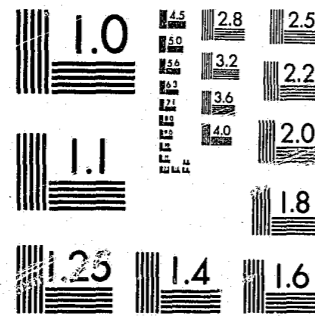


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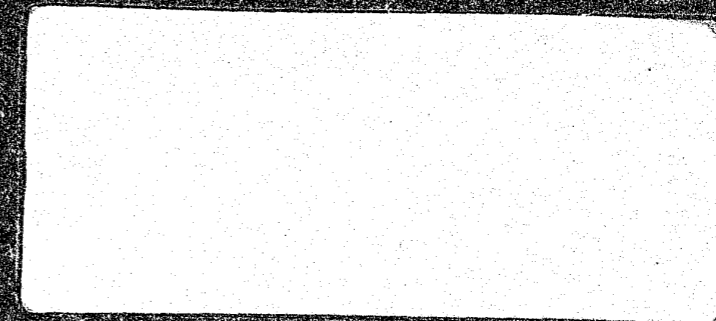
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WASHINGTON, D. C.



REPORT ON THE  
TECHNICAL ASSISTANCE VISIT TO THE  
DISTRICT ATTORNEY'S OFFICE  
SANTA CRUZ COUNTY, CALIFORNIA  
JUNE 30 - JULY 2, 1980

NCJRS  
AUG 13 1980  
ACQUISITIONS

CRIMINAL PROSECUTION TECHNICAL ASSISTANCE PROJECT  
LEONARD R. MELLON, PROJECT DIRECTOR

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

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

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

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INTRODUCTION

On June 30 - July 2, 1980, a Technical Assistance Team from the Criminal Prosecution Technical Assistance Project visited the offices of Arthur Danner III, Santa Cruz County, District Attorney, in Santa Cruz, California. The Technical Assistance Team examined the District Attorney's management and operations functions in accordance with the terms of a grant from the Law Enforcement Assistance Administration. Members of the team included:

John W. Sinquefield, Consultant  
Assistant District Attorney  
Baton Rouge, Louisiana

Donald W. Hinchman, Consultant  
Director of Staff  
Office of the Prosecuting Attorney  
Jackson County, Missouri

Edward C. Ratledge, Consultant  
Economist  
University of Delaware

The purpose of the visit was to analyze problems related to the management, operation, and evaluation functions in the office. An overall assessment of the entire office was not attempted, nor was it desired. The purpose of a technical assistance visit is to evaluate and analyze specific problem areas and provide recommendations and suggestions for dealing with these areas. It is designed to address a wide range of problems stemming from paperwork and organizational procedures, financial management and budgeting systems, space and equipment

1. Vitae are attached as Appendix A.

requirements and specialized operational programs, projects and procedures unique to the delivery of prosecution services.

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

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

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

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

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

The visit to the Santa Cruz District Attorney's office focused on managerial problems such as court scheduling, personnel organization and records management. The problem-solving focused on streamlining the District Attorney's office with an emphasis on making the system more efficient. Procedures were devised to help the prosecutor handle an estimated 10 - 12 percent increase in case load per year. Recommendations were also made concerning collecting and maintaining statistical information in connection with a PROMIS system which is being established in the office.

Since the approach of the Technical Assistance team is problem analysis oriented, each of these areas will be considered separately. However, an overall assessment will be given first.

The Technical Assistance team would like to thank Mr. Danner and his staff for their cooperation and assistance during

the visit. Reception of the team was excellent, and the staff's willingness to discuss the strengths and weaknesses of the office was of considerable assistance to the Technical Assistance team in carrying out its tasks.

## II. SYSTEM OVERVIEW

The District Attorney's office of Santa Cruz County is staffed by over 40 employees, of whom 16 are attorneys. It is responsible for all criminal prosecutions in the county, as well as all cases of consumer fraud. The office also acts as public administrator in probate matters and handles all family support cases.

The Criminal Prosecutions unit prosecutes all criminal violations of state law and county ordinances and files civil actions dealing with consumer fraud and unfair political practices violations. It also prosecutes juvenile cases under the juvenile law. Investigators in this section investigate cases involving consumer fraud and other cases as requested by the Grand Jury. The attorneys are assigned to either the Municipal Courts or the Superior Courts. The Municipal Courts have jurisdiction over all misdemeanor cases, initial arraignments and preliminary hearings.

The Superior Courts handle all felony trials after defendants are held to answer in Municipal Court, or after they are indicted by the Grand Jury. Those attorneys assigned to Superior Court also make all presentations before the Grand Jury.

The Superior Courts use a master calendar system in which all cases are set for trial on Mondays in the master

calendar court. The cases are called for trial and if ready are assigned to the sections of the court for trial by the presiding judge. The presiding judge is a Superior Court Judge who serves in the master calendar court for a period of one year on a rotating basis. The master court handles arraignments on bills of information, bail motions and pre-trial motions. About ten criminal cases are set for trial each Monday. By trial time these may be reduced by pleas or other dispositions to three or four cases, with two or three ready for trial.

One attorney from the Superior Court section is assigned to the Juvenile Court. In Santa Cruz County, Juvenile Court cases are handled in much the same manner as adult cases.

All screening in the Criminal Prosecutions Unit is done by the filing deputy. Police reports are delivered to the filing deputy by courier, with police officers rarely, if ever, being present. When it is impossible to make a charging decision based upon the information in the report, the case is sent back to the police department for further investigation.

The Consumer Affairs Bureau handles approximately 5,000 calls from consumers per month. The majority of cases in this bureau are handled by voluntary arbitration, rather than by referral for prosecution. The arbitrators are a group of volunteers drawn from professional and business people within the community. The Consumer Specialists, as they are known, also conduct small claims workshops and educational programs

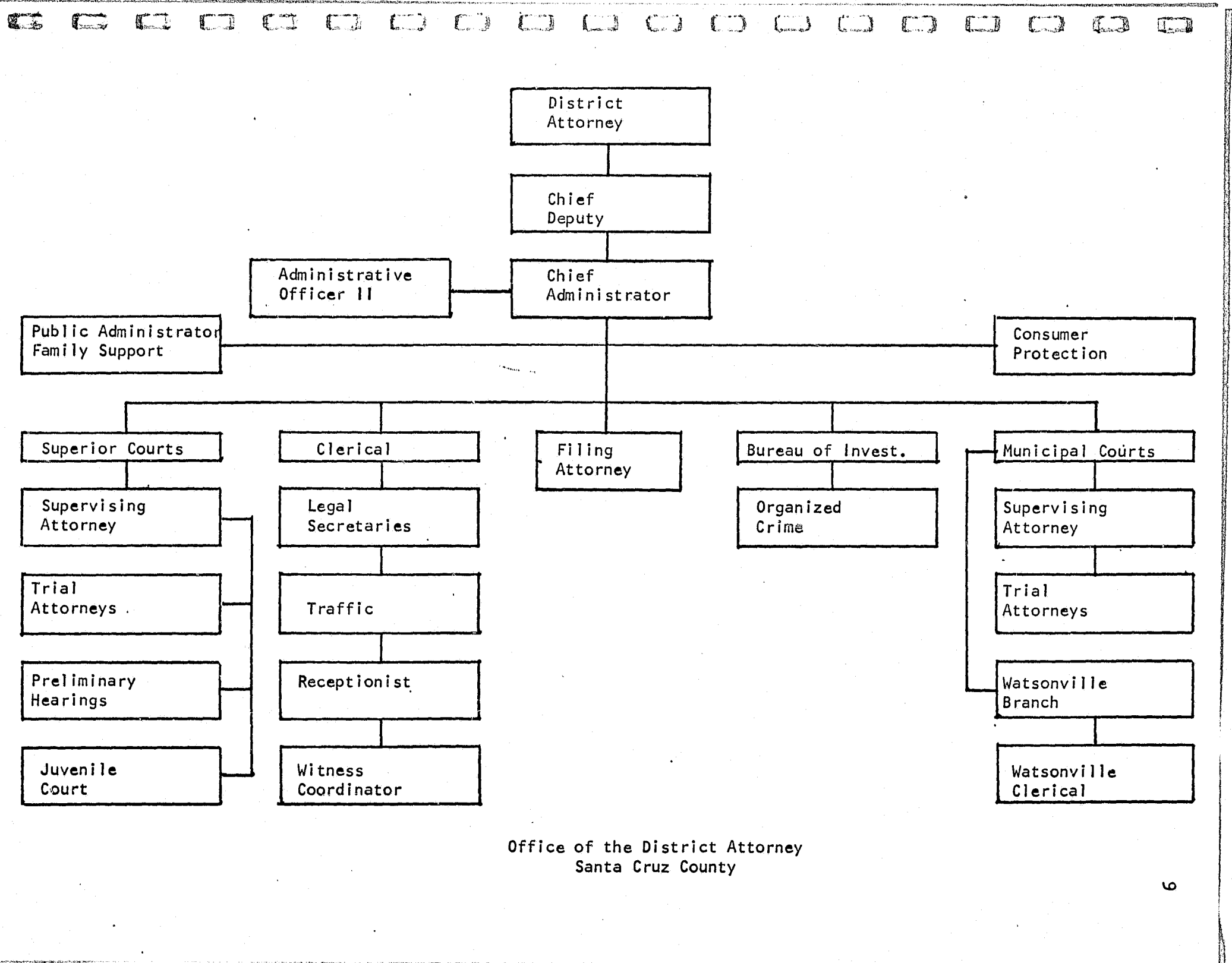
within the community.

