

FOLLOW-UP EVALUATION: 7-18-77

FIRST JUDICIAL DISTRICT FULL-TIME PROSECUTORS  
NORTHEAST IOWA AREA CRIME COMMISSION  
GRANT No. 702-76-06-0001-31-02

Background:

In May of 1975 a grant was approved by the Iowa Crime Commission for the hiring of two full-time prosecutors in Section IB of the First Judicial District. Section IB of the First Judicial District includes the counties of Black Hawk, Buchanan, Chickasaw, Grundy, Howard, and Fayette, housing a population of 288,801. Black Hawk County is the most densely populated county, containing over 75% of the population in Section IB. Black Hawk County had ten part-time county attorneys, Grundy County had three, Fayette and Buchanan Counties had two each, and Chickasaw and Howard Counties had one each.

Upon approval of the initial grant a six-member board composed of IB county attorneys met to select two men to perform the duties of full-time prosecutors. Administratively, the prosecutors were responsible to this County Attorney's Board with their case assignment based on availability of service as well as standard division of duty responsibility. The Board, in turn, was empowered with the authority to review the effectiveness of the prosecutors and had full authority for the hiring and dismissing of such staff.

Based upon the activity of the prosecutors during the initial project period, a preliminary evaluation (No. 702-74-06-0001-31-06) was performed and addressed their efforts during the first nine months of the grant, from July 1, 1975 to March 31, 1976. Included in the preliminary evaluation were the following four objectives, utilized as performance measures in determining success of the project during its first year of funding: 1) percentage of time spent in Section IB counties; 2) reduction of the backlog of cases; 3) time spent from arrest to trial, limited to 60 days; and 4) better distribution of workload.

Based upon its findings, the preliminary evaluation found that three of the four objectives were successfully met and concluded that "...the project has been highly successful during its first year of operation. In some respects, it has exceeded the expectations held for it and provided other, unexpected benefits, primarily in the large increases of cases disposed and the high percentage of jury trials and trials to court handled by the two prosecutors. Their conviction rate is high and their expertise is highly regarded to the extent that they have been requested to assist in two major murder trials in the area. These two cases were highly technical and involved many weeks of preparation. The quality of this project appears to be such that continued funding be approved and that similar projects be considered in other areas of the state."

Subsequent to the evaluation findings, a continuation grant application, totaling \$50,490, was submitted and approved by the Iowa Crime Commission to provide for the continued funding of two full-time prosecutors in the IB First Judicial District.

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Given pre-agreement arrangements, extension and revision requests, the continuation grant period ran from July 1, 1976 through July 20, 1977.

Goal:

The overall goal of the second-year continuation project is to continue to provide a level of manpower-upgrading sufficient to allow the prosecution to expeditiously and judiciously adjudicate criminal cases within the criminal justice system.

Objectives:

The following specific objectives were addressed in the second-year continuation grant:

- 1) To allow an allocation of prosecution manpower responsive to the volume and nature of criminal matters disposed of in IB First Judicial District.
- 2) To increase the volume of cases disposed, as well as enhance the rate of successful prosecution.
- 3) The prosecutors shall attend a National Institute sponsored by the American Bar Association on "Exclusionary Rules in Today's Criminal Practice", to be held in Atlanta, Georgia on April 15-16, 1977.
- 4) To reduce criminal case backlog accrued as a direct result of prosecution shortage.
- 5) To provide available prosecution so as to bring criminal offenders to trial within 60 days of the time they are held to answer.

Performance Measures:

The performance measures of the evaluation were based on the five objectives as specified in the grant. Each objective is addressed as follows:

1. TO ALLOW AN ALLOCATION OF PROSECUTION MANPOWER RESPONSIVE TO THE VOLUME AND NATURE OF CRIMINAL MATTERS DISPOSED OF IN IB FIRST JUDICIAL DISTRICT.

In terms of prosecution manpower, both attorneys are available to each of the six counties on a first-come/first-serve basis and thus, time allocation becomes a by-product of case demands. Some of the counties utilize the prosecutors to prepare and try felonies on a regular basis, such as Black Hawk County, while the more rural counties do so on a need basis.

