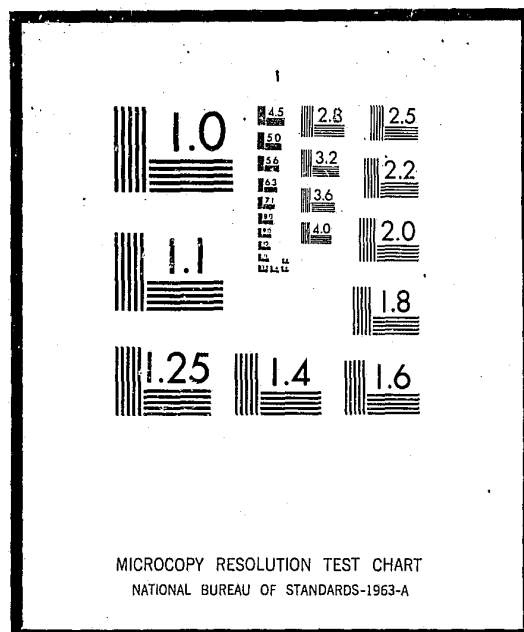


# NCJRS

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U.S. Department of Justice.

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

Date filmed

6/12/75

## LEGAL AIDES FOR POLICE

### INTERIM EVALUATION REPORT

JULY 1, 1973 - DECEMBER 31, 1973

Funded: March 26, 1973

#### I. Problem

Failure to prosecute many of the cases filed by the Dallas Police Department can be attributed to inadequate investigative efforts and deficient reporting of the results of those efforts.

Examples of this problem may be seen by examining the no-bill rate and the dismissal rate. According to police records, of approximately 12,600 Dallas Police Department cases considered by the Dallas County Grand Jury during 1971,\* 3,657 (29%) were no-billed. The Dallas County Court Disposition Report indicates that of the 4,214 Part I Index offenses disposed of by felony courts in 1971, 1,101 (18.1%) were dismissed following indictment. The Legal Aides for Police Impact Project has been designed to increase the effectiveness of the Dallas Police Department in the prevention, detection, investigation, and prosecution of stranger-to-stranger crimes by interfacing the police function more efficiently with other agencies in the criminal justice system - specifically the Office of the District Attorney - and to directly reduce such crimes by legal aid and advice to enforcement personnel.

#### II. Project Implementation

The grant period for the first year of operation of "Legal Aides for Police" was amended to begin March 26, 1973 rather than January 1, 1973. The reason for the later implementation date was that the grant was dependent upon the creation of four new personnel positions and the hiring of four Assistant City Attorneys for these positions as well as being dependent upon procurement of furniture and equipment, and the availability of office space; none of these actions could be taken without receipt of the grant funding. Therefore, allowing one month for "gear-up" activities (March 1, 1973-April 1, 1973) and because the first quarterly report submitted to the Dallas Area Criminal Justice Council was for the period April-June, 1973, the project operational periods will be as follows:

Quarter 1: April 1, 1973-June 30, 1973  
Quarter 2: July 1, 1973-Sept. 30, 1973  
Quarter 3: Oct. 1, 1973-Dec. 31, 1973

During the period October 1 through December 31, 1973, grant attorneys reviewed 4,226 prosecution reports (the Dallas Police Department files a formal prosecution report with the District Attorney in each felony and misdemeanor case), for legal sufficiency which related to all types of criminal offenses.

\*1971 figures are used here rather than 1972 figures because at the time of writing of the original grant (late 1972), 1972 figures had not been completely compiled. Consequently, the project objectives were set from 1971 figures.

15691

### III. Training

A. Instruction by Grant Attorneys: Grant Attorneys completed instruction to 2,500 Police Department employees (all sworn officers and non-sworn personnel) in all aspects of the new Texas Penal Code, Family Code, and Controlled Substance and Dangerous Drug Acts during this reporting period. Nine thousand two hundred sixty-eight (9,268) manhours of training were given to police personnel in October, eight thousand nine hundred eighty-eight (8,988) manhours of training were given in November, and five thousand one hundred eighteen (5,118) manhours of training were given in December for a total of 23,374 manhours of training given during this reporting period to sworn, non-sworn, and civilian police personnel. Training was completed as planned on December 27, 1973. Classes were taught six (6) days a week, eight (8) hours a day. Grant Attorneys taught a minimum of ten (10) of the 16 hours of instruction provided; non-grant attorneys usually taught six (6) hours of the 16 hours.

B. Instruction Received by Grant Attorneys: During the period December 3-7, 1973, 2 Grant Attorneys attended the Police Legal Officer Training Program given by the International Association of Chiefs of Police in New Orleans, Louisiana. This program consisted of approximately 40 hours of training relating to aspects of police operations wherein legal assistance may be required. The remaining two (2) Grant Attorneys will attend a similar course of instruction in early 1974.

### IV. Evaluation Analysis (reporting period: 3rd Quarter - Oct. 1, 1973 - Dec. 31, 1973)\*

#### Operational Periods:

- Quarter 1 - April 1, 1973 - June 30, 1973
- Quarter 2 - July 1, 1973 - September 30, 1973
- Quarter 3 - October 1, 1973 - December 31, 1973

A. Project Objective I: Reduce the rate of "no bill" actions by the Dallas County Grand Jury in Part I Index Crimes - specifically, stranger-to-stranger crimes - from the current rate (as of January 1, 1973) of approximately 30%\* to a maximum of 20% within three years; 2% the first year, 4% the second year, and 4% the third year.

1. Indictments: Grand Jury reports for the third quarter, October 1, 1973, through December 31, 1973, show that 2,125 cases filed by the Dallas Police Department were disposed of by the Grand Jury during this reporting period; 1,410 of these cases were Part I Index Crime Cases (Including Impact Cases). Of these 1,410 cases, 1,069 produced true bills which is equivalent to a true bill rate for all Part I Index Crimes of 75.82% (1,069 ÷ 1,410). The overall true bill rate for the third quarter was 80.75% (1,716 ÷ 2,125).

\*The third reporting period is emphasized in this interim report because an evaluation report covering only the 2nd Quarter has already been submitted.

2. No Bills - Part I Index Crimes: During the third quarter, a total of 341 Part I Index Crime Cases (including Impact cases) were no billed by the Grand Jury; this constitutes a no bill rate of 24.18% (341 ÷ 1,410). The overall no bill rate was 19.25% (409 ÷ 2,125).

3. Indictments and No Bills - Impact Only: Examination of indictments for Impact offenses indicates that for the 706 cases heard by the Grand Jury during the third quarter, 558 of these were true billed which equals a true bill rate of 79.0% (558 ÷ 706); 148 of the total 706 cases were no billed which equals a no bill rate of 21.0% for the third quarter (148 ÷ 706). The overall Impact true bill rate was 26.26% (558 ÷ 2,125) and the overall Impact no bill rate was 6.96% (148 ÷ 2,125).

4. Uncontrollable No Bills: It was realized, soon after project implementation, that many of the no bills were returned for reasons which were beyond police control, i.e. defendant death. Consequently, primary emphasis was placed on no bills which were directly attributable to police error as these were considered to be more accurate measures of achievement regarding the overall reduction of no bills. For example, examination of the 341 no bills returned during the third quarter for all Part I Index Crimes (including Impact) revealed that 185 of these no bills were not attributable to police error; a breakdown of the 185 cases, by reason and number, is presented in Table I. Hence, the actual police-generated no bill rate for Part I Index Crimes (including Impact) was 11.06% for the third quarter. The overall police-generated no bill rate was 7.34% (341-185=156) (156 ÷ 2,125 = 7.34%).

