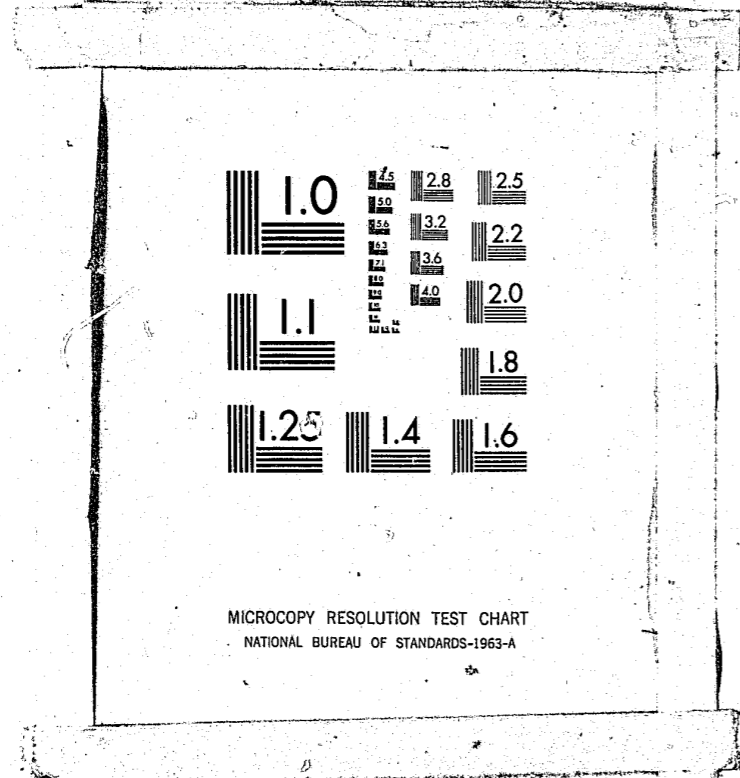


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REPORT ON THE
TECHNICAL ASSISTANCE VISIT TO THE OFFICE
OF THE DISTRICT ATTORNEY

Raleigh, North Carolina
January 26-27, 1981

CRIMINAL PROSECUTION TECHNICAL
ASSISTANCE PROJECT

Leonard R. Mellon, Project Director
Walter F. Smith, Project Manager

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 January 26 and 27, 1981, a Technical Assistance team from the Criminal Prosecution Technical Assistance Project visited the offices of J. Randolph Riley, District Attorney for the 10th Prosecutorial District, Raleigh, North Carolina. The Technical Assistance team examined the District Attorney's management and operations functions in accordance with the terms of a contract with the Law Enforcement Assistance Administration. Members of the team included:*

Walter F. Smith, Project Manager/Research Analyst
Criminal Prosecution Technical Assistance Project
Washington, D.C.

Edward C. Ratledge, Consultant
College of Urban Affairs
University of Delaware
Newark, Delaware

Dr. Charles E. Frazier, Consultant
Department of Sociology
University of Florida
Gainesville, Florida

Patton G. Galloway, Consultant
Raleigh, North Carolina

The purpose of the visit was to analyze problems related to developing an effective pretrial diversion program and the use of automated information systems 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 those areas.

*Vitaes are attached as Appendix A.

It is designed to address a wide range of problems stemming from paperwork and organizational procedures, financial management and budgeting systems, space and equipment requirements and specialized operational programs, projects and procedures unique to the delivery of prosecutorial services.

During the visit, interviews are conducted with those members of the office who are most directly involved in the problem area. 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 are also conducted with personnel involved in other component areas of the criminal justice system, such as police, courts and the public defender's office.

The basic approach used by the Technical Assistance team 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, as required, with respect to their operations, administration and planning features. Taking a functional analysis approach permits observation of the interconnecting 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 District Attorney for Raleigh, North Carolina focused on problems related to developing a pretrial diversion program and the effective use of automated information systems in the office.

The Technical Assistance team would like to thank Mr. Riley 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. SUMMARY OF RECOMMENDATIONS

1. The District Attorney should work with the Re-Entry First Offenders Program and encourage them to expand their capacity to cover all of the increased needs generated by an expanded diversion program.
2. The District Attorney should lend his support and his name to fund-raising efforts on the part of diversion programs in the community.
3. A questionnaire should be developed which will enable jail personnel to determine which defendants could be released into the community in the custody of a third person.
4. The Volunteers in Criminal Justice Program should be expanded to include those persons who would be willing to be responsible for a defendant released into their custody.
5. The pretrial diversion in the office should be expanded to include minor felonies, older offenders, drug offenders, some minor offenses against the person and some offenders having a prior record.
6. Formal policies should be promulgated as to which cases will be diverted in the office and at which points in the process these diversion decisions will be made.
7. The position of diversion coordinator should be expanded to include some supervisory responsibilities, such as checking diversion files to ascertain whether or not the policies of the District Attorney are being implemented in diversion decisions.
8. All cases should receive file folders, not just those in the Career Criminal Unit.
9. Case numbers should be assigned to all cases entering the office.

10. All closed case file cards should be removed to a different location.
11. All attorneys should provide a uniform place to keep file folders within each office.
12. An indictment worksheet should be developed for use by all attorneys and secretaries in drafting indictments.
13. Docket sheets from the court should be inserted into a set of twelve file folders, one for each month, and pulled as each case proceeds through each stage in the process.
14. Statistics should be gathered as the index cards are posted with the results of the Grand Jury presentation.
15. The District Attorney should remain actively involved in the planning and implementation of the new computerized recordkeeping system.
16. Lists and statistics should be generated which will be of use to the District Attorney in managing his office.
17. One secretary and two file clerks should be obtained for the office.
18. Filing cabinets should be obtained for each attorney.
19. If additional secretarial staff is added, four portable dictating machines and two transcribers should be obtained.
20. A copier with a collator should be leased, having the capacity for 10,000 copies per month.

III. SYSTEM OVERVIEW

The District Attorney for the 10th Prosecutorial District of North Carolina, J. Randolph Riley, has held this position for three years. He oversees a staff of 23 employees, of whom 14 are attorneys. There are two secretaries, an administrative assistant, a receptionist, a court continuance clerk, a witness assistance coordinator, an investigative assistant, and two detectives employed in the office.

There are 19 police agencies within the jurisdiction of the District Attorney, with the Raleigh Police Department responsible for approximately 75 percent of the caseload brought into the office.

The office handles an annual caseload of approximately 80,000 individual charges. As of October, 1980, the total caseload pending in Superior Court was 1084, of which 780 were felony charges and 304 were misdemeanor appeals. This caseload represented about a quarter of the caseflow in that court. The three most prevalent felonies prosecuted in the past year were breaking and entering, larceny and possession of controlled substances.

The office maintains a Career Criminal Prosecution Unit, a Felony Prosecution Unit, a Misdemeanor Prosecution Unit, and a Witness Assistance Unit. In addition, a first offender's good conduct program of deferred prosecution, a "Community Adjustment Training" program and an alcoholism treatment screening project are available for use by the District Attorney's office for diversion candidates.

On October 1, 1981, the speedy trial limitation in the jurisdiction will be reduced from the present 120 days to 90 days. The jail, which houses predominantly pretrial detainees, has a maximum capacity of 129 inmates, but typically has custody of about 140 persons.

The court system is two tiered, with the District Court having jurisdiction in misdemeanor cases, except those which originate by Grand Jury indictment; probable cause hearings in felony cases; all juvenile proceedings; involuntary commitments and re-committments to mental hospitals; domestic relations cases; and general civil cases where the amount in controversy is under \$5,000. The Superior Court has original jurisdiction in all felony cases and those misdemeanor cases which originate by Grand Jury indictment. It also has jurisdiction in civil cases where the amount in controversy exceeds \$5,000.

Wake County, which encompasses the 10th Prosecutorial District, has four Superior Courts, two for criminal cases and two for civil cases. The District Attorney can bring criminal cases in the civil courts if there is a need or to reduce the backlog of cases. The judges rotate on a six month basis, so that a judge only sits in Wake County for six months at a time. This produces problems for the District Attorney's office in terms of defense continuances and it also encourages the practice of "judge bargaining." This involves the assistant district attorney allowing a defendant to plead guilty in front of a lenient judge instead of one who may give a harsher sentence.

The case processing system in Wake County begins with the arrest. At this time the defendant is booked in a central booking facility located in the basement of the courthouse. At 2:00 the next afternoon, the defendant appears at an arraignment hearing in District Court to have

bail set and counsel appointed if needed. A preliminary hearing is then scheduled within two to four weeks, although most defendants (approximately 80-85%) waive their right to a preliminary hearing and proceed directly to the grand jury stage for indictment. The Grand Jury meets every two weeks and defendants are usually scheduled for a Grand Jury hearing anywhere from two or four weeks after arraignment. Three weeks after the Grand Jury returns an indictment, the defendant is scheduled for a motions and arraignment hearing in Superior Court. This date is usually considered the plea cut off date for the District Attorney. After this hearing, the case is set for trial. There two exceptions to this process: one is when assistant district attorneys offer cases to the Grand Jury which have been found to have no probable cause at the preliminary hearing; the other is when an information is filed with a waiver of the Grand Jury indictment and the case is taken directly to Superior Court.

