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REPORT ON THE
TECHNICAL ASSISTANCE VISIT TO THE
VERMONT ATTORNEY GENERAL

MONTPELIER, VERMONT
SEPTEMBER 9-10, 1981

CRIMINAL PROSECUTION TECHNICAL ASSISTANCE PROJECT

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

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INTRODUCTION

On September 9-10, 1981, a Technical Assistance team from the Criminal Prosecution Technical Assistance Project visited the office of John J. Easton, Attorney General for Vermont. The Technical Assistance team examined the Attorney General's management and operations functions in accordance with the terms of a contract with the Law Enforcement Assistance Administration. Members of the team included:*

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The purpose of the visit was to analyze problems related to administrative and organizational structure of the Attorney General's office, the Attorney General's use of investigators and the acquisition of word processing for the office. An overall assessment of the entire office was not attempted, nor was it desired. The purpose of a technical assistance visit is to evaluate and analyze specific problem areas and provide recommendations and suggestions for dealing with those areas. It is designed to address a wide range of problems stemming from paperwork and organizational procedures, financial management and budgeting systems, space and equipment requirements and specialized operational programs, projects and procedures unique to the delivery of prosecutorial services.

*Vitae attached as Appendix A

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

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

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

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

The visit to the Vermont Attorney General's office focused on the administrative and organizational structure of the office, the use of investigators and the future acquisition of word processing.

The Technical Assistance team would like to thank Mr. Easton and his staff for their cooperation and assistance during the visit. Reception of the team was excellent, and the staff's willingness to discuss the strengths and weaknesses of the office was of considerable assistance to the Technical Assistance team in carrying out its tasks.

11. SUMMARY OF RECOMMENDATIONS

1. Realistically examine the present workload of the office and determine if it is feasible to consider the expansion of services. While the present responsibilities may legitimately tax the present resources of the office, new programs may be instituted through the curtailment and reprioritization of present services.
2. Alternatively, new programs could be pursued through the budget process or "non-operational" programs, which require limited resources, may be considered.
3. Consider internal management programs to insure effective communication between the Attorney General, the Chief Deputy and the remainder of the staff.
4. Consider the use of a present or future vacancy to acquire the services of a second full-time administrator to ease the day-to-day administrative duties of the Chief Deputy.
5. Consider consolidating selected office divisions into large operational units with the corresponding reduction of such divisions on the table of organization.
6. Consider the creation of one or more middle management level administrators to supervise a number of divisions and report directly to the Chief Deputy.
7. Expand the role of the Attorney General's secretary to include supervision of the clerical staff to insure even distribution of clerical workload.
8. Consider combining all investigative personnel into one unit supervised and directed by the Chief Investigator.
9. Examine the resources of the investigative staff to insure that they are sufficient and appropriate for the goals and objectives of the organization.
10. Seek additional secretarial assistance in the Criminal Appeals section.
11. Consult the telephone company for advice on designing a telephone system that maximizes efficiency in the office, especially the Criminal Appeals section.
12. Have the attorneys and investigators in the Criminal Division use dictating equipment and provide the secretary there with a transcriber for her exclusive use.

13. Assign a clerk to rearrange the briefs which exist in the office and to classify them according to subject matter and prepare an index and cross index by subject matter.
14. Assign the appeals secretary a terminal and printer when the word processing equipment is installed in the office.
15. Purge closed cases and remove them from the main office so that needed space will become available.
16. Require that documents be fastened to the files by the use of a clip.
17. Establish a control and monitoring system for the files under the control of the secretary.
18. Develop a diary sheet, showing the current status of a case, and have it fastened to the outside of all files.
19. Carefully examine the proposed responsibilities of the word processing system to insure that the proper tasks are assigned to this resource.
20. Clearly delineate in the contract with the equipment vendor areas such as service arrangements, training of personnel and maintenance costs and payments.
21. Review the relationship of the office terminals to the central processing unit to determine whether technical performance of the office's terminals will be reduced and whether information entered into the system by the Attorney General's office can be accessed by other units of government.
22. Train all clerical personnel on the word processing equipment, but designate one or two primary operators to carry the bulk of the word processing duties.

III. SYSTEM OVERVIEW

The Vermont Attorney General has concurrent jurisdiction with any State Attorney for the purpose of prosecuting any criminal violation in the name of the State. The Criminal Justice Division has general supervision over all prosecutions brought in the name of the State and appears for the office in any criminal prosecution where, in the judgment of the Attorney General, the interests of the State so require.

The Criminal Justice Division consists of four Assistant Attorneys General, including a Chief of the Division. Two of the Assistant Attorneys General handle general assignments and trial work in criminal law. Although the State's Attorneys are the principal prosecutors in their respective counties, cases are brought to the attention of the Attorney General's office in one of the following ways:

1. Initial Complaint. Where the Attorney General's office is the first agency approached by a victim or witness of a crime.
2. Secondary Complaint. Where the Attorney General's office is contacted after prosecution has been refused by a State's Attorney, or where a case has been referred directly by a State's Attorney.
3. Internally Generated Complaints. Through intelligence gathering activities initiated by the Attorney General's office.
4. State's Attorney Referrals. These cases can be categorized as conflict of interest cases, multi-county cases or technically complex cases.
5. Original jurisdiction. Cases where the Attorney General's office has original jurisdiction under Vermont statute.