TABLE I

#### NO BILLS NOT ATTRIBUTABLE TO POLICE ERROR

Affidavit of non-prosecution filed by complainant. . . . .	94
Complaining witness did not appear . . . . .	73
Re-indictment. . . . .	1
Restitution made . . . . .	2
Defendant under physician's care . . . . .	2
Passed Polygraph . . . . .	1
Defendant no billed at request of police department. . . . .	7
Defendant deceased . . . . .	4
Complainant married defendant. . . . .	1

185

In Table II, a comparison is made between true bill and no bill statistics for all Part I Index Crime Cases during the 2nd and 3rd quarters of project operation. After careful examination of the statistics presented in Table II, a slight, but possibly significant inverse correlation appears in the Impact category. More Impact cases were heard during the third than in the second quarter; likewise, numerically, more cases were returned as true bills and more were returned as no bills in the 3rd than in the 2nd quarter. Yet percentage-wise the 3rd quarter figures actually represent a decrease in the proportion of Impact no bills from the 2nd quarter Impact no bill rate. Although the percentage decrease

for Impact no bills is slight and although conclusions drawn from such small numbers, i.e. <1,000 should be, at best, tenuous, the decreased no bill rate for the Impact category should not be unequivocally dismissed as insignificant.

TABLE II\*

TRUE BILL-NO BILL: 2nd and 3rd Quarter Comparison for all Part I Index Crimes

	True Bills	No Bills	Total Cases	Total No. of DPD Cases Disposed of by Grand Jury
Part I Index (less Impact)				
2nd Quarter	581(68.43%)	268(31.57%)	849	-----
3rd Quarter	511(72.59%)	193(27.41%)	704	-----
Impact				
2nd Quarter	466(78.00%)	121(22.00%)	597	-----
3rd Quarter	558(79.00%)	148(21.00%)	706	-----
Part I Index (including Impact)				
2nd Quarter	1,047(72.41%)	399(27.59%)	1,446	2,471
3rd Quarter	1,069(75.28%)	341(24.18%)	1,410	2,125

B. Project Objective II: To reduce the number of cases dismissed after indictment or the filing of a complaint-information in major misdemeanor cases,\*\* in stranger-to-stranger crimes, from approximately 18% to a maximum of 12% in three years; 2% the first year, 2% the second year, and 2% the third year.

1. During the third quarter, the "Cases Disposed of Report" prepared by the Clerk of Courts shows that 1,727 cases filed by the Dallas Police Department were disposed of; of this total, 1,260 cases resulted in guilty pleas, 124 were trial convictions, and 343 cases were dismissed. Of the total 343 dismissals for this quarter, 194 were Impact and Part I dismissals, hence the average dismissal rate for Impact and Part I categories alone during the third quarter was 11.23% (194 ÷ 1,727).

During the second quarter (July 1 through September 30, 1973), the "Cases Disposed of Report" shows that 1,099 cases filed by the Dallas Police Department were disposed of; of this total 777 cases resulted in guilty pleas, 105 were trial convictions, and 217 cases were dismissed. Of the total 217 dismissals, 128 of these were Impact and Part I dismissals which equals an average quarterly dismissal rate of 11.65% (128 ÷ 1,099).

\*First quarter statistics (April 1, 1973-June 30, 1973), are not available in this breakdown.

\*\*The phrase "complaint-information in major misdemeanor cases" appears in objective 2, because under the old Texas Penal Code (prior to January 1, 1974), assaults were classified as major misdemeanors.

Table III\* shows a comparison of 2nd and 3rd quarter Impact and Part I dismissals.

TABLE III

COMPARISON OF DISMISSALS - 2nd and 3rd Quarter

	Impact	Percent of Monthly Total	Part I	Percent of Monthly Total	Total
July	17	34.69%	25	51.02%	42
August	9	12.16%	33	44.59%	42
September	5	5.32%	39	41.49%	44
QUARTER 2	31		97		128
October	9	8.41%	49	45.79%	58
November	12	13.95%	38	44.19%	50
December	1	.67%	85	56.67%	86
QUARTER 3	22		172		194

Table IV gives the reasons for Impact and Part I dismissals during the third quarter.

TABLE IV

REASONS FOR DISMISSALS - 3rd Quarter

	IMPACT	PART I
Plead guilty to another offense. . . . .		2
Duplicate filing . . . . .		4
Restitution made . . . . .	1	9
Re-indictment. . . . .	4	29
Affidavit of non-prosecution filed by complainant. . . . .	6	41
Defendant deceased . . . . .		5
Defendant in penitentiary on other conviction. . . . .		7
Complaining witness (out of state, unable to locate, failed to appear, unable to testify). . . . .		27
Dismissed at request of Dallas Police Department . . . . .		2
Tried as a city case . . . . .		
Insufficient Evidence. . . . .	5	18
Wrong man. . . . .	1	
Dismissed at request of DPS. . . . .		1
Bad warrant. . . . .		1
Failed polygraph . . . . .		1
Unable to prove prima facie case . . . . .		1
Defendant already convicted on same or same facts for another offense. . . . .		1

\*First quarter (April 1, 1973-June 30, 1973), dismissal statistics are not available in this breakdown.

	IMPACT	PART I
Insane . . . . .		4
Affidavit for dismissal . . . . .		1
Mother of complaining witness did not want to prosecute . . . . .	1	
Not guilty . . . . .	1	1
Complainant gave affidavit stating that he gave defendant permission to enter property . . . . .	1	
Judge gave instructed verdict . . . . .	2	
Complaining witness did not want to prosecute . . . . .		1
Improper charge/case refiled . . . . .		1
Subject died from narcotics not murder . . . . .		1
Motion to suppress/evidence granted . . . . .		
Substance proven not to be heroin . . . . .		
Bad indictment . . . . .		
Defendant committed suicide . . . . .		
Husband said marijuana was his and wife didn't know it was in the house . . . . .		
Bad search warrant . . . . .		
Re-filed . . . . .		
Case 4 1/2 years old . . . . .		2
Change in law/no longer an offense . . . . .		
Motion to suppress granted . . . . .		
TOTAL = 194		

2. Adjustments have been made for those dismissals which cannot be attributed to police error; for the 194 Part I and Impact dismissals, 42 are directly attributable to police error. Hence the actual police-generated dismissal rate for this reporting period was 2.43%. Table V gives the numbers and types of police errors for each month of the third quarter.

TABLE V  
DISMISSALS ATTRIBUTABLE TO POLICE ERROR

	OCTOBER		NOVEMBER		DECEMBER	
	Impact	Part I	Impact	Part I	Impact	Part I
Duplicate filing	--	4	--	--	--	--
Insufficient evidence	4	5	--	--	--	--
Motion to suppress/Illegal search	--	--	--	--	--	--
Juvenile offender	--	--	--	--	--	--
State unable to prove prima facie case	--	1	1	3	--	--
Duplicate indictment	--	--	--	--	--	--
Wrong man	1	--	--	--	--	--
Affidavit for dismissal	--	1	--	--	--	--
Bad search warrant	--	--	--	1	--	--
Bad indictment	--	--	--	--	--	--
Re-indictment	--	--	2	5	--	--
Improper charge/refiled	--	--	--	1	--	--
Motion to suppress granted	--	--	--	--	--	--
Lack of evidence	--	--	--	--	--	13
TOTAL =	16		13		13	

QUARTERLY TOTAL = 42

During the 2nd quarter (July 1, 1973-September 30, 1973) 28 of 128 Part I and Impact dismissals were attributable to the police; this gives a police-generated dismissal rate during the 2nd reporting period of 2.55%. Table VI displays a comparison of 2nd and 3rd quarter statistics pertaining to police-generated dismissals.