The District Attorney's office is organized with a vertical prosecution structure. After a defendant has been booked, a copy of the warrant is delivered to the Career Criminal Unit, which screens the case for applicability for career criminal handling. If the case is not accepted by the Career Criminal Unit, it is assigned to either the Felony Prosecution Unit or to the Misdemeanor Prosecution Unit. Assistant district attorneys in these units are assigned cases according to the date and the courtroom of the arraignment. Felony Prosecution assistants work on a five week rotation system, which includes one week in District Court handling preliminary hearings, one week as the Superior Court calendaring coordinator, and the other three weeks working in Superior Court handling trials, pleas and preparing cases. After an assistant district attorney

receives a case, it is his or her responsibility to see that it is calendared and disposed of in an acceptable manner. Assistants do not need prior approval for making plea offers or for pursuing an open file policy with the defense. This system has led to an office style of management, with each attorney setting the policy for his or her own cases, instead of following a policy set forth by the District Attorney..

The police agencies in Wake County have been found to generally overcharge defendants, with the practice being condoned by the District Attorney. The average case has two charges per defendant. It may take as long as two to three weeks for police reports to be received by the District Attorney's office after an arrest. The Raleigh Police Department has a very good relationship with the District Attorney and has detailed two investigators to the office. The legal training of police officers, however, is done by a police attorney, not by the District Attorney's office.

The Clerk of the Court issues subpoenas in most cases, however, the District Attorney's office takes over this function in complex cases or bad check cases. Witness assistance is available in District Court only and is not available in felony cases.

The District Attorney conducts meetings every morning with the assistants from the Misdemeanor Prosecution Unit. These meetings are general in focus and are very informal.

IV. ANALYSIS

The analysis of the District Attorney's office focused on the problems related to the development of an effective pretrial diversion program which would reduce jail overcrowding, and the maximization of benefits from a computerized recordkeeping system which is to be installed by the courts in the near future. The use of information systems in general was also addressed.

A. Pretrial Diversion

At the present time, the Wake County jail is filled over capacity, with most of the overflow being persons detained pending trial. According to estimates by the Chief Magistrate and the Jailer, approximately 50 to 60 persons of a total jail population of 129 are being held because they cannot make low money bonds. It is estimated that in the future, this problem will become more acute.

The speedy trial rule has already been reduced from 180 days to 120 days and, on October 1, 1981, it will be further reduced to 90 days. This will require the District Attorney to process the same number of cases in significantly less time.

For these two reasons, the District Attorney has expressed an interest in expanding the pretrial diversion program in his office. He is interested in developing an effective program which can contribute to reductions in prosecutor and court time with cases destined to lenient dispositions and which can relieve some of the overcrowding pressure on the jail.

A major problem affecting the District Attorney's interest in developing a more inclusive pretrial diversion program is that currently there are few resources in the community to support such a program or even to assure continued financial support for the programs which exist now. There are not enough agencies or agency programs or a large enough capacity in existing programs. Diversion can be expanded to include programs for first offenders, drug cases, alcohol cases, worthless check offenders, defendants needing counselling and community adjustment training, and defendants requiring assistance due to special physical and mental conditions. While there are a few good programs, such as the Re-Entry First Offenders Program and the Community Adjustment Training Program, there is no central interagency council or coordinating unit. There was no evidence found by the Technical Assistance team that the State of North Carolina, or the governments of Wake County or the City of Raleigh will support further development of these programs. It appears that both the Re-Entry First Offenders Program and the Community Adjustment Training Program are in danger of being eliminated as a result of a lack of funding. The Community Adjustment Training Program has already stopped accepting referrals and has no firm source of funding after June, 1981.

While these problems are not within the purview of what is usually considered the District Attorney's responsibility, if he is to expand his pretrial diversion, it is essential that he have a program to accept the diverted defendants. Therefore, it is the recommendation of the Technical Assistance team that the District Attorney become involved in solving the problem of funding for diversion programs before he attempts to divert larger numbers of defendants.

Initially, the District Attorney should begin working with one agency or a group of agency directors and make his interests known. Since there are currently only a few agencies available which have some funding security, it is recommended that the District Attorney encourage the Re-Entry First Offenders Program to expand its capacity directly or by subcontract to cover all of his needs. The District Attorney should propose a list of the kinds of programs he would like to utilize, set the requirements or guidelines for the activities, the length of involvement for defendants, accountability specifications, and the approximate capacity he anticipates being able to fill.

Since one of the major problems facing the community agencies is the inability to secure sufficient funding, it is the recommendation of the Technical Assistance team that the District Attorney lend his support to their fundraising efforts. One of the reasons for this inability to successfully raise funds for these programs is that the agencies are new and staffed with relatively young personnel, who are not as experienced at fund raising as they could be. For this reason, the District Attorney should use his influence to secure the support of members of the judiciary, as well as community and government leaders. He could suggest that they write letters in support of the agencies' funding requests, noting the need for such programs, the savings in prosecutor and court time, the savings to the county from reduced jail costs and the beneficial impact on offenders. The District Attorney could also lend his name, and persuade others in the criminal justice system to lend theirs, to an Advisory Board for the agency or group of agencies that serve pretrial diversion needs.

It is recommended that the District Attorney also work with these agency representatives and other criminal justice officials to bring about a reduction in the number of low risk defendants held in pretrial detention because of their inability to make low money bail. According to estimates by the Chief Magistrate and the Jailer, approximately 50 to 60 persons out of a total jail population of 129 are being held because they are unable to post low money bonds. These individuals have had low money bonds set instead of personal custody release because they have failed to appear before or because the magistrates or District Court Judges want some lever over defendants to assure, or at least increase the probability of, their appearance. Of those who have failed to appear, only a few have actually skipped bond. The vast majority of them were at home when the sheriff arrived the next day to arrest them for failure to appear. This is a common experience. Research has shown that the majority of "failure to appear's" do not run.

Interviews with magistrates revealed that they would release many more of these cases on the promise to return if there was someone to take the responsibility for returning them to court; in other words, if they could be released to a third person's custody. The development of a simple, low cost program of this nature was discussed with several criminal justice officials. Officials at Re-Entry indicated that they would be interested in, and felt that they could accomplish, developing a "Pretrial Release to a Volunteer" program. Volunteers in Criminal

Justice are already being trained at Re-Entry. Some of these volunteers could be recruited and trained to assist in pretrial release cases. They would agree to contact the defendants at release, to sign as custodian, to assist the defendants in any way possible to find housing, employment and treatment and to accompany and transport defendants to all subsequent court appearances.

With the implementation of such a program, a large number of persons currently detained could be released pending trial. Most of these defendants are charged with minor crimes that would usually receive sentences less severe than the time they spend in jail awaiting disposition. Most of these pretrial releases could occur at the magistrate's level and could reduce significantly the number of defendants admitted to jail. Other releases could occur at the first appearance, after defendants have spent one to three days in jail. Also, it is common for the District Court judges to reduce the bond which has been set by the magistrates, and it is probable that several more defendants would be released each day if a volunteer were to sign as custodian.

The Chief Jailer indicated that he had the staff potential and that he was willing to use it to collect information on a defendant's eligibility for pretrial release. A questionnaire could be filled out on all defendants held in jail prior to first appearance and it could be attached for the judge's information when jailed defendants appear. The questionnaire could contain information concerning the length and character of defendants' residence in the community; their employment status and history and their financial condition; their family ties; their reputation, character and mental condition; their previous criminal

record; and record of behavior while on previous pretrial release; the seriousness of the current charges; any vouchers from reputable community members on defendants' reliability; and any other indications of community ties.

This sort of program would be low cost, it would help to meet the needs of the court and the jail, and it has the potential to reduce substantially the number of defendants held in pretrial detention unnecessarily. The savings in reduced jail cost to the county would be very substantial.

Once the capacity for expanded diversion has been established, the District Attorney may proceed with the steps necessary to implement the new policy in his office. At the present time, there are no formal policies requiring assistant district attorneys to consider pretrial diversion in cases and there are no specifications about when such decisions should be made. Currently, one assistant district attorney coordinates the pretrial diversion program and most of the misdemeanor attorneys receive information on the program. However, almost none of the felony assistants receive this information concerning pretrial diversion.

Without clear policies on when, how, and how often pretrial diversion should be used and without a systematic and uniform expectation on when case decisions should be made, many appropriate cases are discovered too late in the process to be diverted. This is true, for example, when felonies are reduced to misdemeanors and are sent back to the District Court for sentencing. It is also the case when attorneys who are assigned

to felony prosecution receive cases which are appropriate for diversion but do not realize it until the case is on the trial docket. The main reason that these cases penetrate so far into the process is that the District Attorney's office is not organized to make intake and screening decisions. Although many cases are weeded out of the system through a nolle prosequere, dismissal or a deferred prosecution agreement, this tends to occur 100 days or more after receipt of an arrest complaint and warrant.

Initially, the District Attorney should determine to expand the pretrial diversion program to include minor felonies, older offenders, drug offenders, some minor offenses against the person and some offenders having a prior period. The assistant district attorneys indicated to the Technical Assistance team that they would be willing to divert some of these types of cases, reasoning that they tended to receive very lenient sentences when convicted and they receive little or no supervision while on probation or under a suspended sentence.

The District Attorney should also state his position concerning these offenders and diversion. If the expanded diversion program is to have any impact on case flow and jail conditions, the assistant district attorneys will have to divert cases that they would not otherwise nolle or dismiss.

The Technical Assistance team also suggests that the diversion coordinator's role be expanded so that he or she will have some supervisory responsibility. The coordinator should check files on pretrial diversion cases to assure that they meet the criteria and that they are not cases that could not be prosecuted in the first place.

The District Attorney should develop his policy to identify stages in both felony and misdemeanor cases where diversion decisions should be made in all but exceptional cases. At present, these decisions are made far too late in the prosecution process, after substantial amounts of time and resources already have been spent.

