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REPORT ON THE
TECHNICAL ASSISTANCE VISIT TO THE
DISTRICT ATTORNEY'S OFFICE

CITY OF PHILADELPHIA, PENNSYLVANIA
AUGUST 18-20, 1980

CRIMINAL PROSECUTION TECHNICAL ASSISTANCE PROJECT

LEONARD R. MELLON, PROJECT DIRECTOR

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

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

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INTRODUCTION

On August 18 - 20, 1980, a Technical Assistance Team from the Criminal Prosecution Technical Assistance Project visited the offices of Edward G. Rendell, District Attorney for the City of Philadelphia, Pennsylvania. The Technical Assistance Team examined the District Attorney's management and operations functions in accordance with the terms of a grant from the Law Enforcement Assistance Administration. Members of the team included:*

Leonard R. Mellon, Project Director
Criminal Prosecution Technical Assistance Project
Washington, D. C.

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

Sheldon Greenberg, Consultant
First Assistant District Attorney
Kings County District Attorney's Office
Brooklyn, New York

James M. Etheridge, Consultant
Bureau of Social Science Research
Washington, D. C.

The purpose of the visit was to analyze the problems related to the assumption of the charging function by the District Attorney. An overall assessment of the entire office was not attempted, nor was it desired. The purpose of a technical assistance visit is to evaluate and analyze specific problem areas and provide recommendations and suggestions for dealing with these areas. It is designed to address a wide range of problems stemming from paperwork and organizational procedures, financial management and budgeting systems, space and equipment requirements and specialized operational programs, projects and procedures unique to the delivery of prosecution services.

*Vitae attached as Appendix A

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

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

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

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

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

The visit to the Philadelphia District Attorney's Office focused on the problems inherent in the current intake procedure and attempted to determine if the capacity existed within the District Attorney's Office to assume the intake function. An assessment was made as to whether the transfer of responsibility for the charging decision from the Police Department to the District Attorney would improve the effectiveness of the Criminal Justice System in the City of Philadelphia.

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

11. SYSTEM OVERVIEW

As presently structured, the District Attorney's office in Philadelphia is staffed with over 350 employees, of whom approximately 180 are assistants, who serve at the pleasure of the District Attorney. They are assigned to one of six divisions, which include the Executive Division, the Trial Division, the Pre-Trial Division, the Law Division, the Investigations Division, the Detective Division and the Administration Division. The Executive Division performs four functions: (1) Public Information, (2) Community Relations, (3) Citizens' Service, and (4) Management Analysis. The Trial Division is divided into seven trial units: the Homicide Unit, the Felony Jury Unit, the Felony Waiver Unit, the Rape Prosecutions Unit, the Career Criminal Unit, the Municipal Court Unit and the Juvenile Court Unit. These units are responsible for the preparation and prosecution of all crimes which occur within the City of Philadelphia.

The Pre-trial Division is responsible for making initial decisions concerning prosecution, screening and diversion of cases, citizens' private criminal complaints, returning Informations, conducting preliminary hearings and other matters before they reach trial. The Law Division, which consists of the Appeals Unit, the Motions Unit and the Legislation Unit, is responsible for handling appeals, disseminating to the District Attorneys of the other counties in Pennsylvania analyses of appellate decisions which are filed, handling pre-trial and post-trial matters and drafting proposed legislation dealing with criminal law and procedure. The Investigations Division is assigned the responsibility for reviewing matters brought to the attention of the District Attorney by private citizens. It must make a determination as to whether or not to approve a private criminal complaint, issue an arrest warrant, or refuse criminal prosecution. The Detective Division conducts all major investigations for the District Attorney's Office.

The Administrative Division is responsible for the day-to-day functioning of the office. It coordinates the paperwork for everything within the office, monitors all federal grants involving the District Attorney's office, and generates all fiscal reports. This division also provides management analysis for the other divisions of the office, as needed.

There is no Intake Division because under the current system, the Philadelphia Police Department is responsible for preferring charges in virtually all criminal cases in Philadelphia. There is no provision for prosecutorial review of felony charges before they are filed with the court.

A two-tiered court system exists in the city of Philadelphia. The lower court, the Municipal Court, has jurisdiction over cases in which the maximum sentence is five years or less. The Court of Common Pleas has jurisdiction over the more serious cases, those in which the maximum sentence could be over five years. At the present time, the Philadelphia Police, after arrest of the defendant, file charges from the eight Detective Divisions located throughout the city. After arrest, within six hours, if the defendant has confessed, the criminal complaint is prepared and a preliminary arraignment is held. Rule 550 of the Philadelphia Court Rules mandates that these arraignments shall be held at 12 midnight, 4 a.m., 8 a.m., 12 noon, 4 p.m., and 8 p.m. This is accomplished through the use of Closed Circuit Television (CCTV). The defendant and the police officer are physically located in one of eight Detective Divisions which are located throughout the city. The Judge is located in the arraignment courtroom of the Municipal Court, which is in the Police Administration Building. The arraignment is held via the CCTV which links the two. At this point

in the process, the prosecutor has not yet become involved. He will become appraised of the filing of charges against this defendant approximately 24 to 48 hours after arrest, by means of the complaint transcript (Form 79) and the Court papers, which consist of the defendant's rap sheet.

For minor crimes, those in which the maximum sentence is five years or less, review is then provided by the Screening and Diversion Unit of the District Attorney's office. At this time, approximately 30 percent of these cases will be diverted from formal prosecution to one of the diversion programs available. Cases are chosen for Delayed Discharge Programs such as ARD (Accelerated Rehabilitative Disposition), DDPIP (Drunk Driving Pre-Indictment Probation), NEXUS (ARD in drug cases), or the Retail Theft Program on the basis of broad guidelines designed to include the greatest number of persons arrested.

From the preliminary arraignment, those minor cases which are not diverted are sent to the Municipal Court for trial. This next court appearance is generally held within thirty days from the preliminary arraignment. A conviction in the Municipal Court may be appealed to the Court of Common Pleas by means of a trial de novo. This is an appeal of right for each defendant convicted in Municipal Court. If a trial de novo is requested, the defendant is then arraigned in the Court of Common Pleas.

For more serious crimes, those in which the maximum sentence is over five years, the defendant is scheduled for a preliminary hearing which is usually held within seven to ten days after preliminary arraignment. This is a probable cause hearing, at which one of three decisions may be made. The case may be bound over to the Court of Common Pleas for arraignment on the Information, it may be transferred back to the Municipal Court for processing at a lesser charge, or it may be dismissed.