TABLE VI  
COMPARISON OF POLICE GENERATED DISMISSALS

	Total No. of DPD Cases Disposed of	Total No. of Dismissals	Total No. of Part I & Impact Dismissals	No. of Part I & Impact Dismissals Attributable to Police	Police Generated Dismissal Rat
2nd Qtr.	1099	217	128	28	2.55%
3rd Qtr.	1727	343	194	42	2.43%

EVALUATION SUMMARY:

Project Objectives

1. To reduce the rate of "no bill" actions by the Dallas County Grand Jury in Part I Index Crimes - specifically, stranger-to-stranger crimes - from the current rate of approximately 30% to a maximum of 20% within three years: 2% the first year, 4% the second year and 4% the third year.
2. To reduce the number of cases dismissed after indictment or the filing of a complaint-information in major misdemeanor cases, in stranger-to-stranger crimes, from approximately 18% to a maximum of 12% within three years: 2% the first year, 2% the second year, and 2% the third year.

Project objective #1 has been accomplished by the end of the third quarter even though it was not expected to be achieved until the end of the fourth quarter of project operation. The overall no bill rate for Part I Index Crimes (including Impact), was 24.18% by third quarter's end in comparison to the projected no bill reduction for year end which was to be reduced to 28% from 30%. Impact crimes specifically were no billed at a rate of 21% for the third quarter.

In consideration of project objective #2, the dismissal rate for the third quarter for all Part I Index Crimes (including Impact) was 11.23%, this rate not only exceeds the decrease projected for the end of the project's first year (16%) but also exceeds the decrease projected for the end of the project's third year (12%). Impact crimes specifically were dismissed at a rate of 1.27%.

A point that should be emphasized which is critical to any evaluation of the success or failure of this project is that not all of the no bills and dismissals can be reduced through project efforts. Only those no bills and dismissals returned because of police errors are controllable; therefore, accurate evaluation of this project's accomplishments should be made through comparisons of police-generated no bill and dismissal rates rather than upon comparisons of

overall no bill and dismissal rates. For future reporting periods, efforts are being made by the Police Planning and Research Division to codify a list of circumstances which would clearly describe the types of police errors made when filing cases. It is hoped that by this action, all cases leading to no bills or dismissals because of police errors will be identified which, in turn will further enhance accurate reporting in regard to project objectives.

If, as set forth in the previous discussion, police-generated no bills and dismissals are understood to be the only "controllable" no bills and dismissals, then project objectives should be adjusted to address this specific area. "Legal Aides" management personnel have made these re-adjustments in project objectives included in the second year grant application.

DALLAS AREA CRIMINAL JUSTICE COUNCIL  
PROJECT EVALUATION REPORT

For Month of October, 1973

LEGAL AIDES FOR POLICE - DALLAS POLICE DEPARTMENT.

ED HEATH, PROJECT DIRECTOR

1. Number of Impact cases reviewed:
2. Number of Index offenses reviewed (less Impact cases):
3. Number of Part II felony offenses reviewed:
4. Number of major misdemeanors reviewed (less Impact cases):

Total cases reviewed by Legal Aides:

5. Number of Impact Grand Jury Referrals reviewed:
6. Number of Index Grand Jury Referrals reviewed (less Impact cases):
7. Number of Part II felony Grand Jury Referrals reviewed:
8. Number of major misdemeanor Grand Jury Referrals reviewed (less Impact cases):

Total number of Grand Jury Referrals reviewed by Legal Aides:

9. Number of Impact offenses returned for additional investigation:
10. Number of Index offenses returned for additional investigation (less Impact cases):
11. Number of Part II felony offenses returned for additional investigation:
12. Number of major misdemeanors returned for additional investigation (less Impact cases):

Total cases returned for additional investigation:

THIS MONTH	PROJECT TO DATE
376	2,051
587	3,270
163	1,164
323	1,813
1,449	8,298
12	19
8	54
2	6
0	0
22	79
13	45
20	62
13	39
11	26
57	172



	THIS MONTH	PROJECT TO DATE
13. Number of Impact offenses--supplemental case report reviewed:	47	256
14. Number of Index offenses--supplemental case report reviewed (less Impact cases):	20	205
15. Number of Part II felony offenses--supplemental case report reviewed:	43	456
16. Number of major misdemeanors--supplemental case report reviewed (less Impact cases):	66	170
Total supplemental cases reviewed by Legal Aides:	176	1,087
17. Number of Impact offenses reduced to misdemeanor or municipal court charge:	2	5
18. Number of Index offenses reduced to misdemeanor or municipal court charge (less Impact cases):	1	7
19. Number of Part II felony offenses reduced to misdemeanor or municipal court charge:	0	0
20. Number of major misdemeanors reduced to misdemeanor or municipal court charge (less Impact cases):	0	5
Total reduced to misdemeanor or municipal court charge:	3	17
21. Number of Impact offenses changed to Grand Jury referrals:	8	23
22. Number of Index offenses changed to Grand Jury referrals (less Impact cases):	3	30
23. Number of Part II felony offenses changed to Grand Jury referrals:	2	4
24. Number of major misdemeanors changed to Grand Jury referrals (less Impact cases):	0	4
Total changed to Grand Jury referral:	13	61
25. Number of Impact offenses--no case:	6	18
26. Number of Index offenses (less Impact cases) no case:	4	12
27. Number of Part II felony offenses--no case:	8	23
28. Number of major misdemeanors (less Impact cases) no case:	11	35
Total cases "washed out" no case:	29	88

	THIS MONTH	PROJECT TO DATE
29. Number of Impact offenses--no bills reviewed:	62	315
30. Number of Index offenses (less Impact cases)--no bills reviewed:	71	549
Total number of no bills reviewed by Legal Aides:	167	1,138
31. Number of Impact offenses--dismissals reviewed:	9	40
32. Number of Index offenses (less Impact cases)--dismissals reviewed:	49	146
Total number of dismissals reviewed by Legal Aides:	107	292
33. Number of instructor manhours spent training:	112	220 hrs. 10 min.
34. Number of law enforcement personnel enrolled in training:	475	1,218
Total number of trainee hours:	9,268	15,178
35. Number of manhours spent in curriculum development:	1	32
36. Number of assistances given in connection with arrest warrants, search warrants, and related affidavits:	10	13

LEGAL AIDES FOR POLICE

ANALYSIS SHEET

INDICTMENT RATE: Grand Jury Reports for October, 1973, reflect that 684 cases filed by the Dallas Police Department were disposed of by the Grand Jury during this month. In addition, 9 Grand Jury Referrals were also disposed of during this period. A total of 517 filed cases produced indictments (75.6 percent) and 167 (24.4 percent) were no-billed. Pertinent statistics are as follows:

	<u>TRUE BILLS</u>	<u>NO-BILLS</u>	<u>TOTAL</u>
Impact	175	62	237
Part I (less Impact)	168	71	239
Part II	174	34	208
TOTALS	517	167	684

The above figures reflect that the overall indictment rate for Impact offenses was 73.8 percent and the no-bill rate was 26.2 percent. Additionally, the overall indictment rate for Part I offenses was 70.3 percent and the Part I no-bill rate was 29.7 percent.

