or bar association, would require that the jail lawyer immediately contact the prisoner's attorney of record, if any, and direct his efforts in support of that attorney's assistance.

BUDGET:

Attorney	\$ 18,000
Secretary	6,000
Office overhead	3,000
Total	<u>\$27,000</u>

Contact: John J. Cleary
Executive Director
Federal Defenders of San Diego, Inc.
325 West F Street
San Diego, California 92101
Tel. (714) 234-8467

PAROLE
(Proposed)

GOALS: To provide a simple administratively feasible method of complying with due process requirements regarding parole revocations.

METHODS: A procedure must be set up to fit the caseload, geography, available personnel and parole structure of each jurisdiction or state.

A. One or two law students under the supervision of a public defender and a law professor, in cooperation with a corrections department (paroling agency), can first study the present parole structure and parole revocation procedures and set them out in writing.

B. Based on the information gathered in the study of the current operation, this same team can devise a procedure to take care of parole revocation problems utilizing as much as possible the existing personnel. For example:

1. The parole agent in the field determines that parole should be revoked.

2. The parole agent in writing reports the factual basis for his recommendation to his supervisor or person in charge of parole field offices.

3. The supervisor or person in charge of the field office agrees that parole should be revoked and there is at least a probable cause factual basis offered. He notifies the parolee, through his parole office in the field, in writing of the factual basis for the recommendation to revoke.

4. The notice of the revocation recommendation would also contain a statement of the right of the parolee to contest the revocation of the availability of counsel to represent him, the procedure that will follow, and the right to waive a hearing and be returned to prison accordingly.

5. If the parolee contests the prospective revocation, an attorney would be notified to represent him at the revocation hearing. The parolee would be represented by a public defender from this geographical area or by a public defender from a defender unit assigned to take care of revocations throughout the state.

6. If the parolee contests the revocation a prompt hearing would be held by the parole board or authority in the geographical area where the parolee is living.

7. The parole board could then revoke the parole and return the parolee to prison or leave the parolee on parole under the previous conditions or additional conditions determined by the board.

8. If the parolee is convicted by a court for a new crime, the parole revocation hearing on the former crime could be held as above or in the prison shortly after the parolee arrives on the new commitment.

9. If the field probation officer and the person in charge determines that it is really necessary for the safety of the public to confine the parolee pending the revocation hearing, the parolee would be taken into custody and confined in the area of his then residence pending the prompt hearing. If not a danger to public safety, the parolee would not be confined pending the revocation hearing.

10. If a parolee who has waived a revocation hearing changes his mind within approximately ten (10) days of his return to prison, the attorney would be notified and a revocation hearing held at the prison.

BUDGET: (for study)

2 law students working full-time during the three (3) summer months or the equivalent during the school year	\$ 3,000
Law professor for supervision	500
Defender	500
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	\$ 4,000
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Budget for implementation would be the cost of the defender services

Contact: C. Paul Jones
Minnesota Public Defender
University of Minnesota, Law School
Minneapolis, Minnesota 55455
Tel. (612) 373-5725

A P P E N D I X

APPENDIX A

Resources available to SPA Courts Specialists from NLADA

The National Legal Aid and Defender Association serves defender offices by preparing grant applications to State and Regional LEAA agencies and is prepared to assist LEAA Courts personnel in the following five major areas:

A. Surveys and Feasibility Studies

NLADA can provide technical assistance teams to survey a given community, state, or region to determine the best type of defender organization for that locality. The method employed includes on-site visits, interviews with community leaders, judges, the organized bar, etc. by a team of leading defenders and NLADA staff.

B. Technical Assistance in Organizing Defender offices

NLADA provides technical assistance in how to organize a defender office. This assistance includes advice in case management, filing systems, structure of supervisory boards, and the relationship of such boards to programs. NLADA aids in the design of such offices by helping to establish the normal range of services offered by defender offices.

C. Orientation and Training of New Defenders

NLADA is equipped to conduct training programs for new defenders on regional or statewide bases. In addition, NLADA aids programs in establishing their own defender orientation programs, training manuals, library, etc.

D. Innovation and Improvement of Existing Defender Services

NLADA provides information and assistance in seeking new ways of upgrading defender services. These include establishing one-on-one representation, community alternatives to incarceration, representation at various stages of the proceedings, and experimentation with bail release programs.

E. Evaluations

NLADA has conducted numerous evaluations of statewide, county-wide and local defender programs. In keeping with NLADA's evaluation design, uniform standards are applied to all NLADA evaluations.

APPENDIX

Several resources are available through LEAA to promote and assist in the improvement of state and local court systems.

CLEPR

The Council on Legal Education for Professional Responsibility, Inc. (CLEPR) is a specialized philanthropy established under a grant from the Ford Foundation and supported also by an LEAA three year grant to sponsor experiments in clinical legal education including education of law students to serve in public defender and prosecutor offices. CLEPR has made over 100 grants assisting clinical programs at law schools across the country. Details of these grants and other information about CLEPR's program are available.

For further information please write:

Council on Legal Education for
Professional Responsibility, Inc.
280 Park Avenue
New York, New York 10017
(212) 697-6800

1. The LEAA Courts Technical Assistance Contract with American University provides short term diagnostic and consultant services to state courts dealing with criminal matters, prosecution offices, agencies providing legal assistance to indigent defendants, etc. Application for technical assistance may be made through the State Planning Agencies.

2. The National Criminal Justice Referral Service (NCJRS), located in Room 1207, 955 L'Enfant Plaza, S. W., Washington, D. C. 20024, provides computerized indexing and retrieval of literature abstracts on criminal justice subjects. After a criminal justice user registers with NCJRS he may obtain information on any LEAA grant activity, including research documents prepared for LEAA's National Institute on Law Enforcement and Criminal Justice.

3. The Systems Development Division of LEAA is producing a directory of automated criminal justice systems. Those interested in a particular type of automated system can determine the characteristics of already existing systems and names and addresses of persons to contact for information. The purpose of this document is to facilitate the transferring of experience gained on a particular project to other areas of the country. It will be published shortly and updated periodically.

END