A comparison of data collected during the first nine months of this continuation project period (July 1, 1976 to March 31, 1977) with that of the initial project (July 1, 1975 to March 31, 1976) would indicate that the first objective was successfully met. Supportive data pertaining to this first objective is given on Table 1. It reflects the cumulative summary of the funded prosecutors' time and duty allocation during the first nine months of the project period covering this grant. In addition, it includes for comparative analysis a summary of the previous year's data.

TABLE 1

PROSECUTORS' TIME AND DUTY ALLOCATION:  
NUMBER OF HOURS (PERCENT OF TIME)

| <u>COUNTY</u> | <u>INITIAL GRANT</u><br>(July 1, 1975-March 31, 1976) |          | <u>CONTINUATION GRANT</u><br>(July 1, 1976-March 31, 1977) |         |
|---------------|---|----------|--|---------|
| Black Hawk    | 2,328.00  | (60.5%)  | 2,276.00   | (69.9%) |
| Buchanan      | 358.00  | (9.3%)   | 80.00  | (2.4%)  |
| Chickasaw     | 87.25   | (2.3%)   | 208.00   | (6.3%)  |
| Fayette       | 372.50  | (9.7%)   | 261.00   | (8.0%)  |
| Grundy        | 150.25  | (3.9%)   | 78.50  | (2.4%)  |
| Howard        | 259.75  | (6.7%)   | 168.00   | (5.1%)  |
| TRAVEL TIME   | 294.25  | (7.6%)   | 183.00   | (5.6%)  |
| TOTAL         | 3,850.00  | (100.0%) | 3,254.75   | (99.7%) |

An examination of this data shows that the two prosecutors spent a little more time in Black Hawk County during the second year of the project (69.9%) as compared with the first year (60.5%). Moreover, they spent a comparable amount of time in the five rural counties during the first (31.9%) as well as the second year (24.2%) of the project. This would appear to be a fairly equitable distribution of time as Black Hawk County accounted for approximately 60 to 65% of the cases filed during either of these two years while the five rural counties accounted for the remaining 35 to 40% of the cases.

An analysis of cost was performed on time spent by the prosecutors within each county in the IB First Judicial District. Each participating county used the services of the full-time prosecutors to fit its own needs; however, the hourly cost for their services varied according to the amount of time spent by the prosecutors in each county. It should be kept in mind that the reason time spent within each county is not equal is due to variation in the number of new cases filed, the types of cases and the availability of other assistants. Consequently, the prosecutors should be available to those counties with the greatest needs. With the exception of Black Hawk County, the availability of qualified prosecutors has virtually eliminated "special prosecutor" fees in all counties.

On the following page Table 2 reflects the average cost per hour for the services of the prosecutors on a county-by-county basis as well as the IB First Judicial District as a whole. The analysis was based on information provided over a nine-month period, from July 1, 1976 to March 31, 1977 with the average cost per hour computed by dividing the total matching cost per county by the amount of time spent by the prosecutors within each respective area.

TABLE 2

\* HOURLY COST ANALYSIS BY COUNTY AND JUDICIAL DISTRICT

| <u>County</u>     | <u>Matching<br/>Cost</u> | <u>Prosecutor's<br/>Time</u> | <u>Average Cost<br/>Per Hour</u> |
|-------------------|--------------------------|------------------------------|----------------------------------|
| Black Hawk        | \$3,426.75               | 2,276.00 hours               | \$1.51                           |
| Buchanan          | 685.43                   | 80.00 hours                  | 8.57                             |
| Chickasaw         | 685.43                   | 208.00 hours                 | 3.30                             |
| Fayette           | 635.43                   | 261.00 hours                 | 2.63                             |
| Grundy            | 685.43                   | 78.50 hours                  | 8.73                             |
| Howard            | 685.43                   | 168.00 hours                 | 4.08                             |
| JUDICIAL DISTRICT | \$6,853.50               | 3,254.75 hours               | \$2.11                           |

An examination of data provided in Table 2 illustrates that as the number of hours spent by the prosecutors within any given county increases, the cost for their services decreases. Given the limited number of hours Grundy and Buchanan Counties utilize the prosecutors over this nine-month period (78.50 and 80 hours respectively), the average cost computes higher than other counties in the judicial district. In spite of wide variation in hourly costs, each county is using the prosecutors as much as needed and is apparently satisfied with the current arrangements.

