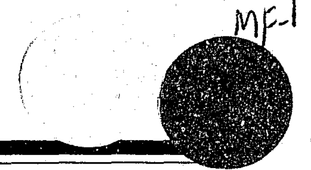
If you have issues viewing or accessing this file contact us at NCJRS.gov.

U.S. Department of Justice
National Institute of Justice



Police–Prosecutor Relations in the United States

Executive Summary

77829

a publication of the **National Institute of Justice**

About the National Institute of Justice

The National Institute of Justice is a research, development, and evaluation center within the U. S. Department of Justice. Established in 1979 by the Justice System Improvement Act, NIJ builds upon the foundation laid by the former National Institute of Law Enforcement and Criminal Justice, the first major Federal research program on crime and justice.

Carrying out the mandate assigned by Congress, the National Institute of Justice:

- Sponsors research and development to improve and strengthen the criminal justice system and related civil justice aspects, with a balanced program of basic and applied research.
- Evaluates the effectiveness of federally-funded justice improvement programs and identifies programs that promise to be successful if continued or repeated.
- Tests and demonstrates new and improved approaches to strengthen the justice system, and recommends actions that can be taken by Federal, State, and local governments and private organizations and individuals to achieve this goal.
- Disseminates information from research, demonstrations, evaluations, and special programs to Federal, State, and local governments; and serves as an international clearinghouse of justice information.
- Trains criminal justice practitioners in research and evaluation findings, and assists the research community through fellowships and special seminars.

Authority for administering the Institute and awarding grants, contracts, and cooperative agreements is vested in the NIJ Director, in consultation with a 21-member Advisory Board. The Board recommends policies and priorities and advises on peer review procedures.

NIJ is authorized to support research and experimentation dealing with the full range of criminal justice issues and related civil justice matters. A portion of its resources goes to support work on these long-range priorities:

- Correlates of crime and determinants of criminal behavior
- Violent crime and the violent offender
- Community crime prevention
- Career criminals and habitual offenders
- Utilization and deployment of police resources
- Pretrial process: consistency, fairness, and delay reduction
- Sentencing
- Rehabilitation
- Deterrence
- Performance standards and measures for criminal justice

Reports of NIJ-sponsored studies are reviewed by Institute officials and staff. The views of outside experts knowledgeable in the report's subject area are also obtained. Publication indicates that the report meets the Institute's standards of quality, but it signifies no endorsement of conclusions or recommendations.

Walter R. Burkhart
Acting Director

77829

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by
Public Domain/LEAA/NIJ
U.S. Department of Justice
to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Police-Prosecutor Relations in the United States

Executive Summary

William F. McDonald

with the assistance of
Henry H. Rossman
James A. Cramer

July 1982

U.S. Department of Justice
National Institute of Justice

National Institute of Justice
Walter R. Burkhart
Acting Director

This project was supported by Grant Number 78-NI-AX-0025, awarded to the Institute of Criminal Law and Procedure, Georgetown University by the National Institute of Justice, U.S. Department of Justice, under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

The National Institute of Justice reserves the right to reproduce, publish, translate, or otherwise use and to authorize others to publish and use all or any part of the copyrighted material contained in this publication.

Copyright ©1981 by William F. McDonald

Notice to Readers

This Executive Summary presents the highlights of the findings, conclusions and recommendations of a study of police-prosecutor relations in jurisdictions over 100,000 population. As a summary, it necessarily omits much of the detailed data, analyses and discussion on which the conclusions are based.

The full report presents an analysis of the nature and problems in the police-prosecutor relationship as reported in the literature, as perceived by police and prosecutors themselves, and as perceived by the authors of this report on the basis of our analysis of all the data. In addition, the analysis is set within the conceptual frameworks of organizational and communications theory. Also, it contains a policy frame of reference using a "model" arrangement of the criminal justice process that indicates the main trade-offs involved in organizing the police-prosecutor relationship to achieve the administration of the maximum feasible quality of justice.

For those interested in an overview and the major conclusions and recommendations, the Executive Summary should suffice. However, those interested in the extent to which these findings have been supported with findings of our own and others, how they differ from or support those of others, and in knowing greater detail about specific points will want to read the full report available from the National Criminal Justice Reference Service, Rockville, Maryland.*

*Individual microfiche copies available free or hard copies available on loan.

CONTENTS

		Page
Summary of the Abstract		vi
Abstract		vii
Acknowledgements		xi
Chapter 1.	Introduction	1
A.	Background	1
B.	Methodology	3
C.	Organization of the Executive Summary	4
Chapter 2.	Problems in the Police-Prosecutor Relationship as Perceived by Police and Prosecutors	6
Chapter 3.	Police-Prosecutor Relations and Communication Theory.	8
A.	Criminal Justice as a Communication Process	8
B.	Obstacles to Maximum Communication	8
C.	Information and Justice	10
D.	Interpreting Information	11
Chapter 4.	Organizatonal Aspects of the Police-Prosecutor Relationship	13
A.	Police, Prosecutors and Criminal Justice Goals	13
B.	The Division of Labor	15
C.	The Mechanisms of Coordination and Cooperation	17
D.	Trust and Effective Police-Prosecutor Relations	20
Chapter 5.	Police, Prosecutor and the Criminal Justice Process	22
A.	The Screening Process	22
B.	Tasks, Stages and Processes	25
Chapter 6.	Recommendations	27
A.	Policy Recommendations	27
B.	Recommendations for Future Research	28
	Selected Bibliography	31

Preceding page blank

SUMMARY OF THE ABSTRACT

This study of the police-prosecutor relationship based primarily on 290 interviews with police and prosecutors in 16 jurisdictions plus data from five other sources concluded that: (a) a common and major weakness in that relationship is that the police do not supply prosecutors with the amount and kind of information needed and that this is due to inadequacies in training, incentive and the nature of the interorganizational communication system used; (b) the relationship is subject to intense interpersonal animosity as well as interoganizational conflict and non-cooperation; (c) much of the conflict is due to mutual doubt and cynicism about the competence, motives and dedication of the personnel in the other agency; (d) eliminating inconsistencies between police and prosecutorial enforcement policies may not be feasible or desirable when controversial laws are involved; (e) police and prosecutors must devote greater attention and cooperative concern to selecting out of the prosecution process at the earliest possible point at which adequate information is available weak and low priority cases and simultaneously assure maximum cooperation and communication on serious cases as defined by mutually agreed upon local standards; and (f) both police and prosecutors share a concern and responsibility for the control of crime and the rule of law. However, the police are more sensitive to the immediate demands for crime control and prosecutors are more sensitive to the legal constraints on government action. This difference causes some conflict but also constitutes an important protection for the preservation of these two equally important but often conflicting values.

ABSTRACT

This project was designed to: (1) describe the relationship between police and prosecutors in jurisdictions with populations of over 100,000; (2) identify the main conflicts, weak points and perceived problems in that relationship; and (3) analyze the causes of, potential remedies for and the desirability of resolving such problems.

The study is based primarily upon semi-structured interviews with 205 law enforcement officers and 85 prosecutors in 16 purposefully selected jurisdictions. In addition, five other sources of information were used including a telephone survey of prosecutor and police agencies in a stratified random national sample of jurisdictions; a case-disposition decision simulation administered to police and prosecutors; self-completed questionnaires and panel discussions with police and prosecutors attending national gatherings; interviews with a few defendants and defense counsel; and a secondary analysis of some interview and case-disposition data obtained in a previous study of plea bargaining.

Our major findings and conclusions are summarized below. The fundamental linkage between the work of police and prosecutors is the processing of cases (as distinct from people processing). This work is most usefully conceived of in terms of information processing and decision making. That is, police and prosecutors operate an information system in which the police are supposed to discover, collect, store and transmit case and defendant information which prosecutors need for their various decisions. From the point of view of prosecuting cases fairly, effectively and efficiently, the main weaknesses in the police-prosecutor relationship lie in one or more aspects of this information system. The primary and most common sources of weakness are: (1) insufficient training and incentive among police to supply prosecutors with the amount and kind of information needed; (2) the constricting and inadequate nature of the existing documentary and non-documentary channels for communication between police and prosecutors; (3) scheduling problems and the related high cost of police overtime pay connected with case processing; and (4) organizational arrangements within and between police and prosecutor agencies which achieve less than the ideal communication arrangement of providing the prosecutor who is making the critical decisions in a case from personally communicating with the police officer(s) most familiar with the case.

These weaknesses should be remedied by: (1) police training programs emphasizing knowledge of the elements of crime but especially providing police with the opportunities to learn directly from local prosecutors (by observation and instruction) how the quality of information in a case affects the disposition decision; (2) prosecutorial feedback to the police on individual cases including at a minimum the dispositions and the reasons for them; (3) redefining the police role in a case as ending with conviction rather than arrest and, accordingly, developing incentives that would give the police a stronger interest in making all cases they refer for prosecution as strong as possible; (4) organizing the case transfer process between police and prosecutor offices in such a way as to approximate (as close as feasible within local constraints) the arrangement in which the police officer with the most knowledge abut the case communicates directly with the prosecutor in charge of making the critical decisions as early in that process as possible;

and (5) providing the means by which special knowledge and concern on the part of the police about an individual case or defendant can be reliably transmitted to the prosecutor in charge of the case. In addition, because of the major costs in transportation and police overtime pay associated with the case processing, the feasibility of making greater use of telecommunication linkages between police and prosecutor offices should be explored, including in particular the possibility of developing a computer-assisted case-evaluation and report-generating system.

The general level of cooperation and coordination between police and prosecutors continues to need improvement in many jurisdictions, where the "traditional antagonism" between these two agencies continues to exist. Cooperation is more likely to occur when a climate of trust between the two organizations has been established. Establishing and maintaining such trust is not easy but can be initiated by either agency. Various specific tactics can be used but the general strategy is to conduct one's agency's operations in such a way as to demonstrate to the other agency that your agency is non-political, competent and genuinely interested above all else in the fair, efficient and effective administration of justice.

The division of labor between police and prosecutors is not clear cut or fixed. This causes some problems and friction. At the individual level, occasionally police try to play prosecutor and vice versa. At the organizational level there is occasional competition between organizations over control of cases as well as attempts to transfer to the other organization miscellaneous costly tasks associated with the processing of cases. This lack of clear definition of work and funding responsibilities occasionally results in cases falling between the cracks resulting in failures of justice and adverse publicity. The matter of the division of responsibility for specific tasks and funding in a jurisdiction should be resolved by local agreements worked out between the relevant organizations.

One aspect of the division of labor between police and prosecutors is undergoing continuous historical change. Prosecutors have been expanding the scope of their activities into the earliest stages of the justice process to include control over the initial charging decision. Although this change has been endorsed by national commissions it has been resisted (and, in a few places successfully delayed) by the police. Moreover, it is far from complete. In 51% of jurisdictions over 100,000 population the police still control the initial charging decision. This has two significant consequences: (1) the police decision regarding initial "police" charges substantially affects the pretrial release decision. (2) The social and financial savings to defendants and the state that might be achieved by prosecutorial screening prior to initial filing are not being realized.

Given the discrepancy between large caseloads and limited criminal justice resources, a system of selective enforcement of law must be operated by both police and prosecutors. This system should be based on lawful and rational criteria of selection promulgated in policies formulated by the police and prosecutors in consultation with each other and the public; should provide for review and accountability of the decisions made; and should seek to maximize the earliest possible attrition of weak and low priority cases. Prosecutors should play the primary role in this selection process. However, consideration should also be given to police participation in two special

ways. The police should limit the number of arrests of selected crimes and, where authorized, should make greater use of their power to release after arrest without referral to the court.

Police and prosecutors share a concern and a legal responsibility for both controlling crime and assuring the due process of law. But in practice police are more sensitive than prosecutors to the demand for crime control; and prosecutors are more sensitive than police to the requirements of legality. This represents an unanticipated but significant benefit offsetting some of the inefficiency of the American arrangement of dividing the law-enforcement/prosecution function between independent organizations. The preservation of these two equally important but often conflicting values seems to be more fully assured by this arrangement. When conflicts arise between the two values, one cannot easily be suppressed in favor of the other.

The main complaint prosecutors have about the police is that they do not provide prosecutors with the amount and kind of information prosecutors need. The main complaint police have about prosecutors is that they dispose of too many cases by rejection, dismissal and plea negotiation. A second widespread police complaint is about the scheduling of cases for prosecutorial review or court appearance. The complaint is that in their scheduling decisions prosecutors (and the courts) do not sufficiently concern themselves with police considerations, especially the high cost of overtime pay.

In addition, both groups hold certain complaints about each other in common, namely, that the other (a) lacks competence; (b) is difficult to coordinate and communicate with; (c) is too "political," too concerned with establishing statistical "track records" that make them look good in the public eye; and (d) does not understand the functions of or constraints on the first agency.

The complaints each group has against the other are deeply felt and occasionally expressed in heated interpersonal exchanges and revenge or avoidance tactics at both the interpersonal and interorganizational levels. Each group is aware of and can accurately predict most of the main complaints the other group has against them.