It is the responsibility of the Deputy Public Administrator in the District Attorney's office to identify and secure all assets of decedents until the court has appointed an executor or administrator. The Estates Property Custodian assists with identification, inventory, storage, safekeeping and ultimate disposition of real property and other assets of the decedents' estates. Clerical and secretarial support and an accounting is received from the Probate Assistant assigned to this unit. If appointed as an administrator of an estate, the Public Administrator's office proceeds with probate in accordance with the California Probate Code. This section also handles sales of Sheriff's unclaimed properties. The Chief Administrator directly supervises the operations of the Public Administrator's office on a day-to-day basis. Monthly case status reports are required of the Deputy Public Administrator and he has been additionally assigned to consumer and environmental related investigations as time and workload permit.

There is also a Witness Program in operation, for which one position has just been granted in order to integrate this program with the Victims of Violent Crimes Program. Present law mandates that victims of violent crimes be informed as to the procedures for making claims against the state.

The following diagram illustrates the organization of

the office of the District Attorney in Santa Cruz County.



Office of the District Attorney  
Santa Cruz County

### III. ANALYSIS

The analysis of the Santa Cruz District Attorney's Office focused on problems related to the management, operation, and evaluation functions within the District Attorney's office. Examination focused on: (A) budgetary and fiscal problems; (B) the positions of the Chief Administrator and the Chief Deputy; (C) intake functions; (D) attorney organization and training; (E) the Bureau of Investigations; (F) the Consumer Affairs Bureau; (g) systems and procedures; (H) the use of the System 6; (I) PROMIS; and (J) MISCELLANEOUS.

#### A. Budget and Fiscal

The Budget is probably one of the most important documents of any institution. It sets out what the organization plans to do in the next fiscal year, what funds it will need to accomplish its programs and where the money will come from. The taxpayer has a right to know what he is getting for his tax dollars in prosecutorial services. The District Attorney will ultimately be judged on how well he uses the taxpayer's money. In Santa Cruz County, the District Attorney is responsible for a budget of over one million dollars (\$1,000,000.00).

The budget should be handled by an executive in the office who is thoroughly familiar with present and future programs and who has authority over the personnel who execute financial functions. In the Santa Cruz office, the Chief Administrator should be the one who handles the budget. It

should be set out along program lines which show what each division is doing and the budgetary requirements for its programs.

All financial functions of the office should be grouped under the budget control, such as payroll, accounting, equipment records, purchasing and supplies. Funds for intelligence gathering operations should be disbursed by the Administrator with adequate documentation justifying the expenditures. This can be done without revealing sensitive information by coding the operations and referring to confidential memoranda maintained in the District Attorney's personal files or those of the Chief Deputy or Chief Investigator. The main objective is to have central records with all financial transactions within the office.

#### B. Chief Administrator and Chief Deputy

In March of 1980, Mr. Danner's chief deputy prosecutor resigned and was not replaced. Mr. Danner asked the team to examine the current organization and determine if he needed a Chief Deputy.

The team recommends that Mr. Danner appoint a Chief Deputy. Mr. Danner is the district attorney of a county with almost 200,000 persons. He supervises an office with a staff of over 50 persons. In addition, he prosecutes some major cases himself, sometimes causing him to be in court for weeks at a time.



The District Attorney is the chief law enforcement officer in his community. He must administer his office, establish policies, sponsor legislation, work with public projects related to law enforcement, attend vital functions as a community leader and pursue his goals and promises to the community. In order to fulfill his duties in a jurisdiction of the size of Santa Cruz, he must free himself of routine legal and administrative work and devote his time to being the head of the office and a leader in his community. To do this, the District Attorney needs a competent Chief Deputy with full authority to act in his absence and with responsibility for the routine operation and administration of the office.

The District Attorney needs a Chief Deputy that he trusts, feels comfortable with, is qualified and competent, and who shares similar political, moral and administrative views with the District Attorney.

The District Attorney should make his selection based on his needs, desires, and objectives for the administration of the District Attorney's office. He should consider all factors and make the decisions in the best interests of the people he serves.

Since the job slot is currently available, there should be no additional costs or other external factors to take into consideration. The appointment should be made as soon as the selection of an individual to fill the position can be made.

At the present time, one person is serving in the joint role of Chief Administrator and Chief Investigator. Although this person is doing a commendable job, he has announced plans to retire. At such time, the team recommends that two persons be retained to fill the two positions which will become vacant.

When these two persons are employed, each should function in his own sphere. The Chief Investigator should be free to conduct and supervise sensitive investigations for the District Attorney, and to oversee the hiring, training and career development of the investigators. The Chief Administrator should have as his major function the organization and management of the administration of the office. Each is a full time job in an office this size.

Preliminary plans have been made to sever these two positions. An assistant office administrator has been hired and is now training under the Chief Administrator-Investigator. A designate has been selected to become Chief Investigator upon the retirement of the present Chief Investigator. The team recommends this change and endorses the concept of having two positions. There are no additional costs or external factors to be considered since the individuals who are to fill these positions have already been selected.

#### C. Intake Function

The intake and screening function is well organized and structured for an office the size of Santa Cruz. All screening

and initial charging decisions are made by one filing deputy, who has been with the office for approximately six years and has been filing deputy for three years. The charging decision is made based on police reports which are brought to the filing deputy in batches from the police departments by a courier who has no knowledge of the cases in question. The cases are logged in, but the courier does not sign the log and no receipt is given. This log book should be used to record all cases coming into the office. The courier should be given a receipt for the reports retained and required to sign the log indicating the report was delivered to the District Attorney's office. This should be rigidly enforced so that from the District Attorney's standpoint, unless the log is signed and the officer has a receipt, the case was never presented for intake.

At the present time, the filing deputy has full discretion to accept, reject, modify or return cases to the police agency for further investigation. Most cases which are in need of further investigation are returned to the originating police agency rather than forwarded to the Investigation Bureau for in-house investigation. The filing deputy has the authority to plea bargain at this level, but rarely does. Charges on cases which are accepted for filing, can thereafter be raised, lowered or otherwise modified by the deputy district attorneys. All complaints are pre-filed before arraignment.

Currently, there are no written charging policies in the office. The District Attorney has made no definite policy

statements concerning the discretion exercised at intake. It is the recommendation of the team that Mr. Danner should formulate, promulgate and exercise his personal charging policies at intake. First the District Attorney must decide what his personal views, objectives and commitments to his district are for the charging of cases. He must decide at what stage of the case and to what degree he wishes to plea bargain, if at all. He should then enter into discussion with all of his assistants and ascertain their views. He may want to discuss charging with others such as police officials and judges. After these discussions, the District Attorney should formulate his charging policies and make them known to his staff and particularly the filing deputy. The policies should ultimately be those of the District Attorney tempered by the recommendations of his deputies. These policies should include areas of emphasis for prosecution, types of cases wherein there will be no reductions after filing, instructions on filing up (highest charge - all counts), filing down (filing as misdemeanors or with lesser counts because of sentencing realities), and types of cases in which the District Attorney will always refuse charges. The policies should be put in policy memos or a charging manual. Charging policies must be formulated along with plea-bargaining policies and the system should provide a means for the District Attorney to spot check to see that his policies are being carried out at the intake and plea negotiation stages. The filing deputy should have in-depth discussions with Mr. Danner to ensure that he understands all charging policies and that they are current. At staff meetings

Mr. Danner and the filing deputy should emphasize that it is the district attorney's policies that are being exercised at the filing desk.

When a case is not accepted for filing, or the charges are modified, there is presently no communication of this fact in writing to the originating law enforcement agency. An acceptance-rejection form should be developed and utilized to inform the police of the intake decision of their cases. A model form was left with Mr. Danner at the time of the visit, with the suggestion that it be modified and adapted for use in his jurisdiction. A copy of this form is attached as Appendix B.

With the formulation of standards and policy to be utilized by the filing deputy, the result should be a more effective screening process. However, in order for the filing deputy to apply these newly articulated standards, sufficient data and information must be readily available from the various police agencies which investigate these cases and prepare reports. It is imperative not only that the right cases be commenced in the criminal justice system with the right charges, but also that they are presented as expeditiously as possible from the time of the alleged offense. At the present time, the system of courier-delivered reports causes delays in the charging decision due to the lack of sufficient information being available and the necessity for sending the case back to the originating police department for further investigation.