2. TO INCREASE THE VOLUME OF CASES DISPOSED AS WELL AS ENHANCE THE RATE OF SUCCESSFUL PROSECUTION.

Based upon available data, it appears as though the first half of this objective has satisfactorily been met. Table 3, as illustrated on the following page, shows the number of cases filed and disposed during nine months of the first as well as the second year of the project. The actual number of cases filed has increased by 4.1% (1,399 to 1,456 cases) from the initial to the continuation project period. This increase was consistent with baseline data from the previous year which reflected an increase of 10.8% (1,262 - baseline to 1,399 cases - initial project period).

\* Computations were based on a nine-month period, from July 1, 1976 to March 31, 1977 during the second year of the project.

TABLE 3

CASE DISPOSITIONS

| <u>COUNTY</u> | <u>INITIAL GRANT</u><br>(July 1, 1975-March 31, 1976) |                       | <u>CONTINUATION GRANT</u><br>(July 1, 1976-March 31, 1977) |                       |
|---------------|---|-----------------------|--|-----------------------|
|               | <u>Cases Filed</u>                                    | <u>Cases Disposed</u> | <u>Cases Filed</u>   | <u>Cases Disposed</u> |
| Black Hawk    | 1,040   | 976                   | 1,073  | 957                   |
| Buchanan      | 82  | 59                    | 94   | 121                   |
| Chickasaw     | 72  | 81                    | 76   | 72                    |
| Fayette       | 61  | 93                    | 84   | 75                    |
| Grundy        | 79  | 86                    | 102  | 106                   |
| Howard        | 65  | 89                    | 27   | 41                    |
| TOTAL         | 1,399   | 1,384                 | 1,456  | 1,372                 |

"Enhancing the rate of successful prosecution", the second part of this objective, can be examined by comparing conviction rates. According to the Clerk's Report of Criminal Statistics, the conviction rates in Northeast Iowa have been higher than in other areas of the state, averaging 73.2% in fiscal year 1975 and 98.6% in 1976.

Other baseline data regarding conviction statistics were available on the state's SMSAs in 1975. Again, Waterloo/Black Hawk County, situated in the Northeast area of the state, reported the highest percentage of convictions (83.7%) in comparison to Sioux City/Woodbury County SMSA which showed the lowest (48.8%). Moreover, the average for the state's SMSAs (57.3%) was well below that of Waterloo/Black Hawk County.

As this data indicates that the conviction rates in Northeast Iowa were high even prior to implementation of the program, it was important to continue to maintain this high rate of successful prosecution after the program was initiated.

As the statistics taken during the program continue to show a high conviction rate, it is felt that the latter half of this objective, enhancement of successful prosecution rates, has successfully been met. In fact, during the first year of the project (July 1, 1975 to June 30, 1976) the average conviction rate for Waterloo/Black Hawk SMSA was somewhat higher (97.3%) than the previous year's rate with the rate for the two prosecutors (94.6%) comparable to this SMSA. In addition, the conviction statistics tabulated during the first nine months of the second year of the project (July 1, 1976 to March 31, 1977) continued to show a high conviction rate (88.6%) for the prosecutors. Data from Table 4 was provided by the Office of the Black Hawk County Attorney and compares the conviction/acquittal statistics during both project periods.

TABLE 4

CONVICTION/ACQUITTAL STATISTICS

| Nature<br>of Trial  | <u>INITIAL GRANT</u><br>(July 1, 1975-June 30, 1976) |                  |              | <u>CONTINUATION GRANT</u><br>(July 1, 1976-March 31, 1977) |                  |              |
|---------------------|--|------------------|--------------|--|------------------|--------------|
|                     | <u>Conviction</u>                                    | <u>Acquittal</u> | <u>Other</u> | <u>Conviction</u>  | <u>Acquittal</u> | <u>Other</u> |
| Jury Trial:         |  |                  |              |  |                  |              |
| Felony              | 20   | 1                | 1            | 14   | 1                | 1            |
| Ind. Misd.          | 4  | 0                | 0            | 1  | 0                | 0            |
| Misd.               | 5  | 0                | 0            | 2  | 0                | 0            |
| Total*              | 29 (96.6%)   | 1                | 1            | 17 (94.4%)   | 1                | 1            |
| Trials to<br>Court: |  |                  |              |  |                  |              |
| Ind. Misd.          | 3  | 0                | 0            | 0  | 0                | 0            |
| Misd.               | 57   | 4                | 0            | 30   | 5                | 0            |
| Total               | 60 (93.7%)   | 4                | 0            | 30 (86%)   | 5                | 0            |
| Total Trials        | 89 (94.6%)   | 5                | 1            | 47 (88.6%)   | 6                | 1            |