Lying behind the police complaint about overly lenient prosecutorial disposition practices are four distinct issues: (1) To some extent this complaint reflects the lack of understanding among the police of the constraints under which prosecutors operate and what it takes to get convictions in cases (2) To some extent, the complaint is a misstatement of the true complaint. That is, it was found that for some crimes the police would actually make the same or even more lenient decisions than prosecutors if given the chance. The real issue is not about outcome but about allowing police to have input into decisions and the status-conferring implications of such police input. The police become invested in their cases and feel that their opinion of and knowledge about them should be taken into account in the disposition decision making. When this is done they are significantly more satisfied with the outcome decision.

(3) For some crimes, especially vice offenses, the police complaint about prosecutorial non- or underenforcement represents differences of value and opinion between police and prosecutors over the propriety and effectiveness of

enforcing those laws. Contrary to those who believe that police and prosecutors should strive for philosophical unity with regard to these and other matters, we believe these inconsistencies in enforcement policy are not necessarily undesirable when they involve criminal laws whose desirability is questioned by substantial and reasonable segments of the public. Rather, these inconsistent policies seem to represent a viable compromise between the incompatible public interests of having the criminal justice system "do something" but not do too much about these controversial matters.

(4) To some extent, the police complaint about non- or underprosecution of crimes represents an inverted questioning of their own arrest policies. If too many cases are being summarily dropped out of the system and resources are not available to increase the system's capacity, then a partial solution to the problem is to reduce the number of arrests.

ACKNOWLEDGEMENTS

This project was supported by Grant No. 78-NI-AX-0025 awarded to the Institute of Criminal Law and Procedure, Georgetown University Law Center, by the National Institute of Justice, U.S. Department of Justice, under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Points of view or opinions stated in this document are those of the Project Director and do not necessarily represent the official position or policies of the U.S. Department of Justice, Georgetown University, or any other persons or organizations who were involved in this study.

We gratefully acknowledge the advice, review, comments, criticisms and support of the following people.

Advisory Board Members

Bernard Carey
State's Attorney
Cook County
Chicago, Ill.

Lee C. Falke
District Attorney
Montgomery County
Dayton, Ohio

Burtell Jefferson
Chief, Metropolitan
Police Department
Washington, D.C.

Frank Remington
Professor, Law School
University of Wisconsin
Madison, Wisconsin

Patrick Murphy
President
Police Foundation
Washington, D.C.

Liaison Representatives of Related NIJ Projects

Joan Jacoby
Director
Jefferson Institute of Justice
Washington, D.C.

Barbara Smith
Institute for Social Analysis
Reston, Virginia

Frank Leahy
Institute for Law and Social Research
Washington, D.C.

Consultants

James Aherns
Consultant
Arlington, Virginia

Donald McIntyre
Director
American Bar Foundation
Chicago, Illinois

James Barklow
Executive Assistant District Attorney
Dallas, Texas

Jerome Miron
University Research Corp.
Washington, D.C.

Johnnie Daniel
Professor of Sociology
Howard University
Washington, D.C.

David Neubauer
Visiting Fellow
American Judicature Society
Chicago, Illinois

William M. Evan
Professor
Sociology and the Wharton School
University of Pennsylvania
Philadelphia, Pennsylvania

Abert J. Reiss, Jr.
Professor of Sociology
Yale University
New Haven, Connecticut

Yale Huffman
Attorney
Denver, Colorado

Elizabeth A. Stanko
Professor of Sociology
Clark University
Worcester, Massachusetts

Joan Jacoby
Director, Jefferson Institute of Justice
Washington, D.C.

National Institute of Justice Project Monitors
Police Division

Joseph Kochanski
Chief, Police Division

John Sullivan
Police Division

George Shollenberger
Police Division

Kay Monte White
Police Division (Formerly)

Adjudication Division

Cheryl Martorana
Chief, Adjudication Division

Linda J. McKay
Adjudication Division

Georgetown University Staff
Institute of Criminal Law and Procedure

William F. McDonald
Project Director
Deputy Director of the Institute and Associate Professor of Sociology

Mary Ann De Rosa
Administrative Assistant

Henry H. Rossman
Senior Research Sociologist

Marilyn Budish
Sandra F. Brunet
Carolyn Silberstein
Junior Researchers

James A. Cramer
Senior Research Sociologist

Jay R. Guisti
Bonnie J. Beavan
Greg Moser
Student Assistants

Samuel Dash
Institute Director

Law Center

David J. McCarthy
Dean

Denis Ransmeier
Assistant to the Dean

John Kramer
Associate Dean

The Faculty Support Services

In addition to the above named people, we would like to thank the kind cooperation and generous efforts of the many police, prosecutors, defense attorneys, and defendants in the 16 jurisdictions visited (including Baltimore County, Maryland; Bristol, County; Massachusetts; Bronx County, New York; Dallas County, Texas; Hennepin County, Minnesota; Knox County, Tennessee; Madison County; Illinois; Monroe County, New York; Multnomah County, Oregon; New Orleans, Louisiana;

Orange County, Florida; Philadelphia, Pennsylvania; Pima County, Arizona; San Mateo County, California; St. Louis, Missouri; Wayne County, Michigan) as well as the numerous other police and prosecutors who responded to our call for information or who in other ways shared their views and experiences with us. We hope that we have rewarded their cooperation by accurately and fully conveying the major concerns they expressed and providing a basis for advancing the quality of American criminal justice. Of course, in the final analysis the findings and conclusions presented in this report represent our interpretation and synthesis of what the many people acknowledged above conveyed to us. Consequently, the responsibility for these findings and conclusions rest ultimately with the authors of the report alone.

Chapter 1

INTRODUCTION

A. Background

This project had three major goals: (1) to describe the relationship between police and prosecutors in jurisdictions with populations over 100,000; (2) to identify the main conflicts, weak points, and perceived problems in that relationship; and (3) to analyze the causes of and potential remedies for as well as the desirability of resolving such problems.

The need for a systematic analysis of the police-prosecutor relationship has been apparent since the work of the crime commissions of the 1920's when it was reported that "[t]he country over there is frequent and characteristic want of cooperation between the investigating and prosecuting agencies in the same locality. A prosecutor may work with the police or not, and vice versa. Many examples have been found of these public agencies at cross-purposes or at times even actively thwarting one another, with no common head to put an end to such unseemly and wasteful proceedings" (U.S. National Commission on Law Observance and Enforcement, 1931a:17).

The importance of the police-prosecutor relationship was further underscored by the pioneering statistical studies of those commissions that documented the high rate of case attrition from the criminal justice process. The commissions discovered that the American administration of justice is not a system of justice by trial. Rather, the majority of cases are disposed of in administrative settings by decisions of police, prosecutors, lower court judges and grand juries in the course of rejecting, dismissing, and plea bargaining cases. This discovery led them to call for a restructuring of the police-prosecutor relationship especially in regard to the initial screening process. The Cleveland Crime Survey (1922:209) recommended that the practice of having police-prosecutors do the initial charging in cases should be eliminated; that the county prosecutor should take charge of all state cases, both felonies and misdemeanors, prior to their being initially filed in court; and that the charging standard should be something higher than probable cause. A decade later after many additional studies the National Commission on Law Observance and Enforcement (1931a:20) agreed that because of "the slipshod way which cases are initiated by the police or other investigating agency and the tendency to arrest first, and find the case, if at all, afterwards," there was a need for case assessment at the earliest possible point in the process. But the Commission decided to wait for further research before endorsing the idea that the prosecutor should be in charge of that screening process.

Four decades later there was no longer any doubt. The American Bar Association (1971:84) and the President's Commission on Law Enforcement and Administration of Justice (1967c:5) both endorsed the view that prosecutors should assume complete responsibility for the initial charging process. Moreover, the President's Commission went on to recommend that as many cases as possible should be eliminated from the criminal justice system as early as possible without sacrificing the proper administration of justice.

Questions about the extent to which these recommendations have been met, whether they are even feasible, and how police and prosecutors have responded

to attempts to implement them in their jurisdictions have not been systematically addressed until the present study. In addition, several other issues related to the relationship between police and prosecutors contributed to the need for the present study. The complaint about the insufficient cooperation between criminal justice agencies has continued to be identified as a serious problem (Freed, 1969). Questions about the cause of the conflict between police and prosecutors have been raised but not settled (Reiss and Bordua, 1967; Neubauer, 1947b). New studies relating to the attrition of cases from the justice process have offered various explanations for that attrition all of which were directly related to the interconnected work of police and prosecutors. One study suggests that case attrition may be due in part to the failure of the police to obtain the correct names and addresses of witnesses (Cannavale and Falcon, 1976). Another suggests it may be due more generally to the amount of information supplied in police reports which in turn seems to be a function of what the prosecutor demanded of the local police (Petersilia, 1976). A third study suggests that it was due to substantial differences among police in their ability or willingness to make cases as strong and trialworthy as prosecutors need them (Forst, et. al., 1977). Yet another study suggests that at least for the crime of rape the high rate of cases not resulting in conviction may be due to the poor quality of work on the part of both police and prosecutors (Battelle Memorial Institute, 1977a and 1977b). Meanwhile, other groups noting the inconsistencies in enforcement policies between police and prosecutors generally as well as specifically in regard to gambling were calling for their elimination and for the establishment of philosophical harmony between these two agencies (National Advisory Committee on Criminal Justice Standards and Goals, 1976; and Fowler, et.al., 1977, respectively).

Although the above and other issues had been known for years, there have been few attempts to organize them into a systematic assessment of the police-prosecutor relationship--as evidenced by the sparse literature on this topic. The existing literature is of three kinds: (1) a very few works directly on point (except, for example, McIntyre, 1975); (2) a greater number of works that either deal with the relationship within some limited focus or tangentially in the course of discussing some other more general topic (for example, most of the works cited above); and (3) a vast number of works dealing with a variety of issues that have some bearing on the police-prosecutor relationship (for example, literature on confessions, charging, and plea negotiations).

Thus, at the outset of this project there were a large number of questions to be addressed, a large literature of partially relevant material, and almost no literature setting down the basic parameters of the topic. In recognition of this, the project was deliberately given a broad scope. It was thought as an exploratory, formulative work that would not only generate new information but also synthesize the relevant existing literature; answer some questions; reformulate others; provide a conceptual framework that would raise the discussion to a more general level so that relevant literature from outside the criminal justice field could be brought to bear on the problem; and, finally, to provide an evaluative framework that would allow policy makers to better understand the main considerations in organizing the police-prosecutor relationship to achieve the maximum feasible quality of the administration of justice. The conceptual framework is that of organizational theory with special emphasis on communications theory. The evaluative

framework consists of a "model" arrangement of the criminal justice process that identifies the main trade-offs in organizing the process to achieve a high quality of justice.

B. Methodology

Because of the exploratory, formulative nature of the study as well as the requirement imposed by the then National Institute of Law Enforcement and Criminal Justice that a large number of jurisdictions be visited, the primary source of information for this study are the semi-structured interviews with 205 law enforcement officers and 85 prosecutors in 16 purposefully selected jurisdictions. The jurisdictions were selected so as to achieve substantive rather than numerical representativeness. That is, the principle of selection was not to find the "typical" jurisdiction but rather to maximize relevant differences among jurisdictions so that as many different arrangements of and problems in the police-prosecutor relationship as possible could be observed. This was done by first identifying from the literature and early discussions with police and prosecutors what factors appeared to be significant in shaping the police-prosecutor relationship. Then, a file was established on 128 jurisdictions indicating whether the above factors were present in those jurisdictions. This file was based on information from several sources including the computerized files of LEAA, a nationally distributed call for information, requests at three professional gatherings of police and prosecutors, and a grapevine technique using our consultants. Jurisdictions were then chosen from this file.

Within each jurisdiction both police and prosecutors were interviewed; and within each type of agency people from several different levels of the organization were interviewed including the executive, middle command and line levels. Furthermore, within each jurisdiction two law enforcement agencies were visited. One was always the largest agency in the jurisdiction. The other was either a medium or small size agency. In a few of the initial jurisdictions some defense attorneys were interviewed.

In addition to the above, there were five other sources of data used.

(1) A 16-item telephone interview was conducted with the felony prosecutor's office and the major law enforcement agency in each of 40 randomly selected jurisdictions with populations of over 100,000. This survey was designed to determine how representative certain views and practices relevant to the police-prosecutor relationship are.

(2) A decision simulation was administered to an adventitious sample of 62 police officers. Their decisions regarding how a hypothetical armed robbery case should be disposed of and on the basis of what information were compared with a sample of 138 prosecutors (whose responses had been obtained in a previous study of plea bargaining). This substudy had two purposes. One was to test the hypothesis that police may not realize how much information prosecutors feel they need to make decisions. The other was to determine whether police and prosecutors would in fact differ over disposition decisions if they were dealing with exactly the same case.

