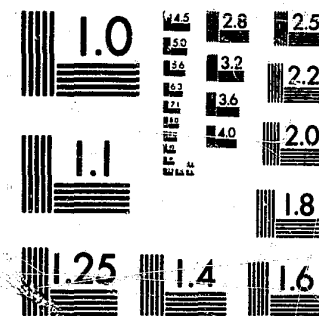


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REPORT ON THE
TECHNICAL ASSISTANCE VISIT TO THE
OFFICE OF THE UNITED STATES ATTORNEY

WASHINGTON, D.C.
FEBRUARY 9 - 10, 1981

CRIMINAL PROSECUTION TECHNICAL ASSISTANCE PROJECT

LEONARD R. MELLON, PROJECT DIRECTOR
WALTER F. SMITH, PROJECT MANAGER

This study was performed in accordance with the terms of Law Enforcement Assistance Administration Contract #J-LEAA-010-80.

The views expressed in this report are not necessarily those of the Law Enforcement Assistance Administration.

Bureau of Social Science Research, Inc.
1990 M Street, N.W., Washington, D. C. 20036

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INTRODUCTION

On February 9 and 10, 1981, a Technical Assistance team from the Criminal Prosecution Technical Assistance Project visited the Superior Court Operations office of Charles F.C. Ruff, United States Attorney for the District of Columbia, Washington, D.C. The Technical Assistance team examined the management and operations functions of the Superior Court Operations in accordance with the terms of a contract with the Law Enforcement Assistance Administration. Members of the team included:*

Leonard R. Mellon, Project Director
Criminal Prosecution Technical Assistance Project
Washington, D.C.

Karen S. Greenwood, Research Analyst
Criminal Prosecution Technical Assistance Project
Washington, D.C.

Seymour Gelber, Consultant
Circuit Judge, Eleventh Judicial Circuit of Florida
Miami, Florida

The purpose of the visit was to analyze problems related to the pretrial diversion of defendants and the Victim/Witness Unit. An overall assessment of the entire office was not attempted, nor was it desired. The purpose of a technical assistance visit is to evaluate and analyze specific problem areas and provide recommendations and suggestions for dealing with those areas. It is designed to address a wide range of problems stemming from paperwork and organizational procedures, financial management and budgeting systems, space and equipment requirements and specialized operational programs, projects and procedures unique to the delivery of prosecutorial services.

*Vitae attached as Appendix A.

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

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

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

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

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

The visit to the U.S. Attorney's office focused on the problems related to pretrial diversion and the Victim/Witness Unit.

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

II. SUMMARY OF RECOMMENDATIONS

1. Discontinue use of the First Offender Treatment program and the Special Offender Treatment program.
2. Give careful consideration to the expansion of the current diversion program by including certain classes of felony offenders.
3. Seek input from the victim and the arresting officer when diverting felony defendants.
4. Increase use of the information gathered by the District of Columbia Pretrial Services Agency when making diversion decisions.
5. Increase the use of the Community Services Project for diverted defendants.
6. Restructure the Victim/Witness Assistance Unit by creating two distinct units; the Witness Locator Unit and the Witness Assistance Unit.
7. Transfer the woman in the office who currently interviews witnesses in family related misdemeanor cases and install her as chief of the new Witness Assistance Unit.
8. Establish early and continuous contact with witnesses throughout the use of letters at every stage of the criminal process, beginning with felony cases, and later add misdemeanor cases.
9. Complete the informational brochure currently in progress. Enclose a copy in every subpoena that is mailed.
10. Develop a mechanism for the early return of property to victims of property crimes. Arrangements can be made to photograph the evidence for use at trial.
11. Take steps to make the witness room more comfortable.
12. Put more witnesses on call, especially for the first few trial settings, when the probability that the case will be heard is low.

13. Create adequate space in which the new Witness Assistance Unit can operate, including a waiting area away from the main office for victims and witnesses.
14. Make use of college interns to assist the Witness Assistance Unit in providing services to victims and witnesses.

III. SYSTEM OVERVIEW

The United States Attorney for the District of Columbia, Charles F.C. Ruff, has held that position for approximately one year. The Director of Superior Court Operations has three years experience in that position, and oversees a staff of 71 Assistant United States Attorneys. Of these, 32 are assigned to the Felony Trial Division, 18 are assigned to the Misdemeanor Trial Division, 16 are assigned to the Grand Jury and five to the Career Criminal Unit.

The Metropolitan Police Department is responsible for all cases brought to the U.S. Attorney and filed in Superior Court. The cases are usually presented by the arresting office, although the detective assigned to the case sometimes presents the case. There is a separate intake unit, which is staffed on a rotation basis by Assistant United States Attorneys assigned to the Misdemeanor Division. Last year, there were approximately 11,000 misdemeanors and 5,500 felonies presented for prosecution.

Approximately 85 percent of the 71 Assistant United States Attorneys in the office have less than four years experience. These assistants do not need prior approval to decline to prosecute a case, to change a police arrest charge, to refer a case to another court or to another agency or treatment program.

The Misdemeanor Division is organized into six trial teams grouped around the six misdemeanor calendars of the Superior Court. Once a case has been assigned to a calendar, the judge responsible handles all matters associated with that case, including motions, status hearing, disposition and sentencing. Matters assigned to the same calendar are heard in the same courtroom.

Each team is composed of three or four attorneys, one secretary and one or more legal interns. A senior prosecutor serves as team captain and the team prosecutors rotate among the various divisions: special assignments, court duties, and office duties.

There is no pretrial diversion unit; the initial decision as to eligibility for diversion is made at the intake stage. The Assistant U.S. Attorney who is assigned the papering duty for the week makes a preliminary determination, and defendants are served at arraignment with notices as to eligibility for diversion and initial interviews. At the time of the interview, the assistant who has been assigned the case, or one of the members of his team, determines if the defendant is qualified to enter one of several diversion programs. Only certain restricted misdemeanor cases are eligible for diversion. Felonies are not considered for diversion programs by the U.S. Attorney's office.

Although there is a Victim/Witness Assistance Unit in the office, its primary function is to locate witnesses whom the attorneys have been unable to contact. In general, contact with the victims and witnesses is left to the discretion of the individual attorneys in each case, with a resultant lack of uniformity in treatment of these individuals.

There is no vehicle for the provision of services of any kind to the victims of crime or witnesses throughout the progress of the case. Letters are sent to witnesses informing them of the results of the grand jury presentation, but that is the final contact by the Victim/Witness Unit. Under police regulations, the officer in charge of a case is responsible for witness notification on the morning of trial. This may or not be coordinated with contacts by the Assistant U.S. Attorney assigned to the case.

In felony cases, witness conferences are routinely scheduled in each case which is to be tried. The witnesses meet with the Assistant U.S. Attorney in his office prior to trial to discuss the case. Because of the large caseload, this is not possible in misdemeanor cases.

There is a witness room on the first floor of the Superior Court Building to which all misdemeanor witnesses must report on the morning of the day of trial. All witnesses must report by 8:30 in the morning, regardless of the time set for trial. Witnesses can be placed on call if they can satisfy the Assistant U.S. Attorney assigned to the case that they can and will be at the court house within 30 minutes after receiving a telephone call to appear. Felony witnesses standing by to testify usually wait in the office of the attorney assigned to the case. The police officer on the case usually stays with the witnesses at this time.

Although it is the articulated office policy that plea offers are to expire at the time of the status hearing, many judges will accept a plea on the day of trial in order to move the docket. This results in many witnesses making needless trips to court.

IV. ANALYSIS

The analysis of the Superior Court Operations of the office of the United States Attorney for the District of Columbia focused on problems related to pretrial diversion and the use of the Victim/Witness Assistance Unit. As assessment was made as to the possibility of expanding the present diversion operation and as to the feasibility of providing support services to victims and witnesses.

A. Pretrial Diversion

"Diversion here is truncated, atrophied - a poor substitute - this city has no diversion." These are the words used by one knowledgeable, experienced public official in the District of Columbia government to describe the present state of pretrial diversion in the U.S. Attorney's office.

At the present time, the initial judgement concerning a defendant's eligibility for diversion is determined at the charging or papering stage. The defendant is served with a notice to sign up for a diversion interview at arraignment if it has been determined by the charging assistant that he or she might qualify for one of the diversion programs currently in use. Although the assistants assigned to papering duties are usually the less experienced attorneys in the office, they do not need prior approval from a senior attorney to make this diversion offer. At the diversion interview, it is determined by the assistant assigned to the case, or a member of his team if he is not available, whether or not the defendant should be offered diversion. The decision to offer diversion to the defendant is made without consulting either the victim, the police officer who made the arrest, or the team captain.

At the present time, only certain categories of misdemeanor defendants are eligible for diversion. A defendant does not qualify for any diversion program if he or she is charged with a misdemeanor which was originally charged as a felony or which has been referred from the grand jury; if he or she is charged with a violent offense, a weapons offense, or with a drug offense; or if he or she has previously been diverted, has one or more felony convictions or more than one misdemeanor conviction, or a significant juvenile record. If the defendant is on parole, probation or pretrial release for any felony or misdemeanor offense he or she is not offered diversion treatment. Also diversion is not available to a person who is a drug addict or an alcoholic or to anyone whom the prosecutor reasonably believes to have been involved in repeated criminal conduct.

Those defendants who do qualify for diversion are referred to one of several available programs. Two are run by the U.S. Attorney's office and the others are programs operated by the District of Columbia government.

The First Offender Treatment program is limited to defendants charged with petit larceny involving shoplifting who have no prior arrest record or conviction record for any misdemeanor or felony. The First Offender Treatment program requires the defendant to observe courtroom proceedings for a specified number of hours, usually six, and to write an essay about what he or she has learned from the arrest and observation in court. Upon completion of the requirements, the government will enter a nolle prosequi on the day of trial.

The Special Offender Treatment program is similar to the First Offender Treatment program. Defendants accepted into the program observe court proceedings for a specified number of hours, write an essay, and the charges are then dismissed against them. This program differs from the First Offender Treatment program in that no interview with the prosecutor is necessary. Qualifying defendants and their attorneys appear at the Misdemeanor Trial Section of the U.S. Attorney's office immediately following arraignment, at which time the defendants are automatically enrolled in the program. Eligibility for the Special Offender Treatment program depends on the record of the offender and is limited to the following offenses:

Possession of very small amounts of marijuana or hashish, with no indication of the defendant's involvement in the sale or distribution of the drugs; soliciting for prostitution or for lewd and immoral purposes; attempted sodomy involving consensual conduct between adults in a public or semi-public place; and possession of numbers slips, where there is no indication of the defendant's management or participation in the gambling enterprise.

Unlike the requirements for First Offender Treatment, a defendant may be eligible for Special Offender Treatment even if he or she has a prior misdemeanor conviction. A defendant is automatically ineligible only if the prior conviction involved possession of a weapon, if the defendant was on probation or parole at the time of the arrest, or if the prior conviction was for the same kind of conduct with which the defendant is presently charged. Placement in the Special Offender Treatment program may be deferred by the government if additional time is required to determine the defendant's record outside the District of Columbia.

Under Project Crossroads, a case will be continued for 90 days on the condition that the defendant agrees to waive any speedy trial claims. Project Crossroads provides counseling, education and employment services, and upon successful completion of the program, the government nolle prosses the pending charge.

Eligibility for Project Crossroads is limited to defendants who have no prior misdemeanor or felony convictions and who are charged only with any of the following misdemeanors: property offenses, including petit larceny, receiving stolen goods, unlawful entry, destruction of property, attempted second degree burglary, attempted unauthorized use of a vehicle, or embezzlement; fraudulent offenses, including possession of numbers slips or maintaining gambling premises; certain drug offenses, where the defendant is charged only with possession of small amounts of substances, where there is no indication of the defendant's involvement in the sale or distribution of the substances, and where the prohibited substance has been determined not to induce physical addiction; and carrying a dangerous weapon not involving a gun or knife, and not involving an assault, threats or other dangerous circumstances. Simple assault cases can be admitted with the permission of the Chief or Deputy Chief of the Misdemeanor Trial Section.

The Community Services Project is operated by the Services Branch of the Department of Social Services of the District of Columbia government. It has recently expanded to include diversion clients; initially it served only probation clients. This program is also open only to misdemeanor defendants with no prior convictions. The Division of Social Services has

recently received a grant from the Law Enforcement Assistance Administration to expand the program. As originally structured, the services were available only to those placed on probation by the court. However, at this time, the program is also open to diversion clients. The Community Services Project requires defendants to serve a certain number of hours, usually 20, working for a community service project in the city as a volunteer. At the present time approximately 25 defendants per month are referred to this program from the U.S. Attorney's office.

The history of pretrial diversion in the office of the United States Attorney began approximately ten years ago with Project Crossroads. This project was originally funded by the Department of Labor's Manpower funding. When this funding ceased to be available, the project became part of the Probation Department of the court. At that time it was conceived as a program to provide diversion for inner city residents with social service needs. A decade ago Project Crossroads was an innovative concept enabling minor offenders to be rehabilitated while avoiding the court process and collaterally relieving congested court calendars. At the onset, only young first offender misdemeanants were admitted to the program. Those charged with assaultive or drug related crimes were not eligible. The rehabilitative services were generally of a counseling nature. In essence, those defendants who normally would receive probation after trial were allowed to short-cut the process and enter the pretrial diversion program. In many jurisdictions, the early success of these programs resulted in an increase in the number of eligible cases and subsequently more serious offenses. This has not happened at Project Crossroads.