3. THE PROSECUTORS SHALL ATTEND A NATIONAL INSTITUTE SPONSORED BY THE AMERICAN BAR ASSOCIATION ON "EXCLUSIONARY RULES IN TODAY'S CRIMINAL PRACTICE"

This objective was satisfactorily met as one of the prosecutors, Mr. Harry W. Zanville, did attend the National Institute, held in Atlanta, Georgia on April 15-16, 1977. Attendance at the Institute afforded Mr. Zanville the opportunity to review recent developments in the increasingly complex area of constitutional interpretation which should contribute to the further development of professional prosecution in the IB First Judicial District.

4. TO REDUCE CRIMINAL CASE BACKLOG ACCRUED AS A DIRECT RESULT OF PROSECUTION SHORTAGE.

This program objective appears to have been met; however, this is difficult to determine as the objective does appear unrealistic as there are many factors besides prosecution manpower which contribute to the backlog of criminal cases. Other such factors include the following: 1) inappropriate filing decisions, 2) shortage of available judges, 3) trial scheduling conflicts, 4) plea bargaining, 5) number of motions, 6) nature or seriousness of cases, and 7) varying prosecutorial expertise.

The backlog of criminal cases which includes the number of cases filed, disposed and the change in cases pending is given on Table 5. This data is provided over a nine-month period for comparative analysis during the first as well as the second year of the project.

TABLE 5

CASE DISPOSITIONS

| <u>COUNTY</u> | <u>INITIAL GRANT</u><br>(July 1, 1975-March 31, 1976) |                       |                                | <u>CONTINUATION GRANT</u><br>(July 1, 1976-March 31, 1977) |                       |                                |
|---------------|---|-----------------------|--------------------------------|--|-----------------------|--------------------------------|
|               | <u>Cases Filed</u>                                    | <u>Cases Disposed</u> | <u>Change in Cases Pending</u> | <u>Cases Filed</u>   | <u>Cases Disposed</u> | <u>Change in Cases Pending</u> |
| Black Hawk    | 1,040   | 976                   | 64                             | 1,073  | 957                   | 116                            |
| Buchanan      | 82  | 59                    | 23                             | 94   | 121                   | - 27                           |
| Chickasaw     | 72  | 81                    | - 9                            | 76   | 72                    | 4                              |
| Fayette       | 61  | 93                    | -32                            | 84   | 75                    | 9                              |
| Grundy        | 79  | 86                    | - 7                            | 102  | 106                   | - 4                            |
| Howard        | 65  | 89                    | -24                            | 27   | 41                    | - 14                           |
| Total         | 1,399   | 1,384                 | (87) - (72) = 15               | 1,456  | 1,372                 | (129) - (45) = 84              |

Although the actual number of pending cases increased from 15 (first year) to 84 (second year), the rate of increase during both years is lower than that prior to implementation of the program. (Refer to the preliminary evaluation of the Full-Time Prosecutors' project for baseline data.) The actual number of pending cases increased during both the first and second year grant periods, primarily as a result of the number of pending cases brought forward from the previous years. However, a further review of this data shows that the number of new cases pending was reduced only during the initial year of the project but not during the second year of its operation. In fact, a significant increase (N=69) was realized during the second year. The three counties that experienced an increase in pending cases which in turn, greatly influenced the Judicial District total, were Black Hawk, Chickasaw, and Fayette. As Black Hawk County comprised approximately 74% (1,073 ÷ 1,456) of all cases filed, had the pending caseload not increased to the extent it did in this county, this backlog could have been reduced considerably for the Judicial District as a whole.

It should be kept in mind, however, that while the number of cases disposed of in Black Hawk County actually decreased from 976 during the initial project period to 957 during the second project period, the number of cases filed increased. This increase, from 1,040 to 1,073 cases, in turn, effected an increase in the backlog or number of criminal cases pending during the second year. The same conclusions can also be made with respect to Chickasaw and Fayette Counties which filed more cases during the second year of the project than they were able to dispose.

