

PRELIMINARY EVALUATION OF POLK COUNTY

WITNESS COORDINATOR PROJECT

DRAFT

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EVALUATION OF
POLK COUNTY WITNESS COORDINATOR PROJECT

INTRODUCTION

This project was approved by the Iowa Crime Commission to begin operation 7-16-76. The purpose was to address the problem relating to inefficiency in coordination of witnesses and the resulting poor attitudes on the part of witnesses toward the criminal justice system. Two categories of witnesses are recognized within the program: 1) criminal justice personnel, and 2) non-criminal justice personnel serving as prosecution witnesses.

The criminal justice witnesses, while viewing court time as part of their job, still become very frustrated with poor scheduling, lack of coordination, little advance notice, and general inefficiency as relating to court appearances. Such frustration as indicated in the initial grant program, is increased when a "good" case is dismissed due to poor scheduling or no scheduling of necessary witnesses.

Non-criminal justice personnel, due to confusion, the costs pertaining to appearing in court, and the general lack of education in preparing the witness for court, frequently complete their experience as witnesses with a less-than-optimum performance and a lingering negative attitude about the inefficiency and the injustice of the criminal justice system.

The court itself experiences problems pertaining to the lack of witness coordination, cases being dismissed and cases being delayed and continued due to poor coordination and the resulting failure of the witness to appear.

A program was designed using the Wayne County, Michigan exemplary project - Witness Coordinator Program - as a model. Both criminal justice and citizen witnesses were to be coordinated. Objectives were as follows:

- 1) To increase witness satisfaction with the criminal justice process.
 - a. All witnesses will be given at least 48 hour's notice by telephone of impending court appearances.
 - b. All witnesses will be given instructions to appear at the witness coordinator desk prior to the court appearance.
 - c. Witnesses will be notified when they no longer need to appear and will be given the reasons for that change.
 - d. Witnesses will be informed of the names and phone numbers of persons they may call with questions and concerns about their role as witnesses or of the case in which they will be testifying.
- 2) Unproductive time of witnesses will be decreased. This was to be measured in terms of number of witnesses who appear as requested and not testifying when asked to appear. Specifically in terms of police, this will be measured in terms of the number of hours spent in the courthouse as witnesses.
- 3) The proportion and number of witnesses not appearing will decrease.
- 4) The number of continuances based upon failure of

witnesses to appear will decrease.

- 5) The number of dismissals based upon failure of witnesses to appear will decrease.

The program designed to meet these objectives was to include eight primary components:

- 1) Telephone Alert Program. This was to be accomplished by volunteers trained and supervised by the witness coordinator. Tasks within the Telephone Alert Program were to be:
 - a. Notification of witnesses by phone of when to appear at the courthouse for hearings, trials, dispositions, etc. This information would be supplied by volunteers at least 48 hours prior to the specified time for court appearance.
 - b. Screening requests be given "on call" status as witnesses. These witnesses who indicate, due to special hardship or job requirement, i.e., physicians, that they have very limited time available, would be referred to the witness coordinator. Telephone numbers where they could be reached at any time of the day of their court appearance would also be taken. The witness coordinator would determine whether the witness could be placed "on call." If the witness qualified for "on call" status, his name and phone number would be held at the witness coordinator desk on the date in question, to be called approximately one hour before he would need to appear. If the

witness did not qualify, he would be called to notify him of the required appearance time.

- c. Witnesses would be notified, upon a case dismissal or dropping of charges, that they would no longer be needed as witnesses and why. This information would be supplied by the witness coordinator, as gathered from the police, (on dropped charges), the county (on dismissed cases), or the county attorney's improved charge analysis unit.
 - d. Witnesses were to be notified, at any point that the case is resolved through plea bargaining, that they would no longer be needed, and why. This information would come through the witness coordinator, from the county attorney.
 - e. Witnesses would be notified and re-scheduled when a case was delayed or continued. This information would come through the witness coordinator from the county attorney's office (if before the originally scheduled time) or the bailiff (if during the hearing or trial).
 - f. The witness coordinator would serve as a police-liaison with the county attorney's office regarding specific case-related questions or concerns.
- 2) "On Call" Telephone Alert System. The "on call" system would be particularly geared to police officers and other witnesses who have special need to remain on the job as long as possible prior to the court appearance. The witness coordinator volunteers were to have phone numbers at which the witnesses could be reached immediately.

The volunteers would keep track of the witnesses' schedules and a specific witness on the stand so that they could alert the "on call" witnesses at approximately one hour before they would be called to testify.

- 3) Witness Coordinator Desk. The physical visibility of the desk will be implemented if and when the second priority group becomes a part of the witness coordinator's process. The witness coordination desk was to be set up in a highly visible place on the third floor of the courthouse with a large sign indicating, "Witness Coordinator Desk - All Witnesses Please Sign In." The witness coordination desk was to be manned by volunteers trained and supervised by the witness coordinator. The volunteers were to be responsible for the following:
 - a. Maintaining a log. Witnesses would sign in and out using this log.
 - b. Calling "on call" witnesses approximately one hour prior to required appearance.
 - c. Answering in person or telephone inquiries regarding the status or process of cases on the day in question.
 - d. Greeting of witnesses. The desk volunteer would inform each witness of where he should be, whether he should wait inside or outside the courtroom, etc.

- 4) Courtroom Witness Schedules. A blackboard was to be placed outside each courtroom and maintained by the bailiff. Information would be placed on the blackboard regarding progress of the case for the benefit of the witnesses in the witness coordination program.
- 5) This aspect of the program was to centralize the source of more technical information regarding cases. In this regard, the witness coordinator, rather than the volunteer, would be responding to questions of procedure, case disposition, etc. from both police officers and citizen witnesses. Literature disseminated to witnesses would include telephone numbers for the witness coordinator and explain him as a source for this kind of information.
- 6) Witness Information Cards. Witness information cards were to be developed, printed for distribution to potential witnesses. These cards were to include the following:
 - a. That someone would be contacting the witness regarding when to appear (by telephone).
 - b. That someone would be notifying the witness if he was no longer needed, i.e., case dismissed or plea accepted.
 - c. That the witness would be contacted for deposition if needed (and explain what depositions are), where the witness should go when appearing at the courthouse.
 - d. Who should be called by the witness for answers to questions and concerns regarding the process of being a witness and a number by which information could be secured.

- e. Who the witness should call about questions or concerns about the case itself (the county attorney's phone number would be listed here).
- f. Information regarding any payment for appearing in court.

7) Criminal Justice Coordination. The witness coordinator was to be responsible for coordinating the witnesses, the witness process, with police, prosecution, judiciary and ancillary court personnel, the goal being to reduce "court time" drain on law enforcement officer's time.

8) Witness Orientation.

PROCESS OF IMPLEMENTATION

On-site monitoring was performed on this project on January 11, 12, 13, 1976.

The appendix of this document contains a copy of that report (see appendix, pages 23-25). At that time, it was determined that the project was fully operational pertaining to criminal justice witnesses. However, although the witness coordinator was employed on July 16, 1976, the second phase, pertaining to civilian witnesses was only partially eliminated.

In this regard, it is significant that phase II, the program relating to citizen-witnesses is considered optional by the following statement in the original grant application:

Whereas, criminal justice personnel have first priority in implementing this project, all efforts at contacting witnesses will be directed at those individuals. To do so will allow the coordination staff to actually "feel out" the workload. If it is ascertained that the staff is effectively meeting the goals delineated in this application as they pertain to criminal justice personnel and if it is deemed valid that these same numbers of people can contact non-criminal justice personnel, then we shall begin an endeavoring to contact those individuals who are of second priority. (Page 5 - Initial Grant Application: "Method of Implementation")

It is further observed that all references to program details were excluded from the grant application approved to fund the project beginning November 1, 1976. Page 13 of the application, Impact and Results section, summarizes those areas where Polk County expected to impact its witness coordination via this program:

- 1) To increase witness satisfaction with the criminal justice process.
- 2) Witnesses would be notified within a minimum of 48 hours, of a scheduled court appearance.
- 3) Witnesses would be notified when they would no longer be needed as witnesses.
- 4) Witness information cards would be distributed to potential witnesses.
- 5) Unproductive time of witnesses will decrease.
- 6) "Court-time" of police witnesses would decrease.
- 7) Dismissals of cases due to failure of witnesses to appear would be decreased.

A lesson in grant administration is apparent for the crime commissions:

CIACC should have viewed the application for funding the witness coordinator, for the period beginning November 1, 1976 to be an upward revision of the initial application - including the same goals, objectives, implementation, etc. as the initial application. The Iowa Crime Commission staff, not agreeing that an upward revision of the initial grant was the most desirable of the two options, approved the project as a continuation. No references to objectives, program, etc. are included in the continuation except the generalizations stated in the seven (7) statements above from page 13 of the application.

It is therefore technically appropriate that the November 1, 1976 - July 15, 1977 period of the project not be required to include such details of implementation as were referenced only in the application for initial funding (July 16, 1976 - October 31, 1976 and not referenced or included in the "continuation."

(See Appendix, page 19a. for cover letter from CIACC application for the period beginning November 1, 1976.)

Pertaining to implementation, as defined in the October 1 - July 16 application, it appears that the project has to be considered 100% operational except that the clerk has never been employed. The main justification for the inaction appears to be the feeling on the part of the witness coordinator that additional staff, not justified by the workload, was unnecessary. However, in written communication between the CIACC office and the court administrator, the following information was expressed (Frank Leonhardt letter dated 2-3-77, Appendix, page 26).

1. Personnel. It is true that we have not hired a clerical support person for the witness coordinator. We have not done so due to the scope of the project. As the witness coordinator began implementing the project, he did not believe it necessary to employ an individual in that capacity because the workload in terms of written communication did not justify the need. The Court attempts to not expend money unwisely, therefore, we have not filled that position. However, the courts and the new Polk County attorney are looking toward an expansion project within the upcoming months. The expansion of the project will necessitate the employment of the clerical position authorized in the grant. We foresee further contact with private citizens which will certainly call for expanded clerical support. Because of our impending expansion of the project, I herein request that the Clerk II position be continued in the grant budget.

Summarizing the "process of implementation," the following appears to be significant:

- 1) The witness coordinator was hired on July 16, 1976.
- 2) He fully implemented the grant-included steps toward coordinating criminal justice witnesses with some adaptations from the specific scheme within the application.

- 3) A clerk was not employed to assist in witness coordination because at the stage of development of the project to this date, it was not judged to be necessary to carry out those aspects of witness coordination which have been addressed.
- 4) As stated above, the citizen-witness was given a lower priority in the initial application. Services given to the citizen witness (including victims) have been minimal.

While consistent with the "letter" of the initial grant, which allows exclusion of the citizen witnesses as being of lower priority, it is the opinion of this evaluator, utilizing that prerogative of the armchair quarterback, that had the clerk been employed and been given the responsibility for implementing (under the witness coordinator's supervision) the citizen witness section of the initial grant program, it would have resulted in improved citizen coordination and appreciation of the justice system.

Someone has observed, "Law enforcement is not a game of cops and robbers in which the citizens play the trees."

With this continued problem of neglect for the victim and other citizens who too often become only further victimized (by neglect) when they must be involved in the criminal justice system, it is the hope of this writer that the process of implementing services to citizen witnesses, though slow in getting started, will become a program as fully carried out as the coordination of police witnesses.

PROGRAM IMPACTMethodology

In attempting to measure (objective) and judge (subjective) impact of this project, the following methods were utilized:

- 1) Questionnaires were mailed to Polk County police departments on four separate occasions to determine any changes in the police-witnesses' attitude and experience in the court.
- 2) On-site monitoring was conducted by CIACC staff 1, to determine degrees of implementation of various program components and attitudes of court personnel toward the witness coordinator and his program.
- 3) Personal interviews were conducted with police, probation officers, assistant county attorneys and others to determine what effect the witness coordinator has had on the court from various perspectives.
- 4) Data compiled by the Des Moines Police Department personnel department was studied and analyzed regarding the relationship between hours in court by Des Moines Police Department personnel before and after the witness coordinator project.
- 5) Court data from Polk County was compared with the hours in court to determine any possible relationship and impact of the witness coordinator project.

Realizing that other variables are impacting the system at the same time as the witness coordinator project, information concerning the processing of criminal cases in general, with emphasis on changes in procedures, was viewed with concern for interrelationships.

Predicted vs. Actual Impact and Results.

