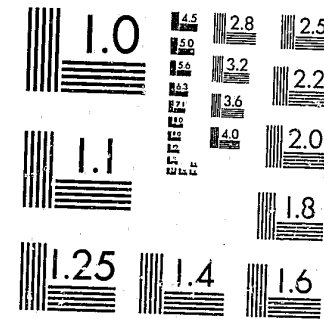


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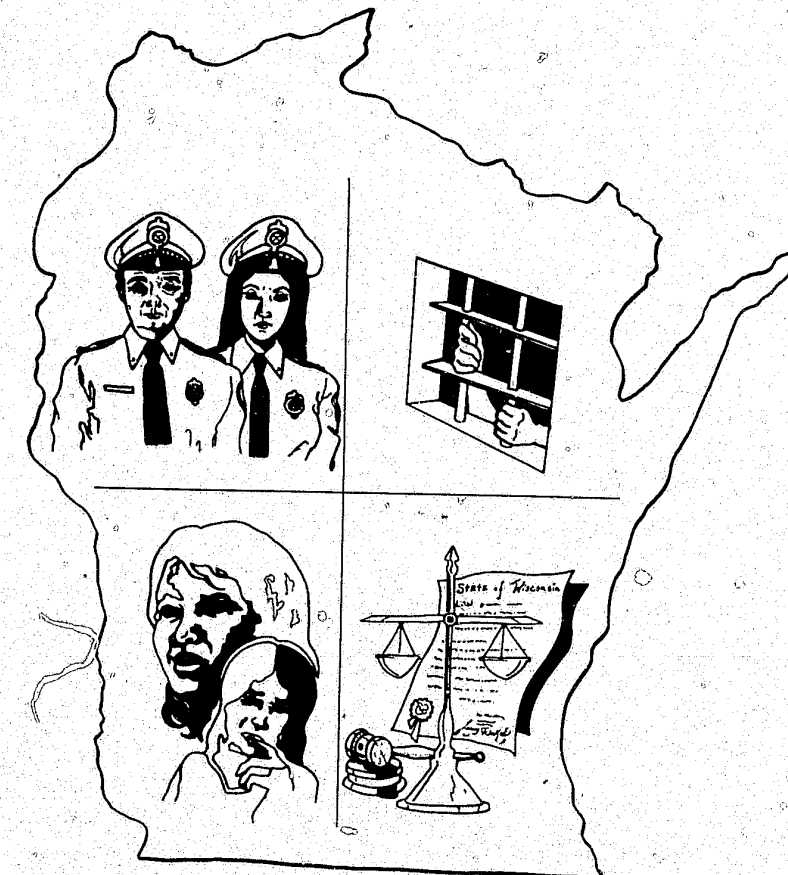
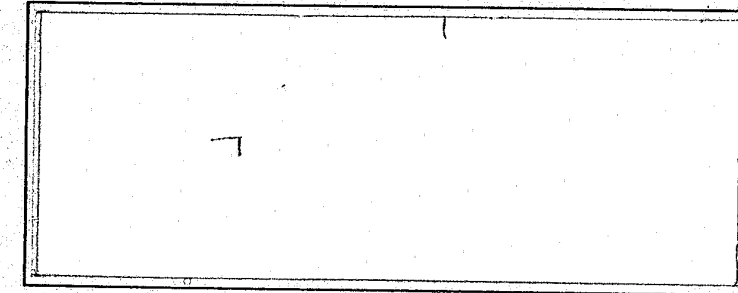
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State of Wisconsin \ OFFICE OF THE GOVERNOR

WISCONSIN COUNCIL ON CRIMINAL JUSTICE



PROGRAM EVALUATION REPORT

77197



State of Wisconsin \ OFFICE OF THE GOVERNOR

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CHARLES M. HILL, SR.
EXECUTIVE DIRECTOR

Patrick J. Lucey
Governor

Monitor Report

City of Milwaukee/City Attorney
City Intern Project

#76-06-9-MM-2594-5

written by Melanie Foxcroft

Wisconsin Council on Criminal Justice
April 1977

U.S. Department of Justice
National Institute of Justice

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ACQUISITION

EXECUTIVE SUMMARY

The grant funded two interns at the Milwaukee City Attorney's Office; a total of three interns have occupied the position; two white and one Spanish American male law students at Marquette University. The two interns who completed a questionnaire reported being satisfied with the intern experience overall, and the project supervisor also reported being very satisfied with the project.