It is suggested that for misdemeanor cases, assistant district attorneys will have sufficient information in many cases to decide on prosecution, dismissal or diversion within 48 hours of arrest, except on weekends. This decision should be made just after the arraignment. If the questionnaire recommended is filled out on each defendant and given to the court by the jail staff, the prosecutor's information will be even more complete. In almost all instances, cases that are going to be diverted or nolled could be decided within 72 hours of arrest.

In felony cases, there are three points at which diversion decisions should be made. The first point is after the arraignment and within 72 hours of arrest. Some cases will be obvious diversion cases at this stage. The second point at which a larger number cases may be screened from felony prosecution is just prior to the Grand Jury presentation, usually within three weeks after arrest. Some of these will have gone through a probable cause hearing. The final point is after a true bill has been returned by the Grand Jury. Under normal conditions, this will occur within five weeks after arrest. By this time, investigators will have contacted witnesses and victims and most of the facts will be known.

If these suggestions are implemented, the result will be an expanded, more efficient diversion program serving the needs of both the prosecutor and the jail, and effecting a savings in money and time.

B. Use of Information Systems

At the present time, the information system in use in the District Attorney's office is adequate as far as it goes, however it is incomplete. The problems lie not with the procedures which are followed, but where those procedures stop.

Currently, in the majority of cases, the District Attorney is informed of an offense when the complaint arrives at the office. The day's complaints are picked up by the District Attorney's office personnel each day. At the time they are picked up, each defendant's name is checked against the Clerk of the Court's index files to ascertain if the defendant has pending or past charges. If so, the case number and disposition are collected. If the defendant was booked in Raleigh, he will have been fingerprinted and a check run for convictions and warrants in other jurisdictions.

This information is delivered to the Career Criminal Unit for screening. A set of criteria is applied to each defendant to determine whether he qualifies for handling as a career criminal. If he qualifies, that case remains in that unit. Those cases that do not qualify are sent to the Felony Prosecution Unit or the Misdemeanor Unit.

Cases which remain in the Career Criminal Unit receive preprinted file jackets and an index card is prepared. The folders are distributed to the assistant district attorneys to whom the cases have been assigned. The assistants usually retain the folders until disposition. For cases which go to the Felony Prosecution Unit, a heavy paper fact sheet, the second part of which is an index card, is prepared. All papers are clipped to the face sheet and the index card is filed separately. All

cases from both units are entered into a log book in alphabetical order and the disposition is posted when it occurs.

The Technical Assistance team recommends that all cases receive file folders, not just those in the Career Criminal Unit. Also, a case number consisting of the year, a four digit number and a suffix or each co-defendant should be adopted. This would appear as 81-1001 for a case without co-defendants and 81-1001B for a case with one or more co-defendants. Each co-defendant's file should be kept in a separate folder and a superflex should be used to hold all co-defendant folders in one case. When a secretary opens a folder, only a label should be typed. This will be faster, easier and less costly to use than the face sheet currently in use.

It is also recommended that the index cards for all cases be maintained in alphabetical order in a single file drawer, regardless of which unit has been assigned the case. In order to differentiate those cases in the Career Criminal Unit, a different colored card may be used. This central file should be the one place where the current status and the name of the assistant assigned to the case can be ascertained at a glance. When a case is closed, its file card should be moved to a different drawer, which should become the closed file index. At the present time, closed case cards are being removed for felony cases, but not for those in the Career Criminal Unit.

Once a file folder has been transferred to an attorney, it normally remains in his or her possession until final disposition of the case. There is no central check out system in use. This is acceptable from a management point of view only if all attorneys are provided with a uniform place to keep their files. That place could be the top drawer in a filing cabinet or the file drawer in the desk. Whatever location

is chosen, it should be uniform from office to office. Also, the system of filing in use by each attorney should be uniform, whether cases are filed alphabetically or by case number.

Once an assistant has been assigned a case, it is his or her responsibility to insure that an indictment takes place. The current practice is for the attorney to make a few notes on the face sheet or the file folder and then have the secretary draft the indictments. The high level of competence of the present clerical staff makes this possible, however it is a poor procedure. It is recommended that an indictment worksheet be developed for use throughout the office, which can be understood by even the newest secretary. It is suggested that the senior secretary draft such a worksheet for review by the attorneys.

In order to insure that indictment takes place for each defendant, the secretary periodically checks the docket sheets forwarded by the court. This is a good check, however it would be more effective to prepare twelve file folders, one for each month, and to file these docket sheets by the month of arrest. In that way, the sheets could be pulled when an indictment takes place and then placed in another set of folders pending arraignment. A check could then be made to determine why cases which are a month or two old have not been indicted. A similar check could be made for cases which are pending arraignment, pending trial, and pending sentencing. A single set of folders should be used for each stage in the process. When the District Attorney wants to determine which cases are lagging at each stage, he need only to pick up the appropriate folder. Many jurisdictions use this system with index cards, but the docket sheets are quite adequate.

Under the present system, the Grand Jury calendar is supposed to be completed by Friday of each week one week in advance of the meeting of the Grand Jury. This allows sufficient time for the notification of witnesses and the police officers who present the case. If an assistant is lax in getting cases on the list in time, problems develop in getting witnesses to the Grand Jury, and it becomes the assistant's responsibility to notify the witnesses. Since cases are not considered in which the witnesses do not appear, it is suggested that a limit be set on the number of late submissions which the office will tolerate. Within this limit, the secretaries would assume responsibility for witness notification, but all late submissions would require a sign off from the District Attorney. In this way, given the vertical prosecution system, order can be maintained through the imposition of deadlines.

The procedure currently in use for posting cards when the Grand Jury calendar is returned is good, however it should be uniform throughout the Career Criminal and Felony Prosecution Units. Every calendar should be posted with results and entered on the cards if at all possible. This provides a key for moving the docket sheets from one set of folders to the next, and provides a central updated source of information apart from the file folders which are scattered throughout the office. This procedure will allow a count to be made on how many cases are at each stage and allow for quick checks for speedy trial problems.

At the time the cards are posted, it is also recommended that some simple statistics be collected. These statistics will assist the District Attorney in managing the case flow in the office, instituting

internal evaluation procedures, allocating resources and predicting the needs for additional resources in the future and informing the public as to the work accomplished by the District Attorney's office.

It is the recommendation of the Technical Assistance team that the District Attorney begin keeping statistical records by making a determination to count cases and defendants as they enter the system. This can be accomplished manually by the use of a tally sheet such as Form 1 found in Appendix B. This form is a weekly intake report to be filled out each day by the use of simple hash marks in the appropriate boxes. The amount of detail which is to be used may be determined by the needs of the prosecutor. On Form 1, both cases and defendants are counted, and the detail is sufficient to permit analysis of changes in charges filed, as well as cases accepted, referred or rejected. The clerk enters a hash mark in the appropriate box to indicate the result of the intake process.

At the end of the week, all of the columns are totalled and the monthly total from the previous week's report is entered in the next to last row. The new monthly total to date is obtained by adding the weekly total to the monthly total from the last week.

Form 2 in Appendix B is a disposition report having basically the same format as the intake report. The headings should include all possible dispositions. While these may vary from one jurisdiction to another, the most common ones are listed on the form. Cases and defendants reaching disposition for each day are recorded in column 1. The upper half of the first block should be used to show the number of cases reaching final disposition and the bottom half should show defendants.

In all other blocks along the table, only defendants should be counted, as there are too many variations in the disposition of individual cases involving multiple defendants to use cases as the basis of the count. Therefore, the various categories, such as pled to original, pled to reduced, and so forth all refer to the number of defendants.

There are several ways in which this information can be collected. It has been found to be highly successful to either analyze (1) the court calendar for each day which has been appropriately annotated with the courtroom results; (2) the cards posted after the Grand Jury calendar is returned; or (3) a master list of all defendants reaching final disposition in a given month.

To use the latter approach, a form such as Form 3 in Appendix B should be used. Each day, whether the calendar is prepared in the prosecutor's office or returned to the prosecutor at the conclusion of the day's work, a clerk should review the calendar to obtain the information and place it on this report. The date called for on the form is the date that the case was heard. The case number, defendant's name, docket number and charge should be listed individually and the disposition should be shown for each charge. The name of the assistant prosecutor who tried the case or handled the plea and of the trial judge, if applicable should also be listed. The disposition categories should correspond to the weekly disposition report. The clerk should determine what occurred for each defendant at the trial or plea and mark only one column. At the end of the day, this information should be transferred to the weekly summary report.

Form 4 in Appendix B is an example of a calendar report. This report measures the amount of delay arising in the system and the reason why it is occurring. The first column indicates for any given day the total number of cases scheduled, and the second column shows the total number of defendants scheduled. The third column, "Defendants Rescheduled" is a measure of the number of continuances being granted during a particular day. The next boxes enumerate the reasons why the defendant was rescheduled. This will show whether delays in the system are due to court backlog, prosecutor-requested continuances or defense-requested continuances.

By using these four forms, the District Attorney will be able to keep useful statistics for the office with a minimum of burden to the clerical personnel who will be performing these tasks.

During the Technical Assistance visit, several statistics were gathered to determine the current situation in the office. It was found that during a randomly selected month that 126 defendants entered the system and only 66 exited. This crucial statistic points to a potentially serious backlog problem in the processing of cases. It was estimated that the intake is approximately 1450 defendants per year, which is in line with the number of attorneys currently on the staff. Also, from the sample, it was learned that 59 percent of all defendants were found guilty as charged, 18 percent were found guilty of a misdemeanor after being indicted for a felony, and 23 percent were dismissed after indictment. Approximately eight percent of all cases presented to the Grand Jury were not heard because of lack of witnesses.