The following consideration of program impact relates to specific projected impact and results statements listed on pages 13 and 13a. of the initial grant application. While not all the information is gathered from this source, we are relying heavily for measurement of impact on a series of questionnaires mailed to Polk County police departments for completion by officers who had served as witnesses during the previous months since the last questionnaire. The witness coordinator was employed July 16, 1976. The questionnaires were mailed on the following dates:
#1 - August 17, 1976; #2 - October 15, 1976; #3 - January 15, 1977;
#4 - April 15, 1977.

Program Objective #1 - Increased Witness Satisfaction

Question #9 states: "Are you satisfied with the present court witness system?"

The first questionnaire reflects strong dissatisfaction - 75 "No" answers out of 90. The second questionnaire, two months later, shows positive change - 67 "No" answers out of 98 (an improvement of +15% in favorable attitudes).

Questionnaires #3 and #4 indicate a continuing improved attitude by the "professional" witness. The 4th questionnaire indicated only 38 "No" answers to the question, "Are you satisfied with the present court witness system.?" In summary, the "No"

responses started with 83% in August, 1976 and by April they had decreased to 51%. This appears to be the most positive indicator of witness system satisfaction.

Witness Notification Within 48 Hours of Trial Date

Concerning the above "48-hour objective," the questionnaire includes the following:

1. How long prior to trial did you receive your subpoena?

The first questionnaire, when tabulated, yielded an average of 7.23 days. The second questionnaire reflected an increase to 11.6 days. The third changed the question so that it reflected only maximum days before trial and minimum days before trial. These averaged: Maximum - 14.5 and minimum: 2.4. The fourth questionnaire, dated April 15, 1977, reflects an average maximum of 12.1 days notice and an average minimum 3.5 days. This reflects a very significant increase in the average minimum number of days. Unfortunately, the average maximum and average minimum, while serving the purpose of the coordinator, especially regarding the minimum, does not give an accurate picture of average time of notice before trial. It does appear safe to say that the time of notice before trial has been extended significantly and a clear indication that the goal of 48-hour notice has been exceeded.

Witnesses Notified When No Longer Needed as Witnesses.

The Questionnaire gathered relevant data with the following:

4. Have you waited to testify and then found that disposition has already been made?

Questionnaire #1 reflected 66 "Yes" answers and 28 "No".

Questionnaire #2 reflected 80 "Yes" and 18 "No" answers, or an increase from 70% Yes answers in the first questionnaire to 81.6% Yes answers in the second questionnaire.

This, if it is a true reflection of fact, shows a significant worsening of conditions. It is possible, however, that, having recently filled out Questionnaire #1, the officers had cause to remember and emphasize their negative experience. There were 101 responses to the 3rd questionnaire. There were 63 "Yes" answers and 38 "No" answers. This reflects an improvement with only 62% indicating that they had to wait and were then told the case had been settled.

6. Have you appeared to testify and found that the case had been continued?

The first survey (Questionnaire #1) tallied 87 "Yes" answers and 14 "No" answers. The next survey shows an improvement - 78 "Yes" and 21 "No" answers. The third questionnaire reflects a continued improvement, only 63 "Yes" answers out of 101 responses. Those indicating that they appeared and then found the trial had been continued went from 86% in the first questionnaire to 78.7% in the second, to 62% in the third questionnaire. The fourth questionnaire indicates that 61% showed up to testify in court and then were informed that their case had been continued. Questionnaires indicate a significant improvement over conditions that existed previous to the coordinator's efforts.

Witnesses Information Cards Distributed

Copies of various materials distributed to witnesses are included herein. See pages 11-18 of the Appendix.

Unproductive Time of Witnesses Will Decrease

This aspect of project impact relates to the civilian witnesses who, had the program been fully implemented, were to register at the witness coordination desk upon arrival at the courthouse. When the trial in which they were participating was concluded (or their part in it, at least) they were to sign out. Since the "civilian" phase of the project was not fully implemented, this portion of the impact is not applicable. It is impossible to determine any change which may have occurred in the time spent in the courthouse by civilian witnesses since a) no record was kept prior to the witness coordinator project, and b) during the project's time frame, the citizen witness components (including "witness desk") were not fully implemented.

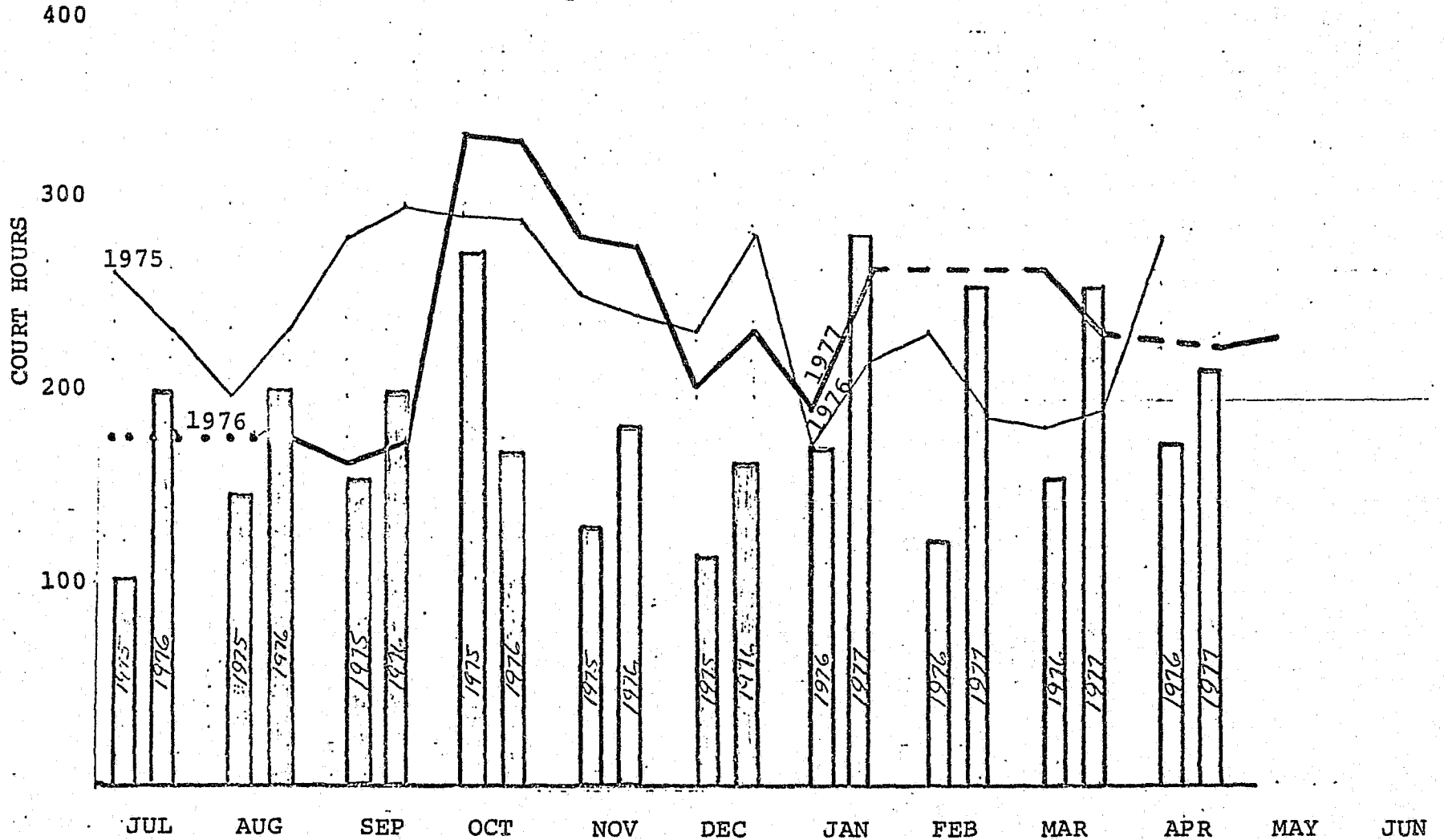
Regarding the attempt to reduce the number of proportion of witnesses who appear, but are not "called to the stand," this does not appear to be a factor which could be affected by the witness coordinator, since the prosecutor determines who will be subpoenaed and also which of those witnesses who have been subpoenaed will be called upon to take the stand. Therefore, no such information was kept, and none is available for our consideration herein.

Court Time of Police Witnesses Will Decrease

According to information submitted by Des Moines Police Department from computer printouts of court time per pay period, Chart I was prepared. This chart (see page 16a) depicts total



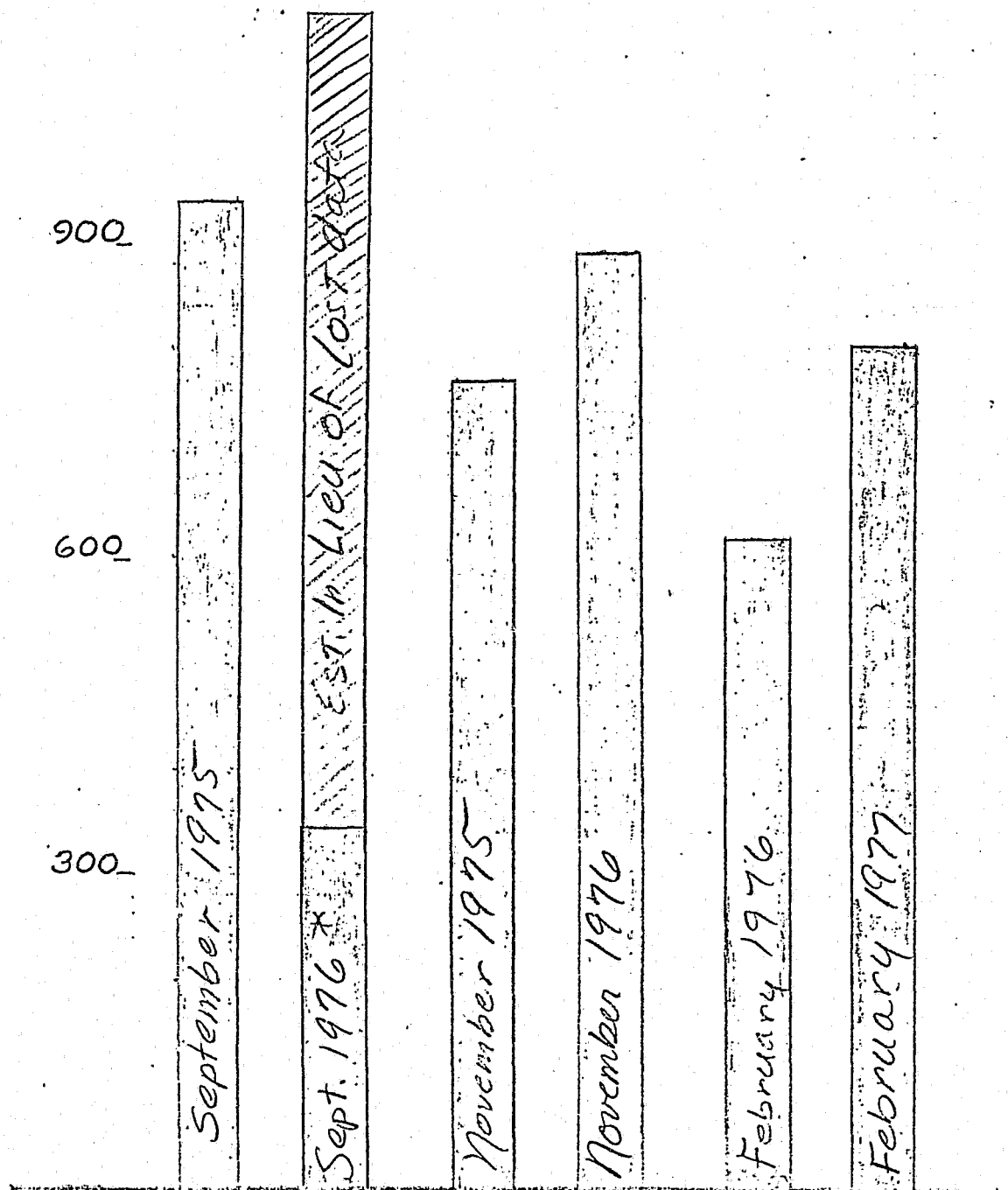
Chart I
 Polk County Criminal Cases
 and
 Des Moines Police Department Officer Witness Fee Hours



= Criminal Cases
 - - - - - = Estimate/Average
 = date not available

Chart II *

Total Reported In-court Hours
by Des Moines Police Department Officers



*Upon study of this information it was judged to be unreliable since a great number of on-duty personnel either did not use the log or registered both their arrival and departure in advance of the actual departure time.

cases per month and witness fee hours per pay period so that any trends might be observed (see also Chart II - page 16b. - depicting witness fee hours plus on-duty witness hours).

