

PROSECUTION MANAGEMENT IN MISSOURI

2001

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PROSECUTION MANAGEMENT IN MISSOURI, 2001

INTRODUCTION

Missouri has 114 counties and the city of St. Louis representing a population of approximately 8.2 million. The largest prosecuting attorney's office is in Jackson County (Kansas City) with 72 full-time and 3 part-time assistant prosecuting attorney (APA) positions. Typically, prosecuting attorney offices in Missouri are small and in the more rural areas they are headed by part-time prosecutors. With the exception of the city of St. Louis, prosecuting attorneys represent counties. St. Louis city has a circuit attorney for the city. The median¹ office in Missouri has two assistant prosecuting attorneys

Prosecuting attorneys have felony misdemeanor, juvenile traffic and some civil jurisdiction. All are elected for four-year terms. They are located in the executive branch of government. Offices are funded by local county budgets.

The court system is unified and includes an associate circuit court for misdemeanors and traffic and a circuit court for felonies and juveniles. There may be municipal courts within the county which operate independent of the circuit court and typically handle ordinance violations, traffic and some misdemeanors where there is concurrent jurisdiction. The prosecuting attorney is required by law to review and authorize complaints before they are filed in court.

In 2001 the Jefferson Institute conducted a management survey for the Prosecuting Attorneys Council of Missouri and the Missouri Office of Prosecution Services (MOPS), a statutorily established "autonomous entity" located in the office of the attorney general. MOPS is funded by court fees and provides training and technical assistance to the prosecuting attorney's offices. Through state funding and grants, it also supports prosecution services in specific issue areas. Currently it is involved in developing a statewide case tracking system and the development of a prosecutor's guide to misdemeanor case management.

¹ The median is the point where 50 percent of the offices are below the value and 50 percent are above the value.

Good managers recognize that it is important for offices to have reasonable staffing levels. However, they also recognize that if resources are strained, it is even more important to manage resources efficiently and effectively. Although good management is a goal for all prosecutors, it raises a set of questions. What is good management and how does one know when it has been achieved? If management needs to be improved, then how is this diagnosed and what are the performance measures that should be used? Finally, is there a need for additional funding and other resources to bring the management of prosecutors' offices up to an acceptable level? Some answers may be obtained by surveying prosecutors to identify the existence of good management practices throughout the state.

The survey was conducted in 2001 by the Jefferson Institute as part of its BJA funded program to Promote Innovation in Prosecution (Grant No. 97-DD-BX-0006). The results of the survey have been compiled in this report to provide information to the Prosecuting Attorneys Council and to serve as a baseline for determining the status to prosecution management statewide in Missouri. It also will be used as part of a larger effort to develop tools that can evaluate the management needs of prosecution statewide.

The results of the survey demonstrate that the nature of prosecution management varies among the districts across the state. The results also provide the Prosecuting Attorneys Council with another source of information that can be used to determine where additional resources are needed and of what type.

PURPOSE AND OBJECTIVES

The purpose of this report is to describe the state of prosecution management in Missouri and establish a baseline for future studies to monitor the management needs of prosecutors in the state.

METHODOLOGY

The assessment is based on a survey of prosecutors and their descriptions of the organization, management and operations of their offices. It describes their policies and how they are being implemented. Fifty-five (or 48 percent) of the 115 prosecutors responded to the survey. The responses are representative of the population distribution of the jurisdictions in the state.

The survey responses were compared to generally accepted management principles and the percent of offices indicating that they incorporate good management practices was calculated. The results produce a picture of the strengths and weaknesses of prosecution management statewide and note areas that may need attention.

The survey focused on five basic management issues confronting every prosecutor's office regardless of size or type. They are:

1. Police-prosecutor interface
2. Intake and screening
3. Case management
4. Organization and administration
5. Space, equipment and automation

The focus of this report is the status of prosecution management statewide and the identification of areas where improvements are most feasible and may yield the greatest savings in the delivery of prosecution services.

ORGANIZATION OF THE REPORT

The report is divided into three sections.

In Section one, the criteria used to evaluate prosecution management are described. These criteria are stated in the form of generally accepted management principles. They represent goals for the essential functions of prosecution and allow the reader to identify practices that enhance or support these goals.

Section two summarizes the results of the survey statewide and highlights management strengths and weaknesses within each of the five areas.

Section three presents the detailed results of the practices used within each management area.

Appendix A contains a copy of the survey instrument.

I. CRITERIA FOR EVALUATING PROSECUTION MANAGEMENT

Assessing the delivery of services to the public requires standards and performance measures that can serve as a baseline against which actual operations are compared. Assessing the delivery of prosecution services is no different. What is needed are standards or principles against which prosecution practices can be compared.

A set of Generally Accepted Prosecution Management Principles (GAPMAP) has emerged over time from commissions such as the *National Advisory Commission on Criminal Justice Standards and Goals: Courts (1973)*, professional organizations such as the American Bar Association *Standards for Criminal Justice for Prosecution Function and Defense Function*, National District Attorneys Association's *National Prosecution Standards, Second Edition (1991)*.

They also stem from generally accepted management principles as espoused by the American Society of Public Administration, and as observed in practice by criminal justice researchers including the staff of the Jefferson Institute and its teams of experts and practitioners. Many prosecution management principles may also be found in the *Prosecutor's Guides to Intake and Screening (1998)*, *Case Management (1999)*, *Management Information (1999)* and *Police-Prosecutor Relations (1999)* developed by the Jefferson Institute for Justice Studies as part of the Promoting Innovation in Prosecution project. A discussion of performance management issues is also published in *Basic Issues in Prosecution and Public Defender Performance (1982)*.

GAPMAP is merely a compilation of some of the management principles that have been tested over time and found to be reliable.

The value of management principles lies in their ability to:

1. Relate prosecutor goals and objectives to the basic functions of prosecution - intake, adjudication, post-conviction activity and the interface with law enforcement

2. Establish a baseline for assessing the level of prosecution management in an office or statewide
3. Identify functional areas that are in compliance with management principles and note areas that are deficient
4. Assist in the development of prosecution programs and plans that increase compliance with GAPMAP.

GAPMAP sets forth principles for prosecution management and operations in the following areas:

- * The police/prosecutor interface
- * Intake and screening
- * Case management
- * Organization and administration
- * Space, equipment and automation

Management principles are rules or codes of conduct that enable prosecutors to deliver prosecution services efficiently, effectively, and equitably. They are implemented by policies and practices. Compliance with management principles may be measured by the number of policies and practices that are used which support or enhance the principles.

For example, prosecutors' offices that have written guidelines for the types of cases that should be declined or conditions when further investigations should be ordered are more likely to have better control over what is accepted for prosecution than offices with *ad hoc* procedures.²

To test compliance with generally accepted management principles, a set of practices were identified for each of the five areas. These practices serve as indicators of conditions that are consistent with the management principles. If the practices are not in evidence, then the principle being examined is noted as being deficient. If they are in existence, then we assume that there is compliance.

² Some prosecutors may caution that although management principles represent laudable goals, they are not achievable because they lack resources or have little or no control over the inefficient practices of others. Quite the opposite is true. Good management increases the productivity of the office and strong leadership influences the practices of others.

For example, if the chief prosecutor and the heads of the law enforcement agencies meet regularly, then this practice is consistent with the GAPMAP principle that supports regular open communication between the prosecutor and law enforcement agencies at the policymaking level. As the number of practices that are consistent with a principle increases, so does the strength of the compliance.

In this assessment each GAPMAP area was represented by a number of practices or indicators of good management. They are distributed as follows:

<u>Management area</u>	<u>Number of practices</u>
Police-prosecutor interface	29
Intake and screening	20
Case management	17
Organization & Administration	15
<u>Space, equipment & automation</u>	<u>9</u>
Total	90

The statewide scope of the survey examines the delivery of prosecution services at the state level. For example, one practice that strengthens intake and charging decisions is using experienced trial attorneys for review and charging. The statewide examination looks at the percent of offices that use this practice. A high percent of use reflects the acceptance of a good management practice statewide. On the other hand, if most offices allow any assistant to review cases and make charging decisions, then the Prosecuting Attorney's Council might consider developing workshops or communications to assist prosecutors in reviewing their practices in this area.

The long-range purpose of a statewide assessment is to identify strengths and weaknesses in the delivery of prosecution services. The reader may use this knowledge to make long-term improvements using a variety of techniques such as training, workshops, technical assistance, demonstration projects and developing new materials and statewide management guidelines.

GENERALLY ACCEPTED PROSECUTION MANAGEMENT PRINCIPLES

The following are the management principles that were used for each of the assessment areas and the policies and/or practices that reflect them.

Police-Prosecutor Interface

Prosecutors should use practices that enhance and support communication, coordination and collaboration between law enforcement agencies and the prosecutor's activities. These practices may include:

- Regularly scheduled communication with law enforcement about policy and priorities
- Timely, complete and responsive investigative reports
- Availability of prosecutors to law enforcement
- Close coordination and joint programs between investigators and prosecutors
- Law enforcement involvement in case processing and outcomes
- Efficient use of prosecution and law enforcement time

Intake and Screening

Prosecutors should use practices that enhance and support the ability of the office to make decisions about acceptance and charging that are uniform and consistent with office policy, are based on complete investigative information and are made in a timely manner. These practices may include:

Charging and declination policies communicated to all interested parties

- Charging decisions uniformly made consistent with policy
- Charging decisions made by experienced trial attorneys - no assistant shopping
- Procedures that monitor requests for additional information

- Citizen complaints screened initially by law enforcement, not magistrate or prosecutor

Case Management

Prosecutors should use practices that support the ability of the prosecutor to dispose of cases with acceptable sanctions or outcomes in a timely manner and with the least use of resources. These practices may include:

- The concept of differentiated case management³
- The use of alternatives to criminal prosecution
- Administrative not adversarial prosecution
- Reductions in case processing time
- Accountability in the decision making process
- Uniform and consistent plea negotiation and dismissal policies

Organization and Administration

Prosecutors should use practices that increase productivity, encourage problem-solving, support accountability, and increase innovation and change. Practices may include:

- Leadership and openness to change
- Availability and use of management information
- Management and operations by teams if feasible
- Accountability
- Use of alternative funding sources
- Community involvement

³ For a complete discussion of the DCM concept, see the Special Issue "Swift and Effective Justice: New Approaches to Drug Cases in the States" of *the Justice System Journal*, Vol. 17/1, 1994 National Center for State Courts, Williamsburg VA

Space, Equipment and Automation

Prosecutors should have sufficient space, adequate equipment and up-to-date technology to enable them to work comfortably, safely and productively.

Sufficiency includes:

- **Space to support all the activities of the office including:**
Reception/waiting, conferences and interviews, legal research, staff amenities, work stations for support staff, investigators and victim-witness services, case preparation and training.
- **Adequate equipment including:**
Up-to-date copiers, fax machines, telephone answering systems, pagers, cell phones, personal computers for each employee with Internet and e-mail access.
- **Management information systems**
Integrated with law enforcement and court systems, and other specialized activities, e.g. juveniles, child support enforcement, etc.
Satisfying the management and operational information needs of prosecutors.

II. SUMMARY OF FINDINGS

In this section we present a summary of the survey results. The findings are organized into the five management areas: police-prosecutor interface; intake and screening; case management; organization and administration; and, space, equipment and automation.

We assess compliance with GAPMAP by recording the percent of offices that have practices that conform to generally accepted management principles within each of the five management areas and then weighted by their relative importance to the establishment of good management in each area.

For example, if 23 percent of the offices state that they have regularly scheduled meetings with the chiefs of law enforcement agencies and 63 percent state they have meetings as needed, the 23 percent is the score that is recorded for the assessment because it is in conformance with the principle.

Summary of levels of compliance

Statewide, the median level of compliance is 53. The highest median levels of management compliance are recorded for case management (66 percent) and space, equipment, and automation (64 percent), followed by intake and screening at 56 percent. The lowest scores are recorded for the police-prosecutor interface (40 percent) and organization and administration (27 percent). (Figure 1).

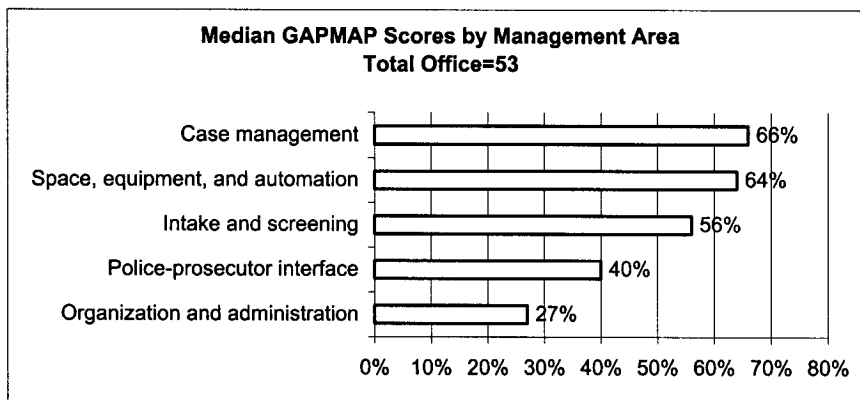


Fig. 1

The questions that the reader should ask are: are these results adequate; how high can compliance levels be raised; and, how can it be accomplished. Answers may be found by looking at each of the management areas and identifying where strengths and weaknesses appear to exist.

In the following sections, we describe the results of the prosecutors' survey completed by 55 offices for each of the five GAPMAP areas. Generally, the findings are stated either as the percent of offices responding to each question, or as the median of a distribution.

The findings follow a standard format. First there is a statement about the importance of each practice to GAPMAP principles. The statement describes the value of the practice and why it is an indicator of the management principle being discussed. Then the results of the Missouri survey are presented either as the percent of offices responding to each question or as the median of the distribution of responses.

The responses are generally presented as graphs. The bottom left hand corner identifies the question in the survey. The bottom right hand corner identifies the number (n) of responses.

III. COMPLIANCE LEVELS IN EACH MANAGEMENT AREA

POLICE-PROSECUTOR INTERFACE

Prosecutor offices were examined for their use of practices that enhance and support the interface between law enforcement agencies and the prosecutor's activities. These practices include:

1. Regularly scheduled communication with law enforcement about policy and priorities
2. Timely, complete and responsive investigative reports
3. Availability of prosecutors to law enforcement
4. Close coordination and joint programs between investigators and prosecutors
5. Law enforcement involvement in case processing and outcomes
6. Efficient utilization of prosecution and law enforcement time

Summary of Statewide Compliance Levels

The median state level of compliance for the police-prosecutor interface is 40 percent. The range of scores among individual offices is between 85 percent and 10 percent. This wide variation suggests that there is a real opportunity to improve parts of the police-prosecutor interfaces and thereby improve communication, coordination, and collaboration. It appears that there are positive working relations among the departments and the prosecutor but the interface between the two is not as strong once cases move into the prosecution process or in the areas of planning and policy.

Strengths

Practices that tend to conform to generally accepted management principles are predominately located in the timeliness of police reporting (roughly 80 percent of the offices reported receiving police reports in 10 days or less), and the prosecutor active review of search warrants. Almost all offices (91 percent) are actively involved in drafting and certifying search warrants. These practices suggest that the prosecutors' intake and screening activities are strengthened. The fact that the prosecutor has to authorize charges before they are filed in the court appears to have established a solid basis for

good police-prosecutor relations. This is also supported by the large proportion of prosecutors' offices (78 percent) that have designed forms for law enforcement use.

The quality of police reports by larger agencies was also identified as good to excellent. A grade of A or B was given to the quality of police report by 58 percent of the prosecutors; and for the quality of evidence collection, 69 percent of the office gave the largest agencies an A or B.

Weaknesses

The results suggest that there is little statewide effort to involve police in policy and planning matters. Only 11 percent of the offices have regularly scheduled meetings with the chiefs and the sheriff. Only 15 percent of the offices report that police are involved in plea negotiation while 13 percent involve law enforcement in prosecution plans. Few offices (only 35 percent) reported that they participate in joint programs with the police although much of this may be due to the fact that most offices are too small and do not have resources to support formal programs.

The survey suggests that the smaller law enforcement agencies need assistance in report writing and evidence collection. The percent of the offices rated the agencies with an A or B was 29 percent for evidence collection and 20 percent for report writing. On the whole, it appears that prosecutors are not particularly active in training police (even informally) in the areas of report writing or discussing new legislation.

In the next sections, we examine each of the practices and report the survey results.

1. Regularly scheduled communication with law enforcement policymakers



Prosecutors typically deal with multiple law enforcement agencies, a condition that increases the need for good communication and coordination at the highest policy levels as well as operationally.

Multiple law enforcement agencies require extra emphasis on communication and coordination. The median number of agencies referring cases is 6.

In Missouri,



The median number of law enforcement agencies referring cases to a prosecutor's office is 6.



The fewest number of agencies is 1, the largest is 68.

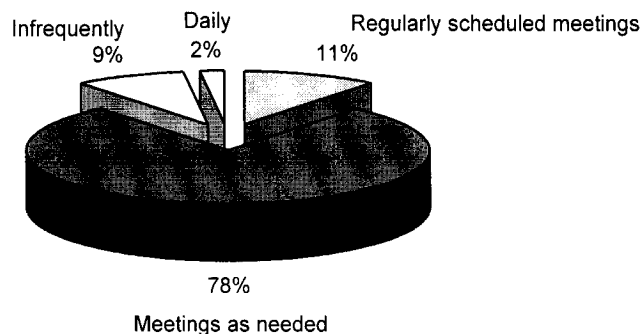
QB1



Communication and coordination are key factors in improving the interface between police and prosecutors. Regularly scheduled meetings with the chief policy makers in law enforcement and the prosecutor allow the two parts of the criminal justice system to exchange ideas, discuss issues and establish policies that are more likely to succeed when implemented.

Only 11 % of prosecutors hold regularly scheduled meetings with the chiefs of local law enforcement agencies to discuss mutual problems and priorities.