A survey of other programs attempted in the District of Columbia since the inception of Project Crossroads includes Inner Voices, a self-help convict group which originated in the Lorton Penitentiary, Project RAP, a post-conviction drug treatment program advocating total drug abstinence, and the Narcotic Diversion Program, which is no longer in operation. The Corporation Counsel's office, which handles juvenile, traffic and non-support cases, also operates a diversion program for drunk drivers. In this program, the offender must pay a fee to participate in the program.

The concept of diversion in the United States has been well accepted for over a decade. Programs which go far beyond that which is offered in the District of Columbia are in place in jurisdictions around the country. For example, prosecutors in several counties in Arizona, (traditionally a very conservative state), not only offer restitution to the victims of a crime, but also operate diversion programs covering a number of non-violent felonies, committed by first offenders, with no weapon involved. One small county alone (with an annual felony caseload of approximately 330), currently has 103 clients in its diversion caseload, supervised by one non-legal staff person who does all of the background investigations, referrals to social service agencies and monitoring of clients in the program.

The potential is available for the District of Columbia to do much in the way of diversion. The United States Attorney has expressed an interest in exploring options for providing expanded diversion services in the District. The Technical Assistance team recommends that the United States Attorney give careful consideration to the expansion of pretrial diversion; both as to the services available and those eligible to receive them.

Several other components of the criminal justice system have also expressed an interest in seeing the diversion program expanded and improved. The Technical Assistance team found during the visit that expansion of the diversion effort would be very well received not only by the public defender's office, but also by the police, the court administration and the Community Services Project, which currently provides much of the diversion services used by the U.S. Attorney.

There are several valid reasons for changes in the diversion program to take place at this time in the District of Columbia. Many offenders, including some accused of felonies, can be maintained in programs as effective as those involved in the court process: and sometimes more so. Too often the court probation process offers little control over the probationer. This is not the case in properly administered diversion programs. Additionally, pretrial diversion is an effective calendar control mechanism which has removed almost one fifth of the felony caseload from the criminal justice system in some jurisdictions. Since enlarged pretrial diversion programs require careful screening by more experienced assistants prosecutors, it would raise the level of screening of all cases at intake.

The Technical Assistance team suggests several alterations of the present program for the U.S. Attorney to consider. The first is the addition of more serious misdemeanants and certain classifications of felons to the program. This will enhance the credibility of the program. Absent this, it will continue to provide services for many who need little or no assistance and will have minimal impact on lessening the number of cases going through the court process.

As it is currently structured, the diversion program is not open to anyone originally charged with felony. As a first step in making diversion more responsive to the needs of the defendants, as well as the community, the Technical Assistance team recommends that the U.S. Attorney consider opening the program to selected classes of felony cases. As an example, many property crimes (the theft of a 10 speed bicycle, for example) which are classed as felonies, because of the dollar amount of the item, would have been misdemeanors as recently as a year ago, but are now considered felonies and many otherwise eligible defendants are accordingly precluded from participation in the diversion program. At the present time, defendants in domestic dispute cases involving some physical conduct are considered to be involved in assaultive behavior by the U.S. Attorney's office, and as such, are not eligible for diversion. It is the recommendation of the Technical Assistance team that these cases be eligible for diversion. Processing these cases through the criminal justice system is clearly not conducive to resolving the family dispute in question.

At the present time, the District of Columbia Pretrial Services Agency under the direction of the Superior Court conducts pretrial release screening of defendants. Many of the same factors which govern release pending trial are also important in determining eligibility for pretrial diversion. Currently, the information gathered by the Pretrial Services Agency is not being shared with the U.S. Attorney in any systematic fashion. Should the U.S. Attorney decide to expand his diversion program it is imperative that use be made of this information since resources are not available for the U.S. Attorney to conduct a second, redundant examination of each defendant. Additionally, the staff of the Pretrial

Services Agency possesses the requisite expertise to interview and evaluate potential clients for the program. This does not mean that the Pretrial Services Agency will decide which defendants will be offered diversion. Of course, this can only be done by the U.S. Attorney. However, this information is necessary to make an informed decision, and it is already being gathered. Therefore, it should be shared by the U.S. Attorney in the interests of saving both resources and time.

Although the various segments of the criminal justice system, including the Metropolitan Police Department, have expressed support for an expansion of the diversion program in one form or another, it is the recommendation of the Technical Assistance team that prosecutors consult with both the victim of the crime and the arresting police officer before diversion takes place. Notwithstanding the prosecutor's charging discretion, the victim and the police officer are entitled to a strong voice in the decision to abort the traditional justice model. This sharing of decision-making will also serve to diminish the amount of criticism directed solely at the prosecutor when an error is made in the selection of a candidate for the program.

After the decision has been made to expand diversion and the defendants to whom the expanded diversion will be offered have been identified, the next step is to expand the programs available to serve the diverted defendants. The admission of certain felony cases to the program will require that increased services be made available to them.

The ideal solution would be to create a new program to serve exclusively the needs of those defendants diverted from the system by the

U.S. Attorney. In this way, the diversion program could be completely separate from any probation or other programs geared toward the convicted defendant. However, lack of resources make this alternative unavailable to the U.S. Attorney at this time.

The most practical alternative is to expand existing programs. Prior programs requiring such simplistic sanctions as the writing of essays and mandatory attendance in court hearings only speak to the weakness of the office screening process. Cases which would respond to these sanctions do not belong in the courtroom. It is the recommendation of the Technical Assistance team that these programs be discontinued at once.

There appears to be a general consensus among observers that the once vital Crossroads Project has deteriorated almost beyond repair. In its present state, it is not serving the needs of the U.S. Attorney as effectively as it could. Unless it is revitalized and reorganized, it should not be one of the programs upon which the U.S. Attorney relies in his diversion effort.

It is recommended that, initially, the bulk of the expansion in programs should take place within the Community Services Program. This program currently accepts approximately 25 to 30 defendants per month from the U.S. Attorney. The potential exists for a much larger number of referrals. This program currently also serves the court probation program. This does not make it inappropriate for use in an expanded diversion program. Pretrial diversion admissants should be treated with the same seriousness as adjudicated violators of the law and not handled as purely social service recipients. It is the recommendation of the Technical Assistance team that the U.S. Attorney meet with the head of the Community Services Project and develop a plan for diverting more defendants to the Community Services Project in the very near future.

Another area that needs constant review, whether the diversion program is expanded or not, is the perception with regard to the certainty of equality in admission to diversion. Even though the reality may be that absolute equality is being maintained in admission, if the perception is not that of equality, the reality matters little. Notwithstanding the genuine effort to avoid it here, national studies have shown that many diversion programs exclude blacks, not on a racial basis, but by the criteria for admission. Usually these require the presence and participation of family, certain academic standards, no prior record and the absence of disruptive behavior. Black defendants often are not able to meet these standards as well as white defendants, even though they may be as amenable to the program's benefits as their white counterparts. The race issue in pretrial diversion, in spite of sincere efforts, can become a very insidious one. It requires a constantly alert sensitivity.

It was observed by the Technical Assistance team that pretrial diversion has not been, and is not now, a high status program in the U.S. Attorney's office. Pretrial diversion should be formalized and highly structured with the ultimate decisionmaking at a high level in the office hierarchy. High visibility among related agencies outside the office and status within the office are essential for the program to be given the attention it warrants. The lack of this was evident in that many of the persons on the U.S. Attorney's staff interviewed were either unaware (of the program) or had only a vague recollection of the existence of criteria or standards for admission to the program.

The U.S. Attorney may wish to consider establishing a Citizens Advisory Committee to assist in obtaining additional program resources and to act as an interpreter of the goals of the program to the community at large. This would, however, need to be handled very cautiously in view of the heavy involvement of the court in social service programs.

There are many problems to overcome should serious change be the goal. One underlying factor is the uncertainty of the continued tenure of the present U.S. Attorney. Since this is not a controllable factor it should not influence any decision as to change. No matter what the attitude of any new administration or the uncertainty created among assistants and outside related agencies, plans should not be delayed. The program should proceed with no regard to the tenure of the U.S. Attorney. Whatever fears do exist in this regard can be allayed by a firm, prompt and positive approach based solely on the merits.

Considering the many limitations that exist, the approach to an enlarged program is very important. It needs to be directed forcefully inside the office and cautiously outside the office. The U.S. Attorney must take a strong leadership position within the office in support of the program. All written documents circulated concerning its operation should emanate with his signature until his support becomes self-evident. This approach should also prevail when communicating with outside agencies involved in the program.

Pretrial diversion in the U.S. Attorney's office has had a history of arrested development, from which it now appears ready to emerge. The strong motivation shown by the U.S. Attorney and his top staff, as well as the superior quality of personnel in the office, will be significant

factors contributing to the success of pretrial diversion in the office.

B. VICTIM/WITNESS ASSISTANCE UNIT

As it is currently structured, the Victim/Witness Assistance Unit provides little assistance to victims or witnesses of crime. The two primary functions of the unit are to locate witnesses for the trial attorneys and to locate fugitives for whom bench warrants have been issued. This is accomplished entirely by means of telephone calls to law enforcement agencies. The staff members of this unit never leave their desks. If an attorney is unable to contact a witness or a subpoena comes back unserved, the name of the missing witness is forwarded to the Victim/Witness Unit to be located. In 1980, this unit was assigned 430 witnesses to locate and succeeded in locating 408 of them.

Once subpoenaed, if a witness fails to appear for the hearing or trial, a bench warrant will usually be issued. The bench warrants are then forwarded to the Victim/Witness Unit for location. In 1980, there were 1,315 bench warrants issued. Of these, 92 percent were excused or quashed.

Given the fact that many cases are lost each year because of witnesses who fail to appear when subpoenaed, locating witnesses is an essential function in the District of Columbia. The personnel in this unit are extremely capable in handling this function and are to be commended. It is the recommendation of the Technical Assistance team that the personnel who are assigned to locate missing witnesses be continued in those positions.

In addition to locating witnesses, this unit also assists the Fugitive Squad of the Metropolitan Police Department with out-of-state detainers and assists in having witnesses brought to court from correctional institutions.

In the area of witness contact, this unit mails letters to witnesses informing them of the outcome of grand jury proceedings. Samples of these letters are found in Appendix B. These letters are sent after the Grand Jury meets and this becomes the only contact that this unit has with a witness throughout the processing of a case. In 1980, 3,900 letters were sent to witnesses.

At the present time, all witness contact is left to the discretion of each individual Assistant U.S. Attorney. In the case of misdemeanors, each Assistant is directed to contact civilian witnesses by telephone, explain what will take place during the trial and impress on the witness the importance of appearing at the witness room on time. In felony cases, the contact is made by the attorney's secretary. There is no central information location for victims or witnesses who have questions or concerns. Under police regulations, the officer in charge of a case is responsible for witness notification on the morning of trial. Because witness contacts are left to the discretion of each attorney, or his secretary, there is no uniformity or consistency throughout the office concerning treatment of these individuals.

In felony cases, the first contact with the witness takes place after the Grand Jury indictment, when a letter is sent from the Victim/Witness Unit. After that, a witness conference is scheduled through the assistant's secretary and takes place after the arraignment. The next formal contact with the witness is the subpoena. After being subpoenaed, a victim or witness generally has no further contact with the assistant until the day of trial. On the day of trial, the witnesses report to the office of the assistant assigned the case. While waiting to testify, the witnesses wait with the police officer in charge of the case in the office of the assistant. After the trial, no routine notification of the outcome, nor of the sentence, is given to the victim or witness.

In misdemeanor cases, after the initial telephone call by the assistant, the subpoena is mailed and there is no further contact with the witness until the day of trial. On the morning of the trial, all witnesses are required to report to the witness room by 8:30. The witness room is located on the first floor of the courthouse and serves as a large holding area for witnesses. The chairs are hard and uncomfortable and lined up in straight lines across the room. There is no reading matter available and there is a constant stream of people in and out of the room. Each witness is issued a card to be completed at each appearance by the assistant on duty. This is a record of appearances for the purpose of payment, which is not made until the conclusion of the trial, even if more than one appearance is made.

After checking in at 8:30 A.M., each witness is given an instruction sheet. A copy of this sheet is enclosed as Appendix C. Witnesses are then

allowed to go to the cafeteria until approximately 9:30, when they must return to the witness room to wait until the cases which will go to trial that day have been ascertained. This decision is generally made around noon. At that time, those witnesses whose cases are not being heard that day are sent home, after having spent all morning in the witness room. Those witnesses whose cases are being heard are usually sent to lunch with instructions to return to the witness room. After lunch, each witness must wait until he or she is called to testify. If a witness is not called on that day, he is sent home and instructed to return at 8:30 the next morning.

It is possible, at the discretion of the attorney, to place witnesses on call, if the witness can convince the attorney that he can reach the courthouse within 30 minutes after being called. If he is needed to testify, he will be called, but if his case is not heard that day, he will not be notified. This may result in witnesses waiting by their telephones all day and never being contacted.