It is important that these data be clearly understood. "Court time" as reflected here only includes "officer witness fee" time. Such is defined in Appendix, page 31, as compensation for such time as the officer must spend in court on days off or holidays. However, since the "officer witness fees" are computed on a basis of a minimum of two hours, and ~~that~~ is either standard hourly pay (first day of regularly scheduled absence) or time and one-half (second and thereafter), the data probably do not serve any purpose as a parameter of increased efficiency in witness coordination (see note on Chart II about on-duty court time records).

This objective was considered in the questionnaire with the following (question #3): "How long have you waited at a trial prior to testifying?"

Questionnaire #1 (Question not included)

#2 High: 24 hrs.; Low: 1 hr.; Avg.: 4.59 hrs.

#3 High: 12 hrs.; Low: 1 hr.; Avg.: 3.32 hrs.

#4 High: 6 hrs.; Low: ½ hr.; Avg.: 2.6 hrs.

A dramatic improvement is indicated by these data.

Dismissals Due to Failure of Witnesses to Appear Will Decrease

Appendix, page 30 is a copy of a letter from Scott Crowley to Frank Leonhardt, which points out the following issues relevant to this objective:

- a) The initial grant application which addresses cases dismissed due to failure of witnesses to appear stated, "Some 'good' cases in the past have been dismissed due to witness failing to appear. Approximately ten cases a month were dismissed in Associate

Court for this reason." (Page 13, Impact & Results)

- b) The witness coordinator functions primarily in District Court. He has worked to assist prosecutors in Associate District Court only in exceptional cases.
- c) In contacting several assistant county attorneys, there was no recollection of cases being lost in District Court due to the failure of witnesses to appear.

It appears that the objective of reducing the number of cases dismissed due to the failure of witnesses to appear was inappropriate for a program which functions primarily in District Court, since the problem appears to relate mainly to Associate District Court.

Continuances Due to Failure of Witnesses to Appear

It seems "almost impossible" to get a criminal case continued due to the failure of prosecution witnesses to appear. A Decrease in the Ratio of Pending Cases is Expected (Comparison will be made between total cases to December 31, 1975 and December 31, 1976.

TOTAL & PENDING CRIMINAL CASES - POLK CO. COURT *

<u>Year</u>	<u>Jan. 1</u>	<u>Total Filings</u>	<u>Disposed</u>	<u>Pending-12/31</u>	<u>% Over One Year Old</u>
1975	1,716	2,865	2,921	1,660	7%
1976	1,660	3,423	3,058	2,025	8%

*Information from Supreme Court Adm. Office

Pending cases represented 56.8% when compared to total filings for 1975. At the end of 1976, pending cases represented 59.1%. There is little change in the percentage, but this indicator is of questionable value as a parameter of success for the witness coordinator project.

Functions of Witness Coordinator Not Anticipated in Grant Application

In order to improve witness satisfaction, the witness coordinator, in addition to contact with witnesses by letter (see Appendix pages 11-18 for items included in letter to witnesses), also communicates with the witness by phone after the trial regarding disposition. Since the witness often appears and then leaves without knowledge of a trial's conclusion or of sentence of the person(s) who are judged to be guilty, this is a service which fills a long-standing gap.

Numerous services are provided to prosecutors in addition to coordination of witnesses. These services include, but are not limited to providing information about police officers, civilian witness, police methods (the witness coordinator is a retired police officer who had a distinguished career according to several of those interviewed during the process of preparing this evaluation, preparing forms and legal documents relating to witnesses).

Services are also provided to police officers and departments beyond that of witness coordination. The witness coordinator attends the fortnightly meetings of the Polk County Police Chiefs. In doing so, he has opportunity to function as a court-police liaison or at least a liaison between the county attorney and the police. During the course of gathering information from various criminal justice agency heads regarding witness coordinator evaluation, it was learned that the witness coordinator is looked to for general information regarding the county attorney's office.

Interviews

In an attempt to assess other-than-police opinions of the witness coordinator program, several criminal justice officials were contacted using the form on page 5a. of the Appendix.

The following questions were used and comments gained in that process:

- 1) "Are you familiar with the witness coordination project being conducted through the Polk County Attorney's Office?"

If there was any reason to feel that the person being interviewed was not familiar, the interview was terminated.

- 2) "Are you aware of any changes in the coordination of prosecution witnesses which have occurred since the program was initiated?"

Most often mentioned were the following: a) No longer being called to witness during vacation; and b) Better notification to witnesses (sooner than before).

- 3) "Can you suggest what could be done to improve witness coordination?"

The most frequent response was an additional staff person who could on occasion perform leg work for Crowley.

- 4) Specific criticisms of the program were solicited.

Most had no criticism. Two expressed some. One of these, it was discovered, does not receive services for his special unit from the witness coordinator. All witnesses for this program are coordinated directly by the attorney who is special prosecutor for this unit.

The other criticism was "that plea bargaining (when such occurs) should be shared with the officers involved in the case."

5) The following question was asked which was an attempt to "cross-examine" the person being interviewed: "Do you have any specific commendations for the program?" (A previous question was purposefully vague when it asked concerning "any changes." These could have been for "worse" as well as for "better."

Most of the responses were covered in the first question (above) under "changes." In addition, the following responses were recorded:

- 1) "Proper choice of personnel. Crowley is detail-minded and doesn't give up."
- 2) "Witness coordinator follows through."
- 3) "Has done a good job much to my surprise. I was prejudiced against a police officer being successful in that role."

One police special unit was interviewed by mistake. The mistake relates to the fact that witness coordination for this unit is not being conducted by the witness coordinator. However, since this was done and the results are so clearly in contrast to the other interviews, the information is significant in that the unit serves as an informal control group. This is due to the fact that a special prosecutor is assigned to the unit and he handles his own witness coordination.

If the group is viewed as a control group, the following pre-existing (before witness coordinator) conditions still exist with

this group of police officers whose witness coordination continues to be conducted as it was in the past, by the prosecutor.

CONCLUSIONS

Concerning the "process of implementation," the witness coordinator grant varies substantially from what was described in the initial grant application. While the specific language of the narrative assigns a lower priority to the citizen witness, this "lower priority" has implications in light of the failure to employ the second staff person, keep a log, establish a witness desk, witness information boards outside the courtrooms, etc. It appears that professional criminal justice personnel is still oriented toward running the system for the convenience of the paid employees without consideration for those who pay the employees!

Admittedly problems exist which make the complete implementation of this project difficult, but for the sake of an efficient system and for the sake of those who enter the system as victim-witnesses, it should be completely implemented to include as thorough as possible an orientation of and service to the citizen witness as well as the police witness.

The absence of a log for all police witnesses to use for signing in and out causes a serious absence of data which would have presented an accurate parameter of impact in increasing the efficiency of coordinating police witnesses.

The data which Polk County employees suggested as a substitute for the log is a log maintained by the clerk of court. Information from this log is kept by the personnel department of the police department and does not appear to be accurate for the following reasons:

1) The amount of time entered in the log in most cases is two hours. This two-hour amount is in the negotiated contract between the police officers' association and the city (see Appendix, page 31), as minimum time (show-up time) for appearing in court on regularly scheduled days off. It appears that it may be the practice of signing in and out at the same time in an effort to eliminate the need to go back by the clerk's office to sign out.

2) One month, September, 1976, appears to have been, for all practical purposes, lost. September, 1975 accounts for 370½ hours while the same month in 1976 only records 17.5 hours.

3) The officers frequently forget to even use the log and therefore it does not document the total number of hours in court (See Chart II and Appendix, pages 32ff).

Concerning those aspects of the program which have been implemented (considering that only one of the proposed two-person staff members was employed, and the more innovative aspects of the citizen-related program were not attempted), it is impressive that there appears to be --

- a. excellent choice of personnel,
- b. dedication to solving the problem of police-witness utilization by the witness coordinator,
- c. optimum rapport between the witness coordinator and his working associates, both in the county attorney's office and the many state and local law enforcement bodies contacted during the course of this evaluation.

The period of time during which the witness coordinator project has been operational has been one in which there has been a significant increase in criminal cases, within the Polk County Court. Comparing the ten months from the employment of the witness coordinator to the same months in the previous year, there is a 38% increase - July, 1975 through April, 1976: 1,576 cases; July, 1976 through April, 1977: 2,134 cases (see Chart I).

During calendar year 1976 the Chief Judge reported that 1,100 felony charges were filed and of these 1,093 were disposed.[?] Trials accounted for 1,990 of the total.

The above, while not directly referencing the witness coordinator, helps set the stage for the environment into which he was placed when employed July 16, 1976.

According to the attached three-page release (pages 27-29 of the Appendix), the Polk County court docket was "current" on January 1, 1977 with only six cases remaining unassigned for trial. The Chief Judge, in the same document, credits this reversal from past trends in part, to efficiency by the county attorney. While it is not possible to prove a direct, cause/effect relationship between the work of the witness coordinator and this "new-found success," there is ample evidence contained within this document so that one may credit the witness coordinator with some responsibility for improved efficiency.

The Questionnaire

The police-witness questionnaire assessed the changing experience of police officers toward the witness system. Ten questions were asked. All of the ten questions could be answered either "Yes" or "No." Nine of the ten questions appear to deal with issues which may reflect directly or indirectly on the efficiency of the witness coordinator. They are considered as follows indicating positive or negative outcome:

1. "How long prior to trial date did you receive your subpoena?" While the witness coordinator changed his method of summarizing data after the first questionnaire, there appears to be every indication from the questionnaires that there was a significant increase both in the maximum number of days preceding trial and the average minimum number of days before a trial for receipt of subpoenas by police officers (see analysis on page 14).

	<u>How Long?</u>	<u>Av. Max.</u>	<u>Av. Min.</u>
	<u>DAYS</u>		
Questionnaire #1	7.23 days		
#2		11.6	2.7
#3		14.5	2.4
#4		12.1	3.5

2. "Have you been notified by phone to appear in court without prior notice?"

	<u>% Yes</u>	<u>% No</u>
Questionnaire #1	73.8	26.2
#2	66.4	33.6
#3	47	53
#4	45	55

There was an obvious improvement with each successive questionnaire.

3. "How long have you waited at a trial prior to testifying?" While this question was not on the first questionnaire, there is a dramatic reduction in the maximum time spent waiting and in the average time waited as reflected in three questionnaires.

	<u>Max.</u>	<u>Min.</u>	<u>Avg.</u>
Questionnaire #1	NA		
#2	24 hrs.	1 hr.	4.59 hrs.
#3	12 hrs.	1 hr.	3.32 hrs.
#4	6 hrs.	½ hr.	

An obvious improvement.

4. "Have you waited to testify and then found that disposition had been made?"

	<u>Yes</u>	<u>% Yes</u>	<u>No</u>
Questionnaire #1	66	70	28
#2	80	81.6	18
#3	63	62.3	38
#4	52	65	28

While there is improvement in questionnaire answers for both the 3rd and 4th questionnaires, there is an obvious decline in efficiency for the time period assessed by the October 15, 1976 questionnaire. There is no explanation for this except that the other data for October, 1975 are also inconsistent with trends. There appears to be some variable which has failed to come to our attention (see Chart I).

5. "Have you been notified that you were needed in court but had not received a subpoena?"

	<u>Yes</u>	<u>% Yes</u>	<u>No</u>
Questionnaire #1	74	71.8	29
#2	68	68	32
#3	51	50.5	50
#4	39	48.7	41

6. "Have you appeared to testify and found that your case had been continued?"

		<u>Yes</u>	<u>% Yes</u>	<u>No</u>
Questionnaire	#1	87	86.1	14
	#2	78	78.8	21
	#3	63	62.4	38
	#4	49	61.2	31

Improvement is indicated in this category (see also discussion of objectives - "Increase witness satisfaction and witnesses notified when no longer needed as witnesses").

7. "Have you been notified by subpoena or otherwise to meet with the prosecutor and found him not available for conference?"

		<u>Yes</u>	<u>% Yes</u>	<u>No</u>
Questionnaire	#1	29	31.2	64
	#2	33	33	67
	#3	33	32.7	68
	#4	22	28.6	55

No identifiable trend is visible, nor is the change significant. It is apparent as well, that this problem is one over which the witness coordinator has little control. It is one, however, that is understandably of concern to those who wish to improve witness coordination, improve attitudes toward the court and bring about basic businesslike efficiency. It is difficult to imagine an attorney in private practice who could sustain his clientele if he frequently did not meet his appointments with clients. It appears that without the profit motive, simple pride or the desire for a professional standard of performance do not in themselves bring about the same level of performance.