(3) Three panel discussions of the problems in police-prosecutor relationships were held between project staff and groups of police and

prosecutors. The first was with a group of more than 40 command-level police officers attending a briefing conference in connection with the Integrated Criminal Apprehension Program. The second was with a group of 28 chiefs of police from major metropolitan departments attending the National Executive Institute of the FBI Training Academy. The third was with a group of a dozen supervisory-level prosecutors who attended the special session on police-prosecutor relations conducted by the project at the Mid-Winter Meeting of the National District Attorneys Association. Each of these discussions was open-ended and attempted to get the participants to identify both the main problems in the relationship and the causes of those problems. In addition to the discussions, self-completing questionnaires were distributed at each of these three meetings and respondents were asked to identify the major problems as they saw them.

(4) Secondary analyses of structured interview data as well as case information data on about 3,000 robbery and burglary cases from six jurisdictions obtained in a previous study of plea bargaining were done.

(5) An 18-item semi-structured interview was conducted with non-probability sample of 15 defendants serving less than five-year sentences in a county house of corrections.

C. Organization of the Executive Summary

The immediate concern of this study has been the police-prosecutor relationship and the problems, inefficiencies and weaknesses in it. But the ultimate concern, of course, has been improving the quality of justice. Thus in analyzing the nature of the police-prosecutor relationship it has been necessary not only to identify problems and mutual complaints that police and prosecutors have about each other but also to set the analysis in a conceptual framework that articulates these many individual, seemingly disjointed complaints into an integrated, systematic whole; and to develop some way of relating variations in the police-prosecutor relationship to the quality of justice.

The conceptual framework most useful in this regard is that of the theory of large scale organizations particularly the work on communications and interorganizational relations. The administration of criminal justice can be conceived of as consisting of two basic "core technologies" (i.e., sets of activities, skills, knowledge and physical apparatuses organized around some goals), namely, (1) people processing and (2) information processing and decision making (or, more generally, communication). Police work involves both sets of activities. But, prosecutors' work deals exclusively with information and relies almost entirely upon the police for that information. Thus, the fundamental link between the work of prosecutors and police lies in this process of communication; and many of the problems, inefficiencies and conflicts between these two groups arise out of the organization and operation of this process. Moreover, the quality of justice administered in a jurisdiction is to a large extent a function of the quality of this interorganizational communication which, in turn, is affected by various constraints some of which can be altered for the better without drastic or massive reforms.

This report begins by describing what police and prosecutors say are the

main complaints they have against each other. It then examines the police-prosecutor relationship in three other ways: first, using communications theory to show where and why the communication between police and prosecutors breaks down and what significance this has for the quality of justice; secondly, using organizational theory to better understand conflicts between police and prosecutors over goals, the division of labor, and interagency coordination; and, finally, using the stages in the criminal justice process to further illustrate the division of labor between police and prosecutors particularly to show how the early case screening process and the quality of pretrial justice is related to the differences between jurisdictions in where and how the prosecutor's office intervenes in this process.

Chapter 2

PROBLEMS IN THE POLICE-PROSECUTOR RELATIONSHIP AS PERCEIVED BY POLICE AND PROSECUTORS

The main complaint police have against prosecutors has to do with dissatisfaction with one or another aspect of the pattern of case dispositions. The specific nature of the complaint varies. Sometimes it focuses on the charging decision; sometimes on plea bargaining or dismissal. Sometimes the rates of these adverse decisions are too high; sometimes the reasons for the decisions are wrong or inappropriate. In general, the main police complaint about prosecutors is that they are too "conviction-oriented" by which the police mean that prosecutors are only willing to take very strong, winnable cases to trial and are too ready to plea bargain, dismiss or reject the rest.

Directly related to this complaint is a series of other criticisms police have about prosecutors which in the minds of the police account for this pattern of overly lenient or inappropriate case dispositions. They feel that prosecutors are just using their office as a stepping stone on a legal career and therefore lack an appropriate level of dedication to law enforcement; that prosecutors are too "political" which means that they are overly concerned with their personal and organizational "track records;" that they are afraid of offending members of the local power structure; that prosecutors are too inexperienced and lack the competence to obtain appropriate dispositions either at trial or through negotiations; that prosecutors are either too lazy or too overworked and therefore do not prepare for trial; and that prosecutors have an obstructionist, can't-do attitude and use the law to find ways to prevent successful prosecutions rather than to achieve them.

A second major police complaint about prosecutors is about poor "communications" between the two organizations. Frequently this complaint focuses on two specific failures. One is that the police are not consulted before prosecutors make disposition decisions (especially plea bargaining decisions). The other is that prosecutors do not feed back information to the police regarding case disposition decisions and the reasons for them. In addition, the complaint about poor communication sometimes refers to the inaccessibility of prosecutors to the police, the fact that police cannot reach prosecutors when they need them.

The third general category of common police complaints about prosecutors is that they do not understand or appreciate police work, problems and priorities. One variant of this theme is that prosecutors do not "know the street" and therefore are naive about the real world of crime, unsympathetic towards and distrustful of police explanations of why certain things were or were not done in a case, and less diligent and effective as prosecutors. Another variant refers to the problem of the scheduling of police appearances in court and at the prosecutor's office. The concern of police executives is that the overtime costs involved in such appearances have become astronomical and represent one of the largest items in police budgets. Police executives feel that prosecutors (and judges) do not take this factor sufficiently into account in scheduling cases or objecting to continuances. At the level of the line officers, the scheduling problem is also a sore point. These officers do not enjoy the long and what to them appears to be useless waits in court; and,

unless they are looking to make extra pay, they do not like having to give up vacation days to be in court.

The main complaint prosecutors have about the police is that they do not provide prosecutors with the amount and kind of information (evidence) they need. Investigations and case reports are insufficient for the purposes of prosecution. Prosecutors say the police are too arrest-oriented. That is, they terminate their role in a case as soon as they have probable cause and an arrest; and it is difficult to get them to continue to investigate a case once it has been cleared by arrest and filed with the court, i.e., once they have gotten their arrest and clearance statistic out of it. Prosecutors attribute this to a lack of knowledge among police as to what information is needed by prosecutors and to a lack of incentive. That is, the job of making cases trialworthy is not rewarded within the traditional police reward structure.

A second, related complaint is that the police do not understand the realities of prosecution. Thus, they not only fail to bring in strong cases but do not understand why prosecutors have to reject, dismiss, and plea bargain cases. This results in unnecessary misunderstandings and conflicts.

A third common complaint is about failures in communication and coordination between police and prosecutors. This takes a variety of specific forms including complaints that the police do not ask for prosecutorial advice before acting, or police fail to warn prosecutors about weaknesses in cases, or the police are not easily accessible to discuss cases, or too many police officers get involved in a case thereby unnecessarily complicating its prosecution.

In comparing the complaints of police and prosecutors about each other one is struck by some exquisite ironies. Both groups agree that dispositions decisions are not what they should be; but, police think this is due to prosecutorial incompetence, misguided leniency, lack of zealousness and overconcern for the public relations value of good conviction records. In contrast, prosecutors say it is due to the failure of police to bring in strong cases which they believe is the result of police incompetence, lack of zealousness and motivation, and an over-concern for the public relations value of good arrest records. Both groups say their respective jobs are not understood by the other group and that this causes needless conflict. Both groups complain about poor communication with each other and that the other group should consult with them before making certain decisions. The ultimate irony is that when asked to predict what the other group would criticize them for, both police and prosecutors accurately predicted most of the major complaints the other agency had against them.

The policy and remedial implications of the mutual complaints of police and prosecutors can be more fully appreciated when the general issues lying behind these complaints are identified and set in a large conceptual and evaluative context. This is done in the following three sections which make up the balance of the report.

Chapter 3

POLICE-PROSECUTOR RELATIONS AND COMMUNICATION THEORY

A. Criminal Justice as a Communication Process

In order to fully understand the police-prosecutor relationship as well as the quality of justice administered in a jurisdiction it is useful to examine criminal justice as a communication process. The latter consists of three parts: a signal source (i.e., a criminal event in the present discussion) whose signals must be encoded into messages in some "language" and transmitted through channels (e.g., police reports, physical evidence, witnesses) to a receiver (prosecutor, judge or jury) who decodes (interprets) the message. Lying outside the communication process, itself, but linked to it is the decision that is made on the basis of the information supplied. The investigation and prosecution of a crime actually consists of a series of mini-communication systems in which the output of one becomes the input of the next. It usually begins with a witness noticing a crime and reporting it to the police, who may send patrol officers and later investigators, one or more of whom will make verbal and/or written reports to a prosecutor, who may in turn make a report to another prosecutor, who either decides the case through plea negotiations or directs the state's attempt to convey all this information to a jury.

B. Obstacles to Maximum Communication

The main complaint of police and prosecutors about each other can now be examined more systematically. The police complaint--as they state it--is about the outcome of the communication process (i.e., the decisions made by prosecutors with the information supplied). In contrast, the prosecutor's complaint is about the inadequacy of the communication process itself. The true nature of the police complaint is examined later. What follows below is an analysis of obstacles in the communication process.

There are four main sets of factors that account for why prosecutors do not receive the information they need: (1) legal constraints on the organization and operation of the communication process; (2) the nature of the information needs of prosecutors; (3) the organization and operation of the channels of communication between the criminal event and the prosecutor; and (4) the nature of police training and motivation.

There are legal and constitutional constraints on several aspects of the communication process including: how information can be obtained from sources; whose job it is to obtain the information; how much time is available between the criminal event and the presentation of the information to the decision maker; the degree of fidelity of the information necessary; who has access to the information; and what information is regarded as relevant to the decision maker.

The information needs of the prosecutor are enormous, comparatively speaking. That is, prosecutors need more than the minimal, gross detail sufficient to establish probable cause. They need the fine detail and nuance necessary either to prove a case beyond a reasonable doubt if it goes to trial

or assess its true strength and "value" if it is to be plea negotiated. To do this properly prosecutors need to know not just the bare facts but a full description of the event in order to assess whether the event fits within the meaning of the law. They also need to know about the credibility of witnesses and anything that would affect a jury's verdict. In addition, they need up-to-date and complete information regarding the defendant's prior record as well as any well-substantiated information about his current criminal activities in case they want to negotiate a plea or consider diversion.

The two main channels of communication between the criminal event and the prosecutor are: the documentary channel (police reports) and the verbal (person-to-person) channel (conferences between prosecutors and police and, sometimes, with witnesses). In order to best meet the information needs of the prosecutor both channels should be used because each has advantages the other lacks. The documentary channel is essential to establish a record and is most useful in conveying highly structured items of information, such as prior record, especially when a fixed, check-off format is used. But, it is not adequate for transmitting detail or the full context and chronological sequence of events and the investigation. Nor does it allow the prosecutor to assess the non-verbal messages of police and witnesses that may bear on credibility. For these things, the person-to-person case review between police and prosecutor (and witnesses) is necessary. Ideally such a review should be between the police officer responsible and most knowledgeable about the case and a prosecutor with trial experience who knows how to correctly evaluate cases in local terms.

This arrangement exists in six of the 16 jurisdictions in our non-probability sample. The other jurisdictions use some compromise from this ideal. Moreover, because of the increased costs of transportation and police overtime associated with case transfer, some jurisdictions are adopting interorganizational communication arrangements that substantially reduce the quality of the communication. For instance, instead of each officer delivering his own case to the prosecutor batch-processing systems are being used in which one officer delivers all cases for the department. Such arrangements not only reduce the quality of the case-related communication but also forfeit certain other important benefits associated with the person-to-person exchange between police and prosecutor including: (1) the ability of the police to convey information they do not want to put in writing; (2) the prosecutor's ability to give immediate feedback regarding case disposition, errors in the case or leads for further investigations; and (3) the prosecutor's control over the case screening process.

Because of the increased costs of the person-to-person method of case transfer, jurisdictions may want to consider alternative arrangements that are less costly but approximate the degree of communication and control provided by person-to-person method. Several alternative arrangements have been tried and can be ranked in decreasing order of their ability to simultaneously satisfy the three criteria of reduced cost, maximum communication, and sufficient prosecutorial control over the process: (1) telecommunication and telecopier linkages between police and prosecutor offices; (2) extending the prosecutor's hours of availability for case review; (3) a two-track system in which the person-to-person channel arrangement is used only for the high priority cases and some compromise such as batch processing is used for the rest; (4) batch processing which employs a police "informed courier" who

familiarizes himself with each case before delivering it and can provide the prosecutor with more information than is contained in the written report; and (5) a batch processing system with an "uninformed courier." One other possibility that has not been tried but should be explored is that of a computer-assisted case-evaluation-and-report-writing system. Such a system should be designed to allow the police officer in charge of the case to interact with a computer programmed to ask the basic questions an experienced prosecutor would ask and to produce a written report including any index of case importance used by the local jurisdiction.

The fourth and final major explanation of why the prosecutor does not see the information he needs has to do with police training and motivation. When the police do not meet the prosecutor's information needs it is often because of either a lack of knowledge about what those needs are or a lack of incentive to meet them. The knowledge problem sometimes involves not knowing certain aspects of the law, such as the elements of an offense. But, just as often, it refers to a lack of appreciation of what it takes to prove a case at trial (or successfully negotiate a plea from a position of strength). The incentive problem is primarily attributable to the traditional definition of the police role in a case. That definition sees the police role as ending with arrest rather than with conviction.