The Grand Jury Report for October 5, 1973, reflects that the following categories of offenses (filed cases only) by number were no-billed:

<u>IMPACT</u>	<u>NO-BILLED</u>
Assault with a Prohibited Weapon	1
Robbery	1
Burglary	5
Murder	1
TOTAL	8

PART I

Theft by False Pretext	1
Assault with a Prohibited Weapon	2
Theft over \$50	4
Assault with Intent to Murder	1
Breaking and Entering a Motor Vehicle	1

PART I (continued)

	<u>NO-BILLED</u>
Robbery	2
Rape (attempted)	1
TOTAL	12

PART II

Fondling	1
Forgery and Passing	3
TOTAL	4
GRAND TOTAL	24

The Grand Jury Report for October 15, 1973, reflects that the following categories of offenses (filed cases only) by number were no-billed:

<u>IMPACT</u>	<u>NO-BILLED</u>
Assault on a Police Officer	1
Burglary	8
Robbery	7
Assault to Murder	1
Rape	1
TOTAL	18

PART I

Theft over \$50	6
Aggravated Assault on a Juvenile	1
Negligent Homicide	2
Assault with Intent to Murder	4
Breaking and Entering a Motor Vehicle	1
Breaking and Entering a Coin Operated Machine	1
TOTAL	15

PART II

Destruction of Private Property	3
Selling Dangerous Drugs	1
Carrying a Prohibited Weapon in a Tavern	2

PART II (continued)

Possession of Marijuana

NO-BILLED4

TOTAL

10

GRAND TOTAL

43

The Grand Jury Report for October 22, 1973, reflects that the following categories of offenses (filed cases only) by number were no-billed:

IMPACT

Robbery

2

Burglary

16

Assault to Murder

1

Murder

1

TOTAL

20

PART I

Aggravated Assault

1

Rape

1

Theft over \$50

6

Assault with Intent to Murder

1

Breaking and Entering a Motor Vehicle

1

Murder

2

TOTAL

12

PART II

Possession of Dangerous Drugs

1

Delivering Heroin

1

Destruction of Private Property

2

Possession of LSD

1

Possession of Marijuana

5

TOTAL

10

GRAND TOTAL

42

The Grand Jury Report for October 29, 1973, reflects that the following categories of offenses (filed cases only) by number were no-billed:

IMPACT

Assault to Murder

3

Attempt Burglary

1

Rape

2

Robbery

3

Burglary

7

TOTAL

16

PART I

Theft by False Pretext

2

Assault with a Prohibited Weapon

3

Robbery

2

Theft over \$50

14

Murder

3

Assault with Intent to Murder

6

Breaking and Entering a Motor Vehicle

1

Theft by Conversion

1

TOTAL

32

PART II

Indecent Exposure

2

Possession of Heroin

2

Exhibiting Obscene Material (Conspiracy)

1

Fondling

1

Embezzlement

1

False Swearing Against a Police Officer

3

TOTAL

10

GRAND TOTAL

58

The overall October indictment rate of 75.6 percent and the no-bill rate of 24.4 percent require further adjustment to reflect a true figure inasmuch as 66 of the no-bills reported are not attributable to police error. Research discloses that these 66 cases were no-billed for the following reasons:

	<u>IMPACT</u>	<u>PART I</u>	<u>PART II</u>
--	---------------	---------------	----------------

Affidavit of Non-Prosecution

12

16

1

Filed by Complainant

Complaining Witness did not

Appear

14

9

1



	<u>IMPACT</u>	<u>PART I</u>	<u>PART II</u>
Re-Indictment	1		
Restitution Made		2	2
Defendant Under Physician's Care (Hospital)		2	
Passed Polygraph		1	
Defendant No-Billed at Request of Dallas Police Department	2	2	
Case 5 Years Old			1
TOTALS	29	32	5
GRAND TOTAL			66

Thus, the true overall Dallas Police Department indictment rate for October was 85.2 percent rather than 75.6 percent, and the true no-bill rate was 14.8 percent rather than 24.4 percent.

DISMISSAL RATE: The "Cases Disposed of Report" prepared by the Clerk of Courts reflects that 545 cases (filed by the Dallas Police Department) were disposed of in October, 1973. Of these, 410 were guilty pleas, 28 were trial convictions, and 107 were dismissals. Of the 107 dismissals, 9 were identified as Impact cases, 49 were of the Part I offense category, and 49 were of other categories of offenses (for a total of 58 Impact and Part I dismissals). The overall dismissal rate for felony offenses of all categories filed by the Dallas Police Department which were disposed of in October, 1973, was 19.6 percent.

The reasons for case dismissals were:

	<u>IMPACT</u>	<u>PART I</u>	<u>PART II</u>
Plead Guilty to Another Offense		1	
Duplicate Filing		4	5
Restitution Made		4	2
Re-Indictment	2	12	3
Affidavit of Non-Prosecution Filed by Complainant	2	9	3
Defendant Deceased			1
Defendant in Penitentiary on other Conviction		1	2
Complaining Witness (out of state, unable to locate, failed to appear, or unable to testify)		3	

	<u>IMPACT</u>	<u>PART I</u>	<u>PART II</u>
Dismissed at Request of DPD		2	8
Tried as City Case			1
Insufficient Evidence	4	5	5
Motion to Surpress/ Illegal Search			5
Juvenile Offender			1
Bad Warrant		1	4
Passed Polygraph		2	1
State Unable to Prove Prima Facie Case		1	2
Defendant Already Convicted on Case of Same Facts from Another Indictment		1	1
Duplicate Indictment			1
Illegal Arrests, Evidence not Admissable			1
Received Stiff Sentence on Other Charges			1
Dismissed at Request of DPS Wrong Man	1	1	2
Insane		1	
Affidavit for Dismissal		1	
TOTALS	9	49	49
GRAND TOTAL			107

Only thirty-five (35) of the dismissals outlined above are properly chargeable to police error. They are as follows:

	<u>IMPACT</u>	<u>PART I</u>	<u>PART II</u>
Duplicate Filing		4	5
Insufficient Evidence	4	5	5
Motion to Surpress/ Illegal Search			5
Juvenile Offender			1
State Unable to Prove Prima Facie Case		1	2
Duplicate Indictment			1
Wrong Man	1		
Affidavit for Dismissal		1	
TOTALS	5	11	19
GRAND TOTAL			35

Thus, the true dismissal rate (i.e., dismissal due to police error) for felony cases (of the Impact and Part I category) filed by the Dallas Police Department disposed of in October is 2.9 percent as compared to an overall dismissal rate (of offenses of this of this category) of 6.21 percent for September, 1973.

REVIEW OF NO-BILLS: Emphasis with respect to the following categories of offenses because of the number of no-bills reported reflects substantial improvement over September, 1973.

	<u>SEPTEMBER, 1973</u>	<u>OCTOBER, 1973</u>
Assault with a Prohibited Weapon	18	7
Assault with intent to Murder	29	16
Possession of Marijuana	64	9
TOTALS	111	32

As reported previously, the problem in the marijuana cases was that there was no probable cause for the search of the individual found in possession. In the prohibited weapon area and in the assault to murder area, inquiry disclosed a substantial number of affidavits of non-prosecution as well as failures on the part of complainants to appear as a witness. In addition, some assault to murder cases apparently were overcharged from the point of view of the relationship of the parties involved. Legal advisors have consistently recommended filing aggravated assault, a major misdemeanor, rather than a felony in which event chances of conviction are better as a substantial number of complainants will not testify that he believes the defendant should be incarcerated in the penitentiary for these types of offenses. Positive and definitive action has been taken and will continue to be taken (by way of legal assistance and review) to ensure that if a narcotics search was illegal, a case is not filed with the District Attorney.

REVIEW OF DISMISSALS: Review indicates that a substantial problem area in need of specific attention is that of duplicate filings and duplicate indictments. Not all officers appreciate when they file a complaint and secure a warrant, they are filing a case. Current instruction in the Penal Code provides a good forum to educate all concerned on this problem area. In

addition, officers who are responsible for duplicate filings are being contacted on a individual basis in order that all concerned understand this problem.