Project Long-Term Expectation number one was partially met; number two was fully met (see Section VIII). All short-term expectations were partially met with the exception of number two. The staff time in the City Attorney's office freed up by the interns was apparently used to handle civil cases for the Milwaukee Police Department, rather than used to increase the quality and quantity of criminal justice cases handled by the City Attorney's office.

In addition, project fulfillment of Special Condition number one could not be substantiated; the subgrantees failed to collect the full range of data requested by the Program Evaluation Section (PES) in order to determine whether the Special Condition had been met, due to a misunderstanding, although it appears that the condition probably was fulfilled. All other special conditions were fulfilled (see Section IX).

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I. Background Information

Grantee: City of Milwaukee / City Attorney
 Project: City Intern Project
 Grant Number: 76-06-9-MM-2594-5
 Project Period: June 1, 1976 to May 31, 1977
 Budget:

Local Cash Match	\$1,072
State Buy In	306
Federal Funds	<u>5,513</u>
Total	\$6,891

Project Supervisor: David A. Felger, Deputy City Attorney

II. Method Used to Monitor Project

An on-site visit was made to the Milwaukee City Intern Project in July of 1976 to revise goals and objectives and set up a data collection system. It was requested that the interns funded under the grant complete a daily Activity Log Form and count the ordinances and number of cases worked on for the duration of the grant. Both interns and the project supervisors were requested to complete a written evaluation of their experiences with the grant.

The data collected by the subgrantee relating to the interns' activities and cases worked on was not as extensive as the Program Evaluation Section (PES) had requested. The Activity Log Forms were requested to be used for the entire grant period, but due to a misunderstanding, these were used for only one (1) month by an intern and one and one-half (1½) months by the other. In addition, a clear separation of activities was not maintained; for example, "legal research" and "other research" were not itemized separately, so that a clear assessment of activities is not possible in all cases. Further, one intern failed to report the number of cases handled. There were some indications that the Activity Log forms were not conscientiously maintained; for example, the Activity Log forms were duplicated by one intern for two days, but the forms showed different activities for the duplicated dates.

The subgrantee submitted a supplementary report detailing the number and disposition of cases handled by the interns between October, 1976 and March, 1977. This was used to monitor the grant, although the full range of information originally requested was not available.

This monitor report is based entirely upon information provided by the subgrantee and the interns; the information has not been verified, nor has impact data been collected.

III. Overview of Project Operations

A. Recruitment and Selection

The project funds enabled two interns to be hired simultaneously during the grant period, each working approximately twenty (20) hours per week during the academic year, full time during the summer semester. According to the project supervisor, interns were recruited by an announcement appearing on bulletin boards at the Marquette University Law School for the Summer Semester of 1976. Approximately twenty (20) applications were received, seventy-five percent (75%) from male law students, twenty-five percent (25%) from female law students. The position was offered to one male and one female student; the female

student declined the offer to accept another position, and the position was offered to a male student. One of these interns resigned in October, 1976, and the vacant position was filled by a male student. Two white and one Spanish American male law students have occupied the intern positions. The project supervisor stated that no special effort was made to recruit women or minority students.

B. The "Moot Court"

During the summer of 1976 (mid-June until mid-September), the interns were used as "judges" in an experimental "moot court" program which dealt with neighbor dispute problems, usually involving allegations of disorderly conduct, vandalism or pet violations of a criminal nature.

The "moot court" was a mock court outside the regular criminal justice system; however, the neighborhood complaint cases heard would have been handled by the City Attorney if the "moot court" were not in operation. The "moot court" was held three nights each week from 6:30 to 9:00 pm. throughout the summer, when neighbor complaints usually peak in the City Attorneys office.

The role of the interns was essentially to interview the complainant and the alleged offender prior to the filing of a complaint for prosecution. The "moot court" did not have the legal authority to make convictions; the "court" relied upon the formal setting and procedures to encourage the parties to resolve their problems. The "moot court" acted primarily as a screening mechanism to determine the prosecutive merit of cases. The interns were involved almost exclusively in the "moot court" during the summer months; however, when a case was not resolved in the "moot court" and was subsequently prosecuted, the interns became involved in prosecution of the case in trial court according to the project supervisor. Interns were also apparently given the opportunity to observe jury trials. No data on the number, type and disposition of the neighborhood dispute cases handled by the interns was provided.