Many of the cases presented for filing to the filing deputy contain only the police departmental report. Based upon the sparseness of the file, it is difficult to make more than a very basic analysis of the case which is presented. Even when cases are sent back for further information, and the information is received, it is often not adequate to make an informed sound charging decision. One of the most experienced attorneys in the office is being assigned to the filing function and then being given insufficient information with which to work. The more experienced an attorney is, the more he is able to evaluate a case quickly and thoroughly as to its merits, strengths and weaknesses. However, a thorough analysis requires that the filing deputy be given the opportunity to talk with, at least, the investigating officer.

The Technical Assistance team recommends that the District Attorney should compile a list of crimes, both felony and misdemeanor, and require that the police officers in charge of the investigations of these crimes batch their own cases and present them all at one time to the filing deputy, and remain available to respond to questions to which the officer should have immediate answers. (In a recent LEAA funded survey by the BSSR of eighty urban American prosecutors, it was revealed that 50 percent of them received cases at intake from the detective on the case. Another 20 percent used the arresting officer to bring the police report to the prosecutor.) This would give the filing deputy immediate access to information regarding the credibility of witnesses and the availability of evidence, and



eliminate the need to return cases to the police department for further information. Often if the police are interviewed in person, the screening deputy can make notations, add witnesses and clarify the written reports, eliminating the delays in obtaining supplemental reports. Also, given the fact that the detective or arresting officer must spend time responding to cases returned for further information, it would be more cost efficient for him to appear personally at the prosecutor's office and respond to all inquiries at once.

Moreover, the officer himself would have an immediate review by the filing deputy and an immediate decision on his cases. This would eliminate the built in time lapse in the courier type of batching system presently in operation.

The efficacy of a criminal prosecution in large measure depends upon the immediacy of its presentation and entry into the criminal justice system. Implementation of this requirement, that the officers of the various police agencies present their own cases to the filing deputy, should immediately decrease to a negligible percentage the number of cases requiring further investigation, vastly enhance the speed with which a case enters the criminal justice system, and enhance the professionalism of the filing and intake function of the office.

#### D. Attorney Organization and Training

The organization of the District Attorney's office is affected by several external and internal factors. The

organization must conform somewhat to the court system of Santa Cruz County. There are four Superior Courts and four Municipal Courts in the county. The Municipal Courts have jurisdiction over all misdemeanor cases, initial arraignments and preliminary hearings. Three of the Municipal Courts are in Santa Cruz and the fourth is located in the city of Watsonville, which is about twenty miles from Santa Cruz.

The four Superior Courts handle all felony trials after defendants are held to answer in Municipal Court, or after they are indicted by the Grand Jury. Those attorneys assigned to Superior Court also make all presentations before the Grand Jury.

One attorney from the Superior Court section is assigned to the Juvenile Court. Juvenile matters are handled at Juvenile Hall located at the probation center in Felton, which is about ten miles from Santa Cruz.

The municipal courts use a "federal" type system in which each section of court maintains its own docket and once assigned, cases remain in a particular section. The Watsonville Municipal Court has a specified territorial jurisdiction in the south part of the county.

The Superior Courts use a master calendar system in which all cases are set for trial on Mondays in the master calendar court. The cases are called for trial and if ready for

trial are assigned to the sections of the court for trial by the presiding judge. The presiding judge is a Superior Court judge who serves in the master calendar court for a period of one year on a rotating basis. The master court handles arraignments on bills of information, and disposes of bail motions. About ten criminal cases are set for trial each Monday. By trial time, these may be reduced by pleas or other dispositions to three or four cases, with two or three ready for trial.

Felony and misdemeanor cases are tried by twelve person juries and require a unanimous verdict. There are statutory and speedy trial rules of court in effect in the county. A complaint must be filed within 48 hours of arrest. Preliminary hearing must be held within 10 days of filing the complaint. An arraignment on the bill of information must be held within 15 days of the preliminary hearing. A jury trial must be set within 60 days of the arraignment on the bill of information. These statutory requirements are often waived. If a felony is dismissed for lack of speedy prosecution, it can be refiled, but two dismissals are a bar to prosecution.

Within the constraints of this court organization, the attorneys in the District Attorney's office are organized in the following manner:

Superior Court

Supervisor - 1  
Trials - 2  
Prelims. - 2  
Juvenile - 1  

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6

Watsonville

Trials & Prelims - 1

Consumer Affairs

1

Municipal Court

Supervisor - 1  
Trials - 3  

---

4

IV - D

2

Screening

1

The municipal court section supervisor exercises general supervision over the deputies of that section and conducts staff meetings. At the time of the visit, the municipal supervisor was filling in for absent deputies and working on a special project relating to rape prosecution.

In the Superior Court section, the supervisor is responsible for reviewing all felony cases, filing all bills of information, assigning cases to superior court deputies, holding staff meetings and exercising general supervision and responsibility for the section.

The investigators in the office work under the supervision of the Chief Investigator and assignments are made by him (or an assignment investigator) on the basis of written requests for investigation that are submitted by the attorneys.

The Watsonville deputy handles all trials and preliminary hearings in the Watsonville Court. Because of the distance factor, the Watsonville deputy has a somewhat

autonomous operation. The deputy assigned to Juvenile Hall is a Superior Court deputy, but actually spends full time on juvenile matters. The screening (filing) deputy is a senior deputy not assigned to a section. Other attorneys are assigned to the consumer and Family Support (IV-D) sections.

At the time of the visit, the District Attorney planned to rotate deputies and supervisors among the various positions every four months, although no rotations had taken place through this process. New assignments had been made on the basis of attrition with new inexperienced attorneys being assigned to the municipal section and new experienced attorneys to the Superior Court section.

If the present organization is maintained, there are several recommendations which could be made to further improve the efficiency and smooth operation of the office. First, the positions of supervisor for the Superior Court section and supervisor for the municipal court section do not seem to be full time positions. It is recommended that the two positions be combined and designated as criminal division supervisor. In the alternative, the senior municipal court deputy could be designated as the section head to see that office policies are carried out by the deputies of that section.

The Superior Court supervisor could try some cases under the present organization, but if combined with municipal court supervision, this would be a full time position. The

elimination of the municipal court supervisor position would free an experienced attorney for more valuable work in the office.

Plans have been established to rotate deputies among the various positions in the office every four months. The team recommends a longer rotation of at least twelve to fifteen months, and the elimination of rotation to the municipal court section. Rotation causes some degree of chaos, no matter what the length of time involved. Attorneys become familiar with cases, dockets, and idiosyncrasies of particular judges only to be transferred. The deputies must then spend valuable time acquiring knowledge of the new environment. However, deputies left too long in the same position become fatigued, stale or too specialized. Experience has shown that as long as a deputy knows that he will eventually be transferred, longer periods in the same position do not adversely affect his performance. Longer periods before rotation will cause a better compromise between the desire for consistency and need to rotate for the benefit of the staff.

In addition, it is recommended that rotation be made between the Superior Court section, juvenile hall, and Watsonville. The municipal court section should not be included in the rotation. Although the deputies need an occasional mental rest, it is difficult and often not in the best interest of the office and not cost-effective to rotate seasoned veteran prosecutors to the trial of misdemeanors. Municipal court



positions should be kept for the junior attorneys who will move into the rotation by attrition and seniority. Exceptions can always be made in specific instances.

The District Attorney may want to eliminate the preliminary hearing-trial designation of Superior Court deputies and work toward the goal of having the preliminary deputy be the trial counsel when possible. In this manner, time for trial preparation can be cut and better trial preparation will result.

The juvenile hall and Watsonville positions are full time positions and should be left as is. An investigator for the Watsonville office is needed because of the remote location and volume of cases.

A problem has developed in the area of manpower to cover the necessary court appearances and other commitments of the office when deputies are absent from the office because of sickness, emergencies or scheduled leave. Part of this problem could be alleviated by the use of procedures whereby deputies must obtain advance approval for vacations or other scheduled leave. To this end, a vacation calendar has been established in the office. In addition, municipal court deputies should be developed to try routine preliminary hearings in felony cases in municipal court. This would provide extra manpower to cover other courts when Superior Court deputies are absent.

While the team felt that with the present organization

and the changes recommended above, the District Attorney had an acceptable structure that would accomplish the tasks of the office, the team recommends that Mr. Danner switch to a trial team concept. In this manner investigators could be utilized more efficiently, rotation problems would be lessened, supervision would be more direct and accessible, and training could be facilitated. The team recommends three trial teams that would be responsible for one municipal court each, and divide the felony trial work. Each team would have a supervisor, two investigators, and one legal secretary, one typist (would have to be added when possible) and several deputies. This organization can be diagrammed as follows:

<u>TEAM 1</u>	<u>TEAM 2</u>	<u>TEAM 3</u>
Supervisor - 1	Supervisor - 1	Supervisor - 1
Deputies - 4	Deputies - 4	Deputies - 4
Investigators - 2	Investigators - 2	Investigators - 2
Legal Secretary - 1	Legal Secretary - 1	Legal Secretary - 1
Typist - 1	Typist - 1	Typist - 1

The trial team deputies could rotate among the positions on the team freely and as often as they desire and the supervisor approves. Responsibilities for training new deputies and covering assignments during absences will become a team responsibility. Investigators will work directly with the deputies of the team without the need for submitting requests through an assignment investigator. The Chief Investigator's position should be kept intact, with that person responsible for independent original investigations and administrative training

of the investigators. The juvenile hall, filing and Watsonville positions should be kept as separate positions outside the teams. Supervision of rotation inside the teams should be left to the supervisors. Rotations outside the teams would be made to the juvenile, filing and Watsonville positions.