8. "Have you received a subpoena that would cause conflict with your vacation?"

	<u>Yes</u>	<u>% Yes</u>	<u>No</u>
Questionnaire #1	(Not available)		
#2	60	60	40
#3	36	35.6	65
#4	31	38.7	49

There is a decrease in the number who are called to testify on their vacation. Later, in the discussion of telephone interviews, there is more commendation of the witness coordination program on this subject than any other.

9. "Are you satisfied with the present court witness system?"

	<u>Yes</u>	<u>% Yes</u>	<u>No</u>
Questionnaire #1	15	16.6	75
#2	31	31.6	67
#3	27	27.8	70
#4	36	48.6	38

A definite improvement is indicated in this category which measures officer's attitude toward the general subject of the court and of witness coordination in particular. Since this question invites expression of the traditionally anti-court police bias, it is significant that the improvement in attitude is not only maintained, but increased through the 4th questionnaire.

To the extent that this program has been implemented, it has performed well, to the satisfaction and increased efficiency of the coordination of police witnesses. It appears to have established an improved liaison between the county attorney's office and police agencies. It has also begun to serve the needs for informing the civilian witness.

It is recommended that if funding is continued via LEAA, it be required that police witnesses log in and out and at the end (or near the end) of each day, the witness coordinator contact any witnesses who failed to sign out, in order to enter the proper time in the log and maintain credible data for assessment of future impact.

It is further recommended that the second person be employed and, under the supervision of the witness coordinator, assist in implementing the balance of the yet-to-be-tried components of the civilian witness coordination.

The areas now not being coordinated by the witness coordinator project, i.e., MANS Unit cases, Associate District Court, should be included in the work of the witness coordinator staff.

Future evaluation should include complete (every month and every pay period) data, which could indicate trends with more validity than a study with the limitations of this preliminary evaluation.

A control group might be considered in comparing the Associate District Court where there is no witness coordination project. The control group potential of the MANS staff (not currently coordinated by witness coordinator) is suggested by this document; however, the small number of witnesses involved would limit the reliability of data.

APPENDIX

WITNESS COORDINATOR QUESTIONNAIRE

This is a subjective questionnaire and answers to the following questions are requested with the idea of improving the system. Signing this questionnaire is not necessary.

- 1. How long prior to trial date did you receive your subpoena?
Number of days. _____
- 2. Have you been notified by phone to appear in court without prior notice? Yes _____ No _____
- 3. How long did you have to wait at a trial prior to testifying?

- 4. Have you waited to testify and then found that disposition had been made at a prior time? Yes _____ No _____
How long the wait? _____
- 5. Have you been notified you were needed in court but had not received a subpoena? Yes _____ No _____
- 6. Have you appeared to testify and found that the case had been continued? Yes _____ No _____
- 7. Have you been notified by subpoena or otherwise to meet with the prosecutor and found him not available for conference at the appointed time? Yes _____ No _____ If yes explain _____

- 8. Have you been issued a subpoena that would cause conflict with your vacation? Yes _____ No _____ If yes explain _____

- 9. Are you satisfied with the present court witness system? Yes _____ No _____ If no explain _____

10. If there are problems not listed please expound below.

When completed return to your commanding officer and he will forward to this office.

WITNESS COORDINATOR QUESTIONNAIRE #2

The following is the result of the 2nd witness questionnaire submitted to Polk County Law Enforcement Agencies. The findings are based on 100 forms that were returned by the agencies.

- 1. How long prior to trial date did you receive your subpoena?
 Number of days. Maximum ____ . Minimum ____ .
 Average maximum. 11.6 87 Ans.
 Average minimum. 2.7 66 Ans.
- 2. Have you been notified by phone to appear in court without prior notice?
 Yes 65 No 33. 98 Answers.
- 3. How long have you waited at a trial prior to testifying?
 Maximum hours. High 24, Low 1. Average 4.59. 90 Answers
- 4. Have you waited to testify and then found that disposition had been made.
 Yes. 80 No. 18 98 Answers.
- 5. Have you been notified that you were needed in court but had not received a subpoena?
 Yes 68 No 32 100 Answers.
- 6. Have you appeared to testify and found that the case had been continued?
 Yes 78 No 21 99 Answers.
- 7. Have you been notified by subpoena or otherwise to meet with the prosecutor and found him not available for conference?
 Yes 33 No 67 100 Answers.
- 8. Have you been issued a subpoena that would cause conflict with your vacation?
 Yes 60 No 40 100 Answers.
- 9. Are you satisfied with the present court witness system?
 Yes 31 No 67 98 Answers.
- 10. Do you have problems with the court system not covered by the above?
 No ____ Yes, Explain _____ See separate page.

This questionnaire was slightly different than the first. (8-17-76). More of the questions were based on the yes or no answer system. Because of the change in questions it will be a little more difficult to make a comparison in the questionnaire. It is hopeful that the next questionnaire will reflect the witness program more accurately.

10. Problems not listed.

Having County Attorney say, "I only got the case an hour ago."
 Would like disposition on cases.
 Would like pre-trial conferences.
 Fees that court is interested in cases only for the convenience of the courts.
 Courts too inconsistent.
 Would like conference prior to trial.
 Complaint of loss of two probable cause sheets between Polk County jail and County Attorneys office.
 Need shake up in County Attorneys office.
 Failure of County Attorney to meet with officers prior to trial.
 Bad County Attorney.
 Cases not fully prosecuted.
 Case bargaining without notifying officers.
 Court Lenient.
 Arrive at court and find that defendant had pled.
 Don't like court on vacation or day off.
 Feels County Attorney making effort at coordinating Court appearances. Should include depositions.
 No preparation on cases.
 Continuances for officers hard to get.
 Court interferes with school.
 College conflicts with court.
 Would like more advance notice.
 Continuance at convenience of defendant.
 Asked to come to the County Attorneys office and don't know which one to see.
 Don't know who is handling case and which Court room.
 Disorganization, low witness fee, minimum fines and sentences, little regard for victim, deferred sentences, non uniformity in judges, continuances for defendants, no case preparation by assist County Attorney.

 Low witness fee for hours spent in court.
 Deferred sentences, fines low, judges too lenient on assaults on Police officers.
 Not notified of dismissals
 Would like to have dispositions.
 County Attorney has said they attempted to locate you but couldn't. Not true.
 Should contact officer on disposition.
 County Attorney has not had pre-trial conference which resulted in embarrassment.
 Too much time to get disposition.
 Subpoena witness they don't intend to use.

There were 59 no answers to this question. 34 comments. 93 Answers.

WITNESS COORDINATOR QUESTIONNAIRE

The following is the result of the 3rd witness questionnaire submitted to Polk County Law Enforcement Agencies. The findings are based on 101 forms that were returned by the agencies.

1. How long prior to trial date did you receive your subpoena?
Number of days. Maximum ____ . Minimum ____ .
Average maximum. 14.5
Average minimum. 2.4
2. Have you been notified by phone to appear in court without prior notice?
Yes 46. No 52. 98 Ans. Improvement.
3. How long have you waited at a trial prior to testifying?
Maximum hours. High 12, Low 1. Average 3.32. 95 Ans. Improvement.
4. Have you waited to testify and then found that disposition had been made? Yes. 63. No. 38. Ans. 101 Improvement.
5. Have you been notified that you were needed in court but had not received a subpoena?
Yes. 51 No. 50. 101 Answers. Improvement.
6. Have you appeared to testify and found that the case had been continued?
Yes 63. No. 38. 101 Answers. Improvement.
7. Have you been notified by subpoena or otherwise to meet with the prosecutor and found him not available for conference?
Yes. 33. No. 68. 101 Answers. No noticeable improvement.
8. Have you received a subpoena that would cause conflict with your vacation?
Yes. 36. No. 65. 101 Answers. Improvement.
9. Are you satisfied with the present court witness system?
Yes. 27. No. 79. 97 Answers. No improvement.
10. Do you have problems with the court system not covered by the above?
No. 67. Yes, Explain _____ -- See separate page.

This questionnaire asks the same questions that were submitted on questionnaire number 2 (November 15, 1976). The answers, overall, show an improvement over the past three months.

4a/

10: Problems not listed.

County Attorney not prepared to try cases.

Haven't subpoenaed the correct witnesses.

Haven't examined the evidence.

Don't have the ability to try cases.

Witness fees ridiculous.

Being in court way too early.

Information on subpoena not sufficient to locate records. Expecially 2nd offense OMVUI. Difficult to locate attorney handling the case. (BCI)

Defense stipulates to BCI reports. Prosecutor requires appearance.

Would like BCI lab. case number and County Attorney handling case.

Reducing charges on good cases.

Losing cases because of negligence of County Attorney.

Deferred sentences. Lawyers and judges disposition without state witnesses.

Court date with officer in mind.

Subpoena pay system confusing. (DMPD, should look at R & R.)

Problems with subpoena in traffic court. (Associate District Court)

Objects to being called while off duty to be asked about cases.

Subpoenaed on days off.

Days off and in court.

Deferred sentences and other disposition on cases without going to court or consulting with officers.

County Attorney does not always talk over cases prior to going to court.

When court called off officers should be notified 48 hours in advance.

Consideration of hours worked by officers and pay.

Deposition hearings without arrangement for witness fee.

Concessions for defendant without regard to prosecution witnesses inconvenience night shift, days off etc.

Poor scheduling for night shift officers.

Subpoena at 8:30AM and no one available at the time. (County Attorney)

Attorney fails to brief for trial.

Waiting to testify while jury is picked.

Deposition hearings and not being paid at the time and trying to collect later.

Problems with conflicting subpoenas (out of town one, (State))

Need more time on subpoenas, better planning on appearance time.

There were 67 No answers to this question. 33 comments. 100 Answers

You will note that some of the comments seem confusing. These comments were not edited but listed as given. Some of the comments are understandable and are determined to be from certain enforcement agencies. The purpose of listing all comments is to show the feelings of those submitting. The number of comments are about the same as those given on the prior questionnaire. There is an increase in court system satisfaction.

WITNESS COORDINATOR QUESTIONNAIRE

The following is the result of the 4th Witness Questionnaire submitted to Polk County Law Enforcement Agencies. The findings are based on 97 forms that were returned by the agencies. Eleven were returned with no answers because the submitting officer had not been in court since the last questionnaire was submitted three months ago. 86 returned with ans.

- 1. How long prior to trial date did you receive your subpoena?
 Number of days.. Maximum ____ . Minimum ____ .
 Average maximum. 12.1 76 Ans. Decrease in number of days issued.
 Average minimum. 3.4 65 Ans. Increase in number of days issued.
- 2. Have you been notified by phone to appear in court without prior notice?
 Yes. 34. No. 43. 77 Ans. Improvement.
- 3. How long have you waited at a trial prior to testifying?
 Maximum hours. High 6, Low ½. Average 2.6 76 Ans. Improvement.
- 4. Have you waited to testify and then found that disposition had been made? Yes. 52. No. 28. Ans. 80. No noticeable improvement.
- 5. Have you been notified that you were needed in court but had not received a subpoena?
 Yes. 39. No. 41. Ans. 80. No noticeable difference.
- 6. Have you appeared to testify and found that the case had been continued?
 Yes. 49. No. 31. Ans. 80. No noticeable difference.
- 7. Have you been notified by subpoena or otherwise to meet with the prosecutor and found him not available for conference?
 Yes. 22. No. 55. Ans. 77 No noticeable improvement.
- 8. Have you received a subpoena that would cause conflict with your vacation?
 Yes. 31. No. 49. Ans. 80. No noticeable improvement.
- 9. Are you satisfied with the present court witness system?
 Yes. 36. No. 38. Ans. 74. Less satisfaction with the witness system.
- 10. Do you have problems with the court system not covered by the above?
 No. 57. Yes, Explain 18. -- See separate page. #2.

This questionnaire asks the same questions that were submitted on questionnaire number 3 (January 15, 1977). The answers, overall, show little change in the previous questionnaire. Questionnaire #3 showed an improvement over #2. However on question #9 there was considerable change re: satisfaction with the witness system. The answers were about even compared to 27 yes and 70 no answers in the previous questionnaire. This is a confusing statistic.

TO BE COMPLETED BY CIACC STAFF DURING TELEPHONE OR PERSONAL INTERVIEW.