In addition, the Vermont Attorney General's office has traditionally appeared in all homicide prosecutions brought in the State of Vermont.

The Attorney General's office may also become involved in the approval or disapproval of all extradition-related expenditures and

provide legal advice to law enforcement personnel who inquire into matters of extradition. The Criminal Justice Division is responsible for the preparation of all executive documents which may be required for extradition. The Criminal Justice Division represents and provides counsel to the following agencies, boards and commissions:

1. Vermont Commission on the Administration of Justice
2. Juvenile Delinquency Council
3. Law Enforcement personnel
4. Vermont Law Enforcement Training Council
5. Board of Private Detectives Licensing
6. Department of Public Safety
7. Vermont Racing Commission
8. State's Attorneys and Sheriffs Department
9. Department of and Board of Liquor Control
(in criminal matters only).

The Criminal Appellate Section consists of two Assistant Attorneys General, one of whom serves as the Chief Appellate Attorney. The Appellate Unit functions to improve the State appellate advocacy, reduce court delay both at the appellate and trial court level, and promote greater flexibility in the allocation of resources at the trial level.

The Appellate Section serves all prosecuting officers including the State's Attorneys and other Assistant Attorneys General, and other State agencies and employees in matters pertaining to the administration of criminal justice and in matters relating to criminal questions, constitutional issues, and claims regarding administrative and judicial procedure.

The Vermont Attorney General's office also employs two criminal investigators, including the Chief Investigator, in the Criminal Justice Division. The criminal investigators are assigned to gather facts and interview witnesses in all cases initiated by the Attorney

General's office and all related investigations.. One secretary is assigned to the Division on a permanent basis.

IV. ANALYSIS

The analysis of the Vermont Attorney General's office focused on the overall administrative and organizational structure of the office, concentrating primarily on the Criminal Division, the use of investigators and the acquisition of word processing for the office.

A. General Organization of the Office

The Vermont Attorney General's organization currently serves a criminal and civil law function within both the state and local government structure. The legal staff of the Attorney General's office are separated into three distinct classifications. The first are those Assistant Attorneys General who serve in a full-time capacity within a central organizational structure of the Attorney General's office. Secondly, there are those Assistant Attorney Generals who serve in a full-time capacity as legal counsel to various state agencies, but whose assignment and location is permanently situated within the particular state agency. Finally, there are those Special Assistant Attorney Generals who are appointed for a limited purpose.

The Technical Assistance team limited its examination to the central organization of the Attorney General's office. Within this central organization, the operational environment is founded upon a series of divisions that encompass both the civil and criminal responsibilities of the agency. With regard to the divisional structure, the divisions vary in size. In certain cases, a division had a single Assistant Attorney General being the only member of the participating unit. In addition to the legal staff, the Attorney General's central office segment is also served by clerical, investigative and administrative personnel.

During the course of the technical assistance visit it was identified that the Attorney General was interested in examining the following segments of his responsibilities:

1. The role of the Criminal Division, both in its traditional capacity of assisting local State Attorneys, and that as an independent investigative prosecutorial agency.
2. The development of new law enforcement based programs that will provide statewide impact to the criminal justice system.
3. Future path of the entire Attorney General's function.

The Attorney General's office appears to be in a transition period between its traditional goals, objectives, and responsibilities, and the proposed direction being mandated by the current Attorney General. A transition which originated with the philosophy of the Attorney General as to his role in the governmental system and has now been transferred into action plans which are awaiting transfer into managerial directives. The difficulty surrounding this path is that, initially, the desire for expanding programs and services may clash with reality of limited resources. In the present case, the resources of the Vermont Attorney General's office, particularly the Criminal Division, are limited and the proposed implementation of programs such as arson enforcement, white collar crime investigation, and an expanded independant prosecutorial function, may be incompatible with the present resources. These resources appear to be operating at capacity in fulfilling the traditional roles of assisting State's Attorneys in conflict of interest matters or investigating a limited number of original criminal complaints. A greater danger may lie in attempting to provide services and failing, due to inadequate resources,

then realistically limiting the organization's responsibility and functions because of such resources.

Two structural components of the Vermont Attorney General's office may have caused many difficulties in previous administrations and could continue to impair the effectiveness of the present operation. First, the Attorney General's office has limited resources at the top and upper management level. The political environment of the State realistically requires the Attorney General, elected every two years, to devote the majority of his time to external programs and activities, and as such the external day-to-day workings of the office and internal management falls on the shoulders of the Chief Deputy Attorney General. This situation is not unique in that many Attorneys General or Prosecutors offices function under similar circumstances. However, due to the large number of divisions within the Vermont Attorney General's office and the absence of management personnel between the divisions and the Chief Deputy, the individual who occupies the role of Chief Deputy becomes not only the day-to-day manager but must also make policy decisions reflecting the total office and/or personal philosophy of the Attorney General.

Second, as previously identified, the Attorney General's office, under its present structure, has an unusually large number of independent divisions. These divisions and their administrative heads have been created to address a demand for increased services and/or the need to adequately compensate personnel. The problem may lie in that the divisions may not truly function as divisions and the personnel in charge of the present units may not supervise at a level competent or

commensurate with their position.

The Technical Assistance team recommends that the Attorney General realistically examine the present workload and resources of the office and determine if it is feasible to consider the expansion of services. In making such an examination, the Attorney General should consider that, while the present duties and responsibilities of the office, particularly the Criminal Division, may legitimately tax the resources to their fullest extent, new programs may be instituted through the curtailment and re-prioritization of present services.