To avoid problems with the master calendar system in municipal court, the District Attorney would have to have input into the setting of felony trials. Problems could arise if all or a substantial majority of the cases assigned on a Monday were cases allotted to the same trial team. To prevent this, a division of the cases set for trial should be made in order to proportion the trials among the teams. For example, of twelve cases assigned for trial on a given Monday, the ideal would be to have four of team A's cases set, four of team B's cases set, and four of team C's cases set. There was an indication by Mr. Danner that he could expect the court's cooperation in this endeavor.

This would also involve reorganization of the Bureau of Investigation. It would result in an investigator being assigned to a trial team who would then follow the case through all phases of prosecution. The end result would be that a complete investigation would be made of misdemeanor cases, as well as felony cases, something which is not being done at the present time.

Assignment of cases to the teams would be automatic,

based upon the assignment of cases at the preliminary hearing. Each team would handle the felony filing and trial on felony cases which had preliminary hearings in the municipal section for which the team was responsible. The Chief Deputy or Mr. Danner could make occasional adjustments to balance the case load among the teams.

The trial team concept provides friendly competition, fluidity in rotation, close supervision, limited spheres of responsibility, and is generally liked better by deputies (in the teams experience) than other systems of organization. It is recommended for this office.

This organization would also help to alleviate the problem of shortage of deputies to substitute for those out of the office on vacation or sick leave. If the trial team organization is instituted, substitutions would become a team responsibility. With the addition of the new assistant and elimination of the municipal court supervisor position, there should be enough deputies to cover the courts and other essential assignments. If municipal deputies are trained to handle preliminary hearings, further spare manpower can be utilized. A combination of pre-scheduled vacations and reorganization in accordance with these recommendations should alleviate the problem.

Reorganizing the office to a trial team concept will involve several internal and external factors. The

reorganization itself, entirely an internal factor, would involve no additional expense to the office. However, the additional typists which would be needed do involve the external factors of approval and extra financial burdens on the budget. The success of the trial team concept also depends on input from the court in setting up trials in the master calendar court so as to eliminate conflicts where attorneys are required to be in more than one place simultaneously. Although these factors must be dealt with before a reorganization could take place, the team recommends that it be undertaken.

A concern was expressed relating to the training of attorneys. At the time of the visit, training of new deputies consisted of having an experienced deputy sit with the new deputy for one week in court. Thereafter, the new deputy was allowed solely to try sometimes complicated misdemeanor cases before twelve person juries in municipal court. The team recommends that the municipal supervisor, whether combined with another position or left as it is, be responsible for training new deputies. This training should begin with an explanation of the policies of the office and progress toward a gradual assumption of trial duties in municipal court. There are also seminars conducted by NDAA, NCDA and the State of California, which could be utilized as funds permit.

At the present time, responsibility for ongoing attorney training is placed under the Chief Administrator, who determines office needs and recommends programs. The team recommends that

for immediate training needs, an executive prosecutor be obtained through loan to assist in developing training programs for experienced as well as new prosecutors. Contact should be made with the California District Attorney's Association to determine what Federal aid is available and to obtain bulletins on seminars and training sessions being offered.

A constant concern in any office is the problem of communications between the District Attorney and his staff. At the present time, there is no policy or procedures manual in the office and policy memos are rarely circulated. The Superior Court section has weekly staff meetings and the municipal court section has scheduled weekly staff meetings, which are sometimes cancelled.

The team recommends that Mr. Danner establish regular staff meetings for all the personnel of the office on a monthly basis. Separate staff meetings should be held with the attorneys and investigators on a weekly basis. At these meetings policies, problems and accomplishments should be discussed. The personnel should be encouraged to air complaints or make comments on policy. Priority for attendance at these meetings should be mandatory for the District Attorney, Chief Deputy (when appointed) and the staff.

Mr. Danner should put general policies in writing and compile them into a policy manual for the office. The table of contents of a model policy manual was left with Mr. Danner at



the final presentation. Specific policies should thereafter be articulated in policy memos and amendments to the policy manual. By having office policy articulated in this way, many problems will be handled before they become severe enough to come to the attention of the District Attorney.

E. Bureau of Investigation

The Bureau of Investigation is made up of six inspectors and one intelligence specialist and the Chief Investigator, who is currently serving also as the Chief Administrator for the office. The primary function of this bureau is to follow up investigations initiated by law enforcement agencies in order to prepare the case for disposition.

During the visit several problem areas were discussed and possible solutions recommended. These problems should be addressed whether the present structure is maintained or the bureau is reorganized into the trial team concept.

One area of concern involves using inspectors from the District Attorney's office to conduct investigations of alleged violations of the fair political practices and campaign acts. Most of these violations are referred to the District Attorney from the County Clerk. Because of the political nature of these referrals, and the fact that the District Attorney is an elected official himself, the Technical Assistance team recommends that all investigations of alleged violations of political and campaign procedures be referred to a local police agency for

investigation. Once the investigation has been completed, the cases should then be presented to the District Attorney's office for possible prosecution. This would remove the District Attorney's office from any appearances of political interference.

A related concern deals with the handling and control of sensitive cases referred to the office for investigation by outside agencies. From time to time referrals are made to the office from the Attorney General of the State of California, in such areas as organized crime in the Santa Cruz area. Under present office policy, these cases are given an office file number as with any other case file, and are routinely filed with other cases. It is suggested that these files be placed within locked file cabinets within the Chief Investigator's office. This should be implemented as soon as possible. It involves no external factors and the expense on the file cabinet should not be prohibitive.

A lack of communication seems to be a problem in this area. The investigators felt there was a need for money to be made available to pay informants and make "buys" in drug cases. It was also their understanding that travel expenses were to be handled by each inspector, to be later reimbursed by the county. This often resulted in delays of up to thirty days for reimbursement for any out-of-pocket expenses. The team learned, however, that this matter had been provided for in the office. The office can accommodate these matters. It was determined that

money is available within the existing budget for travel expenses, as well as funds for paying informants and making "buys" when necessary.

There is a need for a Spanish-speaking inspector, due to the large number of Spanish-speaking persons within the community. An interpreter would be helpful, but would not be as cost efficient as an inspector who speaks Spanish. A need was also seen for a female inspector for the office. If the District Attorney could employ a female inspector who also speaks Spanish, it would solve two of his problems at once. However, if this is not possible, a female inspector and a Spanish-speaking inspector, or an interpreter, should be employed at the earliest practical date.

The team also agrees with the District Attorney that there is a shortage of support staff in the office. It is recommended that two secretaries, as well as two inspectors, be added to the staff at the earliest possible time.

Lastly, it is recommended that regular periodic staff meetings be held with the Bureau of Investigation to communicate policy and clear up any misunderstandings which may have developed since the last meeting due to a lack of communication.

The forms used within this bureau are adequate and, as structured, would allow for the maintenance of statistical data which could be summarized and utilized on a monthly basis and

for an Annual Report.

#### F. Consumer Affairs Bureau

The Consumer Affairs Bureau handles all incoming cases of consumer fraud and other related complaints. Approximately 80 percent of these complaints are received by telephone, with 10 percent being referrals and another 10 percent being walk-ins to the office. During 1979, over 5,000 calls were received per month. From these, 868 written investigations were generated. The Community Education Programs reached over 2,000 people, and 300 Small Claims Workshops were held. In addition to these Small Claims Workshops and educational programs, members of the office gave speeches to various groups in the community and worked on legislative matters. The bureau also received approximately 700-800 hours of volunteer work by local citizens in 1979.

When a complaint is received by the bureau, it is entered on a log sheet, which is maintained on a daily basis. If an investigation is to be initiated, forms are forwarded to the complainants and when returned to the office, a file is opened and the investigation commences.

Generally, both the complainant and the defendant agree to a form of voluntary arbitration which is conducted by the office, precluding the use of the Small Claims Court. There are several advantages to the use of arbitration over the use of the court. First, the Small Claims Court in California is limited

in jurisdiction to cases involving under 750 dollars (\$750.00), while there is no dollar limit for arbitration. Other advantages include the fact that there is no filing fee involved in the arbitration process and the procedure is more flexible, in that the hearings are presided over by a group of volunteers drawn from the business and professional community.