There are a few exceptions to this routine processing of cases. Cases which are handled by the Rape, Homicide or Career Criminal Units of the District Attorney's office are afforded different treatment. For these cases, the attorneys in these Units advise the police during investigations and recommend what level and type of formal charges to file, and then process the case through the system to ultimate disposition.

In 1979, Philadelphia police made between fifty and fifty-five thousand arrests. Seventeen thousand cases were diverted totally out of the criminal trial system by the District Attorney's office. Of 12,500 felony charges brought in which preliminary hearings were held, 3,500 defendants were discharged or remanded for misdemeanor trials. Of the 9,000 defendants bound over for prosecution on felony charges, a high percentage, though convicted, were given probationary sentences after non-jury trials.

At the present time, the District Attorney's office is on-line with the Court computer system. This system is used to obtain information on a defendant's status on pending or open cases in the court system.

In December of 1976, a project was undertaken to examine the feasibility of applying advanced technologies to the police arrest and prosecutor case review functions, and to determine the extent to which they improved the efficiency and effectiveness of the prosecutor's decisionmaking activities at intake.¹ It was assumed that the use of CCTV, supported by a computerized, on-line, interactive Screening and Diversion Unit Information System (SDIS) would permit the prosecutor to provide legal counseling and make screening and diversion decisions on a more timely and less costly basis.

The tests involved the District Attorney's Screening and Diversion Unit and the Police Department's Northwest Detective Division and the 35th Police District. This study was made possible because a closed circuit cable TV network linked the Police Administration Building with nineteen other locations, nine of which are divisional command centers. These latter command centers also had two-way video communication with the Police Administration Building. By adding the District Attorney's office to the existing network, the opportunity for experimentation with advanced technology was offered. This was accomplished by adding the existing centralized Screening and Diversion Unit to the on-line communication network used by each of the detective divisions and giving them access to closed circuit television. Procedures were changed so that, for most cases, the detectives were required to call the Screening and Diversion Unit for guidance and counseling as to whether the case should be charged and at what level. The communication between the detective divisions and the Screening and Diversion Unit was both audio and visual. The arrest and charging advice given by the assistant and other case notes were formally recorded and placed on an automated information system (SDIS) by means of a computer terminal located in the Unit's office. Recall of this information was made at the time of preliminary hearing to aid the assistant handling that court hearing.

The information system supporting the screening procedure demonstrated in this project utilized an existing IBM 370/145 computer assigned by the City of Philadelphia to support court and District Attorney functions. An on-line, interactive Screening and Diversion Unit Information System (SDIS) was designed, developed and implemented to allow the assistant within the Screening and Diversion Unit to enter a formal record of his charging decision, to record the reasons for that decision and to provide further

narrative information on the strategy of prosecution to be employed with the special issues relating to the case. The results of this merger of screening activities with advanced communications systems were examined to determine whether it could meet the objectives of efficiency and savings.

The comparative analysis clearly indicated that the formal process of legal counseling and guidance via the CCTV and with the computerized SDIS system as back-up support is the least expensive and most efficient system of screening. It offers great potential for reducing cases to summary offenses before felony or misdemeanor charges are filed, screening them out completely or diverting them because it has a review capability not routinely available. Additionally, because it interjects the review function early into the arrest process, it offers the potential of disposing of cases earlier in the system and well before the pretrial stage.

The comparative advantages of the CCTV system of formal screening can be summarized as follows: (1) Audio visual communications allows face-to-face communication between police officers, witnesses and assistants from remote locations; (2) It permits the assistant to view physical evidence; (3) It allows an assistant to observe line-ups and the taking of statements to ensure adherence to constitutional protections; (4) It minimizes the professionally debilitating and sometimes physically dangerous environments that assistants might encounter away from their office; (5) It gives organizational structure to the screening function allowing for prosecutorial support services and office guidance; (6) By recording the communication on tape, a recall documentation vehicle has been created.

III. ANALYSIS

The analysis of the Philadelphia District Attorney's office focused on problems inherent in the current intake procedure and proposed attempts to remedy the situation. An attempt was made to determine if the capacity exists within the District Attorney's office to assume the intake function. An assessment was made as to whether the transfer of responsibility for the charging decision from the Police Department to the District Attorney would improve the effectiveness of the Criminal Justice System in the City of Philadelphia.

According to a recent survey undertaken by the Bureau of Social Science Research of over eighty urban prosecutors, 85 percent of all offices surveyed review felony charges before they are filed with the court. The Philadelphia District Attorney has proposed a system whereby he will assume the charging function which presently resides with the police department. The proposed system will utilize the existing city-wide closed circuit television system and the court's computer system to establish a two-way communications network between the police investigators in the detective divisions and assistant district attorneys at the central charging headquarters, to be located either at City Hall or at the Police Administration Building. As a case develops, the police investigator will communicate with the charging district attorney by the use of a videophone. Witnesses can be spoken to and, if necessary, documents can be reviewed by the charging district attorney through laser fax transmission. During this investigation, the charging district attorney may consult with the investigator and/or advise him as to investigation needed for trial so that this can be done at the time when all witnesses and evidence are readily available.

Once the investigative process is complete, the investigator will review all information acquired with the charging district attorney via the videophone. The charging district attorney will then determine whether an arrest is warranted and if so, what charges should be preferred. The relevant information will then be fed into the computer and a criminal transcript will be produced. Only those defendants for whom such a transcript has been produced may be arraigned and he or she may only be arraigned on those charges which are authorized on the transcript. At the time that the transcript is printed, the computer will also print a complete charging summary listing all relevant information, including the identities of the investigator and the charging district attorney, any charging decision and the rationale therefore. In this way, a permanent, reviewable record of this decision-making process will be created and maintained.

The system will consist of two essential physical components, communications equipment and computer equipment. The basic communications system is already in existence. The CCTV capability is in place between the Police Administration Building and the Detective Divisions located throughout the city. The computer system is also already in place and has the requisite abilities and capacities to accommodate this project. Certain pieces of equipment would have to be purchased, including videophones for the police divisions and for the charging district attorneys, a laser fax transmitter, as well as various other equipment. (See Appendix B)

Although in early England the authority to bring prosecutions was vested in the victim of a crime or his family, in the Colonies, the concept of a public prosecutor quickly replaced the notion of private prosecutions. The Colonial system was derived from the English system of sheriff, constable and watchman. Even in the beginning of the 19th Century, the prosecutor was a minor official. However, the prosecutive duties once

performed by the sheriffs and police, including the presentation of facts of a case to the court, gradually were transferred to the prosecutor as his power, stature and responsibilities took shape. The idea that the criminal law, unlike other branches of the law such as property and contract law, was designed to vindicate public, rather than private interests, became firmly established by the time of the American Revolution.