Introduce self as CIACC staff person working on evaluation of Witness Coordination Project.

- 1. Are you familiar with the witness coordination program being conducted through the Polk County Attorney's Office? _____

(You may have to briefly explain that the project started on July 16, 1976 when a former Des Moines police officer was employed to improve the coordination of police and civilian witnesses for prosecution. If person being interviewed is still unfamiliar mention name of Witness Coordinator: Scott Crowley. If still unfamiliar, thank person and terminate conversation.)

- 2. Ask if person being interviewed is aware of any changes in the coordination of prosecution witnesses since the program was initiated in July of 1976. List changes: _____

- 3. Ask for suggestions re: improvements in the existing witness coordination program. List suggestions: _____

- 4. Ask for specific criticisms of the program. List criticisms: _____

- 5. Ask for commendations of the program. List them: _____

- 6. (This is just to make sure #5 covers known positive results.) List any improvements which you feel have resulted from the initiation of the witness coordination project. _____

- 7. Category of person interviewed: police _____ prosecutor _____
 defense attorney _____ judge _____ other _____.

- 8. Date completed _____

- 9. Interviewer's initials _____

August 17, 1976

From: Scott E. Crowley
Witness Coordinator

To: Chiefs of Police, Directors, etc.

Subj: Witness Coordinator Program

Polk County has adopted a Witness Coordinator program for the purpose of eliminating certain problems encountered by witnesses in the Court system.

For purposes of this project the witnesses are divided into two groups: Criminal Justice Personnel and Non-Criminal Justice Personnel who are acting as prosecution witnesses.

Criminal Justice Personnel i.e. are those directly employed by an agency involved in the adjudicative process. These persons are in the first priority of the program.

The following points will be implemented in a plan to use witnesses more efficiently.

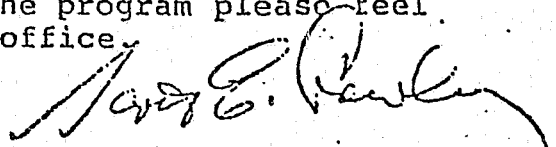
1. Give adequate advance notice for trial.
2. Eliminate unnecessary waiting to testify.
3. Check on availability of witnesses prior to trial date.
4. Operate as liaison between the police and Polk County prosecuting attorneys.
5. Minimize "in court" time not on the witness stand.
6. Notify officers who have received subpoenas when the defendant pleads prior to trial date thus eliminating an unnecessary trip to court. Will also make officer aware of defendant's plea and sentencing date when possible.
7. Develop "on call" system for police officers on duty during court hours or available at home when not on duty.

By implementing the above program it is hopeful that fewer cases will be dismissed for lack of police prosecution witnesses. Also there should be fewer cases continued on the part of the prosecutor.

The total program should increase witness satisfaction with the Criminal Justice process.

If I can be of further help in explaining the program please feel free to contact me in the County Attorneys office.

Encl: 1



September 1, 1976

From: Scott E. Crowley
Witness Coordinator

To: Polk County Attorney
(Trial Attorneys)

Subj: Aids for Prosecutors
(Re: Police Witnesses)

The purpose of the Witness Coordinator program is to assist the prosecutor in contacting witnesses for pre-trial conferences, depositions, and court room testimony. The program also will benefit the police witness by giving reasonable advance notice by subpoena, eliminate subpoena when witness is on vacation or military leave, and cut down on "court time" not on the witness stand.

The Witness Coordinator has the information which is available to prosecuting attorneys as an aid concerning police witnesses. The Witness Coordinator will on request:

1. Contact witness for prosecuting attorneys on an "on call" basis. Generally these people could be at home after working on 1st or 3rd Watch. Also those persons who are working the 1st Watch and could be contacted by phone or radio.
2. Check working schedule of police officers prior to issuing subpoenas. Thus determining if officer is available. He may be on vacation or military leave. This information is usually available to end of following month. Sometimes as much as 30 days in advance.
3. Contact police witnesses for pre-trial conference with prosecutors.
4. Notify officers who have been subpoenaed for trial and case disposition made prior to trial. Thus eliminating officer reporting for trial without having knowledge of disposition. This information must be furnished by prosecutor.

The above aids are available for most law enforcement agencies in Polk County. Those departments not in current file may also be contacted when necessary.

September 3, 1976

From: Scott E. Crowley
Witness Coordinator

To: County Attorney
(Trial Attorneys)

Subj: Problems Concerning Police Witnesses and
Remedial Suggestions.

1. Short notice on receiving subpoenas.
(Planning ahead on part of prosecutor.)
2. Long waits prior to testifying at trial.
(Use the "on call" system of notifying witnesses when possible. Generally would be effective when police personnel are working a day watch and are able to be contacted by phone or radio. Could also be used if known location of officer when off duty.)
3. Witness not appearing in court.
(Did he receive a subpoena? Was he on vacation? Did he just disregard? By having closer contact with the police witness this problem should be eliminated. Check prior to trial date for status of police witness and his availability to testify. Give advance notice that there is possibility of trial on particular date. This could be done by phone.)
4. Not notifying witness when not needed. Case "disposition" made prior to trial date.
(When disposition is made on case contact the police witness. This should be done after subpoena issued and prior to date of trial. Also if arrangement has been made verbally by Assist. County Attorney to appear and disposition has been made.)
5. Not notifying witness in case of continuance or delay of case.
(Assistant County Attorney should notify witness as soon as possible after aware of a continuance or delay of trial.)

The Witness Coordinator is available to aid the prosecutor in contacting witnesses and may be used for this purpose.

September 10, 1976

From: Scott E. Crowley
Witness Coordinator

To: Frank Leonhardt
Court Administrator

Subj: Progress Report
Witness Coordinator Program

The Witness Coordinator was employed July 16, 1976. After conference with the Court Administrator space was located in the County Attorneys office. A desk was obtained and a borrowed typewriter for current use located. The work area is ideal as a close working relationship between trial attorneys and the police is necessary to fulfill the purpose of the program.

The Grant provides that the Witness Coordinator would serve as a police liaison with the County Attorney's office regarding specific case related questions or concerns.

Judges of the Fifth Judicial District have chosen as the first priority of this project Criminal Justice Personnel. Therefore this report will be concerned with implementing this phase of the project. The second priority concerns Non-Criminal Justice Personnel and will be implemented at a later date.

Met with Chief W. Nichols of the Des Moines Police Department to inform him of the program. Obtained a copy of the DMPD roster and began typing 3 X 5 card index of personnel. This information reflects name, rank, home address, home phone number and work description. An anticipatory time schedule was also obtained. This schedule will be obtained by the 22nd of the month for the following month. The purpose of the schedule is to determine vacation, military leave and other days off of officers who may be subpoenaed. This information should aid the prosecutor in the process of subpoenaing officers for trial, conferences, depositions etc.

Met with Bob Bernard and purchasing personnel and made arrangements to order a typewriter table, typewriter, 3 X 5 card index (double) and chair. Also various supplies such as 3 X 5 cards, paper, etc. All of the material obtained through requisitions.

During the processing of the index aided trial attorneys in 39 cases in locating ninety two police witnesses most of whom had been subpoenaed. These witnesses were notified as to disposition on cases and therefore not needed to testify. Obtained additional time sheets from the DMPD which were not normally submitted to the Polk County Attorneys office. Felt that the additional sheets were necessary because of the involvement of officers working these Units.

10/

Contacted the remaining Chiefs of Police in Polk County, Polk County Sheriff, Director of BCI, Directors of various Units of the BCI, such as Drugs, Vice, Criminalist etc. and appraised them of the Witness Coordinator Program. See enclosure for departments and heads thereof.

There have been nineteen departments and units indexed, of which ten have submitted anticipatory time sheets for a total of six hundred and seventy five (675) law enforcement personnel. The anticipatory time sheets are usually available around the 20th of the month for the following month. This generally will supply information re: vacation, military leave and other days off up to forty days in advance.

Court time and cost of same is available through computer for the Des Moines Police Department. These statistics have been secured for future reference in evaluating the program. Since Des Moines has the largest number of personnel, makes more arrests and therefore in court more often than the other representative departments the evaluation of court appearances should be reasonably accurate so far as court time is concerned.

One of the methods implemented to obtain advance information on availability of police officers for trial is getting cases up to six weeks in advance so that witnesses may be checked for availability at an early date. The anticipatory time sheets are important to this process. This program implemented August 19th and seventy six (76) cases have been tabulated thus far.

Spent some time in tracing the subpoena process. It is hopeful that unnecessary subpoenas will not be issued. This can be accomplished by checking officers work status prior to issuing the subpoena. Subpoenas in criminal cases are issued by the trial lawyers working out of the Felony Trial Section of the County Attorneys office. They are then taken to the Sheriffs office for service. As one example of service the subpoenas are taken to the information desk at the Des Moines Police Department where the Sergeant on duty accepts them, time stamps them and makes distribution to the various divisions and units the officers are assigned. When the officer is given his subpoena he signs one for return which is placed in the Clerks drawer at the information desk. When an officer is on vacation his supervisor indicates same and return both copies to the information desk. The deputy who delivers the subpoenas pick up the "returns" from the clerks drawer and delivers them to the sheriffs office. These are then returned to the County Attorneys office. It is hopeful that a pre check of officer: witnesses will eliminate subpoenas being issued to officers who are on vacation or military leave. A tighter control on returned subpoenas from the sheriffs office to the County Attorneys office will be helpful to the trial lawyers by making them aware that the subpoena had been served. The above process has proven the best method of serving subpoenas to the Des Moines Police Department. All other subpoenas are personal service.

It is hopeful that when all of the areas of problems are corrected there should be an increase in witness satisfaction with the criminal justice process.

Encl: 6



YOU THE WITNESS

You are a witness because you have seen, heard, or know something about a crime that has been committed. If you are the victim, or the owner of property stolen, damaged, or misused in the commission of a crime, you are a complaining witness; the case cannot be prosecuted unless you press charges and cooperate by appearing to testify. Otherwise, you may be an eyewitness, or other essential witness, and your testimony is necessary to establish the facts in the case.

You may not think that what you know about the case is very significant, but it may turn out to be highly important. Many small pieces of information are often required to determine what really happened.

WHY YOU?

This booklet will try to answer some of the questions you may have about being a witness and explain the general procedures to you. These procedures may seem confusing and complicated, but without you, the witness, and your cooperation, the police and courts cannot apprehend or convict criminals.

Criminal cases simply cannot be prosecuted unless witnesses come forward to testify. If you think it is important to reduce crime, then you will realize that you must also help. You have become a part of the system of justice. unless you do your part, justice cannot be done.

YOU AND THE ACCUSED.

Understandably, you might feel a bit hesitant about testifying in court. It would be far easier and less painful, possibly, not to - but then the accused might go unpunished and continue to commit criminal acts. Consequently, you could actually be doing the accused a favor by testifying, since it may discourage him from becoming a habitual criminal. Even though he or she may not eventually be convicted, or you feel the sentence was light, your willingness to testify will have helped bring the defendant to court, an event that at the best is unpleasant and, to many, quite fearsome.

Further, there should be no reason for you to be afraid to testify. Interference with a witness-by threats or acts of revenge is a serious crime in itself and a matter to which the police, the prosecutors, and the court will give particular attention and will do their utmost to prevent.

If you have any fears, or if you or your family are in any way threatened, immediately call the police or this office.

SUBPOENA

You will receive a written notice (subpoena) containing instructions about the date, time, and the place to appear as a witness. Or, in some instances, you may be personally informed by a police officer or representative of this office. It is your duty to respond to all such instructions to appear in court. Again, if you have any questions in this matter, please contact the police officer in charge of the case or the Witness Coordinator.

WHAT WILL IT BE LIKE TO BE A WITNESS?

Since a defendant does not have to prove his innocence and cannot be made to testify against himself, the prosecution must prove he is guilty from other evidence. If you are a prosecution witness, the defendant's attorney may try to convince the court that you are wrong, or that your testimony cannot be believed-that you are lying or have not remembered facts correctly. This process is called "impeaching the witness." If your testimony is important, the defense attorney may try to impeach you, to show that your evidence cannot be valid. Even though you are not on trial, you may sometimes feel that way.

APPREHENSION AND ARREST OF THE ACCUSED.

The criminal justice process starts with the commission of a crime. There are three basic routes a case can take in order to be brought to court: (1) Arrest of the accused at the scene of the crime; (2) arrest based on a warrant issued by the court in response to a sworn complaint; (3) arrest based on indictment by a grand jury as the result of its investigation. In all three instances, the evidence available must be sufficient to later convince the court that there is "probable cause" to believe that a crime was committed and that the person to be charged possibly took part in committing the crime.