One current case involves 42 complaints which have been brought against a television sales and repair shop. Arbitration was held and restitution was agreed to by all parties. Approximately 330 dollars (\$330.00) has been collected and a personal checking account was set up at a local bank upon which checks are drawn to individual complainants to satisfy amounts agreed upon in arbitration. The team has recommended that a correction be made immediately concerning the personal nature of the checking account. The personal account should be closed and re-opened as an office account, requiring two signatures.

Two other areas of concern were noted and recommendations made. First, in addition to the working volunteers within this office, an additional clerk-typist is needed for at least a half day at this time. Also, the offices occupied by several members of the Consumer Affairs Bureau are exposed to the rest of the office and therefore lack the capacity for private conversation. Because of this physical structure, confidential interviews cannot be conducted. This is a problem because many cases are sensitive in nature. It is the recommendation of the team that an interview room be made

available where complainants may be interviewed in complete privacy.

#### G. Systems and Procedures

Although the office appears to have adequate space at this time and other space will be made available to the District Attorney in the near future when the Board of Education moves from their present quarters, there are some problems which should be addressed.

The general environment of the work-area of the clerical staff is not conducive to detail work. There is entirely too much traffic through the room, caused by the multiple pathways by which individuals can reach the staff. There is a counter which exists but is not being used. This counter should become a clearing point for accessing that staff, and all other pathways should then be blocked off.

The coffee pot should be moved out of the area. It is a gathering place for staff, investigators, and attorneys and distracts people working in the library, the witness section and the traffic section. A place should be found for it which is completely out of the work-area.

In addition, the law library needs to be moved out of its present location, which is noisy and tends to be used for many things that are incongruent with the general purpose of a library. It is suggested that the library be put in an area in



the new part of the office.

One of the major problems in the office is the lack of any central file facility. In the current "system", files which are inactive remain on the shelves filed in case number order. Active files may be in the possession of a secretary, an investigator, or an attorney. There is no way to determine where the file is. The law library should be moved, making room for a controlled access area for all files. This will solve several problems. First, investigation files can be maintained in a locked file (although they should be recorded as checked out to that secure file room from the central files). Second, juvenile files should be maintained in a more secure environment. Third, no one should be able to remove a file without checking it out. This area should not be open to anyone but the clerk handling checkout. Attorneys and investigators should not be allowed in the area, since as a general rule they will not be signing the files out. It is imperative that the District Attorney take a strong stance on maintaining the security of these files.

It should be made clear that files do not have to remain in the file room although many will stay there if it is shown that there is a working system. Anyone may check a file out and retain it. However that person will be solely responsible for the file and must fill out a transfer slip (stored in each file) if he gives it to someone else. The transfer slips will then be used to post the out card without returning the file. This will

prevent having to track files from secretary to investigator to attorney.

It is recommended that the System 6 computer be moved out of its current location and into the central files area. Many of the clerks are disturbed by the noise of the machinery and there is no real reason for having it located in close proximity to the secretarial staff. It may be convenient to have that equipment located in the central file room since much of the information will pass through that facility. Further, the office could benefit by centralizing all requests for information in the file room if they cannot be handled by the receptionist.

There is also a need to better define the functions of various staff members. In particular, the time of the legal secretaries could be used more efficiently for preparing papers instead of filing. Much of the filing could be done by less skilled employees in the file room. Everyone should have access to the card files, so they should be located near the secretaries, however the actual filing of the index cards should be done in a systematic way outside of the major work area. It is suggested that a tray be used for cards and folders to be refilled and emptied by the file clerk every few hours.

The procedures used by the staff for handling paperwork are adequate, although integration with the System-6 still needs to be worked out. That problem will be discussed in detail in

the next section. The office is in need of a detailed procedures manual which spells out each step in the process and the paperwork and tasks which need to be completed in conjunction with it. This will also be helpful when full automation is implemented in the office. As in the case of attorneys and investigators, the District Attorney should hold periodic staff meetings with the clerical and secretarial staff to keep in touch with their view of the operation of the office. Many useful suggestions will come from these meetings and they will also promote cohesiveness in the office.

Another problem observed during the visit concerns the failure to maintain statistics. It is difficult to make meaningful evaluations of the office at the present time because of the lack of statistics available. It is recommended that the District Attorney begin collecting statistics immediately. Such statistics should be kept to provide a record of the work produced by the office and increases in workload, which could be used in the future to justify additional salaries, personnel and equipment. These statistics should include the following:

(1) the number of cases sent to the office, including felonies, misdemeanors, traffic, juvenile, and any other category deemed desirable by the District Attorney;

(2) the results of the screening process, including accepted, rejected by reason, and accepted by class i.e. Felony submitted as a felony, misdemeanor submitted as a felony, and

misdemeanors in like categories;

(3) the dispositions of cases by guilty, not guilty, dismissed, and others, reported by attorney and by courtroom.

These are rudimentary and can be kept simply as hash marks on a form until the computer can be used. They can be quite useful for monitoring office and individual performance and for processing annual reports. One person should be given the responsibility for insuring that the information is collected, and written procedures should be made available documenting how to collect that information. A sample form for use in gathering these statistics was left with the District Attorney during the visit. As all cases are placed on the System-6 computer, this manual will no longer be needed.

In the area of witness coordination, several suggestions are made to improve the delivery of services. The witness coordination unit currently handles a broad range of activities, from sending subpoenas to arranging for transportation for witnesses. There is presently no support provided for witnesses at their appearance in court. Much telephone time is spent by the staff notifying witnesses of changes in the date of their appearance. In most cases, there is ample time to send a notice of the change instead of calling. It may be possible to adapt the System-6 to a witness notification system. It is suggested that the District Attorney contact the National District Attorney's Association to ascertain whether this has been

accomplished elsewhere. This would be cost effective only if notices as to changes in appearance are all handled by mail. To enter a witness in the system for a single mailing would not generally be cost effective. It is also suggested that use of this system could be made to send disposition letters to witnesses. None of the data would be entered until it was determined that the case was going to trial.

There also is a backlog in the preparation of subpoenas. Part of this problem can be traced to the amount of time wasted telephoning notifying witnesses as to changed appearance dates. It is recommended that a clerk-typist be assigned to prepare the subpoenas and that the coordinator could spend time on more witness support functions. If the System 6 is used, much of this problem will be eliminated. It was not clear at the time of the visit who the immediate supervisor of this unit was and whether or not any monitoring in fact was taking place. It is suggested that the administrative assistant be given overall responsibility for all systems and procedures and that all attorneys and investigators be so informed.

There are no major changes recommended for the traffic and juvenile court. The only problem identified was the slow response of attorneys assigned to traffic matters. In many instances there is a delay of two or three weeks before charges are filed. Since many of the charges are serious and delays may already have taken place before the case reaches the District Attorney's office, more prompt attention should be given to

reviewing these charges. The procedures used in tracking these incidents are more than adequate and are well organized. No changes are recommended at this time in either traffic or juvenile. Further, there is no real need to put this information in the System 6 computer.

#### H. Use of System 6

The District Attorney's office has recently leased an IBM System 6-442 word processing system, which is to be used to improve the productivity of the clerical and secretarial staff, and also as an interim information system until the newly acquired PROMIS system becomes available. The office has made an excellent start in using the System 6 as an information system and word processor. Several people have been trained and are using the system. However, several problem areas need to be addressed.

First, the data record designed initially was limited, consisting of fifteen to twenty items. This machine can handle up to 500 characters per record, and this capability should be used. It is easier to set up a complete system at the outset leaving many of the fields blank, than to change later. The office should refer to NDAA publications for guidance on the elements of the data base.

The felony caseload should be entered into the data base as soon as possible. The ability to print court calendars by deputy and date should be quite useful. This facility could

replace the book used in the Superior Court section to record decisions in cases going to trial. The notes could be added as a separate data field.

It is also recommended that all legal secretaries be cross-trained in the use of the System 6 to encourage new applications of the system. The cross-training could begin with the Superior Court informations.

Several lists are currently produced by the System 6 which do not really meet the needs of the staff. A master alphabetical list of cases independent of filing date is needed. Currently, the emphasis is on filing date, which makes the case hard to find. The administrative assistant should define a set of reports and calendars for use throughout the office.

Better information flows are required in two areas. Controls need to be established which identify information as being supplemental and not new. Some duplicates have resulted, since the cases are not marked as such. Secondly, a code needs to be added which designates the secretary who is handling preparation of the complaint. That information is currently not entered in the date base and it makes it difficult to physically find the cases. Such a code should also be used when the case is sent to screening, with the results entered for all cases, even if charges are not filed.

It may be possible to have all new entries on the index

cards, as well as the initial one, if all the information is contained in the data base. It is suggested that some experiments be tried in order to determine the feasibility of this. Data should only be entered or typed once if at all possible.

Although it may appear unwise to invest too much time and energy into developing the capabilities of the System 6, since PROMIS is to be installed in the future, the experience will ensure a greater chance of success with PROMIS. The procedures will already be streamlined and will ensure a smooth transition. Also, the installation date for the PROMIS system is only a projection at this point; it could take anywhere from 18 - 30 months. Therefore, it would not be wise to waste the time waiting for the system to be installed.