It is the recommendation of the Technical Assistance team that the District Attorney take careful note of the intake/disposition rate of nearly 2 to 1. This could lead to significant speedy trial problems although most cases are disposed of in approximately 110 days at the present time. The dismissal-downgrade rate of 41 percent indicates a lack of adequate screening at all stages. The improvements to the pre-trial diversion program may alleviate some of this problem.

The computerized recordkeeping system which the court system is implementing will also provide some time and space for the prosecutor's needs. However, the Technical Assistance team cautions the District Attorney not to expect immediate help from the new system. It will probably take at least 18 months before the software will be ready and an adequate data base exists. Also, implementation will be significantly easier for the District Attorney if the recommendations with respect to the manual system are implemented first. It is recommended that in the meantime, the District Attorney should remain actively involved in the planning and implementation of the new system, in order that his needs are properly addressed.

At a minimum, the District Attorney's needs include a jail list which is accurate and timely, a list of all complaints pending assignment of case numbers, a list of all cases pending assignment to an assistant district attorney and a list of all cases pending Grand Jury and the Grand Jury calendar.

The District Attorney should also receive a list of all cases pending arraignment, an arraignment calendar, all cases pending trial, a trial calendar, all cases pending sentencing and a sentencing calendar.

All of these lists will assist in keeping cases moving through the system and remove typing functions from the clerical staff.

In addition, each assistant should receive a pending case load list and a list of dispositions achieved for the month to date. A list of pending cases arranged by date of arrest should be available also.

After the new computerized system is operational, subpoenas should be produced in the District Attorney's office for witnesses requested by the attorneys. On-line inquiry should be available by defendant name, victim name, case number, complaint number and witness name. If possible, attorney and police officer schedules should be maintained on-line for manual checking.

There are several statistical reports which the computerized system can generate once it has been fully implemented. These include a current activity analysis which reports the current stage of all of cases by arrest month, reports on active cases by the age of the case, reports on the average time to completion of each stage by month of arrest and distribution of charge types. Reports also could be generated showing continuances granted by source and stage in the process, dispositions by crime type and assistant district attorney and sentence analysis by type of charge. These are only a few of the uses to which the new computerized system could be put. Other uses may be found in the accompanying printed material.

The Technical Assistance team observed that the clerical staff was insufficient for the number of attorneys on the staff. There is a need for at least one legal secretary and a file clerk. If possible, two file clerks should be added to the staff. It is recommended that

no new attorney staff be hired until the clerical staff is increased to a level sufficient to meet the needs of the office.

The office is also in need of some additional equipment. Every attorney needs a filing cabinet for his cases and two hole punch for binding papers into the file folder. No papers should be placed into a file folder without a two prong brad to secure them. If additional secretarial staff can be added, the office needs at least four portable dictating machines and two transcribers.

The team also recommends that the District Attorney lease copying equipment capable of delivering 10,000 copies per month with a collator. At the present time, attorneys are doing their own copying and the system requires a considerable amount of time. The increased productivity would offset the \$400.00 per month cost of leasing suitable equipment.

V. CONCLUSIONS

This analysis and these recommendations are presented with the realization that the District Attorney already has an effective working organization. Those areas that are highlighted in this report are those which the District Attorney next wishes to address in his endeavor to make the office more responsive to the needs of his jurisdiction. They involve the pretrial diversion program and the use of information systems in the office.

At the present time, the Wake County jail is filled over capacity, with most of the overflow composed of persons detained pending trial. It is estimated that in the future, this problem will become even more acute, given the fact that on October 1, 1981, the speedy trial rule will be reduced to 90 days. For these two reasons, the District Attorney has expressed an interest in expanding the pretrial diversion program in his office.

One of the major problems affecting this interest in developing a more inclusive pretrial diversion program is that few resources in the community are available to support such a program or even to assure continued financial support for the programs which now exist. For this reason, the Technical Assistance team recommends that the District Attorney work with one agency or a group of agency directors and make his interests known. The team recommends that the District Attorney encourage the Re-Entry First Offenders Program to expand its capacity directly or by subcontract to cover all of his needs. He should propose a list of the

kinds of programs he would like to utilize, set the requirements or guidelines as to the activities, the length of involvement for defendants and the approximate capacity he anticipates being able to fill.

Since the primary problem facing these community agencies is the inability to secure sufficient funding, it is recommended that the District Attorney lend his support to the fundraising efforts. He should use his influence to secure the support of members of the judiciary, as well as community and government leaders. He might suggest that they write letters in support of these programs. He could also lend his name, and persuade others in the criminal justice system to lend theirs, to an Advisory Board for the agency or group of agencies that serve the pretrial diversion defendants.

It is also recommended that the District Attorney work with these agency representatives and other criminal justice officials to bring about a reduction in the number of low risk defendants held in pretrial detention at the jail because of their inability to make money bail. A questionnaire could be developed, which the jail personnel would administer, to determine which defendants could be released to the custody of a third person. The Volunteers in Criminal Justice program could be expanded to include volunteers who would be willing to be responsible for seeing that a defendant appears at his next court date.

At the present time, there are no formal policies requiring assistant district attorneys to consider pretrial diversion in cases and there are no specifications about when such decisions should be made. It is recommended that as a first step, the District Attorney

should determine to expand the pretrial diversion program to include minor felonies, older offenders, drug offenders, some minor offenses against the person and some offenders having a prior record. He should then state his position concerning these offenders and diversion. In order to insure that these new policies are carried out, it is recommended that the pretrial diversion coordinator's position be expanded to include some supervisory responsibility. The coordinator should check the files on diversion cases to see that they meet the criteria and that they are not cases that were not prosecutable in the first place.

The District Attorney should also develop guidelines which identify stages in both misdemeanor and felony cases where diversion decisions should be made. In misdemeanor cases, this decision should take place within 48 hours of arrest. In felony cases, decisions should be made at one of three points. The first is within 72 hours of arrest, after arraignment. The second point is just prior to the Grand Jury presentation, and the last is after a true bill has been returned by the Grand Jury. By this time, investigators will have contacted witnesses and victims and most of the facts will be known.

At the present time, the information system in use in the office is adequate as far as it goes, however, it is incomplete. The court is getting ready to implement a computerized system, which will also provide time and space for the District Attorney's needs. Before this new system is implemented, the District Attorney will need to develop a manual system for use in the interim which will facilitate a smooth transition to the automated system.

It is recommended by the team that first of all, all cases receive file folders, not just those cases in the Career Criminal Unit. Also, a case number should be assigned to each case as it enters the system. The index cards for all cases should be maintained in alphabetical order in a single file drawer, regardless of which unit has been assigned the case. When a felony or a misdemeanor case is closed, its card should be removed to a different location.

All attorneys should provide a uniform place to keep all file folders, such as the top drawer in a filing cabinet or the file drawer of the desk. Whatever location is chosen, it should be uniform throughout every office. Also, the system of filing cases, whether by case number or alphabetically, should be uniform for all attorneys.

Once an attorney has been assigned a case, it is his responsibility to insure that an indictment takes place. The current practice is for the attorney to make a few notes on the face sheet or the file folder and then for the secretary to draft the indictment. The high level of competence of the present clerical staff makes this possible, however, it is poor procedure. It is recommended that an indictment worksheet be developed for use throughout the office, which can be understood by even the newest secretary.

Rather than check docket sheets as they are sent from the court to insure that an indictment has been returned for each defendant, it is recommended that these sheets be inserted into twelve folders, one for each month, by date of arrest. A set of 12 folders should be created for cases pending arraignment, trial and sentencing in the same way.

A single set of folders should be used for each stage in the process. As a stage is completed, the sheet should be pulled and filed in the next stage.

Since cases in which the witnesses do not appear are not heard by the Grand Jury, it is recommended that a limit be set on the number of late submissions of witness lists which will be tolerated. Permission should be obtained from the District Attorney for a late submission of the list, and if granted, then the secretary should be responsible for contacting those witnesses on the late list.

The procedure currently in use is to post the index cards when the Grand Jury calendar is returned. This procedure should be continued, however it should be uniform throughout the Career Criminal and Felony Prosecution Units. Also, it is recommended that statistics be gathered at this time, using the forms included in Appendix B.

There are many uses to which the District Attorney should put the new computerized recordkeeping system. Among those which are the most important are jail lists, lists of cases pending arraignment, Grand Jury, trial and sentencing and pending case load lists for each attorney. On-line inquiry should be available by defendant name, victim name, case number, complaint number and witness name. Statistical reports should also be generated for use by the District Attorney. It is recommended that in order to insure that the needs of the District Attorney are met by the new system, he should remain actively involved in the planning and implementation of the system at all stages.

The Technical Assistance team observed that the clerical staff was insufficient for the number of attorneys and recommends that at least one legal secretary and one file clerk be obtained.

In addition, each attorney should have a filing cabinet and a two hole punch for securing papers in file folders. If additional secretarial staff can be added, there will be a need for four portable dictating machines and two transcribers.

The office is in great need of a copying machine with a collator. A machine should be leased which has a capacity of 10,000 copies per month. The increased productivity will offset the cost of the lease.

The implementation of these suggestions and recommendations should result in considerable savings in time and taxpayer dollars for the District Attorney's office.