Percent of Offices by Frequency of Meetings with Law Enforcement



QB11

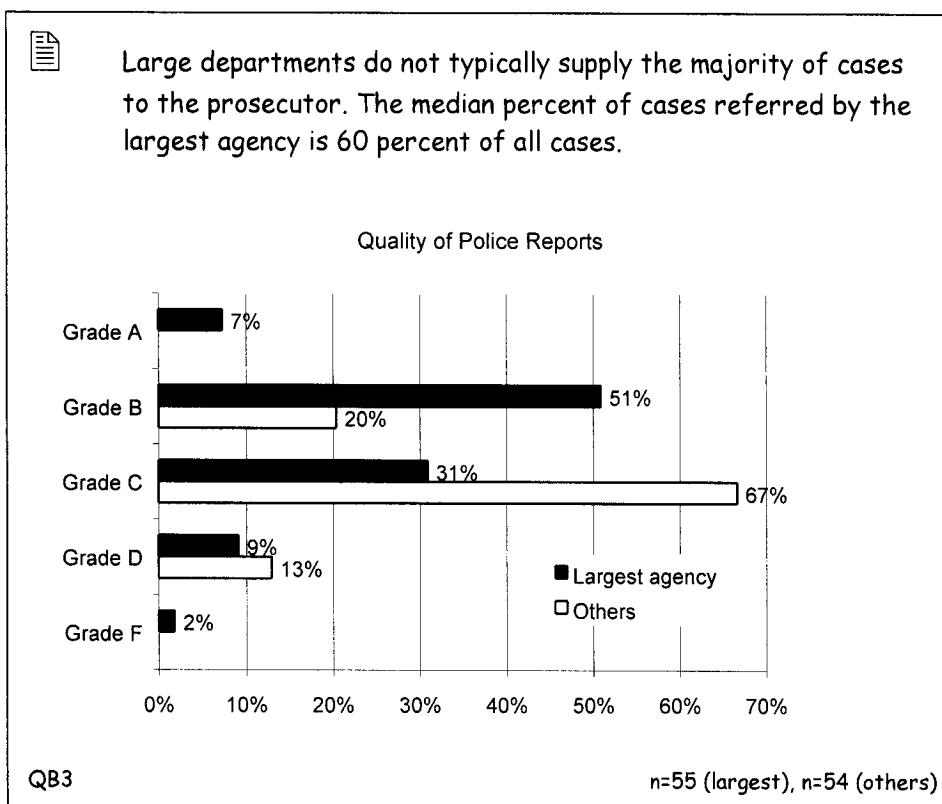
n=55

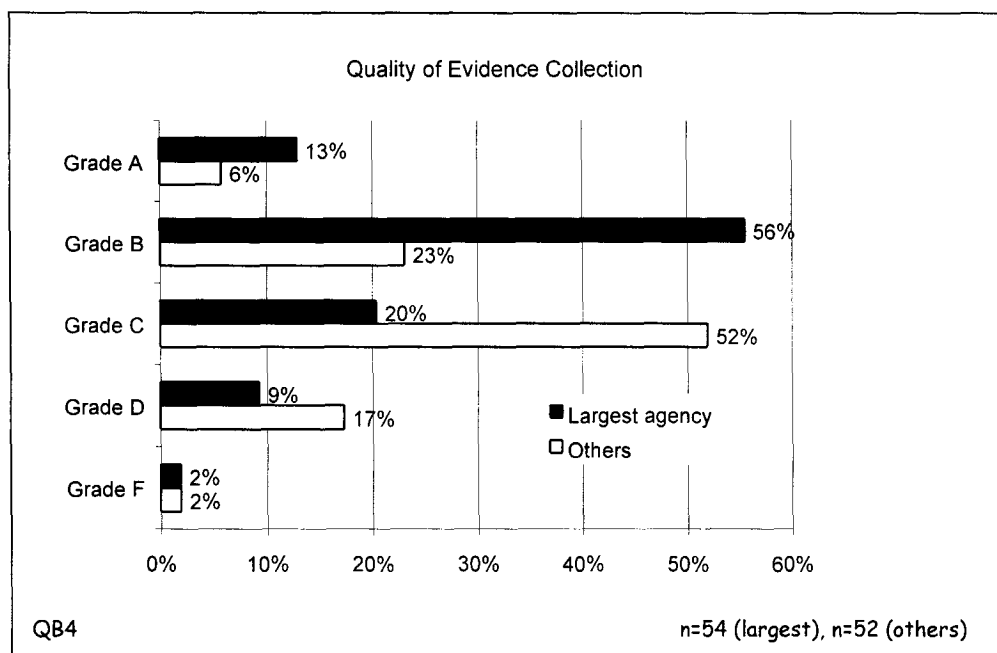
2. Timely, complete and responsive investigative reports



When prosecutors have multiple law enforcement agencies in their jurisdictions, they encounter wide variations in the quality of reports, evidence collection and handling because of differences in employment criteria, training, and pay. Many of the problems associated with multiple agencies are reduced if one agency supplies most of the caseload to the office. Generally prosecutors receive higher quality reports from large departments than from smaller ones.

The larger departments provide better quality police reports and have better quality of evidence collection than smaller agencies (median grade B for the larger departments, grade C is median for smaller departments).



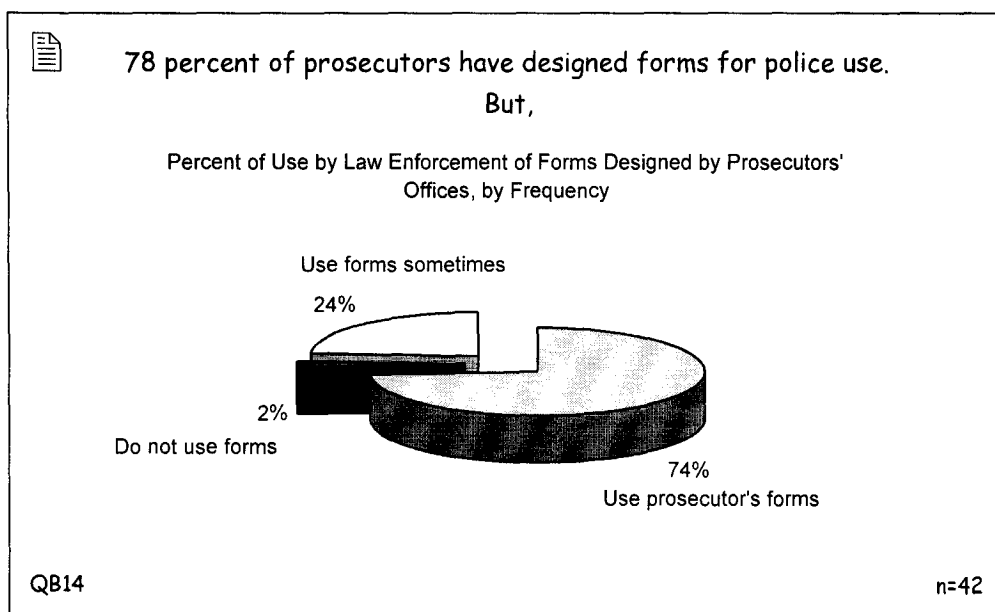


The quality of evidence collection is rated B for largest agencies and C for the smaller ones.



Investigative reports are the foundation upon which prosecution builds its cases. They should contain sufficient information for prosecution. If prosecutors develop forms for law enforcement use, they increase their chances of obtaining needed information.

78 percent of prosecutors have designed report forms for law enforcement use. They are used regularly by law enforcement almost three out of four times (74 percent).





Timely reports from law enforcement are important for proper charging decisions. Delays in submitting reports produce delays in charging that may provoke other problems. One may be unnecessary cost to the public if pretrial detention is ordered and the case is ultimately declined or dismissed. Another may be the release of defendants who should be detained. Charging decisions should be made before cases are given formal status in the court system. Prosecutors should control the gate to the court. Their ability to do so is weakened if reports are not submitted in a timely fashion after an arrest.

With few exceptions, prosecutors indicate that police reports are being forwarded to them in a timely fashion.

In Missouri,

Median Number of Days to Receive Felony Reports for:

Violent Crimes	1
Property or drug crimes	5

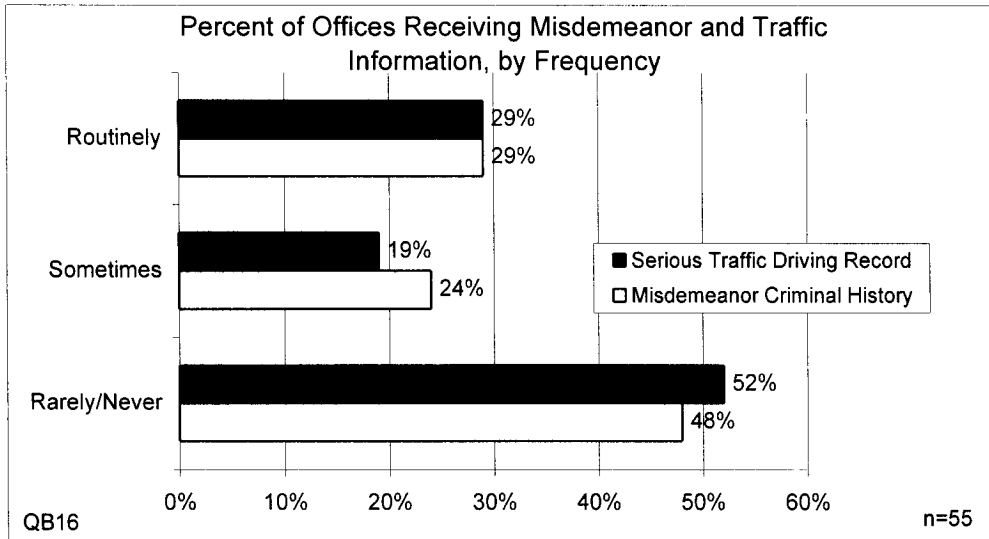
Percent of Offices Receiving Reports in 10 Days or Less for:

Violent Crimes	83%
Property or drug crimes	77%

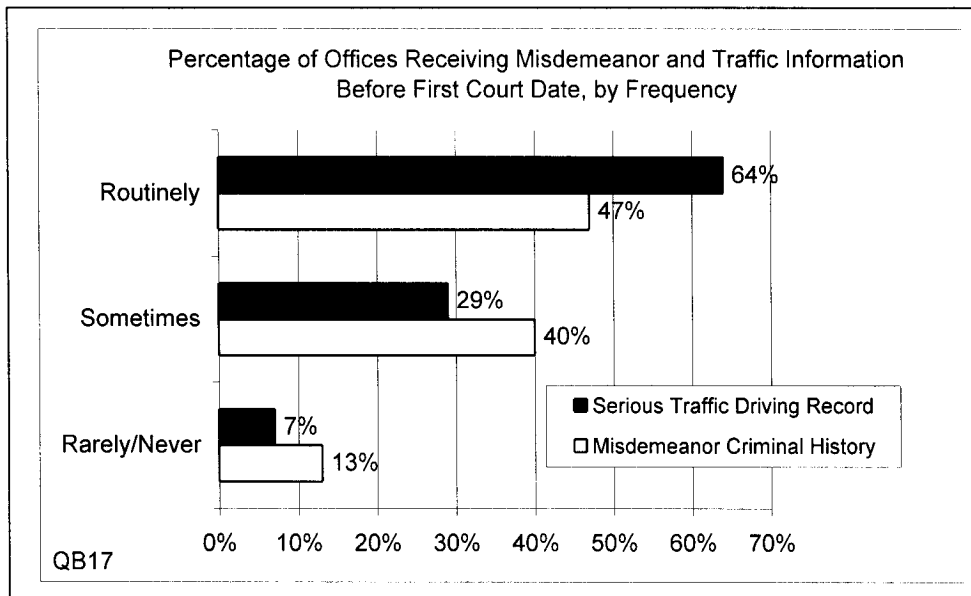
QB7



Misdemeanor cases and serious traffic offenses usually comprise the largest proportion of cases in an office. It is important that the “assembly-line” procedures established for processing these cases ensure that information is complete and timely. This means that law enforcement agencies should provide the defendants’ records to the prosecutor and that these records be available before the first court appearance. In this manner, appropriate plea offers can be made and unnecessary delay can be reduced.



Only 29 percent of the prosecutors routinely receive misdemeanor driving or criminal history records

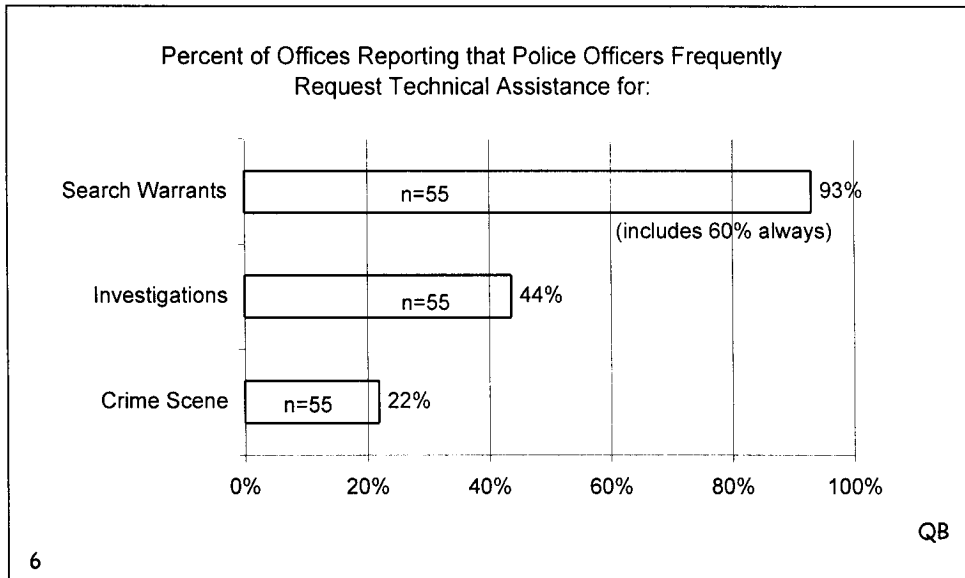


Almost two thirds of the offices have driving records before the first court date. Less than half have criminal histories available routinely before the first court date

3. Availability of prosecutors to law enforcement



The police-prosecutor interface is strengthened by teamwork. A team approach improves working relationships and helps prosecutors obtain appropriate dispositions. When team concepts are operational, there are high levels of communication and interaction. One indicator of teamwork is the frequency with which investigators seek advice and assistance from prosecutors about investigations, activity at the crime scene or search warrants.



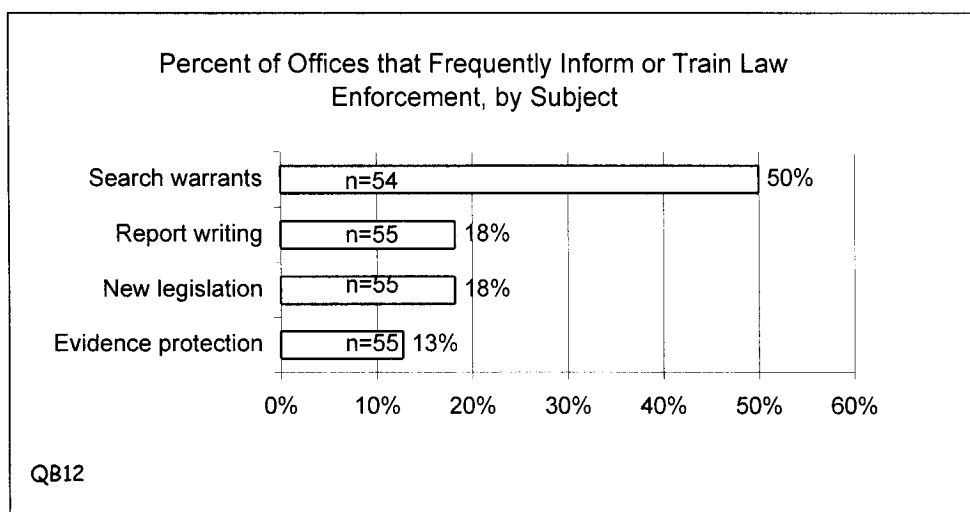
Statewide, police/prosecutor interfaces vary. Prosecutors are more likely to interact with law enforcement when preparing search warrants (93 percent) than during investigations or at crime scenes.



Police-prosecutor relationships are a two way street.

Prosecutors should keep police informed about new legislation and assist departments that need additional training or help in the basic areas of report writing, evidence protection or search warrants. Even small prosecutor offices can provide information or on-the-job training to law enforcement. If agencies work as a team, sharing common goals, we would expect to find high levels of communication and training. The frequency with which information and training are provided to law enforcement indicates the level of interaction between the two agencies.

Statewide, one-half of prosecutors frequently provide law enforcement with training in search warrants. Few prosecutors provide information about report writing, evidence protection or changes in



4. Close coordination and joint programs between investigators and prosecutors

The advantages of close working relations between law enforcement agencies and prosecutors are many, including:

- Prosecutors can provide informal on-the-job training to police
- Both agencies, law enforcement and prosecutors, gain an understanding of the needs and demands faced by each other
- Police are more responsive to prosecutors' requests and accountability is increased in both agencies
- Coordinating with law enforcement on mutually agreed upon priorities can expand the relatively limited resources of prosecutors



The prosecutor's participation in joint programs is one indicator of the level of police-prosecutor coordination. Joint programs with law enforcement may include career criminal programs, violent offender prosecution programs, child victimization and drug programs. Grant funding agencies have played a major role in fostering coordination with increases in funding opportunities and emphasis on joint police-prosecutor programs.

In Missouri,



Only 35 percent of district attorneys' offices have joint programs with law enforcement.



The median number of programs in these offices was two.



The most prevalent programs focus on child sexual abuse (74 percent), domestic violence (74 percent) and drugs (42 percent).

QB5

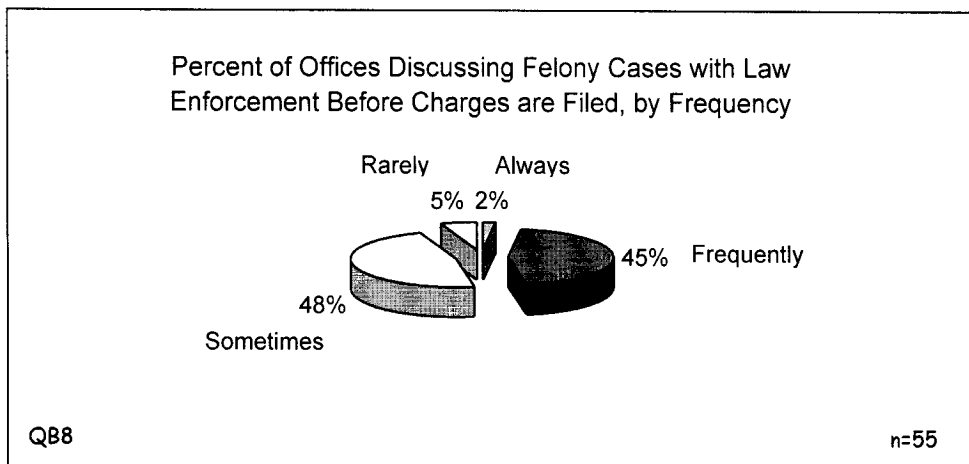
Few prosecutors (35 percent) have taken advantage of joint police/prosecutor programs and their benefits.