Generally, except for the most serious or celebrated cases, the job of developing the case beyond mere probable cause to a trialworthy case is seen by the police as doing the prosecutor's work for him for which the police both individually and organizationally will get little or no credit. Prosecutors in many jurisdictions report that once the case has been accepted for prosecution it is difficult to get the police to do any further work on it. Several use the tactic of refusing to accept a case for prosecution until the police do the additional investigation. This situation is becoming more acute because of the new speedy trial rules. Prosecutors are now trying to get the police to abandon the practice of arresting as soon as probable cause exists and develop the habit of delaying arrests (in cases with little risk of fugitivity, destruction of evidence, or danger to the community) until a strong case has been built and, thereby, delay the time at which the speedy trial clock begins to run.

In brief, prosecutors would like to see the traditional police reward structure changed from one which emphasizes arrests and clearances to one which emphasizes the building of the strongest possible cases. Until this is done the main institutional incentive for making cases trialworthy will not be there and the numerous disincentives that the police have for providing the prosecutor with all the information they need will not be overcome. The police deliberately withhold and distort information given prosecutors for a variety of reasons including the tedium of writing reports; covering up inadequate police work; distrust of prosecutors; attempts to get cases accepted for prosecution and thereby counted as "cleared"; preventing the defense from discovering information or finding inconsistencies in the police officer's testimony and thereby reducing the probability of conviction.

C. Information and Justice

This study did not develop quantitative data with which one could analyze the relationship between the quality of information and the quality of

justice. But interviews, observations and logic support some propositions about this relationship that address certain underlying policy concerns. The quality of justice administered in a jurisdiction appears to be related to the quality of information available to the decision maker (all other things being equal). In general, procedural, formal justice can be achieved on limited information but substantive justice requires greater amounts of information, especially fine detail and nuance. Increasing the amount of information supplied by the police to the prosecutor will not necessarily change the local pattern of case attrition. The same rates of rejection, dismissal and plea negotiation may continue, yet, the quality of justice may have changed dramatically, for example, different kinds of defendants and cases may be dropped out of the system. Changing the amount and quality of the information per case may sometimes help the prosecution (by making the case stronger or demonstrating that the crime or the defendant is more serious than appeared earlier) and sometimes help the defense (by showing the inherent weaknesses of the case or that the crime or defendant is less serious than had appeared) but it is always in the interest of a higher quality of justice (assuming decision makers are disposed to using the information to achieve such a higher standard).

D. Interpreting Information

The value of different kinds of information supplied by the police to prosecutors varies with the context surrounding its interpretation. In particular, police credibility and the police relationship with the general public affects the evidentiary strength of police testimony and especially the value of confessions obtained by the police. Contrary to the literature extolling the crucial importance of confessions to the prosecution of cases, it was found that confessions are not highly regarded by prosecutors. This is because their value can be completely diminished at any time with any publicized incident bringing police credibility into question--something that is a standing problem in several jurisdictions. (An additional drawback of confessions is that once they are obtained, there is a tendency for the police not to seek additional evidence to further strengthen the case and protect it against suppression motions and credibility problems.) Our statistical analysis of robbery and burglary cases supported the conclusion that confessions are not as crucial to obtaining convictions as previously reported. Among cases that went to trial, the presence of a confession was not significantly associated with conviction in ten of the twelve analyses. With regard to the decision to plead guilty or go to trial, the presence of a confession was not a significant factor in three of the six jurisdictions analyzed. Of fifteen defendants interviewed, six had confessed but only two said the confession was a major factor in their decision to plead guilty.

While prosecutors are not interested in getting confessions, they would like the police to supply them with more of the statements and admissions of defendants, especially false exculpatory statements--something which gives prosecutors a tactical advantage both at trial and in plea negotiations. However, again in the interests of credibility these statements need to be as close to verbatim as possible rather than in the stereo-typical or conclusory language often used by the police. Similarly, in order to be convincing to jurors, prosecutors would like the police to use less stereotypical and stilted language while testifying and generally be more concerned with increasing their credibility with the jury through appropriate deportment and manner of testifying.

Chapter 4

ORGANIZATIONAL ASPECTS OF THE POLICE-PROSECUTOR RELATIONSHIP

A. Police, Prosecutors and Criminal Justice Goals

Police and prosecutor often wonder whether they are "really on the same side" and have the same goals. The criminal justice literature on this point is somewhat confusing and inconsistent partly because of the ambiguity of the concept of organizational goals. The literature on large-scale organizations is a little more helpful by providing both an analytic framework for analyzing types of goals as well as the substantive finding that conflicts of goals among different units of large-scale organizations is common, if not normal.

Five categories of organizational goals can be distinguished and used to analyze the compatibility of the goals of police and prosecutors, namely: social goals (things organizations do for society in general such as maintaining order); output goals (types of output defined in consumer functions such as consumer goods or punishment of offenders); system goals (the manner of functioning of the organization, e.g., whether growth or stability is emphasized); product-characteristic goals (whether emphasis is on quality or quantity; uniformity or uniqueness); and derived goals (the uses to which an organization puts the power it generates in pursuit of other goals) (Perrow, 1972).

Police and prosecutors have the same social goals. They both perform order maintenance and law enforcement functions and they both have the official responsibility of preserving two equally important but partially conflicting social values, namely, the control of crime and the rule of law. However, conflicts arise in the pursuit of these goals for three primary reasons. The prosecutor's function intervenes between the police and their goal of enforcing law by convicting criminals. Prosecutors often frustrate police efforts to achieve that goal by rejecting, dismissing, negotiating a case or losing it at trial. Some of the cases that are deliberately dropped from the prosecution or pled down to lower charges represent specific disagreements at the policy level between police and prosecutors as to which laws shall be enforced and at what level. Other times the disagreements are limited to conflicts between individual police officers and prosecutors over the value of particular cases. Such conflicts are not uncommon and occasionally result in physical hostility such as fist fights and tire slashings. At the policy level the disagreement involves the non- or minimal prosecution of certain classes of cases (often vice crimes) and these disagreements occasionally result in battles between police and prosecutors fought out in the news media.

It has been suggested by some groups (see, e.g., National Advisory Commission on Criminal Justice Standards and Goals, 1976; and Fowler, et. al., 1977) that inconsistencies in the enforcement policies of police and prosecutors should be eliminated. In our view, however, such inconsistencies are not necessarily dysfunctional especially when the laws involved are controversial and opposed by reasonable and substantial segments of the general public. Inconsistencies in the enforcement of such laws serve the interests of a pluralistic society by providing a compromise between the

Preceding page blank

conflicting demands on the system. The value clashes that exist between groups in society with differing views as to the propriety of a specific law are partially satisfied by having the criminal justice system both "do something" about these matters and yet not become overly intrusive or punitive.

The second source of conflict between police and prosecutors in achieving their social goals arises from their performance of their respective order maintenance functions. The main problem here seems to be a mutual misunderstanding of the other's order maintenance function. Prosecutors berate the police for clogging the courts with "cheap arrests" (i.e., street-corner gambling; small-time drug addicts; disorderly conduct). But, the police argue that these arrests are necessary to prevent neighborhoods from being taken over by these highly visible, nuisance offenders which the public wants controlled. On the other hand, the police criticize prosecutors for their high case rejection and dismissal rates. But, prosecutors argue that many of these cases are dropped or dealt with leniently because they involve disputes between people who know each other and in the course of case processing the disputes become resolved.

The third source of conflict over social goals is due to the differential allegiance of police and prosecutors to the goals of crime control and the rule of law. The police are more sensitive than prosecutors to the demand for crime control and prosecutors are more sensitive than the police to the requirements of legality. This is partly due to differences in their social and individual backgrounds but primarily due to the differences in the nature of their criminal justice system tasks and their structural relationship to the public. In enforcing law the police are under greater scrutiny from the public as well as greater pressure for immediate action. What is more, unlike prosecutors the police come in direct physical contact with defendants and are often involved in dangerous and sometimes painful and disgusting situations. Under these circumstances it is difficult to devote as much enthusiasm to preserving the rule of law as to controlling crime. In contrast, prosecutors being removed from the pressures of the street and having substantial training in the law are better able to play the role of the detached, reasonable man following the dictates of law. But, the aloofness and objectivity of the reasonable man can easily be resented and misunderstood by the man who is emotionally committed to a matter and who lives daily with the unreasonableness and inequities of the street.

With regard to outcome goals the police believe they differ from prosecutors in wanting more severe dispositions than prosecutors. However, it was found that when police and prosecutors were given a hypothetical armed robbery case and asked for their recommendations as to disposition, the police were more likely to be lenient than prosecutors in terms of the choice of disposition; the choice of charge; the choice of where the sentence should be served; the type of sentence; and the length of the sentence. This together with other findings suggest that the main police complaint about prosecutors (namely, that their disposition policies are too lenient) is not primarily about outcome (i.e., the leniency of decisions) but about product-characteristic and system goals. That is, the complaint is about the way the disposition decision process is organized and what information is used in reaching decisions. The complaint is that the system of negotiated justice does not give due recognition to the professional investment and proprietary interest of the police in the case disposition process. It does not accord

the police the opportunity to participate in that decision making process in a way that allows them to introduce information which might not otherwise be considered and which simultaneously accords them professional status similar to that of the other three professional groups involved in that process, namely prosecutors, judges and defense attorneys.

Furthermore, police satisfaction with the disposition process can be improved without radical changes in the criminal justice process. Improvements can be made by simply developing ways for allowing the police to have input into case disposition decision making and for that input to be taken seriously. Allowing for this would reduce some conflict between police and prosecutors; would reduce some of the demoralizing impact of plea bargaining on the police; and would also supply information useful to the decision makers.

With regard to the fifth and last type of goal, namely, derived goals, police and prosecutors appear to use the power generated by their operations to achieve similar derived goals, namely, to influence the community to provide them with the means for greater crime control and more efficient operations. However, behind the official rhetoric, these two organizations frequently use their power with the public, the legislature and the local funding sources to try to control each other, to gain favor at the other's expense, and to obtain new laws whose benefits are not always agreed upon by the two agencies.

B. The Division of Labor

The process of investigating, apprehending and prosecuting criminals involves a variety of tasks, the responsibility for which has been divided between police and prosecutors. That division of labor, however, is not fixed, final or consistent across jurisdictions. It varies in important ways and that part of it having to do with which agency shall control the post-arrest-early-screening functions has been continuing to evolve in the direction of prosecutors replacing the historical dominance of the police over this segment of the process.

Problems in the police-prosecutor relationship arise out of four aspects of the division of labor: normal conflict characteristic of the division of labor in larger organizations; conflict over a variety of specific issues of limited scope, such as who will conduct line-ups; and conflict over two issues of much larger scope, namely, the investigative process and the charging process.

Researchers who have studied large scale organizations other than the criminal justice system have found that while the principle of the division of labor allows man to achieve complicated tasks not otherwise possible it also has certain drawbacks. One of those is the common "tendency of any group of people occupying a given segment of an organization . . . to exaggerate the importance of their function and to fail to grasp the basic functions of the larger whole. Conflict between departments can become bitter and persistent. The members of each cannot accept common organizational objectives but only the specific tasks which comprise their daily lives" (Katz and Kahn, 1966:65). This tendency causes problems not only between police and prosecutor organizations but also within them, for example, between patrolmen and

detective divisions and between prosecutors at intake and those working in the trial units. A major part of this common problem in organizations is related to "circumscribed visible horizons" (Katz and Kahn, 1966:65) which in the current context means a lack of trial orientation. For the police this refers to the fact that they are too concerned with the limited horizon of probable cause and arrest, and insufficiently concerned with what the prosecutor is going to need when the case continues downstream in the process. For prosecutors (as well as judicial officers) working in the early screening and charging stages of the process, it often means either a lack of trial experience and hence a limited ability to properly evaluate cases, or a lack of motivation for assuming the responsibility of terminating cases at the earliest possible opportunity.

The conflicts that arise over specific issues of limited scope vary by jurisdiction but often involve two types of underlying problems: protecting one's limited budget or problems arising from unanticipated ambiguities in the division of responsibility. Typical of the budget problem are such conflicts as which agency shall bear the costs of conducting line-ups, transporting evidence to regional laboratories, or transporting witnesses or defendants subpoenaed from long distances. Typical of the ambiguous responsibility problem are such things as who has ultimate authority for the police unit serving as the prosecutors investigative detail. Most of these matters are things which could and should be worked out in a formal agreement between local police and prosecutor agencies.

With regard to the investigative function, conflicts between police and prosecutors occur as well as other problems not always leading to conflicts. Prosecutors have an investigative responsibility under law (see, e.g., State v. Winne, 12 N.J. 152, 96 A. 63 [1953]). They have an ethical duty to investigate suspected illegal activities when it is not adequately dealt with by other agencies (American Bar Association, 1971:30); and they have had their investigative staffs increased over time. Yet, the investigative function as a whole remains almost entirely with the police. This is to the detriment of the system because the police need, want and should have the advice and direction of the prosecutor in the investigative process (for instance, in matters of writing proper search and arrest warrants, the propriety of using informants, and the making of certain deals and the importance of getting certain evidence). In many jurisdictions the prosecutors have not concerned themselves with these matters on a systematic basis. Individual issues either go neglected or are dealt with on an ad hoc basis, usually after disaster has struck. In the wake of such incidents prosecutors will complain that the police should have checked with them first; and the police will counter that prosecutors are too inaccessible, disinterested or unreliable.