INSTRUCTION BY GRANT ATTORNEYS: Nine thousand two hundred and sixty-eight (9,268) manhours of training were given to students (advanced and recruit) in October. One hundred twelve (112) hours of instruction were given in all aspects of the new Texas Penal Code, Family Code, and Controlled Substance and Dangerous Drug Act. (See report for August, 1973, for details of the curriculum taught.) Instruction will be completed on December 27, 1973. (Classes are taught six (6) days a week.) Thereafter, legal instruction must be given, commencing in January, 1974, to members of the Dallas Police Reserves and to certain members of the Department selected to receive para-legal training. A para-legal training curriculum will be developed prior to the first of the year.

CONCLUSIONS AND RECOMMENDATIONS: Sufficient progress has been made in the first seven (7) months of the grant period to permit identification of problem areas and to recommend positive command action.

As indicated in the September report, positive action has been and is being taken by grant attorneys to assist officers in "making better cases." Basically, however, the real problem is one of education and training, experience, and supervision. Better understanding of the law, the elements of an offense, and affirmative defenses will prepare officers to file a better case. Education and supervision are not easy tasks and will require continual effort and considerable time. Program emphasis by grant attorneys is and will be to continue to correct problem areas through instruction at the Police Academy, roll-call training, training conferences with supervisors, and in the course of day-to-day contact with individual officers.

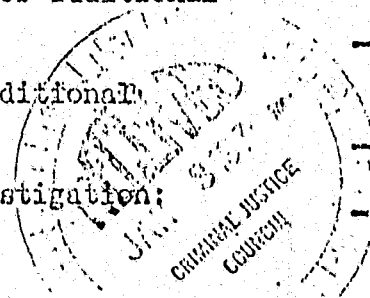
DALLAS AREA CRIMINAL JUSTICE COUNCIL  
PROJECT EVALUATION REPORT

For Month of November, 1973

LEGAL AIDES FOR POLICE - DALLAS POLICE DEPARTMENT

ED HEATH, PROJECT DIRECTOR

	THIS MONTH	PROJECT TO DATE
1. Number of Impact cases reviewed:	300	2,351
2. Number of Index offenses reviewed (less Impact cases):	465	3,735
3. Number of Part II felony offenses reviewed:	166	1,330
4. Number of major misdemeanors reviewed (less Impact cases):	388	2,201
Total cases reviewed by Legal Aides:	1,319	9,617
5. Number of Impact Grand Jury Referrals reviewed:	1	20
6. Number of Index Grand Jury Referrals reviewed (less Impact cases):	5	59
7. Number of Part II felony Grand Jury Referrals reviewed:	2	8
8. Number of major misdemeanor Grand Jury Referrals reviewed (less Impact cases):	0	0
Total number of Grand Jury Referrals reviewed by Legal Aides:	8	87
9. Number of Impact offenses returned for additional investigation:	7	52
10. Number of Index offenses returned for additional investigation (less Impact cases):	8	70
11. Number of Part II felony offenses returned for additional investigation:	1	40
12. Number of major misdemeanors returned for additional investigation (less Impact cases):	2	28
Total cases returned for additional investigation:	18	190



13. Number of Impact offenses--supplemental case report reviewed:
14. Number of Index offenses--supplemental case report reviewed (less Impact cases):
15. Number of Part II felony offenses--supplemental case report reviewed:
16. Number of major misdemeanors--supplemental case report reviewed (less Impact cases):

Total supplemental cases reviewed by Legal Aides:

17. Number of Impact offenses reduced to misdemeanor or municipal court charge:
18. Number of Index offenses reduced to misdemeanor or municipal court charge (less Impact cases):
19. Number of Part II felony offenses reduced to misdemeanor or municipal court charge:
20. Number of major misdemeanors reduced to misdemeanor or municipal court charge (less Impact cases):

Total reduced to misdemeanor or municipal court charge:

21. Number of Impact offenses changed to Grand Jury referrals:
22. Number of Index offenses changed to Grand Jury referrals (less Impact cases):
23. Number of Part II felony offenses changed to Grand Jury referrals:
24. Number of major misdemeanors changed to Grand Jury referrals (less Impact cases):

Total changed to Grand Jury referral:

25. Number of Impact offenses--no case:
26. Number of Index offenses (less Impact cases) no case:
27. Number of Part II felony offenses--no case:
28. Number of major misdemeanors (less Impact cases) no case:

Total cases "washed out" no case:

THIS MONTH	PROJECT TO DATE
24	280
19	224
36	492
76	246
155	1,242
3	8
0	7
0	0
2	7
5	22
1	24
1	31
0	4
0	4
2	63
0	18
2	14
1	24
2	37
5	93

29. Number of Impact offenses--no bills reviewed:

30. Number of Index offenses (less Impact cases)--no bills reviewed:

Total number of no bills reviewed by Legal Aides:

31. Number of Impact offenses--dismissals reviewed:

32. Number of Index offenses (less Impact cases)--dismissals reviewed:

Total number of dismissals reviewed by Legal Aides:

33. Number of instructor manhours spent training:

34. Number of law enforcement personnel enrolled in training:

Total number of trainee hours:

35. Number of manhours spent in curriculum development:

36. Number of assistances given in connection with arrest warrants, search warrants, and related affidavits:

THIS MONTH	PROJECT TO DATE
42	357
67	616
127	1,265
12	52
38	184
86	378
132	352 hrs.
680	1,898
8,988	26,064 hrs.
0	32
12	25

## LEGAL AIDES FOR POLICE

### ANALYSIS SHEET

INDICTMENT RATE--Grand Jury Reports for November, 1973, reflect that 679 cases filed by the Dallas Police Department were disposed of by the Grand Jury during this month. In addition, 32 Grand Jury Referrals were also disposed of during this period. A total of 552 cases produced indictments (81 percent) and 127 (19 percent) were no billed. Pertinent statistics are as follows:

	TRUE BILLS	NO BILLS	TOTAL
Impact	172	42	214
Part I (less Impact)	172	67	239
Part II	208	18	226
TOTALS	552	127	679

The above figures reflect that the overall indictment rate for Impact offenses was 74.5 percent and the no bill rate was 25.5 percent. Additionally, the overall indictment rate for Part I offenses (less Impact) was 61.1 percent and the Part I no bill rate was 38.9 percent.

The Grand Jury Report for November 5, 1973, reflects that the following categories of offenses (filed cases only) by number were no billed.

IMPACT	NO BILLED
Murder	1
Robbery	3
Burglary	10
Rape	1
Assault to Murder	2
Assault with a Prohibited Weapon	3
TOTAL	20

### PART I

Destruction of Private Property	2
Murder	3
Theft Over \$50	5
Assault with intent to Murder	3

PART I (continued)

Aggravated Assault on a Juvenile  
Rape  
Negligent Homicide

NO BILLED

1

3

1

TOTAL

18

PART II

Possession of Marijuana

3

TOTAL

3

GRAND TOTAL

41

The Grand Jury Report for November 12, 1973, reflects that the following categories of offenses (filed cases only) by number were no billed:

IMPACT

Attempt Armed Robbery  
Attempt Burglary  
Burglary  
Assault to Murder  
Robbery

NO BILLED

1

4

2

1

1

TOTAL

9

PART I

Assault with a Prohibited Weapon  
Rape  
Theft Over \$50  
Murder  
Breaking and Entering a Motor Vehicle  
Robbery

6

3

10

2

3

1

TOTAL

25

PART II

Sodomy  
Possession of Marijuana  
Carrying a Prohibited Weapon in a Tavern  
Passing Worthless Check