5. Involve law enforcement in case processing and outcomes

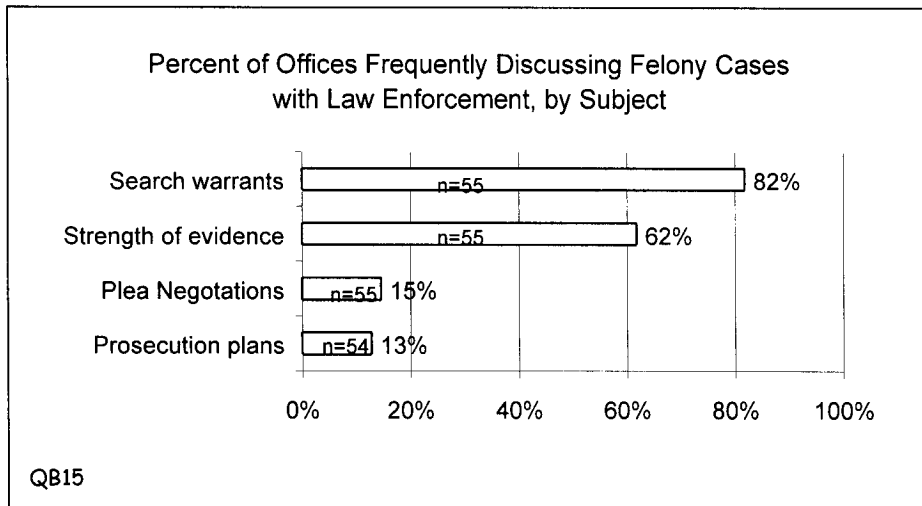


The more police become vested in the outcomes of cases, the stronger is the prosecutor's case. Vesting officers and investigators with knowledge about prosecution strategies and plans implies high levels of trust and confidence between the two agencies. One indicator of law enforcement involvement in case dispositions is the frequency of joint discussions about felony cases before charges are filed by the prosecutor and after the case has been accepted for prosecution. The frequency of police and prosecutor discussions about the strength of cases and the additional information or evidence that may be needed before charging decisions suggests the quality of police-prosecutor relationships that may exist later in the trial process.

The results suggest that working relationships between investigators and attorneys could be improved. Only 45 percent frequently discuss felony cases before charges are filed.



After charges have been filed, the level of communication between law enforcement agencies and prosecutors is another indicator of working relations and the degree of police interest in case outcomes. Prosecutors who work closely with law enforcement frequently discuss felony cases and specifically, such issues as the strength of the evidence, plea negotiation, the prosecution plan and search warrants.

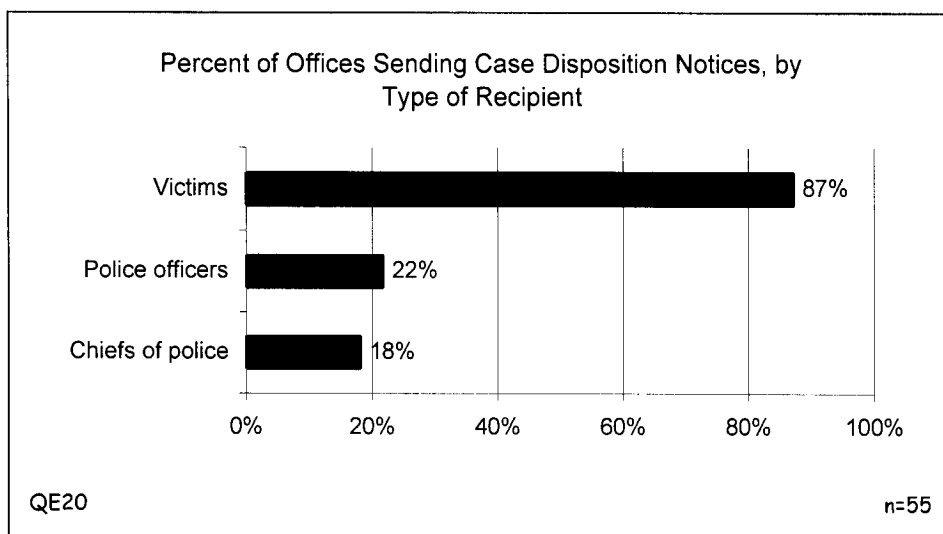


Prosecutors are more likely to discuss search warrants (82 percent) and evidentiary tactics (62 percent) with police than prosecution tactics such as plea negotiations (15 percent) and prosecution plans (38 percent).



The recent emphasis placed on notifying victims about hearings and the status of cases highlights the importance of notifying *all parties* involved in the adjudication process, especially law enforcement agencies. The benefits are improved police-prosecutor relations, more efficient scheduling and reduced overtime costs. By keeping law enforcement personnel informed about case status and dispositions, their vested interest in the case beyond just the arrest may be increased. Additionally routinely providing chiefs of police with case disposition reports keeps them informed about how their department is performing. Prosecutors should be able to extend the notification process to law enforcement by modifying existing victim notification procedures.

Case disposition notices are routinely provided to victims (87 percent) but less often to police officers (22 percent) and chiefs of police (18 percent).

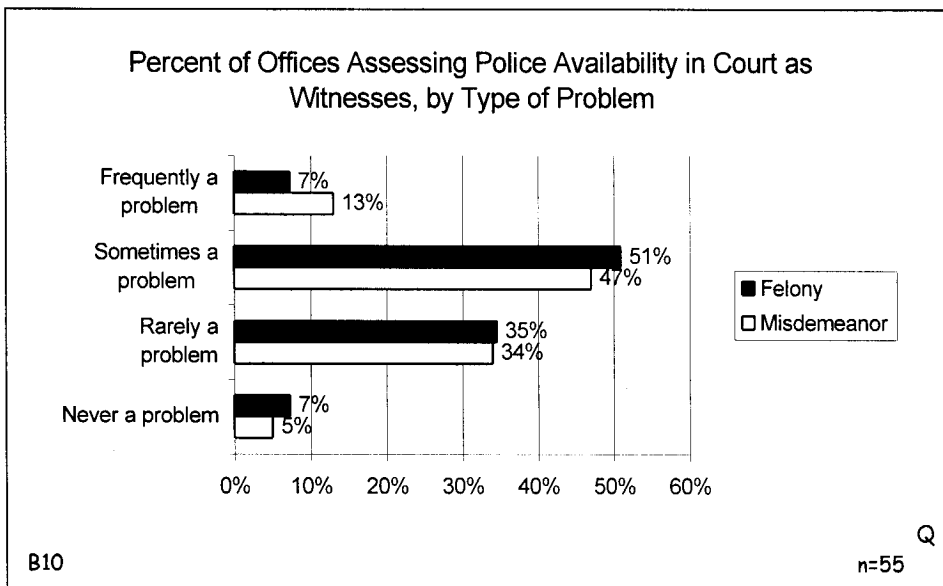


6. Efficient use of prosecution and law enforcement time




Law enforcement availability in court has a significant effect on the prosecutor's ability to bring cases to disposition in a timely and acceptable fashion. The worse scenario is to have cases dismissed because the officer was not present. It is important that prosecutors develop simple procedures that reduce situations impeding police availability. These can take the form of using pagers or callbacks for court scheduling, making appointments for police and prosecutors, and establishing single points of contact for the receipt of notices.

Police availability at court appearances is sometimes or frequently a problem for 58 percent of prosecutors in felony cases and 60 percent of prosecutors in misdemeanor cases.



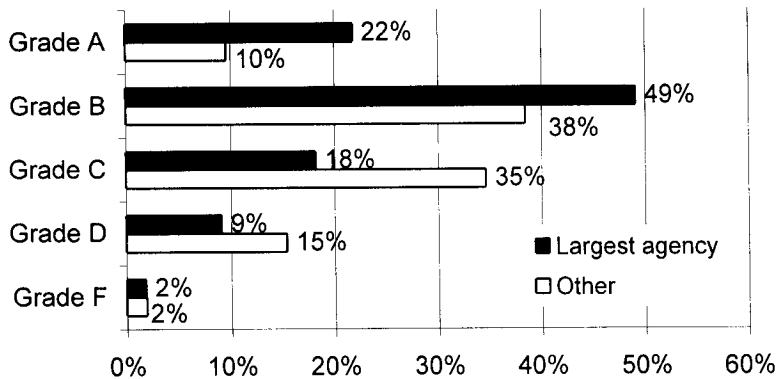
Law enforcement's responsiveness to prosecutors' requests for additional information is another indicator of police-prosecutor working relationships. If officers understand the prosecutor's need for sufficient evidence to support a conviction, they tend to be more responsive. Delays in responding to prosecutor requests increase the pile of "pending cases" and interfere with the ability of the prosecutor's office to make timely decisions.

In Missouri,

 The median grade for responsiveness in large departments was B, good.

 In the smaller agencies it was C, average.

Percent of Offices Assessing Police Response to Prosecutors' Request for Additional Information by Grade and Size of Agency



QB9

n=55 (largest), n=52 (other)

71 percent of offices view the responsiveness by law enforcement to prosecutors' requests for additional information as good to excellent in the largest law enforcement agency. 48 percent view responsiveness as good to excellent in smaller agencies.

INTAKE AND SCREENING

Prosecutor offices were examined for practices that enhance and support the ability of the office to make decisions about acceptance and charging that are uniform and consistent with office policy, are based on complete investigative information, and are made in a timely manner. These practices include:

1. Felony and misdemeanor cases reviewed prior to filing in the court or at the earliest possible time
2. Charging and declination policies communicated to all interested parties
3. Charging decisions made by experienced trial attorneys based on adequate information
4. Citizen complaints screened by law enforcement, not magistrates or prosecutors
5. Programs are available as alternatives to prosecution

Intake and screening is that part of the prosecution process where decisions are made about what charges to file and at what level. It may occur under three conditions: prearrest, when complaints or warrants are authorized by prosecutors; post-arrest, when police reports are forwarded to the prosecutor's offices for review and charging; or after charges have been filed in the court.

This part of the adjudication process activates one of the most important elements of prosecution, namely, the unreviewable discretionary power of the prosecutor to accept or decline prosecution and to set the charge. The prosecutor controls the gate to the courts. How well this control is exercised and managed makes the difference between accepting prosecutable cases or supporting the GIGO principle (Garbage In, Garbage Out).

State statutes or court rules may limit the ability of the prosecutor to exercise charging discretion until after arrests are made and cases are filed in the court. In these instances, it is all the more important that case review be conducted at the earliest possible point in the adjudication process. Even if

statutory authority does not exist to provide for case review before filing, some prosecutors have introduced screening through cooperative agreements with law enforcement agencies.

Statewide Compliance with GAPMAP

The median state level of compliance for intake and screening is 56 percent. The range of scores among individual offices is between 81 and 29 percent. Of all management areas, intake and screening are the most important since they represent the “gate” to the adjudication process.

Strengths

Missouri prosecutors are favored by statutory authority and court rules that require indictments and complaints to be signed by the prosecutor. This provides the opportunity to review charges before they are filed in court. As a result, both felonies and misdemeanors are screened prior to filing, a practice that helps weed out weak and insufficient cases. Also providing a supportive environment for screening is the fact that in most offices (65 percent) citizen complaints are investigated by the law enforcement agencies rather than magistrates or prosecutors.

Early review decreases unnecessary prosecution and court work. The responses to the survey indicate these practices. Most of the offices (83 percent) review felony cases at or before first appearances and 91 percent review misdemeanors before the first court date.

Weaknesses

What is notable, though explainable by the small size of the offices, is a lack of alternatives to prosecution outside the criminal justice system. Only 4 percent of the offices reported the existence of mediation or dispute resolution programs in their jurisdictions.

The adequacy of police reports also appears to be an area that could be improved. Although about 85 percent of the offices have arrest reports and criminal histories available at the time of screening, fewer report receiving a written summary of witness testimony (59 percent) and other evidentiary documents.

1. Felony and misdemeanor cases reviewed prior to filing in the court or at the earliest possible time



The efficiency of the court is directly affected by the use and timing of prosecutorial review. Some states require prosecutors to review and authorize complaints before cases are filed. In other states, the statutes are silent about this practice. Prosecutorial review of cases is essential to our system of checks and balances in criminal justice. Case review for charging decisions is the defining characteristic of the American prosecutor and from a management view, it is the door to the adjudication process.

**All offices review
felony and
misdemeanor cases
before charges are
filed in court**

In Missouri



Eleven percent of offices *authorize* felony charges before arrest.

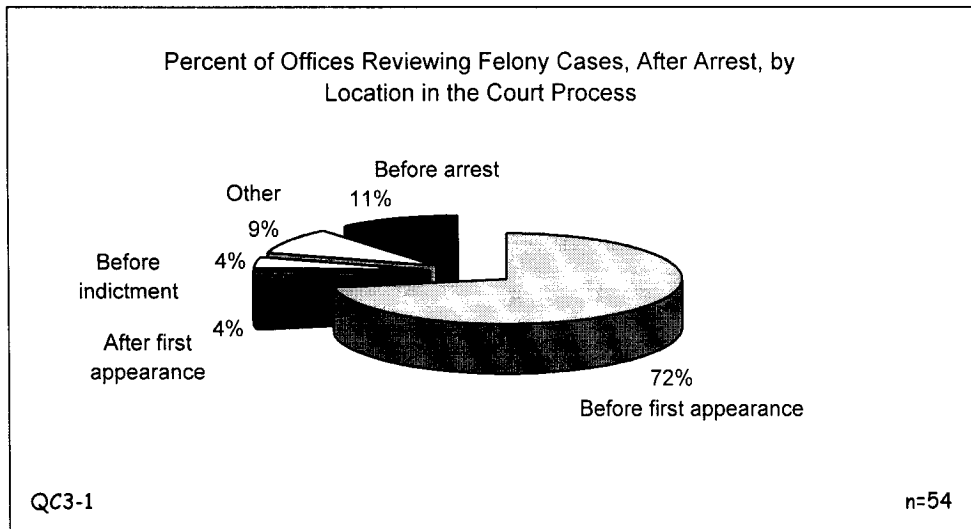


All offices reported *reviewing* felony and misdemeanor cases before charges are filed in the court.

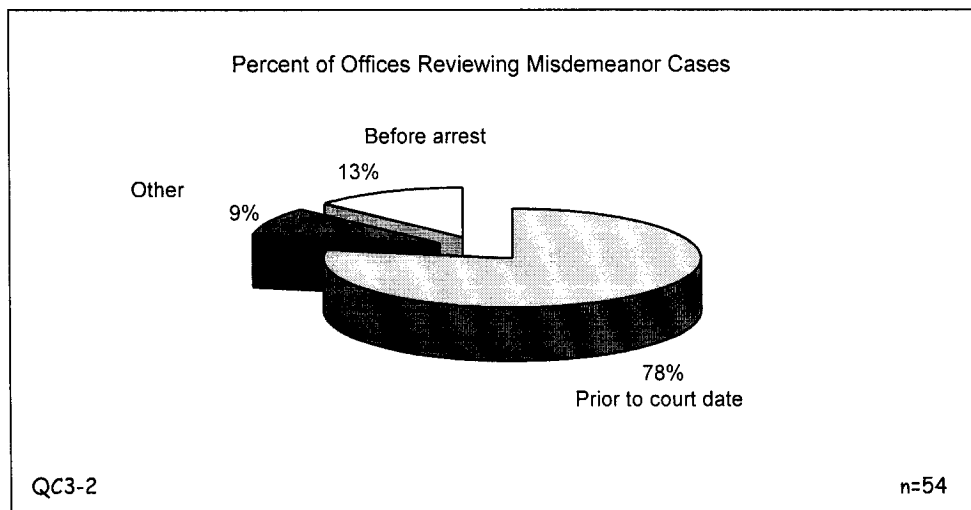
QC1& C2



The later in the process prosecutorial review occurs, the more likely it is that the court will process cases that should have been declined, could have been better investigated or more appropriately charged. The effect of delayed screening is to increase workload for all parties and add to court delay. The principle of early review before filing is an important one and many prosecutors are able to work around post-filing practices by informal means and mutual agreements between police and the prosecutor. The standard for early case review and screening applies equally to misdemeanors whose high volume requires screening to keep it under control.



72 percent of offices review felony cases before the first appearance.



78 percent of offices review misdemeanor cases prior to the court date.



To reduce delays in charging, especially if the offender is detained, courts may set limits on the amount of time the prosecutor has to file charges. Limits vary by state and court rule. Sometimes charges must be filed within 24 hours; sometimes 30 days may be acceptable if the offender is not detained. When charges have to be filed within 24 hours, the quality and completeness of police reports become urgent. When charges can be delayed for 30 days, the need for case management becomes critical.

In Missouri,

The median number of days between arrest and filing felony charges for detained offenders is less than 24 hours.

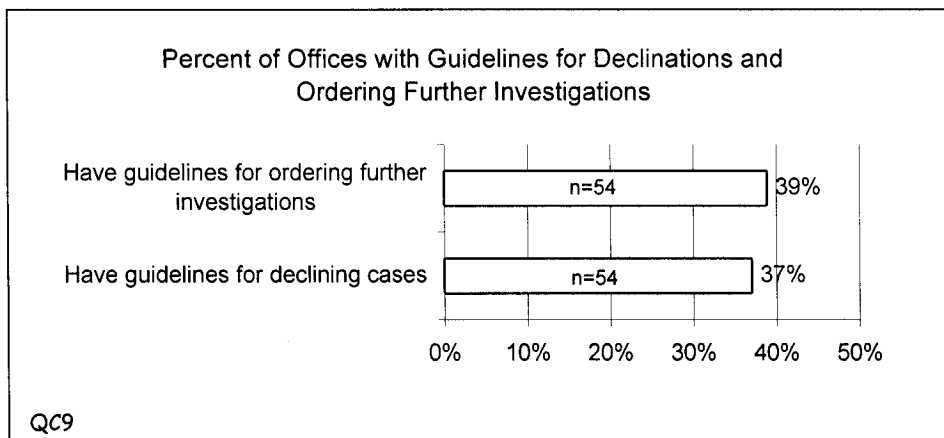
C4

2. Charging and declination policies communicated to all interested parties



Uniform charging and declination policies are essential to all offices regardless of size. If charging decisions are to be made uniformly by attorneys, prosecutors should define what cases will not be prosecuted in addition to those that will be. Attorneys conducting intake review also need clear policy about when further investigations for certain types of cases should be requested and under what circumstances, cases should be abandoned. Declination guidelines are as important as acceptance guidelines. They need not be complicated or overly complex. What is important is that they exist, and exist in writing.