#### I. PROMIS

Santa Cruz County has received a grant to implement a jail information system. Once the jail system is operational, the District Attorney will be able to use the balance of the PROMIS system. Since the system is not currently operational, it is difficult to project what the problem areas will be. However some general observations can be made at this time. First, the District Attorney should take an active role in the project throughout this time to insure that he is included in the decisionmaking process, in order to insure that the needs of his office will be met by the new system. In order to insure the best implementation, the District Attorney should develop



detailed procedures manuals. This will assist the systems analyst, who will doubtless be coming into the office without any knowledge of the prosecutor's application of the system. This will also shorten the process and help the office prior to automation. It is also suggested that arrangements be made to load the initial data base from the System 6 floppy disks and that comparisons be made between the District Attorney's data base and that designed for the jail.

A tremendous amount of information is contained in the index file cards. A determination should be made as to what can be done to automate those files as skeleton records for PROMIS. Otherwise, two separate systems will be maintained and much of the benefit of the PROMIS system will be lost.

It should also be determined who will have the responsibility for entering information into the system. If it becomes the responsibility of the District Attorney's office, then sufficient staff should be allocated by the county for that purpose.

#### J. Miscellaneous

In addition to the functions already examined, the team has a few suggestions concerning areas not specifically investigated, but which, nonetheless, need attention. At the current time, a Rape Project is under study by the administrative assistant. This could be an excellent project, and the team recommends that it be further developed and put

into operation. Special programs in the areas of pre-trial diversion, victim witness assistance, career criminal prosecution and child abuse should be considered and adopted as resources and needs of the office allow.

Consideration should be given to designating one attorney as the research specialist for the office, who would do legal research and write certain briefs. This person could also be available for consultation with the newer trial lawyers regarding legal problems.

Lastly, the District Attorney should check the code pleading book in use to determine if it is current. If not, it should be updated at the earliest practical time and the information should be disseminated to all attorneys. It is also suggested that a joint meeting be arranged with the court en banc to discuss changes in pleadings.

It is also suggested that the District Attorney consider printing and distributing an Annual Report. The office will have created certain statistical data which could be included in the report, with illustrations to convey to the community the District Attorney's role in actively fighting crime and prosecuting offenders in the community.

#### IV. CONCLUSION

This analysis and these recommendations are presented with the realization that the District Attorney already has a working, effective organization. However, good management is a constant refinement of steps already taken, and in view of this, several changes are being recommended by the Technical Assistance team.

In the area of budget and fiscal concerns, the Chief Administrator should be designated as the one with responsibility for all budget functions. The budget should be organized along program lines in order to enable justification for each program area to be funded.

The position of Chief Deputy should be filled as soon as possible. The position is very important in the office and should not continue to be left vacant. In addition, the jobs of Chief Administrator and Chief Investigator should be held by two persons, instead of one, as is currently the practice. Each of these positions requires the full attention of one person. This severance would entail no additional costs to the office, as there are two people in the office capable of filling these positions upon the retirement of the present Chief Administrator-Investigator.

There are several recommendations concerning the intake function. First of all, as a matter of procedure, the officer

who delivers the police reports to the filing deputy should be required to sign the log book and be issued a receipt for all cases he delivers.

Secondly, the District Attorney should evaluate, and then articulate, his charging policies. These policies should emphasize types of cases in which no reduction in charges will be accepted, and types of cases in which the prosecutor will always refuse to file charges. The policies should be discussed with the filing deputy to assure that they are understood and are carried out when filing decisions are made.

When cases are refused for prosecution, the originating law enforcement agency should be advised in writing as to the reasons for declining to prosecute. A model for this purpose was left with the District Attorney at the time of the visit.

The District Attorney should make every effort to enlist the cooperation of the law enforcement agencies in requiring that individual officers batch their own cases and present them in person to the filing deputy. This would eliminate the practice of asking for supplemental reports and the resultant delay in bringing charges. Once this policy has been formulated, it could be implemented in a very short time, based upon the external factor of the cooperation of the police departments. There would be no additional costs to the office to implement this policy and the time and effort saved by not having to write additional reports should be an attractive

inducement to the police officers.

Assistant prosecutors in the office are presently assigned to Municipal and Superior Court sections. There are plans to rotate attorneys among the various positions, including Juvenile Hall and Watsonville. If the present organization is maintained, the team recommends that the positions of supervisor for the Superior Court section and supervisor for the municipal court section be combined into one position. As presently structured, neither position requires the full time and attention of one person. In the alternative, the senior municipal court deputy could be designated as the section head to see that office policies are carried out by the deputies of that section.

The plans for rotation currently call for a four month tour in each position. The team recommends that this be expanded to at least twelve to fifteen months. It is also recommended that the municipal court section be eliminated from the rotation, for the reason that experienced attorneys should not be rotated back to trying misdemeanor cases. These should be reserved for the newer attorneys to gain experience in trial work.

In the Superior Court section, the team suggests that the District Attorney eliminate the preliminary hearing-trial designation of deputies and assign the trial to the attorney handling the preliminary hearing. This would eliminate much

preparation time and duplicated effort in preparing for trial.

In order to alleviate the shortage of deputies to cover the courts when one is absent due to illness or vacation, a vacation calendar has been set up and should continue to be used. In addition, the municipal court deputies should be trained to try routine preliminary hearings in felony cases. This would provide the extra manpower needed to cover the courts at all times.

Although the present trial organization is workable and the structure enables the office to function fairly efficiently, the team suggests that the trial team concept would be even more effective for this office. Under this type of structure, the office would be divided into three trial teams, each consisting of a supervisor, two investigators, one legal secretary, one typist and several deputies. The deputies could rotate among the positions on the team freely, and covering assignments during attorney absences would become a team responsibility. There are several external factors to be considered before a reorganization of this type could be undertaken. First, it would involve restructuring the Bureau of Investigation, as it would result in an investigator being assigned to a trial team which would then follow the case through all phases of prosecution. Also, the court would have to be consulted in order to eliminate any scheduling problems which would arise as a result of this organization. Under this change, an additional typist would be needed, who could be shared with other sections,

such as the Consumer Affairs Bureau, thus alleviating the cost.

New attorneys should be trained in trial tactics and procedures before being allowed to try cases on their own, even in municipal court. The municipal supervisor should be placed in charge of orientation for new attorneys, which should include an introduction to the office, as well as trial training. Ongoing training for experienced attorneys should be carried out on a regular basis. This responsibility should be placed with the Chief Administrator. Seminars and workshops conducted by the California District Attorney's Association, the National District Attorney's Association, and the National College of District Attorneys should be utilized as sources of continuing legal education.

Another concern in the area of staffing is the need for communication between the District Attorney and his staff. It is suggested that regular staff meetings be established, at which time problems and concerns can be discussed. The general office policies should be reduced to writing and disseminated to the staff.

There are several recommendations which can be made for the Bureau of Investigation, whether it is reorganized along the lines of the trial team or continues under the present structure. Because of the political nature of certain investigations involving allegations of violations of the fair political practices and campaign acts, it is recommended that

these investigations be referred to a local law enforcement agency for initial investigation. Once the investigation has been completed, the case should then be presented to the District Attorney. In this way, the District Attorney's office would be removed from any appearance of political interference.

In a related area, the team suggest that all sensitive files be placed in locked file cabinets within the Chief Investigator's office, rather than located with the regular files in the office, which is the current practice.

There is a need in the bureau for a Spanish-speaking investigator, as well as for a female investigator. An interpreter could be used instead of the Spanish-speaking investigator, however this would not be as cost effective. The most cost effective alternative would be to employ a female investigator who speaks Spanish. It is also recommended that two secretaries be added to the staff at the earliest possible time.

In the Consumer Affairs Bureau, it is recommended that the personal checking account which had been opened for the purpose of paying amounts agreed upon in arbitration be changed to an office account immediately. A clerk-typist is needed in this bureau for at least a half day. The physical structure of the office needs to be modified, so that a private place can be set up in which to conduct interviews with consumers who come to the office to initiate complaints.



Since the office will be receiving more space when the Board of Education moves from its present location, planning should take place now to rearrange the office when the space becomes available. It is recommended that the law library be moved to a new part of the office, away from noise and distraction. The coffee pot should be moved from the work area of the clerical staff. It is a gathering place, and produces too much confusion to make a good work environment for the clerical staff. The System 6 computer should also be moved from its present location. The noise of the machine is disturbing and it would be better located in the central file area.

The Technical Assistance team recommends that the files be more closely monitored and procedures developed requiring files be checked out by anyone wishing to use them. In this way, the location of a file will always be know.

It would be helpful both now and when the office is fully automated to have available a detailed office procedures manual. This manual should spell out each step in the process and the paperwork and tasks which need to be completed in conjunction with it.

The District Attorney should begin to keep statistics on such information as the number of cases which arrive at the desk of the filing deputy, the results of the screening process, and the disposition of cases. These may be kept manually until the office is automated. A sample form was left with the District

Attorney for use in gathering statistics manually.