CONFERENCES AND HEARINGS

Particularly in serious crimes, you may be asked to come to the prosecutor's office for a conference or hearing. You will not be asked to attend unless your presence is urgently needed; therefore, it is important that you appear promptly, if requested.

WHAT IF YOUR CASE DOES NOT GO TO TRIAL?

There are a number of reasons why a criminal case may be dismissed or dropped by the prosecution or the court before trial. None of the reasons mean that you, the witness, are unimportant or unnecessary, or that your willingness to testify is not appreciated. Your presence and willingness to testify may be the deciding factor in determining what will be done in the case particularly in getting the accused to plead guilty.

PLEAS OF GUILTY

The defendant in the case may decide to plead guilty. (The plea may only come at the last moment before trial, often because the defendant's attorney is hoping that you, the witness, will not show up, or that the case will be dropped for other reasons.

RESTITUTION

The case may be dismissed by the court or the prosecutor if the defendant makes full restitution for property stolen or damaged. (This can be a satisfactory conclusion to the case for everyone involved)

OTHER DISMISSALS

The case may have to be dismissed because of some failure of the technical evidence, or because the defendant cannot be found or is considered incompetent to stand trial. This does not mean that anything was wrong with your testimony, however.

WHAT IF THE DEFENDANT IS NOT CONVICTED?

Whether a case is dismissed or the defendant acquitted, you should realize that with your help the court has done as much as it could. Even if an acquittal results, the court proceedings may sufficiently impress the defendant to deter him or her from committing future crimes.

We hope that the above information will answer some of your questions concerning the criminal justice process. For further information call the Witness Coordinator.

COUNTY ATTORNEYS OFFICE
284-6093

INFORMATION ABOUT YOUR ROLE AS A WITNESS, WHAT WILL BE EXPECTED OF YOU, AND A DESCRIPTION OF THE CRIMINAL JUSTICE PROCESS.



PREPARED BY
SCOTT E. CROWLEY
WITNESS COORDINATOR
284-6093

Exhibit "A"

12/

FIFTH JUDICIAL DISTRICT
POLK COUNTY DISTRICT COURT

ROOM 408

POLK COUNTY COURTHOUSE
DES MOINES, IOWA 50309

SCOTT E. CROWLEY
WITNESS COORDINATOR

TELEPHONE
284-8093

John Doe
5th & Mulberry
Des Moines, IA 50309

October 20, 1976

RE: State vs.

Case No.

Charge:

Dear

This office has filed criminal charges against the above defendant(s). You will be needed as a witness should the case proceed to trial.

The tentative trial date is set for October 20, 1976. You will be receiving a subpoena indicating the time you will be needed to testify. Should the defendant plead guilty before the trial date you will be notified.

We would appreciate you keeping us informed as to any changes in residence, business address, or telephone number. If you intend to be out of the city at the time of trial, please call so that arrangements may be made to reschedule the proceeding.

Your assistance as a potential witness is greatly appreciated by this office and the citizens of Iowa.

Very truly yours,

RAY A. FENTON
POLK COUNTY ATTORNEY

Scott E. Crowley
Witness Coordinator

b1

Exhibit "C"

SAMPLE WITNESS FORM

76-10726

1-5-77

John Doe
Breaking and Entering
Trial 2-17-77

Wit:

Carl College, DMPD 2nd Watch OK

Joe Campus, DMPD 2nd Watch . OK

Alex Snooper, Ident. OK

Jack Smart, Det. OK

Robt. Dismal
3217 Ridge 255-6073
Wks. Dole's Discount Store
7209 Jackson Blvd. 287-4319

S. Crowley

This form prepared shortly after arraignment. After availability of witnesses are determined and addresses and phone numbers of civilian witnesses are obtained this form is placed in the case file.

January 14, 1977

25 SUGGESTIONS TO A WITNESS

Dear Citizen:

As a witness, you have a very important job to do--important not only to us and to you, but most important, to the American system of justice. In order for a jury or a judge to make a correct and wise decision, all of the evidence must be presented in a truthful manner.

You already know that you take an oath in court to tell nothing but the truth. We want you to tell the truth, the whole truth and nothing but the truth. But there are two ways to tell the truth. One is a halting, stumbling, hesitant manner which makes the judge and the jury doubt that you are telling all the facts in a truthful way. The other is in a confident, straight-forward manner, which makes the court and the jury have more faith in what you are saying.

We have prepared the following list of 25 time-proven hints and aids which, if followed, will make your testimony and presentation of our case much more effective.

This information obtained from Dick Hathaway, Witness Coordinator from Detroit Michigan. Composed by Dale Tooley, District Attorney. Wayne County - Michigan.

*Dick Hathaway
Witness Coordinator*

TWENTY FIVE SUGGESTIONS TO A WITNESS

1. Before you testify, try to picture the scene, the objects there, the distances and just what happened so that you can recall accurately when you are asked.
If the question is about distances or time, and your answer is only an estimate, be sure you say it is only an estimate.
2. A neat appearance and proper dress in court are important.
3. Avoid distracting mannerisms, such as chewing gum while testifying, and while taking the oath, stand upright, pay attention and say "I do" clearly.
4. Don't try to memorize what you are going to say, because your testimony will not be as believable to the judge or jury if it is too "pat."
5. Be serious in the courtroom. Avoid laughing and talking about the case in the hallway or restrooms of the courthouse in such a way that a juror or defense witness or lawyer may see or overhear you.
6. Speak clearly and loudly enough so that the farthest juror can hear you easily. Remember to talk to the members of the jury, to look at the jurors and talk to them frankly and openly, as you would to any friend or neighbor.
7. Listen carefully to the questions asked of you. No matter how nice the attorney may seem on cross-examination, he may be trying to hurt your testimony. Understand the question, have it repeated if necessary-then give a thoughtful, considered answer. Do not give a snap answer without thinking. You can't be rushed into answering (although, of course, it would look bad to take so much time on each question that the judge or jury would think you were making up an answer). Never answer a question you don't understand.
8. Explain your answer, if necessary. Give the answer in your own words, and if a question can't be truthfully answered with a "yes" or "no", you have a right to explain the answer.
9. Answer directly and simply only the question asked you, and then stop. Do not volunteer information not actually asked for.
10. If your answer was not correctly stated, correct it immediately. If your answer was not clear, clarify it immediately.
11. The judge and the jury are interested only in the facts. Therefore, don't give your conclusions and opinions.
12. Don't say "That's all of the conversation" or "Nothing else happened." Instead say, "That's all I recall," or "That's all I remember happening." It may be that after more thought or another question, you will remember something important.
13. Always be courteous, even if the lawyer questioning you may appear discourteous. Don't appear to be a cocky witness. This will lose you the respect of the judge and jury.

14. You are sworn to tell the truth. Tell it. Every material truth should be readily admitted, even if not to the advantage of the prosecution.
15. Stop instantly when the judge interrupts you, or when an attorney objects to a question. Do not try to sneak you answer in.
16. Give positive, definite answers when at all possible. Avoid saying, "I think," "I believe," or "In my opinion," if you can be positive. If you do know, say so. Don't make up an answer. You can be positive about important things which you naturally would remember. If asked about little details which you would normally not remember, it is best just to say that you don't remember. But don't let the defense lawyer get you in a trap of answering question after question with "I don't know."
17. Try not to seem nervous. Avoid manerism which will make the judge or jury think you are scared, or not telling the truth or all that you know.
18. Above all--this is most important--do not lose your temper. Remember that some attorneys on cross-examination will try to wear you out so you will lose your temper and say things that are not correct or that will hurt you or your testimony. Keep your "cool."
19. If you don't want to answer a question, don't ask the judge whether you must answer it. If it is an improper question, the District Attorney trying the case will take it up with the judge. Don't ask the judge for advise.
20. Do not "hedge" or argue with the defense attorney.
21. Don't look at the District Attorney or at the judge for help in answering a question. You are on your own. If the question is improper, the District Attorney will object. If the judge wants you to answer it, do so.
22. Do not nod your head for a "yes" or "no" answer. Speak so that the court reporter (or recording device) can hear the answer.
23. When you leave the witness stand after testifying, wear a confident expression, but don't smile or appear downcast.
24. Sometimes, not often, a defense attorney may ask a "trick" question. For example, "Have you talked to anybody about this case?" If you say "No," the judge or jury knows that isn't right because good prosecutors try to talk to witnesses before they take the stand. If you say, "yes" the defense lawyer may try to infer that you have been told what to say. The best thing to do is to say very frankly that you have talked with whomever you have talked with--District Attorney, victim, other witnesses, etc.--and that you were just asked what the facts were. All that we want you to do is js-t to tell the truth as clearly as possible.
25. Now, go back and re-read these suggestions so you will have them firmly in your mind. We hope they will help. These aren't to be memorized. If you remember you are just talking to some neighbors on the jury, you will get along just fine.

You are a witness because you have seen, heard, or know something about a crime that allegedly has been committed. If you are the victim, or the owner of property stolen, damaged, or misused in the commission of a crime, you are a complaining witness; the case cannot be prosecuted unless you cooperate by appearing to testify. You may be an eyewitness, or other essential witness, and your testimony is necessary to establish the facts in the case.

You may not think that what you know about the case is very significant, but it may turn out to be highly important. Many small pieces of information are often required to determine what really happened.

The criminal justice process starts with the commission of a crime. There are three basic routes a case can take in order to be brought to court: (1) arrest of the accused at the scene of the crime: (2) arrest based on a warrant issued by the court in response to a sworn complaint: (3) arrest based on indictment by a grand jury as the result of its investigation. In all three instances, the evidence available must be sufficient to later convince the court that there is "probable cause" to believe that a crime was committed and that the person to be charged possibly took part in committing the crime.

Particularly in serious crimes, you may be asked to come to the prosecutor's office for a conference or hearing before you testify in court. You will not be asked unless your presence is urgently needed; therefore, it is important that you appear promptly, if requested.

There are a number of reasons why a criminal case may be dismissed or dropped before trial. None of the reasons mean that you, the witness, are unimportant or unnecessary, or that your willingness to testify is not appreciated. Your presence and willingness to testify may be the deciding factor in determining what will be done in the case, particularly in getting the accused to plead guilty.

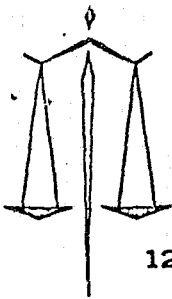
The defendant in the case may decide to plead guilty. (The plea may come at the last moment before trial, often because the defendant's attorney is hoping that you, the witness, will not show up, or that the case will be dropped for other reasons.)

The case may be dismissed by the court or the prosecutor if the defendant makes full restitution for property stolen or damaged. (This can be satisfactory conclusion to the case for everyone involved.)

The case may have to be dismissed because of some failure of the technical evidence, or because the defendant cannot be found or is considered incompetent to stand trial. This does not mean that anything was wrong with your testimony, however.

Whether a case is dismissed or the defendant acquitted, you should realize that with your help the court has done as much as it could. Even if an acquittal results, the court proceedings may sufficiently impress the defendant to deter him or her from committing future crimes.

We hope that the above information will answer some of your questions concerning the criminal justice process. For further information call the Witness Coordinator.



19a/

**CENTRAL IOWA
AREA CRIME
COMMISSION**

1221 CENTER, SUITE 2 • DES MOINES, IOWA 50309 • PHONE 515/283-1521

October 20, 1976

Mr. Allen R. Way
Executive Director
Iowa Crime Commission
3125 Douglas
Des Moines, Iowa 50310

Attention: Clair Cramer

RE: Continuation Application - Grant 702-76-04-7700-33-04
Polk County Witness Coordinator

Dear Al:

Enclosed are an original and three (3) copies of the above-referenced application budget pages and EEO Certification.

As you will note, the "SPA Funds" amount is 90% of the total or \$16,779.03. The amount allocated for the continuation of this project is only \$16,100.00. Since this project could be classified as either a revision (increase) or a continuation, and since there will be a reversion figure from the initial grant which is greater than the difference of \$679.03, we request that reversion funds in the amount of \$679.03 be set aside for this project, thus bringing the allocated "SPA Funds" amount up to \$16,779.03.

Your review and approval of the above will be appreciated.

Sincerely,

A handwritten signature in cursive script that reads "David L. Brown".