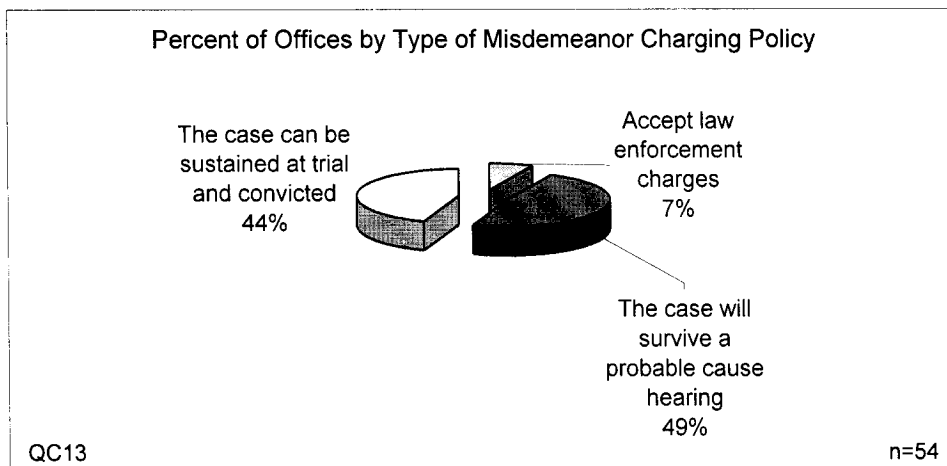
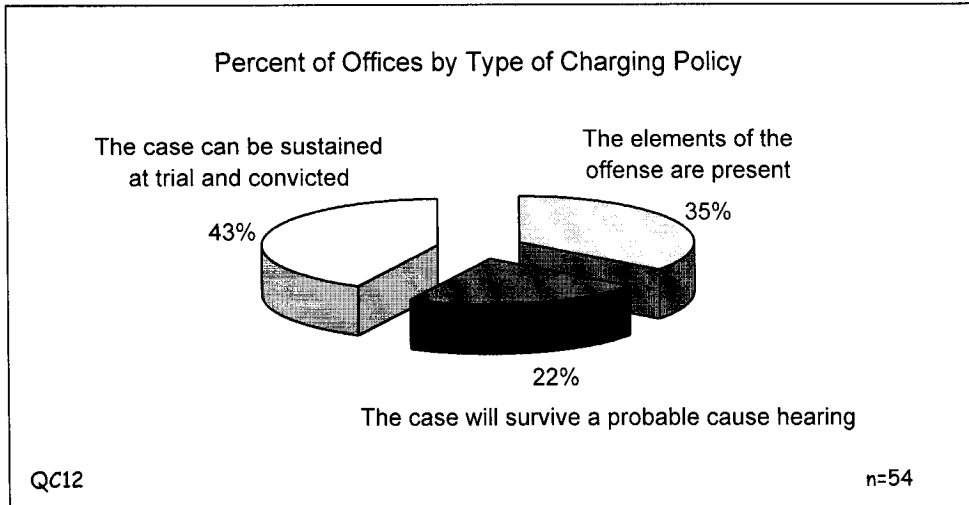
Fewer than half of the offices have guidelines for declining cases or ordering further investigation,



In addition to exercising control over case entry into the court, the prosecutors' charging policies affect disposition patterns. For example, if no screening is conducted and all cases referred by police are accepted, then we would expect high dismissal rates. On the other hand, if screening attorneys accept only those cases that

can be sustained at trial, then more cases should be declined at intake and fewer cases should be dismissed for legal insufficiency.

Statewide, prosecutors use a variety of acceptance standards for felonies. 57 percent have standards that are less restrictive than accepting only cases that can be sustained at trial (43 percent).



For misdemeanors, 44 percent of the offices accept cases if they can be sustained at trial.

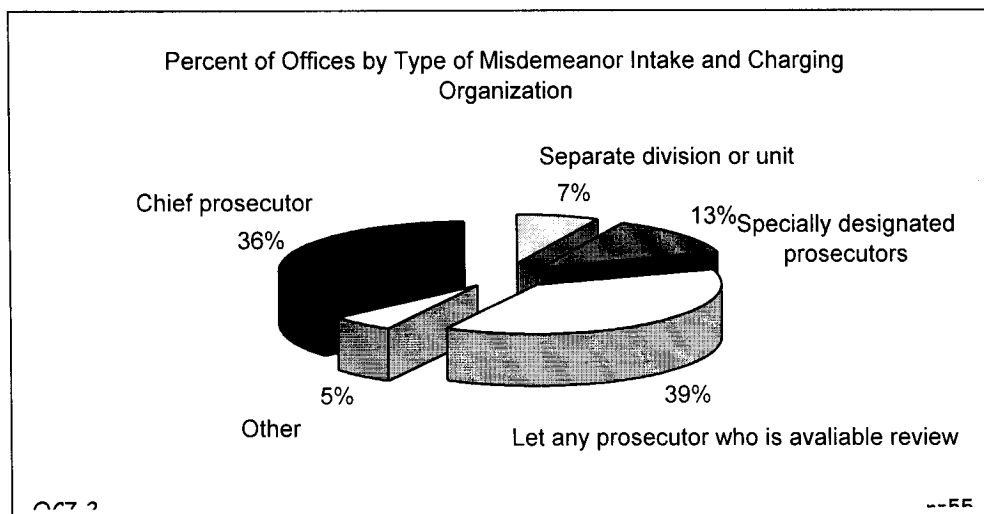
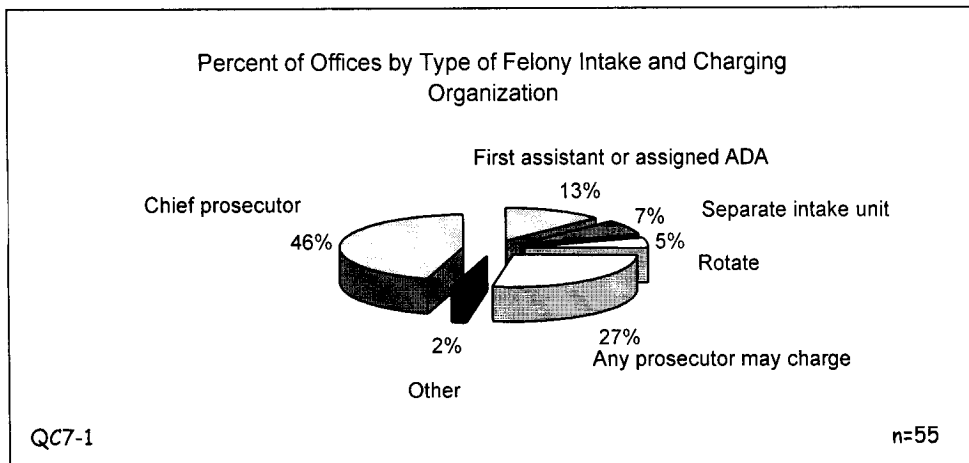
3. Charging decisions made by experienced trial attorneys based on complete information



One indicator of policy and management control over the intake process can be seen in its organization. In small offices, screening is usually performed by one person, the prosecutor, the first assistant or some specially designated attorney. As the volume of work

increases, prosecutors create intake units or teams to handle the work. Two situations need to be avoided. The first is "assistant shopping"; the second is the use of inexperienced prosecutors to make charging decisions. Assistant shopping occurs when any assistant in the office is allowed to make charging decisions. Police tend to seek out attorneys who are more likely to accept cases they want to bring forward. The effect is a lack of uniformity in charging.

In most offices , screening is conducted either by the chief prosecutor or any available prosecutor. This finding most likely reflects the small office nature of prosecution in the state.



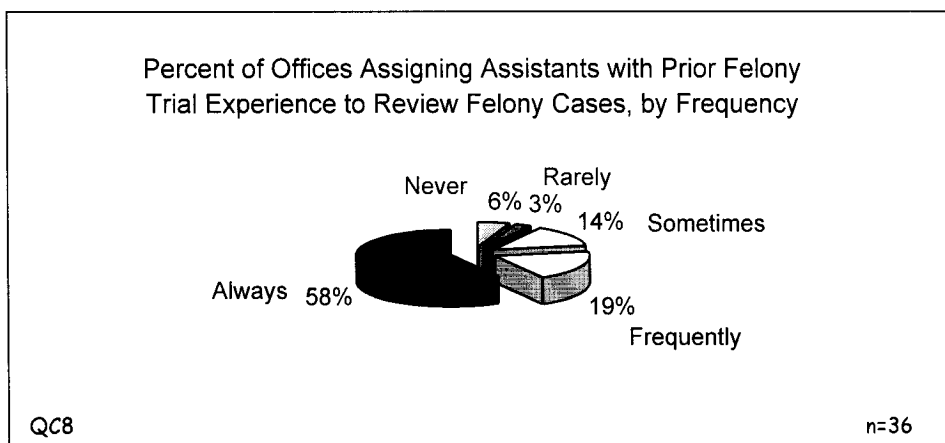
39 percent of the prosecutors let any assistant available review and charge misdemeanors.



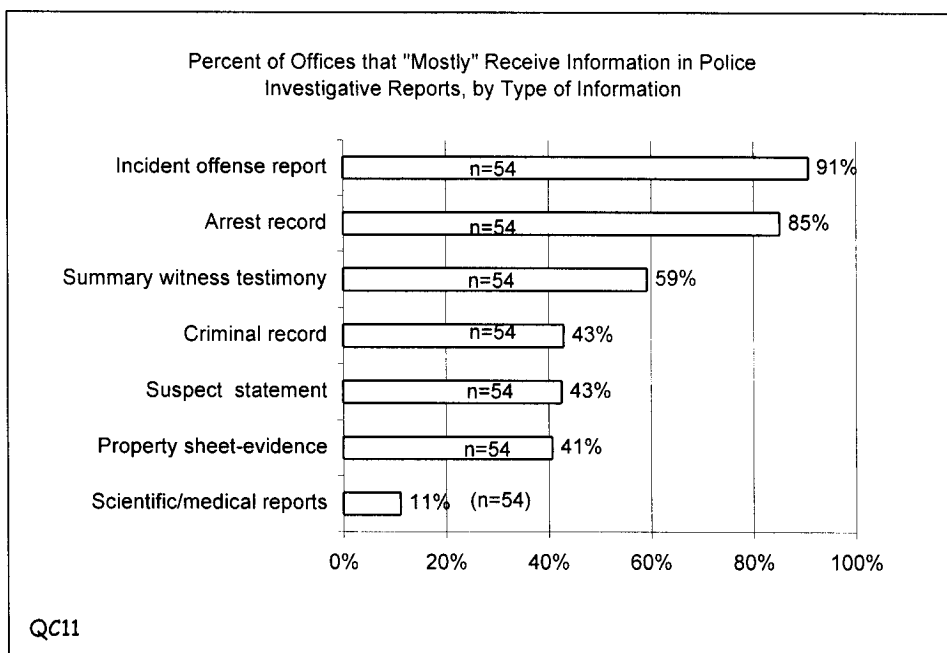
An important indicator of quality screening is the experience level of the attorneys assigned to the task. Experienced trial attorneys are essential to the charging process. Assigning inexperienced assistants to intake reduces the ability of prosecutors to evaluate the strength of the

case and its likely dispositional route. Trial experience supports good judgments about which cases are likely to be convicted, which are likely to plead guilty and which are likely to be dismissed. This knowledge is valuable for case management. Although it is frequently difficult to attract experienced attorneys to case screening and review, various strategies have been successfully adopted. Most typically, attorneys are rotated through the intake desk. Those assigned first tend to be trial attorneys who are “burnt out”. Rotation schedules should be flexible and be tailored to the characteristics of the personnel involved.

More than half of all offices *always* use experienced attorneys for felony case review.



The foundation upon which charging decisions are made is a written record of the facts surrounding a case. The more complete the information, the better are the decisions of the intake and screening attorneys. Reports from law enforcement agencies should contain information about the incident, the arrest, a criminal history, the suspect's written statement, a written summary of witness testimony, property sheets for physical evidence and written scientific or medical reports. Missing or incomplete reports may result in inappropriate decisions. An indicator of the quality of charging decisions is the extent to which the above information is routinely provided to prosecutors.

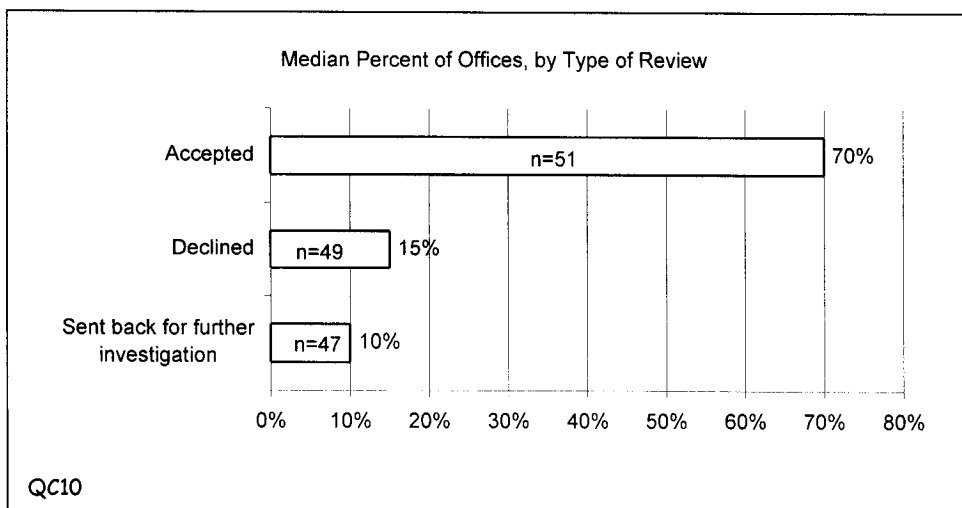


Most offices (85 to 91 percent) receive police investigative files that contain information about the offense and arrest.

Few offices receive information about the suspect's criminal record and a written statement, witness testimony, evidence property sheet and scientific or medical reports at the time of charging.



The percent of cases accepted for prosecution, declined or sent back for further investigation provides insight into both law enforcement activities and the charging policies of prosecutors. If the acceptance rate is very high, e.g. 90 percent, and the declination rate is low relative to cases being accepted, two conclusions are possible. One is that the police agencies bring over strong cases that do not have to be declined; the other is that the prosecutor is not screening cases very well and is probably accepting a lot of cases that should be declined or investigated further. One way to distinguish between the two conditions is to look at the average grade given by prosecutors to the quality of police reports. If it is low, then it is more likely that prosecutors are not screening intensively.



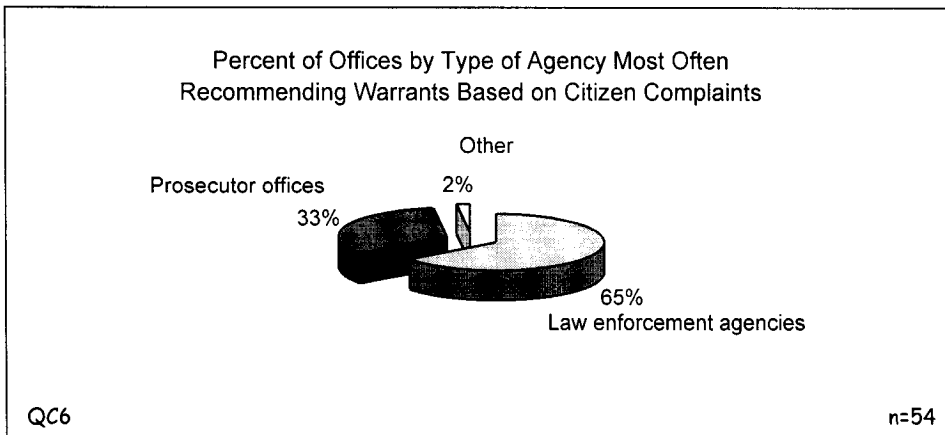
Statewide the median screening pattern is an acceptance rate of 70 percent and a declination rate of 15 percent. Referrals for further investigation are 10 percent. Only 24 percent of offices decline more than 20 percent of their felony cases.

4. Citizen complaints screened by law enforcement, not magistrate or prosecutor



A troubling issue involves citizen complaints and the entity responsible for reviewing complaints and recommending warrants. If the review is conducted by magistrates who are not required to be attorneys and may have limited knowledge of the law, prosecutors may receive a high volume of insufficient or inappropriate cases. If prosecutors conduct citizen complaint hearings, their knowledge of the facts will be based on one-sided, emotional and biased testimony. With little or no resources to investigate situations, prosecutors potentially are in real danger of making the wrong decision with fatal results. If law enforcement agencies conduct the initial reviews, they bring investigative skills and training, established procedures, and resources to resolve complaints.

Ideally prosecutors should review cases for legal sufficiency after law enforcement agencies have investigated them, and then make recommendations for warrants based on this review.



Procedures for reviewing citizen complaints vary but few prosecutors conduct this activity. In two thirds of the offices, warrants are recommended by law enforcement agencies.

5. Programs available as alternatives to prosecution



If prosecutors exercise control over the gate to the courts, part of their discretionary authority includes declining cases or deferring prosecution. Not all cases referred for prosecution necessarily need it. It may be more appropriate to refer some cases to other alternatives. These alternatives may include deferred prosecution, mediation, or diversion. Sometimes, cases may better be resolved through the use of treatment programs, restitution or community service. As the number of alternatives to prosecution increases, the results may be more cost effective than formal criminal justice case processing. One indicator of the availability of alternatives is the use of mediation or dispute resolution.

In Missouri,



Only 4 percent of offices reported the use of mediation or dispute resolution programs, and these applied to some misdemeanors

QC5

Only 4 percent of the prosecutors reported using mediation or dispute resolution for cases or citizen complaints.

CASE MANAGEMENT

Prosecutor offices were examined for practices that support the ability of the prosecutor to dispose of cases with acceptable sanctions or outcomes in a timely manner and with the least use of resources. These practices include:

1. Applying the concept of differentiated case management
2. Reductions in case processing time
3. Uniform and consistent plea negotiation and dismissal policies
4. Victim-witness activities

Statewide Compliance with GAPMAP

The median state level of compliance for case management is 66 percent. The range of scores among individual offices is between 94 percent and 18 percent. An examination of the practices suggests that improvements should be considered in reducing delay and increasing the availability and/or use of alternatives to prosecution.

Strengths

Missouri is fortunate to work within a judicial system that is generally supportive of good case management. Most offices reported that cases were individually docketed, that the chief judge had extensive administrative authority, and that special days were set aside for the disposition of misdemeanor cases.

As a result, many offices had practices that support good case management. Informal discovery was used by 80 percent of the offices and 49 percent provided it prior to grand jury or at preliminary hearing. Almost all offices reported that most pleas to felony cases occurred before the day of trial and there was adequate trial capacity. Half of the offices reported that they had no case backlog.

Weakness

If there are case management areas that may be strengthened, they appear to focus on reducing case processing delay i.e. the number of days from filing to disposition especially by increasing the availability and use of diversion programs and the routine use of pretrial conferences. Also although most prosecutors have plea negotiation policies, only 53 percent control its discretionary use by assistants.

1. The nature of the court environment



Just as relationships between law enforcement agencies and prosecutors influence the type of prosecutorial screening, so do court environments affect case management. Therefore, before tests for compliance with case management principles are made, certain characteristics about the court should be obtained since they indicate areas in the court environment that may either enhance or restrict the prosecutors' ability to manage cases.



Judge availability and jurisdiction

The number of judges available for criminal cases limits the number of jury trials that can be held in one year. We use an approximation of 25 jury trials per judge per year. That is an average of about two jury trials per judge per month.

If judges have a mixed docket of civil and criminal cases, then the number of court days available for criminal prosecution annually is reduced by the number of days set for civil cases annually.

If lower court judges cannot routinely take guilty pleas to felony cases, then prosecutors lose an important dispositional outlet in this court. Conversely, *trials de novo* increase the higher court's workload.