In certain circumstances a new responsibility will legitimately require new additional resources. In examining the programs contemplated by the office, the Attorney General should determine the absolute need for the service and, if worth the task, pursue the acquisition of such resources through the budget process.

In examining the need for the emergence of the Attorney General's office in the criminal justice community, the Attorney General may wish to consider "Non-Operational" programs that require limited resources, but provide productive returns. The Technical Assistance team suggests the following as examples of such statewide programs:

1. The use of existing legal staff to provide increased training for the State Attorneys and the increased priority in bringing closer working relationships between the Attorney General's office and the State's Attorneys in the areas of training, management assistance and community relations projects.
2. The utilization of the Office of the Attorney General to promote a unity of purpose among police agencies through motivational programs. As an example of this effort, the Attorney General's office could sponsor an achievement award for the State's outstanding law enforcement office or, on even a

broader approach, develop programs such as Attorney General sponsored pistol shoots or other operational programs.

3. The utilization of the Office of the Attorney General to create a Statewide Criminal Justice Coordinating Group. The project would bring together members of police, State Attorneys and courts to discuss the individual and collective problems facing the participants and in some instances, the group would publicly speak for the criminal justice community.
4. The utilization of the Office of the Attorney General to create greater citizen involvement in the criminal justice process. It has been the Technical Assistance team's experience that programs aiding victims of crime, senior citizens, the business community and educators have all proven a positive response.

Due to the operational nature of the current Attorney General and his philosophy, and the realistic needs for the Attorney General to monitor the continuous external political profile, the Attorney General may wish to consider internal management programs to insure effective communication between the Attorney General, the Chief Deputy and the remainder of the staff. As a foundation of such activities, the following are suggested for consideration:

1. The continuous communication between the Attorney General and Chief Deputy through permanent regular meetings during the course of the work week;
2. The clear understanding on the part of the Chief Deputy as to the goals, objectives and policies of the Attorney General;
3. The development of an officewide system of internal communication by which internal and external developments that may impact upon the Attorney General are effectively communicated to the office administration; and
4. The need to modify the present organizational structure to promote the increased allocation of long range management resources to the Chief Deputy.

B. Administrative Structure of the Office

The administrative structure of the Attorney General's office is composed of the Attorney General, a Chief Deputy and a series of operational divisions. The investigative staff are assigned to specific divisions and the clerical employees, who are currently in a collective pool arrangement, are to be designated to separate sections of the office to offer more convenience to the legal and investigative personnel within the divisions for which they serve. In addition, the Attorney General's office has what may be considered a high number of divisions for the number of personnel within the total structure. Other problems observed by the Technical Assistance team center around the office administrator, the investigative staff and the clerical staff. The office administrator is not assuming a managerial role with his day-to-day responsibilities being devoted to fiscal matters in the form of payroll, payment of obligations and basic preparation of the budget. The investigative staff is disbursed throughout the office and the Chief Investigator does not exercise control over the total compliment of investigative personnel. It also appears that the clerical workload is uneven, with little day-to day direction of the support function.

The Attorney General's office from all examination, would appear to be incomplete in terms of sufficient full-time management personnel. In the present structure, the Chief Deputy occupies almost sole responsibility as manager/administrator for day-to day operations of the office. This duty, coupled with actively assisting the Attorney General with the external responsibilities of the organization, may tax the resources of that position beyond their capacity. As such,

the Technical Assistance team recommends that the Attorney General consider utilization of a present or future vacancy within the Assistant Attorney General class of employees to acquire the services of a second full-time administrator. This individual would have the full-time responsibility of assisting the Attorney General and Chief Deputy in the administration of the office.

The Attorney General may wish to consider the consolidation of selected current office divisions into large operational units with the corresponding reduction of such divisions on the Table of Organization. The Technical Assistance team is aware of the impact that this decision would have on morale and possibly the office salary structure, and as such, this process may have to occur over an extended period of time and with careful planning.

In conjunction with or independent of consolidating the divisions, the Attorney General may wish to consider the creation of one or more middle management level administrators to have supervision over a number of divisions. These individuals would report directly to the Chief Deputy. This type of organizational structure would create a "buffer" between the Chief Deputy and the division chiefs allowing a large quantity of daily management concerns to be addressed by individuals other than the Chief Deputy.

The role of the current office administrator is unclear. The individual in question appears to perform as full-time duties, tasks in the area of bookkeeping and accounting and perhaps may not wish to assume an active management role within the office. If additional

management is provided in the office, this may allow the office administrator to remain in his present role and assume a support function to the increased management staff.

The role of the Attorney General's secretary should be expanded and formalized to provide supervisory assistance to the office clerical personnel. The scope of such supervisory responsibilities and the method of implementation should be carefully considered, but one primary objective of such activity would be to provide supervision as it relates to the equal distribution of the clerical workload. In its practical application, the Attorney General's secretary could insure that as work is presented to the clerical staff, it is processed in a confident and effective manner and that the work is balanced between one clerical worker and another.

C. The Investigative Function

The investigative resources of the Vermont Attorney General's office are separated into a number of divisions. With a total investigative staff of five individuals, the individual investigative compliment within each assigned division is necessarily limited.