APPENDIX A

Vita

Walter F. Smith

Work Address: Bureau of Social Science Research, Inc.
1990 M. Street. N.W. Suite 700
Washington, D.C. 20036

Phone: (202)223-4300

Home Address: 2616 Redcoat Drive, Apt. 1B
Alexandria, Virginia 22303

Phone: (703)960-1052

Date of Birth: December 17, 1952, Bethesda, Maryland

Education: Miami-Dade North Community College
University of Florida, Gainesville
University of Florida, Gainesville

1972, A.A.
1975, B.A. Sociology
1977, M.A. Sociology

Research and Work Positions:

Research Analyst. Criminal Prosecution Technical Assistance Project, Bureau of Social Science Research, Inc. LEAA-funded grant to provide technical assistance to prosecutor offices and organizations nationwide. Principle duties include: principle management of the project; assessing the need and type of technical assistance to be provided; conducting on-site evaluations and assessments of prosecutor's offices; writing or assisting with the writing of all technical assistance reports and the major portion of the writing for three substantive monographs on criminal prosecution; developing and assistance with the final report. April, 1980 to present.

Assistant Director. Wisconsin Parole Project, Wisconsin Center for Public Policy. LEAA-funded grant to evaluate Wisconsin's Parole Decision-Making Guidelines. Principle duties included: assisting with the overall design, analysis and administration of the project; designing data collection instruments and codebooks; working with the representative agency on structuring parole guidelines; and responsibility for the final report and articles forthcoming. May, 1979 to December, 1979.

Consultant. Police and Social Services Agency Project, Wisconsin Center for Public Policy. Project funded under a grant from LEAA to examine community interaction between the police and the various social service agencies in the areas of criminal justice and mental health. Consultant areas: research design and final report review. April, 1979 and February-March, 1980.

Vita--page 2.

Assistant Director. Wisconsin Sentencing Project, Wisconsin Center for Public Policy. Project funded by LEAA grant to examine felony sentencing patterns in Wisconsin's trial courts. Principle duties included: assistance in project administration, design and all methodological matters; making presentations at state advisory committee meetings; advising the Wisconsin Legislature on sentencing areas; designing data collection instruments and codebooks; and responsibility for final report and articles forthcoming. January, 1978 to March, 1979.

Research Analyst. First Appearance Court Study, Gainesville, Florida. Dr. Charles Frazier, principle investigator. Principle duties included: coding, writing and documenting the relevant computer programs. 1976-1977.

Instructor. University of Florida, Introductory Sociology. Principle duties included: instruction of 50 undergraduates for three quarters; design and grading of all exams. 1977.

Publications:

Shane-DuBow, Sandra and Walter F. Smith. An Evaluation of Wisconsin's Parole Decision-Making Guidelines. Madison, Wisconsin: Public Policy Press, 1980.

Shane-DuBow, Sandra, Walter F. Smith and Kim Burns Haralson. Felony Sentencing in Wisconsin. Madison, Wisconsin: Public Policy Press, 1979.

Smith, Walter F. Public intoxication and public policy: The effectiveness of the Florida Myer's Act. (in progress).

Smith, Walter F. Official crime rates and social control: A test of Erikson's hypothesis, unpublished M.A. thesis, University of Florida, Gainesville, Florida, 1977.

Academic Awards:

Teaching and Research Assistantship, University of Florida, 1977.
Research Assistantship, University of Florida, 1976.

Research Interests:

Criminology: Courts research and evaluation, Methodology, Post-sentencing variability, Organization theory.

Applied Research: Sentencing and post-sentencing variability, Criminal adjudication process with emphasis on arrest, prosecution, courts and correctional supervision, Sociology of Law, Social program evaluation.

Social Psychology: Labelling theory, Self-concept theory.

EDWARD C. RATLEDGE
102 Brewster Drive
Newark, Delaware 19711

DATE AND PLACE OF BIRTH

July 4, 1943
Selma, Alabama

EDUCATION

University of Delaware--M.A., 1972 (Economics)
University of Delaware--B.S., 1971 (Economics)

PROFESSIONAL EXPERIENCE

Director, Urban Policy Research, College of Urban Affairs
and Public Policy, University of Delaware, 1978 to present
Associate Director, Census and Data System, College of Urban
Affairs and Public Policy, University of Delaware, 1972 to
1978
Research Assistant, Division of Urban Affairs, University
of Delaware, 1971-1972
Captain, U. S. Army, 1966-1970

MEMBERSHIPS

American Statistical Association
American Economics Association
Omicron Delta Epsilon

CONSULTING

Criminal Justice Coordinating Council, New York, NY, 1979
to present
Bureau of Social Science Research, Washington, DC, 1974 to
present
Georgetown University Law Center, Institute for Criminal
Law and Procedure, 1975 to present
National District Attorneys Association, 1974 to present
National Center for Prosecution Management, Washington, DC,
1971-1975
Office of Crime Analysis, Washington, DC, 1971-1975
General Electric Corporation, 1979 to Present

ARTICLES

"The Quality of Education and Cohort Variation in Black-
White Earnings Differentials: Reply," (with Charles R.
Link). American Economic Review, March 1980.
"Student Perceptions, IQ and Achievement," (with Charles R.
Link). Journal of Human Resources, Vol. XIV, No. 1, winter
1979, pp. 98-111.

"Automated Court Case Management in the Prosecutor's Office"
(with Marshall Lasky and Phillip Murray). Journal of Systems
Management, July 1978, pp. 22-29.

"Residential Demand for Electricity: A Household Survey Ap-
proach," (with John E. Stapleford). American Statistical
Association, Proceedings of the Business and Economic Sta-
tistics Section, 1977, pp. 577-580.

"Useful Interactions in Econometric Models: The Case of
Black/White Earnings Differentials," (with Charles R. Link).
Applied Economics, 1977, pp. 83-91.

"Proxies for Observations on Individuals Sampled from a Pop-
ulation: A Reply" (with Charles R. Link). Journal of Human
Resources, September 1976, pp. 413-419.

"Black-White Differences in Returns to Schooling: Some New
Evidence," (with Charles R. Link and Kenneth A. Lewis).
American Economic Review, March 1976, pp. 221-223.

"Social Returns to Quantity and Quality of Education: A Fur-
ther Statement," (with Charles R. Link). Journal of Human
Resources, Winter, 1975, pp. 78-89.

"The Influence of the Quantity and Quality of Education on
Black-White Differentials: Some New Evidence," (with Charles
R. Link). Review of Economics and Statistics, August 1975,
pp. 346-350.

"Factors Affecting Student Achievement: A Simultaneous Equa-
tion Model with IQ," (with Charles R. Link). Proceedings of
the Joint Statistical Meetings, 1975.

MONOGRAPHS AND RESEARCH REPORTS

"A New Look at Cross-Site Prosecutorial Decision-Making,"
(with Joan Jacoby), Bureau of Social Science Research,
Washington, DC, August 1980.

"Towards a Composite Index of Criminality," (with Stanley H.
Turner), Bureau of Social Science Research, Washington, DC,
August 1980.

"An Analysis of the University of Delaware Gift Processing
System," College of Urban Affairs and Public Policy, Univer-
sity of Delaware, June 1980.

"The Effects of Learning and Policy Transference on Prosecutorial
Decisionmaking," (with Joan Jacoby), Bureau of Social Science
Research, Washington, DC, May 1980.

"An Analysis of the Hillsborough County Prosecutor Information System," New England Municipal Center, Durham, NH, 1980.

"Factors Affecting Prosecutorial Decision-Making: A Quantitative Approach," (with Joan Jacoby), Bureau of Social Science Research, December 1979.

"An Evaluation of the Delaware State Public Elementary and Secondary Educational Laws" (with Charles R. Link, et. al.). College of Business and Economics, University of Delaware, September 1979.

"New Castle, Delaware: Population Profile and Public Opinions," College of Urban Affairs and Public Policy, University of Delaware, June 1979.

"Research on Prosecutorial Decision Making," Phase D, Final Report (with Joan E. Jacoby and Stanley H. Turner), Bureau of Social Science Research, Washington, DC, May 1979.

"The Delaware Justice Information System: The Attorney General's Perspective," College of Urban Affairs and Public Policy, University of Delaware, April 1979.

"Constructing a Data Base for Estimating Recreational Patterns of Delawareans," (with John Stapleford), College of Urban Affairs and Public Policy, University of Delaware, March 1978.

"Prosecutor's Statistical Manual," National District Attorneys Association, Chicago, IL, 1978.

"An Evaluation of a Proposed Piggy-back Income Tax for Delaware," College of Urban Affairs and Public Policy, University of Delaware, August 1977.

"Capital Gains Taxation in Delaware," College of Urban Affairs and Public Policy, University of Delaware, June 1977.

"A Sales Tax for Delaware," College of Urban Affairs and Public Policy, University of Delaware, June 1977.

"Population, Employment, and Land Use Projections for Coastal Sussex County," (with John E. Stapleford and Francis X. Tannian), College of Urban Affairs and Public Policy, University of Delaware, 1977.

"A Feasibility Study for a Cost Analysis of Plea Bargaining," (with Joan Jacoby), Georgetown University, Institute of Criminal Law and Procedure, August 1976.

"Philadelphia's Conditional Release Program: A Cost-Benefit Analysis," Georgetown University, Institute of Criminal Law and Procedure, April 1976.

"The Cecil County Library System: A Portrait of the Present and Directions for the Future," (with John E. Stapleford), Division of Urban Affairs, University of Delaware, 1976.

"Statistical Analysis of Jackson County Prosecuting Attorney's Office Experimental Trial Team Project." National District Attorneys Association, Chicago, 1976.

"Adult Education in the Newark School District: An Analysis of Demand." Division of Urban Affairs, University of Delaware, 1975.