Changes or improvements to the adjudication process are more effective if chief judges have administrative authority over the bench.

If the felony courts are backlogged, then this suggests that either there is either a lack of court capacity or inefficient case processing procedures or both.



Court calendaring and organizational responses

If the court uses a master calendar assignment system, then prosecutors cannot use vertical prosecution (the assignment of cases to individual attorneys who are solely responsible for their prosecution) without creating scheduling conflicts and ultimately backlog. If the office has enough attorneys, the use of trial teams is an appropriate response.

If the court uses individual docketing systems, prosecutors are able to assign attorneys either to a judge or a courtroom or create trial teams or both. Efficiency and accountability is increased. Case scheduling and trial preparation time becomes manageable.



Case management






Scheduling and managing case flow is best controlled when either prosecutors or individual judges set the dockets. Accountability is increased, knowledge about the circumstances of the case is improved, and court settings are more likely to result in the case moving forward.

Case management should extend to misdemeanor cases in addition to felonies. One indicator of case management is the designation of special days or sessions for disposing misdemeanor and/or traffic and moving violation cases. This type of practice gives recognition to the need to control high volume caseloads and speed up dispositions for non-contested cases.







The availability of alternatives to prosecution such as treatment programs, diversion programs, drug courts and their use tend to reflect progressive court systems that are willing to use alternatives to criminal adjudication. If prosecutors are actively involved in the referral and selection process of defendants, they record higher levels of satisfaction with alternative programs and their uses.

In Missouri,

The court system statewide has the following characteristics:

-  It is typically small.
The median number of judges in a prosecutorial district is 3.
Typically 2 judges regularly hear felony cases and 1 hears misdemeanor, juvenile and traffic cases.
-  In 85% of the jurisdictions, judges carry a mixed docket of criminal and civil cases, 11% carry a mixed docket sometimes, and 4% do not have mixed dockets.
-  The practice of the lower court taking guilty pleas to felonies varies.
39 percent of the offices said judges will not take pleas, 37 percent said judges will take pleas, and 24 percent said judges took pleas to felonies "some of the time".⁴
-  63 percent of the jurisdictions reported the court used individual docketing systems.
28 percent used a master calendar system.
9 percent used a master calendar until trial and then switched to individual dockets.
-  Over one half of the offices (58 percent) reported that the chief judges either had extensive administrative authority.
19 percent of the offices reported the chief judge exercised administrative authority by consensus only.
The rest of the offices (25 percent) reported that the chief judge had either limited administrative authority or none at all.

⁴ These responses may be due to different interpretations of the question.

-  Jurisdictions vary in the type of system used for calendaring felonies.
65 percent used the clerks of court.
21 percent used the chief judges.
4 percent used the prosecutors.
2 percent used the court administrators.
8 percent used other means.
-  One half of the prosecutors reported backlogs in felony court case processing, and 31 percent reported backlogs in misdemeanor cases
-  About three fourths of the jurisdictions have expedited practices for lower court cases.
77 percent of the offices reported having disposition times for traffic cases and 76 percent had them for misdemeanor cases.
-  Few offices use alternatives to prosecution and adjudication (40 percent).
-  When alternatives are available, prosecutors do not appear to be actively involved in making decisions or recommendations about participation in treatment or diversion programs,
For felony cases, 43 percent of the prosecutors stated that they *always* reviewed for eligibility,
10 percent reviewed them *frequently*.
52 percent *sometimes or rarely* reviewed cases for eligibility.
15 percent *never* review cases.
For misdemeanor cases,
31 percent reviewed for eligibility always or frequently
47 percent rarely or never reviewed them
-  43 percent report they have trials de novo
but 92 percent said they created no problems

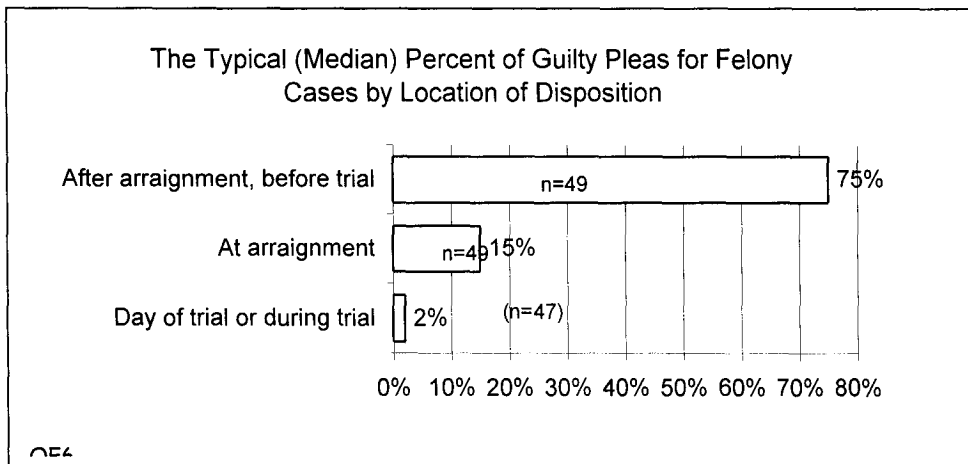
2. Applying the concept of differentiated case management



Differentiated case management (DCM) is a strategy that processes cases according to their likely dispositional route. The goal of DCM is to dispose of those cases that are most likely to plead guilty or be dismissed at the earliest possible time and identify those that are likely to go to trial so they can be specially prepared. DCM uses resources efficiently. The allocation of attorney and staff time is based on *how* cases will be disposed. DCM promotes a pure trial docket and seeks to dispose of non-trial cases as quickly as possible, as long as acceptable sanctions are obtained. Like triage, it identifies likely dispositions at intake and screening and identifies procedures to assist in their speedy disposition.

Pure trial dockets minimize the number of cases disposed on the day of or during trial. An indicator of how close offices have come to having pure trial dockets is the percent of cases that plead guilty on the day of trial or during trial. A low percent indicates movement towards a pure trial docket.

The concept of DCM and one of its goals, that of achieving a pure trial docket, is in evidence statewide. Only 2 percent plead guilty on the day of trial or during trial. However, few cases plead guilty at arraignment. The median is 15 percent.

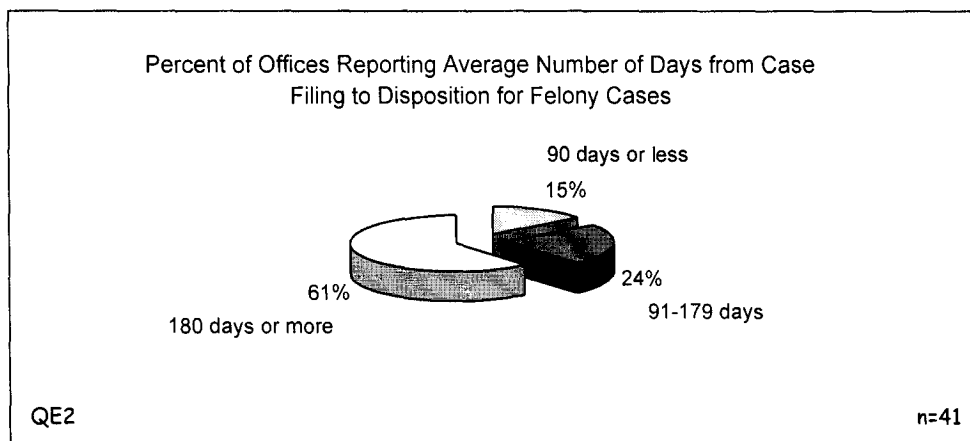


3. Reductions in case processing times



Court systems frequently are characterized as either being slow or fast. Usually this judgment is based on the number of days from filing to disposition. The speed of the court may be affected by court rules or procedures. The more complex court procedures, the slower the court. For example, adding additional steps in the accusatory process so that cases flow from probable cause hearing to bind over for grand jury indictment and then to arraignment, tends to increase the number of case processing days. Eliminating or combining some steps tends to decrease case processing times. Another benchmark used to assess delay in case processing is the "speedy trial rule" of 180 days from filing to disposition.

Statewide, the median number of days from filing to disposition for felony cases is 180. Sixty-one percent of offices reported the average days to disposition as 180 days or more.

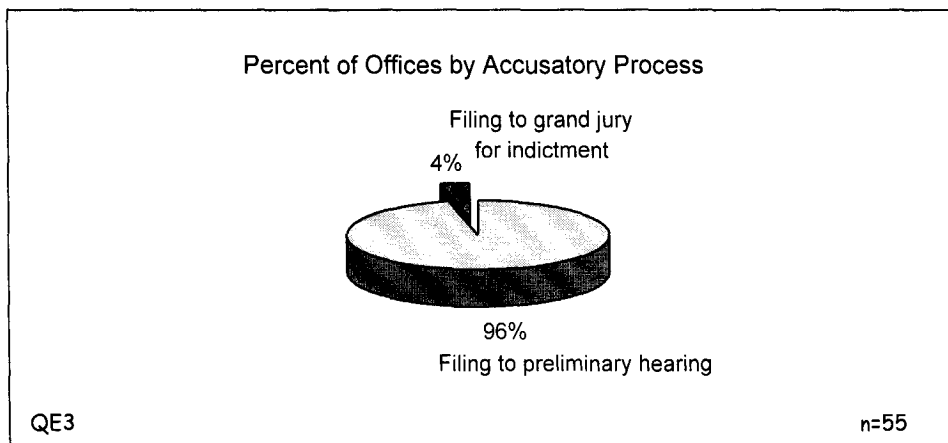


There are three primary ways to obtain an accusatory instrument: grand jury indictment, preliminary hearing or a preliminary hearing with a bind over to grand jury. The difference between them is the number of opportunities prosecutors have to assess the strength of cases. However, the opportunities need to be balanced against the extra work that is involved.

For example, prosecutors who screen cases before filing, then present them at preliminary hearing before they are bound over to grand jury have more opportunities for case assessment than prosecutors who do not screen cases, only use the grand jury for

indictment and, in some instances, may be excluded from the grand jury room. Even probable cause hearings vary by the amount and type of information presented. For example, if hearsay is permitted, the process moves faster but the examination of the facts is less comprehensive. The out-of-court work associated with each step should be examined to determine whether the information in the additional steps strengthens cases and improves their likelihood for satisfactory dispositions.

Statewide, almost all offices (96 percent) use a preliminary hearing for their accusatory instrument.



Jury trials are the most work intensive tasks for prosecutors.

But they are limited by the number of judges who regularly hear criminal felony cases. If too many cases are set for trial exceeding the court's capacity, then the court is backlogged and prosecutors are forced to dispose of these cases by other means. One indicator of trial capacity is the number of felony trials conducted annually per judge. Past research suggests that the average number of felony trials per judge is about 25 a year, i.e. about 2 jury trials a month.

The court appears to have ample capacity for conducting felony jury trials. The median is 3 trials per judge per year.

60 percent of offices reported fewer than 5 jury trials annually.

In Missouri,



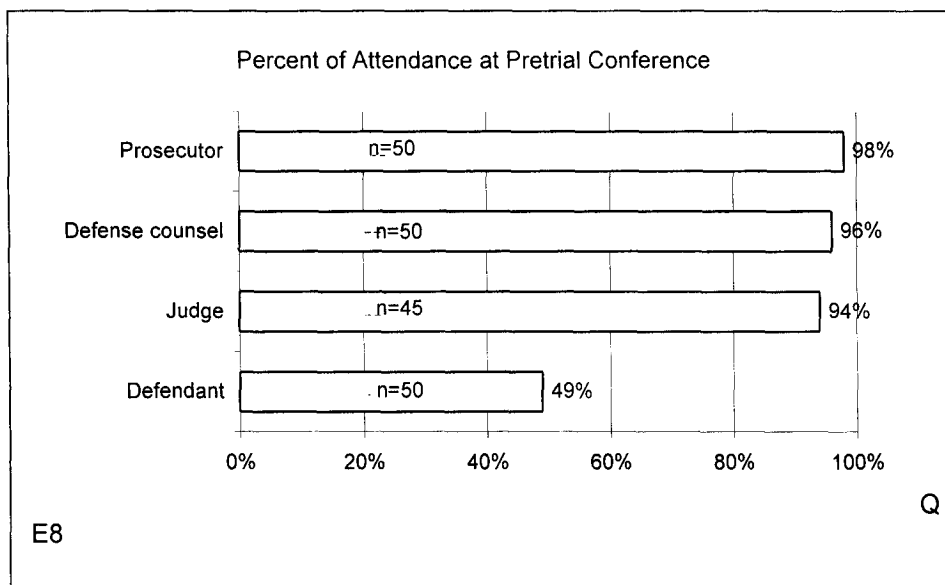
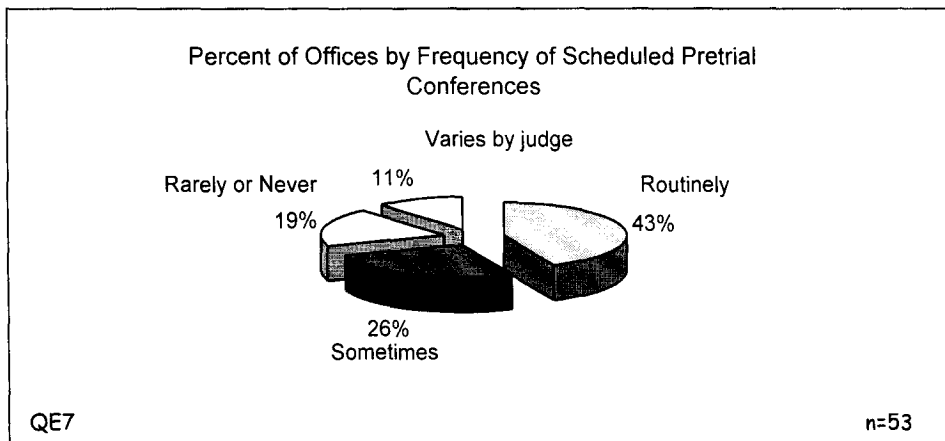
The median number of felony jury trials conducted annually by judges who regularly sit criminal is 3.



Inefficiency in court practices may also contribute to delay.

Some of these practices are indicated by excessive continuances, no pretrial conferences and no separate hearings for pretrial motions. Pretrial conferences are designed to expedite motions and dispositions, and to ensure communication between defense counsel, defendants and prosecutors. If pretrial conferences are not regularly scheduled, the negotiation and disposition process tends to become inefficient.

Statewide, only 43 percent of offices reported that pretrial conferences were routinely scheduled.



The prosecutor, defense counsel and judge are present in almost all pretrial conferences. Only 49 percent of the offices reported the defendant as being routinely present.



Experience has demonstrated that providing informal discovery to defense counsel expedites case dispositions. Giving defense counsel all appropriate case information at the earliest possible time coupled with follow-up communication increases the likelihood that dispositions will occur earlier rather than later. The benefits are fewer cases clogging dockets and better chances for a pure trial docket.

The earlier discovery is made available, the earlier dispositions should be obtained. Discovery provided immediately after the charging decision has been made is the earliest point. If it is provided before the accusatory instrument has been issued then the number of pleas taken at arraignment should increase. Because the use of informal discovery is at the prosecutor's discretion, we would expect to find wide variations in its use although it is consistent with efficient case management principles.

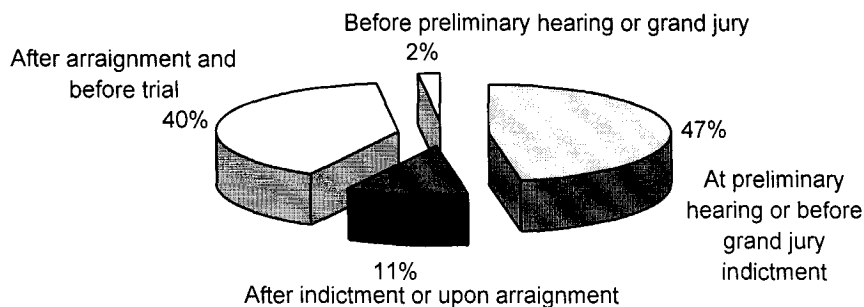
Four out of five prosecutors provide informal discovery to defense counsel. 60 percent) provide discovery before grand jury indictment or arraignment.

In Missouri,



80 percent of prosecutors provide informal discovery to defense counsel.

Percent of Offices Providing Informal Discovery to Defense Counsel, by Location



QE16

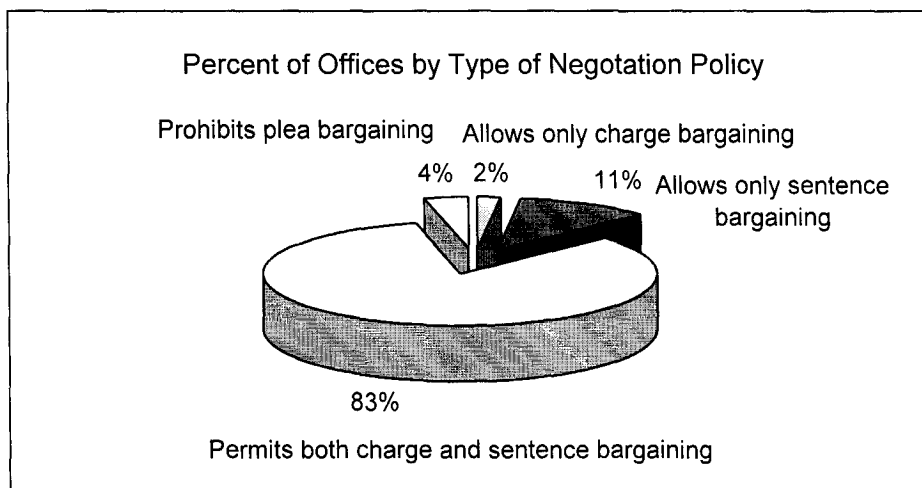
n=55

4. Uniform and consistent plea negotiation and dismissal policies



Plea bargaining policies of prosecutors vary according to their preferences and limitations imposed by court rules or procedures. More common policies include *charge bargaining* which allows attorneys to reduce charges; *sentence bargaining* which allows attorneys to recommend reduced sentences, probation, diversion or treatment programs, etc; and a *combination of charge and sentence bargaining* which allows attorneys to negotiate both issues. Some prosecutor's ban bargaining unless there are special circumstances. A no plea bargaining policy requires intensive screening and case review to ensure that the proper charge is placed initially since any changes later are discouraged.