If a clerk-typist could be assigned to prepare subpoenas, the staff of the witness coordination unit, who now does so, would have time to provide more in the way of support services for victims and witnesses. It would also be helpful if notices could be mailed to witnesses when the date of an appearance has been changed, rather than attempting to contact each of them by telephone, as is done now. By spending less time on the telephone each day, personnel could have more time available to provide direct services.

The IBM System 6-442 word processing system which has been recently leased could be used more efficiently. An excellent start has been made in using the system, however it is capable of much more utilization. The felony caseload should be entered into the data base and a master alphabetical list of cases should be added. It is recommended that all legal secretaries be cross-trained in the use of the new equipment.

Because the PROMIS system is not operational at this time, it is not possible to make specific suggestions. However, the District Attorney should remain active in the project until it is fully implemented, in order to ensure that while the needs of other users are being addressed, so, too, will his.

It is finally suggested that the District Attorney continue to develop the Rape Prosecution Project and implement

other special projects as resources allow. These could include pre-trial diversion, career criminal prosecution and child abuse.

If these suggestions are considered by the District Attorney, and implemented as they address the needs of the office, the resources of the office can be utilized in such a way as to realize a saving in time and manhours and in a more efficient office.

APPENDIX A

EDWARD RATLEDGE

Consultant, Bureau of Social Science Research. Associate Director, Census and Data System, Division of Urban Affairs, University of Delaware, 1972 to present. Consultant, Office of Crime Analysis, Washington, D.C., 1971-72; National Center for Prosecution Management, Washington, D.C., 1971 to present; Temple University, Philadelphia, Pennsylvania, 1972 to present; Du Pont Company and Information Consultants, Wilmington, Delaware, 1972-73. Currently undertaking research on factor analytic models of prosecution offices and on housing information systems and related management models. B.S. and M.A. (economics), University of Delaware.

Selected Publications:

"Classroom Analysis of Factors Affecting Student Achievement," paper presented at the American Education Research Association meeting, 1972.

"A Survey of Revenues of State and Local Governments in the State of Delaware," paper prepared for the Delaware State Revenue Study Commission, 1972.

"The Incidence of Residential Property Taxes in Delaware: Measurement and Policy Considerations," (with C. Arno Loessner), paper prepared for the Delaware State Revenue Study Commission, 1972.

"A Survey of the Demand for Government Services in Lower New Castle County," paper prepared for the Lower New Castle County Citizens Association.

JOHN WARREN SINQUEFIELD

April 1980

Permanent Address

P.O. Box 1772  
Baton Rouge, Louisiana 70821

Personal

Single            33 Years Old            5'9"            185            DOB: 5/01/46

POB: Greenwood, Miss.    Draft Status: 4-F    Hometown: Tallulah, La.

Education

Law School: Louisiana State University  
Date of Graduation: May, 1971  
Grade Average: 74.05/89.00  
Rank in Class: 33/93  
Moot Court: Trial 81/89

College: Northeast Louisiana State College  
Date of Graduation: May, 1968 Degree: B.A.  
Major: History            Minor: Government  
Average: 3.19/4.00    Rank in Class: Honor Graduate  
Honors: Selected by Dean of Liberal Arts and Head of Department of Social Sciences as nominee for "Outstanding Senior Man -- N.L.S.C." from School of Liberal Arts, 1968. Pre-Law Club -- President, 1967-68. Phi Alpha Theta Honorary History Fraternity -- Historian, 1967-68. Honor Graduate, 1968.

High School: Tallulah High School  
Date of Graduation: May, 1964  
Honors: Member 1964 Student Exchange with Wheat Ridge, Colorado High School.

Professional Affiliations

Member of Louisiana Bar Association, 1972 Graduate of the National College of District Attorneys Career Prosecutor Course, Admitted to practice before all Louisiana State Courts, the U. S. District Court, Central District of Louisiana, and the U. S. Fifth Circuit Court of Appeals.

Employment

Professional:

March, 1971 - Employed by the Criminal Division of the Louisiana Department of Justice. (Attorney General's Office). Did legal research and writing in problem areas of Criminal Law. Prepared research memorandums for the "Mafia Probe Committee" of the Louisiana Legislature.

July, 1971 - After Bar Examination, employed as Special Counsel with the Criminal Division and transferred to Shreveport, Louisiana, for prosecution training in the Caddo Parish District Attorney's Office. Did investigation on criminal cases, answered pre-trial motions and prosecuted criminal cases. Rode with police units at night and gave on-the-spot legal advice for arrests, questioning of suspects and handling of witnesses.

October, 1971 - Transferred to New Orleans, Louisiana for assignment with the Orleans Parish District Attorney's Office (Jim Garrison, D.A.) Assigned as trial assistant in Section E of Criminal District Court which operated daily with one week of misdemeanors and three weeks of felony trials scheduled each month. Responsible for receiving all cases allotted to Section E, setting the cases for trial, preparing and prosecuting the cases. Handled all pre-trial and post-trial motions and hearings including: motions to suppress evidence, identification and confessions, bail reduction hearings, habeas corpus hearings, extradition hearings, automobile and contraband forfeiture hearings, etc. Prosecuted cases involving a wide range of Louisiana Criminal Code offenses including murder, manslaughter, armed robbery, aggravated prison escape, aggravated battery, obscenity, prostitution, gambling, crime against nature, possession and distribution of narcotics. Have credit for two "capital" verdicts.

August, 1972 - Transferred to Baton Rouge, Louisiana Office of the Criminal Division. Wrote legal opinions of the Attorney General in the area of criminal law, assisted District Attorneys with problems in their districts and prosecuted criminal cases in which the District Attorney had been recused or requested assistance.

October, 1972 - Promoted to Chief, Legal Services Section, Criminal Division. Supervised 9 attorneys, 6 law clerks and 5 secretaries. Responsible for assignment, preparation and quality of all work of the section. Assigned all criminal cases for prosecution and supervised their preparation and trial by staff attorneys. Served as District Attorney Ad Hoc in cases certified to the Criminal Division after the recusal of the District Attorney. Developed habeas corpus, legislative audit liaison and obscenity units within the section. Prosecuted criminal cases in various districts within the state pursuant to District Attorney's request for assistance. Assisted District Attorneys and Judges with special problems that arose in their districts in the administration of criminal prosecutions. Argued criminal cases in Louisiana Supreme Court, U.S. District Court and the U.S. Fifth Circuit Court of Appeals.

December, 1972 to January, 1974 - As an additional assignment, served as Counsel to the Joint Legislative Audit Advisory Committee of the Louisiana Legislature. Acted as Chief Counsel during formal investigative hearings conducted by the Committee during 1973. Prepared witness lists, issued legislative subpoenas and subpoena duces tecums, developed procedures for the handling of witnesses, developed immunity and "rights" forms. Interrogated witnesses and acted as legal advisor to the Committee during the hearings. Was commended by the members of the Committee in their annual report to the Legislature.



January, 1974 to August, 1974 - Employed by National Center for Prosecution Management, Washington, D. C., as Director of Technical Assistance Project. Planned, coordinated and supervised management technical assistance visits to District Attorney's offices throughout the United States. Also, performed work on management improvement contracts with District Attorney's offices. In April of 1974, named General Counsel to NCPM in addition to TA duties. Planned, coordinated and produced management seminars for prosecutors in Washington, D.C., South Carolina and Vermont. Was placed on NCPM's speakers roster and delivered talks on prosecution management in Washington, Vermont, South Carolina and Colorado. Visited over 25 District Attorney's offices throughout all regions of the United States on various NCPM and NDAA projects.

August, 1974-Dec., 1978 - Employed as Assistant District Attorney, East Baton Rouge Parish, Louisiana. Involved in the investigation, preparation and trial of felony criminal cases. Also acted as a Technical Assistant Consultant to the National District Attorney's Association and made management TA visits to Ventura, California and St. Joseph, Michigan. Was named to Advisory Board of Pre-Trial Screening project of the Bureau of Social Science Research, Washington, D.C. and conducted on-sight visits to the Prosecutor's Offices in Milwaukee, Detroit, San Diego and Salt Lake City. Acted as a consultant to Judicial Systems Incorporated, Washington, D.C.

January, 1979 - Present - Promoted to Chief, Special Investigations Division (Second Assistant). Acted as Team Leader LDAA Technical Assistance Project. Conducted Technical Assistance visits to Covington, Shreveport, Vidalia, Tallulah and Cameron, Louisiana. Gave talks on prosecution management for the Georgia Prosecutors Association and the National College of District Attorneys. Salary as of April, 1980 - \$39,820.20 per year.