As presently organized, there are five employees in the Victim/Witness Unit, the Chief of the Unit, two investigators and two legal technicians. It is structured as follows:

- 1 - Chief of Victim/Witness Unit
- 2 - Investigators
- 2 - Legal Technicians

The head of the unit and the investigators, all former homicide detectives, do most of the actual locating of witnesses, with the assistance of the legal technicians. The legal technicians send letters to witnesses after

the Grand Jury proceeding and keep statistics for the unit.

In order to more effectively serve victims and witnesses of crime, while at the same time retaining the locator function of this unit, the Technical Assistance team recommends that the functions of witness location and witness assistance be divided between two units. The structure of the units could be arranged as follows:

Witness Locator Unit

1 - Chief

2 - Investigators

1 - Secretary

Witness Assistance Unit

1 - Chief

2 - Legal Technicians

The person who is currently the Chief of the Victim/Witness Assistance Unit would become the Chief of the new Witness Locator Unit. The two investigators currently in the Victim/Witness Assistance Unit would be transferred to the new Witness Locator Unit. The two legal technicians would remain in the Victim/Witness Assistance Unit. An individual who could be an advocate for victims and witnesses of crimes and who has the knowledge and expertise to develop a working Witness Assistance program should be acquired to direct the Witness Assistance Unit. It is the understanding of the Technical Assistance team that such a person is currently employed in the office interviewing witnesses in family - related misdemeanor cases and it is suggested that this person would be ideal to direct the Witness Assistance Unit. The head of this unit should report directly to the United States Attorney, in order to afford sufficient visibility to this program. Finally, one secretary should be transferred to provide support for both of these units. This secretary should have access to the word processing equipment in order to facilitate the number

of mailings to witnesses which will be undertaken.

The head of the new Witness Assistance Unit must coordinate support services for the victims and witnesses who will be served by the unit. It will not be enough to merely inform witnesses that the unit exists, care must be taken to anticipate their needs and develop programs and responses to those needs. Often, a civilian witness is unaware of the range of his needs. He knows that he feels uncomfortable and does not wish to participate in this process, but he is unable to articulate this into specific needs. For example, the typical civilian witness may be an indigent mother who is the sole support of her family. She does not have extra money to pay the bus fare to come to court, assuming that there is a bus that she can take from her house to the Superior Court. This person is usually asked to make numerous appearances--for the Grand Jury, for a motions hearing, for trial--which she does not understand. Even when she does appear, often she is made to sit for long periods of time, with no information as to why she is waiting, only to be sent home and told to return another day. She has usually been told nothing about the process of the criminal justice system. No one has evinced the slightest concern for her or for her well-being as a government witness. In this, she is a typical witness.

The first priority for the Witness Assistance Unit should be to establish early and continuous contact with victims and witnesses of crimes. This should be accomplished through a series of letters to each witness at each stage of the process. These letters should be generated from lists routinely forwarded to the unit by each attorney for each case. These can be form letters, generated by the word processor. Samples of

these letters can be found in Appendix D. These letters should be sent out with the joint signatures of the United States Attorney and the head of the Witness Assistance Unit. During implementation of this program, these letters should be sent in every felony case. The secretaries of the attorneys should no longer be the contact persons for witnesses. The letter should state clearly that any questions or concerns should be directed to the Witness Assistance Unit and the telephone number for the unit should be the only number given in the letter. The Witness Assistance Unit should be the initial contact for all witnesses. If the question concerns the case and the attorney is the only person who can answer, then the witness should be transferred to the attorney. However, attorneys or their secretaries should no longer be responsible for disseminating witness information. After this system is in place and operating for felonies, it can be expanded to misdemeanors through various time saving devices which will be enumerated later in the report.

It is the understanding of the Technical Assistance team that a witness brochure is currently being prepared. It is recommended that the completion of this brochure become a top priority for the head of the Witness Assistance Unit. This brochure should include such information as the process steps in a criminal case, both felony and misdemeanor, what to expect the day the witness arrives to appear in court, the layout of the courthouse with a map showing the location of the witness room, the Witness Assistance Unit, the cafeteria, public telephones, and the restrooms. A map should also be included showing the location of Superior Court and telling which bus routes to take from various points around the city and which subway stops are closest to the courthouse.

A copy of this brochure should be included with every subpoena that is mailed. In addition, copies should be available in the Witness Assistance Unit and in the witness room.

There is currently no mechanism for the routine, early pre-trial return of evidence to the victim of a property crime. At the conclusion of a case, the victim can request the return of his property through the Victim/Witness Assistance Unit. This happened 13 times during 1980. Often, the property that is taken during a burglary, for example, is of vital importance to the victim, and his livelihood—a carpenter's tools, for example. Even if the loss of something such as a television doesn't appear to be a catastrophic problem, to an elderly person who has limited mobility that television can be the only link with the outside world. An early priority for the Witness Assistance Unit should be the development of a procedure in which photographs are routinely taken of evidence and the property then returned to the victim. It was indicated that this photographic evidence is admissible without any difficulty. In this way, victims may have the use of their property pending trial. The existence of this early property return mechanism should be communicated to every victim by means of an enclosure with the initial contact letter.

The witness room could be made more comfortable for those who must spend long days waiting there. The inclusion of a variety of reading material would help greatly. A large flowchart, simplified, would not only brighten up the room, but serve as a source of information so that

Assistant U.S. Attorneys would not have to answer the same questions hundreds of times a day.

It is essential that the Witness Assistance Unit be given adequate space in which to work. This should include a waiting area away from the major traffic of the office.

In many cases the witnesses of a crime, and more often the victims, will be severely traumatized by the experience. It is the recommendation of the Technical Assistance team that the Witness Assistance Unit act as a broker of social services to these people. There are not the resources to develop an in-house capacity for counseling, however these services are already available within the District of Columbia. Often the victim is simply not aware of what resources are available to assist him with his problem. When he calls the unit and makes a problem known, or when a problem is discovered through a contact by a member of the unit, he should be referred to one of the social service agencies in the city. Contacts should be developed with these agencies by the head of the unit and all referrals should stress that this person is the victim of a crime and should be handled as such.

For many people, after being referred for counseling, after being given letters and brochures, even after talking to the attorney in the case, the thought of testifying in court is overwhelming. Many of these persons need constant reassurance throughout the process. It is here that college interns can be of invaluable assistance. They can escort witnesses to the various courtrooms, wait with them to testify, show them through the building, and answer any questions the witness has. The staff of

the Witness Assistance Unit does not have the time to perform these services, however a college intern, working in the U.S. Attorney's office for college credit, is the ideal person for this task, and many other tasks also. This system is beneficial to all: the students benefit by being exposed to the workings of the criminal justice system and gaining a first hand knowledge of the criminal process; the office benefits by having the use of extra personnel to perform tasks which they do not have time to perform; and the witnesses benefit by having someone to respond to their needs.

It is the recommendation of the Technical Assistance team that the maximum use possible be made of college interns in dealing with victims and witnesses. These students should not be law students, who want to perform legal work. There are already legal interns in use in the office, and these college interns should in no way infringe upon their tasks. The interns used by the Witness Assistance Unit should come from the Schools of Criminal Justice and the Schools of Social Work at the various universities and colleges in the area. The uses to which they can be put are many and varied. In addition to being used as outlined above for witness assistance in the courthouse, they can also be used to provide transportation for those witnesses who are unable to get to the courthouse unaided, to maintain telephone contact with witnesses and to assist in the generation of the letters sent throughout the process.

After the system of letters, discussed above, is in place and working for felony witnesses, it should be expanded to include misdemeanor witnesses. This can be accomplished through the use of the interns. They can assist in generating the lists of witnesses, as well as the letters themselves.

These are only a few examples of the areas in which interns can be useful. Many more will manifest themselves as the program develops.

It is the recommendation of the Technical Assistance team that a larger percentage of witnesses be placed on call, rather than having to make a trip to the courthouse each time, especially for the first few trial settings in misdemeanor cases. Currently, there are from four to seven trial dates set before a case is heard. There is no apparent reason why the majority of the witnesses for these early settings cannot be put on call.

There are no serious impediments in this office to developing a modern, service-oriented witness assistance program. The suggestions made here concerning programs and services are only a few examples of the most serious needs which should be addressed. The basic needs must be fulfilled first; early and continuous contact with witnesses, transportation and simple comforts in the courthouse. These services are essential. After that, there are many more programs which can be implemented as the resources become available and the unit gains experience in meeting the needs of victims and witnesses.

V. CONCLUSIONS

This analysis and these recommendations are presented with the realization that the United States Attorney for the District of Columbia already has an efficient, working Superior Court Operations section. The areas highlighted in this report are those areas that should next be addressed as the U.S. Attorney strives to improve the delivery of prosecution services to the community.

At the present time, the pretrial diversion program is not held in high regard by either those within the office or by those agencies outside the office who work with the program. Only a severely limited class of misdemeanants are eligible for diversion, and, as such, the U.S. Attorney's office is not well served by either the First Offender Treatment program or the Special Offender Treatment program. It is the recommendation of the Technical Assistance team that the use of these two programs be discontinued at once.

A third available program in use by the U.S. Attorney's office is Project Crossroads. At its inception, ten years ago, this project was a model for the rest of the country. However, it has experienced little growth, either numerically or programatically in those ten years. This project was conceived as a vehicle to provide services to those in need of educational or employment counseling. However, it reaches such a small segment of the available population, that its utility is severely constrained. It is the recommendation of the team that, until and unless this project is reorganized and revitalized to become more responsive to a larger client group, the use of this project to effect an expansion in the diversion effort of the office should be limited.

The potential is available for the District of Columbia to do much more in the way of diversion. The United States Attorney has expressed a desire to expand the present diversion effort in some way, and the Technical Assistance team learned that this desire is echoed by the public defender, the court administration, as well as the police department. This expansion could take two forms, the expansion in the number of eligible defendants and the expansion of the available programs to serve them. Obviously, if the number of diverted defendants rises, the programs serving them will also have to expand.

There are several classes of felonies which the Technical Assistance team believes could be successfully diverted from the system, among these some property offenses and family disputes. These are only two examples; the U.S. Attorney should make a determination as to which additional offenses he perceives as being divertable, with an eye towards the expected final disposition of the case.

If a larger class of offenders is diverted, the amount of information upon which the diversion decision is based will also have to be enlarged. At the present time, the District of Columbia Pretrial Services Agency conducts pretrial release screening interviews of defendants for the Superior Court. This information is not shared systematically with the U.S. Attorney's office, although the same type of information is gathered by the U.S. Attorney in the process of making a diversion decision. It is therefore the recommendation of the Technical Assistance team that the information gathered by the Pretrial Services Agency be shared with the U.S. Attorney to reduce the duplication of effort in this process.

A second input which the team recommends is consultation with the victim and the arresting officer in the case. This consultation would in no way negate the prosecutor's charging decision discretion, however it would greatly enhance the quality of the decisionmaking.

The ideal situation would be to create an entirely new program to serve the needs of the enlarged diversion caseload, however constraints on resources make this alternative impossible at the present time. The next alternative is to enlarge and enhance the existing programs. It is recommended that, initially, the bulk of the expansion in programs take place within the Community Service Program. This program currently accepts approximately 25 to 30 defendants per month from the U.S. Attorney's office. The potential is there for a much larger number of referrals. This program contracts with over 100 agencies in the community to place clients in work programs. The U.S. Attorney should meet with the head of this program and work out a plan for diverting more defendants to this program.

In order to afford the pretrial diversion program the respect it needs to be effective, it is recommended that it be more formalized, with the ultimate decisionmaking function vested in someone with a high level of experience in the office.

As it is presently structured, the Victim/Witness Assistance Unit provides very little in the way of assistance to victims and witnesses. It's primary function presently is to locate witnesses for prosecutors. It does this very well, and the Technical Assistance team recommends that it continue to do this. It is a vital service in the office. However,

there is also a great need for assistance to be provided to victims and witnesses. For this reason, the Technical Assistance team recommends that the present unit be restructured to enable it to serve both the attorneys and the witnesses.

It is recommended that the present head of the unit remain as the director of the new Witness Locator Unit. The two investigators who currently work under him should also remain in the Witness Locator Unit. The two legal technicians should be transferred to a new Witness Assistance Unit to be created. The woman who currently interviews witnesses in family-related misdemeanor cases could be transferred to this new unit as the director of the unit and be responsible for program development. One secretary with word processing capabilities should be transferred to provide support to both the new Witness Locator Unit and the new Witness Assistance Unit.

The first priority of the new Witness Assistance Unit should be to establish early and continuous contact with witnesses through a series of letters to be sent throughout the progress of a case through the system. Examples of these letters are enclosed. These letters should be sent out with the signature of the U.S. Attorney and the head of the Witness Assistance Unit and should contain only the telephone number of the Witness Assistance Unit. All calls from witnesses would then go directly to this unit.

If a question concerns the case and only the attorney can answer it, then the caller could be transferred to the attorney assigned to that case. It should no longer be necessary for attorneys or their secretaries to answer routine questions from witnesses.