As the concept of a public prosecutor emerged, two types of case filing procedures came into use. The first type involves review of the case by the prosecutor after the arrest of the defendant and before the case is filed with the court. This could be described as the arrest-review-file model, and is used by approximately 85 percent of the urban prosecutors in the country. It is in the arrest-review-file model that the fullest authority of the prosecutor can be exercised. When the prosecutor has an opportunity to review the case and make the charging decision, his ability to control the intake process is never more powerful. The activity occurring in the intake process generally consists of prosecutorial review and regulation of the work of the police. The circumstances of police arrests are examined and decisions are made about which cases should enter the formal adjudicative process.

In the second type of intake process, followed by about 15 percent of urban prosecutors, the case is filed by the police in court prior to prosecutorial review. The effect of the arrest-file-review route is to diminish prosecutorial control over the intake gate, reduce the amount of discretionary power the prosecutor can exercise and establish a prosecutorial function that is reactive rather than proactive. Within this limited scope of authority, the charging decision is made first by either the police and/or

the courts, and later may be adjusted or dismissed by the prosecutor. Thus, the intake stage, as it has been defined, technically does not exist in Philadelphia. This function has been transferred to the police.

Jacoby² has developed a theory of prosecution as a process which centers around the prosecutor's ability to make the charging decision. It is part of the criminal justice system's organizational checks and balances that rightfully belongs to the prosecuting attorney. In a later study Jacoby and Mellon³ validated the significance of the charging decision in establishing the prosecutor's overall policy. They note that the intake phase of the prosecutorial process determines the character of subsequent phases.

The intake and screening phase is the first process in every office and is the point at which the most crucial decisions--if charges are to be brought and the number and level at which each charge will be brought--are made. The intake decision is the key to all subsequent decisions. It anticipates whether the prosecution, and the defense in many cases, will be willing to negotiate the charges for a plea of guilty, whether the prosecution will seek a conviction on the counts, or whether the defendant will be eligible for alternative programs that may be available, such as deferred prosecution or diversion.

Quality and equity in the discretionary system of justice form the yardstick against which all decisions must eventually be measured. Efficiencies and economies assume only secondary importance, since they measure how these ideals are reached. Equity is the prime issue because it is affected by the discretion exercised by the various parts of the criminal justice system. To control the effects of discretion, the criminal justice system has responded by establishing a system of checks and balances. Ideally, the discretionary decision of the law enforcement agencies to arrest and detain a suspect is

checked by the authority of the prosecutor to review the arrest charges, change them if necessary, or even decline to prosecute. If the decision is made to go forward with the case to the point of trial, this action is subject to the decision of the court and/or jury, which acts as a balance and arbiter.

This finely honed system of checks and balances is unique to the United States. It relies on the active participation of all the component parts of the criminal justice system in an equal but independent manner. When one part becomes subservient to another--especially by transferring its decisionmaking authority to another--the system of checks and balances is degraded.

Even though police and prosecutors are at least nominally on the same side in pursuing criminal prosecutions, this theoretically shared interest is belied by a lack of cooperation between the two more often than should be expected under these circumstances. Police are often disappointed with and wary of the prosecutor's decisions; the prosecutor often distrusts and questions the actions and motives of the police. In many instances, the two work together more in an atmosphere of sullen resignation than one of trust and cooperation.

One reason for the uneasy working relationship that often exists between the police and prosecutor is that they do not share the same interests, responsibilities, or goals in their respective pursuits of law breakers. The police must keep the peace and apprehend the law breaker; the prosecutor must bring the case of the state in a court of law. The police arrest on the basis of probable cause to believe that an individual has broken the law; the prosecutor must produce a higher quantum of evidence to convict the same person in the courtroom, the standard there being proof beyond a reasonable doubt.

The police are faced with the responsibility for keeping the streets safe by placing alleged wrong-doers in the judicial system; the prosecutor is faced with the task of representing the community in all actions, of keeping the court process moving, and of eliminating those cases that are inappropriate or insufficient for the attention of the court. As the division of work has separated the two agencies, the goals of each have become more divergent, thereby creating some problems that assume more significance as the criminal justice system becomes more procedure-bound and complex. For this reason, prosecutorial review of charging decisions made by police is crucial. The prosecutor must see to it that the evidence used by the police to make the arrest is sufficient legally to support the allegation that the state will make.

Jacoby and Mellon, speaking of the roles of the police and prosecutor at the intake stage state that⁴

Nowhere else in the criminal justice system is there such a highly visible interactive area. The result of this process, produced by a symbiotic relationship between police and prosecutor, reaches into every other processing stage.

They go on to describe the intake process as it should function:⁵

Optimally, an efficient and effective intake process is one where all relevant information reaches the prosecutor as quickly as possible after an arrest or criminal event so that the facts of the case can be properly reviewed and analyzed prior to a charging decision.

The concept of the prosecutor having control of his own charging decisions has also been endorsed by several professional organizations, as well as the National Advisory Commission on Criminal Justice Standards and Goals, which states in Standard 1.2:⁶

After a person has been taken into custody, the decision to proceed with formal prosecution should rest with the prosecutor.

The Commission feels strongly that there should be a division of roles between the police and the prosecutor. While the decision to arrest a person is rightly a police decision, the decision to charge, and at what level, should be a function of the prosecutor. They state that while the police should have the authority to arrest and book a person suspected of a serious offense without prior approval of the prosecutor, the process should go no further than that without the formal involvement of the prosecutor's office.

The National District Attorneys Association considers the decision to charge, and selecting the most appropriate and accurate charges, to be one of the prosecutor's greatest responsibilities. They also feel it to be the sole responsibility of the prosecutor. This is reflected in the standards promulgated by this organization concerning the charging and screening functions. Standard 9.1 concerns the authority to charge:⁷

The process of determining and initiating criminal charges is the responsibility of the prosecutor. Within his discretion the prosecutor shall determine what charges should be filed, and how charges should be presented.