C. The Battered Women Tribunal

As of September, 1976, the City Attorney's Office began handling husband and wife battery cases, formerly handled by Project Turnaround until funding for that project was cut. The interns were assigned to the battery cases almost exclusively, in an early evening tribunal "court" and a new Saturday tribunal "court" program operated in conjunction with Marquette Law School.

The "courts" were "mock" courts. They consisted of the two interns funded by WCCJ, plus one to three Marquette University law students funded under other programs, hearing the arguments of the defendant and the complainant in a tribunal setting. The interns did not have legal authority to make convictions as in the "moot court." The interns had a variety of dispositions at their disposal including referral to counseling, reaching a mutual agreement between the parties, or referring for prosecution.

An assistant City Attorney screened complaints by battered women; in case of serious injury, threats of death or great bodily harm, or if the offender had a past record of violence, the case was reported to the District Attorney; all other serious cases were scheduled for a hearing at the Marquette University Law School, to be heard by a tribunal consisting of the two interns funded by the WCCJ grant, and one to three female law students funded by CETA. The predominance of women on the tribunal was intentional, to better represent women complainants/victims. The hearings were scheduled in the early evening hours Monday through Thursday and Saturday afternoons, times judged to be more convenient to the families involved. All parties to the problem were usually required to be present.

The interns were supervised initially by an assistant city attorney at the night and Saturday courts, but not thereafter.

Limited data on the battered women cases handled by the Marquette University Tribunal was provided by the sub-grantee. Chart I shows that for the seven-month period September, 1976 to March, 1977, a total of 323 battered women cases were heard by the tribunal. Of these, fifty-five (55%) percent were dismissed prior to the conference, by the complainant, by the issuing of a summons, warning letter or warrant, or by both parties. Thus high percentage may be attributed in many cases by the unwillingness of the complainant to continue the action.

Forty-two percent (42%) of the cases scheduled, which represents ninety-four percent (94%) of cases heard by the tribunal were settled without prosecution by reaching a mutual agreement between the parties, issuing a stay-away order, or holding the case open temporarily with certain conditions attached. Of the cases held open, thirty-four percent (34%) involved referral to counseling

as a condition of holding the case open. The remainder usually involved the condition that no further battery occur during a specified time.

Three percent (3%) of cases scheduled, or six percent (6%) of cases heard by the tribunal, resulted in subsequent prosecution of the complainant.

The interns were involved in prosecution actions, acting as an assistant to the complainant by leading the complainant through the steps required for prosecution of the case. The percent of battered women complaints received by the City Attorney's Office which were handled by the tribunal cannot be determined, due to limited data.

In addition, an assessment of the effectiveness of the tribunal cannot be made given the data provided, and given that no follow-up of cases has been systematically conducted by the subgrantee.

D. Press Coverage

The neighborhood dispute "moot court" and the battered women tribunal received favorable press coverage in "The Milwaukee Journal" (articles appearing on 6/16/76 and 9/12/76), in "The Milwaukee Sentinel" (8/11/76) and in "Marquette Today" (September 1976 issue). These articles reported the "moot court" and the battered women tribunal programs were performing a very useful community service.

The project supervisor plans to discontinue the battered women program after May, 1977, due to an increase in neighborhood dispute cases during the summer months such as disorderly conduct, vandalism and pet violation offenses. The interns will be assigned to the neighborhood dispute cases approximately fifty percent (50%) of their time, (the "moot court" program), and will be assigned to interview battered women complainants for the remainder of their time.

IV. Activities Performed by the Interns

Chart II shows the activities performed by the interns for a sample period of September to October, 1976. During this period, the interns reported that ninety percent (90%) of their time was spent interviewing alleged violations, witnesses and complainants/victims. Most of this time both parties relevant to the complaint were present. Legal and other

research accounted for three percent (3%) of the interns time, while case preparation accounted for five to nine percent (5-9%) of their time.