Another high priority should be the completion and distribution of an informational brochure. This brochure should contain, at a minimum, information concerning the criminal process, what to expect in court, the layout of the courthouse, a map showing the location of the court and which bus and subway routes to take, and information concerning how to collect witness fees. This brochure should be included in every subpoena which is sent out, and should also be available in the court house.

There is currently no routine mechanism for the return pending trial of property to the victims of property crimes. Such a mechanism should be established and all possible evidence should be photographed for use at trial and returned to the victim at the earliest possible date.

The witness room could be made more comfortable for those who must spend long days waiting there by the simple addition of reading material and a few comfortable chairs.

It is essential that the Witness Assistance Unit be given adequate space in which to work. This should include a waiting area away from the main traffic in the office in which victims and witnesses can wait to be seen by a member of the unit.

The Technical Assistance Team recommends the use of college interns by the Witness Assistance Unit. These should not be law students, but rather students from various Schools of Criminal Justice and Social Work. They will benefit greatly by experiencing first hand the criminal justice system and observing the court process and the unit will benefit from an expansion of available resources, which will enable more victims and witnesses to be served. These students can provide many services, from assisting with the letters and telephone contacts, to assisting the witnesses in the

courthouse, to providing transportation for those unable to get to the courthouse unaided.

It is also recommended that more witnesses be placed on call, especially at the first few trial settings, when the case, in all probability, will not be heard.

By expressing a desire to expand and improve both diversion and witness services in the office, the United States Attorney has taken the most important step. The implementation of these suggestions and recommendations will result in benefits not only to defendants, victims and witnesses, but to the office as well.

APPENDIX A

LEONARD R. MELLON

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

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

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

Current Research:

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

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

Recently Completed Research:

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

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

Past Experience:

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

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

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

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

Selected Publications:

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

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

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

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

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

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

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

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

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

(April 25, 1980)

RESUME

PERSONAL

SEYMOUR GELBER
3443 North Meridian Avenue
Miami Beach, Florida
534-8606

Birthdate - September 1, 1919
Marital Status - Married, three children
Residence - Florida, 30 years
Military Service - 50 months, World War II,
U.S. Air Force

EDUCATION

Ph.D., Higher Education, Florida State University - 1970

Masters Degree, Criminology, Florida State University - 1968

J.D. Degree, University of Miami Law School - 1953

EMPLOYMENT

1974 -	- Judge, Circuit Court, Juvenile-Family Division
1973 - 1974	- Director - Criminal Justice Program, Center for Applied Social Services, University of Miami
1970 - 1973 1957 - 1967	- Administrative Assistant State Attorney Dade County, Florida
1967 - 1970	- Assistant Attorney General, Florida
1957 - 1959	- Legal Advisor, Dade County Delegation to State Legislature
1953 - 1957	- Private Practice, Attorney

TEACHING

1977 -	- National Faculty, Nova University, Criminal Justice Program
1973 - 1974	- Lecturer, Law School, University of Miami (Course: Decision-Making in the Criminal Justice System)
1971 - 1973	- Clinical Director - Prosecutor Intern Program, University of Miami Law School
1968 - 1970	- Lecturer, Criminology Department, Florida State University (Course: Philosophy of the Juvenile Court)

PUBLICATIONS

Journals

Published in the following periodicals:

American Bar Association Journal, Florida Bar Journal, Journal of Criminal Law and Criminology, Crime and Delinquency Journal, Miami Interaction (University of Miami), Police Journal, New York Law Review, The Prosecutor Journal.

Books

Campus Security in the College Setting, U.S. Justice Department, Government Printing Office, Publication - March, 1973

PROFESSIONAL ACTIVITIES

Chairman, Miami-Dade Criminal Justice Council (LEAA). 1977, 1978, 1979

Chairman, American Bar Association - Committee--Terrorism and Mass Disorders. 1977

President - Dade Marine Institute
Juvenile Rehabilitation Program - 1975, 1976

Faculty - National Conference on Juvenile Justice - 1976, 1977

Secretary, Dade County Mental Health Board. 1975 - 1977

Member, National Advisory Committee Task Force on Mass Disorder and Terrorism (LEAA). 1977

Chairman - Mayor's Commission on School Security
(City of Miami Beach). 1977

Member - Ad-Hoc Committee on School Disruption
(Dade County Board of Public Instruction). 1977

PROFESSIONAL ACTIVITIES (CONTINUED)

Advisory Committee - Florida International University,
Criminal Justice Program. 1977, 1978

Adjunct Professor - University of Miami
Criminal Justice Program. 1977, 1978, 1979

Member, Juvenile Justice Committee
(National District Attorneys Association). 1977, 1978, 1979

Member, Juvenile Justice Committee
(International Association of Chiefs of Police). 1977, 1978, 1979

Consultant, National Center for Prosecution Management - Technical Evaluation
National District Attorneys Association. 1973 - 1975

Legal Counsel to Dade County Grand Jury. 1963 - 1967

Staff Director, State of Florida, Attorney General's Commission on Criminal Justice. 1969

Security Consultant and legal adviser to police for National Political Conventions, Miami Beach. 1968, 1972

Legal Adviser as Florida Assistant Attorney General to State Law Enforcement Agencies: Florida Department of Law Enforcement, Police Minimum Standards Council, etc. 1967 - 1970

Consultant in development of Criminal Justice curriculum at Florida Memorial College. 1968 - 1970

Consultant, Bureau of Social Science Research; Evaluation of prosecutor offices. 1975

Member, LEAA Research and Development Task Force, Bureau of Criminal Justice Planning and Assistance. 1978

KAREN SPAULDING GREENWOOD

Home Address

8370 Greensboro Drive #810
McLean, Virginia 22102
(703) 442-0747

Work Address

Bureau of Social Science Research, Inc.
1990 M Street, N. W.
Washington, D. C. 20036
(202) 223-4300

MEMBER OF DISTRICT OF COLUMBIA BAR

EDUCATION

May 1980

Georgetown University Law Center
Washington, D. C.
Juris Doctor

June 1977

Michigan State University
East Lansing, Michigan
B. S. with High Honors
Major: Criminal Justice

WORK EXPERIENCE

6/80 to present

Research Analyst, Bureau of Social Science Research, Inc.
Washington, D. C.

Technical Writer/Editor for LEAA funded project which provides technical assistance to prosecutors throughout the country. Visit prosecutors' offices, identify and analyze problem areas, recommend solutions. Upon return to Washington, write final report to prosecutor incorporating all analyses and recommendations. Also compile reports from other consultants and write final reports to prosecutors visited by them.

Research Analyst for nationwide studies on performance measurement for prosecutors' offices and prosecutorial decisionmaking. Edit all manuscripts and final reports for these studies also. Currently researching and writing a history of technical assistance covering the past ten years.

5/79 to 5/80

Law Clerk for Law Enforcement Assistance Administration
Office of the General Counsel, Washington, D. C.

Researched and drafted legal opinions for the LEAA General Counsel in areas including, but not limited to, civil rights, grant law, conflicts of interest, Federal-State conflicts, and use of federal funds. Served as law clerk to Hearing Examiner during compliance hearing. Wrote all memos and drafted final opinion. Wrote Indexed Legislative History of the "Justice System Improvement Act of 1979".

KAREN SPAULDING GREENWOOD (continued).

10/78 to 5/79

Legal Research Assistant to Prof. Sherman Cohn
Georgetown University Law Center

Responsible for all phases of preparation for publication of Preview of United States Supreme Court Cases, a weekly publication. Monitored Supreme Court calendar; prepared precis for each case docketed; identified, obtained, and maintained liaison with authors for articles; edited manuscripts for publication. Wrote a summary of each decision for publication in the week's issue.

3/77 to 6/77

Research Assistant, Ingham County Prosecutor
Lansing, Michigan

Analyzed base-line data for Part I and misdemeanor offenses to establish performance measures for prosecutor's staff. Surveyed prosecution and police records on marijuana offenses to establish policy.

9/76 to 3/77

Research Assistant, Michigan State University
East Lansing, Michigan

Developed an information flow model based upon interviews conducted with court personnel for a needs assessment of a court information system.

9/76 to 3/77

Teaching Assistant to Dr. Erik Beckman
School of Criminal Justice, Michigan State University

Drafted examination questions and assisted in grading examinations for Criminal Justice courses. Proofread manuscripts intended for publication.

6/76 to 9/76

Court Intern, 54-A District Court
Lansing, Michigan

Analyzed and recommended improved methods of case flow management. Supervised pretrial conferences as representative of the court. Mediated out-of-court settlements in small claims cases.

RECENT PUBLICATIONS

Section of Survey of Caselaw Relating to Federal Grant Programs

Indexed Legislative History of the "Justice System Improvement Act of 1979"

KAREN SPAULDING GREENWOOD (continued)

HONORS

Phi Kappa Phi National Honor Society
Dean's List, Michigan State University
Mortar Board
Alpha Phi Sigma National Criminal Justice Honor
Society - Executive Committee

AFFILIATIONS

Phi Delta Phi Legal Fraternity
Lansing Police-Community Relations Board 1974-76
Michigan State-Wide Institute on Community Relations
and the Administration of Justice

PERSONAL

Birth date: 10/12/46 U.S. Citizen

REFERENCES

Available on request

APPENDIX B



UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES ATTORNEY
DISTRICT OF COLUMBIA
SUPERIOR COURT OPERATIONS
DISTRICT OF COLUMBIA COURTHOUSE
500 INDIANA AVENUE, N.W.
WASHINGTON, D.C. 20001

IN REPLY, PLEASE REFER TO
INITIALS & NUMBER

United States v. _____
Criminal Case No. _____

Dear _____

This letter is to inform you that after a careful consideration of the facts and circumstances of this case, it was determined that a dismissal should be entered. Accordingly, the case was dismissed on _____, 19____.

The result in this case does not diminish your important contribution as a witness. In that capacity, you have fulfilled a vital role in the administration of criminal justice. Without the help of persons such as yourself, it would be impossible to even attempt to hold accountable those responsible for crime. If you have any questions concerning the outcome of the proceedings, you may call Assistant United States Attorney _____ of this Office at 724-_____.

Thank you for your assistance and cooperation.

Sincerely,

United States Attorney

BY: _____



UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES ATTORNEY
DISTRICT OF COLUMBIA
SUPERIOR COURT OPERATIONS
DISTRICT OF COLUMBIA COURTHOUSE
500 INDIANA AVENUE, N.W.
WASHINGTON, D.C. 20001

IN REPLY, PLEASE REFER TO
INITIALS & NUMBER

United States v. _____
Criminal Case No. _____

Dear _____

This letter is to inform you of the completion of this case, in which you were a witness. The defendant has entered a guilty plea to _____.

As a result of this, there will be no trial.

Your assistance and cooperation were important in securing this conviction. Even though the matter did not reach trial, your role was an important one because the availability of witnesses strengthens the Government's case.

We hope that you have not been inconvenienced in fulfilling your responsibility as a witness. If you still have questions regarding the outcome of the proceedings, please do not hesitate to call Assistant United States Attorney _____ of this Office at 724-_____.

Thank you for your cooperation in this case.

Sincerely,

United States Attorney

BY: _____

APPENDIX C

WITNESS INSTRUCTION SHEET

CASE: United States v. _____

CALENDAR: _____

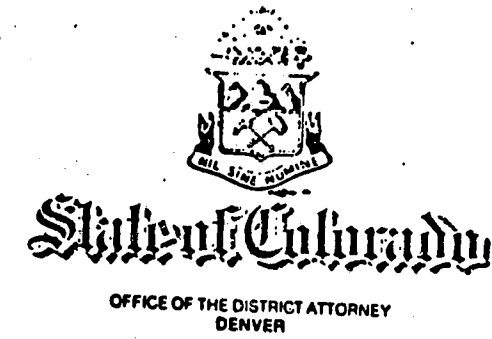
- This instruction sheet contains valuable information concerning your service as a government witness. You should keep it with you at all times while you are at Court.
- Please do not leave the Witness Room without notifying one of the prosecutors at the Counter. Your case may be called at any moment. If you are not available to testify the defendant may go free and you will not receive payment for your time spent at Court.
- Listen carefully to all announcements made by the prosecutors. If your name or the name of the case listed at the top of this sheet is called, go immediately to the prosecutor making the announcements. General questions, such as whether your case is likely to go to trial today, should be directed to the prosecutors only after 11:00 a.m.
- An orange-colored card was given to you when you first reported as a witness. Each time you report to Court a prosecutor will certify your appearance by signing and dating this card. At the end of your witness service the witness fee paid to you will be based on the number of appearances entered on your card. If you do not have an orange card, request one from the prosecutors.
- The trial in which you are to appear as a witness may be continued to a future date. If this happens, the prosecutor will enter the new trial date on your orange card. Unless you are notified otherwise, you must report to the Witness Room at 8:30 a.m. on this date.
- A prosecutor will inform you when your services as a witness are no longer needed. You will then be directed to present your orange card to the receptionist in the United States Attorney's Office located on the 5th floor of the Courthouse. Your witness fee will be computed and arrangements will be made to forward payment to you by mail.
- Two Restrooms are located at the north end of the Witness Room.
- Unless you are told otherwise you will be excused for lunch from 12:30 p.m. to 1:30 p.m.