Implementation of the IB Prosecutors' project has positively influenced the initial filing decisions, upgraded prosecution expertise, and limited prosecution scheduling conflicts. However, certain issues highly influential in determining the volume of cases pending, cannot be impacted by this project. This objective must be recognized in terms of its limited value.

5. TO PROVIDE AVAILABLE PROSECUTION SO AS TO BRING CRIMINAL OFFENDERS TO TRIAL WITHIN 60 DAYS OF THE TIME THEY ARE HELD TO ANSWER.

This objective has also been satisfactorily met. As previously addressed in the preliminary evaluation, if a case is not presented within 60 days, it may be dismissed unless the right is waived by the defendant. Based upon information obtained by this evaluator with Mr. Jay Nardini, one of the prosecutors, during an on-site visit of the program on April 19, 1977, no cases have been dismissed because of extension past the 60-day time limit since the program was funded.

The average number of days computed between arrest and trial was 45 to 50 days for cases handled by the two prosecutors. Because of the number of counties involved in the program and the diversity of cases, this average is somewhat meaningless beyond the fact of showing that the prosecutors fell well below the 60-day time limitation from arrest to trial.

#### Conclusions:

The continuation of the Full-Time Prosecutors' project appears to have been successful in meeting the five objectives as specified in the grant. It appears as though the prosecutors have been accepted in all of the six counties as shown by the fact that they continue to handle cases in all of the counties as requested. In some respects the project has exceeded the expectations held for it, especially in the large increases of cases disposed and their high conviction rates during both the initial and continuation project periods.

A request for funding of the third year continuation of this project has recently been submitted to the SPA. Authorized representatives have stated that the program will be continued after the period in which funding assistance is provided by the Iowa Crime Commission and the program will be incorporated into the operation of the respective units of government.

Based upon the agreement of cost-assumption and conclusions drawn in this evaluation pertaining to achievement of the objectives, it is recommended that continuation of funding be extended for the third and final year.

As this project falls within the program category given high priority for evaluation, a final evaluation, based upon third-year data, will be performed within 30 days after termination of SPA funding next year.



DATA COLLECTION FORM

Full-Time Prosecutors  
1B First Judicial District

Reporting Period: \_\_\_\_\_

Please complete the following information for the three-month period covered by the progress report.