David L. Brown
Executive Director

DLB:PJC:emk
Enclosures

FIFTH JUDICIAL DISTRICT
 POLK COUNTY DISTRICT COURT
 ROOM 401
 POLK COUNTY COURTHOUSE
 DES MOINES, IOWA 50309

SCOTT E. CROWLEY
 WITNESS COORDINATOR

TELEPHONE
 284-6093

Mr. David L. Brown
 Executive Director
 Central Iowa Area Crime Commission
 1221 Center St. Suite 2
 Des Moines, Iowa 50309

January 6, 1977

Project
 702-76-04-7700-33-04

Dear Mr. Brown:

This report being submitted as requested in memo dated January 4, 1977.

A program of writing letters to civilian witnesses approximately two weeks prior to trial date was implemented November 1, 1976. This portion of the program is designated as second priority Non-Criminal Justice Personnel. Letter contact is part of the program concerning civilian witnesses. Telephone contact as well as personal contact is also part of the program. (Copy of sample letter exhibit "A" enclosed). There was immediate response to the letters as several witnesses called to relay change of address and phone number. On the other hand when a letter is returned as "not deliverable" it provides additional time to locate the witnesses current address. Letters have been mailed to 136 witnesses since November 1, 1976. There have been occasions when it has been necessary to locate civilian witnesses by contacting other agencies, working the streets because of bad addresses, phone numbers, no phone, moved, changed employment etc. When disposition is received on cases the witnesses are contacted. (see witness log form A-1) Most witnesses who have been contacted express appreciation for the information.

One method used to monitor the number of witnesses and time spent in court is information generated by the Des Moines Police Department. This facility contributes more witnesses than any other department in Polk County. Des Moines has a system of paying officers witness fees. A bi-monthly print-out shows number of man hours and amount of fees paid. For example Des Moines has paid \$36,981.03 in witness fees during 1976. It has been determined that the hourly rate average is \$6.25 which would indicate that 5916.96 hours expended by Des Moines for witness time. Over a period of time this should show decrease in time spent in court taking into consideration the case load.

A log of witness contact was implemented September 9, 1976. (Copy of exhibit "B" enclosed). The purpose is to show number of witnesses contacted for trial lawyers. Since implementation 772 witnesses, both civilian and police, have been contacted for the purpose of notifying for trial appearance or negating because of a plea of guilty by the defendant or a continuance. When witnesses are notified because of a change in trial date or disposition in a case after they have been issued a subpoena there is a saving in witnesses fees and time.

The County Attorney made arrangements with office personnel to make court cases available soon after arraignments so that a form (see exhibit "C" enclosed) may be prepared showing witnesses and where they may be located. As soon as availability is determined these forms are placed in the case file. This gives the trial lawyers an over view of witnesses and if speedy contact is needed the information is readily available. Since September 10, 1976 to end of year 863 cases were logged.

Two witness questionnaires have been sent to law enforcement agencies since the programs inception. The third is prepared and will be mailed January 15, 1977. This is a continuing sampling of police witness attitudes regarding witness participation. There is some indication that there is improvement in the system but it will take more sampling to get an accurate accounting. Samplings are obtained from 100 police prosecution witnesses. (see enclosure exhibit "D"). I feel that a three month sampling will give the necessary information for comparison of the system. If the sampling is done too often I don't feel that it accomplishes the purpose for which it is intended.

Officers who are on vacation and needed for trial have been cooperative. There may be a problem in the summer when most officers take vacations with their families. It seems almost impossible to get a trial continued on behalf of the prosecution. The 60 day rule is one reason for this in that trials are scheduled for as near the end of this period as possible. On the other hand the defendant can waive his right to a speedy trial and does not have the same problem for continuance. This is apparently one of the problems the prosecution will have to live with.

Deposition subpoenas are a problem to some degree with police witnesses. There are two methods of subpoenaing for depositions. One is the "Court appointed" attorney seeking witnesses for depositions. The personnel handling "Court appointed" attorney depositions are in the Grand Jury office. They log hearings and can regulate the issuing of subpoenas so that they are not issued so late that the officer has no reasonable notice to appear. This can also work to the advantage of the court appointed attorney. The officer may be "off" for a couple of days and would not have been served. In this case there would have to be rescheduling and waste every ones time concerned.

The "private" attorney picks up his blank subpoenas without the knowledge of other interested parties and issues at his whim. We have had many problems with this type of procedure and I am sure that in the long run all witnesses have had an unpleasant experience and are blaming the County Attorneys office as well as the Courts. I don't have any suggestions to remedy this problem except that word of mouth from the prosecuting attorneys may be the answer when attending deposition hearings. I'm sure that this problem is caused by certain defense attorneys and not a general practice.

This office is keeping dispositions on cases that are set for trial. By keeping track of this kind of information it also provides for a follow-up on letters to civilian witnesses.

I met with Gary Ventling and other personnel of the Polk County Juv-

22/

enile Court on December 6, 1976. There had been some problems with police witnesses in this area. Since this date I have been in contact with Juvenile people aiding in coordinating their witnesses. (Police). It is hopeful that these problems will be eliminated.

Meetings with the Chiefs of Police in Polk County, Sheriff and Iowa Highway Patrol Post #1 Commander are scheduled bi-monthly. Also attend staff meetings held by the County Attorney. These meetings are beneficial to this program and afford the opportunity to suggest methods for improving the witness contact. Regular contact is maintained with Frank Leonhardt, Court Administrator. Many ideas are obtained through this association which aids the program.

The County Attorney provides the office space to conduct the business of the Witness Coordinator. Close association with the Trial Lawyers is necessary.

b1/SEC

Encl:

8

cc:

Frank Leonhardt
Court Administrator



CENTRAL IOWA
AREA CRIME
COMMISSION

1221 CENTER, SUITE 2 • DES MOINES, IOWA 50309 • PHONE 515/283-1521

MEMORANDUM
January 24, 1977

TO: Judge Gibson C. Holliday
Richard Brannan

FROM: *DLB* David L. Brown

RE: On-site Monitoring
Witness Coordinator Project - 702-76-04-7700-33-04

CIACC staff spent parts of two days with the Witness Coordinator on the days of January 11 and 12, 1977. On January 12 and 13, technical assistance was rendered to the local program by the witness coordinator from Wayne County (Detroit), Michigan through the CIACC training grant.

The following is a consideration of the implementation steps as listed in the grant application:

1) Personnel. The initial and continuation grant applications specify that a secretary (clerk-steno) will be hired. This has not been accomplished. The Witness Coordinator position is filled and every indication is that a wise selection was made since the employee is a retired Des Moines police officer who understands and organizes police witnesses effectively.

2) Equipment. It appears that the Witness Coordinator has the necessary equipment to do his work. The following items listed in the initial application are in use: file cabinet, typewriter and table, card index and chair. The balance of the equipment was not ordered since it was not needed. None of the grant-specified equipment was charged to the grant by Polk County.

3) Program. Generally speaking, the project has been adjusted to the priority needs for witness coordination in Polk County Courthouse eliminating those components which appeared to be impractical, unrealistic or unnecessary.

Judge Gibson C. Holliday
Richard Brannan
Page Two
January 24, 1977

- 4) Telephone Alert Program. No attempt has been made to utilize volunteers. The Witness Coordinator does not feel that the work load in the area of witness coordination makes it necessary to use volunteers. The tasks to be carried out under the telephone alert program are being accomplished by the Witness Coordinator.
- 5) "On Call" Telephone Alert System. This program has been implemented.
- 6) Witness Coordination Desk. This part of the project has not been implemented. It is specifically related to civilian witnesses and at the present, since the Coordinator is contacting witnesses in writing and by telephone, he does not feel this component is necessary. The "log" suggested in this category is not necessary for Des Moines officers since the Clerk of Court maintains a log for Des Moines police officers.
- 7) Courtroom Witness Schedules. This aspect (a blackboard outside each courtroom, etc. per Attachment 11 of the grant application) has not been implemented.
- 8) Citizen Information. This aspect of the program is handled by the Coordinator directly by telephone. All police and civilian witnesses in criminal court trials are contacted by a letter. The Coordinator is then available by telephone.
- 9) Witness Information Cards. Not in use.
- 10) Criminal Justice Coordinator. This aspect of the project appears to be fully operational.
- 11) Witness Orientation. The only thing being done in this regard is the sending of a letter to the witnesses with brief information and instructions to contact the Coordinator if there are questions.

Observations and Recommendations -- After discussing the Witness Coordinator's work with numerous assistant county attorneys and other personnel within the court system, I conclude that there has been a significant improvement in the coordination of police witnesses relative to criminal prosecution. The Witness Coordinator appears to be organized, thorough and dedicated to improving the coordination of police witnesses.

It further appears that Phase II, the second priority, has begun, i.e., the work with civilian witnesses. Since it is difficult for a veteran

Judge Gibson C. Holliday
Richard Brannan
Page Three
January 24, 1977

police officer to appreciate the total unfamiliarity of the average citizen to the criminal justice system and as a result is liable to assume that citizen witnesses do not need orientation, I recommend that the Witness Coordinator survey civilian witnesses to determine actual needs for information and orientation.

It is required that Polk County request a grant revision which deletes the clerk-steno position and any grant sub-programs which do not appear to be realistic to the improvement of witness coordination in Polk County.

Finally, serious reconsideration should be given to the place of the Coordinator in the organizational structure of Polk County. Since the Coordinator works in and with the County Attorney's office and since work assignments come directly from prosecutors, it appears the structuring of this program and personnel within the County Attorney's office is most appropriate.

DLB:emk

cc: Scott Crowley
Frank Leonhardt
Michael Doyle
Robert Bernard
Douglas Hall
Clair Cramer

COURT ADMINISTRATOR

FRANK W. LEONHARDT
Court Administrator

Fifth Judicial District of Iowa
Polk County Courthouse
Des Moines, Iowa
50309

Room 404
Phone 515/284-6115

February 3, 1977

Mr. David L. Brown, Executive Director
Central Iowa Area Crime Commission
1221 Center, Suite 2
Des Moines, Iowa 50309

Subject: Witness Coordinator
Grant No. 702-76-04-7700-33-04

Dear Mr. Brown:

We thank you for your onsite monitoring of the project and for the subsequent written comments about the project's implementation. I would like to take this opportunity to express the Court's views on some of the matters which you addressed yourself to.

1. Personnel. It is true that we have not hired a clerical support person for the Witness Coordinator. We have not done so due to the scope of the project. As the Witness Coordinator began implementing the project, he did not believe it necessary to employ an individual in that capacity because the work load in terms of written communication did not justify the need. The Court attempts to not expend money unwisely, therefore, we have not filled that position. However, the Courts and the new Polk County Attorney are looking toward an expansion project within the upcoming months. The expansion of the project will necessitate the employment of the clerical position authorized in the Grant. We foresee further contact with private citizens which will certainly call for expanded clerical support. Because of our impending expansion of the project, I herein request that the Clerk II position be continued in the Grant budget.

4. Telephone Alert Program. We respectfully request that those areas which pertain to the Telephone Alert Program utilizing volunteers be stricken from the Grant. We ask that it be stricken simply because we have not found a sufficient need for volunteers.

6. Witness Coordination Desk. Because of the written and telephone contacts by the Witness Coordinator, the Witness Coordination desk is not necessary. We, therefore, ask that such references be omitted from the Grant narrative. Also, we have found that the log maintained by the Clerk of Court for Des Moines Police Officers as well as information maintained by the Des Moines Police Department is sufficient for those officer's time. The coordinator is beginning to work out means of maintaining a log for other law enforcement personnel. We would hope to have such an expanded log in operation prior to July 1, 1977.

Mr. David L. Brown
February 3, 1977
Page 2

7. Court Room Witness Schedules. The witness blackboards is a portion which we have found to be unfeasible. Therefore, we also desire that that portion of the narrative be deleted. Such a procedure is unfeasible because of the scheduling contacts made by the Witness Coordinator as well as the internal operations of the respective Court Room.

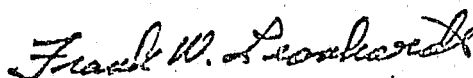
9. Witness Information Cards. The Coordinator has a listing of 25 points which are important for jurors to know. That document is being disbursed to law enforcement organizations within Polk County. The Coordinator recognizes the need for witness information cards and shall be developing the same. We expect the cards to be in use prior to May 1, 1977.

11. Witness Orientation Period. Much of the witness orientation is handled by the respective trial attorneys. Within the office, the Witness Coordinator provides support to the prosecuting attorneys. It is not feasible to develop, at this time, a formal orientation due to the perpetual scheduling of cases and the varying background of the juror.