Chart III shows that eighty-three (83%) of the ordinance violation cases the interns handled during the sample period were assault and battery or disorderly conduct charges. Eleven percent (11%) related to animal violations; a variety of other ordinance violations were also handled. All ordinances reported on the Activity Log Form involved city ordinances which serve as alternative to state (criminal) charges with the exception of three percent (3%) of cases where the ordinance involved was not reported. "Traffic" cases accounted for eleven percent (11%) of the cases worked on during September by the one intern who provided a case count (see Chart IV). However, the project supervisor reported that all such cases would have been ordinances serving as alternatives to state (criminal) charges.

The representativeness of the sample period reported upon by the interns cannot be assessed accurately; however, the project supervisor reported that the interns were involved in the same type of activities throughout the grant period.

V. Intern's Assessments of the Project

Both interns commented very favorably about the program. One stated the internship was "invaluable"; the other stated the internship "surpassed (my) expectations." Both reported the internship gave them a great deal of practical experience in courtroom and trial practices and the law; both reported increased confidence in courtroom practice and greater understanding of the law, despite the fact that they gained little actual experience in the criminal justice system.

The two interns reported their activities were challenging, diverse and satisfying, but that the demands placed upon them were within their capabilities. Both reported having an "excellent" relationship with their supervisor, and good orientation to their work and explication of the relevant procedures.

Both interns reported they would recommend the internship to a fellow law student.

Improvements in the program suggested by the interns were:

1. the inclusion of jury trial experience in the program (recommended by two interns);
2. that school credit be given for the experience (one intern);
3. that wages paid to interns be increased (one intern);
4. that the interns be involved more fully in other aspects of city government, e.g., aldermanic meeting (one intern);
5. that interns be allotted more office space (one intern); and

6. that the internship should lead to full time employment (one intern).

VI. Project Supervisor's Assessment

The project supervisor reported that the night and Saturday court neighbor dispute and battered women programs, staffed by the interns were "extremely beneficial" to the City Attorney's Office; these two programs alleviated the case-load of office staff, and enabled the dispute and battered women cases to be heard at times that were more convenient for the parties concerned, i.e., evenings and Saturdays.

The project supervisor reported it was originally anticipated the interns would be used for court work, but the neighbor dispute and battered women programs were found to have a higher priority.

The project supervisor reported the interns had done an "outstanding job," and had improved the quality of services available to battered women. The supervisor did not feel any improvements were needed in the program.

VII. Project Progress Made Towards Meeting Goals and Objectives of the Grant

Goals and Objectives	Project Progress
Long Term Expectations	Partially Met
1. to increase the competence and experience of law students by providing them with actual experience of the criminal justice system in the city of Milwaukee, and	From comments made by the interns, the internship provided an interesting and practical experience; however, little trial or intake court experience was gained by interns due to their extensive involvement in the Battered Women tribunal and "moot court." No jury trial experience was gained, although the interns were given limited opportunities to observe jury trials. Thus the experience and training provided appears to have been somewhat limited in scope as regards direct criminal justice system experience.
2. to decrease the criminal justice caseloads of prosecutors on cases relating to violations of city ordinances which serve as alternatives to state charges.	Fully Met The interns handled approximately 150 Battered Women or neighborhood dispute cases per month, which would otherwise have been handled by the City Attorney's Office staff attorneys. In addition, one staff attorney was transferred to City Hall to represent the Milwaukee Police Dept. on civil suits; Mr. Felger stated this was possible only because the interns freed up the time of the prosecutors on the Battered Women and neighborhood dispute cases.
Short Term Expectations	Partially Met
1. to decrease the amount of time prosecutors in the City of Milwaukee spend on criminal justice research, and	Although the interns spent a small proportion of their time during the sample period performing research (3%), the project supervisor stated the research did reduce the amount of time the prosecutors spent on research. It appears that some of the research performed by the interns may not have been criminal justice related although the exact amount was not reported.
2. to free up the time of the City Attorney so as to increase the quality and quantity of criminal justice cases handled by prosecutors.	Not Met Although it appears that the interns did free up the time of staff attorneys in the City Attorneys Office, the additional prosecutorial time created was apparently used to handle civil suits for the Milwaukee Police Dept., rather than used to increase the quality and quantity of criminal justice cases handled by the City Attorney's Office.