The Technical Assistance team recommends that the Attorney General consider combining all of his investigative personnel into a single unit under the direction of the Chief Investigator. The creation of such an operational entity would allow for improved training, uniform supervision, and perhaps most importantly, the ability to direct investigative resources on a priority basis to various programs within the office. As an illustration, should a major law enforcement

investigative activity occur within the Attorney General's jurisdiction, the proposed arrangement would allow for the Chief Investigator to bring together all investigators in a rapid and efficient manner to address the current responsibility.

In addition, the Attorney General may wish to consider a program that would further define the role and relationship of the investigators in his organization. The basis for this recommendation is that, with the introduction of a criminal investigative unit into a prosecutorial agency, that agency takes on a tangible police/law enforcement environment that is sometimes not recognized by all members of their organization.

The Attorney General may wish to examine the resources given to the investigative function of the office to insure that such resources are sufficient and appropriate for the goals and objectives of the organization. As an illustration of this recommendation, the following may be considered:

1. An examination of the file storage and security systems to insure that sensitive documents are not compromised.
2. An examination of the vehicle program for the Attorney General's investigators to insure that personal vehicles are used to a minimum. Wide spread use of personal vehicles may lead to problems in the area of liability insurance for such vehicles and possible legal consequences involving the use of a personal vehicle for official purposes.
3. An examination of the law enforcement aspect of the Attorney General's investigators with particular reference to the possession and use of firearms by such personnel. The objective of any such review should be the goal of creating a policy on the use of weapons, the question of deadly force, and the issue of carrying weapons during nonoffice hours.

D. Criminal Appeals Function

In the Criminal Justice Division one secretary is assigned to work for the four Assistant Attorneys General and two investigators in the division. Two of the lawyers are responsible for the appellate work in the office. There is no systematic way in which the secretary is given briefs to type. They are at times received on tape cassettes and other times in long hand. It is necessary for her to borrow a transcriber when she receives a brief on a tape cassette since she has not been assigned one of her own. Her duties include the typing of appellate briefs, extradition petitions (which run approximately two hundred a year), correspondence for the four Assistant Attorneys General and investigative reports. In addition, she acts in the capacity of docket clerk calendaring appeals as they come into the office. She also does all of the filing, prepares informations, arrest warrants and subpoenas.

It is obvious to the most casual observer that the secretary in this division is overworked, and should be given assistance at least insofar as clerical matters such as filing, xeroxing, etc. are concerned. In a recent case which was assigned for prosecution to the Attorney General by the Vermont Supreme Court, xeroxing of the file in the case consumed three and one half hours of the secretary's time. One of her other duties this year was to type the Vermont Law Enforcement Manual for distribution to police and State's Attorneys, which was updated this year for the first time since 1975. The secretary indicated that she still has a two inch high stack of typing left to do in connection with the manual. She does not have a backup secretary assigned to assist during crisis periods.

The secretary for this division sets up files when cases are presented and keeps a rudimentary docket to track cases which is primitive at best. The secretary's desk is located within the secretarial pool in the main office where entirely too much visiting by other personnel appears to go on.

The secretary indicated that if briefs are very long (and at the time of the visit she had just completed a brief that ran one hundred and five pages) it is impossible for her work to be completed during regular office hours and accordingly it must be done in the evenings and on weekends. Additionally telephone calls are referred from the receptionist to the secretary for the Criminal Division rather than being transferred to the assistants or investigators for whom the calls come in. This requires the secretary to interrupt her work and take messages and get calls to each of the six persons in this division. This system of telephone traffic is clearly an unsatisfactory one and it is the recommendation of the Technical Assistance team that the telephone company be consulted and asked to survey the system and recommend one more suitable to efficiency throughout the office, especially in connection with the Criminal Appeals Division.

It is also the recommendation of the Technical Assistance team that the secretary for this division be moved to a more private location in the office away from the general central office secretarial pool.

It is the recommendation of the Technical Assistance team that the four assistants in the Criminal Division and the two investigators assigned there use dictating equipment rather than writing in long hand, and it is also recommended that the secretary in this division be assigned a transcriber for her exclusive use.

It was indicated by one of the Assistant Attorneys General assigned to appellate work that a significant backoo of appeals exist in the office. But he indicated that this was no pressing problem since the majority of criminal appeals in the state are handled by the Appellate Defender who has the same backlog problem. Accordingly, through stipulations as to extensions of time, the matter is presently being satisfactorily handled. He indicated that the present dictation equipment in use by them is clearly inadequate for preparing briefs. He also manifested his discontent with the telephone system as it is presently in place in the office. He further indicated that the files in the office are kept in a haphazard fashion and that though there is a so called brief bank in the office, it is not indexed nor cross indexed by either subject matter or by case style. Thus it is clearly worthless as a time saving device in the preparation of briefs. It is the recommendation of the Technical Assistance team that a clerk be assigned to rearrange the briefs which exist in the office to classify them according to subject matter, i.e. points argued on appeal, and to prepare an index and cross index, primarily by subject matter. Clearly the purpose of the brief bank should be to rapidly retrieve questions most often raised on appeal. A brief bank properly catalogued and indexed will go a long way toward the goal of efficiency

in the office. Additionally, the Technical Assistance team recommends that the secretary in this division be assigned a terminal and printer of her own when the work processing equipment is installed in the office. The sharing by her with others in the office of a terminal would be a mistake and inefficient utilization of the equipment since so much of the work done in this division lends itself to word processing.