DONALD W. HINCHMAN  
1017 ARNO ROAD  
KANSAS CITY, MISSOURI 64113  
816-363-5670

AGE - 55

MARITAL STATUS - Married  
Son 24, Daughter 22

MEMBER OF THE FOLLOWING ORGANIZATIONS -  
Phi Gamma Delta, Social Fraternity  
Phi Alpha Delta, Professional Fraternity  
American Legion (Past Post Commander)  
Ex FBI Agents Association

EDUCATION - Bachelor of Arts - History and Government  
Juris Doctor - Law  
FBI Academy

EMPLOYMENT -

1972 - date - Employed as Director of Staff, Jackson County Prosecutor's Office, Kansas City, Missouri. Responsible for supporting the trial sections with criminal investigation and warrant service. Required to assemble and submit an annual budget of approximately \$1,000,000.00. Required to maintain statistical data and publish an annual report. Supervise approximately 40 employees and maintain close liaison with the judges of the various courts. Responsible for Special Investigations requested by the Grand Jury or Circuit Courts. Served as a part time consultant for the National District Attorney's Association for the past 5 years. Consulted with approximately 20 Prosecuting Attorney's Offices during this period.

1969 - 1972 - Industrial Relations Manager, subsidiary of National Cash Register. Formulate and administer all industrial relations and personnel policies and procedures. Interpret applicable labor contracts, labor laws, regulations and executive orders for Division Personnel. Conduct labor contract negotiations and grievance hearings, to include arbitration. Responsible for labor supply, including recruitment, selections and placement. Maintain employment records, vacation schedules, group insurance and hospitalization benefits. Develop and administer first aid, safety and education programs. In charge of Plant Security.

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to include arbitration. Responsible for labor  
supply, including recruitment, selections and  
placement. Maintain employment records, vacation  
schedules, group insurance and hospitalization  
benefits. Develop and administer first aid,  
safety and education programs. In charge of  
Plant Security.

2

1968 - 1969

Instructor, Metropolitan Junior College,  
Kansas City, Missouri, Law Enforcement/  
Criminology Department. Taught Introduction  
to Law Enforcement, Police Administration,  
Criminal Investigation, Evidence and Proof,  
and Criminal Law. Served on the scholarship  
committee.

1967 - 1968

Assistant City Manager, Independence, Missouri.  
Responsible for relieving the City Manager of  
various administrative details. Researched,  
drafted and supervised preparation of study  
reports on topics relating to such operational  
problems as finance, policy, departmental bud-  
gets and other special areas. Received and  
prepared official replies to inquiries from  
the general public, civic and other govern-  
mental units. Conferred with and coordinated  
all department heads in order to facilitate  
interpretation of existing policies of the  
City Manager's Office. Formulated and planned  
programs relating to supervisory training and  
development. Attended various Board Meetings  
and all Council Meetings.

1965 - 1967

Alexander Proudfoot Company, 1 North LaSalle  
Street, Chicago, Illinois. Management Con-  
sultants, Short Interval Scheduling System.  
Through studies, evaluated work stations and  
level of flow. Placed employees in the right  
place at the right time, and caused a daily  
work load plan to be executed. System fur-  
nished predictability, being able to adjust  
to the unexpected, a method of measuring  
volume so it may be sorted by priority, al-  
lows accurate forecasting, prohibits employees  
from pacing themselves. System also provides  
a central coordinating unit, synchronizes work  
flow, clearly defines duties and responsibil-  
ities, provides a form of inventory control,  
realistically related work to time, which in  
turn increases production with decreased man  
power.

1964 - 1965

Employed by North American Aviation, Inc.,  
Space and Information Systems Division, Downey,  
California. Conducted investigation of alleged  
irregularities affecting the interest of North  
American, such as thefts, negligence, falsifica-  
tion of claims or documents, fraud, influence

profiting and restrictive practices, aircraft and vehicular accidents, fires and explosions. Investigated matters of vital concern to the United States Government.

- 1962 - 1964 Employed as Regional Security Manager, Western Region, Western Auto Supply Company. Responsibilities consisted of design and implementation of security programs for 55 stores and 5 warehouses in a five-state area.
- 1960 - 1962 Special Agent of the Federal Bureau of Investigation. Conducted all classifications of criminal and personnel investigations.
- 1953 - 1960 Law firm of Popham, Thompson, Popham, Trusty and Conway. Assisted in the preparation of cases for trial. Researched the law and wrote trial briefs. Interviewed and took statements from both witnesses and parties to law suits. Acted in liaison capacity between firm and clients. Completed undergraduate work and attended law school during this period.
- 1950 - 1953 Recalled to active duty with U. S. Army. Parachute Field Artillery. Served as Battery Commander, and Regimental Liaison Officer. Served in Korea 1952 with the 187th Parachute Regimental Combat Team. Honorably released from active duty.
- 1949 - 1950 Town and Country Builders, Dallas, Texas. Builders of subdivision housing in a six-state area. Employed as assistant to the Executive Vice President. Assisted in recruiting and training a forty-man sales force. Conducted sales meetings, coordinated sales with production. Explained housing program to various veterans and civic groups. Assisted in labor negotiations.
- 1946 - 1949 Student, University of Kansas, Lawrence, Kansas.

1940 1946

Inducted into the U. S. Army with the Kansas National Guard. Commissioned 2nd Lieutenant. Field Artillery, 1943. Served as Battery Commander, General's Aide, and Division Artillery S-2. Honorably released from Active Duty 1946.

MISCELLANEOUS - Received two letters of personal commendation from J. Edgar Hoover, Director of Federal Bureau of Investigation for Specific job performance.

Article Published in the 1958 Winter Edition of U.M.K.C. "Law Review", titled "Workman's Compensation Claims".

Currently Major in the U. S. Army Reserves, Retired.

## APPENDIX B

HONORABLE OSSIE BROWN  
OFFICE OF THE DISTRICT ATTORNEY  
EAST BATON ROUGE PARISH  
BATON ROUGE, LOUISIANA

## DISTRICT ATTORNEY REJECTION NOTICE

TO: \_\_\_\_\_ AGENCY: \_\_\_\_\_

ACCUSED: \_\_\_\_\_ FILE NO.: \_\_\_\_\_

CHARGE: \_\_\_\_\_ DA FILE #: \_\_\_\_\_

The undersigned Assistant District Attorney has reviewed the attached investigative reports and is returning them to the submitting agency for the following reasons:

A bill of information will not be filed for the following reasons

- \_\_\_\_\_ 1. Conduct lawful
- \_\_\_\_\_ 2. Insufficient evidence to establish the guilt of the accused and it appears that further investigation would be useless.

- \_\_\_\_\_ A. Insufficient evidence corpus delicti
- \_\_\_\_\_ B. Insufficient evidence as to identity
- \_\_\_\_\_ C. Insufficient evidence that the accused was a principal to a crime
- \_\_\_\_\_ D. Lack of credibility in witnesses
- \_\_\_\_\_ E. Lack of corroborating evidence
- \_\_\_\_\_ F. Lack of cooperation from witnesses
- \_\_\_\_\_ G. Key evidence was seized illegally

\_\_\_\_\_ The accused appears to have a good affirmative defense to the charge

- \_\_\_\_\_ 34. Self-defense
- \_\_\_\_\_ 35. Defense of third parties
- \_\_\_\_\_ 36. Entrapment

\_\_\_\_\_ In the interests of justice we have decided not to prosecute even though the charge may be probable

- \_\_\_\_\_ 37. Victim requests no prosecution
- \_\_\_\_\_ 38. Immunity to be provided
- \_\_\_\_\_ 39. Accused has pending case; no further prosecution necessary
- \_\_\_\_\_ 40. Accused has another case; charges to be consolidated in that case

\_\_\_\_\_ Time limitation for prosecuting the case have expired

\_\_\_\_\_ The expenditure of valuable court time and the inconvenience to witnesses does not appear to be justified by the nature of the charges in this case

APPENDIX B



\_\_\_\_ Proper Jurisdiction for this case lies in \_\_\_\_\_ Parish

\_\_\_\_ Remarks: \_\_\_\_\_

Further investigation is needed before a final decision can be made on whether formal charges can be filed against the defendants

\_\_\_\_ The basic weakness in the case at this time appears to be:

- \_\_\_\_ 1. Identity
- \_\_\_\_ 2. Proof of criminal intent
- \_\_\_\_ 3. Proof of value of stolen items
- \_\_\_\_ 4. Lack of sufficient detail on police report on which to base a prosecution decision
- \_\_\_\_ 5. Other \_\_\_\_\_

\_\_\_\_ Please attend to the following and submit a supplemental report concerning the results

- \_\_\_\_ A physical lineup has to be held as soon as possible
- \_\_\_\_ Furnish supplemental report stating in detail the legal basis for the search of the residence/automobile/person
- \_\_\_\_ Furnish report stating in detail the circumstances leading to the defendant's confession and listing all persons who had contact with the accused between his arrest and the time of the confession.
- \_\_\_\_ The defendant has asserted the following alibi, please check it out
- \_\_\_\_ The defendant has asserted insanity as a defense. How did he act while in your presence?
- \_\_\_\_ Other \_\_\_\_\_

REMARKS: \_\_\_\_\_

If you have any questions concerning the action outlined above, please contact the undersigned Assistant District Attorney.

\_\_\_\_\_  
Assistant District Attorney

Phone: \_\_\_\_\_

**END**