Your comments about the survey concerning civilian witnesses is a comment certainly well taken. The Witness Coordinator will begin to try to gather such information.

Concerning your point of considering the organizational placement of the Witness Coordinator. It is the present desire of the Court to continue the administration of the Witness Coordinator through myself. I believe I am properly speaking for the Judges when I say that they are willing to meet with the new County Attorney concerning the project's structure.

Yours very truly,



Frank W. Leonhardt
District Court Administrator
FIFTH JUDICIAL DISTRICT OF IOWA

FWL/vlw

cc: Chief Judge Gibson C. Holliday
Richard Brannan
Scott Crowley
Michael Doyle
Robert Bernard

Chief Judge for the 5th Judicial District of Iowa, Gibson C. Holliday has released a report for calendar year 1976 of the Criminal Division - Polk County District Court and the Associate District Court of Polk County.

In releasing the report, Chief Judge Holliday commended Chief Criminal Judge James P. Denato for his success in refining the Criminal Court of Polk County's administrative rules and for making known changes in procedures directed at making the Criminal Courts of Polk County more efficient.

According to the report, formal felony charges were filed on 1,100 cases. The number of cases disposed of was 1,093. Of those cases disposed of, 63% were by pleas of guilty, 18% through dismissal and 19% by trial.

Of the above cases filed, only six (6) cases (four defendants) remain unassigned for trial. The inability to assign the cases was caused by the defendant absconding. This minimal number is a credit to the efficiency of the County Attorney and the Sheriff. It was the ever present ability of the Courts to handle the trials that brought about the pleas and dismissals.

Chief Judge Holliday also noted that not a single case (on which formal charges were filed after January 1, 1976) was dismissed because the defendant was not granted a speedy trial. That accomplishment is in sharp contrast to previous experience.

The report also stated that 78% of all cases were disposed of within 60 days from filing of the formal charge. Only 22% of the cases were granted a continuance past the 60 day limit.

It was noted, by Chief Judge Holliday, that one of the actions of Judge Denato, was to meet with the County Attorney to conscientiously review all old, open cases pending in the Criminal

1A.

When beginning the final portion of his report, Judge Holliday also stated, "This part of the report will show that because of the efforts of Judge Denato, the indictable misdemeanor docket has been kept down to a low, workable number."

"Our District Associate Judges are to be complimented for hearing 1,616 cases involving indictable misdemeanors."

The report reflected that the majority, 1,208 cases involved first offense Operating Motor Vehicle Under Influence (OMVUI). The second largest category was for Possession of a Controlled Substance. There were 173 cases in that area.

The District Associate Judges disposed of 852 cases while deferring sentences in 292 cases. In disposing of 852 cases, 42 of those cases were decided by a jury trial. Another 100 cases have trials set for either January or February of 1977. The remaining cases are awaiting other Court action.

It is felt by Judge Holliday that the number of cases awaiting Court action is a workable number. However, he did predict that during December, "approximately an additional 200 OMVUI cases would be filed and another 75 indictable misdemeanors in the Possession area would be filed."

Based upon the Courts experience in 1976 and from a projection for 1977, Judge Holliday made known the Courts belief that "indictable misdemeanors will increase to 2,500, of which possibly 2,000 will be arrests for OMVUI in 1977.

Judge Holliday expressed his concern about such a huge increase in indictable misdemeanors because "he is not sure how, given the present staff and facilities, we will be able to provide fair justice to the citizens."

2.

Chief Judge Holliday praised the Judges who sat on the criminal bench during 1976. Those Judges averaged 4 3/4 trials per week for 45 trial weeks. He also praised all administrative and supporting staff who so capably performed their duties within the Court System.

In addition to increasing the overall efficiency of the Criminal Courts, Judge Denato also implemented procedures which are saving the taxpayers of Polk County large sums of money.

One such procedural change that saved money was to restrict all but several mental examinations of defendants to local mental health facilities. As an example, Judge Holliday noted that the fees paid to the Oakdale Mental Health Facility, which is located between Iowa City and Cedar Rapids, was reduced from \$173,698 in 1975 to \$11,289 in 1976. Not only has this change dramatically reduced direct cash payments, it has also saved the taxpayers considerable sums of money because the time saving for Sheriff's personnel to escort the defendant to Oakdale is substantial.

A second procedural change which has saved the taxpayers dollars was the establishment of a deposition system utilizing full-time personnel. That system has permitted testimony in cases to be taken more often and with greater efficiency than had occurred in the past.

Noting that the Code of Iowa states that Criminal cases have first priority within the judicial system, Chief Judge Holliday stated that "We feel it is the conclusion of the Courts that the outstanding problem in handling Criminal cases is the low guilty plea rate. However, we feel that in the future, with a continuity of rules and procedure

FIFTH JUDICIAL DISTRICT
POLK COUNTY DISTRICT COURT
ROOM 408
POLK COUNTY COURTHOUSE
DES MOINES, IOWA 50309

SCOTT E. CROWLEY
WITNESS COORDINATOR

TELEPHONE
284-6093

April 5, 1977

Mr. Frank Leonhardt
Court Administrator
Polk County Court House
Des Moines, Iowa 50309

Dear Frank:

David L. Brown, Director of the Central Iowa Area Crime Commission, made inquiry of this office concerning the number of cases handled by the Polk County District Court and the number of dismissals caused by failure of prosecution witnesses to appear.

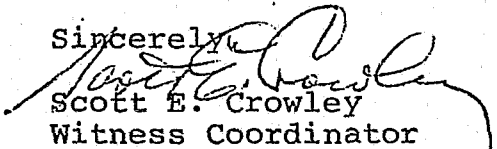
Enclosed is a report of all felony cases handled by month from January 1975. This report is broken down into trials, pleas, and dismissals. No record is kept indicating the reason for dismissals. However, after having made inquiry of the Assistant County Attorneys, have found none who have been aware of a dismissal because of failure of a prosecution witness to appear.

Since my tenure in this office, July 16, 1976, I am not aware of any dismissals in the Polk County District Court for the above reason; failure of prosecution witness to appear.

There are of course dismissals in the "interest of justice", "insufficient evidence", and "plea bargaining" where-by more than one charge is pending and a plea to one would result in dismissal of the others. Also in cases where the defendant is sentenced in another county a case may be dismissed by this court.

In the original grant application, page 13, "Impact and Results:" Subsection (7), Dismissals of cases due to failure of witnesses to appear would be decreased." "Currently, it is estimated that ten cases a month are currently dismissed in Associate Court for this reason." Even tho this office has assisted prosecutors in Associate District Court it is not the primary function of the witness coordinator. Most of the time is spent with the District Court re: prosecution witnesses.

Any questions regarding the above please contact this office.

Sincerely,

Scott E. Crowley
Witness Coordinator

bl/SEC

Encl: 2

MONTHLY STATISTICS ON CRIMINAL CASES

	1975			Totals
	Trials	Pleas	Dismissals	
Jan.	17	108	13	138
Feb.	11	63	17	91
Mar.	25	126	14	165
Apr.	27	70	23	120
May.	21	64	7	92
Jun.	19	64	11	94
Jul.	14	66	27	104
Aug.	17	105	37	159
Sep.	26	93	38	157
Oct.	32	164	79	275
Nov.	16	74	41	131
Dec.	15	74	29	118
			(1976)	
Jan.	32	105	35	172
Feb.	22	84	18	124
Mar.	20	120	18	158
Apr.	23	133	22	178
May.	22	128	17	167
Jun.	17	140	18	175
Jul.	13	160	28	201
Aug.	21	161	20	202
Sep.	19	155	27	201
Oct.	24	125	12	170
Nov.	21	141	21	183
Dec.	19	134	11	164
			(1977)	
Jan.	25	237	22	284
Feb.	22	209	28	259
Mar.	20	203	36	
Apr.	20	167	24	

Coordinator Hines

Des Moines Police Department
Empolyees contract re: WITNESS FEES

ITEM 9 - Sickness.

- a. When an individual is sick on the date that he is scheduled for a court appearance, it shall be that individual's responsibility to notify the Polk County or City Attorney, or the Clerk of the Grand Jury, that he is sick.

PARA. C OFFICER WITNESS FEES

ITEM 1 - Officers shall be compensated for off duty time spent in all criminal and traffic court appearances, drivers license suspension hearings, appearances before the City Council, time spent in providing depositions to defense attorneys and appearances before or as a member of the Chief's Guidance Committee according to the schedule listed below. This compensation applies to only one court or related appearance during a given day. Should an officer have more than one court, or related appearance in any one calendar day, he shall be governed by the provisions of Section Three, Article II, Para. D.

- a. Appearance on a regularly scheduled day, but not during the officer assigned tour of duty: Officers shall be compensated at an amount equal to their regular hourly wage. They shall receive a minimum of two hours compensation and a maximum of three hours compensation.
- b. Appearance on the first day of a regularly scheduled absence: Officers shall be compensated at an amount equal to their regular hourly wage. They shall receive a minimum of two hours compensation and there shall be no maximum amount of compensation.
- c. Appearance on the second and subsequent days of a regularly scheduled absence: Officers shall be compensated at a rate of $1\frac{1}{2}$ times their regular hourly salary for the period of their appearance. There shall be a minimum of two hours compensation and no maximum amount of compensation.

Hours spent in court by DMPD Officers
Bi-monthly figures.

32/

August 19, 1976

Sgt. Robert Noble of the Personnel Office DMPD gave me the following information: Re: Impact and Results of Wit. Coordinator program.

Time witnesses spent in court and cost. This information obtained from printout about a week after pay day which occurs every other Friday for DMPD.

7-25-76 204.24 hrs. at \$1280.90. Pay period #16 6.27
8-8-76 249.00 hrs. at \$1555.75. Pay period #17 6.25

The above are hours spent in court by DMPD Officers. The cost would be the average hourly wage based on officers of all ranks.

8-22-76 300.75 hrs. at \$1088.19 ? Pay period #18 3.62
9-5-76 168.00 hrs. at \$1042.55 6.21 Pay period #19
9-19-76 178.50 hrs. at \$1118.06 6.26 Pay period #20
10-3-76 339.25 hrs. at \$2114.33 6.23 Pay period #21
10-17-76 334.00 hrs. at \$2086.28 6.25 Pay period #22
10-31-76 285.75 hrs. at \$1798.31 6.31 Pay period #23 Total to date
11-14-76 279.75 hrs. at \$1766.58 6.31 Pay period #24 \$31,199.97
11-28-76 206.75 hrs. at \$1038.59 5.02 Pay period #25 Average aprox
12-12-76 235.00 hrs. at \$1493.15 6.35 Pay period #26 \$6.25 @ hr.
Total witness fees year to date paid by City 13,768.15
Pay period #27
12-26-76 195.5 hrs. at \$1212.74 6.20 Pay period #27

Total fees spent for DMPD 36,981.03 1976

Aprox hrs 5916.96 @ 6.25 Per Hr.

AUDIT WORK SHEET FOR hours of Court Time by
DMPD personnel during
regularly scheduled days off.

	Date	Hours	AMT.	Pay Period
1	July 13, 75	266.00	1516.99	# 15
2	July 27, 75	234.75	1321.16	# 16
3	Aug. 10, 75	200.50	1120.86	# 17
4	Aug. 24, 75	237.25	1325.68	# 18
5	Sept. 7, 75	282.75	1567.65	# 19
6	Sept. 21, 75	300.00	1673.78	# 20
7	Oct. 5, 75	295.00	1662.22	# 21
8	Oct. 19, 75	291.25	1611.61	# 22
9	Nov. 2, 75	253.00	1434.99	# 23
10	Nov. 16, 75	242.25	1353.34	# 24
11	Nov. 30, 75	233.50	1321.37	# 25
12	Dec. 14, 75	285.00	1613.37	# 26
13				
14				
15	TOTAL FOR 75		37447.49	
16				
17	Dec 28, 1975	178.00	1008.12	# 1
18	Jan 1974	238.00	1413.85	# 2
19	Jan 25, 76	237.50	1413.39	# 3
20	Feb. 8, 76	190.25	1124.33	# 4
21	Feb. 22, 76	188.00	1101.65	# 5
22	Mar 7, 76	192.25	1134.25	# 6
23	Mar 21, 76	281.50	1644.80	# 7
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Pay.
Period

3/21/77 - 4/3/77

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4/4/ - 4/17/77

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4/18 - 5/1/77

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150069

5/2 - 5/15/77

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