"The Chesapeake Bay Girl Scout Council: A Program Appraisal." Division of Urban Affairs, University of Delaware, 1975.

"Estimates of Financial Aid Requirements for Delaware's Post-Secondary Students" (with John E. Stapleford), Division of Urban Affairs, University of Delaware, 1975.

"Local Choice, School District Population, and the Demand for Public Education (with Charles R. Link), College of Business and Economics, University of Delaware, 1975.

"The Profile of a City: Milford, Delaware 1975." Division of Urban Affairs, University of Delaware, 1975.

"Prosecutor Case Management: A Computer Application in Boston, MA (with Marshall Lasky), National District Attorneys Association, 1975.

"Hidden-Valley: Impact Analysis," (with Francis X. Tannian), Division of Urban Affairs, 1974.

"A Survey of the Demand for Government Services in Lower New Castle County," Division of Urban Affairs, University of Delaware, 1973.

"The Delaware State Income Tax: Incidence, Equity and Revenue Adequacy," Division of Urban Affairs, University of Delaware, 1972.

"The Incidence of Residential Property Taxes in Delaware: Measurement and Policy Considerations," (with G. Arno Loessner), Division of Urban Affairs, University of Delaware, 1972.

"A Survey of Revenues of State and Local Governments in the State of Delaware," Division of Urban Affairs, University of Delaware, 1972.

PROFESSIONAL PAPERS

"A Conceptual Framework for Allocating Resources in the Prosecutor's Office," American Society for Public Administration, San Francisco, CA, April 1980.

"Uniformity and Consistency in the Kings County District Attorney's Office" (with Sheldon Greenberg), American Society for Public Administration, San Francisco, CA, April 1980.

"Measuring the Transmission of Policy: A Case Study in Brooklyn," (with Sheldon Greenberg), American Society of Criminology, Philadelphia, PA, November, 1979.

"Combining Survey Data and Administrative Records in a Management Information System," (with John Stapleford), Urban and Regional Information Systems Association, Atlanta, GA, August 29-September 2, 1976

TECHNICAL REPORTS

"Estimates of Census Tract, Modified Grid, and Traffic Zone Populations for 1978" (with Judy Molloy and Phyllis Raab), College of Urban Affairs and Public Policy, University of Delaware, 1980.

"Summary of Birth Statistics for Delaware and Major Subdivisions, 1970-78" (with Judy Molloy and Phyllis Raab), College of Urban Affairs and Public Policy, University of Delaware, March 1979.

"Estimating the Hispanic Population of Wilmington, Delaware," College of Urban Affairs and Public Policy, University of Delaware, February 1979.

State of Delaware Fiscal Notebook (rev. ed.) (with Paul Solano) College of Urban Affairs and Public Policy, University of Delaware, 1979.

"Estimates of Census Tract, Modified Grid, and Traffic Zone Populations for 1976," College of Urban Affairs and Public Policy, University of Delaware, October 1978.

VITA

Charles E. Frazier

Salary: \$30,412

Date of Birth: September 8, 1943

Marital Status: Married, Three Children

Education:

B.A., Muskingum College, 1965
M.A., Kent State University, 1967
Ph.D., Southern Illinois University, 1973

Occupational History:

1967-1969 Instructor, Department of Sociology, University of North Alabama, Florence.
1969-1971 Teaching Assistant, Preceptor, and Lecturer, Department of Sociology, Southern Illinois University.
1971-1972 Instructor, Department of Sociology, Southern Illinois University.
1972-1977 Assistant Professor, Department of Sociology, University of Florida.
1977-1978 Associate Professor, Department of Sociology, University of Florida.
1978-1980 Director, Project Diversion and Associate Professor of Criminal Justice and Sociology.

Professional and Honorary Associations:

American Sociological Association
Southern Sociological Society
Midwest Sociological Society
Society for the Study of Social Problems
American Society of Criminology
Alpha Kappa Delta
Pi Gamma Mu

Professional Positions and Activities:

Associate Editor, The Southern Sociologist
Advisory Editor, The Sociological Quarterly

Articles Reviewed For: Journal of Marriage and the Family; Law and Society Review; The Sociological Quarterly; Social Forces; Journal of Gerontology; and Qualitative Sociology; Criminology; and Urban Life.

Session Organizer--"The Sociology of Legal Process" American Sociological Association, New York, 1976.

Session Organizer--"Explanations of Criminal Court Decision Making: Legal, Psychological, and Sociological" American Sociological Association, San Francisco, 1978.

Chair--Nominations Committee of the Criminology Section, American Sociological Association, 1978.

Member--Nominations Committee of the Criminology Section, American Sociological Association, 1979.

Session Organizer--Criminology: Theory and Methods. The Southern Sociological Society, Atlanta, GA., 1979.

Papers Presented at Professional Meetings:

"Societal Reaction Theory: Postulates and Their Evaluation" (with Thomas D. McDonald) presented at the annual meeting of the Western Association of Sociology and Anthropology, 1972.

"Initial Cause and Societal Reaction Theory" presented at the annual meetings of the Southwest Sociological Association, Dallas, TX, 1973.

"Alternative Theories of Deviance: Toward An Empirical Evaluation" The Society for the Study of Social Problems, Montreal, Quebec, 1974.

"The Use of Life-Histories in Tests of Theories of Criminal Behavior" The American Society of Criminology, Tucson, AR, 1976.

"Appearance, Demeanor and Backstage Negotiations: Bases of Discretion in a First Appearance Court" The American Society of Criminology, Tucson, AR, 1976.

"A Formal Test of Alternative Explanations of Deviance: The Case of Marginality Among Professional Sociologists" (with Beverly Bridges Wiggins and Ben Gorman), The American Sociological Association, Chicago, IL, 1977.

"The Combined Effects of Legal and Personal Variables in Bond Decisions" (with E. Wilbur Bock), The Southern Sociological Society, Atlanta, GA, 1977.

"Typifications in Bond Decisions" The American Society of Criminology (with E. Wilbur Bock) Atlanta, GA, 1977.

"The Influence of Three Court Officials on Judicial Sentencing" (with James D. Unnever and John Henretta), The Southern Sociological Association, New Orleans, LA, 1978.

"Notes on the Applicability of Personal Documents and Life-Histories in Criminological Research" The American Society of Criminology, Dallas, TX, 1978.

"Race Differences in Criminal Sentencing" (with James D. Unnever and John Henretta) The American Sociological Association, Boston, MA, 1979.

"Pretrial Release and Bail Decisions: The Effects of Legal, Community, and Personal Variables" (with Wilbur Bock and John Henretta) American Society of Criminology, Philadelphia, Nov., 1979).

Recognition:

American Men and Women of Science: Social and Behavioral Sciences, 1978.

Who's Who in the South and Southwest, 1980.

Grants:

Social Science Institute, University of Florida, 1973.

LEAA, Regent's Criminal Justice Internship Grant, 1975.

Social and Behavioral Science Institute, University of Florida, 1976.

LEAA, Regent's Criminal Justice Faculty Internship Grant, 1976.

Principle Investigator for LEAA Diversion grant, Dec., 1978 to August 31, 1980. Amount of award \$578,166.

Publications:

"Societal Reaction Theory: Postulates and Their Evaluation" in Swaran S. Sandhu's Alternative Values and Structures, edited proceedings of the Western Association of Sociology and Anthropology, 1973 (with Thomas D. McDonald).

Theoretical Approaches to Deviance: An Evaluation (Columbus, Ohio: Charles Merrill Publishing Company, 1976).

Short section of above Theoretical Approaches... to be reprinted as "Anomie and Deviance" (pages 14-15 and 50-54) forthcoming in Richard F. Larson (ed.) The Sociological View, Oxford University Press, Spring, 1982.

"Socialization, Societal Reaction, and Control Theory: A Look at Patterns in the Development of Theft Behavior" Crime and Justice 5 (May, 1977): 23-32.

"Official Standards versus Actual Criteria in Bond Decisions" Journal of Criminal Justice 5 (Winter, 1977): 321-328 (with E. Wilbur Bock).

"Initial Cause and Societal Reaction Theory" International Journal of Contemporary Sociology, Vol. 15 July-October, 1978: 397-413.

"The Use of Life Histories in Testing Theories of Criminal Behavior: Toward Reviving a Method" Qualitative Sociology 1 (May, 1978): 122-142.

Book Review Essay on Rosett and Cressey's and Lynn Mather's works on Plea Bargaining for Law and Society Review, Vol. 13, No. 2 (1979): 2301-2308.

"Appearance, Demeanor and Backstage Negotiations: Bases of Discretion in a First Appearance Court" International Journal of the Sociology of Law, (May, 1979); 197-209.

"Race Differences in Criminal Court Sentencing" (with James D. Unnever and John Henretta) forthcoming in The Sociological Quarterly.

"Pretrial Release and Bail Decisions: The Effects of Legal, Community and Personal Variables" forthcoming in Criminology (with E. Wilbur Bock and John Henretta).

"Integrating Theories of Deviance: An Inductive Approach Using Biographical Data" (with Jan Wlodarek) forthcoming in Ruch Prawniczy, Ekonomiczny i Socjologiczny (Journal of Jurisprudential, Economic, and Sociological Issues), 1980.

Papers Under Revision, Publication Review, or in Progress:

"Sex Differences in Criminal Sentencing".

"Typifications and Bond Decisions" (with Wilbur Bock) submitted to Crime et/and Justice.

"Doing Wrong: The Meaning of Crime in the Lower Classes" to be submitted to Criminology.