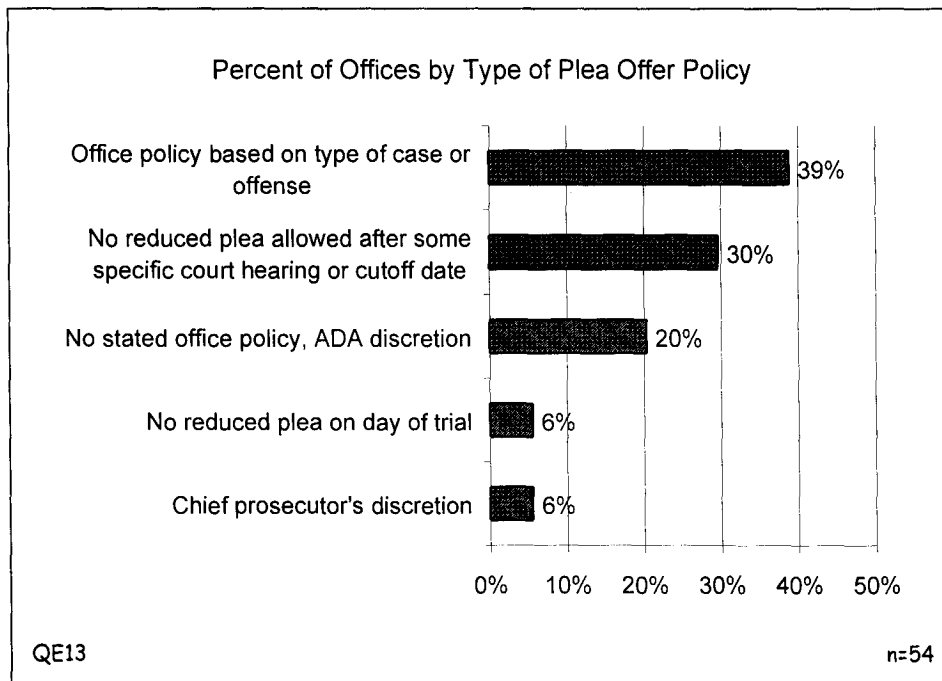
Plea negotiation policies are discretionary and may vary. Most prosecutors (83 percent) use both charge and sentence bargaining.



Guilty pleas are the predominant method of case disposition. Generally, less than 10 percent of felony cases are disposed by trial. Good management practices assist in obtaining pleas as early as possible in the process - not on the day of trial. Prosecutors use a variety of techniques for speeding up dispositions. One is to

establish a cutoff date after which no reduced plea will be accepted. Another is to refuse to accept a reduced plea on the day of trial. (Both strategies may be weakened if the court does not agree with them). Some offices use different policies for plea offers depending on the type of case or offense. In the worst-case scenario, some prosecutors have no office policy about plea offers leaving it to the discretion of the attorneys. A key principle in management appraisals is that policies be stated and be administered uniformly and consistently.

Statewide, there is little consensus about plea offer policies. The offices are divided in the approaches they use.



To effectively manage misdemeanor cases, the prosecutor should have plea offer policies in place with respect to amending misdemeanor and traffic cases. Whatever the policy, it needs to be made known to law enforcement, defense counsel and the court. This is particularly true if the policy restricts the amendment of these cases.

In Missouri
The percent of offices restricting the amendment of cases involving:
Misdemeanors is 52 percent
Traffic is 62 percent

QE18

n=53



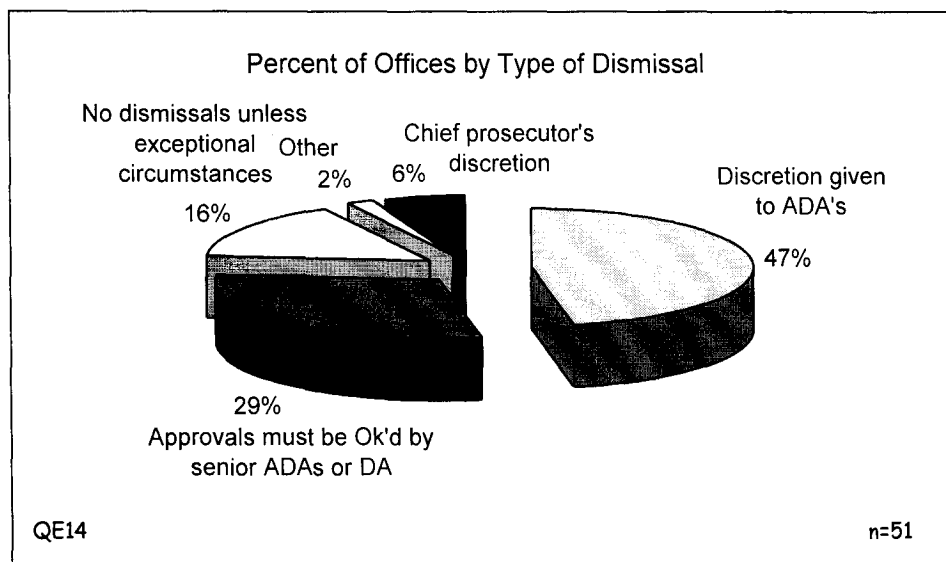
Dismissals are one of the most sensitive indicators of the

quality of prosecution services and case management. They reflect both the quality of police investigative reports and the prosecutor's screening practices. They also indicate the degree to which prosecutors exercise case management control over dispositions and outcomes.

If the charging standard is that the case should be sustainable at trial, then we would expect the office to have a "no dismissal" policy. On the other hand, if any assistant can dismiss cases without review or approval by supervisors, then the degree of uniformity or consistency in decision-making among the attorney staff can be questioned. This concern is especially valid if the office is staffed with young attorneys and suffers from a relatively high turnover rate. Even if attorneys are experienced, dismissals should be monitored to identify the reasons why they occurred. For example, evidentiary insufficiency, constitutional issues or the failure of witnesses to appear are reasons that may suggest management problems existing in other parts of the office.

Statewide, there is little uniformity about dismissal policies.

47 percent give their attorneys discretion to dismiss cases without approval by senior prosecutors.



5. Victim-witness activities



The Victim Rights Amendments (VRA) passed by the majority of states emphasize victim notifications and their optional participation in the prosecution process. For prosecutors VRA has required additional staff and, in larger offices, the need to formalize and organize victim-witness procedures.

In Missouri,



The typical (median) office has one victim-witness coordinator.



The ratio of victim-witness coordinators to attorney staff ranges from 1 coordinator for each attorney to one coordinator for 13 attorneys.

Statewide, the median staffing is one victim-witness coordinator for every 1 attorney. However this varies widely and does not appear to be a function of the size of the office.

ORGANIZATION AND ADMINISTRATION

Prosecutor offices were examined for practices that increase productivity, encourage problem-solving, support accountability and increase innovation and change. Some of these practices include:

1. Leadership and openness to change
2. Participatory management and operations
3. Availability and use of management information

Statewide Compliance GAPMAP

The median state level of compliance for organization and administration is 27. The range of scores among individual offices is between 83 percent and 1 percent. The wide variation suggests that organizational differences may be due to the size of the office as well as training in managing offices. Good organizational management has a direct influence on the productivity of the office and the more efficient use of scarce personnel resources.

Strengths

A positive practice that enhances organizational strength is the large majority of offices that use vertical, courtroom or trial team assignment models for attorneys. Also positive is the proportion of offices that practice participatory management i.e. all staff are involved in problem solving and planning.

Weakness

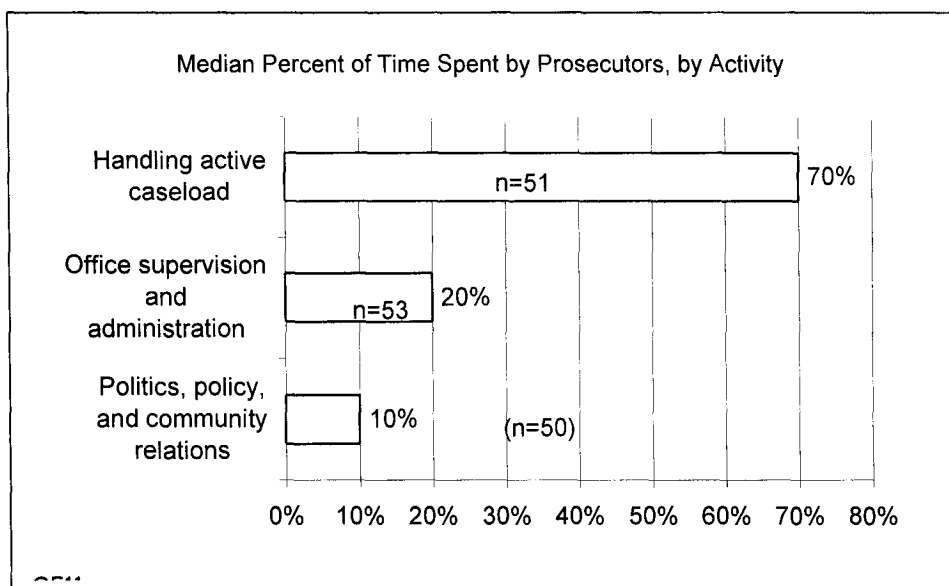
The role of the victim witness coordinators could be strengthened by reducing the number of offices that reported they did not have the coordinator as part of the trial team.

Good management needs information upon which prosecutors can make informed decisions. However, the majority of the prosecutors know little about the workload in their offices with the exception of the number of jury trials.

1. Leadership and openness to change



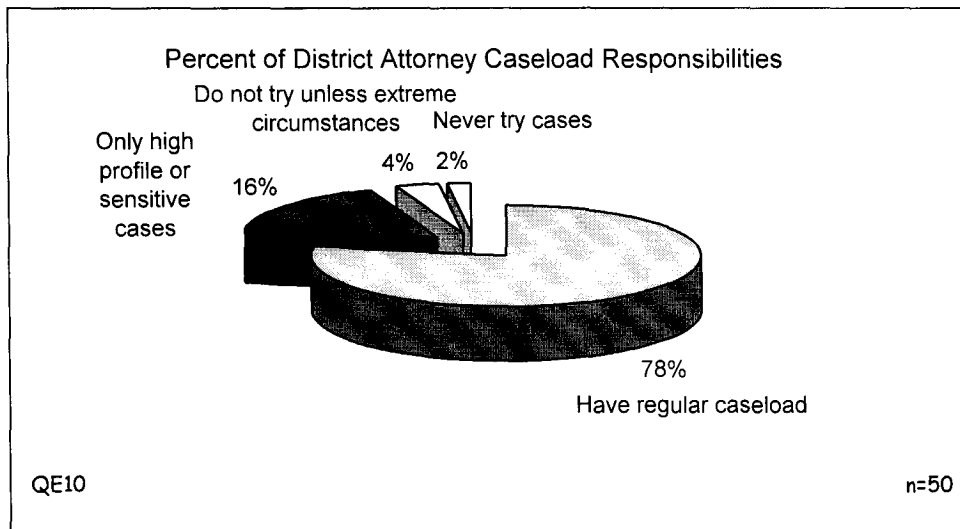
Elected district attorneys wear a variety of hats. They are first and foremost prosecutors and attorneys. As such they sometimes carry active caseloads. They are also managers and administrators for their offices, a responsibility that increases as office size increases. Finally, they are politicians and community leaders. How they apportion their time is important because it sheds light on how they view the duties and responsibilities of their offices. The percent of time spent on an active caseload detracts from their other two duties. Carrying an active caseload also may limit the amount of attention they can give to areas that should be changed or improved.



Statewide, caseload demands consume 70 percent of the prosecutors' time. The percent of time spent on office administration and community relations ranges from less than 1 percent to 98 percent. The medians are 20 and 10 percent respectively.



As offices increase in size, the management and administrative duties of the elected prosecutors increase until they can no longer carry an active caseload – nor should they. We recognize that chief prosecutors typically enjoy trying cases more than managing offices, but sacrifices have to be made if offices are to operate successfully.



Because most of the offices in the survey are small, seventy-eight percent of the district attorneys reported that they have a regular caseload.

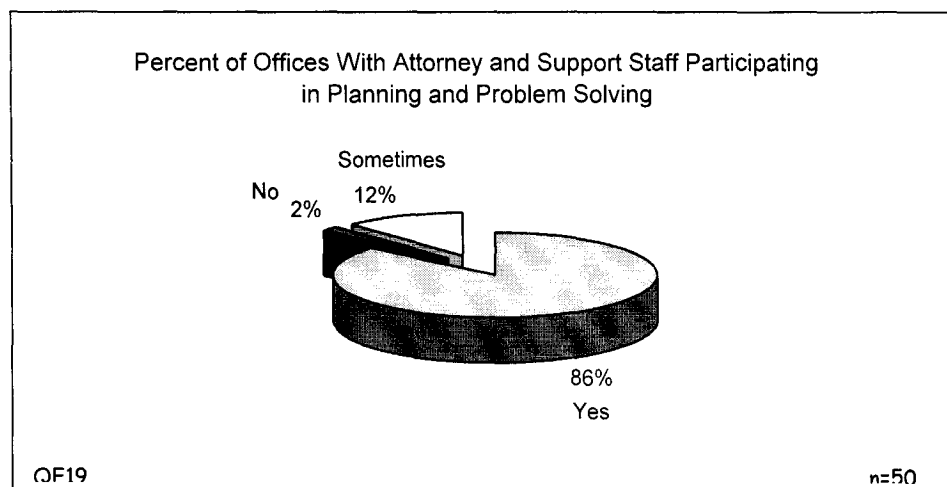
2. Participatory management and operations



Good managers involve their staff in planning and problem solving.

Some prosecutors have established work teams to focus on specific issues and make recommendation for new procedures or solutions to old problems. The teams, composed of attorneys and staff, may concentrate on such issues as how to staff intake and screening, the role of victim--witness coordinators, automation and information needs, the organization of the office or improving filing and record keeping systems. The involvement of all staff in planning and problem solving is a sign of good management. As offices become more organizationally complex, the differences in management styles are more visible and the effects are more noticeable.

Small offices usually have more informal organizations. More than four out of five offices (86 percent) involve the whole office in making changes or problem solving.

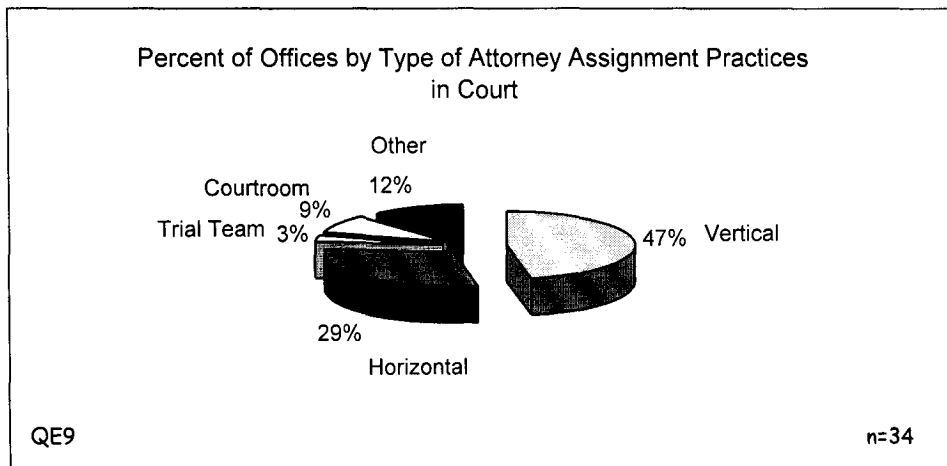




There are a variety of ways to assign felony cases to attorneys.

The type of felony case assignment is strongly influenced by the court's docketing system. For example, if the court uses a master calendar system for docketing, the prosecutor usually responds by using either a horizontal case assignment system or trial teams. These are typically the only ways the prosecutor can respond to a situation in which the assignment of cases is made to different courtrooms depending on their availability and case readiness. If the court uses individual docketing, where cases are assigned to either an individual judge or a courtroom, then the prosecutor can assign cases to individual attorneys (vertical prosecution) who retain control over them through disposition. Some jurisdictions use a hybrid system which again reflects the courts' docketing practices. Here various attorneys may handle cases on a master calendar assignment schedule until they are assigned to a judge for trial. Then cases are assigned vertically or to teams in courtrooms.

The majority of prosecutors (59 percent) use either vertical, courtroom or trial team assignment models for felonies.



The organization and supervision of attorneys processing

misdemeanor cases may substantially affect the efficiency and effectiveness of the lower courts. In most offices, support staff are more experienced in procedures than the misdemeanor attorneys. It is important that these benefits be used but that procedural steps be distinguished from legal decisions. In experienced attorneys may be allowed to make charging recommendations if they are reviewed by

more experienced attorneys. Experienced attorneys should also be given responsibility for ensuring ongoing training activities for the less experienced.

In Missouri

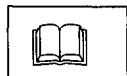
7 percent of the offices have separate organizational units to prosecute misdemeanor cases

Most offices (45 percent) use the least experienced attorneys to prosecute misdemeanors.

64 percent of the offices designate experienced attorney to advise and train misdemeanor attorneys.


QE23, 24, 25

n = 45, 31, 25 resp.



As offices increase in size they often create special programs or units to support more complex activities. Specialization is frequently established for drugs offenses, violent crimes, child sexual abuse, bad checks, etc. Specialization in prosecution activities is especially effective if it is coordinated with comparable law enforcement programs. The benefits are more on-the job training, closer communication between police and prosecutors, accountability and better-prepared cases. While specialization is desirable, and occurs informally in even the smallest offices, it is a practice that is more observable in larger offices.

In Missouri,

 24 percent of the offices had specialized prosecution units

 76 percent did not.

QE17

Since most of the offices in the survey tend to be small, three-fourths (76 percent) do not have specialized prosecution units.

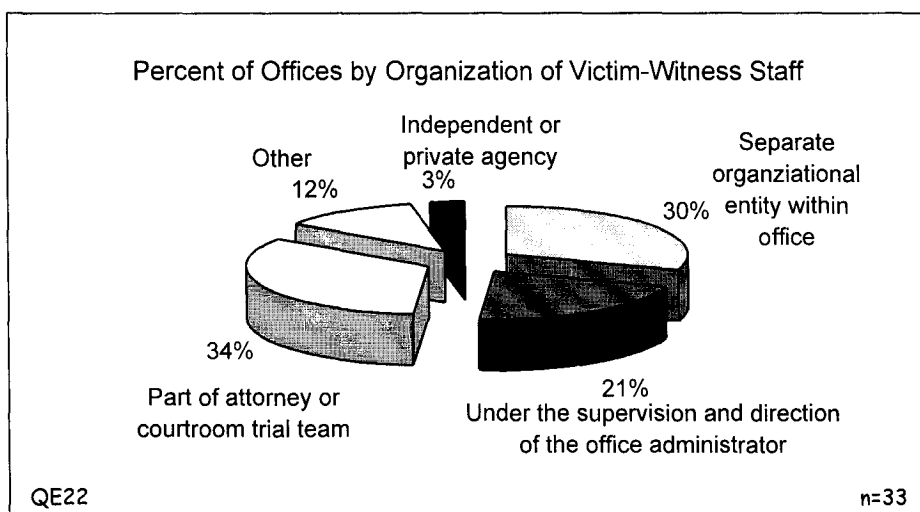


The role and activities of victim-witness coordinators have varied widely as offices undertake to create and define this new position. In some instances the victim-witness coordinators have primarily clerical duties that satisfy notification requirements. In other

instances, they become advocates for the victim and in other offices, they become an integral part of the trial attorneys team.