1

3

1

2

TOTAL

7

GRAND TOTAL

41

The Grand Jury Report for November 19, 1973, reflects that the following categories of offenses (filed cases only) by number were no billed:

IMPACT

Robbery  
Burglary  
Attempt Burglary

NO BILLED

3

2

1

TOTAL

6

PART I

Attempt Rape  
Theft from Person  
Rape  
Theft Over \$50  
Assault with intent to Murder  
Negligent Homicide  
Assault with a Prohibited Weapon  
Embezzlement

2

1

2

7

2

1

1

1

TOTAL

17

PART II

Possession of Marijuana  
Indecent Exposure  
Forgery and Passing

1

1

2

TOTAL

4

GRAND TOTAL

27

The Grand Jury Report for November 26, 1973, reflects that the following categories of offenses (filed cases only) by number were no billed:

IMPACT

Murder  
Robbery  
Burglary  
Attempt Burglary

NO BILLED

1

2

2

2

TOTAL

7

PART INO BILLED

Theft by False Pretext  
 Rape  
 Theft Over \$50  
 Assault with intent to Murder  
 Negligent Homicide  
 Theft by Conversion  
 Breaking and Entering a Coin Operated Machine

1  
 1  
 1  
 3  
 1  
 1  
 1

## TOTAL

9

PART II

Destruction of Private Property  
 Possession of Marijuana

3  
 1

## TOTAL

4

## GRAND TOTAL

20

The overall November indictment rate of 81 percent and the no bill rate of 19 percent require further adjustment to reflect a true figure inasmuch as 73 of the no bills reported are not attributable to police error. Research discloses that these 73 cases were no billed for the following reasons:

	<u>IMPACT</u>	<u>PART I</u>	<u>PART II</u>
Affidavit of Non-Prosecution			
Filed by Complainant	10	22	5
Complaining Witness did not			
Appear	14	13	2
Defendant Deceased	3	1	
Defendant No Billed at Request			
of Dallas Police Department	2	1	
TOTALS	29	37	7
GRAND TOTAL			73

Thus, the true overall Dallas Police Department indictment rate for November was 92.3 percent rather than 81 percent, and the true no bill rate was 7.7 percent rather than 19 percent.

DISMISSAL RATE--The "Cases Disposed of Report" prepared by the Clerk of Courts reflects that 514 cases (filed by the Dallas Police Department) were disposed of in November, 1973. Of these,

368 were guilty pleas, 60 were trial convictions, and 86 were dismissals. Of the 86 dismissals, 12 were identified as Impact cases, 38 were of the Part I offense category, and 36 were of other categories of offenses (for a total of 48 Impact and Part I dismissals). The overall dismissal rate for felony offenses of all categories filed by the Dallas Police Department which were disposed of in November, 1973, was 16.76 percent.

The reasons for case dismissals were:

	<u>IMPACT</u>	<u>PART I</u>	<u>PART II</u>
Plead Guilty to Another Offense			1
Duplicate Filing			3
Restitution Made	1	5	2
Affidavit of Non-Prosecution			
Filed by Complainant	3	6	1
Re-Indictment	2	5	3
Defendant Deceased		5	2
Defendant in Penitentiary			
on other Conviction		3	2
Complaining Witness (out of			
state, unable to locate,			
failed to appear, or			
unable to testify)		2	
Tried as City Case			1
Insufficient Evidence	1		2
Motion to Surpress/Illegal			
Search			4
Bad Search		1	2
Passed Polygraph		2	1
State Unable to Prove Prima			
Facie Case		3	1
Duplicate Indictment			1
Insane		3	2
Mother of Complaining			
Witness did not want			
to Prosecute	1		
Not Guilty	1		
Complaining Witness gave			
Affidavit that stated			
he gave defendant per-			
mission to enter property	1		
Judge gave an Instructed			
Verdict	2		
Complaining Witness did not			
want to Prosecute		1	



	<u>IMPACT</u>	<u>PART I</u>	<u>PART II</u>
Improper Charge/Case Refiled		1	
Subject died from Narcotics and not Murder		1	
Motion to Surpress/Evidence Granted			2
Substance proven not to be Heroin			1
Bad Indictment			1
Defendant Committed Suicide			1
Husband said Marijuana was his and his wife didn't know it was in the house			1
Re-Filed			1
Bad Search Warrant			1
TOTALS	12	38	36
GRAND TOTAL			86

Only thirty-four (34) of the dismissals outlined above are properly chargeable to police error. They are as follows:

	<u>IMPACT</u>	<u>PART I</u>	<u>PART II</u>
Improper Charge/Refiled		1	
Insufficient Evidence			1
Duplicate Filing			3
Motion to Surpress/Illegal Search			6
State Unable to Prove Prima Facie Case	1	3	3
Duplicate Indictment			1
Bad Search Warrant		1	3
Bad Indictment			1
Re-Indictment	2	5	3
TOTALS	3	10	21
GRAND TOTAL			34

Thus, the true dismissal rate (i.e., dismissal due to police error) for felony cases (of the Impact and Part I category) filed by the Dallas Police Department disposed of in November is 2.52 percent as compared to an overall dismissal rate (of offenses of this category) of 16.76 percent for November, 1973. This is so because only 13 Impact and Part I cases were dismissed because of police error.

REVIEW OF NO BILLS--Emphasis has continued to bring about a reduction in the number of no bills reported as to the offenses of (1) assault with a prohibited weapon, (2) assault with intent to murder, and (3) possession of marijuana. Specific attention has been given to cases filed on for these offenses because an inordinate number of defendants charged with such offenses have been no billed. Statistics for the past three (3) months reflect the following number of cases in these categories were no billed:

	<u>SEPTEMBER</u>	<u>OCTOBER</u>	<u>NOVEMBER</u>
Assault with a Prohibited Weapon	18	7	10
Assault with intent to Murder	29	16	10
Possession of Marijuana	64	9	8
TOTALS	111	32	28

Although substantial improvement has been achieved, positive and definitive action will continue to be taken to try to reduce further the number of no bills in these categories of offenses. As previously reported, many of the assault offenses are no billed by reason of an affidavit of non-prosecution being filed by the complainant while others are no billed simply because the defendant was overcharged in the first instance. In the marijuana area, illegal searches contributed to the majority of the no bills.

REVIEW OF DISMISSALS--Review indicates a substantial reduction in the number of duplicate filings and duplicate indictments resulting in the dismissal of a case at the trial level. An intensive educational program was instituted to inform all concerned of this problem area. One of the methods used to bring this matter to the attention of officers has been during current instruction in the new Penal Code. It is believed that all officers now appreciate that when they file on a complainant and secure a warrant, they are filing a case, and that when a prosecution report is filed, their previous actions must be clearly indicated so as to preclude a duplicate filing with the District Attorney.

INSTRUCTION BY GRANT ATTORNEYS--Eight thousand nine hundred eighty-eight (8,988) manhours of advanced training were given to students in November. This training includes instruction in all

aspects of the new Texas Penal Code, Family Code, and Controlled Substance and Dangerous Drug Acts. Classes were given eight (8) hours a day, six days a week throughout the month (except Thanksgiving Day).

CONCLUSIONS AND RECOMMENDATIONS--As indicated in the October Report, sufficient progress has been made since the inception of this grant to permit identification of problem areas and to recommend positive command action.