I. Conviction - Acquittal Statistics

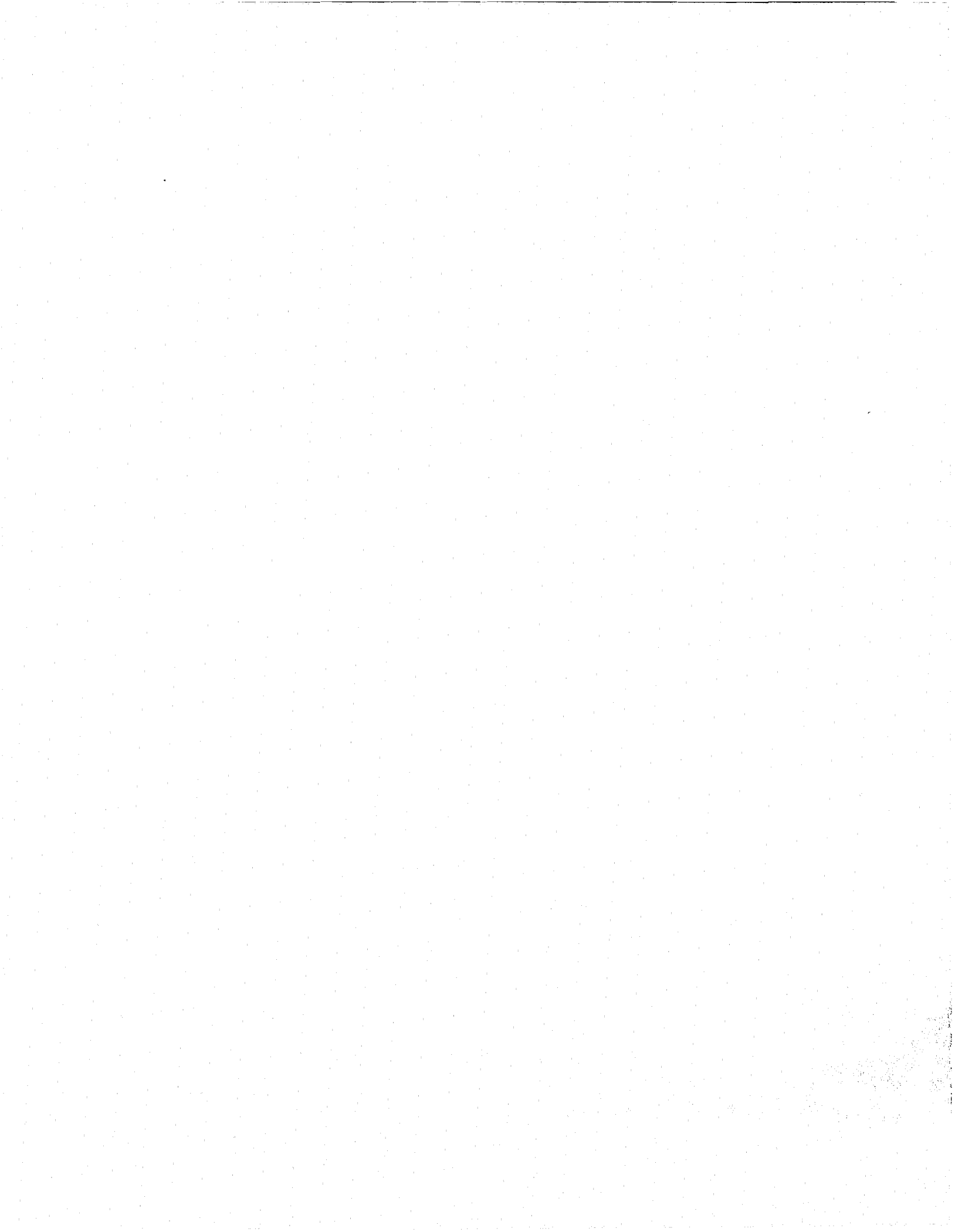
| <u>Nature of Trial</u> | <u>Conviction</u> | <u>Acquittal</u> | <u>Other</u> |
|------------------------|-------------------|------------------|--------------|
| A. Jury Trial:         |                   |                  |              |
| Felony                 | _____             | _____            | _____        |
| Indict. Misdemeanor    | _____             | _____            | _____        |
| Misdemeanor            | _____             | _____            | _____        |
| Total                  | _____ ( ____ %)   | _____            | _____        |
| B. Trials to Court:    |                   |                  |              |
| Indict. Misdemeanor    | _____             | _____            | _____        |
| Misdemeanor            | _____             | _____            | _____        |
| Total                  | _____ ( ____ %)   | _____            | _____        |
| C. Cumulative Total:   |                   |                  |              |
| Felony                 | _____             | _____            | _____        |
| Indict. Misdemeanor    | _____             | _____            | _____        |
| Misdemeanor            | _____             | _____            | _____        |
| Total                  | _____ ( ____ %)   | _____            | _____        |

II. Prosecutors' Time/Duty Allocation

| <u>County</u> | <u>Number of Hours</u> | <u>Percent of Total Time</u> |
|---------------|------------------------|------------------------------|
| Black Hawk    | _____                  | _____                        |
| Buchanan      | _____                  | _____                        |
| Fayette       | _____                  | _____                        |
| Grundy        | _____                  | _____                        |
| Howard        | _____                  | _____                        |
| Travel Time   | _____                  | _____                        |
| Total         | _____                  | 100%                         |

III. Case Dispositions

| <u>County</u> | <u>Cases Filed</u> | <u>Cases Disposed</u> | <u>Change in Cases Pending</u> |
|---------------|--------------------|-----------------------|--------------------------------|
| Black Hawk    | _____              | _____                 | _____                          |
| Buchanan      | _____              | _____                 | _____                          |
| Fayette       | _____              | _____                 | _____                          |
| Grundy        | _____              | _____                 | _____                          |
| Howard        | _____              | _____                 | _____                          |
| Total         | _____              | _____                 | _____                          |



**END**