IV

APPENDIX D

DALE TOOLEY
DISTRICT ATTORNEY

SECOND JUDICIAL DISTRICT
WEST SIDE COURT BUILDING
824 WEST COLFAX AVENUE
DENVER, COLORADO 80204



Administrative Offices	(303) 575 5176
Appellate Division	575 5933
Community Relations and	
Crime Prevention Division	575 3220
Complex Prosecution Unit	575 3291
Consumer Fraud Division	777 3072
County Court Witnesses	575 3074
Criminal Complaint Dept	575 5824
(Police Dept Office)	575 3541
Child Support Division	575 5821
County Court Deputies	575 5155
District Court Deputies	575 5135
District Court Witnesses	575 2349
Investigations Division	575 5956
Juvenile Court Deputies	575 5157
Juvenile Diversion	575 3229
Subpoenas	575 5451
City & County Bldg Office	575 5951
Information	575 5824
Weekends & after 5 p.m. call	575 5555

Re: People vs.

The purpose of this letter is simply to let you know that the police have issued a warrant for the arrest of the individual named above in connection with the crime which occurred on

When this individual is apprehended we will file the following charges:

You should feel free to contact us for any further information.

Yours truly,

DALE TOOLEY
District Attorney

By:
District Attorney Representative

Appendix C - 8

DALE TOOLEY
DISTRICT ATTORNEY

SECOND JUDICIAL DISTRICT
WEST SIDE COURT BUILDING
924 WEST COLFAX AVENUE
DENVER, COLORADO 80204



State of Colorado

OFFICE OF THE DISTRICT ATTORNEY
DENVER

Administrative Offices (303) 575-5176
Appellate Division 575-5933
Community Relations and
Crime Prevention Division 575-3220
Complex Prosecution Unit 575-3291
Consumer Fraud Division 777-3072
County Court Witnesses 575-3074
Criminal Complaint Dept 575-5824
" (Police Dept. Office) 575-3541
Child Support Division 575-5821
County Court Deputies 575-5155
District Court Deputies 575-5135
District Court Witnesses 575-2349
Investigations Division 575-5956
Juvenile Court Deputies 575-5157
Juvenile Diversion 575-3229
Subpoenas 575-5851
City & County Bldg. Office 575-5951
Information 575-5824
Weekends & after 5 p.m. call 575-5555

TO: NAME _____
DEPARTMENT OF SOCIAL SERVICES

FROM: NAME _____
VICTIM ASSISTANCE UNIT
OFFICE OF THE DISTRICT ATTORNEY

RE: PEOPLE VS.
CHARGE:
VICTIM: _____

D.O.B. _____

This is to notify you that criminal charges have been filed against the above-named individual. We will be seeking to aid the victim and you, in any way possible. A sharing of information between our agencies would assist us in reaching a proper disposition in this case.

Appendix A-3



PETER D. HOUK
INGHAM COUNTY PROSECUTING ATTORNEY

303 West Kalamazoo
Lansing, Michigan 48933
Phone: (517) 487-3641

D. DANIEL McLELLAN
Chief Assistant Prosecutor

LEE WM. ATKINSON
Chief, Criminal Division
MICHAEL C. WOODWORTH
Chief Appellate Attorney
STEVEN A. TRANSETH
Administrator
KIM WARREN EDDIE
Chief Trial Attorney
JOHN R. EDWARDS
Chief, Career Criminal Unit
MARTIN F. PALUS
Chief, Screening Unit
MARVIN E. ROBERTSON
Chief, Family Support Unit
RUTHANNE GARTLAND
Chief Probate Attorney
WM. GENE MATTHEWS
Diversion Director

Dear Witness:

The victims and witnesses of crime have long been neglected by the criminal justice system. However, we, in the Ingham County Prosecuting Attorney's Office, believe that victims and witnesses are very important people. The successful prosecution of crime would be impossible without the support, assistance and cooperation of crime victims and witnesses.

The Ingham County Prosecuting Attorney's Office, in cooperation with the Ingham County Board of Commissioners, has created a special unit to serve the needs of victims and witnesses. Through our telephone-alert system, we will save you unnecessary trips, long waiting periods and time away from your work or other duties. We will also assist you by answering any questions you have and help you with any problem.

It is possible that this case will not commence on its scheduled date as a result of prior cases on the schedule being at trial. The case will commence as soon after the date indicated on the subpoena as possible.

You are instructed that the subpoena is still in effect and you will be notified when to appear if the date is changed. DO NOT disregard the subpoena without prior approval from our office. If vacations are planned, sickness occurs or you have a change of address or phone number, please notify this office.

When you come to testify, be sure to bring your subpoena. Go directly to the courtroom of the judge named on the subpoena. As a witness, you are entitled to witness fees. It is your responsibility to obtain these fees while you are at court.

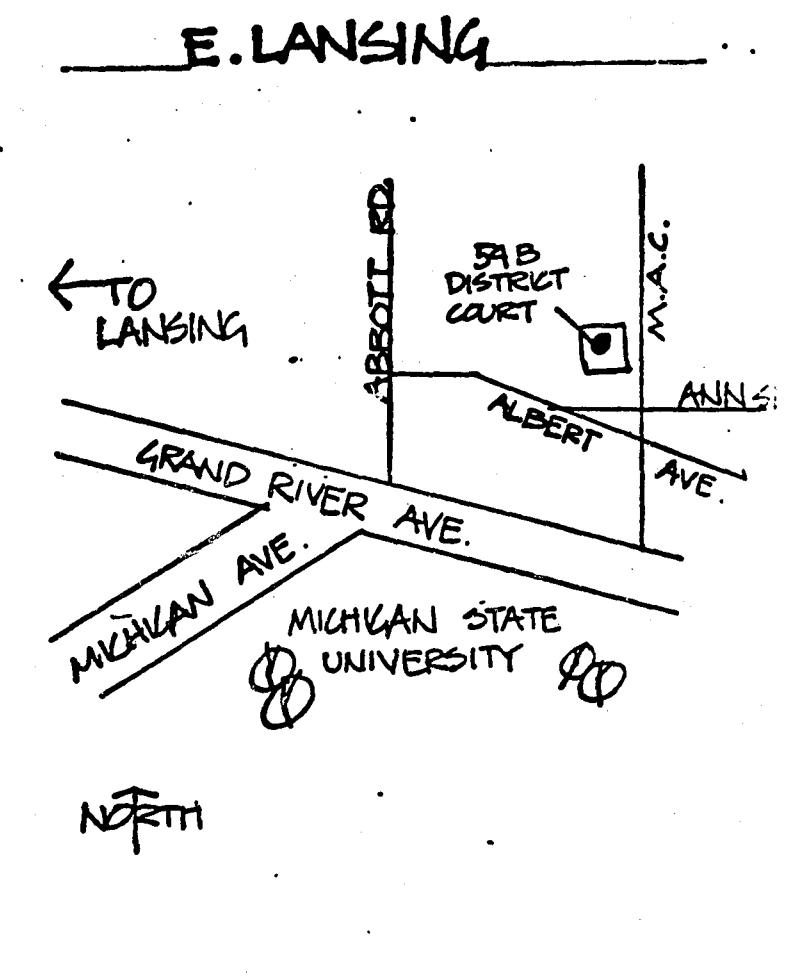
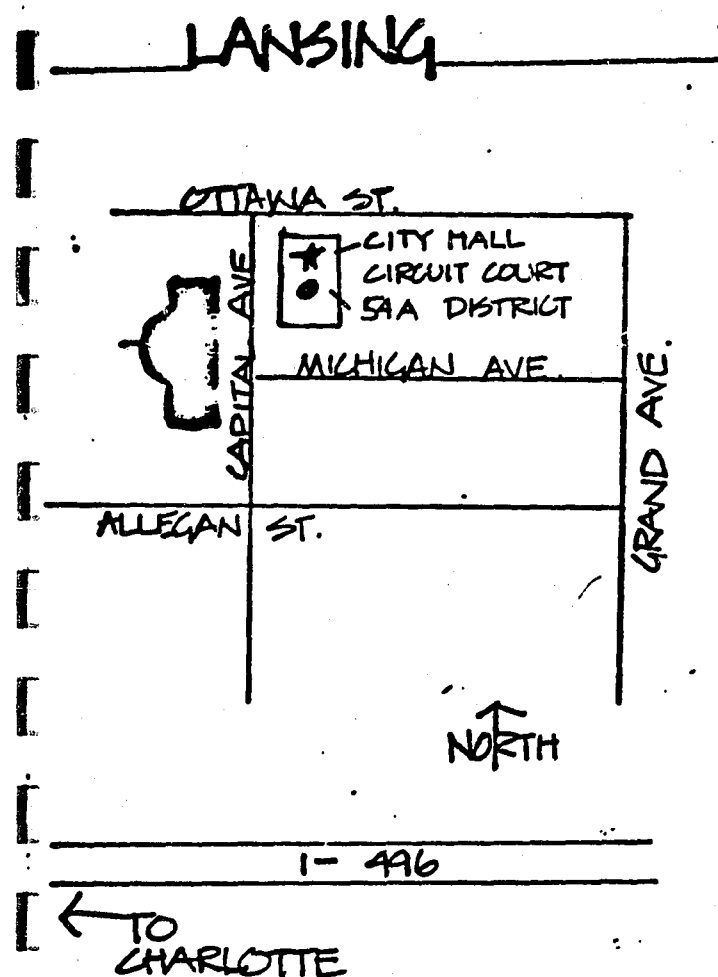
If you have any questions or problems, please call the Victim/Witness Program at 487-3641, ext. 543.

Sincerely,

PETER D. HOUK
INGHAM COUNTY PROSECUTOR

Carrie Hurley
Carrie Hurley
Victim/Witness Coordinator

VW-001



SAA DISTRICT JUDGES: CLEM, COLLETTE, MILICE, WOOD - 6TH FLOOR LANSING CITY HALL.

3A DISTRICT JUDGE CHERRY - 5TH FLOOR LANSING CITY HALL.

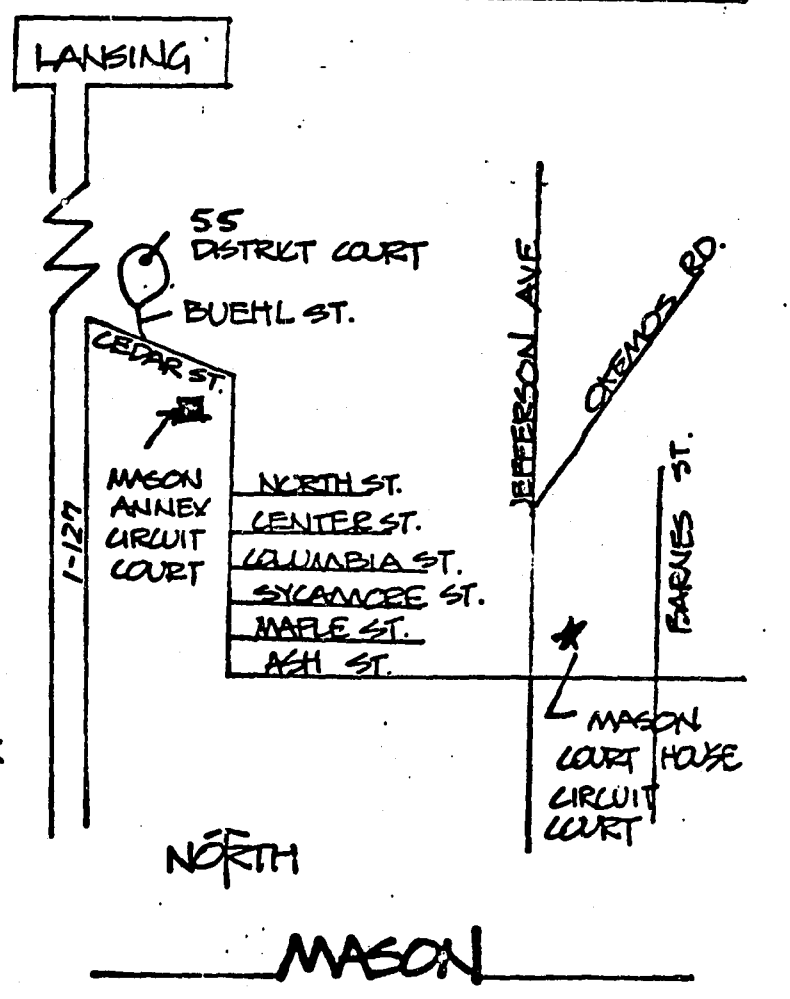
3A B DISTRICT JUDGE TCHIRHART - 2ND FLOOR E. LANSING DISTRICT COURT.

55TH DISTRICT JUDGES: REID, OBRIEN - MASON DISTRICT COURT.

CIRCUIT JUDGES: WARREN, HOTCHKISS, BROWN, KALLMAN - 2ND FLOOR CITY HALL.