Positive action has been and is being taken by grant attorneys on a daily basis to assist officers in "making better cases." In addition, one of the best vehicles to assist grant attorneys in this endeavor has been the opportunity to instruct all members of the Department in the new Texas Penal Code, Family Code, and Controlled Substance and Dangerous Drug Acts. This is so because the real problem is one of education, training, and experience and supervision. There is no question that better understanding of the law, the elements of an offense, and affirmative defenses prepare officers to file better cases. Program emphasis is and will continue to be to correct problem areas through instruction at the Police Academy, at roll-call training, at training conferences with supervisors, and in the course of day-to-day contact with individual officers.

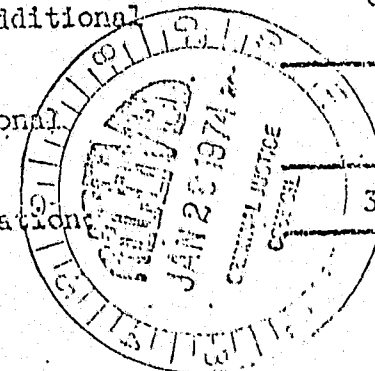
DALLAS AREA CRIMINAL JUSTICE COUNCIL  
PROJECT EVALUATION REPORT

For Month of December, 1973

LEGAL AIDES FOR POLICE - DALLAS POLICE DEPARTMENT

ED HEATH, PROJECT DIRECTOR

	THIS MONTH	PROJECT TO DATE
1. Number of Impact cases reviewed:	380	2,731
2. Number of Index offenses reviewed (less Impact cases):	528	4,263
3. Number of Part II felony offenses reviewed:	135	1,465
4. Number of major misdemeanors reviewed (less Impact cases):	415	2,616
Total cases reviewed by Legal Aides:	1,458	11,075
5. Number of Impact Grand Jury Referrals reviewed:	1	21
6. Number of Index Grand Jury Referrals reviewed (less Impact cases):	13	72
7. Number of Part II felony Grand Jury Referrals reviewed:	2	10
8. Number of major misdemeanor Grand Jury Referrals reviewed (less Impact cases):	0	0
Total number of Grand Jury Referrals reviewed by Legal Aides:	16	103
9. Number of Impact offenses returned for additional investigation:	16	58
10. Number of Index offenses returned for additional investigation (less Impact cases):	14	84
11. Number of Part II felony offenses returned for additional investigation:	6	46
12. Number of major misdemeanors returned for additional investigation (less Impact cases):	0	28
Total cases returned for additional investigation:	36	226



13. Number of Impact offenses--supplemental case report reviewed:

14. Number of Index offenses--supplemental case report reviewed (less Impact cases):

15. Number of Part II felony offenses--supplemental case report reviewed:

16. Number of major misdemeanors--supplemental case report reviewed (less Impact cases):

Total supplemental cases reviewed by Legal Aides:

17. Number of Impact offenses reduced to misdemeanor or municipal court charge:

18. Number of Index offenses reduced to misdemeanor or municipal court charge (less Impact cases):

19. Number of Part II felony offenses reduced to misdemeanor or municipal court charge:

20. Number of major misdemeanors reduced to misdemeanor or municipal court charge (less Impact cases):

Total reduced to misdemeanor or municipal court charge:

21. Number of Impact offenses changed to Grand Jury referrals:

22. Number of Index offenses changed to Grand Jury referrals (less Impact cases):

23. Number of Part II felony offenses changed to Grand Jury referrals:

24. Number of major misdemeanors changed to Grand Jury referrals (less Impact cases):

Total changed to Grand Jury referral:

25. Number of Impact offenses--no case:

26. Number of Index offenses (less Impact cases) no case:

27. Number of Part II felony offenses--no case:

28. Number of major misdemeanors (less Impact cases) no case:

Total cases "washed out" no case:

THIS MONTH	PROJECT TO DATE
60	340
21	245
29	521
106	352
216	1,458
0	8
0	7
1	1
0	7
1	23
0	24
5	36
1	5
0	4
6	69
2	20
5	19
4	28
7	44
18	111

29. Number of Impact offenses--no bills reviewed:

30. Number of Index offenses (less Impact cases)--no bills reviewed:

Total number of no bills reviewed by Legal Aides:

31. Number of Impact offenses--dismissals reviewed:

32. Number of Index offenses (less Impact cases)--dismissals reviewed:

Total number of dismissals reviewed by Legal Aides:

33. Number of instructor manhours spent training:

34. Number of law enforcement personnel enrolled in training:

Total number of trainee hours:

35. Number of manhours spent in curriculum development:

36. Number of assistances given in connection with arrest warrants, search warrants, and related affidavits:

THIS MONTH	PROJECT TO DATE
44	401
55	671
115	1,380
1	53
85	269
150	528
78	430
461	2,359
5,118	33,541
24	56
12	67

LEGAL AIDES FOR POLICE

ANALYSIS SHEET

INDICTMENT RATE--Grand Jury Reports for December, 1973, reflect that 762 cases filed by the Dallas Police Department were disposed of by the Grand Jury during this month. In addition, 9 Grand Jury Referrals were also disposed of during this period. A total of 647 cases produced indictments (84.9 percent) and 115 (15.1 percent) were no billed. Pertinent statistics are as follows:

	TRUE BILLS	NO BILLS	TOTAL
Impact	211	44	255
Part I (less Impact)	171	55	226
Part II	265	16	281
TOTALS	647	115	762

The above figures reflect that the overall indictment rate for Impact offenses was 82.75 percent and the no bill rate was 17.25 percent. Additionally, the overall indictment rate for Part I offenses (less Impact) was 75.7 percent and the Part I no bill rate was 24.3 percent.

The Grand Jury Report for December 3, 1973, reflects that the following categories of offenses (filed cases only) by number were no billed.

IMPACT	NO BILLED
Robbery	3
Burglary	9
Assault to Murder	2
Assault with a Prohibited Weapon	1
TOTAL	15
PART I	
Assault with a Prohibited Weapon	2
Assault to Murder	2
Murder	1
Theft Over \$50.00	3

PART I (continued)

	NO BILLED
Breaking and Entering a Motor Vehicle	1
TOTAL	9
PART II	
Destruction of Private Property	3
Carrying a Prohibited Weapon in a Tavern	1
TOTAL	4
GRAND TOTAL	28

The Grand Jury Report for December 10, 1973, reflects that the following categories of offenses (filed cases only) by number were no billed:

IMPACT	NO BILLED
Assault to Murder	2
Burglary	3
Assault with a Prohibited Weapon	1
Robbery	1
TOTAL	7

PART I

Theft Over \$50.00	6
Assault to Murder	2
	8

PART II

Destruction of Private Property	1
Jaywalking	1
Forgery and Passing	1
Passing Worthless Checks	1
TOTAL	4
GRAND TOTAL	19

The Grand Jury Report for December 17, 1973, reflects that the following categories of offenses (filed cases only) by number were no billed:

<u>IMPACT</u>	<u>NO BILLED</u>
Burglary	2
Assault with a Prohibited Weapon	2
Assault to Murder	2
TOTAL	6

<u>PART I</u>	
Murder	4
Theft Over \$50.00	6
Assault with a Prohibited Weapon	4
Rape	1
Assault to Murder	4
Robbery	1
Aggravated Assault on a Juvenile	1
Negligent Homicide	1
TOTAL	22

<u>PART II</u>	
Forgery and Passing	1
Fondling	1
Bookmaking	1
Possession of Methadone	1
TOTAL	4

GRAND TOTAL 32

The Grand Jury Report for December 28, 1973, reflects that the following categories of offenses (filed cases only) by number were no billed:

<u>IMPACT</u>	<u>NO BILLED</u>
Assault to Murder	4
Burglary	5
Robbery	4
Rape	3
TOTAL	16