Some of these kinds of incidents could be prevented if clearer lines of responsibility and authority were jointly established. But this assumes a climate of trust and willingness among chief executives of each agency to grapple with sensitive issues. Two less desirable but more feasible interim substitutes or supplements are: (1) for prosecutors to be available to the police at least by phone at all times; (2) and providing means by which police and prosecutors can develop person-to-person contacts with each other in the course of processing cases so that informal social/professional relationships and, hence, trust can develop. In many jurisdictions these informal networks are the main means of interorganizational cooperation and advice. However,

they should be encouraged but not allowed to substitute for or subvert formal mechanisms of coordination.

The main exceptions to the general pattern of prosecutorial non-involvement in the investigative function are: investigations by the prosecutor's investigative staff; special investigative strike or task forces; and an increasing trend among prosecutors to make their offices available to the police at all times at least by telephone. Each of these types of involvements has its problems but none critical.

The prosecutor's own investigative staffs are for the most part not used in the preliminary or early follow-up stages of investigations. They are used primarily for tracking down witnesses (80% to 90% of their time). They are also used for putting last minute touches on cases and occasionally for re-investigating an entire case. These activities are often misunderstood and resented by the local police who worry about the prosecutor trying to put them out of business and resent the implied criticism of their work. In reality prosecutors are not interested in taking the early investigative process away from the police but would like the police to reduce the need for prosecutorial investigators by doing a better job of anticipating the prosecutor's needs.

Special task forces focusing on rackets, vice, drugs and economic crimes involve prosecutors directly in the investigation process from the outset--usually in joint efforts with the police. Two problems in connection with such units typically occur. One is the question of who makes the important overall choice of targets of the investigations, something that usually seems to go to the prosecutor. The other is the question of who controls the actual investigation of specific cases. The latter problem frequently involves both police and prosecutors stepping on each other's toes by trying to play the other's role. The unwritten division of labor that many such units have arrived at is that the prosecutor's job is to determine what information is needed and whether certain tactics in obtaining it are legal. The police officer's job is to know how to get the information.

This same problem of blurring of roles occurs in those jurisdictions where prosecutors respond to the scenes of crimes or arrests. There too the same solution has been worked out but only on an individual basis. Future units could avoid this common problem if this solution were made known in advance.

The fourth and final major aspect of the general division of labor between police and prosecutors that is problematic is their respective roles in the charging process. Responding to the demands of the modern administration of justice and the recommendations of national commissions, prosecutors have been extending their roles in the system to the earliest point in the charging process. The police have resisted this and in some places successfully delayed the process.

C. The Mechanisms of Coordination and Cooperation

The degree of coordination and cooperation police and prosecutors varies widely among jurisdictions along a continuum from the minimum necessary to transact business (i.e., process cases) to the opposite extreme of partial "mergers" in which police and prosecutors join each other on special task

forces.

The main mechanisms of coordination and cooperation between police and prosecutors are: informal social structures; exchange relationships; and selected formal structures. Although formal chains of command exist within and between police organizations much of the coordination between these two agencies at both the line and command levels relies upon personal ties between individuals based on professional friendships and collegial relationships. When the need arises members of both agencies call upon members of the other agency whom they know and trust, or they do not call at all. For this reason the usually high turnover rate among prosecutorial staffs as well as case transfer arrangements which isolate police officers from the prosecutors represent structural problems in developing better working relationships between the two agencies. The constant change in personnel depletes the network of social ties and contributes to the isolation of each group from the other. Therefore, prosecutors should seek to reduce the rate of personnel turnover and police executives should reconsider the desirability of programs which prevent the development of informal ties between agencies.

On the other hand, in pursuing collegial relationships between agencies, prosecutors must protect their staffs against cooptation by the police and the loss of the degree of detachment needed to resist inevitable police pressures for maximum prosecution and minimal legal constraint. Prosecutors must carefully walk the middle of the road. Too much aloofness alienates the police and reduces willingness to cooperate. Too close a relationship destroys the prosecutor's need for impartiality.

A second way of understanding the nature of coordination and cooperation between police and prosecutors is in terms of exchange relationships, i.e., voluntary agreements involving the offer of any utility in exchange for some utility offered in return. This happens at both the individual and organizational levels between police and prosecutors. A common and most important exchange which sometimes goes awry is "taking the heat" for the other agency. There are numerous other exchanges that occur including: accepting weak cases "just to get along" with the police; salvaging cases that the police "screwed up" by getting at least something from them through plea bargaining; making good on promises police made to defendants; and keeping prosecutors informed about the progress of sensitive investigations.

As for formal coordination between police and prosecutors, this has been attempted through the use of various mechanisms. "Coordinating councils" with representatives of police, prosecutors and sometimes other agencies have been established. However, none of these represent the kind of system-coordinating, policy-making body advocated by reformers (e.g., Freed, 1969). Their main function seems to be promoting good will and trust among agencies rather than setting overall law enforcement and prosecution policies or resolving disputes between agencies.

However, in one large jurisdiction the police and prosecutors have established a command-level coordinating group that meets bimonthly and deals with specific problems and complaints that arise between the two agencies. This group does not set overall system policy, such as the level of resources to be devoted to certain kinds of crime. But it does resolve limited issues that would otherwise fester and alienate the two groups.

"Police-prosecutor liaison" programs are a second kind of formal mechanism used in a large number of jurisdictions. However, these programs differ considerably in their purpose and operation. One common type involves assigning either one police officer or a unit the responsibility of coordinating case transfer from the police to the prosecutor as well as return requests for additional investigation. This type of liaison program can be valuable as a coordinating mechanism not only in connection with the routine processing of cases but also in the unrecognized but highly useful role of trusted go-between whom both agencies use to check the motives and intentions of the other. On the other hand, some of these liaison programs have the effect of further isolating police and prosecutors from each other. These are the programs where the liaison replaces the individual officer bringing over his own case to the prosecutor's office. Under such circumstances patrol officers rarely interact with or learn the needs of prosecutors; and investigators have a considerably reduced level of interaction with prosecutors.

A third formal mechanism of cooperation is the appeal procedures established in some jurisdictions by which police officers can appeal the decision of line-prosecutors to a supervisory prosecutor. These procedures serve primarily as gestures of good will and as safety valve measures for occasional cases.

A fourth mechanism is the formal intake screening units through which prosecutors review cases directly with the police and give them immediate feedback on the quality of their performance and the need for further investigation.

A fifth mechanism is the formal, written feedback of case outcomes and the reasons for decisions sent by prosecutors to the police. In theory such feedback systems are exactly what is needed to overcome the lack of coordination between police and prosecutors that arises from the fact that police are not oriented towards measuring their performance in terms of what happens after the case is accepted for prosecution. Their circumscribed horizon is due to a large degree to the fact that they do not systematically learn what the outcome of a case was or the extent to which their handling of it was responsible for a disposition that was more lenient than it might have been. The police want feedback for three reasons: (1) to improve their own efforts; (2) to have the satisfaction of knowing the results of their efforts; (3) and to fulfill one of the less visible obligations of their job, namely accounting to victims and the public for the case. The majority of police departments surveyed in our national probability sample say they do get some feedback from prosecutors on dispositions and the reasons for them at initial charging (68%) and for dismissals and plea bargains as well (86%). But, this finding is deceptive. It does not mean that the police are getting the kind of feedback they need.

In part the latter is due to the police themselves. Our field visits found that one of the main breakdowns in the feedback systems that do exist occurs when the information reaches the police departments. There the information is usually not distributed to the relevant individual officers and, more importantly, is not used systematically in assessments of police performance. The latter is, of course, tied to the traditional definition of

the police role as ending with arrest. Until police performance is measured to some extent in terms of the ability to make a case trialworthy and until methods are developed to help police managers interpret prosecutors' feedback for its meaning regarding police performance, feedback systems will not serve the coordinating function that they could and should serve.

A sixth major mechanism of coordination between police and prosecutors is the mutual participation of each in the other's training programs. This is already occurring in some jurisdictions but its full value is not being systematically or regularly exploited and the nature of the training does not always address the relevant needs. For both prosecutors and police those needs include not only developing necessary skills and knowledge regarding investigating and prosecuting cases but also developing a broad overview of the criminal justice system with an understanding of the constraints under which each of the two agencies operate. This should be done not only through classroom instruction but through direct observation of each other at work in the field. Prosecutors need an understanding of "the street" and police need an understanding of the negotiation and trial processes.

D. Trust and Effective Police-Prosecutor Relations

Greater coordination and cooperation between police and prosecutors is a desirable goal which reform groups have sought to achieve for years and for which various mechanisms already exist. An obstacle to achieving greater coordination and cooperation is the lack of trust between these two agencies. The level of cooperation between them is increased when a climate of trust is improved. The single most important factor in improving and maintaining a climate of trust between the two agencies is for one agency to demonstrate to the other that it is genuinely interested above all else in the fair, efficient, effective and non-political administration of justice. This can be achieved through a variety of specific tactics but the tactics themselves are not the formula for success. Rather it is their underlying significance as indicators of this commitment to the impartial administration of justice.

Some tactics include: for prosecutors, showing some responsiveness to police priorities; independence from political influences; willingness to work with and be available to the police; consistency in decision making; tactfulness in interpersonal exchanges; and for the police the avoidance of a reputation for perjury; conducting thorough investigations; and for both agencies restraint in criticizing the other and a willingness for hard work.

Even if an agency is performing effectively and impartially it cannot assume that the other agency perceives their performance that way. It may be necessary to take additional steps to call that fact to the attention of the other agency.

Once a climate of trust has been established it will not necessarily be destroyed by situations where prosecutors must prosecute police officers for some unlawful actions provided that the prosecution is not seen by the police as politically motivated.

In some jurisdictions the alienation between police and prosecutor agencies may be so great that achieving greater coordination and cooperation under the current administrations may not be feasible. But in most

jurisdictions it is possible to reverse previous patterns of isolation and distrust by determined efforts to win the other agency's trust.

Chapter 5

POLICE, PROSECUTORS, AND THE CRIMINAL JUSTICE PROCESS

A. The Screening Process

The police-prosecutor relationship cannot be fully understood unless it is examined both in terms of the main problem facing the American criminal justice process and in terms of the work of each agency within the stages and subprocesses of that process.

The main problem facing the American system of administration of criminal justice economic—is the enormous discrepancy between crime incidents (demand) and available criminal justice resources (supply). The justice system can not promise to catch every criminal or to give every defendant a trial. Methods must be found to reserve the jury trial disposition for the few cases that "should" or "need" to go that route and bring the vast majority of other cases to some other disposition without unfairly denying defendants their right to trial or unduly jeopardizing the safety of the community.

The two main methods of coping with the caseload problem are decriminalization and selective enforcement and prosecution, i.e., "screening" in the generic sense. Of the two the latter is the more feasible. Decriminalization has long been advocated but not extensively used because of its high visibility and political risks to criminal justice practitioners. In contrast, selective enforcement occurs at a less visible level and over the last 150 years has become the central reality in the administration of justice. The two key agencies in this screening process are the police and the prosecutors. The police control the threshold decisions as to what to investigate and whom to arrest. Then, of all the arrests that are made, the police and prosecutors are the primary decision makers responsible for disposing of approximately 95% of those cases through decisions made in administrative settings rather than in adversarial hearings before a judge in open court. The overall screening mechanism consists of the series of decisions regarding who to investigate; who to arrest; whether to charge; with what kind, level and number of charges; and what terms should be agreed to if the case is negotiated. In general the police have not yet come to an understanding or acceptance of the necessity or legitimacy of selective enforcement and prosecution. While they may agree that a few cases have to be rejected, dismissed or plea bargained, they generally object to the extent to which this goes on; and they have serious reservations about who makes these decisions, how they are made and on what grounds. The police have special difficulty in accepting the broad discretionary powers of the prosecutor. They question the wisdom and legitimacy of his being able to decide what laws shall be enforced and against whom. They would feel that a better quality of justice would be done if a grand jury or a judge made these decisions.

Most important of all, the police do not recognize their own role in creating the problem that selective prosecution is designed to solve. Therefore, they are not actively seeking ways in which they can help resolve it. They could reduce the volume of prosecutorial screening by reducing the number of cases they bring in, by making stronger cases and better reports, and by exercising their power to terminate cases after arrest on their own

authority (as is allowed in certain jurisdictions). However, the police are not pursuing these solutions. In none of the 16 field sites are the police even considering limiting the number of arrests. The majority of police departments in our national sample do not release suspects after arrest. And, the police have not institutionalized an emphasis on making cases trialworthy rather than just sufficiently strong to justify arrest.