There is no filing or docketing system maintained in connection with criminal appeals in this office. It was indicated by one of the Assistant Attorneys General assigned to appeals that if the matter is not in either his head or in the head of the other attorney in the division no one knows what the status of a case is in the office.

The filing system in the office is clearly a disaster. A random survey of ten files indicated that nothing could be told about the files absent an almost complete reading of the various pleadings and briefs in the files. Nothing is fastened in the files, and all of the various documents including pleadings and briefs are loosely kept in the files. The appellate files apparently have never been purged. Considering the lack of space assigned to the Attorney General's office this should be a high priority item. It is accordingly recommended that a person with the requisite knowledge begin immediately to transfer closed case files out of the existing space into a less valuable space which should be assigned or is already assigned to the Attorney General by the State of Vermont.

The current files should be set up in such a way that routine correspondence and other similar matters are fastened by use of a clip to the left side of the file and all motions, memoranda and briefs be fastened to the file on the right side. A control and monitoring function should be established in the office under the control of the secretary. The monitoring should begin with the notice of appeal and continue through the filing of the briefs, oral arguments and petitions for rehearing where required. All notices of appeal should be entered in an appeals log which can be a very simple instrument showing the date of receipt of the notice of appeal, the style of the case listed by appellants name and the case number assigned to the matter by the Supreme Court Clerk.

In view of the small size of the office, central monitoring of pending appeals should be relatively simple, if the procedure is followed as a proforma matter. With such a system it should be possible to know the status of cases by mere reference to the appeals log.

A diary sheet, i.e. a sheet showing the current status of cases, should be standard procedure for each criminal appeal file and should be fastened to the outside of the file. On it should appear such information as the date the assignment of the notice of appeal was received, the date that the brief was received, the date the case is set for oral argument and various matters dealing with continuances and extentions of time for the filing of briefs.

E. Word Processing Function

At the time of the technical assistance visit, the Vermont Attorney General's office was in the process of acquiring an automated word processing system. The system would have two operational terminals located within the Attorney General's office with the central processing located in the State Tax Agency.

It is the suggestion of the Technical Assistance team that the Attorney General carefully examine the proposed responsibilities for the automated word processing system to insure that the proper tasks are assigned to that resource. In addition, the Attorney General should define clear contractual agreements between the user of the equipment and the vendor. It is the Technical Assistance team's understanding that the equipment vendor has its main office in the State of Connecticut. If this is the case, the following critical points should be delineated:

1. What are the service arrangements with regard to response times by the vendor during situations of equipment malfunction?
2. What type of on-site or vendor-site training programs will be offered to the Attorney General's personnel and are such programs adequate for the personnel in question?
3. What maintenance costs are incurred in the equipment, and what is the manner of payment, or may payment be withheld for lack of acceptable performance?

Additionally, the Attorney General should review the relationship of the office terminals to the central processing unit. In

examining this relationship, the following points should be closely considered:

1. Will the control of the central unit by another agency reduce the technical performance of the Attorney General's terminals?
2. Have necessary safeguards, both technical and administrative been developed to insure that information placed in the system by the Attorney General's Office cannot be accessed by other units of government?

The Attorney General may wish to have all clerical personnel adequately trained on the word processing facilities, but have one or two primary operators. These primary operators should carry the bulk of the word processing duties and other clericals should be permitted to use the machines on a limited basis.

In addition, the Attorney General's office should have one clerical employee who is the most proficient as to the workings of the machine. Due to the distance between the Attorney General's office and the site of the repair facilities for the equipment, there may be an increased need to have one office individual that can repair minor malfunctions to the equipment without the necessity of a vendor response.

IV. CONCLUSION

This analysis and these recommendations are presented with the knowledge that the Vermont Attorney General, John J. Easton, already has an effective, working system in place. The areas highlighted in this report are those areas that should next be addressed as the Attorney General strives to constantly improve the delivery of services to the people of Vermont.

The Technical Assistance team limited its examination to the central organization of the Vermont Attorney General's office. During the technical assistance visit, it was noted that the office is in a transition period, between its traditional goals and objectives and the proposed direction being mandated by the current Attorney General. The Attorney General's philosophy has been transferred into action plans which are now waiting to be transferred into managerial directives. The difficulty surrounding this path is that, initially, the desire for expanding programs and services may clash with the reality of limited resources. The proposed expansion of new programs for the Criminal Division may be incompatible with the present resources for that division. The division appears to be operating at capacity in fulfilling their traditional roles. The Technical Assistance team recommends that the Attorney General realistically examine the present work load and resources of the office and determine if it is feasible to consider the expansion of services. In making such an examination the Attorney General should consider that, while the present duties and responsibilities may legitimately tax the resources of the office to their fullest extent, new programs may be instituted through the curtailment and re-prioritization of present services. Alternatively, the Attorney General may wish to pursue the acquisition of additional

resources through the budget process for the desired programs. Additionally, "non-operational" programs, which require limited resources, may be considered. Examples of these types of programs are listed in the body of this report.

The Attorney General may wish to consider internal management programs to insure effective communication between himself, the Chief Deputy and the remainder of the staff. These should include permanent, regular meetings between the Attorney General and the Chief Deputy during the course of the work week. Under the present structure, the Chief Deputy occupies almost sole responsibility as manager/administrator for day-to-day operations of the office. With the additional duty of assisting the Attorney General with the external responsibilities of the office, the Chief Deputy's position may become taxed beyond its capacity. As such, the Technical Assistance team recommends that the Attorney General consider the use of a present or future vacancy within the Assistant Attorney General class of employees to acquire a second full time administrator, as the present office administrator's time is consumed by budget and bookkeeping functions.

The Attorney General may also wish to consolidate selected office divisions into large operational units with the corresponding reduction of such divisions on the table of organization. The Technical Assistance team is aware of the impact that such a decision would have on morale and possibly the salary structure and, as such, suggests that this process occur over an extended period of time with careful planning.

In addition, the Attorney General may wish to consider the creation of one or more middle management level administrators to supervise a number of divisions and report directly to the Chief Deputy. This would allow more of the daily management concerns to be addressed by someone other than the Chief Deputy.

The role of the Attorney General's secretary should be expanded and formalized to provide supervisory assistance to the clerical personnel. The scope of her duties should be carefully considered, but one primary activity should be to see that the clerical workload is evenly distributed among the staff.

In the use of investigators, the Technical Assistance team recommends that the Attorney General consider combining all of his investigative personnel into one unit directed by the Chief Investigator. This would allow for improved training, uniform supervision and the ability to direct investigative resources on a priority basis. Additionally, the role and relationship of the investigators to the office should be more clearly defined. All members of the organization need to recognize the law enforcement functions that will be provided with the formation of an investigative unit within the office. The Attorney General may also wish to examine the resources given to the investigative function to insure that they are sufficient and appropriate for the goals and objectives of the organization.

In the criminal appeals section, the Technical Assistance team recommends that the Attorney General seek additional secretarial assistance at least insofar as clerical matters such as filing, xeroxing,

etc. are concerned. The present clerical staff is obviously overworked, requiring late evening and weekend work to keep pace with the work generated. Additionally, problems were discovered with the telephone system for the office and it is recommended that the Attorney General consult the telephone company and ask them to survey the office and recommend a telephone system more suitable for efficiency, especially with regard to the Criminal Appeals Division.

Efficiencies can also be produced if the four attorneys in the Criminal Division and the two investigators assigned there used dictating equipment rather than writing in long hand, and if the secretary were provided with a transcriber for her exclusive use. The present dictation equipment that is used for preparing briefs is clearly inadequate.

Files in the office are kept in a haphazard fashion and, even though the office uses a brief bank system, it is not indexed by either subject matter nor case style. Thus it is not a time saving device for the preparation of briefs. The Technical Assistance team recommends that a clerk be assigned to rearrange the briefs which exist in the office to classify them according to subject matter. A brief bank properly indexed by subject matter will add to the goal of increased efficiency in the office. The Technical Assistance team also recommends that the secretary in this division be assigned a terminal and a printer for her exclusive use when the word processing equipment is installed in the office.

There is no filing or docketing system maintained in connection with criminal appeals in this office. If the matter is not remembered

by one of the two attorneys assigned to this division, no one can determine the status of a case. The filing system also presents problems. All of the various documents including pleadings and briefs are loosely kept in the files. The appellate files have apparently never been purged. The Technical Assistance team recommends that, considering the lack of space in the office, a person with the requisite knowledge begin to transfer closed cases out of the main office to an area that is less costly to the Attorney General. This procedure will free up needed space in the office. In addition, files should be set up so that documents are fastened by the use of a clip to both sides of the file. A control and monitoring function should be established in the office under the control of the secretary. In view of the small size of the office, central monitoring of pending appeals should be relatively simple, if the procedure is followed as a proforma matter. With such a system, it should be possible to know the status of a case by mere reference to the appeals log.

A diary sheet showing the current status of the case should be fastened to the outside of the file. Information such as the date the assignment of the notice of appeal was received, the date that the brief was received, the date that the case is set for oral argument, and various other matters concerning continuances should be contained on the diary sheet.

At the the time of the site visit, the Attorney General's office was in the process of acquiring a word processing system which would have two terminals in the office and the central processing located in the State Tax Agency. The Technical Assistance team suggests

that the Attorney General carefully examine the proposed responsibilities of the automated word processing system to insure that the proper tasks are assigned to that resource. It is the team's understanding that the equipment vendor has its main office in the State of Connecticut.

If this is so, certain areas should be clearly delineated in the contractual agreement between the office and the vendor. These areas would include service arrangements to cover equipment malfunctions, training programs for the Attorney General's personnel, and maintenance costs and the manner of payment. In addition, the Attorney General should review the relationship of the office terminals to the central processing unit to determine whether technical performance of the office's terminals will be reduced and if information placed in the system by the Attorney General's office can be accessed by other units of government.

The Technical Assistance team suggests that all clerical personnel be trained on the word processing equipment, but that the office designate one or two primary operators to carry the bulk of the word processing duties. In addition, the office should have one clerical employee who is the most proficient as to the workings of the equipment and one individual who could repair minor malfunctions to the equipment without the need for a vendor response.

The implementation of these suggestions and recommendations should result in a more efficient and effective office for the Vermont Attorney General as well as a savings in the long run to the citizens of the state through a more productive office.

APPENDIX A

RESUME

LEONARD R. MELLON

RESIDENCE: 3008 Federal Hill Drive
Falls Church, Virginia 22044
(703) 241-8982

EDUCATION: BS (Political Science), Florida State University
BSFS (History, International Law) School of Foreign Service,
LLB, School of Law, Georgetown University

PROFESSIONAL EXPERIENCE:

Deputy Executive Director, Jefferson Institute For Justice Studies - Currently
Research Associate, Bureau of Social Science Research, 1978 - Present
Director, Project on Child Support Enforcement, National District
Attorneys Association, Washington, D. C., 1975-1978
Special Counsel, National Center For Prosecution Management, Washington,
D.C., 1974-1975
Chief Deputy State Attorney, 12th Judicial Circuit of Florida,
Sarasota, 1974
Assistant State Attorney, 11th Judicial Circuit of Florida, Miami, 1971-1974
Counsel, Transcommunications Corp., New York, Miami, 1969-1971
Sole practitioner, Miami, Florida, 1965-1969
Assistant Attorney General, Florida, 1958-1965

CURRENT EMPLOYMENT

Project Director, Criminal Prosecution Technical Assistance Project--
Designed the format for and directed the operation of a technical assistance
project which provides short-term, on-site technical assistance to state attorneys
general, district and local prosecutors, and other relevant agencies in the areas
encompassing the operations, management and planning function of an office.
Coauthored a series of monographs in the field aimed at technology transfer of
proven management and operational techniques and processes; supported by the
Law Enforcement Assistance Administration.

Deputy Executive Director of Jefferson Institute For Justice Studies --
Assist in the qualitative development of methods designed to measure performance
of prosecutors and public defenders under a National Institute of Justice grant.
Participate in the design of tools to assist prosecutors, judges and others in
developing charging guidelines and sentence recommendation procedures in studies
commissioned by state and local authorities.

PAST EXPERIENCE

1978-1980

As Deputy Project Director, participated at the Bureau of Social Science Research in a three year nation-wide research project to develop techniques and procedures for increasing uniformity and consistency in decisionmaking in prosecutors offices. Among the 15 prosecutors cooperating in the research were those in Brooklyn, New York, Detroit, Michigan, Seattle, Washington, New Orleans, Louisiana, Minneapolis, Minnesota and Kansas City, Missouri. Out of this research was developed a new policy and management evaluation tool called the "Standard Case Set" which allows a prosecutor to measure the amount of agreement that exists in his office between himself and his attorney staff (called consistency) and among his staff (called uniformity).

1975-1978

As Director of the National District Attorneys Association Project On Child Support Enforcement, developed and directed a DHEW supported project which assisted and encouraged prosecutors and others nationally to participate in the Federal Child Support Enforcement Act (Title IV-D of the Social Security Act). During the project, conducted regional orientation and training conferences nation-wide; produced a monthly child support enforcement newsletter; developed a reference source and telephone hotline for prosecutors and other persons involved in IV-D activities, and a clearinghouse on current child support data; directed and participated in technical assistance visits by child support enforcement consultants nationwide.

1974-1975

As special counsel to the National Center for Prosecution Management, prepared under an LEAA grant, standards and goals for homogeneous groups of prosecutors in the United States, organized the groups, supervised the meetings and assisted in the preparation of documentation on standards and goals.

1974

As Chief Deputy State Attorney, 12th Judicial Circuit of Florida (Sarasota) had total responsibility, directly under State Attorney, for administration and operation of prosecutor's office. Acted as State Attorney in the absence of State Attorney.

1971-1974

As assistant state attorney, 11th Judicial Circuit of Florida, Dade County, Miami, created special trial division for speedy processing and trial of defendants, assisted in the development of pretrial intervention (diversion) program under an LEAA grant and established a Magistrate's Division in the State Attorney's Office. After undertaking a survey of case intake and screening, recommended the establishment of a new system and was appointed head of the new Intake and Pre-Trial Division in the State Attorney's Office.

1969-1971

Acted as house counsel for Transcommunications Corporation, a public corporation, in both Miami and New York City. Corporation was involved in television videotape production and post-production, and motion picture film processing. Job responsibility was primarily concerned with administration and the monitoring and supervision of the collection of accounts receivable.

1965-1969

Conducted general law practice including real estate and probate, commercial and administrative law. Specialized in appellate work both in state and federal courts. Practice also devoted in large measure to trial litigation, civil and criminal, in both state and federal courts.

1958-1965

As assistant attorney general of Florida was initially assigned to civil division handling general legal and administrative law matters for a variety of state agencies. In April 1960, appointed as Director of Law Enforcement under the Attorney General and acted at the same time as counsel for, among others, the Florida Hotel and Restaurant Commission, the State Beverage Department, the Florida Board of Pharmacy, the State Narcotics Bureau and the Florida Racing Commission. In this capacity drafted a variety of regulatory bills which were enacted into law affecting horse and dog racing in Florida, the hotel, restaurant and liquor industries, and the profession of pharmacy.

Selected Publications

"The Prosecutor Constrained By His Environment--A New Look At Discretionary Justice In The United States," (with Joan Jacoby and Marion Brewer), The Journal of Criminal Law and Criminology, Spring, 1981.

"The Standard Case Set: A Tool For Criminal Justice Decisionmakers" (with Joan E. Jacoby) (in press, G.P.O.), 1981.

"Prosecutorial Decisionmaking: A National Study" (with Joan E. Jacoby) (in press, G.P.O.), 1981.

"Policy and Prosecution" (with Joan Jacoby and Walter Smith) (in press, G.P.O.), 1981.

"Measuring Evidentiary Strength of Criminal Cases", Criminal Justice

Research: New Models and Findings, Sage Publications, Beverly Hills, London, 1980.

- Transmitting Prosecutorial Policy: A Case Study in Brooklyn, New York
(with Joan E. Jacoby, et al.). Bureau of Social Science Research, 1979
- A Quantitative Analysis of the Factors Affecting Prosecutorial Decisionmaking
(with Joan E. Jacoby, et al.). Bureau of Social Science Research, 1979
- Policy Analysis for Prosecution (with Joan E. Jacoby) Bureau of Social Science Research, April 1979.
- Policy Analysis for Prosecution: Executive Summary (with Joan E. Jacoby)
Bureau of Social Science Research, April 1979.
- "Probable Cause Determination," (Commentary) National Prosecution Standards,
National District Attorneys Association, Chicago, 1977.
- "The Child Support Enforcement Act." (with Sharon Biederman) Prosecutors'
Deskbook, Washington, D.C.: National District Attorneys Association, 1976.
- Handbook on the Law of Search, Seizure and Arrest, Florida Attorney General's
Office, 1960; revised, 1962
- "Can Effective Restrictive Legislation Be Written" The Journal of the American
Pharmaceutical Association, Spring, 1963

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PERSONAL: Date of Birth. . . 11/12/43 Married
Height 6' Excellent Health
Weight 200

EDUCATION:

1960 David MacKenzie High School, Detroit, Michigan
High School Diploma
1965 Adrian College, Adrian, Michigan
Bachelor of Arts degree (History & Political Science)
1972 Wayne State University, Detroit, Michigan
Juris Doctorate
Admitted to practice as an Attorney at Law, Michigan (1972)

EMPLOYMENT:

JAN., 1979 Project Director
TO Prosecuting Attorneys Association of Michigan, 306 Townsend
PRESENT 4th Floor, Lansing, Michigan (PROMIS Project)

As Project Director of the Michigan PROMIS Project, I have the overall responsibility for placing an automated criminal justice information system into eight urban Michigan Prosecuting Attorneys offices. To accomplish this task, I currently have a technical and management staff of 8-1/2 individuals and Project budget in excess of \$2 million.

1977 - 1979 Private Practitioner
Hankins, Kluck, Robillard, & Carlson, P.C., Attorneys at Law
2277 Science Pkwy., Okemos, Michigan

For the above referenced period, I was a partner in a private Law Firm specializing in the representation of police and fire labor organizations. As part of this experience, I represented, as General Counsel, approximately 3,000 officers for the Fraternal Order of Police and in addition represented a number of independent local labor organizations. My experience in this area included contract negotiations, grievance hearings and judicial proceedings.

1974 - 1977

Director, Management & Technical Services
Prosecuting Attorneys Association of Michigan, 306 Townsend
4th Floor, Lansing, Michigan

For the above referenced period, I was employed as
Director of Technical Services for the Prosecuting
Attorneys Association of Michigan. These duties
included:

1. Management consulting to local Prosecuting Attorneys offices.
2. Development of special prosecutor and investigative programs.
3. Development of office policy and procedures manuals.

1973 - 1974

Staff Attorney
Oakland County Prosecuting Attorneys Office, 1200 N. Telegraph
Pontiac, Michigan

For the above referenced period, I was employed as an
Assistant Prosecuting Attorney in the Oakland County
Prosecuting Attorneys office.

1969 - 1973

Oakland County Prosecuting Attorneys Office, 1200 N. Telegraph
Pontiac, Michigan

For the above referenced period, I was employed in
the following capacity:

1. Criminal Investigator
2. Chief Investigator
3. Chief of Grand Jury Investigation
4. Coordinator of Organized Crime Investigations

In the above referenced positions, I acquired experience
in the following areas:

1. Corporate Fraud
2. Consumer Protection
3. Organized Crime
4. Special Projects (Intelligence Section)
5. Narcotics Enforcement

In the four years of service, I was involved in almost every aspect of investigation including but not limited to surveillance, examination of fiscal documents and personal security.

1965 - 1969

Public School Teacher
Warren Public Schools, Warren, Michigan
Bloomfield Hills Public Schools, Bloomfield, Michigan

Upon graduation from college, I was employed as a high school teacher in History and Political Science and served within the above referenced school districts.

1960 - 1965

Walbridge Aldinger, Co., 19101 W. Davison, Detroit, Michigan

As part of providing college expenses, I was employed as a laborer in heavy construction during the summer months as well as Christmas and Easter vacations.

ADDITIONAL
INFORMATION:

SCHOOLS ATTENDED: 1972 - State of Michigan, Fiscal Crime School

1973 - Law Enforcement Assistance Administration,
Organized Crime Training School

Guest Lecturer - National College of District Attorneys

Prosecuting Attorneys Association of Michigan

New Jersey District Attorneys Association

New York District Attorneys Association

PUBLICATIONS: Prosecuting Attorneys Association of Michigan, CIVIL HANDBOOK

Prosecuting Attorneys Association of Michigan, CLERICAL HANDBOOK

National District Attorneys Association, Monograph entitled:
MANAGING INVESTIGATORS

CONSULTANT: National District Attorneys Association, Technical Assistance
Consultant, emphasis on investigator management.

International Chiefs of Police, Management Consulting Service
(Pending)