Standard 9.2 goes on to state:⁸

The prosecutor has the responsibility to see that the charge selected adequately describes the offense or offenses committed and provides for an adequate sentence for the offense or offenses.

In order to insure that the proper charge has been made, the prosecutor must have all available data concerning the event before him at the time he makes his charging decision. He should also consider such factors as the nature of the offense, the characteristics of the offender, the

interests of the victim, whether the statute has been enforced with regularity in the past, the possible deterrent value of the prosecution, the probability of conviction, recommendations of the law enforcement agency and the presence of any mitigating circumstances. These are all things which must be weighed by the prosecutor before he makes a decision to charge a certain crime at a certain level. Only the prosecutor has all of the information necessary to make this decision, as some of the information used in coming to a decision involves policy considerations, of which the police are not aware and are not in a position to evaluate.

In addition to these Standards, Standard 8.1 also addressed this area:⁹

The decision to initiate or pursue criminal charges should be within the discretion of the prosecutor, excepting only the grand jury, and whether the screening takes place before or after formal charging, it should be pursuant to the prosecutor's established guidelines.

Screening is defined as the process by which a person is removed from the criminal justice system prior to trial or plea. The earlier in the process screening takes place, the more savings accrue to the system as a whole. Needless steps in the process are eliminated, thereby conserving resources for cases that should be in the system at further points along in the process.

The American Bar Association has also addressed the issue in Standards Relating to the Administration of Criminal Justice. Standard 3-3.4 deals with the decision to charge:¹⁰

- (a) The decision to institute criminal proceedings should be initially and primarily the responsibility of the prosecutor.

- (c) The prosecutor should establish standards and procedures for evaluating complaints to determine whether criminal proceedings should be initiated.

In the commentary to this section, the ABA goes on to point out that:¹¹

Whatever may have been feasible in the past, modern conditions require that the authority to commence criminal proceedings be vested in a professional, trained, responsible public official. The need for law-trained judgment to guide the exercise of the power to charge a citizen with a criminal act and to put the citizen under the heavy burden of defending himself or herself is discussed in Standard 3-2.1.

Standard 3-2.1 states:¹²

The prosecution function should be performed by a public prosecutor who is a lawyer subject to the standards of professional conduct and discipline.

The ABA recognizes that intake is a process which results in placing cases with sufficient evidence to support a conviction before the court. But the ABA Standards go further by directing attention to the charging decision itself as a critical point in the process and then by elaborating factors other than the weight of the evidence in terms of applicable law that have a bearing on the decision to accept or reject a case. Other considerations include: (1) the prosecutor's reasonable doubt that the accused is in fact guilty; (2) the extent of the harm caused by the offense; (3) the disproportion of the authorized punishment in relation to the particular offense or the offender; (4) possible improper motives of a complainant; (5) reluctance of the victim to testify; (6) cooperation of the accused in the apprehension or conviction of others; and (7) availability and likelihood of prosecution by another jurisdiction.¹³ The ABA Standards, like

others, is an elaboration and substantiation of the belief that, for proper charging, what is needed is a careful and rational review of the information available to the prosecutor. Here the policy of the prosecutor is clearly given weight in this discretionary process, along with a recognition of prevailing community values.

The discretionary charging decisions are made within a policy environment that produces such distinctly different dispositional patterns (both immediately in the form of reject rates and also later in the form of plea, trial and dismiss rates) that its influence cannot be discounted.

When the charging decision is not made by the prosecutor, as it should be, the function is transferred to another agency, in this case the police department. The effects of this transfer are both predictable and widespread. The effects of transfer on the prosecutor are generally a loss of control, power and influence, and the adoption of a reactive "catch up" style of operation in the next process step. As a result, the accusatory process assumes the added role of charge review as well as accusation. Some cases that never should have entered the system are disposed of at the preliminary hearing or are remanded to the lower court at the hearing.

In Philadelphia, with a two tiered court system, entirely too many cases go into the wrong court (i.e. the Common Pleas rather than the Municipal Court) as a result of improper charging by the police at arrest. The system is such that adjournments are commonplace. (Preliminary hearings, for example, are almost never heard at the first listing, but are continued to another listing at the request usually of defense counsel) When a number of listings occur in a case, it is not until an inordinate lapse of time has occurred that the prosecutor, at preliminary hearing, becomes aware of the nature of the case and the fact that it should have been filed in the Municipal Court.

The accusatory process then can be either pro forma or it can be a major dispositional vehicle. The result of the loss of control in the early stage is to let into the system cases of questionable merit, reduce the discretionary authority of the prosecutor to set the charge and concomitantly increase modifications to the original charges, require additional work in other process steps and generally divert some of the prosecutorial effort to correction, modification and disposition rather than trial preparation. The key distinction between having an intake function or not is that without screening, the decision is largely restricted to what charges to bring, not whether to charge.

The loss of control over intake has serious effects on the public defender as well. Instead of representing a defendant in a case that has prosecutorial merit, the public defender must also share the increased workload. Obtaining dismissal of cases that either should not have been allowed in the system or should have been prosecuted at a lower level or on a different charge involves time, work and often unnecessary expense. The Public Defender in Philadelphia indicates that this is a chronic problem there. Improper charging by the police results in many cases being filed in the court of Common Pleas, which properly belong in the Municipal Court.

The effect of a lack of control over the intake stage was also noted by the ABA when it observed:¹⁴

The absence of a trained prosecution official risks abuse or casual and unauthorized administrative practices and dispositions which are not consonant with our traditions of justice.

The expertise and legal knowledge of what is needed to prove the guilt of a defendant in court, which the prosecutor has, cannot be used at the intake stage if it has been transferred to another agency. This knowledge should be employed at the police investigation level to strengthen cases while it is still possible to do so. A trained attorney's determination that additional witnesses should have been located, that investigative crime scene work to gather additional real evidence should have been done, or that some other police initiative was indicated will not be timely when made by the assistant district attorney preparing a case for hearing or trial weeks or months after the criminal event. The opportunity to consult with police immediately after the arrest, which would permit more effective utilization of existing investigatory techniques and evidence gathering is lost if the prosecutor does not review charges before they are filed in court.

Also, without police cooperation in sharing information, no case can be screened on the basis of features inherent to many prosecutions which invariably lead to case weakness. Elements such as the relationship between the parties, the attitude of the complainant toward prosecution, or the poor quality of witnesses are thus unavailable to the screening assistant district attorney. Frequently, the incident which led to the arrest is not a situation with which the court system can deal satisfactorily, and conviction and a prison sentence is not an appropriate response by society to the defendant's conduct. An experienced assistant would recognize that the charges were slated for eventual reduction or dismissal. No attempt can possibly be made without prosecutorial review of the charges to screen out these cases.