We recommend that each of these possibilities for greater police participation in the overall screening process should be explored. The desirability of police striking a proper balance between the quality and quantity of arrests seems clear. However, the questions of non-arrests and release after arrest by police raise concerns about legality and the possibility of abuse. These need to be further studied before all the costs and benefits of such policies can be determined. The experience of one jurisdiction where the police release and terminate 55% of the armed robbery cases suggests that there are substantial savings to be gained by such practice. On the other hand, the better policy may be to reduce the police incentive to make arrests and encourage them to adopt a higher standard of probable cause.

In contrast to the police, most prosecutors have at least accepted the reality and legitimacy of certain kinds of case screening. But they have not unanimously or fully responded to the challenge. National commissions have recommended that the charging decision should be the major filtering point in the system. They further recommended that this decision should be controlled by the prosecutor; that the standard for case screening should be something higher than probable cause; and that in addition to the singular question of whether there is enough evidence to proceed, the prosecutor should consider other matters such as court backlog, equity, utility and economy in deciding whether to prosecute.

We have found that these recommendations have not been implemented in many jurisdictions. Some chief prosecutors in major jurisdictions have yet to see it as their responsibility to take over the charging process and conduct the kind of screening recommended. In other places prosecutors would like to do this but are being resisted by the police. A substantial proportion of offices (39%) in our national sample reported that they still use probable cause as their charging standard; and, a majority of the offices in that sample (51%) do not review cases before they are filed in court at the initial stage of the process. However, notwithstanding these findings, the overall trend is clearly in the direction of increasing prosecutorial recognition of the importance of early case screening.

One important unsettled issue is where the screening process should be located. Should it occur immediately after arrest (within 24 hours) and before initial filing in court; or, should it occur after initial filing but within a few days after arrest? The national commissions seem to imply that it should occur immediately after arrest. In jurisdictions that have this arrangement substantial economies for both the defendants and the state are achieved. (For example, 20,000 of 22,500 felonies were either dropped from prosecution or reduced to misdemeanors in one jurisdiction; 42% of 20,000 arrests were eliminated from the process immediately in another jurisdiction; and 42% of the murder cases were found to be non-cases in yet a third jurisdiction.)

Ordinarily, however, if the review is immediately after arrest certain kinds of information needed to assess the "true value" of the case may not be available (such as out-of-state prior records, line-ups, and an accurate assessment of the credibility and commitment of the law witnesses). Hence some cases that might be accepted may have to be dismissed or plea bargained later and others that were rejected may have been ones that would have been accepted if more information were available. In addition, this immediate review format would require substantial increases in prosecutorial staff in certain jurisdictions where cases are filed in numerous outlying lower courts (although this problem could possibly be solved with telecommunication linkages to the prosecutor's central office or through a computer-assisted case-evaluation technology).

If the initial prosecutorial review occurs a few days after the arrest, the process can be based on more complete information thereby increasing the prosecutor's ability to select out additional problematic cases and more accurately prioritize the rest. However, delaying the review to this time has several disadvantages. The cases that would have been screened out earlier have now been allowed to enter the court system thereby creating a variety of costs to the court and to the defendants. In addition the police will now control the decision regarding initial charges. This means that cases will usually be charged at higher levels than they would have been by prosecutors. This in turn means that bail will probably be higher than it would have been; the official criminal records will be misleading; and in some places the prosecutor's discretion in charging will have been constrained.

If the prosecutor's review does not occur until much later or not at all, then not only are the economies of early review lost (unless the police or the judiciary substitute screening of their own for that of the prosecutor) but also the police charging decisions will control the case throughout most of the initial charging stage and possibly through formal accusation.

In our non-probability sample of 16 field sites six had prosecutorial review prior to initial filing in court; six had the review a few days later; three had it much later; and one had essentially none at all. In virtually all jurisdictions where the police set the initial charges prosecutors reported that the police usually charge at the maximum level. The two main reasons for this appear to be the desire among police for the felony arrest statistic and the lack of the necessary knowledge and experience with the law as locally applied to be able to select appropriate charges.

The final mechanism of selective prosecution is plea negotiations. The use to which this mechanism is put and the kind of justice it produces depends upon the nature of the screening that occurs prior to plea bargaining. If there is effective screening, then most cases going forward will be reasonably strong and plea bargaining can be used primarily for doing substantive justice in a few worthy cases and for the bulk of the caseload obtaining convictions without trials in exchange for small concessions. In contrast, where there is no effective early screening, plea bargaining will take on a substantially more uneven character and the undesirable features of plea bargaining are more likely to occur. Because cases will vary in case strength as well as seriousness of the offender and other factors that affect plea negotiations, the evenhandedness and appropriateness of negotiations in particular cases

will be more problematic. What is more, plea bargaining will be forced to serve the early screening functions that would have been performed by an early review program. Charges will be adjusted and cases will be filtered out through plea bargaining that would have been rejected at screening. But, in both cases this will be done in exchange for guilty pleas except for those cases which were so weak as to require outright dismissal.

B. Tasks, Stages, and Processes

In all jurisdictions for most crimes the investigation and arrest decisions are controlled entirely by the police. Except for the comparatively rare investigation originating in the prosecutor's office, the prosecutor plays virtually no direct role in the initial stage of the process. Nor does he have a substantial role in shaping police policy decisions affecting what crimes get investigated and who gets arrested. With few exceptions most prosecutors have not seen it as their responsibility to act as some sort of chief law enforcement officer setting overall investigation and arrest as well as charging policies in their jurisdictions. Even those prosecutors who are willing to take an aggressive role in case screening usually see that role as beginning after the investigation and arrest decisions have been made by the police. Moreover, these prosecutors say they are not attempting to influence police investigation and arrest policies even indirectly through their (the prosecutors') charging practices.

Exceptions to the above are a few prosecutors who have tried to get the police to change their arrest policies especially in regard to the types of crimes they arrest; the targets of their arrest and the amount of investigation done before arrest. These prosecutors have used a variety of tactics to achieve their aims including refusing to charge cases; lobbying the state legislature for expanded authority over the initial charging process; and critcizing the police in the press. The first two methods have been successful.

While prosecutors do not try to influence arrest policies, many of them have programs designed to allow them to participate in the investigation and arrest stages by way of providing the police with advice on technical legal matters (such as the evidence needed for certain crimes and the writing of warrants). Ninety percent of our national sample of the prosecutors' office said they have a prosecutor on duty 24 hours a day, seven days a week to advise the police regarding legal questions in individual cases. However, whether or not individual police officers use this service depends upon their trust of and familiarity with the prosecutors involved. Field interviews indicate that this trust and familiarity are often not there and that this service is substantially underutilized.

The social organization of the charging stage of the criminal justice process varies widely among jurisdictions and this is associated with a concomitant variation in the roles played by police and prosecutors in that process. In the majority of jurisdictions the police play a substantial role in the charging process either officially or unofficially. In ten of our 16 field sites and 20 of the 39 jurisdictions in our national sample, the police set the intial charges. In one of our field sites where the prosecutor sets the initial charge, the police nonetheless have their own case review process which precedes the prosecutor's review by only a few hours and results in

about 50 percent of felony arrests being released. In other jurisdictions where prosecutors are formally in control of the initial charging, the actual decision is frequently made by the police and rubber-stamped by prosecutors. In still other places prosecutors have delegated their charging responsibility to the local detective bureaus or other police officers.

In contrast to charging, the plea bargaining process is more completely in the control of prosecutors; yet, the police still play a substantial indirect and, in some places, direct role in plea bargaining (although neither role is clearly recognized by the police). The police directly influence the need for as well as the terms of plea bargains through the kind of investigation and report they prepare. The stronger the case the better the prosecutor's position in plea bargaining. Beyond this, the police also bargain with defendants to get them to admit their guilt. In some jurisdictions plea bargains cannot be submitted to the judge unless the police have been at least consulted about, if not approved of, the terms of the plea. In a few jurisdictions where the police serve as prosecutors in the lower courts they engage in plea bargaining just as prosecutors would.

Most police say that in their negotiations with defendants they do not make promises regarding specific sentences or charges. Typically they say they use language that is vague but generally designed to encourage the defendant in the belief that if he admits his guilt there will be something in it for him. This apparently does not take much because, as we found in interviews with defendants, plea bargaining is well known and anticipated by defendants. They expect to get something in exchange for their admissions to the police and some of them initiate the bargaining without hesitation.

Some prosecutors and defense counsel say they find that by the time they get to a case a deal has already been struck between the defendant and the police. Seven of 15 defendants said that the police tried to bargain with them to get them to confess. Only one said that the police promised to "get him off." The other six said the police made less specific promises such as "things will go easier for you." Three of the seven defendants reported that they did confess.

The trial process is also something that is primarily in the control of prosecutors. But, the police do play a critical role in this process in their capacity as witnesses. In addition, in some jurisdictions the police serve as quasi-co-counsel to prosecutors. This is especially true in the lower courts where the police often serve as unofficial instructors for new prosecutors and also where even more experienced prosecutors faced with large caseloads frequently rely on the police to "brief them" on the case. In a few jurisdictions in the lower courts the police officially or unofficially serve as prosecutors.

While the police may play an important role in trial, several police officers each with a decade or more of experience report they rarely (less than 6 times) or never have been to trial. These officers preferred it this way and had come to rely on plea bargaining to dispose of their cases.

Chapter 6

RECOMMENDATIONS

A. Policy Recommendations

Prosecutors should minimize the rate of personnel turnover in their offices by appropriate means including both seeking adequate salaries for the assistants and requiring assistants to obligate themselves to the office for a minimum of three years.

Chief prosecutors should take appropriate action to provide an adequate level of police accessibility to their offices. This should include at a minimum: (1) the establishment of a procedure whereby individual police officers may appeal prosecutorial actions in individual cases to command-level prosecutors and ultimately to the chief prosecutor; (2) the establishment of a contact person within the prosecutors's office to whom the police can direct any inquiries, requests, and other matters which cannot otherwise be handled in the routine contact between police and prosecutors; (3) the establishment of an office policy regarding which prosecutor is in charge of a case at each stage in the process; (4) and, within the limits imposed by budgetary considerations and other priorities, the establishment of some form of availability of his office to the police for as close to a 24-hour-7-days-a-week schedule as possible.

Chief prosecutors should take appropriate actions to sensitize their staffs to the importance of the manner of interpersonal interaction with the police, victims and witnesses, and alert their staffs to the potential for those interactions to be misperceived because of the superior/subordinate structure of the relationship.

Prosecutors' offices must take steps to assure that a consistent standard of probable cause is used among their staffs.

Police administrators in consultation with their local prosecutor's offices should develop procedures for minimizing the number of police officers involved in processing a case and for identifying the officer in charge of the case and the principal/essential police witnesses.

Both police and prosecutors should be provided with the opportunity to develop an understanding of the order maintenance functions of the other agency. This should include some field experience observing the other agency. In addition, the policies and procedures of each agency should be designed so as not to unduly interfere with the exercise of the other's order maintenance function.

Coordinating groups of executive-level police and prosecutors (although not necessarily chief executives) should be established and should meet regularly to deal with the daily problems arising from their joint efforts.

Systems of feedback to the police providing case outcomes and the prosecutor's reasons for them should be established, and police should be assisted in developing ways of adequately interpreting and incorporating this information both into measures of police performance and measures of

departmental policy.

Jurisdictions that can afford it should establish procedures allowing for a prosecutorial review of a case before it is initially filed in court. Where this is not feasible then a prosecutorial review should be made within three to ten days after arrest.

Of all the arrangements for case transfer between police and prosecutor agencies we recommend that jurisdictions make every effort to achieve that arrangement which allows for person-to-person interaction between the police officer familiar with the case (and also lay witnesses) and an experienced prosecutor. However, when financial limitations make this arrangement not feasible, then the jurisdiction should adopt the next alternative arrangement that is financially feasible and most closely approximates this ideal. In our view, the various alternatives in the rank order of desirability are: (1) telecommunication and telecopier linkages between the two organizations; (2) extending the prosecutor's hours of availability for case review; (3) a dual-track system of prioritized cases in which the person-to-person track is used for the most serious cases and batch-processing for other cases; (4) batch-processing for all cases but with a courier familiar with the case before delivering it; (5) batch processing with an uninformed courier.

Police courtroom performance should be included in the normal measures of police performance; and both in-service and police academy training programs should give priority to instruction in the techniques for being a credible and effective trial witness.

Police departments should adopt career development programs involving the rotation of assignments. This should be done in tandem with a continuation of the traditional specialization among some detective/investigators. The rotating police officers should be allowed to investigate only less serious crimes and should be on assignment for a minimum of six months.

A formalized system of transmitting and tracking prosecutorial requests for follow-up investigations should be implemented in every jurisdiction. It should include a method for holding the police officer in charge of the case accountable for the timely and satisfactory efforts to complete the investigation. Consistent failure to execute such requests should be weighed negatively in decisions regarding promotion, merit increases, and other police benefits.

Agreements should be made between prosecutors' offices and the local police departments they serve regarding the division of work responsibilities, decision authority, and budgeting of tasks involved in case processing.