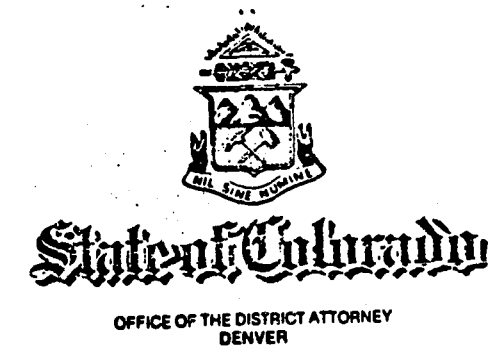
CIRCUIT JUDGES: GIDDINGS, HARRISON - 3RD FLOOR MASON COURTHOUSE.

CIRCUIT JUDGE BELL - MASON ANNEX CIRCUIT COURT.



DALE TOOLEY
DISTRICT ATTORNEY

SECOND JUDICIAL DISTRICT
WEST SIDE COURT BUILDING
824 WEST COLFAX AVENUE
DENVER, COLORADO 80204



Administrative Offices	(303) 575 5176
Appellate Division	575-5933
Community Relations and	
Crime Prevention Division	575-3220
Complex Prosecution Unit	575-3291
Consumer Fraud Division	777-3072
Court Court Witnesses	575-3074
Criminal Complaint Dept	575-5824
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Juvenile Court Deputies	575-5157
Juvenile Division	575-3229
Subpoenas	575-5851
City & County Bldg. Office	575-5951
Information	575-5824
Weekends & after 5 p.m. call	575-5555

RE: People vs.

Charge:

Case No:

Date of Crime:

Dear

The purpose of this letter is simply to let you know that we have begun criminal prosecution against the above named individual. A preliminary hearing may be held within 30 days. If your testimony is needed at this hearing you will receive a subpoena to appear at the time and place indicated on the subpoena.

If the case is then set for trial, the volume of cases handled by the Denver Courts will allow the trial to begin about 60 days later. You will be subpoenaed for the trial, and will be contacted by our office before the trial date regarding the time and place of your appearance.

If you should move or change your telephone number during the course of the criminal prosecution of this case, please notify our office at your very earliest convenience.

You should feel free to contact us at any time during the course of this prosecution if you have any questions. Please note the telephone number listed below.

Yours truly,

DALE TOOLEY
District Attorney

By:
District Attorney Representative
Victim Assistance Program

DRAFT OF LETTER TO VICTIM WHEN COURT DISMISSES CASE FOR NO PROBABLE CAUSE.

Dear

Under Colorado law every person accused of a felony has the right to receive a preliminary hearing to determine whether probable cause exists to believe that the offense charged in the information, complaint or felony complaint was committed by the defendant. The preliminary hearing in the above captioned matter was held on (date) and Judge Scott at that time dismissed this case, stating there was no probable cause to believe Mr. Hartman had committed the offense with which he was charged. Needless to say, my office is quite disappointed in the court's ruling as the case had been investigated and staffed and we were of the opinion that we had a good chance in proving the defendant guilty of the charges.

I know this information will dishearten you and can only express my regret in the outcome of this case. Please feel free to telephone the Victim Witness Assistance personnel unit of my office at 441-3730 if you have questions or if we can be of further assistance.

Very truly yours,

ALEXANDER M. HUNTER
District Attorney

Please Return To:

DENVER DISTRICT ATTORNEY
Victim Assistance Program
924 West Colfax Avenue
Denver, Colorado 80204

575-5176

575-3034

VICTIM IMPACT STATEMENT

Defendant _____

Charge _____

Date of Crime _____

Victim _____

Address _____

Phone _____ (please notify Victim Assistance Unit, if address or phone number changes. (303) 575-5176.

Injuries

Physical:

Emotional:

Financial Loss

Medical:

Property:

Other: (Please comment on how the crime affected you.)

Date _____

Signature of Victim

FORM LETTERS

RE: CONTINUANCE OF CASE

This letter is to inform you of the continuance of this case. This matter has been rescheduled for _____
We regret any inconvenience which you may have experienced by this delay and we are grateful for your continued cooperation.

The Judge has also continued your subpoena to that date and time. Normally you have to be present in the courtroom listed above on this new date. However, for your convenience, we have devised an "on call" system which you can use if you will be available by phone on the date of the trial. When placed "on call" you need not appear in court until you receive a call from our office.

We must have a current telephone number at which you may be reached on the trial date, and you must be able to respond to the court on no more than one hour's notice. If you want to be placed "on call," please contact our office at 441-3700.

If you do not place yourself "on call," we will expect you to be present at the above date and time. Thank you for your cooperation.

Very truly yours,

Alexander M. Hunter



UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES ATTORNEY
DISTRICT OF COLUMBIA
SUPERIOR COURT OPERATIONS
DISTRICT OF COLUMBIA COURTHOUSE
500 INDIANA AVENUE, N.W.
WASHINGTON, D.C. 20001

IN REPLY, PLEASE REFER TO
INITIALS & NUMBER

United States v. _____
Criminal Case No. _____

Dear _____

This letter is to inform you of the continuance of the above-mentioned case. The trial originally scheduled for _____, 19_____, has been continued until _____, 19_____. We regret any inconvenience which may be caused to you by this delay and we are grateful for your continued cooperation.

Please find enclosed a subpoena listing the new date and time of trial. If you have any questions regarding this matter, please contact Assistant United States Attorney _____ of this Office at 724-_____.

Thank you for your cooperation in this case.

Sincerely,

United States Attorney

BY: _____

Enclosure



UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES ATTORNEY
DISTRICT OF COLUMBIA
SUPERIOR COURT OPERATIONS
DISTRICT OF COLUMBIA COURTHOUSE
500 INDIANA AVENUE, N.W.
WASHINGTON, D.C. 20001

IN REPLY, PLEASE REFER TO
INITIALS & NUMBER

United States v.
Criminal Case No.

Dear

This letter is to inform you that the defendant was found not guilty of the offense charged in the above case, in which you were a witness.

The burden of proving a criminal case "beyond a reasonable doubt" is not an easy one, and the government sometimes is unable to adduce sufficient evidence to carry that burden.

Nevertheless, the result of this case does not diminish your important contribution as a witness. In that capacity, you have fulfilled a vital role in the administration of criminal justice. Without the help of persons such as yourself, it would be impossible to even attempt to hold accountable those responsible for crime. If you have any questions regarding the outcome of the proceedings, please do not hesitate to call Assistant United States Attorney _____ of this Office at 724-_____.

Thank you for your assistance and cooperation.

Sincerely,

United States Attorney

BY: _____

FORM LETTERS

RE: THANKING WITNESSES NOT CALLED TO TESTIFY.

*Thank u to witness
not called to testify*

October 11, 1977

Dear Witness

We would like to personally express our appreciation and that of this office for the help and cooperation you gave us in presenting the case of the People of the State of Colorado vs. Richard Austin Pierson.

The defendant was found guilty on October 1, 1977, and the Court has set November 8, 1977, as the date for sentencing.

Although you were not called upon to testify, your role was an important one because the availability of witnesses strengthens the District Attorney's case. If you have any special problems as a result of your experience or any questions concerning the criminal justice system, please feel free to contact us or Kay Stehlik, director of the Victim Witness Assistance Program of this office.

Sincerely,

Alexander M. Hunter
District Attorney

C. Phillip Miller
Chief Trial Deputy

AMH,CPM:bk

William C. Wise
ASSISTANT DISTRICT ATTORNEY

FORM LETTERS

RE: INFORMING WITNESSES
DEFENDANT PLED GUILTY TO LESSOR
OFFENSE

STRICT ATTORNEY

July 19, 1977

Dear Witness

I wanted you to know about the disposition of The People of the State of Colorado vs. Frank Steve Valdez. Mr. Valdez is scheduled to admit to a parole violation which will result in his return to the penitentiary or reformatory for a minimum of six months. In light of this, I have dismissed the case.

I also want to confirm the disposition of The People of the State of Colorado vs. Joseph R. Herrera. Mr. Herrera pleaded to misdemeanor false imprisonment. By pleading guilty to this offense, the Defendant subjected himself to six months in the Boulder County Jail.

We could not have secured this conviction without your assistance and cooperation. Even though these matters did not reach trial, your role was an important one because the availability of witnesses strengthens the District Attorney's case.

Thank you for your support and cooperation in these cases.

Very truly yours,

Phillip Miller
C. Phillip Miller
Chief Deputy
District Attorney's Office

CPM: bk



UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES ATTORNEY
DISTRICT OF COLUMBIA
SUPERIOR COURT OPERATIONS
DISTRICT OF COLUMBIA COURTHOUSE
500 INDIANA AVENUE, N.W.
WASHINGTON, D.C. 20001

IN REPLY, PLEASE REFER TO
INITIALS & NUMBER

United States v.
Criminal Case No.

Dear

This letter is to inform you that the defendant was found guilty of _____, 19____. Your full cooperation and assistance in this case helped to make possible this conviction.

We hope that you have not been inconvenienced in fulfilling your responsibility as a witness. If you have any questions regarding the outcome of the proceedings, please do not hesitate to call Assistant United States Attorney _____ of this Office at 724-_____.

Thank you for your cooperation in this case.

Sincerely,

United States Attorney

BY: _____

FORM LETTER

TO WITNESS INFORMING CHARGES DROPPED
AND TO DISREGARD SUBPOENA

BY VICTIM DISTRICT ATTORNEY

Witness to
- sub.
charges dropped

Dear

The District Attorney's Office wanted to let you know that Nanette Farina has dropped Second Degree Kidnapping charges against Gene Ronald Farina. Consequently, there will be no trial on August 18, and you may disregard any subpoena received in this case.

We hope that you have not been inconvenienced too much in fulfilling your responsibility as one of the witnesses. Your availability as a witness is important to the District Attorney's case. If you have any questions regarding the outcome of the proceedings, please call the Victim Witness Assistance Program at 441-3700.

Thank you for your support and cooperation in this case.

Very truly yours,

Barbara Kendall

Barbara Kendall
Assistant Director
Victim Witness Assistance Program

BOULDER COUNTY JUSTICE CENTER • P.O. BOX 471 • BOULDER, COLORADO 80502 • (303) 441-3700

CHIEF DEPUTY
C. Philip Miller

CHIEF DEPUTIES
William J. Entzel
Peter A. Hultstrom

CHIEF INVESTIGATOR
Judy Leach

TWENTIETH JUDICIAL DISTRICT
ALEXANDER M. HUNTER
DISTRICT ATTORNEY



May 15, 1979

ARTHUR M. Shea
William J. Meyerich
William J. Kowalski
Dennis B. Wanebr
David A. Marsh
Peter M. Alagune
Lawrence F. King

Re: The People of the State of Colorado
vs. Sandra Nard - #8814

Dear Mr.

I want to inform you of the final disposition made in the above captioned matter. Ms. Nard was found guilty by a jury in two other felony cases in which the charges were Second Degree Burglary and Violation of Custody. On May 7, 1979, Judge Scott sentenced her to serve an indeterminate to five (5) year sentence on the burglary charge, and three (3) to (5) years on the custody charge, with the sentences to run concurrently. Ms. Nard will be incarcerated for many years in the Colorado State Penitentiary for Women.

Believing society's interests to be sufficiently protected by these sentences, we filed a motion with the court to dismiss the charges filed in this case. It is our opinion that had Ms. Nard been found guilty of False and Forged Prescription, the court in all probability would have handed down a concurrent sentence which would not have effected the actual jail time she will serve. A second consideration in our recommendation of dismissal was the great expense of trials to the taxpayers.

You were a willing and cooperative witness and I realize you were on-call for court appearances several times. Please accept my sincere thanks for the time and effort you expended. If you have further questions about this case, please telephone the Victim Witness Assistance unit of my office at 441-3730 and they will be happy to help you.

Very truly yours,

ALEXANDER M. HUNTER
District Attorney

AMH/ak

BOULDER COUNTY JUSTICE CENTER • P.O. BOX 471 • BOULDER, COLORADO 80502 • (303) 441-3700
LONGMONT BRANCH • 505 FOURTH AVENUE • SUITE 2, LONGMONT, COLORADO 80501 • (303) 772-0111

TH
TWEI
A

FORM LETTER

RE: TO WITNESS INFORMING
.. THAT DEFENDANT FOUND LEGALLY
INSANE.

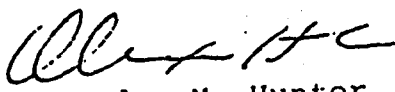
STRICT ATTORNEY

Dear

I wanted you to know that on Friday, July 15th, the jury found Thomas Lou Thompson to be legally insane, thus clearing him of all charges brought against him. He was, however, immediately committed to the State Hospital in Pueblo for an indefinite period of time.

In being a witness, you have fulfilled a most vital and necessary function within our system. You have been invaluable to us during the process of this case. We truly thank you for your assistance and cooperation.

Very truly yours,


Alexander M. Hunter
District Attorney

AMH:dk



PETER D. HOUK
INGHAM COUNTY PROSECUTING ATTORNEY

303 West Kalamazoo
Lansing, Michigan 48933
Phone: (517) 487-3641

D. DANIEL McLELLAN
Chief Assistant Prosecutor

LEE WM. ATKINSON
Chief, Criminal Division
RICHARD W. MAY
Chief, Career Criminal Unit
MICHAEL C. WOODWORTH
Chief Appellate Attorney
MARVIN E. ROBERTSON
Chief, Family Services Division
STEVEN A. TRANSETH
Administrator
KIM W. EDDIE
Chief Trial Attorney
MARTIN F. PALUS
Chief, Screening Unit
WM. GENE MATTHEWS
Diversion Director

Dear

The Ingham County Prosecutor's Office would like to thank you for being a witness in the case of the People of the State of Michigan v . . . The defendant was bound over to Circuit Court.