One indicator of their role in an office may be found in the type of organization created for victim-witness staff. If their primary activity is clerical, then we would expect to find them under the supervision and direction of the office administrator. If they are advocates, they are more likely to be a separate unit in the office. If they are an integral part of the prosecution process, then we would expect them to be a member of a trial team composed of attorneys, support staff and victim-witness coordinators

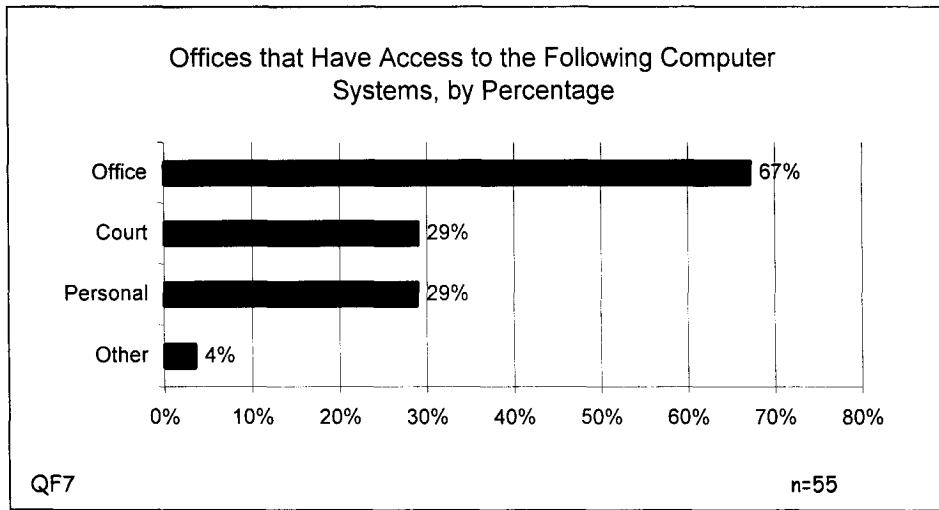
Since victim/witness legislation is relatively new, we expect to find variation in how staff is organized. One out of every three offices has integrated victim-witness staff into their trial teams .



Management information provides the key to monitoring the performance of both individual offices and prosecution services statewide. There are two issues that prosecutors regularly encounter in accessing and using management information. The first is that the information needed by prosecution may not be available. Court information does not necessarily satisfy prosecution needs. The second is that too often prosecutors have not been trained in how to interpret and use management information. Two basic types of information for management are about case status and attorney inventories. Each should be routinely available. An indicator that information is not routinely available from the courts in a form needed by prosecutors is when prosecutors develop their own automated or manual information systems. When prosecution

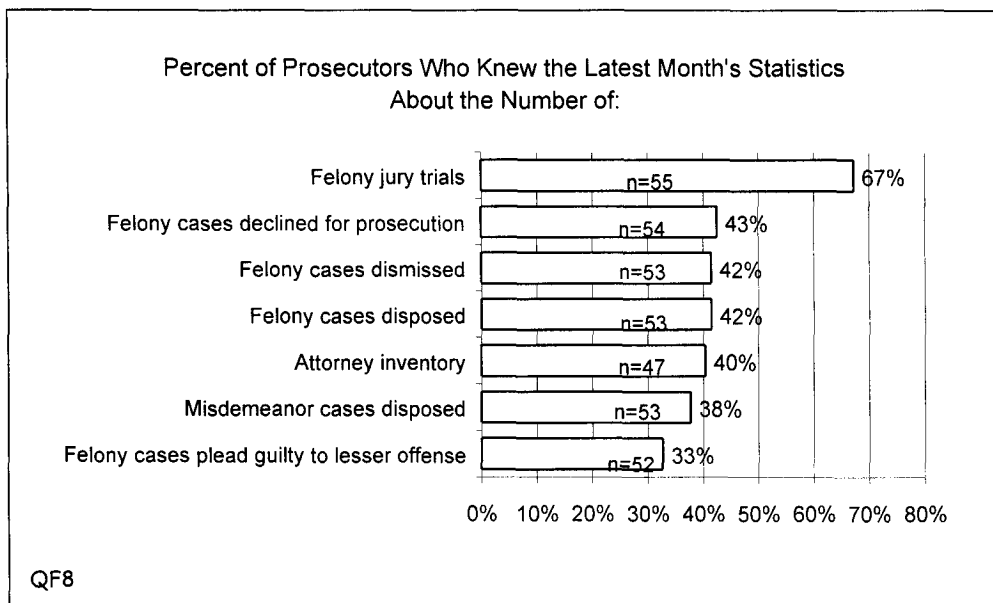
systems duplicate some of the information in the court's system, we can expect to find discrepancies in information and statistics.

The relatively small percentage of offices using the court's computer system, (29 percent) suggests that the court's automated systems may not adequately address the needs of the prosecutor.



The second issue with management information is its integration into the operations and management of offices. Management information is a valuable tool for identifying strengths and weaknesses in the working environment of the office. It also notes changes and trends keeping prosecutors up-to-date and relevant. A major problem, however, is created by little training being offered to attorneys in how to interpret the data and understand its value for both management and operations.

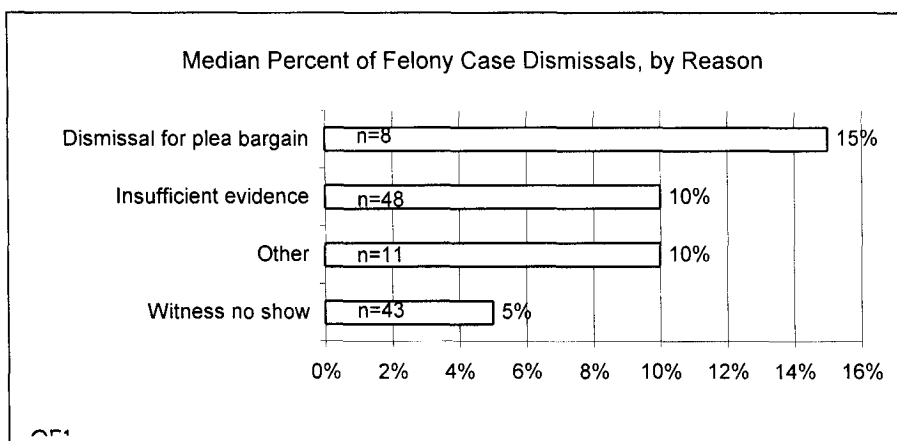
Less than half of prosecutors have little current knowledge about their office's caseload statistics with the exception of jury trials. 67 percent knew the number of felony jury trials conducted in the past month.





One goal of case management is to dispose of cases at the earliest possible time, using the fewest resources and achieving acceptable results. Well-designed management information systems can provide disposition patterns statewide and indicate where strengths and weaknesses are within an office. Two of the most sensitive indicators for case management are the dismissal rate and the reasons for dismissals. They highlight areas needing attention. Dismissals for lack of probable cause suggest poor intake screening. Dismissals for lack of speedy trial suggest poor case management. Dismissals for failure of witnesses to appear suggest inadequate victim-witness coordination procedures. Dismissals because police witnesses were not available suggest a weakness in police-prosecutor notification procedures.

Statewide, dismissals for reasons suggesting management deficiencies do not appear to be present in high proportions. 15 percent of dismissals are due to plea bargains and 10 percent is the median for dismissals due to other reasons and insufficient evidence.



SPACE, EQUIPMENT, AND AUTOMATION

Prosecutors' offices were examined for having sufficient space, adequate equipment and up-to-date technology to enable them to work comfortably, safely and productively. Sufficiency includes:

1. **Space to support all the activities of the office including:**

Reception/waiting, conferences and interviews, legal research, staff amenities, work stations for support staff, investigators and victim-witness services, case preparation and training.

2. **Adequate equipment including:**

Up-to-date copiers, fax machines, telephone answering systems, pagers, cell phones, personal computers for each employee with e-mail and Internet access.

3. **Management information systems**

Integrated with law enforcement and court systems, and other specialized activities, e.g. juveniles, child support enforcement, etc. satisfying the management and operational information needs of prosecutors.

Statewide Compliance with GAPMAP

The median state level of compliance for space, equipment, and automation is 64. The range of scores among individual offices is between 85 percent and 8 percent. The wide variation suggests that extra attention should be given to those offices that are operating below the median especially since space is subject to local government priorities and funding.

Strengths

Good management flourishes best when there is adequate space and equipment for the delivery of prosecution services. Space is adequate for almost two thirds of the offices. Also the percent of offices that have necessary equipment is very high (in the 80's and 90's) except for cell phones for duty APAs. Only 58 percent of offices reported that they were available.

Weakness

A failure to utilize the latest in communication technology may be due to a number of factors. However, cell phones, e-mail and access to the Internet all have the potential for increasing productivity in offices.

1. Adequate space to support all office activities



The delivery of prosecution services requires adequate space, modern equipment and state-of-the-art automation. The conditions the prosecutors operate under depend largely upon the type and level of funding designated for prosecution. State funding systems typically are less sensitive to the varying needs of individual offices because the primary purpose is to distribute a fixed amount of funds across the state to ensure at least a minimum level of prosecution services in all jurisdictions. County or district funding systems tend to be more variable comparatively since they are influenced by the level of affluence or poverty in the locale, the level of crime and the expectations of the community. Some hybrid systems exist to mitigate some of these problems. One frequent response is to have state funding with county supplements or county/district funding with city supplements. An indicator of impediments to the efficient delivery of prosecution services is inadequate space.

In Missouri,

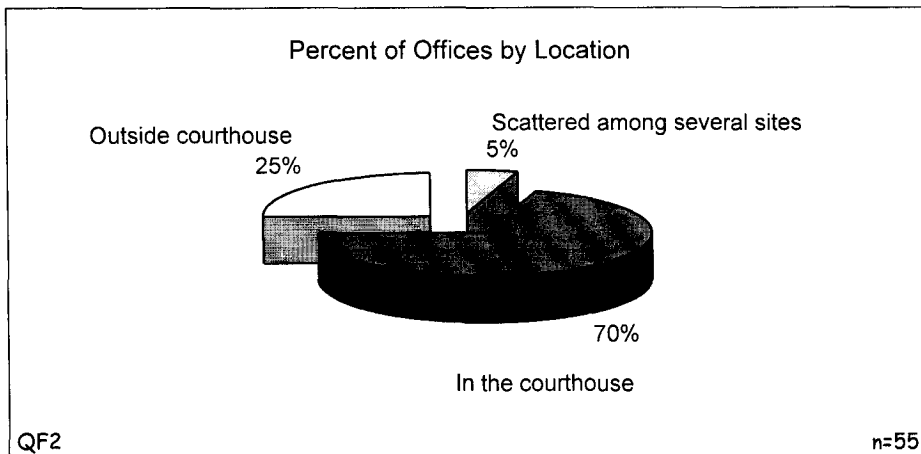


38 percent of the offices report inadequate space but only 13 percent see relief in the form of plans to move to new space in the next 3 years.

QF2&F3



Offices located in scattered sites have more difficulty in developing cohesive prosecution services than those located in one place. If prosecutors staff branch offices on a full-time basis, studies have indicated that the prosecutor may require an additional one third of an attorney to manage each branch office.



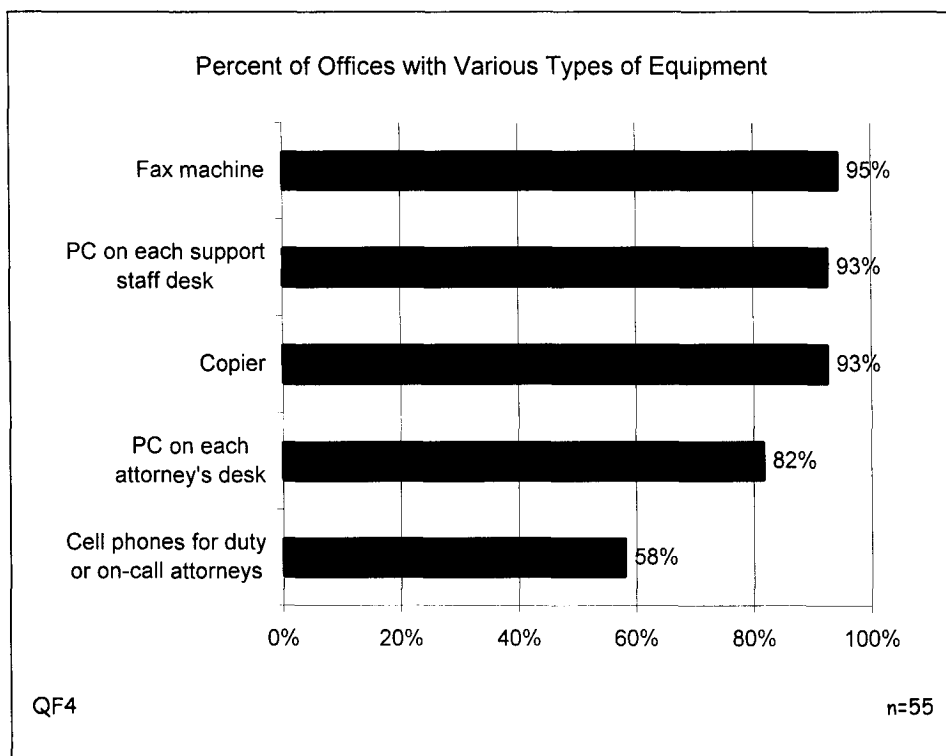
Seven out of ten offices are located in the courthouse. Only 3 out of 10 prosecutors (30 percent) staff more than one office full-time.

2. Adequate equipment and communications technology



The level of communications technology in an office is an important indicator of not only how well the office has been given access to the latest technological advances so as to increase productivity but also it indicates the level of service the office is able to provide. If offices are not adequately supported with communications technology, then one should not expect high levels of productivity or the ability to make changes or improvements easily.

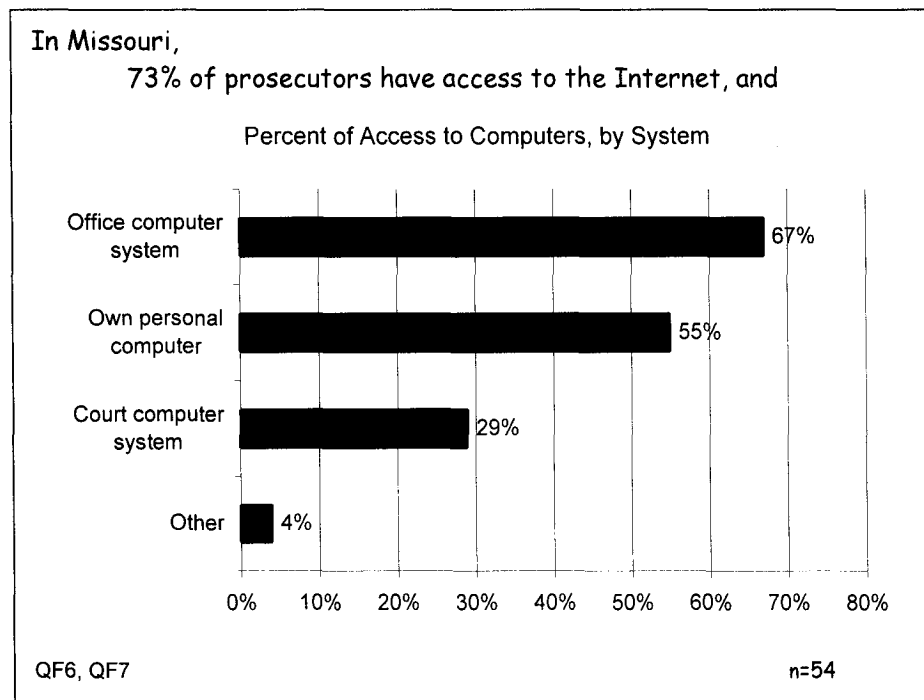
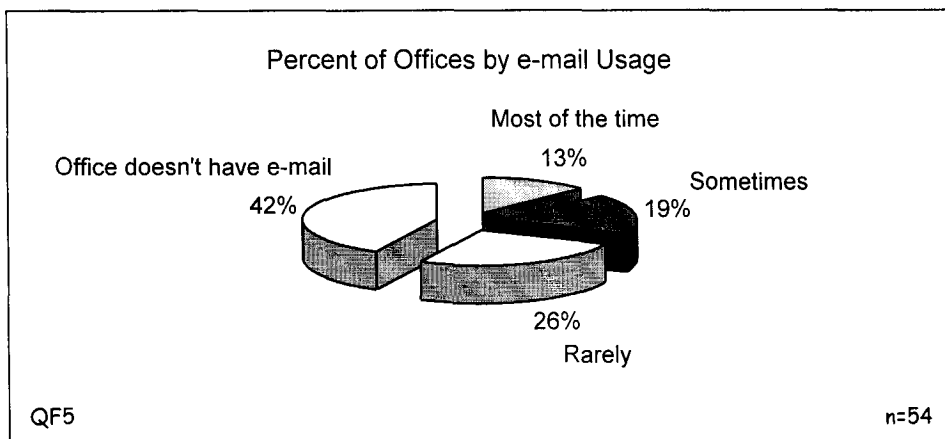
Statewide, almost all offices have fax machines, PC's and copiers. Only 58 percent of the offices report having cell phones available for duty attorneys.





Communications have been revolutionized by the emergence of the Internet and e-mail. Their use has been a major contributor to increased productivity. At this time, e-mail usage serves as an indicator of how completely an office has adapted to new technology in general and takes advantage of its benefits. High levels of e-mail usage in the office even for such questions about the location of lost files indicate high levels of productivity. Low levels of use are signals to increase training for attorneys and staff in the benefits and techniques for using this new technology.

Statewide the level of e-mail usage is very low. Only thirteen percent of the offices report using it most of the time.

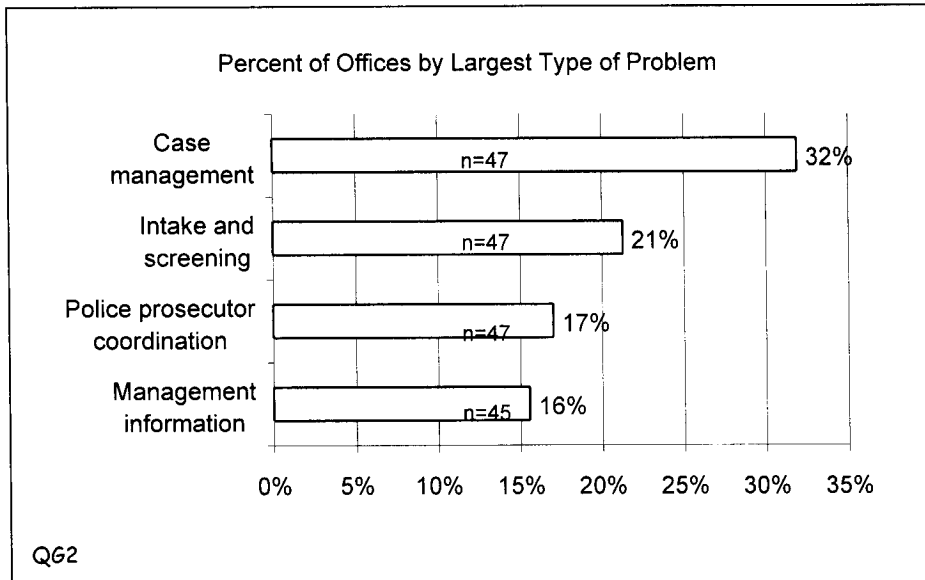


Most prosecutors (67 percent) have access to an office computer system. 55 percent use their own PCs.