B. Recommendations for Future Research

The fact that there are more cases than the criminal justice system can handle fairly and effectively has long been recognized. The unanimous response of criminal justice reformers has been to recommend that cases should be carefully screened at the earliest possible point and weak cases eliminated. Since the 1960's the generally accepted view has been that the prosecutor should do this screening and it should be done between arrest and the initial filing of cases in any court.

However, in many jurisdictions this arrangement is not yet adopted; in many it is not regarded as optimal; and in many it would not be feasible for prosecutors to staff such an arrangement. Therefore, alternative screening methods should be tried and evaluated. They should be considered for use both as a surrogate for early prosecutorial screening in jurisdictions where the ideal is not presently feasible and as a supplement in others. In short, early (i.e., between arrest and initial filing) case screening by prosecutors should not be allowed to continue as the primary answer to the need for selectivity in the expenditure of limited criminal justice resources. Based on such research a model agreement useful nationwide should be developed for the police/prosecutor screening process.

In this regard three possibilities should be explored. The first is to explore the merits of expanding the police role in the selection process both before and after arrest. Demonstration projects might examine the relative benefits and feasibility of police policies designed to limit or reduce the number of arrests for selected categories of crime. Such an examination should include a look at such issues as how low a standard of probable cause is currently being used by the police and whether it could and should be raised; what place should there be, if any, for arrests that are made for reasons of order maintenance but with no expectation of prosecution; and to what extent arrests can be delayed until a case is more fully developed.

With regard to post-arrest screening, the possibility of expanding the police role in this area should be explored. Some jurisdictions (e.g., Detroit, Seattle) already make extensive use of such screening despite the fact that they also have early prosecutorial screening. Perhaps this represents an unnecessary duplication of efforts or perhaps it enhances the screening function and may even be a model for jurisdictions without early prosecutorial review. On the other hand, perhaps it fosters a disregard among police for the rigorous application of probable cause.

Another line of research regarding enhancing the screening function should be to explore the greater use of telecommunications and telecopier linkages between central prosecutors' locations and outlying police locations as an alternative to in-person, early screening by prosecutors. There are numerous possible efficiencies in terms of personnel and travel costs that might be achieved in addition to better case preparation, quick case disposition and reduced rates of case attrition.

Yet another possibility worth exploring is the development of computer-assisted case evaluation methods. It might be feasible to have the police produce more thorough, legible and useful reports for prosecutors by having them interact with computers programmed to evaluate cases along the main criteria that a local prosecutor would use if he were available to do an in-person screening interview. The model would be to parallel similar applications of the computer in other fields, such as medical diagnosis.

In addition to research related to improving the selective justice process, there are other issues that the present study suggests need further exploration. One is the whole matter of confessions, how they are obtained and what role they play in police work and in proving a case and in convincing defendants to plead guilty. Another is the matter of measuring police and

prosecutor performance. There are at least two distinct issues here. The first has to do with developing ways of measuring performances of both groups in a way that is directly related to their role in the communication system that they operate. As a substitute for tieing performance to things like the number of arrests or convictions, performance should be measured in ways related to the quality of information processing.

The second issue is related to the crucial need for prosecutorial feedback to the police. If such feedback is going to become the basis for an ongoing self-corrective or performance-measuring system, then police managers are going to need help in devising ways to interpret the feedback they get; and, prosecutors are going to need help in devising ways of giving the feedback that would be most useful to police purposes. The current systems of feedback where they exist are not adequate for the task of truly useful feedback.

SELECTED BIBLIOGRAPHY

AARONSON, David E., Bert H. HOFF, Peter JASZI, Nicholas N. KITTRIE, and David SAARI (1977) The New Justice: Alternatives to Conventional Criminal Adjudication. Washington: Government Printing Office.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS (1972) A Commission Report: State-Local Relations in the Criminal Justice System. Washington: Government Printing Office.

AHERN, JAMES (1971) Police in Trouble. New York: Hawthorn Books.

ALSCHULER, A. (1968) "The Prosecutor's Role in Plea Bargaining," 36 University of Chicago Law Review 50.

AMERICAN BAR ASSOCIATION, Committee on Crime Prevention and Control (1972) New Perspectives on Urban Crime. Chicago: American Bar Association.

AMERICAN BAR ASSOCIATION PROJECT ON STANDARDS FOR CRIMINAL JUSTICE (1971) Standards Relating to the Prosecution Function and the Defense Function. New York: Author.

AMERICAN BAR ASSOCIATION PROJECT ON STANDARDS FOR CRIMINAL JUSTICE (1972) Standards Relating to the Urban Police Function. New York: Author.

AMERICAN BAR ASSOCIATION (1979) "The Prosecution Function," in American Bar Association (ed.) American Bar Association Standards for Criminal Justice. Boston: Little Brown.

AMERICAN BAR ASSOCIATION (1978) "Urban Police Function," in American Bar Association (ed.) American Bar Association Standards for Criminal Justice. Boston: Little Brown.

ANONYMOUS (1978) "Police, Prosecutors and Odds on Gambling Law Enforcement," 7 LEAA Newsletter 4 (June-July, n. 5).

ARCURI, Alan F. (1973) "Police Perception of Plea Bargaining: A Preliminary Inquiry," 1 Journal of Police Science and Administration 93.

ARCURI, Alan F. (1977) "Criminal Justice: A Police Perspective," 2 Criminal Justice Review 15.

ASSAEL, Henry (1969) "Constructive Role of Interorganizational Conflict." 14 Administrative Science Quarterly 573.

BAKER, Newman F. (1933) "The Prosecutor--Initiation of Prosecution," 23 Journal of Criminal Law and Criminology 770.

BARNARD, Chester I. (1970) "Cooperation," in Grusky and Miller (eds.) The Sociology of Organizations: Basic Studies. New York: The Free Press.

BARRETT, Edward L., Jr. (1962) "Police Practices and the Law--From Arrest to Release or Charge," 50 California Law Review.

BARTH, Ernest A.T. (1963) "The Causes and Consequences of Interagency Conflict," 37 Social Science Review 51.

BATTELLE MEMORIAL INSTITUTE (1977a) Forcible Rape: A National Survey of the Response by Police: Police Vol. I. Washington: Government Printing Office.

BATTELLE MEMORIAL INSTITUTE (1977b) Forcible Rape: A National Survey of the Response by Prosecutors: Prosecutors Vol. I. Washington: Government Printing Office.

BERMANT, Gordon, Charlan MEMETH and Neal VIDMAR (1976) Psychology and the Law. Lexington: D.C. Heath.

BIRDWHISTELL, R. L. (1970) Kinesics and Content. Philadelphia: University of Pennsylvania Press.

BITTNER, Egon (1967) "The Police on Skid-Row: A Study of Peace Keeping," in W.B. Sanders and H.C. Daudistel (eds.) Criminal Justice Process--A Reader. New York: Praeger Publishers.

BITTNER, Egon (1970) The Functions of the Police in Modern Society. Rockville: National Institute of Mental Health.

BLACK, Donald J. and Albert J. REISS, Jr. (1967) Studies in Crime and Law Enforcement in Major Metropolitan Areas, Vol. II. Washington: Government Printing Office.

BLAKEY, G. Robert, Ronald GOLDSTOCK and Charles H. ROGOVIN (1978) Rackets Bureaus: Investigation and Prosecution of Organized Crime. Washington: Government Printing Office.

BOSTON UNIVESITY LAW REVIEW (1980) "Confessions vs. Plea Bargains," 60 Boston University Law Review 368.

BROSI, Kathleen B. (1979) A Cross-City Comparison of Felony Case Processing. Washington: Institute for Law and Social Research.

CANNAVALE, JR., Frank J. and William D. FALCON (1976) Improving Witness Cooperation. Washington: U.S. Department of Justice.

CAREY, Bernard and J.R. KAVANAUGH (1975) Prosecution of the Criminal Case--Prosecution--Police Relations. Springfield: Institute for Continuing Legal Education.

CAWLEY, Donald F., H. Jerome MIRON, William J. AROUJO, Robert WASSERMAN, Timothy A. MANNELLO, and Yale HUFFMAN (1977) Managing Criminal Investigations. Lexington: D.C. Heath.

CHERRY, Colin (1957) On Human Communication. New York: John Wiley.

CICOUREL, Aaron V. (1974) Cognitive Sociology: Language and Meaning in Social Interaction. New York: The Free Press.

CLARK, John P. (1969) "Isolation of the Police: Comparison of the British and American Situations," in R. Quinney (ed.) Crime and Justice in Society. Boston: Little Brown.

COLE, George F. (1969-70) "The Decision to Prosecute," 4 Law and Society Review 331.

COLE, George F. (1973) Politics and the Administration of Justice. Beverly Hills: SAGE.

COLEMAN, Phillip V. (1972) "The Discretionary Powers of Police Criminal Investigators," Unpublished master's thesis, Department of Administration of Justice, California State University, San Jose.

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING (1976) Gambling in Ameria. Washington: Government Printing Office.

CORWIN, Ronald G. (1969) "Patterns of Organizational Conflict." 14 Administrative Science Quarterly 507.

COX, S.J. (1976) "Prosecutorial Discretion: An Overview," 13 American Criminal Law Review 383.

CUMMING, E., I. CUMMING and L. EDELL (1970) "Policeman as Philosopher, Guide and Friend," in Quinney (ed.) The Social Reality of Crime. Boston: Little Brown.

DAHMANN, Judith S. and James L. LACY (1977a) Criminal Prosecution in Four Jurisdictions: Departures from Routine Processing in the Career Criminal Program. McLean: The Mitre Corporation.

DAUDISTEL, Howard (1976) Deciding What the Law means: A Study of Police-Prosecutor Discretion. Ph.D. Dissertation, Department of Sociology, University of California, Santa Barbara.

DAUDISTEL, Howard C., William B. SANDERS, and David F. LUCKENBILL (1979) Criminal Justice: Situations and Decisions. New York: Holt, Rinehart & Winston.

DAVIS, Kenneth Culp (1969) Discretionary Justice: A Preliminary Inquiry. Baton Rouge: Louisiana State University Press.

DIEHL, Jackson and Benjamin WEISER (1980) "P.G.'s Old-Boy Network: Ties Among Lawyers, Prosecutors, Judges Affect Justice," The Washington Post (January 6) p. A1.

DUFFEE, D. F. HUSSEY AND J. KRAMER (1978) Criminal Justice: Organization, Structure and Analysis. Englewood Cliffs: Prentice-Hall.

EVAN, William M. (1978) Inter-Organizational Relations. Philadelphia: University of Pennsylvania Press.

FEELEY, Malcolm M. and Mark H. LAZERSON (1980) "Prosecutors vs. Cops: Occupational Cleavages Within the System," draft of a paper for the

National Institute of Justice, U.S. Department of Justice.

FORST, Brian, Judith LUCIANOVIC and Sara J. COX (1977) What Happens After Arrest? A Court Perspective of Police Operations in the District of Columbia. Washington: Institute for Law and Social Research.

FOSDICK, Raymond B. (1969) American Police systems. Montclair: Patterson Smith.

FOWLER, Jr., Floyd J., Thomas W. MANGIONE, and Frederick E. PRATTER (1977) Gambling Law Enforcement in Major American Cities: Executive Summary. Washington: Law Enforcement Assistance Administration, U.S. Department of Justice.

FRANK, Andrew G. (1958-59) "Goal Ambiguity and Conflicting Standards: An Approach to the Study of Organization," 17 Human Organization 8.

FREED, Daniel J. (1969) "The Nonsystem of Criminal Justice," in J.S. Campbell, Joseph R. Sahid and David P. Stang (eds.) Law and Order Reconsidered: A Staff Report to the National Commission on the Causes and Prevention of Violence. Washington: Government Printing Office.

FREIDMUND, Justus and Marjorie KRAVITZ (1978) Police Productivity: A Selected Bibliography. Washington: Government Printing Office.

GIBB, Jack R. (1976) "Defensive Communication," in Nord (ed.) Concepts and Controversy in Organizational Behavior. Pacific Palisades: Goodyear.

GOLDSTEIN, Joseph (1969) "Police Discretion Not to Invoke the Criminal Process: Low-Visibility Decisions in the Administration of Justice," in A.S. Goldstein and J. Goldstein (eds.) Crime, Law and Society. New York: The Free Press.

GRAHAM, Kenneth and Leon LETWIN (1971) "The Preliminary Hearing in Los Angeles: Some Field Findings and Legal-Policy Observations," 18 UCLA Law Review 635.

GRASSIE, Richard, James W. BURROWS, Suzanne M. WHITE, and Ray V. WAYMIRE (1978) Integrated Criminal Apprehension Program: Manual for the Design and Implementation of Training. Washington: National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice.

GREENBERG, B.C., Elliott P. KRAFT, and H.S. PROCTER (1977) Felony Investigation Decision Model: An Analysis of Investigative Elements of Information. Washington: Government Printing Office.

GREENWOOD, Peter W., Jan M. CHAIKEN, and Joan PETERSILIA (1977) The Criminal Investigation Process. Lexington: D.C. Heath.