In being a witness you have fulfilled a most vital and necessary function within the criminal justice system. You have been invaluable to us during the process of this part of the case.

You may be needed again to testify at the trial and will be notified as to the date and time; therefore, it is important that we know of any change of address or extended vacation you may be planning. Thank you for your cooperation.

If you have any questions, please do not hesitate to contact the Victim/Witness Assistance Unit. The telephone number is (517)487-3641, ext. 543.

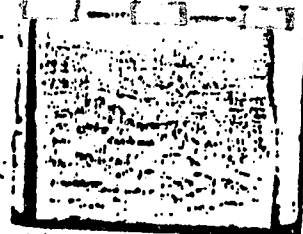
Sincerely,

PETER D. HOUK
INGHAM COUNTY PROSECUTOR


Carrie Murray Hurley
Victim/Witness Coordinator

PDH:CM:ss

43.



Dear Witness:

RE: People v

APPENDIX D

In being a witness you have fulfilled a most vital and necessary function within the criminal justice system. We truly thank you for all of your assistance and cooperation. If you have any questions, please contact the Victim/Witness Unit at 487-3641, ext. 543.

Sincerely,

PETER D. HOUK
Ingham County Prosecutor

Carrie Hurley

Carrie Hurley
Victim/Witness Coordinator

VW-002

IN THE CIRCUIT)
GENERAL DISTRICT) COURT OF ARLINGTON, VIRGINIA

Defendant _____ Case # _____

Dear _____:
on _____, 19____, the following occurred in this case:

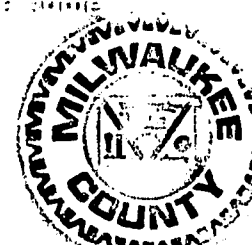
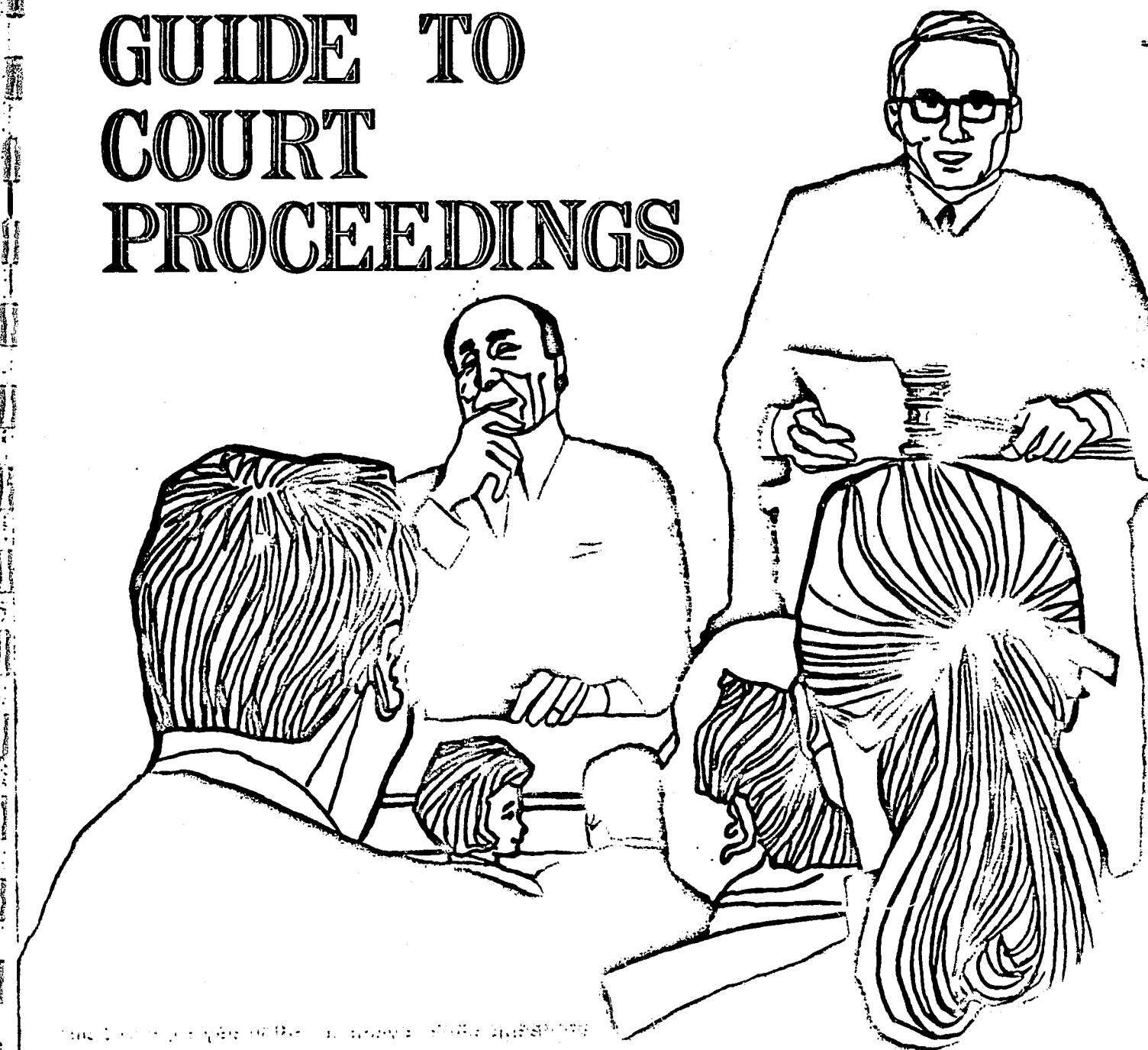
- | | |
|--------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Bound Over For Action Of Grand Jury | <input type="checkbox"/> No True Bill From Grand Jury |
| <input type="checkbox"/> Guilty Plea To _____ | <input type="checkbox"/> Acquittal Of _____ |
| <input type="checkbox"/> Trial By Judge/Jury | <input type="checkbox"/> Charge Of _____ Dropped |
| <input type="checkbox"/> Conviction Of _____ | <input type="checkbox"/> Continued To _____ For _____ |
| <input type="checkbox"/> Defendant Sentenced To _____ | |
| <input type="checkbox"/> Remarks _____ | |

I would like to thank you for your participation in this matter. By serving as a witness you have fulfilled a vital and necessary function in our Judicial System.

Room 101, Court House -
Arlington, Virginia 22201
703-558-2101

William S. Burroughs, Jr.
Commonwealth's Attorney

A WITNESS GUIDE TO COURT PROCEEDINGS



278 4666

WITNESS SERVICE
VIRGINIA
Arlington, Virginia 22201
703-558-2101

WHY ME?

You are a witness because you have seen, heard, or know something about a crime which has been committed.

You may not think that what you know about the case is very important, but it may turn out to be essential.

It is through the words of witnesses that judges and juries gather the information they need to find out what really happened.



WHAT WILL BEING A WITNESS MEAN TO ME?

It will mean that you have done your best to make our community a safe one in which to live and work.

Criminal cases cannot be prosecuted unless witnesses come forward to testify. By your willingness to get involved, you are working with other citizens, the police, the District Attorney, and the Courts to reduce crime.

Being a witness may also mean inconvenience for you. The process of justice takes time—from you and from many other people. Every person in our country is presumed to be innocent until proven guilty beyond a reasonable doubt and every accused person has the right to face his or her accusers in a court of law.

To protect these valuable rights, our criminal justice system requires many painstaking steps.

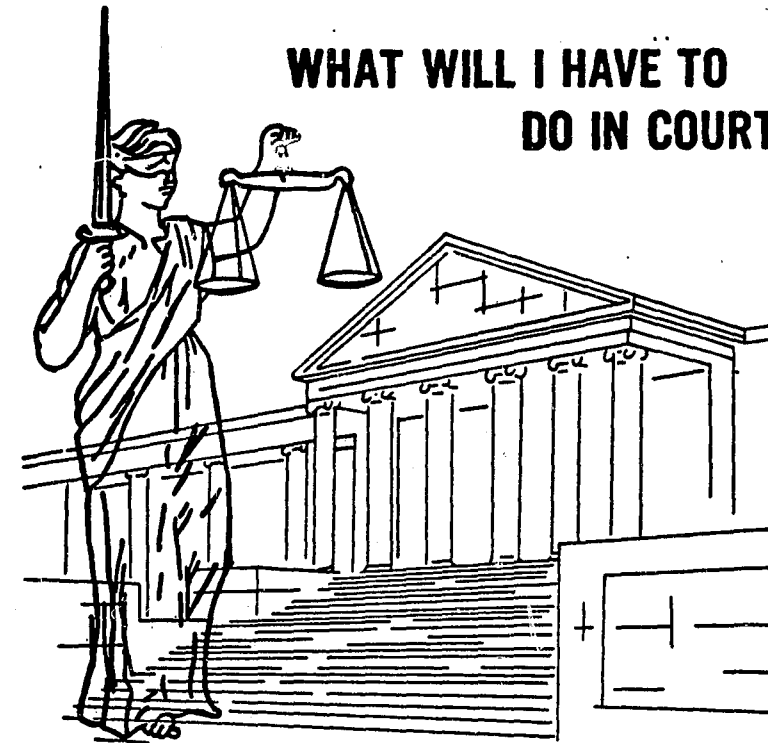
The patience and commitment of citizens like you are necessary to make that system work.

WHERE DO I GO? WHEN?

You will receive a SUBPOENA, which is a written order containing instructions about the date, time, and place to appear as a witness. STATE LAW REQUIRES THAT YOU RESPOND TO YOUR SUBPOENA AND APPEAR IN COURT WHEN INSTRUCTED.

If you have any questions, please call Milwaukee County's Victim/Witness Services at 278-4667.

WHAT WILL I HAVE TO DO IN COURT?



When you are called to the stand to testify, you will have to swear that you will tell the truth.

The District Attorney will ask you questions about what you know about the crime that was committed.

The defense attorney will then ask you questions about the crime and about your answers to the district attorney. The defendant (the person accused of committing the crime) will be in court with his or her attorney.

Your first testimony may be at a Preliminary Hearing. This is a special hearing required only in felony cases—a "mini-trial" to show the judge that a crime was committed and that there is enough evidence that the defendant committed the crime to make him or her stand trial. If the judge decides there is "probable cause" to believe that the defendant committed the crime, then s/he "binds the case over" for trial—that is, the judge decides there will be a trial.

It is possible that the defendant and his or her attorney will decide to "waive the preliminary hearing"—that is, the defendant gives up the right to this hearing. The Preliminary Hearing may be waived at the last minute, when the defendant sees that the State is prepared to proceed and all the witnesses are present. Even though you did not have to testify, your presence in court was important, for without you, the case may have been dismissed.

You will probably be needed to testify at the trial, unless the defendant pleads guilty to the charges against him or her. If s/he pleads guilty, you may NOT have to appear.

It is also possible that you will be needed to testify at a Motions Hearing, which is a hearing held before the trial to determine a legal issue raised in the case.

The defendant's attorney may want to talk to you about the case and s/he is permitted to do so. You have a right to either refuse to discuss the case with the defense attorney or to discuss it. If you choose to talk to him or her, you may ask an assistant district attorney to be with you. You should be aware that the defense attorney will try and use what you say on behalf of the defendant when you are in court.

YOUR RIGHT TO KNOW

If, at any time in the progress of this case you do not understand what is happening, or why, or what will happen next, ask questions. Make a phone call. You are always welcome to call Victim/Witness Services, 278-4667, for information on the status of your case.

YOU ARE IMPORTANT TO THE SYSTEM AND YOU HAVE A RIGHT TO KNOW HOW IT WORKS.

Make sure you have written down the names and telephone numbers of people you may want to call and other things you need to remember.

WHAT IF I CHANGE MY MIND?

Sometimes victims or witnesses change their mind and decide they don't want to "press charges" after all.

The whole community has a stake in prosecuting wrongdoers. Once a criminal complaint has been issued and you are a witness, you have an obligation to appear and testify when you are needed. This obligation is to your fellow witnesses, your fellow citizens, and the State which has now taken charge of the prosecution.

There are some situations which may make you hesitate or change your mind about coming to court to testify. If you have any doubts or problems about testifying, please call Victim/Witness Services at 278-4667 and discuss it with us.

WHY ARE THERE DELAYS IN HOLDING THE TRIAL?

The actual trial date may be postponed several times. The judge may allow these adjournments for many different reasons, such as: The defendant's attorney may ask for more time to prepare the case; an important witness cannot be located; the court's schedule presents a conflict.

Some of these adjournments come up at the last minute. We will do everything we can to let you know beforehand if your case will not go on as scheduled. This is not always possible, however, and we sincerely regret the inconvenience to you of an unnecessary trip.

Please call Victim/Witness Services at 278-4667 if there is anything we can do to help, and please let us know if your address or phone number changes during the course of your case.

If inconvenience and delay occur in your case, we hope this will not make you give up. The greatest tragedy is the case that is lost because a victim or witness drops out.

THE CRIMINAL JUSTICE PROCESS

Apprehension and Arrest of the Accused (defendant)

The criminal justice process starts after someone commits a crime, is identified as the probable offender, and is arrested.

Available evidence must ultimately be sufficient to prove beyond a reasonable doubt that the defendant committed the crime.



Charging Conference. Following the arrest of the accused by the police, the case is presented to the District Attorney or one of his assistants. The District Attorney and his assistants are the People's representatives in our system of criminal justice. This means that they speak for the victim of a crime. So, if you are the victim, you do not have to hire a lawyer to pursue criminal charges against the person who harmed you; the District Attorney will do that for you.

After reviewing the evidence in the case, discussing the case with the police, and interviewing witnesses, the prosecutor decides whether to do one of the following:

1. Issue a criminal charge against the accused person. This paper is called a Complaint.
2. Release the accused person because there is not enough evidence to write a complaint or successfully prosecute the case.
3. Divert the accused from the criminal justice system. This means that there is enough evidence to believe that the accused did commit a criminal act, and the defendant admits the crime; but because the accused is a first offender and the crime is not a major felony, the limited resources of the justice system would be better used if the accused did not have to go before a judge in a formal court procedure. So the case is held open — usually for six months — if the accused agrees to carry out a plan to help either the victim or himself. This is called informal probation. The conditions of this informal probation may be such things as making restitution (that is, paying back any damages), or getting psychiatric help. If the accused does not follow the plan, or commits another criminal act during the time of informal probation, the original charge may then be issued.

CRIMINAL COURT PROCEEDINGS

I (CASE ORIGINATION) (COURT PROCEEDINGS)

FELONY CASES – A felony is a crime punishable by imprisonment in a state prison, (this means in the vast majority of cases, any serious crime, a crime which calls for a jail sentence of one year or more).

DISTRICT ATTORNEY'S OFFICE

A police officer or citizen brings important witnesses and evidence to the District Attorney's Office and signs in. The case is reviewed by an Assistant District Attorney who, after hearing the facts, decides to issue a complaint. The complaint is then typed and signed.

CLERK OF COURTS OFFICE

The police officer, with the defendant in custody takes the complaint to the Clerk's Office where a court file is prepared. The officer then takes the defendant and court file to intake court and signs in.

CIRCUIT COURT Intake Court

At intake court, the defendant makes his or her initial appearance. The judge reads the complaint, sets bail, and appoints an attorney if the defendant is indigent. The officer and the defendant then go to the Preliminary Hearing court where a date will be set for a Preliminary Hearing.

CIRCUIT COURT Preliminary Hearing Court

In felony cases, a Preliminary Hearing must be held within 10 days of the defendant's initial appearance if s/he is in custody, or within 20 days if s/he has been released on bail. The judge hears enough testimony to decide if the State has probable cause to believe a crime was committed and the defendant probably committed it; if the judge feels the State has enough evidence to make the defendant stand trial, the case is "bound over," for trial in the Circuit Court.

CIRCUIT COURT Trial Court

The defendant next appears in court for the arraignment at which time the defendant pleads guilty or not guilty and can assert his right to request a jury trial. The judge then sets the next court date.

There may be several court dates for Motion Hearings on various legal issues. After all motions are heard, the court will set a date for a trial or a guilty plea. If the defendant is found guilty, sentencing may take place on the same date or may be set for a later date.

II MISDEMEANOR CASES – A Misdemeanor is every crime that is not a felony (does not call for imprisonment in the state prison).

DISTRICT ATTORNEY'S OFFICE

A police officer or citizen brings important witnesses and evidence to the District Attorney's Office and signs in. The case is reviewed by an Assistant District Attorney who, after hearing the facts, decides to issue a complaint. The complaint is then typed and signed.

CLERK OF COURTS OFFICE

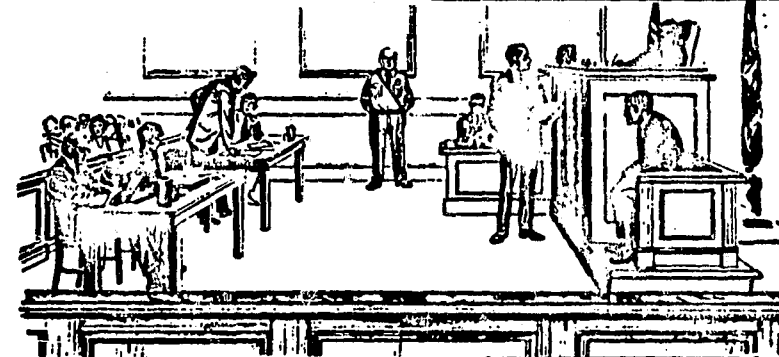
The police officer, with the defendant in custody, takes the complaint to the Clerk's Office where a court file is prepared. The officer then takes the defendant and court file to intake court and signs in.

CIRCUIT COURT Intake Court

At intake court, the defendant has his or her initial appearance. At the initial appearance, the judge reads the complaint, finds probable cause that a crime was committed and the defendant probably committed it, sets bail, takes defendant's plea of guilty or not guilty, appoints an attorney if the defendant is indigent and sets a trial date.

CIRCUIT COURT Trial Court

There may be a court date set for a Motions Hearing on various legal issues. After all motions are heard the court will set a date for a trial or a guilty plea. In misdemeanor cases, the date of the trial must be within 60 days of the defendant's initial appearance unless s/he has asked for a delay.



CASE DISPOSITIONS — Actions and Results

1. The defendant may be found guilty after a trial. This may be a jury trial or a trial decided by a judge without a jury. Every defendant has a right to a jury if s/he so requests.
2. The defendant may plead guilty to the charge. In this case, there is no need for a trial and the judge will sentence the defendant at that time or set a date for sentencing.

The accused may be allowed to plead guilty to a less serious charge. This can happen for any one of many reasons, such as:

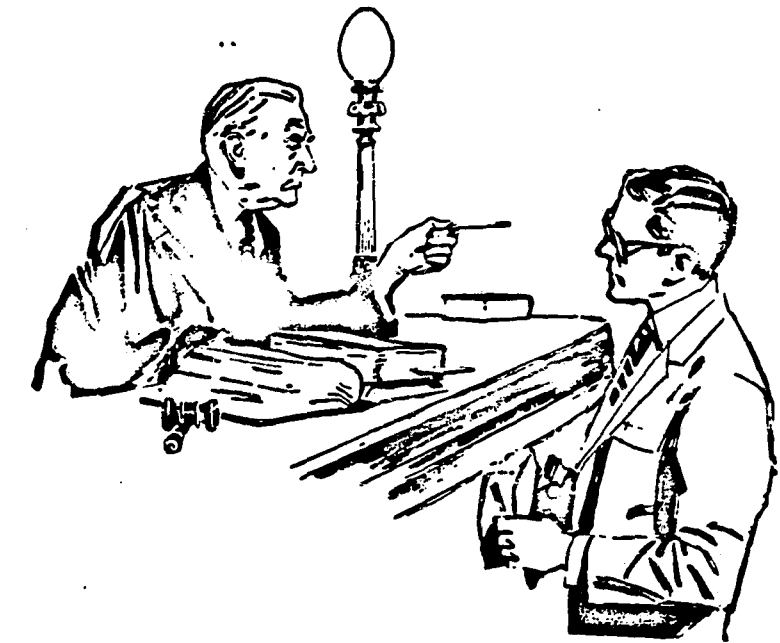
- The accused helped the police solve other crimes.
- A key witness died or is very sick.
- It would be difficult to prove the original charge.

The guilty plea may come at the last minute, just before a scheduled trial. This may be because the defendant is hoping that you, the witness, will not show up; without your willingness to testify, the case could be dismissed.

3. The defendant may be found not guilty (acquitted) by a jury or a judge. You may feel that justice has failed if the defendant is acquitted when you are certain s/he is guilty. But it is important to remember that our system of criminal justice calls for proof beyond a reasonable doubt in order to convict someone in a criminal case. However strong the evidence seems to you, it may not be enough to remove all doubt from the minds of the judge or the jury. You would want that same protection for yourself if you were the accused.
4. The case may be dismissed or dropped for many different reasons such as:
 - a. Problems with a witness. (A witness needed by the prosecution did not show up.)
 - b. Problems with evidence. (Some technical evidence is missing or insufficient, or the court has ruled that it was illegally seized by the police and cannot be used by the prosecutor.)
 - c. The case was combined with other charges against the defendant, in this county, or in some other city or state.

None of these reasons mean that you, the witness, are unimportant or unnecessary or that your willingness to testify is not appreciated.

REMEMBER THAT YOUR PRESENCE AND WILLINGNESS TO TESTIFY MAY BE THE DECIDING FACTOR IN DETERMINING THE OUTCOME OF THE CASE.



SENTENCING

A defendant who has been found guilty or has pled guilty will then be sentenced by the judge.

1. The defendant may be sentenced to jail.

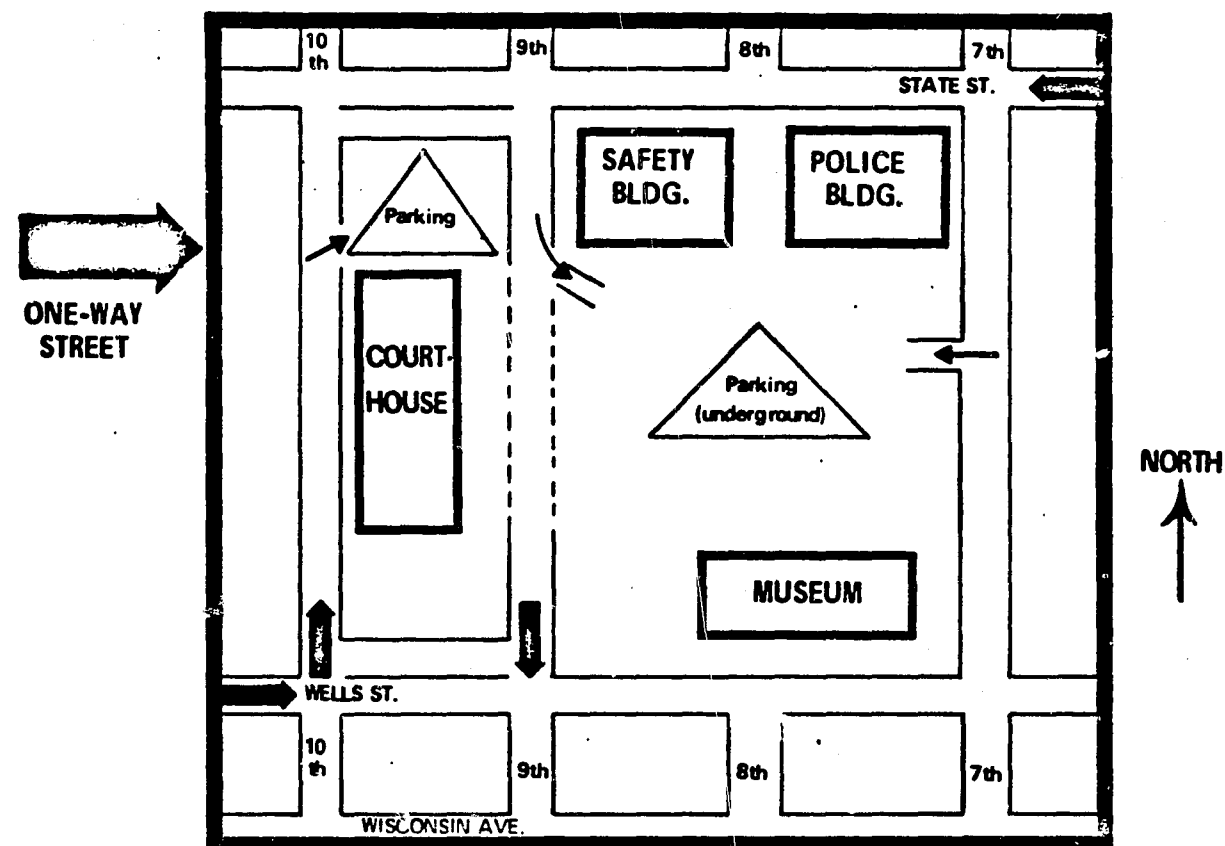
Huber privileges may be part of a defendant's jail sentence. This means that s/he may leave the jail during work or school hours to continue working or attending school.

2. The defendant may be placed on probation. Probation provides controls, supervision, and rehabilitation for defendants whom the judge believes will not commit another criminal act.

Being placed on probation allows a defendant to keep working or to look for a job so that s/he, and his or her family, will not have to be supported at public expense. This also gives the defendant a chance to make restitution if any damages were suffered by the victim of the crime.

The defendant must report to a probation agent regularly and must follow rules set down by the agent. If the defendant does not follow the rules and conditions of the probation, s/he may have to go back to court. The judge may then revoke the probation and send the offender to jail.

3. A defendant may be ordered by the court to pay court costs and/or a fine.



END

BUS ROUTES:

Wells Street #10
 Wisconsin Avenue #12, #20, #23, #30, #31
 and #10 Westbound
 State Street #71