Goals and Objectives	Project Progress
3. to provide two students with practical experience and training in the criminal justice system.	Partially met (see long term expectation #1)

Condition	Progress Made
Project intern shall handle only cases which are in the nature of a criminal action. Research, briefing and drafting shall be restricted to activities directly related to the criminal justice system. Traffic matters which would be non-criminal if prosecuted under Chapters 341-348 Wis. Stat. (1973) are not in the nature of criminal actions. Court appearances by interns shall be scheduled so as to maximize their exposure to misdemeanor type forfeiture actions. Traffic cases shall be handled only to the extent that they are interspersed with the latter cases.	Data Insufficient to Verify It appears that while the interns primarily handled cases which were in the nature of a criminal action, a few cases (an estimated five to ten cases) were not. This information was provided from interviews. The Activity Log Forms designed to capture such information were only completed by the interns for 1 1/2 months of the entire grant period.
The project shall work with WCCJ regional and state staffs to develop and establish quantified goals and objectives within 60 days of the commencement of the project.	Goals and objectives were revised within 60 days.
Interns shall practice law only as provided under the Student Practice Rule, specifically a supervising attorney shall be present whenever an intern appears in court, unless the Supreme Court or the Attorney General determines a more general supervision is lawful.	Appears to have been met. The project supervisor stated that an Assistant City Attorney was present whenever an intern appeared in court; the project supervisor was not usually present. An Assistant City Attorney was present initially during the tribunal hearings of the battered women cases, but not subsequently.

CHART I

Disposition of Cases
Battered Women Tribunal
(Marquette University)
September 1976 to March 1977

	Total # Cases Scheduled	Total # Cases Heard	Total # Cases Dismissed	Settled Without Prosecution					Referred to C.J. Sytem for Action			
				Mutual Agreement Between Parties	Stav Away warning Letters	Held Open		Sub- Total Settled Without Prosecut:	D.A.'s Office	Municipal Court	Other	Sub- Total Referred to CJ System
						Referred for Counseling	No Counsel- ing					
September	*	*	*	1	7	0	0	8	*	0	0	*
October	87	36	51	16	14	7	13	50	1	2	0	3
November	106	63	43	14	10	6	9	39	1	0	0	1
December	6	1	5	*	*	*	*	*	0	0	0	0
January	24	6	18	*	*	*	*	*	*	*	0	*
February	48	18	30	5	6	3	5	19	2	2	0	4
March	52	20	32	5	0	4	11	20	0	1	0	1
Total #	323	144	179	41	37	20	38	136	4	5	0	9
%	100%	45%	55%	13%	11%	6%	12%	42%	1%	2%	0%	3%

*detailed information not provided

Chart II
Milwaukee City Interns
Activities Performed
Sample Period September - October 1976

Activity Reported	minutes	%
Interviewing alleged violator, witness and complainant	3855	42%
Interviewing alleged violator and complainant	2145	23%
Interviewing witness and complainant	675	7%
Interviewing (unspecified)	510	6%
Case Preparation	450	5%
Interviewing and Case Preparation	330	4%
Interviewing complainant and victim	280	3%
Legal and Other Research	270	3%
Interviewing complainant	180	2%
Interviewing alleged violator and victim	210	2%
Interviewing witness	135	1%
Interviewing complainant and psychiatrist	60	1%
Unreported Activities	60	1%
Dictating	30	0%
TOTAL	9180	100%

Chart III
Milwaukee City Interns
Time Allocated to Various City Ordinances
Sample Period September - October 1976

Ordinance Reported	minutes	% of time
assault and battery	4170	45%
disorderly conduct	2520	30%
assault, battery/disorderly conduct	726	8%
allowing dog to run	459	5%
barking dog	306	3%
harboring vicious animal	258	3%
unreported	255	3%
vandalism	90	1%
obscene phone calls	60	1%
obscenity	60	1%
contributing to delinquency of minor	30	0%
indecent exposure	30	0%
fraud of innkeeper	30	0%
TOTAL	9180	100%

Chart VI
Milwaukee City Intern Project
Case Count (one intern)*
September 1976

Category of Case	# Cases Reported	%
traffic violation	11	13%
violation of city ordinance serving as alternative to state charge	71	87%
violation of city ordinance not serving as alternative to state charge	-0-	-0-
TOTAL	82	100%

*one intern provided insufficient information

END