GROSSMAN, Brian A. (1969) The Prosecutor--An Inquiry Into the Exercise of Discretion. Toronto: University of Toronto Press.

GURWITSCH, Aaron (1964) The Field of Consciousness. Pittsburgh: Duquesne

University Press.

HALL, Richard H. (1972) Organizations: Structure and Process. Englewood Cliffs: Prentice Hall.

HUFFMAN, Yale (1979) "Police/Prosecutor Relations: An Overview: Areas of Friction, Methods of Alleviation." Unpublished consultant's report prepared for the Managing Criminal investigations Project of the Law Enforcement Assistance Administration on file with the Institute of Criminal Law and Procedure, Georgetown University Law Center.

IGLEBURGER, Robert M. (1972) "Policy Making for the Police," 58 American Bar Association Journal 307.

ILLINOIS CRIME SURVEY (1929). The Illinois Crime Survey. Chicago: Illinois Association for Criminal Justice.

JACOBY, Joan E. (1977) The Prosecutor's Charging Decisions: A Policy Perspective. Washington: Government Printing Office.

JACOBY, Joan E. (1980a) The American Prosecutor: A Search for Identity. Lexington: D.C. Heath.

JACOBY, Joan E. (1980b) "Project on Prosecutorial Decision Making--A National Study," unpublished report to the National Institute of Justice, Washington, D.C.

KADISH, Sanford H. (1967) "The Crisis of Overcriminalization," 374 Annals 157.

KADISH, Sanford H. (1972) "Legal Norm and Discretion in the Police and Sentencing Process," 75 Harvard Law Review 904.

KAMISAR, Yale (1980) Police Interrogations and Confessions: Essays on Law and Policy. Ann Arbor: University of Michigan Press.

KAPLAN, John (1965) "Prosecutorial Discretion--A Comment," 60 Northwstern University Law Review 174.

KATZ, Daniel and Robert L. KAHN (1966) The Social Psychology of Organizations. New York: Wiley.

KATZ, Lewis R. (1972) Justice is the Crime: Pretrial Delay in Felony Cases. Cleveland: The Press of Case Western Reserve University.

KERSTETTER, Wayne A. (1981a) "Police Participation in Structured Plea Negotiations," forthcoming in Law and Policy Quarterly.

KERSTETTER, Wayne A. (1981b) "Police Perceptions of Influence in the Criminal Case Disposition Process," forthcoming in Journal of Criminal Justice.

KERSTETTER, Wayne and Anne HEINZ (1979) Pretrial Settlement Conference: An Evaluation Report. Washington: Government Printing Office.

KLEIN, John F. (1976) Let's Make a Deal. Lexington: D.C. Heath.

KURLANDER, Lawrence T. (undated) "Police and Prosecutors: Making the Best of a Shotgun Marriage." Unpublished speech of the Monroe County, New York District Attorney, on file with the Institute of Criminal Law and Procedure, Georgetown University Law Center.

LAFAVE, Wayne R. (1965) Arrest: The Decision to Take a Suspect into Custody. Boston: Little Brown.

LAFAVE, Wayne R. (1970) "The Prosecutor's Discretion in the U.S.," 18 American Journal of Comparative Law 532.

LAGOY, Stephen P., Joseph J. SENNA, and Larry J. SIEGEL (1976) "An Empirical Study on Information Usage for Prosecutorial Decision Making in Plea Negotiations, 13 American Criminal Law Review 435.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, NATIONAL CRIMINAL JUSTICE INFORMATION AND STATISTICS SERVICE (1978) State and Local Prosecution and Civil Attorney Systems. Washington: Government Printing Office.

LEONARD, V.A. (1970) The Police Record System. Springfield: C. Thomas.

LEVINE, Sol and Paul E. WHITE (1960) "Exchange as a Conceptual Framework for the Study of Interorganizational Relationships," 5 Administrative Science Quarterly 583.

LITTRELL, W. Boyd (1979) Bureaucratic Justice: Police, Prosecutors and Plea Bargaining. Beverly Hills: SAGE.

LITWAK, Eugene and Lydia F. HYLTON (1962) "Interorganizational Analysis: A Hypothesis on Coordinating Agencies," 6 Administrative Science Quarterly 395.

MCDONALD, William F. (1979) "The Prosecutor's Domain," in W. F. McDonald (ed.) The Prosecutor. Beverly Hills: SAGE.

MCDONALD, William F., Henry H. ROSSMAN, James A. CRAMER (1979) "The Prosecutor's Plea Bargaining Decisions," in W.F. McDonald (ed.) The Prosecutor. Beverly Hills: SAGE.

MCINTYRE, Donald (1975) "Impediments to Effective Police Prosecution Relationships," 13 American Criminal Law Review 201.

MCINTYRE, Donald and Ray NIMMER (1971) "Evaluation of Cook County State's Attorney's Office--Felony Review Project." Report on file with the American Bar Foundation, Chicago, Illinois.

MANNING, Peter K. (1979) Police Work: The Social Organization of Policing. Cambridge: MIT Press.

MERRILL, W. Jay, Marie N. MILKS, and Mark SENDROW (1973) Case Screening and Selected Case Processing in Prosecutors' Offices. Washington: Government Printing Office.

MILLER, Frank W. (1969) Prosecution: The Decision to Charge a Suspect with a Crime. Boston: Little Brown.

MILNER, Neal A. (1971) The Court and Local Law Enforcement: The Impact of Miranda. Beverly Hills: SAGE.

MISSOURI ASSOCIATION FOR CRIMINAL JUSTICE (1926) The Missouri Crime Survey. New York: MacMillan.

NATIONAL ADVISORY COMMISSION ON CRIMINAL JUSTICE STANDARDS AND GOALS (1973a) A National Strategy to Reduce Crime. Washington: Government Printing Office.

NATIONAL ADVISORY COMMISSION ON CRIMINAL JUSTICE STANDARDS AND GOALS (1973b) Police. Washington: Government Printing Office.

NATIONAL ADVISORY COMMISSION ON CRIMINAL JUSTICE STANDARDS AND GOALS (1973c) Courts. Washington: Government Printing Office.

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS (1976) Police Chief Executive. Washington: Government Printing Office.

NATIONAL CENTER FOR PROSECUTION MANAGEMENT (1977) First Annual Report of the National Center for Prosecution Management. Mimeograph, National District Attorneys Association, Chicago, Illinois.

NATIONAL DISTRICT ATTORNEYS ASSOCIATION (1977) National Prosecution Standards. Chicago: Author.

NEITHERCUTT, M.G., Donald H. BOWES, and William H. MOSELEY (2974) Arrest Decisions as Preludes to? An Evaluation of Policy Related Research, Volumes I, II and III. Davis: National Council on Crime and Delinquency.

NEUBAUER, David W. (1974a) "After the Arrest. The Charging Decision in Praire City," 8 Law and Society Review 495.

NEUBAUER, David W. (1974b) Criminal Justice in Middle America. Morristown: General Learning Corp.

NEWMAN, Donald J. (1966) Conviction: The Determination of Guilt or Innocence Without Trial. Boston: Little Brown.

NIEDERHOFFER, Arthur (1967) Behind The Shield: The Police in Urban Society. Garden City: Doubleday.

NIMMER, Raymond T. (1971) Two Million Unnecessary Arrests. Chicago: American Bar Foundation.

PERROW, Charles (1972) "Organizational Goals," in K. Azumi and G. Hage (eds.) Organization Systems. Lexington: D.C. Heath.

PETERSILIA, Joan (1976) "An Inquiry Into The Relationship Between

Thoroughness of Police Investigation and Case Disposition," Santa Monica: The Rand Corporation, Mimeo.

POUND, Roscoe and Felix FRANKFURTER (1922) Criminal Justice in Cleveland. Cleveland: The Cleveland Foundation.

PRESIDENT'S COMMISSION ON LAW ENFORCEMENT ADMINISTRATION, (1976a) The Challenge of Crime in a Free Society. Washington: Government Printing Office.

PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE (1967b)The Police. Washington: Government Printing Office.

PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE (1967c) The Courts. Washington: Government Printing Office.

REISS, Jr., Albert J. (1967) "Career Orientations, Job Satisfaction, and the Assessment of Law Enforcement Problems by Police Officers," in President's Commission on Law Enforcement and Administration of Justice, Studies in Crime and Law Enforcement in Major Metropolitan Areas: Field Surveys III: Vol. II. Washington: Government Printing Office.

REISS, Albert J. (1971) The Police and the Public. New Haven: Yale University Press.

REISS, Jr., Albert J. and David J. BORDUA (1967) "Environment and Organization: A Perspective on the Police," in D.J. Bordua (ed.) the Police. New York: John Wiley.

RING, Peter S. (1979) "Developing Prosecutorial Charging Guidelines: A Case Study," Presented at the Annual Meeting of the Academy of Criminal Justice Sciences, Cincinnati, Ohio (March 14).

SANDERS, William B. (1977) Detective Work. New York: The Free Press.

SAVITZ, Leonard (1975) "Early Rejection of Flawed Arrests From the Criminal Justice System: A Case Study," in E. Viano (ed.) Criminal Justice Research. Lexington: D.C. Heath.

SCHMIDT, Wayne W. (ed.) (1972) Guidelines for a Police Legal Unit. Gaithersburg: International Association of Chiefs of Police.

SIEGAL, Larry, Dennis SULLIVAN, and Jack GREENE (2974) "Decision Games Applied to Police Decision Making—An Exploratory Study of Information Usage," 2 Journal of Criminal Justice 131.

SKOLER, Daniel L. (1979) Organizing the Non-System. Lexington: D.C. Heath.

SKOLNICK, Jerome H. (1966) Justice Without Trial: Law Enforcement in Democratic Society. New York: John Wiley.

SKOLNICK, Jerome H. and J. Richard WOODWORTH (1967) "Bureaucracy, Information and Social Control: A Study of a Morals Detail," in D.J. Bordua (ed.) The Police. New York: John Wiley.

SMITH, Alexander B. and Bernard LOCKE (1971) "Problems in Arrests and Prosecutions for Obscenity and Pornography," in Commission on Obscenity and Pornography Societal Control Mechanisms: Technical Report: Vol. V. Washington: Government Printing Office.

SMITH, Bruce (1940) Police Systems in the United States. New York: Harper.

STANKO, Elizabeth A. (1977) These Are the Cases That Try Themselves. Ph.D. Dissertation, Dept. of Sociology, The City University of New York.

STANKO, Elizabeth A (1980) "The Arrest vs. the Case: Some observations on Police/District Attorney Interaction." Urban Life (forthcoming).

SUDNOW, David (1965) "Normal Crimes: Sociological Features of the Penal Code in a Public Defender's Office," 12 Social Problems 255.

SULLIVAN, D.C. and Larry J. Siegel (1972) "The Use of Information By Police in Making Decisions: An Application of Decision Games," 18 Crime and Delinquency 253.

THOMPSON, James D. (1967) Organizations in Action. New York: McGraw Hill.

TRAMMELL, George W., III (1969) "Control of System Policy and Practice by the Office of District Attorney in Brooklyn and Los Angeles," 5 The Prosecutor 242.

U.S. NATIONAL COMMISSION ON LAW OBSERVANCE AND ENFORCEMENT (1931a) Report on Prosecution. Washington: Government Printing Office.

U.S. NATIONAL COMMISSION ON LAW OBSERVANCE AND ENFORCEMENT (1931b) Report on Lawlessness in Law Enforcement. Washington: Government Printing Office.

VERA INSTITUTE OF JUSTICE (1977) Felony Arrests: Their Prosecution and Disposition in New York City's Courts. New York: The Vera Institute of Justice.

WHORF, B.L. (1956) Language, Thought and Reality. Cambridge: MIT Press.

WILEMAN, Fred A. (ed.) (1970) Guidelines for Discretion: Five Models for Local Law Enforcement Agencies. Madison: University of Wisconsin.

WILENSKY, Harold L. (196[illegible]) Organizational Intelligence: Knowledge and Policy in Government and Industry. New York: Basic Books.

WILLMER, M.A.P. (1970) Crime and Information Theory. Edinburg: Edinburg University Press.

WILSON, James Q. (1968) Varieties of Police Behavior. Cambridge: Harvard University Press.

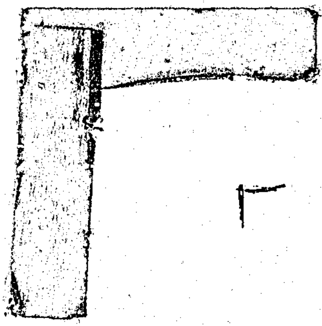
WILSON, James Q. (1976) "Dilemmas of Police Administration," in Bent and Rossum 9eds.) Urban Administration. Port Washington: Kennikat Press.

WILSON, Orlando W. (1963) Police Administration. New York: McGraw Hill.

WISE, H. Lake (1976) An Exemplary Project: Legal Liaison Division of the Dallas Police Department. Washington: Government Printing Office.

YOUNGER, Evell (1967) "The Perjury Routine," The Nation 596 (May 8).

☆U.S. GOVERNMENT PRINTING OFFICE: 1982-361-233/1896



END