"Deviance Theory and Rule Violations Among Professional Sociologists" (with Beverly Wiggins and Ben Gorman).

"Diverting Youth From the Juvenile Justice System" paper to be presented at the ACCJS, 1980. (with R. Hugh Potter).

Departmental Committees and Assignments:

Undergraduate Advisor, 1972-1975.
Developmental Committee, 1972-1973.
Summer Committee, 1973, 1974, & 1975.
Library Representative, 1972-1973.
SY 201 Coordinator, 1975-1976 & 1976-1977.
Academic Committee, 1975-1978.
Search Committee for Chairman of the Department, 1976-1977.
Undergraduate Coordinator, 1977-1978, 1978-1979.
Library Representative, Criminal Justice Program, 1979-1980.
Chairman, CRJ Search Committee, 1979-1980.

College and University Committees and Activities:

Chairman, A & S Council Task Force on Viability of a Criminal Justice Program, 1972.

Member, University Committee on Local Justice, 1972-1973.

Member, A & S Curriculum Committee, 1973-1975.

Representative of A & S Curriculum Committee to University College Curriculum Committee, 1974.

Member, Graduate School Committee for Selection of Graduate Student Teaching Awards, 1974.

Undergraduate Advisor, Criminal Justice Program, 1974-1975.

Reviewer, Division of Sponsored Research Seed Money Grants, 1974.

Member, Criminal Justice Steering Committee, 1975-1978.

Member, Search Committee for Director Project Diversion, 1978.

Chairman, Sociology/Criminal Justice Search Committee, 1979-1980.

Periodic Editorial Consulting:

John Wiley & Sons Publishers
Little, Brown & Company
Dorsey Press
Random House
The Free Press
Holt, Rinehart & Winston

PATTON GARDENIER GALLOWAY

3211 Burns Place
Raleigh, North Carolina 27609
Telephone: (919) 782-1646

PERSONAL DATA

Born March 31, 1930, Louisville, Kentucky
Divorced, 2 children.

EDUCATION

Attended Bennington College, Bennington, Vermont, 1946-1949; B.A., University of Kentucky 1950, with Honor in Political Science.

Graduate work in Public Administration (24 credit hours), University of Kentucky; Graduate Assistant, Bureau of Government Research.

PROFESSIONAL ACTIVITIES

1969-1980 (May). Executive Director, Committee on the Office of Attorney General of the National Association of Attorneys General (COAG), which provided research, technical assistance, training, and clearinghouse services for state Attorneys General. As Director, supervised a staff of approximately 20 persons; administered an annual budget of \$400,000; planned and directed a variety of projects; developed and administered federal grants and contracts. COAG maintained ongoing activities in antitrust, consumer protection, corrections, environmental control, management, organized crime control, and welfare. It published 8 monthly newsletters, and approximately 12 major research reports each year; conducted numerous training seminars for Attorneys General's staff; processed an average of 100 technical assistance requests per month; provided secretariat services and planned agendas for NAAG committees; and maintained liaison with related organizations and agencies.

In addition to administrative and supervisory duties, personally prepared a number of research reports and manuals, including: Powers, Duties and Operations of State Attorneys General; Common Law Powers; a Rulemaking Manual and Disciplinary Manual for Occupational Licensing Boards; Federal-State Law Enforcement Committees; a Feasibility Study of Developing a Central Brief Bank for Attorneys General's Antitrust Staffs; Management Manuals for Attorneys General's offices on Planning, Time Reporting, Billing for Legal Services, Computer Uses, and Paralegal Personnel. Planned and conducted six Management Institutes and a seminar for incoming Attorneys General, and edited the Management Newsletter.

Related activities included serving as an instructor at a National College of District Attorneys Management Course, and serving as an Advisory Board member for various projects, including the National District Attorneys Association study of Evidence Tracking (1979), and the American Institutes for Research study of Consumer Fraud (1977-78). Consultant to NAAG study of Computer Uses in Attorneys General's Offices (May-August, 1980).

1964-1965 Research Assistant to North Carolina Governor Terry Sanford (position funded by Richardson Foundation); assisted in research and writing of book, But What About The People?, published by Harper and Row; assisted in preparation of articles, The Forgotten Children, about the mentally retarded; and other research and writing activities.

1961-1963 Research Consultant to the Kentucky Department of Law; responsible for studies of the administration of justice in Kentucky that were published as two special issues of the Kentucky Law Journal. Other activities included preparation of an office procedures manual and biennial reports, coordination of an inter-agency legislative program, and research on various criminal justice issues.

Special Assistant to Speaker of the Kentucky House of Representatives during 1962 legislative session (on leave from the Department of Law.)

On contract basis, prepared Report and drafted legislation for a Special State Commission on Public Education; prepared a History of the Kentucky Veterans Bonus for the Department of Military Affairs.

1960 Research Director for the Kentucky Constitution Revision Commission. Prepared research report on issues; also prepared several booklets on issues, as part of statewide constitutional campaign for a convention; prepared speeches, news releases and other materials.

Special Assistant to the House of Representatives Committee on Committees during legislative sessions, analyzing legislation and supervising legislative staff.

1958-1959 Welfare Executive, Ohio Department of Welfare; prepared manuals for field workers.

1956-1957 Research Associate, Ohio Legislative Service Commission. Prepared studies of Juvenile Delinquency in Ohio and Licensing Limited Medical Practitioners.

1952-1956 Research Analyst, Kentucky Legislative Research Commission. Coordinated a statewide citizen survey of public schools; prepared booklets on school finance for mass distribution; prepared study of An Educational Foundation Program for Kentucky, and drafted legislation relating to school finance and districting. Conducted a comprehensive study of the legislature, resulting in report on the Legislative Process in Kentucky, a Bill Drafting Manual and Manual for Legislators; revised format of legislative journals, rules and bills; assisted legislative leadership in substantive revision of rules.

MISCELLANEOUS PUBLICATIONS

Bibliography of State and Local Government in Kentucky, published by the University of Kentucky Bureau of Government Research (1955).

Article on legislation published in the Kentucky Law Journal (1962).

Assisted North Carolina Attorney General Robert Morgan in preparation of a textbook for junior high school students, Youth and the Law (1974).

Co-authored, with Kentucky Attorney General John Breckinridge, articles published in The County Officer, The Prosecutor and State Government (1971).

Article on State Attorneys General in The Book of the States, published by the Council of State Governments (1974).

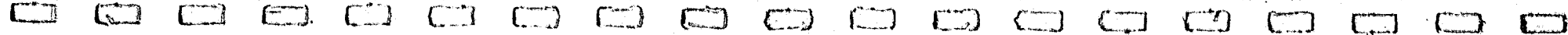
APPENDIX B

FORM 1

INTAKE REPORT

WEEK OF _____ TO _____, 1980

DAY	CASES PRSNTD	DFNDT PRSNTD	CASES ACCPD NO. MODIF	DFNDT ACCPD NO. MODIF	CASES ACCPD WITH MODIF	DFNDT ACCPD WITH MODIF	CASES REFD TO ANOTHER COURT	DFNDT REFD TO ANOTHER COURT	CASES REFD TO ANOTHER AGENCY	DFNDT REFD TO ANOTHER AGENCY	CASES REJD	DFNDT REJD
MONDAY												
TUESDAY												
WEDNESDAY												
THURSDAY												
FRIDAY												
SATURDAY												
SUNDAY												
WEEKLY TOTAL												
MONTHLY TOTAL LASTWEEK												
NEW MONTHLY TOTAL												



FORM 2

DISPOSITION REPORT

WEEK OF: _____ TO _____, 1980

DAY	FINAL DISPOSITION CASES/DEF.	PLED ORIGINAL	PLED REDUCED	FOUND ORIGINAL	FOUND REDUCED	ACQUITTAL	DIRECTED VERDICT	DISMISSALS	CONDITIONAL FINDING
MONDAY									
TUESDAY									
WEDNESDAY									
THURSDAY									
FRIDAY									
SATURDAY									
SUNDAY									
WEEKLY TOTAL									
MONTHLY TOTAL									
LAST WEEK									
NEW MONTHLY TOTAL									



FORM 3
MONTHLY REPORT OF DISPOSITIONS

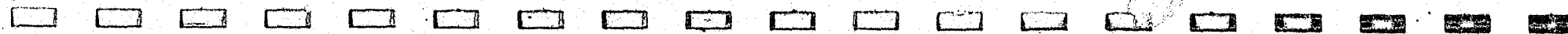
DATE	CASE NUMBER	DEFENDANT'S NAME	DOCKET NUMBER	CHARGE	CHARGE DISPOSITION	DEPUTY/JUDGE	PLED ORIG	PLED RED	FOUND ORIG	FOUND RED	ACQ.	DV	COND.



FORM 4
CALENDAR REPORT

WEEK OF: _____ TO _____, 1980

DAY OF WEEK	TOTAL CASES SCDLED	TOTAL DFNDS SCDLED	DFDNTS RE-SCDLED	BENCH WARRANT	DEFENSE REQUEST	STATES REQUEST	COURTS REQUEST	MUTUAL	UNKNOWN	DFDNT DISMISSED
MONDAY										
TUESDAY										
WEDNESDAY										
THURSDAY										
FRIDAY										
SATURDAY										
SUNDAY										
WEEKLY TOTAL										
MONTHLY TOTAL										
LAST WEEK										
NEW MONTHLY TOTAL										



76650

2 of 2

SUPPLEMENT TO THE REPORT ON THE
TECHNICAL ASSISTANCE VISIT TO THE OFFICE
OF THE DISTRICT ATTORNEY

10th PROSECUTORIAL DISTRICT
Raleigh, North Carolina
January 26-27, 1981

CRIMINAL PROSECUTION TECHNICAL
ASSISTANCE PROJECT

Leonard R. Mellon, Project Director
Walter F. Smith, Project Manager

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

STATEMENT OF PROBLEM

Although not specifically enumerated in the request for assistance, there are several areas of concern in the Raleigh, North Carolina District Attorney's office which the Technical Assistance team would like to address. These areas include the structure and organization of the office, and its subsequent effect on the performance and morale of personnel.