<u>PART I</u>	
Robbery	4

<u>PART I (continued)</u>	<u>NO BILLED</u>
Rape	1
Aggravated Assault on a Juvenile	1
Theft Over \$50.00	6
Assault with a Prohibited Weapon	1
Breaking and Entering a Motor Vehicle	1
Assault to Murder	1
Murder	1
TOTAL	16

<u>PART II</u>	
Driving While Intoxicated	1
Forgery and Passing	2
Possession of Heroin	1
TOTAL	4
GRAND TOTAL	36

The overall December indictment rate of 84.9 percent and the no bill rate of 15.1 percent require further adjustment to reflect a true figure inasmuch as 63 of the no bills reported are not attributable to police error. Research disclosed that these 63 cases were no billed for the following reasons:

	<u>IMPACT</u>	<u>PART I</u>	<u>PART II</u>
Affidavit of Non-Prosecution			
Filed by Complainant	15	19	2
Complaining Witness Refused to Appear	11	12	3
Complainant Married Defendant		1	
TOTALS	26	32	5
GRAND TOTAL			63

Thus, the true overall Dallas Police Department indictment rate for December was 93.18 percent rather than 84.9 percent, and the true no bill rate was 6.82 percent rather than 15.1 percent.

The "Cases Disposed of Report" prepared by the Clerk of Courts reflects that 668 cases (filed by the Dallas Police Department)

were disposed of in December, 1973. Of these, 428 were guilty pleas, 36 were trial convictions, and 150 were dismissals. Of the 150 dismissals, 1 was identified as an Impact case, 85 were of the Part I offense category, and 64 were of other categories of offenses (for a total of 86 Impact and Part I dismissals). The overall dismissal rate for felony offenses of all categories filed by the Dallas Police Department which were disposed of in December, 1973, was 22.4 percent.

The reasons for case dismissals were:

	<u>IMPACT</u>	<u>PART I</u>	<u>PART II</u>
Affidavit of Non-Prosecution	1	26	7
Re-Indictment		12	3
Complainant Refused to Appear		3	
Unable to Locate Complainant		19	2
Complainant Out of State/Would not Appear			1
Passed Polygraph		5	5
Case 4-1/2 years Old		2	1
Serving Time on Other Offense		3	2
Plead Guilty to Other Offense		1	
Found Not Guilty		1	
Lack of Evidence		13	18
Made Restitution			2
Dismissed at Request of DPD			4
Change in Law/No Longer an Offense			7
Duplicate Indictment			2
Bad Search Warrant			2
Motion to Surpress Granted			8
<b>TOTALS</b>	<b>1</b>	<b>85</b>	<b>64</b>
<b>GRAND TOTAL</b>			<b>150</b>

Only forty-three (43) of the dismissals outlined above are properly chargeable to police error. They are as follows:

	<u>IMPACT</u>	<u>PART I</u>	<u>PART II</u>
Lack of Evidence		13	18
Duplicate Indictment			2
Bad Search Warrant			2

	<u>IMPACT</u>	<u>PART I</u>	<u>PART II</u>
Motion to Surpress Granted			8
<b>TOTALS</b>	<b>0</b>	<b>13</b>	<b>30</b>
<b>GRAND TOTAL</b>			<b>43</b>

Thus, the true dismissal rate (i.e., dismissal due to police error) for felony cases (of the Impact and Part I category) filed by the Dallas Police Department disposed of in December is 1.95 percent as compared to a dismissal rate (for offenses of this category) of 2.52 percent for November, 1973. This is so because only 13 Part I cases were dismissed because of police error.

REVIEW OF NO BILLS--Despite emphasis to bring about reduction in the number of no bills reported as to the offenses of assault with a prohibited weapon and assault with intent to murder, thirty (30) cases in these categories were no billed (eleven (11) assault with a prohibited weapon and nineteen (19) assault with intent to murder cases). Although these statistics appear bad on their face, further analysis discloses that twenty (20) of these cases were no billed either because the complaining witness refused to appear or filed an affidavit of no-prosecution.

Outlined below are the category of offenses (assault with a prohibited weapon and assault to murder) which were no billed because the complaining witness did not appear or executed an affidavit of no-prosecution:

	<u>IMPACT</u>	<u>PART I</u>
<u>Assault with a Prohibited Weapon</u>		
Complaining Witness did or would not Appear		1
Affidavit of Non-Prosecution Filed by Complainant	2	4
<b>TOTAL</b>	<b>2</b>	<b>5</b>
<b>GRAND TOTAL</b>		<b>7</b>
<u>Assault to Murder</u>		
Complaining Witness did or would not Appear	3	2
Affidavit of Non-Prosecution Filed by Complainant	5	3
<b>TOTAL</b>	<b>8</b>	<b>5</b>
<b>GRAND TOTAL</b>		<b>13</b>



Thus, only four (4) assault with a prohibited weapon cases and six (6) assault to murder cases can be said to be possibly attributable to police error. Viewed in this light, there was not an inordinate number of "no bills" returned for these categories of offenses. Nevertheless, emphasis will continue to reduce the number of "no bills" for these offenses.

REVIEW OF DISMISSALS--The reason for the increase in the overall dismissal rate for December was that the courts were clearing their docket at the end of the year. Moreover, those offenses no longer criminal under the new Penal Code were dismissed by reason of a change in the law. Pertinent statistics for the last three (3) months are as follows:

	<u>OCTOBER</u>	<u>NOVEMBER</u>	<u>DECEMBER</u>
Overall (Raw)	19.6	16.76	22.4
Adjusted (Impact and Part I)	2.9	2.52	1.95

INSTRUCTION BY GRANT ATTORNEYS--Five thousand one hundred eighteen (5,118) manhours of training were given to students in December. Seventy-eight (78) hours of instruction were given in all aspects of the new Texas Penal Code, Family Code, and Controlled Substance and Dangerous Drug Acts. (See report for August, 1973, for the details of the curriculum taught.) Instruction was completed on December 27, 1973. The para-legal training scheduled to begin in January, 1974, has been indefinitely postponed because of the reorganization of the Police Department due to changes in administration and also the instruction on the new Penal Code.

CONCLUSIONS AND RECOMMENDATIONS--Experience has demonstrated that a project such as this which assigns police attorneys to support enforcement personnel on a full-time basis without other significant legal responsibility can make a meaningful contribution to the criminal justice system. This fact is amply demonstrated by the following statistics:

INDICTMENT RATE

	<u>OCTOBER</u>		<u>NOVEMBER</u>		<u>DECEMBER</u>	
	*TB	**NB	TB	NB	TB	NB
Overall (raw)	75.6	24.4	81	19	84.9	15.1
Impact Only	73.8	26.2	74.5	25.5	82.75	17.25
Part I (Less Impact)	70.3	29.7	61.1	38.9	75.7	24.3
Adjusted (True)	85.2	14.8	92.3	7.7	93.18	6.82

\* Denotes True Bill

\*\* Denotes No Bill

The challenge now is to endeavor to "hold the line" and try to improve the system on a day-to-day basis. Grant attorneys are continually analyzing individual case files to see "what went wrong" if a case is not billed or dismissed. Corrective action is then taken insofar as is possible and the training program is modified to make personnel aware of prior mistakes.

Positive action has been and is being taken by grant attorneys to assist officers in "making better cases." Basically, however, the real problem is one of education and training, experience, and supervision. Better understanding of the law, the elements of an offense, and affirmative defenses will prepare officers to file a better case. Education and supervision are not easy tasks and will require continual effort and considerable time. Program emphasis by grant attorneys is and will be to continue to correct problem areas through instruction at the Police Academy, roll-call training, training conferences with supervisors, and in the course of day-to-day contact with individual officers.

**END**