Another effect of the transfer of the charging function is the inability of the district attorney to assess the facts of the case for accuracy. The conclusions stated by the police in court papers as established facts often turn out to be unsupported, and this legal insufficiency, when it is identified, causes the case to be dismissed. There is no way that an assistant district attorney, without dialogue with the arresting officer, can isolate such a situation. By the time this takes place under present procedures, the case has already been in the system for some time, and valuable time has been lost.

It is impossible, based only on a reading of the transcript, for an assistant district attorney to recognize the existence of constitutional problems relating to searches, confessions, or identification procedure which may either lessen chances for successful prosecution or destroy them completely. It is manifest that where such an impediment to conviction exists it would be a waste to assign a high priority to a case so flawed, even though the crime may be quite serious. It would take a conversation with the arresting officer to highlight these matters, and it should be done as early in the prosecution as possible.

In addition to these problems, the transfer of the charging function to the police denies the prosecutor the opportunity to identify those cases which require special attention or handling for successful prosecution. It is important that the bail recommendation made by the prosecutor at arraignment be tailored, within constitutional limits, to the individual defendant and his case. Without complete information from the police involved, there is always the danger that inappropriate bail could be recommended. The Philadelphia Public Defender states that this is a chronic problem because of "improper, excess" charging by the police.

The net effect of transfer of the intake function is to debilitate agency control over the subsequent process steps. As a result, the policy position of the prosecutor as first indicated in the intake process sets the course for the rest of his activities. When control over intake is missing, the agency is less capable of assuming a proactive stance. If early penetration of the system is prohibited, then both prosecution and defense are more dependent on the results of the activities of the police and the courts.

The CCTV system which has been proposed for use in the Philadelphia District Attorney's office would result in substantial savings both in dollars and other resources. It has been estimated that if one case can be eliminated from the system every three days (e.g. by the assistant district attorney advising that no prosecution will take place or by the reduction of the charge to a summary offense) then, the cost saved by short-circuiting or reducing the processing time for that case will, over the long run, pay for the operating costs of the communications system.¹⁵

Because this system provides for moving the prosecutor's intake and review function closer to the arrest decision of the police and prior to the filing of the court papers, it makes pretrial screening possible and strengthens the discretionary authority of the prosecutor to set charges. Thus the role of "Gatekeeper" to the court system is essentially transferred from the police to the prosecutor, where it properly belongs. Conversely, the reactive stance that the prosecutor must presently assume--a stance that permits him only the opportunity to respond to cases already in the court system--can be reversed so that case review and discretionary decisionmaking can make him a proactive agent in the criminal justice system.

According to a report generated by the office of the District Attorney, the savings to the City of Philadelphia would come from several sources.¹⁶ In 1979 the District Attorney's office diverted 16,566 cases out of the trial system. These diversions were accomplished by withdrawal of prosecution, by discharge, and by assignment to diversionary programs. In every case the diversion occurred at arraignment or later and in approximately 5,000 of these cases the diversion occurred at least one further court appearance into the system.

According to this report, court system figures and statistics have established that it costs \$385.00 to handle one defendant from arrest through and including arraignment and an additional \$180.00 from arraignment through the first listing of the case. In most of the 16,566 cases which were diverted out of the system in 1979, the expense of handling the case from arrest to arraignment would have been eliminated if the District Attorney's office had the charging function. Additionally, in 5,000 of those cases, the cost of a first listing would have been eliminated. That amounts to a savings of \$7,277,910.00 in the first year.

There are also savings in support areas and supplies. The 16,566 cases which were diverted from the system represents about 30 percent of the total cases introduced into the system in 1979. Therefore, elimination of those cases at an earlier stage would represent a 30 percent reduction in the caseload handled by the District Attorney, with the resultant savings of approximately \$1,000.00 per month in computer data storage costs.

The public defender represents about 80 percent of all criminal defendants in Philadelphia. A 30 percent reduction in the caseload would result in a corresponding reduction in public defender personnel and expense.

This reduction in caseload would also result in savings in court time and resources. In the District Attorney's office, there should be substantial savings in personnel costs, as well as savings in time.

Court statistics from the City of Philadelphia show that 8.5 police hours are expended on each defendant from formal arrest through arraignment. As a result, 140,811 police hours were expended to process the 16,566 cases which were diverted in 1979. This time represents a savings equal in time to sixty-eight police officers for a full year. Also, under the present system, approximately 2,000 cases per year are remanded back to the Municipal Court after preliminary hearing in the Court of Common Pleas. In these cases, the felony charge is usually withdrawn by an assistant district attorney after one or more listings of the preliminary hearing. Each of these listings is costly to the city and the court system. If the District Attorney had the charging function, the proper level of charge would be brought initially, without the need for costly repeat listings.

There are a substantial number of cases where the proper charge is a summary offense, which, under the Rules of Criminal Procedure, may be brought by citation, in the same manner as a traffic offense. However, the police, if not reviewed, will often charge a misdemeanor, which results in a physical arrest, and all of the expense and time involved in processing such an arrest. At the first, or a later listing in Municipal Court, an assistant district attorney may determine that the case is really a summary offense and remand the case to the police district for disposition. Proper charging would eliminate the expense involved in the handling of each of these cases.

The value of the proposed system lies not only in the change of authority to bring charges by mandating review of the facts before a case is filed in the court. It also strengthens the transfer by using an

automated system to transmit operating instructions to assistants and to monitor cases for management control. Of additional value is the fact that this system offers a solution to two structural problems that impede prosecutorial pretrial screening. These problems stem from police agencies using decentralized arrest and booking facilities which preclude the prosecutor from developing a centralized case review function. Additionally, the problems may exist when the prosecutor's office is not centrally located. Where branch offices are located at great distances from the "main" office and where they process initially significant portions of the caseload, pretrial screening may be difficult to install or hard to place under policy control. Their isolation from the main office and the lack of support and guidance can be just as debilitating as their assignment to police stations. The value of CCTV for these situations appears eminently justified. The detrimental effects of no prosecutorial screening are eliminated or minimized. The result, is the upgrading of the system of checks and balances and a concomitant improvement in the ability to distribute justice equitably.

IV. Recommendations

A. External Changes Necessary

There is now pending before the Pennsylvania Legislature a new Section 101 A of the Rules of Criminal Procedure, which provides for the District Attorney of each county to have the option of requiring that criminal complaints filed by police officers be approved by the District Attorney's office. Enactment of this law would mandate that the police consult with the prosecutor, thereby giving him an opportunity to screen all cases entering the criminal justice system at the earliest possible time. The concept of this new rule, which allows the attorney who will have responsibility for the success of the case to exercise control over its initiation, rather than the police, is one which has been endorsed by the American Law Institute Model Code of Prearrest Procedure and the Citizens Crime Commission of Philadelphia, as well as the American Bar Association and the National Advisory Commission on Criminal Justice Standards and Goals. The Criminal Procedural Rules Committee of the State Legislature has reported favorably on the proposal, but it has yet to be brought to a vote. The TA team feels enactment of the legislation would improve the quality of justice in Philadelphia.

The same result could be accomplished by enactment of a proposed change in the Rules of the Supreme Court of Pennsylvania to provide that the District Attorney have responsibility for charging decisions. This change in rules has been reported upon favorably by the Rules Committee of the Supreme Court, but has not been voted upon by the Court. The proposal has been circulated for comment and could come to a vote in the near future.

This alternative measure to a change in the State Law would accomplish the same purpose. The TA team is strongly in favor of this rules change.

Within the City of Philadelphia, by Executive Order, the Mayor could forbid City police from filing charges with the Court prior to receiving approval from the District Attorney. An order in this vein would also accomplish the desired early communication by the police with the prosecutor and put him in a position to effectively screen his caseload. There has been no response from the Mayor's office to the District Attorney's request for action in this area. As a second alternative to a change in State Law this would be equally effective.

There is little that the District Attorney can do in the area of screening that he is not doing now, without conferring with the police. However, requiring speedier production of the Police Investigation Report (Form 49) would allow earlier and fuller screening of felony cases. The practice at present is for the investigative police officer to bring the Form 49 with him to the preliminary hearing, frequently two months or more after the arrest. The assistant district attorney for the first time has enough information before him upon which to make a judgment relating to the strength or weakness of his case. Even without production of Form 49, the Screening Unit could initiate conferences with the police officer involved in felony cases, by telephone if necessary, to help provide needed insight before too many listings have gone by.

In lieu of police and civilian witnesses traveling to the Central Screening Unit location, which would be very costly in terms of police manpower, it is recommended that the existing closed circuit television network connecting the Police Administration Building and four of the seven detective division headquarters locations be expanded to cover all of the detective districts, and enhanced to have sufficient equipment to

handle the increased communication to be carried to the screening unit. These video/telephone hookups, allowing persons to talk to each other face to face over distances, will enable an assistant district attorney to have before him all possible information relative to the case.

The computer terminal hookup among the same locations to be served by the closed circuit television should be similarly expanded to enable the court complaints, hearing lists and related documents to be produced automatically, based on the factual input generated by the Screening Unit/Police Conference.

B. Internal Changes Necessary

The Philadelphia District Attorney has already designed an enlarged Screening and Diversion Unit concept to fulfill the responsibilities of handling the charging function on a 24-hour basis. The Unit Chief of the present Screening and Diversion Unit would remain as head of the proposed Screening and Diversion Unit, but the staff would increase considerable from the two assistants presently assigned to the Unit. It is proposed that five additional assistant district attorneys would be needed for this Unit. The assistant district attorneys chosen for this new screening unit must have enough experience with respect to investigation and trials to make their screening judgements valid. It is important that they be of sufficient professional strength to maintain their independence from the police. Training should be given to these assistants so that their actions are uniform and consistent with office policy. Inducement, either in the form of compensatory time off or pay differential should be given to them to keep interest high while working odd hours on a rotating schedule, which considering their length of service, cannot be considered career advancement.

As presently envisioned, all assistants in the office would rotate into the intake unit and remain for three or four months. All assistant district attorneys should not be rotated out of the unit at one time when their assignment ends. Continuity of policy and training needs suggest that no more than one-third of the staff should be returned to regular duty at any one time. This would leave the remaining personnel to assist the newer people in assuming their responsibilities.

It is recommended that all close intake questions be initially resolved by the Unit Chief to assure uniformity and consistency and prevent the unwarranted criticism that office policy is being abandoned on the basis of individual philosophy. Also, when the initial charging of a police officer is changed, the officer should be informed of the reasons for that decision. This will serve to enhance relations with the police, as well as educate the police as to the charging policies of the prosecutor.

With this additional personnel allocation and the addition of the needed terminals, CCTV's, and workspace in the Police Administration Building, the District Attorney's office should be able to do an effective job of employing the charging function in a jurisdiction where the size of the jurisdiction and the history of the police filing the formal charges with the court has undercut one of the basic discretionary decisions of the District Attorney.

V. CONCLUSIONS

Were the eventual outcome of an arrest entirely dependent upon the seriousness of the crime label initially affixed to the case by the police, the City of Philadelphia would be blessed with the highest level of case disposition in the entire criminal justice system. The prosecutor in Pennsylvania's existing legal system has no opportunity to review a police charging decision prior to the case being filed with the court, and rather than ensure successful prosecution, police practices often serve only to further burden a system whose resources are already overextended.

This situation could be remedied in one of three ways. The Pennsylvania Legislature could pass a bill which would change the Rules of Criminal Procedure to enable the District Attorney of each county to require that criminal complaints filed by police officers be approved by his office. This would provide the prosecutor with an opportunity to screen all cases before they are filed with the court, thereby effectuating a savings in time and resources for the entire system.

The same result could be accomplished by enactment of a proposed change in the Rules of Criminal Procedure of the Supreme Court of Pennsylvania. This change would provide for the District Attorney to have the responsibility for charging decisions, at his option.

A third means of accomplishing the desired result is an Executive Order from the Mayor of the City of Philadelphia, forbidding the police to file charges with the courts without prior review by the District Attorney. This is presently under consideration by the Mayor.

Whichever route is taken to securing prosecutorial review of charging decisions, it is vitally important that this function be placed with the prosecutor as soon as possible. The capability is present for the prosecutor to assume this function, and with minor modifications, can be operational with a minimum of expense to the city and substantial savings in the long run.

Because the intake and screening phase is the first process in the office, it is the point at which the crucial decisions are made. This is the key to all subsequent decisions, and sets the policy for the office. If this function is missing from an office, the stance of the prosecutor becomes reactive rather than proactive, and he must play "Catch up" in all process steps after intake.

The net effect of transfer of the intake function from the prosecutor to the police is to debilitate agency control over the subsequent process steps. As a result, the agency is less capable of assuming a proactive stance. If early penetration of the system by the prosecutor is prohibited, then both prosecution and defense are dependent on the results of the activities of the police and courts.

It is therefore the recommendation of the technical assistance team that the intake function be vested in the District Attorney at the earliest possible time. It is also recommended that the Screening and Diversion Unit be expanded to accommodate the additional duties that will be imposed upon it with the assumption of the charging function. The existing closed circuit network which connects the Police Administration Building to four of the seven Detective Divisions should be expanded to cover all of the Detective Divisions, and sufficient equipment should be procured to enable the system to handle the increase in communications between the detective units and the screening unit. Because most of the needed staff already are in place, the cost of personnel will not increase substantially with the addition of the expanded intake unit. The largest percentage of the additional expense will be incurred in hiring five new assistant district attorneys.

If these suggestions are implemented, there will accrue not only a substantial savings to the criminal justice system in terms of time and resources, but also an enhancement of the quality of justice in the City of Philadelphia.

FOOTNOTES

1. The results of this study were summarized by Joan E. Jacoby in "The Effectiveness of Closed Circuit Television and Computer Technology: The Prosecutor's Intake and Charging Function" from a report by Donald F. Blumberg, "Improving the Efficiency of Charging, Screening and Diversion Functions in the Criminal Justice System Through the Use of Closed Circuit Television and Computer Technology".
2. Joan E. Jacoby, The American Prosecutor: A Search for Identity (Lexington, Mass.: Lexington Books, 1980), p. 109.
3. Joan E. Jacoby and Leonard R. Mellon, "Policy Analysis for Prosecution" (Washington, D.C.: Bureau of Social Science Research, Inc., 1979).
4. Ibid., p. 198
5. Ibid., p. 199
6. National Advisory Commission on Criminal Justice Standards and Goals, Courts (Washington, D.C.: Government Printing Office, 1975), p. 24.
7. National District Attorneys Association, National Prosecution Standards (Chicago, Illinois: National District Attorneys Association, 1977), p. 131.
8. Ibid.
9. Ibid., p. 125.
10. American Bar Association Standing Committee on Association Standards for Criminal Justice, American Bar Association Standards Relating to the Administration of Criminal Justice, 2nd Edition (Washington, D.C.: American Bar Association, 1978), p. 8.
11. Ibid., p. 9.
12. Ibid., p. 3.
13. Ibid., p. 11.
14. American Bar Association Project on Standards for Criminal Justice, Standards Relating to the Prosecution Function and the Defense Function (New York: Office of Criminal Justice Project, Institute of Judicial Administration, 1971), p. 49.
15. Jacoby, "Effectiveness of Closed Circuit Television and Computer Technology".
16. Arthur R. Shuman, "Assumption of Charging Function by District Attorney" (Philadelphia: Office of the District Attorney for the City of Philadelphia, 1980).

APPENDIX A

LEONARD R. MELLON

Research Associate, Bureau of Social Science Research, since January 1978. Formerly, Project Director, National District Attorneys Association, 1975-1977; special counsel, National Center for Prosecution Management, 1974-1975; chief assistant state attorney, 12th Judicial Circuit of Florida, Sarasota, 1974; assistant state attorney, 11th Judicial Circuit of Florida, Dade County, Miami, 1971-1974; Counsel, Transcommunications Corporation, 1969-1971; sole practitioner, Miami, 1965-1969; assistant attorney general, Florida, 1958-1965.

Instructor, Florida State University, 1958-1960; Florida Sheriff's Bureau of Law Enforcement Academy, 1960-1964; Florida Bar Association's Continuing Legal Education Program, 1966; Criminal Justice Institute, Miami Dade Community College, 1972-1973; University of Oklahoma, 1974; Northwestern University School of Law, Summers of 1976 and 1977.

Education: B.S. (political science), Florida State University; B.S.F.S. and Lib. Georgetown University.

Current Research:

Project Director, Criminal Prosecution Technical Assistance Project--a facility to provide national level technical assistance in the prosecution area and participate in the development and improvement of criminal prosecution projects and programs supported by LEAA (Law Enforcement Assistance Administration).

Deputy Project Director, Phase II, Research on Prosecutorial Decisionmaking--a continuation of the Phase I program to conduct research on prosecution nationwide and to test techniques and procedures to measure uniformity and consistency in decisionmaking (Law Enforcement Assistance Administration).

Recently Completed Research:

Research Associate, White Collar Crime Study--a systematic review and analysis of major data sources relevant to white collar crime, supported by a grant from the Law Enforcement Assistance Administration.

Deputy Project Director, Phase I, Research on Prosecutorial Decisionmaking--a nationwide research program to develop techniques and procedures for increasing uniformity and consistency in decisionmaking, supported by the Law Enforcement Assistance Administration.

Past Experience:

As Project Director, National District Attorneys Association, directed a large-scale DHEW-supported study which assisted and encouraged prosecutors and others nationally to participate in the

Federal Child Support Enforcement Act (Title IV-D of the Social Security Act). In connection with the study, conducted regional orientation and training conferences nationwide, developed a reference source for prosecutors on child support enforcement, and a clearinghouse on current child support data; directed and participated in technical visits by child support enforcement consultants to prosecutors offices nationwide.

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

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

Selected Publications:

Transmitting Prosecutorial Policy: A Case Study in Brooklyn, New York (with Joan E. Jacoby, et al.). Research Report No. 2, Project 556, November 1979.

A Quantitative Analysis of the Factors Affecting Prosecutorial Decisionmaking (with Joan E. Jacoby, et al.). Research Report No. 1, Project 556. October 1979.

"The Prosecutor Constrained by His Environment--A New Look at Discretionary Justice in the United States," Project 450, July 1979.

Policy Analysis for Prosecution (with Joan E. Jacoby) Final report for Phase I of Project 550, Bureau of Social Science Research, April 1979.

Policy Analysis for Prosecution: Executive Summary (with Joan E. Jacoby) Final report for Phase I of Project 550, Bureau of Social Science Research, April 1979.

"Probable Cause Determination," (Commentary) National Prosecution Standards, National District Attorneys Association, Chicago, 1977.

"The Child Support Enforcement Act." Prosecutors' Deskbook, Washington, D.C.: National District Attorneys Association, 1976.

Handbook on the Law of Search, Seizure and Arrest, distributed by the Florida Attorney General's Office, 1960; revised, 1962.

"Can Effective Restrictive Legislation Be Written" Paper delivered to the Southeastern Association of Boards of Pharmacy in 1962 and published in The Journal of the American Pharmaceutical Association.

(April 25, 1980)

Vita

Walter F. Smith

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

Phone: (202)223-4300

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

Phone: (703)960-1052

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

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

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

Research and Work Positions:

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

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

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

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

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

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

Publications:

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

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

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

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

Academic Awards:

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

Research Interests:

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

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

Social Psychology: Labelling theory, Self-concept theory.

JAMES M. ETHERIDGE

Experience

- President, Management Evaluation Inc., a systems and management analysis consulting firm providing technical assistance to state and local government officials.
- Director, Information Systems and Statistics, Office of Criminal Justice Plans and Analysis, District of Columbia Government. Responsible for the development and installation of a centralized crime information and analysis system encompassing all agencies involved in the administration of criminal justice in the District of Columbia. The system involves both manual and automated applications and the development of statistical analyses for city planning and operations.
- Deputy Executive Director of the National Center for Prosecution Management. The NCPM under the sponsorship of the National District Attorney's Association, the Institute for Court Management, and the National College of District Attorneys, was established as a nationwide project devoted to improving the management and administration of prosecutor offices through the development of standards, guidelines and management models. It also provided on-site technical assistance and technical manuals to individual prosecutors throughout the United States.
- Assistant Director for Data Systems in the D.C. Government Office of Crime Analysis. He was responsible for the design, development and implementation of Project TRACE (Tracking, Retrieval and Analysis of Criminal Events) the first city-wide integration of the criminal justice information flow. As systems designer he developed the concept and application which was later to become a national model and an LEAA Exemplary Project.
- Systems Analyst with the D.C. Government Management Office and the D.C. Government Office of Program Coordination. In this capacity he was responsible for assessing the management and computer systems needs of various agencies within the D.C. Government, recommending directions for further developmental work, evaluating equipment and system requirements and providing management and systems support to the operating agencies.
- Other previous employment includes the Department of Navy where he gained his systems expertise being employed as a digital computer programmer, programmer supervisor and finally a systems analyst.

Education

Cortez Peters Business School, American University School of Social Science and Public Affairs, Howard University, the Department of Agriculture Graduate School, IBM Systems and Programming Schools, USAAF PERT School at Bolling AFB, and the National Archives and Records Service School.

Military Experience:

U.S. Navy 1943-1946

Professional Societies and Civic Associations

Member, Urban and Regional Information Systems Associations (URISA)
Member, Washington Urban League (WUL)
Member, Association for Computer Machinery (ACM)
Member, Northwest Boundary Civic Association
Member, D.C. Bureau of Rehabilitation
Former Chairman, Park View Community Center
Member, D.C. Government Municipal Officers Club

October 24, 1979

SHELDON GREENBERG

Age - 42
Married - two children
Resides in Queens County, New York

Chronology

- 1957 - Graduated from University of Pittsburgh with B.S. in Psychology.
- January, 1960 - Awarded L.L.B. by Brooklyn Law School.
- October, 1960 - Admitted to practice as an attorney in New York State.
- 1960-1961 - Maintained private law practice.
- June, 1961-
July, 1971 - Appointed Assistant District Attorney in Kings County (New York).
- July, 1971-
December, 1972 - Returned to private practice.
- December, 1972
to present - Rejoined Office of the District Attorney, Kings County (New York).

POSITIONS HELD WHILE IN OFFICE OF DISTRICT ATTORNEY

- September, 1970-
July, 1971 - Deputy Chief of Indictment Bureau.
- December, 1972-
March, 1973 - Deputy Chief of Indictment Bureau.
- March, 1973-
January, 1975 - Deputy Chief of Supreme Court Trial Bureau.
- January, 1975-
January, 1977 - Chief of Supreme Court Trial Bureau.

January, 1977 -
Present

- First Assistant District Attorney

NOTE: In the last years as an Assistant District Attorney, my assignments have been either supervisory or administrative; nevertheless, in my earliest years in the District Attorney's Office, while assigned to the Investigation Bureau, I participated in the initial investigation of approximately 1500 crimes, questioning witnesses, examining crime scenes and securing physical evidence for eventual prosecution. During my tenure in the Indictment Bureau, I presented evidence to Grand Juries in at least a thousand cases. In addition, I have tried more than one hundred felony cases as a prosecutor, and, as defense attorney have tried numerous cases and conducted hearings in United States District Court, State Supreme Court and the Criminal Court.

COURTS WHERE ADMITTED TO PRACTICE

Supreme Court of the United States
United States District Court, Southern and Eastern
Districts of New York
All Courts of Record of the State of New York.

ORGANIZATIONS

National District Attorneys Association
New York State District Attorneys Association
Kings County Criminal Bar Association

APPENDIX B

APPENDIX B

In order to make the communication system totally operational, the following equipment expenditures and labor will be required:

A. Equipment:	
1. (7) Videophones for police divisions	\$17,500.00
2. (2) Videophones for charging office	5,000.00
3. (1) Laser Fax Receiver & R.C.V.	25,000.00
4. (1) Laser Fax Transmitter	18,000.00
5. Cable equipment for N.E. cable	4,800.00
6. (13) Modems for Videophones	42,900.00
7. (8) Social Switching Units	5,600.00
	<hr/>
Total Equipment	\$118,800.00
B. Labor	
1. N.E. Cable instalation	\$ 5,000.00
2. P.A.B. Videophone installation	400.00
3. Division equipment installation	500.00
	<hr/>
Total Labor	\$ 8,900.00
C. Spare Equipment	
1. Videophone	\$ 2,800.00
2. Fax Receiver and R.C.V.	25,000.00
3. Fax Transmitter	18,000.00
4. Modem & Switch	4,000.00
	<hr/>
Total Spare Equipment	\$49,800.00
Total Equipment, Labor and Spare Equipment	\$177,500.00

According to the Communications Department, much of this equipment is already owned by the City and would not have to be purchased. Hence, the total City outlay for equipment and supplies to start this system will be about \$203,700.00, including the first year's rental expense on computer equipment and labor for installation of communication equipment.

END