The present organization of the office does not lend itself to effective coordination and control. There is little sense of belonging to an organization on the part of some of the attorneys. Typical comments received by members of the Technical Assistance team were, "I perceive myself as a solo practitioner;" and "I like to handle my caseload and be left alone." While this kind of attitude may be characteristic of the legal profession, it is not desirable in an office that is headed by an elected, policy-making official. This attitude also fails to offer enough support to new staff members. There does not appear to be much identification with the accomplishments or the problems of the office as a whole.

Currently, there is little or no training given to the new assistants in the office. Attorneys go to court for a day or so with a more senior attorney, then they are sent in on their own to "sink or swim." While most do learn to swim, they are deprived of the kind of training that could make them better lawyers in the process. Due to the current lack of effective communication in the office, those who "sink" do not usually come to the attention of the District Attorney.

There is no mechanism for periodic evaluation of the performance of those in the office, either attorney or support personnel.

There is a polarization of the attorney staff into two groups - felony assistants and misdemeanor assistants. There is limited communication between the two groups, which results in a lack of rapport and mutual assistance. This has led to morale problems, especially among the newer assistants. Misdemeanor assistants have the feeling that they cannot go to most of the felony assistants (except for the ones who have just recently been promoted) for assistance and advice, since there is virtually no interaction between the felony and misdemeanor units of the office.

Each assistant district attorney, both felony and misdemeanor, has individual responsibility for his or her cases from assignment through disposition. Each assistant receives from 20 to 30 new cases during each five week rotation, totalling about 50 to 60 charges. There is no documentation required of the assistants and no statistics are kept in the office, except in the Career Criminal Unit.

In the absence of a clearly defined middle management level in the office, the District Attorney lacks the means to disseminate and enforce his policies, or to receive reports on problems on a unit-wide basis. There are no mechanisms now operating in the office to report problems or potential problems from the staff to the District Attorney, other than by individual comments to him. Likewise, there are no mechanisms for reporting decisions downward. There is no management group that could be used to help plan or to implement plans once they have been formulated.

Under the present structure, the District Attorney does not receive information concerning the caseload carried by each assistant and does not know how the cases are being handled from day to day. Many assistants are wasting valuable District Court time doing preparation work in the courtroom because of the high caseload and the lack of information available on each case. Defense attorneys with felony defendants find it difficult to work out pleas with felony assistants in District Court because felony assistants are only there one week out of five, and no assistant can take a plea on another assistant's case.

Misdemeanor staff meetings are currently held each morning with the District Attorney, however these meetings are felt to be unproductive. No training takes place, and trial strategies are not discussed.

Another cause of problems in the office is the fact that at the present time, there is no meaningful trial date. The plea cut-off date, which is the motions and arraignment date, is not consistently enforced. The common practice is for pleas to be taken whenever the defense and prosecuting attorneys can get together, which is the trial date in many instances. The speedy trial rules are not usually a problem because neither the defense nor the prosecutor has any desire for early disposition of cases. File continuance sheets, which stop the running speedy trial time by having both sides sign off, are used in many cases.

There are currently two investigators from the Raleigh Police Department detailed to the District Attorney's office. However, these investigators are used exclusively by the Career Criminal Unit. The felony assistants have no access to these investigators, nor do any of the misdemeanor assistants. As a result, many cases that require further investigation do not receive it.

One further problem noted by the Technical Assistance team during the visit was the lack of secretarial support for the attorneys in the office. As a result, the attorneys are going to the Clerk of Court's office to check on prior records, doing their own zeroxing and neglecting correspondence. The Career Criminal Unit is assigned one secretary, so the problem is not as acute there, however, the rest of the assistant district attorneys rely on one secretary, who also performs many other duties, such as updating the Administrative Office of the Courts print-out and posting dispositions on it. She also locates prior records for District Court cases and does filing of closed cases as well as some copying.

RECOMMENDATIONS

To alleviate the general problems of lack of control and accountability with respect to the attorneys, lack of training for new and inexperienced assistants, low morale among the assistants and an over-compartmentalization of responsibilities, the Technical Assistance team recommends that the District Attorney restructure the office using the trial team concept. This recommendation is made with the knowledge that the District Attorney accepts a vertical prosecution organizational system and uses a hybrid of the trial team approach in his office at the present time. The Technical Assistance team recommends that three trial teams be created, with the organization diagramed as follows:

<u>TEAM 1</u>	<u>TEAM 2</u>	<u>TEAM 3</u>
Supervisor - 1	Supervisor - 1	Supervisor - 1
Felony - 2	Felony - 2	Felony - 2
Misdemeanor - 2	Misdemeanor - 2	Misdemeanor - 1
Investigator - 1	Investigator - 1	Investigator - 1
Secretary - 1	Secretary - 1	Secretary - 1

This diagram assumes that the office will be able to acquire the much needed clerical support and convince the Raleigh Police Department to detail an additional investigator to the District Attorney's office.

The trial team assistants should be able to rotate among the positions on the team freely and as often as they desire and the supervisor approves. The responsibility for training new assistants and covering assignments during absences will become a team responsibility. The investigators should work directly with the assistants of each team in completing investigations. The end result will be that a complete investigation will be made in some of the misdemeanor cases, as well as the felonies, something which is not being done at the present time.

Assignment of new cases should be automatic, based on the system that is already in place in the District Attorney's office. Each team should be responsible for a case from arraignment through final disposition. The District Attorney could make occasional adjustments to the balance the caseload among the teams.

The benefits of a trial team approach include more effective use of investigators, more direct supervision, limited spheres of responsibility, and better training for new assistants. This concept also provides for fluidity in rotation and has been found by the Technical Assistance team to be better liked by assistants than other systems of organization.

This system of organization would also help to alleviate problems created by shortages of assistants to substitute for those who are out of the office on vacation or sick leave. If the trial team organization is instituted, substitutions would become a team responsibility. The

problem of defense attorneys not being able to locate an attorney to authorize a plea would be solved by allowing any team member to handle any part of a case when the principal assistant on the case cannot be reached. However, this would require close supervision by the supervisor of the team.

Misdemeanor staff meetings would no longer be necessary, as team meetings would be held. In this way, morale would be improved, as well as communication between attorneys. The responsibility for calendaring cases would become a team task and individual workloads would be flexible among the assistants on a team. The team supervisors would report directly to the District Attorney, with the assistants reporting to the team supervisors. This would provide for accountability in the office, which is lacking at this time. In addition, it would also create that middle management level needed in the office to implement policy and convey problems to the District Attorney on an organized basis.

This organization should also facilitate better use of the investigators in the office. They would not be the exclusive property of the Career Criminal Unit, as they are now. In addition, each team would have an individual performing secretarial duties for that team so that attorney time would not be spent copying and running errands.

Although the reorganization of the office to trial teams will involve no additional expense to the office, the additional clerical support necessary does involve extra financial burdens on the budget. The District Attorney will also need to request that the Raleigh Police Department detail one additional investigator to the office. This will, however, work to increase the quality of cases which are brought to trial.

Although these factors must be addressed before a reorganization could take place, it is recommended that it be undertaken.

Another problem observed by the Technical Assistance team was that there is currently no meaningful trial date set in cases which are being brought to trial. The plea cut-off date, which is the motions and arraignment date, is not consistently enforced in the office. It is the practice in the office for assistants to accept pleas to prior agreements up to and including the day of trial. As a result, the office has no clear idea of which cases are going to trial and which cases will be plead. Many more cases than can be heard are scheduled for trial on each court calendar, because most cases could be expected to plea on the morning of the first day of trial. This situation has created an inefficient trial docket which has resulted in a waste of judge and court personnel time, frustration for witnesses who must make repeated appearances, often to find out that a plea is to be entered and that they are not needed after all, and a waste of trial preparation time by prosecuting attorneys.

The Technical Assistance team recommends that the District Attorney enforce the plea cut-off date, and thus create a pure trial docket. This may involve formally instituting pretrial conferences with defense and using these as the plea cut-off date, or strictly enforcing the motion and arraignment date as the plea cut-off date. In order to make this pure trial docket an actuality, the plea cut-off date must be totally, effectively and solidly upheld in all cases. If a plea is to be made to a reduced charge, it must be made by the plea cut-off date. Beyond that date the defendant must plead guilty to the original

charge or stand trial. Because it will be at the plea cut-off date that an actual trial date will be scheduled and all the reduced pleas will be eliminated from the calendar, a pure trial date may be established with only one case set for trial on one date.

As a result of the establishment of pretrial docket control, there will be direct centralization of responsibility for following the plea negotiation policy established by the District Attorney, without whom the assistant prosecutors have no power to accept reduced please. It should be his policies and his alone that are incorporated and followed throughout the criminal justice system in the county in which he has been elected to perform this function. Centralization of the function will allow him to maintain control over his policies and allow him to center responsibility for any possible violations. The implementation of this effective case processing tool will also enhance the professionalism of the District Attorney's office.

By making these changes in the structure and organization of the office, the District Attorney should be able to see a definite improvement not only in morale, but in efficiency throughout the office.

END