3. Management information for decision making



As part of the survey each office was asked to indicate the management area that was most problematic. The results identified the areas of case management (32 percent) and intake and screening (21 percent) as being the most problematic.



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Appendix A

PROSECUTOR'S MANAGEMENT INVENTORY

A. Jurisdiction and Office Information

A1. What is the population of your jurisdiction?

A2. How many counties in your jurisdiction?

A3. How many offices do you staff?

_____ Full-time
_____ Part-time

A4. Do you have concurrent jurisdiction with local municipalities for:

Misdemeanors [] 1. Yes [] 2. No
Traffic/moving viol. [] 1. Yes [] 2. No

OFFICE INFORMATION

A5. Is the chief prosecutor:

[] 1. Full time [] 2. Part time

A6. Excluding the chief prosecutor, please identify the number of employees:

_____ 1. Full time Attorneys
_____ 2. Part time Attorneys
_____ 3. Non-attorney staff excl. investigators
_____ 4. Investigators employed by DA
_____ 5. Interns

A6. How many attorneys left the office last year?
Number _____

A7. What is the typical starting salary for an assistant prosecutor?

\$ _____

A8. How many attorneys primarily process:

_____ 1. Felony prosecution
_____ 2. Misdemeanors
_____ 3. Juveniles and family
_____ 4. Traffic
_____ 5. Child support
_____ 6. Civil
_____ 7. Other (specify) _____
_____ 8. Intake
_____ 9. Supervisors/administrators

A9 Last year, how many:

_____ Felonies were filed by your office
_____ Misdemeanors filed
_____ Traffic, moving violations

A10. Specify whether number of felony filings cited above is based on:

[] 1. Charges
[] 2. Defendants
[] 3. Other (specify) _____

B. Police/Prosecutor Coordination

B1. Number of law enforcement agencies in your jurisdiction.

B2. What percent of prosecutor's caseload is contributed by the largest agency

B3. Grade the overall quality of police reports submitted by: (circle one)

1. Largest agency A B C D F
2. Other agencies A B C D F

B4. Grade the overall quality of evidence collection in the: (circle one)

1. Largest agency A B C D F
2. Other agencies A B C D F

B5. Are there joint programs between the police and prosecutor in the areas of:

(check all that apply)

- ☐ 1. Violent offenses
☐ 2. Drug programs
☐ 3. Career criminal/repeat offender
☐ 4. Child sexual abuse
☐ 5. Domestic violence
☐ 6. Other (specify) _____

B6. How often do police officers request technical assistance about:

	Always	Frequently	Sometimes	Rarely	Never
1. Investigations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Crime scene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Search warrants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B7. How many days after felony arrests by the largest agency are police reports typically received by the prosecutor's office for:

1. Violent crimes _____
2. Property crimes _____
3. Drug offenses _____

B8. How often are there informal discussions between law enforcement and prosecutors about felony investigations before arrest?

- ☐ Always ☐ Frequently ☐ Sometimes
☐ Rarely ☐ Never.

B9. Grade the response of the police to prosecutor's requests for additional information. (circle one)

1. Largest agency A B C D F
2. Other agencies A B C D F

B10. How often do you have problems with police availability in court as witnesses

1. Felony cases
☐ Always ☐ Frequently ☐ Sometimes
☐ Rarely ☐ Never
2. Misdemeanor cases
☐ Always ☐ Frequently ☐ Sometimes
☐ Rarely ☐ Never

B11. How often does the chief prosecutor or his deputy meet with the heads of law enforcement agencies?

- ☐ 1. Regularly scheduled meetings
☐ 2. Meetings as needed
☐ 3. Infrequently

B12. How often does the prosecutor's office inform or train law enforcement about:

	Always	Frequently	Sometimes	Rarely	Never
1. New legislation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Report writing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Evidence protection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Search warrants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B13. Has the prosecutor's office designed forms for police use?

- ☐ 1. Yes ☐ 2. No

B14. Are they used?

- ☐ 1. Yes ☐ 2. No ☐ 3. Sometimes

B15. How often are police involved in discussions about felony cases with respect to:

	Routinely	Sometimes	Rarely/Never
Strength of evidence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plea Negotiation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prosecution plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Search warrants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B16. For misdemeanors and serious traffic cases how often does law enforcement submit the defendant's:

1. Misd. Routine Sometimes Rarely/Never
Criminal history ☐ ☐ ☐
2. Serious Traffic Routine Sometimes Rarely/Never
Driving record ☐ ☐ ☐

B17. How often are criminal histories and/or driving records available before the first court date?

1. Misd. Routine Sometimes Rarely/Never
Criminal history ☐ ☐ ☐
2. Serious Traffic Routine Sometimes Rarely/Never
Driving record ☐ ☐ ☐

C. Intake and Screening

C1. Do you have to authorize charges:

a. before a felony arrest is made?

☐ 1. Yes ☐ 2. No

b. before a misdemeanor charge is filed?

☐ 1. Yes ☐ 2. No

C2. Do you review felony/misdemeanor cases before charges are filed in court?

Felony ☐ 1. Yes ☐ 2. No

Misdemeanor ☐ 1. Yes ☐ 2. No

C3. When are most cases presented to the prosecutor for review and charging:

Felony

- ☐ 1. After arrest, before first appearance for bond setting
- ☐ 2. After arrest, at first appearance
- ☐ 3. After arrest, after first appearance
- ☐ 4. After arrest, before indictment
- ☐ 5. Other _____
- ☐ 6. Before arrest

Misdemeanor

- ☐ 1. After arrest, before court date
- ☐ 2. After arrest, on day of court
- ☐ 3. Other _____
- ☐ 4. Before arrest

C4. How long can a defendant remain in pretrial detention before the prosecutor has to indict or file a bill of information?

- 1. No. of days _____
- 2. No specified time limit ☐

C5. Does the prosecutor use mediation or dispute resolution programs for designated cases?

☐ 1. Yes ☐ 2. No

C5a. If yes, for what types of cases? (check all that apply)

- ☐ 1. Some felony
- ☐ 2. Some misdemeanor
- ☐ 3. Citizen complaint
- ☐ 4. Juvenile
- ☐ 5. Some traffic/moving violations

C6. Who most often recommends warrants based on citizen complaints?

- ☐ 1. Law enforcement agencies
- ☐ 2. Prosecutor
- ☐ 3. Magistrate
- ☐ 4. Other _____

C7. Who reviews cases for charging:

Felony

- ☐ 1. First assistant or assigned ADA only
- ☐ 2. Separate unit with designated prosecutor(s) who authorize charges
- ☐ 3. Screening duty rotated on regular basis
- ☐ 4. Any prosecutor is available to review and authorize
- ☐ 5. Other, please describe _____
- ☐ 6. ADA assigned to the case

Misdemeanor

- ☐ 1. Separate misdemeanor division or part of a screening/warrant unit with assigned prosecutor(s)
- ☐ 2. Specially designated prosecutors
- ☐ 3. Any prosecutor is available to review and authorize
- ☐ 4. No review
- ☐ 5. Other, please describe _____
- ☐ 6. ADA assigned to the case

C8. How often do assistants who review felony cases have prior felony trial experience?

☐ Always ☐ Frequently ☐ Sometimes
☐ Rarely ☐ Never.

C9. Does the office have guidelines (written or otherwise) setting criteria for

- 1. Declining cases ☐ Yes ☐ No
- 2. Ordering further investigations
☐ Yes ☐ No

C10. Typically, what percent of all felony cases reviewed for charging are:

- _____ 1. Accepted for prosecution
 - _____ 2. Declined for prosecution
 - _____ 3. Sent back to law enforcement for additional information
-
- 100% All cases

C11. How often do police investigative files brought over for charging as a felony contain:

	<u>Mostly</u>	<u>Sometimes</u>	<u>Rarely/Never</u>
1. Incident/offense report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Arrest report (if arrested)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Criminal record	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Suspect's written statement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Written summary of witness testimony	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Property sheet for physical evidence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Written scientific or medical reports	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C12. Which is most like your overall felony charging standard

- ☐ 1. Accept the case if the elements of the offense are present
- ☐ 2. Accept the case if it will survive a probable cause hearing
- ☐ 3. Accept the case if it can be sustained at trial and convicted

C13. Which is most like your overall misdemeanor charging standard:

- ☐ 1. Accept law enforcement/magistrate's charges
- ☐ 2. Accept the case if the elements of the offense are present
- ☐ 3. Accept the case if it can be sustained at trial

D. Court Information

D1. How many judges regularly sit in your jurisdiction?

Number _____

D2. In your jurisdiction, how many judges regularly hear:

- _____ 1. Felony cases
- _____ 2. Misdemeanor cases
- _____ 3. Juvenile cases
- _____ 4. Traffic and DUI
- _____ 5. Other (specify) _____

D3. Do judges have mixed criminal and civil dockets?

- ☐ 1. Yes ☐ 2. No ☐ 3. Sometimes

D4. Can lower court judges take pleas to felonies?

- ☐ 1. Yes ☐ 2. No
- ☐ 3. Yes, some felonies

D5. What type of calendaring system does the court use for felonies?

- ☐ 1. Master calendar
- ☐ 2. Individual dockets
- ☐ 3. Master calendar until trial then individual dockets

D6. Describe the type of administrative authority that the chief judge has over the court and its procedures:

- ☐ 1. Extensive
- ☐ 2. Limited to specified areas
- ☐ 3. By consensus only
- ☐ 4. Very limited or none

D7. Who calendars cases?

- ☐ 1. Clerk of court
- ☐ 2. Court administrator
- ☐ 3. Prosecutor
- ☐ 4. Other (specify) _____
- ☐ 5. Judge

D8. Is the felony court backlogged?

- ☐ 1. Yes ☐ 2. No

D9. Is the misdemeanor (lower court) backlogged?

- ☐ 1. Yes ☐ 2. No

D10. Do felony judges "ride circuit", i.e. reside in different courthouses for specified time periods?

- ☐ 1. Yes ☐ 2. No

D11. Are special days or times set aside for dispositions in:

Misd. court ☐ 1. Yes ☐ 2. No

Traffic court ☐ 1. Yes ☐ 2. No

D12. Are diversion, special programs such as drug court, or other treatment programs available in your jurisdiction?

- ☐ 1. Yes ☐ 2. No

D12a. If yes, how often do prosecutors review cases for their eligibility for diversion, special programs such as drug court, or other treatment programs before the first court hearing?

a. For felony cases

☐ Always ☐ Frequently ☐ Sometimes
☐ Rarely ☐ Never

b. For misdemeanor cases

☐ Always ☐ Frequently ☐ Sometimes
☐ Rarely ☐ Never

D13. Does the court have trials de novo?

☐ 1. Yes ☐ 2. No

D13a. If yes, does their prosecution create a substantial problem in your office?

☐ 1. Yes ☐ 2. No

E. Case Management and Delay

E1. Estimate the percent of all felony cases dismissed last year that was due to:

- _____ 1. Insufficient evidence
- _____ 2. Lack of speedy trial
- _____ 3. Civilian witness no-show
- _____ 4. Police not available
- _____ 5. Other (specify) _____
- _____ 6. Dismissal for plea bargain
- _____ 7. No probable cause

E2. Last year what was the average number of days from case filing to disposition

_____ for felony cases

_____ for misdemeanor cases

E3. For felony cases, what is the most frequently used accusatory process

- ☐ 1. Filing to preliminary hearing
- ☐ 2. Filing to grand jury for indictment
- ☐ 3. Filing to preliminary hearing for bindover to grand jury
- ☐ 4. Other (specify) _____

E4. If grand jury is used, how often does it meet?

- ☐ 1. Daily
- ☐ 2. Weekly
- ☐ 3. Biweekly
- ☐ 4. Monthly
- ☐ 5. Other _____
- ☐ 6. Quarterly
- ☐ 7. Semi-annually
- ☐ 8. Limited no. of days per week

E5. How many felony jury trials were conducted last year?

E6. What percent of felony cases that plead guilty, plead guilty:

- _____ 1. At felony arraignment.
- _____ 2. After arraignment, before trial
- _____ 3. Day of trial or during trial

E7. How often does the court schedule pretrial conferences?

- ☐ 1. Routinely
- ☐ 2. Sometimes
- ☐ 3. Rarely/Never
- ☐ 4. Varies by judge

E8 How often are the following present at a pretrial conference?

	<u>Routinely</u>	<u>Sometimes</u>	<u>Rarely/Never</u>
1. Judge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Prosecutor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Def. Counsel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Defendant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

E9. What type of attorney case assignment system is *most often* used for felonies?

- ☐ 1. Vertical
- ☐ 2. Horizontal
- ☐ 3. Trial team
- ☐ 4. Courtroom
- ☐ 5. Other (specify) _____

E9a. If vertical, are case assignments made

- ☐ 1. Before trial judge is assigned
- ☐ 2. After trial judge is assigned.

E10. Does the chief prosecutor try cases?

- ☐ 1. Yes - has regular caseload
- ☐ 2. Yes - but only high profile or sensitive cases
- ☐ 3. No - unless extreme circumstances
- ☐ 4. No - never

E11. What percent of time does the chief prosecutor typically spend on:

- _____ 1. Politics, policy and community relations?
_____ 2. Office supervision and administration?
_____ 3. Handling his active caseload?

100% Total time spent

E12. Which plea negotiating policy best describes your office?

- ☐ 1. Charge bargaining permitted
☐ 2. Sentence bargaining permitted
☐ 3. Both charge and sentencing permitted
☐ 4. No bargaining unless special circumstances
☐ 5. Other, (specify) _____

E13. Which plea offer policy best describes your office?

- ☐ 1. No reduced plea allowed after some specified court hearing or cutoff date.
☐ 2. No reduced plea on day of trial
☐ 3. No stated office policy, ADA discretion
☐ 4. Office policy based on type of case or offense
☐ 5. Other (specify) _____
☐ 6. Chief prosecutor discretion

E14. Which dismissal policy best describes your office?

- ☐ 1. Discretion given to ADAs
☐ 2. Dismissals must be OK'd by senior ADAs or DA
☐ 3. No dismissals unless exceptional circumstances
☐ 4. Other (specify) _____
☐ 5. Chief prosecutor discretion

E15. Does your office have an informal, open file discovery policy for felonies with the public defender and/or defense counsel?

- ☐ 1. Yes ☐ 2. No

E16. When is discovery made?

- ☐ 1. At prelim. hearing or before grand jury indictment
☐ 2. After indictment or upon arraignment
☐ 3. After arraignment and before trial
☐ 4. Before preliminary hearing or grand jury

E17. Do you have specialized prosecution units in your office (e.g. drugs, homicides, child sexual abuse)?

- ☐ 1. Yes ☐ 2. No

E18. Do you have a policy restricting the amendment of charges on special groups of misdemeanor and/or traffic cases

Misdemeanor

- ☐ 1. Yes ☐ 2. No

Traffic or moving violations

- ☐ 1. Yes ☐ 2. No

E19. Do attorney and support staff assist in planning and problem solving for the office

- ☐ 1. Yes ☐ 2. No ☐ 3. Sometimes

E20. When cases are disposed, does the office routinely notify: (check those notified)

- ☐ 1. Chief of police or sheriff
☐ 2. Detectives/police officers
☐ 3. Victims

E21. How many victim-witness coordinators are employed by the prosecutor?

E22. Check which organizational description is most like yours for the victim-witness coordinators

- ☐ 1. Separate organizational entity within the office
☐ 2. Under the supervision and direction of office administrator
☐ 3. Part of attorney or courtroom trial team
☐ 4. Other (specify) _____
☐ 5. Independent/Private organization

E23. Are misdemeanor cases prosecuted by a separate organizational division or unit?

- ☐ 1. Yes ☐ 2. No

E24. Generally, how does the experience level of attorneys primarily assigned to misdemeanor cases compare to the rest of the office?

- _____ 1. Least experienced
_____ 2. About same experience
_____ 3. More experienced

E25. Has an experienced attorney been designated to advise and provide on-the-job training to misdemeanor attorneys.

- ☐ 1. Yes ☐ 2. No

F. Equipment, Space and Supplies

F1. Is your office space located

- ☐ 1. In the courthouse
- ☐ 2. Outside the courthouse
- ☐ 3. Scattered among several sites
- ☐ 4. Other _____

F2. Is your office space adequate?

- ☐ 1. Yes
- ☐ 2. No

F3. Do you plan to move into new space in the next three years?

- ☐ 1. Yes
- ☐ 2. No
- ☐ 3. Don't know

F4. Check if you have the following:

- ☐ 1. Cell phones for duty or on-call attorneys
- ☐ 2. Fax machine
- ☐ 3. Copier
- ☐ 4. PC on each attorney's desk
- ☐ 5. PC on each support staff desk

F5. How often is e-mail used to communicate within the office?

- ☐ 1. Most of the time
- ☐ 2. Sometimes
- ☐ 3. Rarely
- ☐ 4. Office doesn't have e-mail

F6. Does your office have access to the Internet?

- ☐ 1. Yes
- ☐ 2. No

F7. Do you have access to the following computer systems? (Check all that apply)

- ☐ 1. Court computer system
- ☐ 2. Office computer system
- ☐ 3. Own personal computer
- ☐ 4. Other _____

F8. For the latest month, do you know:

	<u>Yes</u>	<u>No</u>
1. No. felony cases declined for prosecution	_____	_____
2. No. felony cases disposed	_____	_____
3. No. felony cases dismissed	_____	_____
4. No. felony cases plead guilty to lesser offense	_____	_____
5. No. felony jury trials	_____	_____

6. No. of misdemeanor cases disposed _____

7. Each attorney's inventory _____

G. Needs

G1. What is your top priority need this year?

G2. Rank the areas below in terms of being problems for felony prosecutions in your office (1 is largest problem, 4 is least or no problem)

- _____ 1. Police prosecutor coordination
- _____ 2. Intake and screening
- _____ 3. Case management
- _____ 4. Management information

G3. Rank the areas below in terms of being problems for misdemeanor prosecutions in your office (1 is largest problem, 4 is least or no problem)

- _____ 1. Police prosecutor coordination
- _____ 2. Intake and screening
- _____ 3. Case management
- _____ 4. Management information

Please use this space for comments about other needs.

Thank you for your assistance.
Please mail or fax this survey to: