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Case Screening

PROMIS

PROSECUTOR'S MANAGEMENT
INFORMATION SYSTEM
An Exemplary Project of LEAA

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PROMIS (Prosecutor's Management Information System) is a management information system (computerized or manual) for public prosecution agencies and the courts. Developed under a grant from the United States Department of Justice, Law Enforcement Assistance Administration (LEAA), PROMIS has been in operation in Washington, D.C., since January 1971 and is in various implementation stages in more than 30 other jurisdictions.

LEAA has designated PROMIS an Exemplary Project. Such designation is reserved for criminal justice programs judged outstanding, worthy of national attention, and suitable for adoption by other communities.

The Institute for Law and Social Research (INSLAW) has prepared a series of 21 briefing papers to explain to nontechnical audiences of prosecutors, court administrators, criminal justice planners, and members of the bar the underlying concepts of management and organization inherent in PROMIS. It is expected that these briefings will assist other jurisdictions to evaluate and when appropriate, implement PROMIS in part or in its entirety. The implementation can range from adoption of the concepts of management and organization, to the use of PROMIS forms and paperwork procedures, to the application of the manual or semiautomated version of PROMIS, and, finally, to the installation of the computer software.

Other PROMIS documentation produced by INSLAW under grants from LEAA includes a handbook on *PROMIS For The Nonautomated or Semiautomated Office*, research designs for using PROMIS data bases in statistical studies of criminal justice policies, a six-volume set of computer software documentation, and a 20-minute color documentary of PROMIS (16mm film or video cassette) for nontechnical audiences. The 21 briefings are as follows:

1. Management Overview of PROMIS
2. Case Screening
3. Uniform Case Evaluation and Rating
4. Special Litigation (Major Violators) Unit
5. Witness Notification Unit
6. Paralegals
7. Comprehensive Training
8. Reasons for Discretionary and Other Actions
9. Counting by Crime, Case and Defendant
10. Research Uses of PROMIS Data
11. Uniform Crime Charging Manual
12. Police Prosecution Report
13. Crime Analysis Worksheet
14. Processing and Trial Preparation Worksheet
15. Police Intake Worksheet
16. Standardized Case Jacket
17. Interface with Other CJIS
18. Privacy and Security
19. Analysis of Costs and Benefits
20. Transferability
21. Optional On-Line Inquiry and Data Input Capability

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PROMIS
BRIEFING SERIES*

ACQUISITIONS

2. Case
Screening

Facts are the raw material for prosecutors. Decisions are unlikely to be sounder than the available information. But in many jurisdictions, the information needed to support prosecutive judgment has been absent too often. 1/ This is axiomatic and applies to case screening as well as to other areas of prosecutive responsibility.

Such an observation is hardly news to experienced prosecuting attorneys, who would be among the first to concur with this comment by the National Advisory Commission:

"Lack of well-defined criteria may mean that inequities exist in screening, and that some decisions are made erroneously. Even if those engaged in screening have adequate criteria available, the lack of procedures for ascertaining all relevant facts may lead to misapplication of those criteria in individual cases." 2/

Screening problems are, of course, most severe in high-volume jurisdictions, where hard-pressed prosecutors struggle to keep pace with a massive influx of cases and possess little, if any, time to refine screening criteria or to ensure that all the relevant facts about a complaint are obtained.

As a result, the screening operations of many prosecutors' offices are being subjected to intensifying pressures, which PROMIS has been designed to alleviate and which originate from three major sources: from within the prosecutor's office itself, from other components of the local criminal justice system, and from individuals and organizations external to local criminal justice agencies.

PRESSURES WITHIN THE PROSECUTOR'S OFFICE

Often, if not typically, the screening process operates in the context of a heavy inflow of criminal complaints, a relatively high turnover of personnel, the initial assignment of novice prosecutors to

*One of a series of 21 Briefing Papers for PROMIS (Prosecutor's Management Information System), this publication was prepared by the Institute for Law and Social Research (INSLAW), Washington, D.C., under a grant from the Law Enforcement Assistance Administration (LEAA), which has designated PROMIS as an Exemplary Project. Such a designation is reserved for criminal justice programs judged outstanding, worthy of national attention, and suitable for adoption by other communities. Presenting a bird's-eye view of PROMIS capabilities, the Briefing Papers are one facet of INSLAW's LEAA-funded program designed to assist local prosecutors evaluate and, when appropriate, implement PROMIS. In January 1971, the computerized information system was initiated in Washington, D.C., where prosecutors continue to rely upon PROMIS to help them manage more effectively an annual work load involving allegations of 8,500 serious misdemeanors and 7,500 felonies. (A manual version of PROMIS is also available and parallels the capabilities of the computerized system.)



case screening, and a prosecutory system whereby the assistant who screens cases is not the one who may eventually try them. Against this backdrop, chief prosecutors are under considerable pressure to devise management methods, administrative procedures, and overall controls that are applicable to such key aspects of screening as these:

1. Monitoring and enforcing subordinates' adherence to screening policy and discretion as determined and delegated by the chief prosecutor.

2. Maximizing evenhanded and consistent decisions made by the various screening prosecutors.

3. Obtaining relevant information from the arresting officer and witnesses about the arrestee, the nature of the incident, the victim and his or her relationship to the arrestee, etc., so that a fair and informed decision can be consistently reached regarding whether to reject or file charges.

4. Securing adequate facts that lay the foundation for either decisions about, or the conduct of, pretrial diversion, bail bond or other forms of release prior to trial, plea negotiations, or sound case development so that the trial prosecutor can review the facts accurately and quickly if litigation results.

5. Determining whether the arrestee was apprehended while on pretrial release and whether he or she is involved in pending cases, is awaiting sentence, or is the subject of an outstanding arrest or bench warrant.

As noted later, these and other screening matters are addressed by PROMIS and its attendant managerial and administrative methods.

PRESSURES GENERATED BY OTHER LOCAL CRIMINAL JUSTICE AGENCIES

Because prosecutors are people in the middle--standing as they do between police, on the one hand, and courts and corrections on the other--screening decisions, no matter how valid, frequently encounter something less than unanimous approval by other criminal justice system components.

Police, for example, may feel that their efforts are negated unjustifiably when prosecutors screen individuals out of the system. Yet the same officers may be equally irritated if their court appearances result in wasted time as the result of court dismissal of a case for reasons that should have triggered a rejection of charges during the screening process. And the judiciary may also express its displeasure over screening procedures that seemingly permit weak and trivial cases to waste court resources, clog calendars, and delay consideration of the more serious cases.



Similarly, correctional agencies may complain that some of those whose charges were rejected by screening prosecutors could have benefited by rehabilitative programs. Or such agencies may disagree over the appropriateness of diversionary programs recommended for defendants during the screening process.

Many of the pressures created by these and other interface problems are inevitable because of the different perspectives and responsibilities of the criminal justice system's components. However, these pressures can be reduced substantially (1) if sufficient information is available so that the screening prosecutor can make a judgment based on the merits rather than on intuition, which would help assure that weak or trivial cases do not enter the courts; (2) if the reasons for rejecting any police charge are documented, which may highlight deficient procedures (such as in the area of search and seizure) by arresting officers; and (3) if the foregoing information and reasons are retrievable, which would mean that criticism could be evaluated and constructively dealt with--on the basis of facts, not vague recollections or supposition. PROMIS has the capability of doing precisely that.

PRESSURES ORIGINATING OUTSIDE THE LOCAL CRIMINAL JUSTICE SYSTEM

Citizen and professional organizations, media, scholars, national commissions, and the general public have increasingly directed their attention to the criminal justice process. The prosecutor's office, including its screening function, has not been overlooked.

For example, a book prepared by a nationwide business organization notes that "because of a work overload, inadequate information, an absence of standards or procedures to guide inexperienced assistants, a prosecutor may release those who are really guilty or dismiss or prosecute a case that might better be referred to an agency outside the justice system." 3/

The public is increasingly conscious that huge work loads have forced prosecutors to adopt assembly-line procedures to move cases quickly through the system and that comprehensive collection of pertinent data at the screening stage is often among the first casualties of such procedures. When adequate information about a case is not obtained by the screening prosecutor, habitual offenders achieve a degree of anonymity enabling them to make a game out of the court system. This comes to the public's attention through such incidents as (1) the burglary suspect who was arrested and freed on bail 11 times during 17 months without standing trial and (2) the suspected thief and forger who was arrested and freed on bail 17 times over 30 months without coming to trial. 4/



In addition to public concern over screening procedures, influential scholars have focused on this area as well. In a widely read book, Professor Kenneth Culp Davis writes that "the American legal system seems to be shot through with many excessive and uncontrolled discretionary powers but the one that stands out above all others is the power to prosecute or not to prosecute." 5/ He states that prosecutions are often withheld without meaningful standards and without supporting findings of fact and reasoned opinions. He believes that a thorough inquiry into prosecutive discretion is long overdue and that prosecutors should structure their discretion by, among other things, announcing guidelines governing decisions to prosecute. Finally, he observes that although a procedure may be informal (such as case screening), in terms of "numbers of parties affected and amounts involved, fairness of informal procedures may be fifty or a hundred times as important as fairness of formal procedure...." 6/

Of major significance, great weight was attached to Professor Davis' observations by the National Advisory Commission, which agreed that "emphasis should be placed on minimizing the adverse effects of discretion by structuring the making of discretionary decisions," which are made throughout the criminal justice process, "especially by the prosecutor." 7/ The Commission views the problems associated with screening as essentially administrative:

"Screening is a discretionary decision, and judicial participation in it should be minimal. What is needed is the development of criteria and procedures within police agencies and prosecutors' offices--on an administrative level--to provide sufficient assurance of fair and appropriate screening. The discretion to screen needs to be structured."

This structuring, as embodied in the Commission's screening-related standards, includes development of written "detailed guidelines," enforcement of their "evenhanded application," and documentation kept on file regarding the reasons for each decision not to prosecute. 8/ Similarly, American Bar Association criminal justice standards recommend that prosecutors develop written policies to guide prosecutive discretion and establish standards and procedures for evaluating complaints, a responsibility that "should not be left to ad hoc judgments." 9/

The capabilities of PROMIS go a long way to satisfy the above external pressures for change: sufficient information is available about arrestees to identify seasoned recidivists who would otherwise victimize the system; discretion is structured; and evenhanded, consistent screening--and its enforcement--is enhanced.

UNDERLYING REASON FOR PROMIS' IMPACT ON SCREENING

In the final analysis, PROMIS possesses the potential to address prosecutive problem areas effectively because the very process of preparing for this computer-based system necessarily involves a disciplined



analysis of the strengths and weaknesses of current office procedures as well as how they might be restructured in view of such goals as those suggested by the pressures cited above. PROMIS can be only as effective as the office procedures supporting it.

If screening procedures and the information they are designed to secure are inconsistent or error prone, computerization will do little more than technologically lock these problems into the system and generate an output that is equally erratic and inaccurate.

Rethinking current operations in preparation for an automated information system entails detailed consideration of the type of information that can be "captured" at the screening stage--data related to formulated goals and needed not only by the screening assistants to arrive at an informed charging decision but also by their colleagues down line, such as by those at the arraignment and trial stages. One must determine who is able to supply this information at the screening stage and the sequence in which it should be obtained. The question is then raised of how to record--consistently and uniformly--the full array of available data; inevitably, this entails the design of forms, which impose a beneficial discipline, as noted later, over the data acquisition process. (Approximately 80 percent of the PROMIS data obtained for a case is secured during the screening process.)

The value of this operational and informational analysis can be best illustrated when related to the vantage points of those involved in case screening, beginning with the chief prosecutor.

SCREENING FROM THE VANTAGE POINT OF THE CHIEF PROSECUTOR

Especially in the large, urban agency, where there may be scores of assistant prosecutors, the chief prosecutor is faced with the problem of assuring that the discretionary authority exercised at the screening stage reflects the implementation of his or her discretion, not that of screening assistants, who, if left on their own, might well reach markedly differing screening decisions when evaluating similar cases. This is particularly likely to occur when the least experienced prosecutors are assigned such responsibilities.

To maximize the chances that the screening process both bears his imprint and embodies consistent, evenhanded charging decisions, the chief prosecutor must inevitably establish screening policy or guidelines. Obviously, they must be framed through knowledge of what actually occurs--and does not occur--during the screening process. (This may or may not coincide with what one thinks is practiced.) The detailed operational analysis alluded to in the previous section almost always reveals unsound practices that have crept into use. Corrective guidelines can be incorporated into the chief prosecutor's screening policy.



Ideally, this policy is written and communicated to assistants through an effective directives system. Such a system may take the form of a screening and charging manual that is specific, easily accessible, and updated as required. The raw material for such a manual is another valuable by-product of operational analysis, which might have revealed routine prosecution of intrafamily altercations, for example, or of first-offender marijuana users. Because of the volume of other cases that are considered more serious, the chief prosecutor may desire to allocate prosecutive manpower accordingly. To further this, screening assistants might be instructed--through a directives system--to prosecute intrafamily altercation cases only if the assault meets certain defined criteria in terms of severity. Or the chief prosecutor may exercise discretionary authority by instructing screening assistants not to prosecute marijuana suspects if they are first offenders who only possessed a quantity within a defined minimum. Diversion options and the related administrative procedures also could be explained in the manual.

In addition to serving as a vehicle guiding subordinates in the evenhanded exercise of the chief prosecutor's discretion, a manual of screening guidelines is an invaluable training aid for less experienced personnel assigned to screening responsibilities. Especially in offices where turnover is a factor, such a training device saves time for all concerned: screening prosecutors can find answers to basic questions quickly, and the more experienced personnel are freed from providing numerous explanations.

Development of policy guidelines and their effective communication through a charging manual are not enough, however. The chief prosecutor must also provide a means for holding subordinates accountable for the execution of formulated policy. The importance of accountability is frequently highlighted by the operational analysis alluded to previously, when what the chief prosecutor believed to be policy is revealed as honored primarily in its breach. Accountability results if the visibility of screening decisions is raised to the point where they can be monitored, as when each screening prosecutor is required to record the reasons why he or she refused to prosecute or decided to change the original police charge. 10/

The recording of these reasons should be streamlined to accommodate busy schedules of screening assistants. And, of course, the information must be easily retrievable for analysis by the chief prosecutor, who may then monitor any given subordinate's adherence to guidelines as well as evaluate office performance generally. If, for example, police charges in marijuana cases are consistently rejected by a screening assistant and the reason indicated is "offense of trivial or insignificant nature," this could trigger the chief prosecutor to check other recorded details of the charges (amount of marijuana involved, criminal record of suspect, etc.) to determine if the screening decisions were in conformance with office charging policy.



Or reason information may indicate that charges had to be rejected because of an unlawful search and seizure or an inadmissible confession. In addition to avoiding expenditure of court resources on cases that would be thrown out by a judge eventually, screening out suspects subjected to due-process violations is, of course, wholly consistent with the prosecutor's duty "to seek justice, not merely convict." ^{11/} As the commentary to prosecutory criminal justice standards of the American Bar Association notes, there is the "obligation to protect the innocent as well as to convict the guilty, to guard the rights of the accused as well as to enforce the rights of the public." ^{12/} And when reason data highlight that violations of due process are caused by police mistakes, this alerts chief prosecutors to the possibility that they should provide intensified legal advice to police agencies. ^{13/}

In addition to underscoring the usefulness of recording the reasons associated with certain screening decisions, an analysis of prosecutive informational needs spotlights the utility of overall statistics concerning the number and percentage of felonies and misdemeanors considered, charged, and rejected. An abnormal decline or increase in the rejection rate, for example, might signify that screening assistants are departing from established policy and procedure. Likewise, the effectiveness of policy changes can be evaluated through such statistics.

THE CHARGING DECISION FROM THE PERSPECTIVE OF THE SCREENING PROSECUTOR

As described earlier, an informational analysis conducted in preparation for an automated information system pertains to (1) the type of data needed for screening and down-the-line decisions, (2) the source of the information, and (3) the means by which to record it so that the time of screening assistants is conserved and all the data is preserved in a clear, logical, consistent manner for those prosecutors who may handle the case after the screening stage.

Such an analysis reveals an impressive array of useful data potentially and ideally "capturable" at the screening stage. The arresting officer can supply information regarding the chain of evidence, search and seizure, probable cause, the gravity of the offense, witnesses, on-the-scene evaluation of the facts, and other factors relevant to the prosecutive merit of the case. He has also had the opportunity to learn something of the background of the accused, including his or her criminal history.

The witness/victim is, of course, another essential source of information to the screening assistant. In recounting the facts surrounding a case, a witness/victim permits the screening prosecutor not only to benefit from a first-hand description but also to judge the credibility, reliability, and cooperativeness of the witness.



By the time the screening process is completed, scores of individual items of information will have been recorded--aliases of the accused, phone numbers of witnesses, badge number of the arresting officer, name of the screening assistant, etc. To assure that something other than confusion results, well-designed forms on which to record screening data are absolutely essential and require considerable advance planning. Forms permit the screening prosecutor to record information in a minimum of time, serve as data input documents for the automated information system, assure that any given item of information is recorded in the same place and with standard terms so that prosecutors handling the case after screening know where to look for the item and do not have to interpret the jargon or abbreviations of the various screening assistants.

To facilitate achieving these goals, forms must leave no doubt about the type of information required and where and in what sequence it is to be noted. Without this self-instructional quality, forms will succeed only in raising questions about how they should be filled out, which delays screening and wastes the time of those who must answer the queries.

Though not the most popular task, use of forms virtually forces the uniform application of policy criteria to each case. Forms necessarily limit the type and range of information on which to base screening decisions. This promotes evenhanded, consistent screening decisions, which can be monitored and evaluated inasmuch as their visibility has been raised since the information has been recorded and preserved--both by the forms and the computer system for which the forms serve as input documents.

ACHIEVING SCREENING OBJECTIVES WITH PROMIS: A CASE STUDY

Highlights of PROMIS-based screening procedures utilized by the prosecutor's office in Washington, D.C., illustrate that computer-based information systems can achieve the foregoing benefits and objectives under real-life conditions. 14/

Alluding to the necessary operational and information analysis preceding implementation of PROMIS, a Washington prosecutor commented, "In order to develop a computer-based information system to assist us in handling our massive case load, we first had to take a good hard look at existing procedures. We had to make sure we understood the purpose of each step along the way. What did it accomplish? Was it really necessary? We were forced to describe the policies and procedures...in a level of detail never before attempted. Only once this process of self-analysis was completed could we determine what components had to be included in the PROMIS system."

As an outgrowth of this initial spadework, the staff was able "to see problems and weak spots that needed solutions." With regard to



prosecutive discretion, "which PROMIS helps us measure, we needed to articulate our guidelines and policies. So we developed an intake and screening manual, further guaranteeing evenhanded justice by insuring consistent and uniform charging policies."

A training aid and reference guide, the manual seeks to structure procedures and decisions of assistants in a manner conforming to established policy and priorities. Screening procedures and forms are described in detail, along with the organization of the office and the legal aspects of charging. Emphasis is placed on the value of complete, accurate, and legible entries on forms and case jackets so that other assistants handling a given case at arraignment, preliminary hearing, presentment, and trial can quickly refer to and evaluate the facts recorded during screening, the first step in case development.

Operating within overall policy guidelines, a screening assistant begins evaluating a case by reviewing its details with the arresting officer, who provides a Police Prosecution Report and a photocopy of the Police Department's rap sheet, containing prior criminal history data about the accused. This occurs at a central location, usually on the afternoon of, or morning after, the arrest.

The Police Prosecution Report contains a unique, sequentially assigned identification number based on the suspect's fingerprints. This is provided by the Police Department's Central Identification Bureau, which also confirms whether the name given to the arresting officer by the accused is his or her "true" name (the name the suspect used at his or her first arrest--this may or may not be the person's real name but is the one by which criminal justice agencies subsequently refer to the accused).

The accused's true name and unique identification number are key items of information entered in PROMIS and enable the arresting officer, before meeting with the screening prosecutor, to receive additional information about the suspect. Entering the accused's identification number or name into PROMIS through a keyboard of a remote on-line terminal located in the screening area, the arresting officer can query PROMIS about pending cases against the arrestee. Has an information been filed? Is there a case pending before the grand jury? Is he awaiting sentence? Has he failed to appear in court? Has a bench warrant been issued against him? Is he on pretrial release? The answers are immediately displayed on the terminal's television-like screen and can be generated as printouts. ^{15/} These data bear directly on the prosecutor's charging decision and on recommendations concerning bail and diversion.

The on-line information--combined with the Police Prosecution Report's summary of the suspect's previous criminal record--identifies cases involving recidivists, who often are courtwise and know how "to play the system." Thanks to another piece of Police Prosecution Report



information entered into the PROMIS data bank--the Police Department's complaint number assigned to the criminal incident--the full history of court actions arising from a crime can be followed, even though those actions may involve multiple defendants, multiple cases, changed case numbers, and multiple trials and dispositions. 16/

Among the other data recorded on the Police Prosecution Report, 17/ much of which is entered in PROMIS, are items relating to codefendants, stolen property, evidence, location of offense and arrest, identity of arresting officer and screening prosecutor, a statement by the arresting officer of the facts surrounding the crime and arrest, and the police charge. Space is also available for witness information (name, address, age, phone). The docket number, status, and next trial date of the case are also displayed. 18/

With the cooperation of the arresting officer, the screening assistant completes a Crime Analysis Worksheet, which provides the basic input to the PROMIS data base. The questions on this form are designed to determine the seriousness or gravity of the alleged crime and of the accused's criminal history in order to establish priorities for processing cases for which charges are filed. 19/ The form also documents facts about victim-witness-accused relationships, and victim/witness credibility and cooperativeness, which can be determined by interviews with witnesses present and with the arresting officer. As with the other forms used during screening, the worksheet is self-instructional and designed for efficient completion.

Also prepared during screening is a Processing and Trial Preparation Worksheet, 20/ a copy of which serves as an input document for PROMIS. Among the data recorded on this form are the following:

1. Witnesses are listed in the order they would be called at trial. The classification of each witness is also noted: expert witness (chemist, handwriting authority, etc.), essential witness, eyewitness, and so forth. Remarks and information obtained from witnesses are also noted on the form.

2. An indication is made that a PROMIS check has been completed, which means that NCIC (National Criminal Information Center), PROMIS, and the local police information system have been checked for prior information on the defendant. This is usually done before the screening assistant meets with the arresting officer and witnesses.

3. A notation is recorded if the accused is on probation or parole. If there is the intention to request the court to revoke parole/probation, this is also noted.

4. A recommendation for enrolling the defendant in a diversion program may also be recorded on this form.



A key portion of the form is reserved for noting the complaint number; police charge; the screening assistant's modification of, or addition to, those charges; and concise reasons for rejecting a case or any given charge. In all, there are 58 reasons for rejecting a charge or a case; for example, reasons relating to evidence, witnesses, prosecutive merit, due process, jurisdiction, etc.

Because these data are entered in the computer-based information system, PROMIS can reveal the relationship between each police charge and those actually filed. For example, PROMIS could indicate that a felonious assault was changed by the prosecutor to a misdemeanor assault and a misdemeanor charge of carrying a deadly weapon. Additionally, PROMIS could provide statistics on the reasons why a screening assistant decided to modify police charges or decline prosecution altogether.

As noted earlier, access to such information enables the chief prosecutor to monitor and enforce overall charging policy. Also, reason data permit the chief prosecutor to answer questions about office performance. If, for example, queries arise regarding why more prosecutions of a certain crime are not pursued, the reason data contained in PROMIS might indicate that, despite the high priority given such crimes, witness problems or faulty police procedures frequently force the office to reject charges.

And, thanks to the data collected during screening and subsequently entered in PROMIS, overall statistics can be generated indicating how many of the total number of misdemeanors and felonies considered were rejected or prosecuted during any given period. By receiving such information from PROMIS (see, on page 12, the illustrative monthly statistical report), the chief prosecutor can assess the impact of office charging policy, evaluate how changes in that policy affect the charge rejection rate, etc., and watch for marked changes in the rejection rate despite unchanged policy--possibly indicative of a breakdown in adherence to guidelines by subordinates.

If charges are filed, a Police Intake Worksheet 21/ is completed during screening. The form is designed to provide police officers with instructions relating to subsequent action at preliminary hearings, grand jury presentments, and misdemeanor trials. These instructions pertain to the responsibility of police to assure witness attendance at line-ups and presentments, to conduct additional investigation, and to obtain various reports (chemist, fingerprint, etc.), photographs, and documents.

Official copies of foregoing forms--Police Prosecution Report, Crime Analysis Worksheet, Processing and Trial Preparation Worksheet, and Police Intake Worksheet--are filed within a case jacket, whose front and back covers are designed as a form on which to record the action taken, and reasons therefor, at each stage of court proceedings, from arraignment through sentencing. 22/ So the jacket serves as vehicle not only in which to file, maintain, and transmit key forms but also on which to record certain information about the case itself.



ILLUSTRATIVE PROMIS SCREENING STATISTICS

	<u>Total</u>	<u>Percent</u>
A. Total Cases Considered	1,113	100.0
(1) Misdemeanors Considered	492	44.2
(2) Misdemeanors Charged	382	77.6
(3) Misdemeanors Rejected	103	20.9
(4) Raised to a Felony	7	01.4
(5) Felonies Considered	621	55.7
(6) Felonies Charged	425	68.4
(7) Felonies Rejected	120	19.3
(8) Felonies Reduced to Misdemeanor	76	12.2
B. Total Rejections	223	20.0
C. Total Cases for Prosecution	890	79.9
D. Total Misdemeanors Charged	458	51.4
E. Total Felonies Charged	432	48.5

Once the screening assistant completes the various forms and arrives at a charging recommendation, a reviewing attorney, who is an experienced prosecutor, double checks all paperwork for completeness and accuracy and examines the charging decisions. This helps ensure that the decision to charge or not to charge is consistent with office policy. The reviewing assistant prepares a felony complaint, misdemeanor information, or a case rejection slip and files it with the court, whereupon a court case (docket) number is assigned. The arresting officer is then free to leave, and the case jacket--containing all the forms--is forwarded to the arraignment courtroom.

Major reliance on forms throughout the screening process does not generate paperwork for paperwork's sake. It grew out of a careful evaluation of office data needs and of how PROMIS could best serve the administration of justice. This led to the realization that fully 80 percent of the required information--some 130 data elements--for a case could be captured for PROMIS at the screening stage. The most efficient way to gather PROMIS data--as well as other information needed for screening and case development--was to utilize well-designed forms with sufficient copies to serve as PROMIS input documents, case jacket enclosures, etc. In the words of one Washington prosecutor, "...every line on every form has a purpose and a reason," not the least of which is to promote evenhanded, consistent screening decisions.



In terms of case development, forms compel screening assistants to try to obtain all relevant information, to record it accurately in a standardized fashion, and to enter it at the same location. The time saved and errors prevented by colleagues who must subsequently rely on the information developed by the screening assistant far outweigh initial paperwork chores, on which so much depends.

Because forms have standardized and structured the acquisition of screening data, some aspects of this task now lend themselves to paralegals, who free attorneys for other responsibilities. 23/

Because of its versatile data base, PROMIS generates valuable research opportunities relevant to case screening. 24/ One such study disclosed that, of 10,000 cases considered for prosecution, approximately 20-25 percent of police arrest charges were totally rejected by the prosecutor and another 25 percent of considered charges were modified during screening. In about 25 percent of the totally rejected cases, reason data revealed that an essential element of the crime was missing, possibly indicative of imperfect police procedures. The study further disclosed that a substantial percentage of cases were rejected because the complaining witness refused to testify. Rejection of such cases at an early stage, therefore, undoubtedly had conserved precious judicial and prosecutive resources that otherwise would have been expended on cases ultimately dismissed. (In terms of court appearances that police officers do not have to make as the result of cases being rejected during screening, a police study suggests that the value of time saved amounts to several hundred thousand dollars annually.)

IN CONCLUSION...

PROMIS and its associated procedures and forms enable prosecutors to acquire and process an ingredient essential to the screening success of any prosecution agency: facts. And PROMIS helps assure that these facts are obtained in a consistently comprehensive and uniform manner, recorded accurately and clearly, retrieved easily, and applied evenhandedly within the context of an overall and effectively monitored screening policy.



FOOTNOTES

1/National Advisory Commission on Criminal Justice Standards and Goals, Criminal Justice System (Washington: Government Printing Office, 1973), p. 2.

2/National Advisory Commission on Criminal Justice Standards and Goals, Courts (Washington: Government Printing Office, 1973), p. 18.

3/Chamber of Commerce of the United States, Marshaling Citizen Power Against Crime (Washington: 1970), p. 46.

4/Richard Kleindienst, "Is Crime Being Encouraged?" (A speech delivered before the National District Attorneys Association, March 7, 1973), p. 1. On occasion, the media have severely criticized screening procedures; one newspaper series was "on the breakdown in criminal justice--the jailing of the innocent, freeing of the guilty." See also Howard James, Crisis in the Courts (New York: David McKay Co., Inc., 1972).

5/Kenneth Culp Davis, Discretionary Justice: A Preliminary Inquiry (Chicago: University of Illinois Press, 1973), p. 188.

6/Ibid., p. 228.

7/National Advisory Commission, Courts, op. cit., p. 3.

8/Ibid., pp. 24-26.

9/American Bar Association Project on Standards for Criminal Justice, The Prosecution Function and the Defense Function (Chicago: American Bar Association, 1971), p. 84. See pp. 64-65 regarding a prosecutor's handbook and policy guidelines and procedures. Briefing No. 11, Uniform Crime Charging Manual, discusses the Manual's relationship to PROMIS.

10/Briefing No. 8, Reasons for Discretionary and Other Actions, explores in greater detail the value and use of reason data and how its acquisition is integral to PROMIS.

11/American Bar Association, op. cit., p. 43.

12/Ibid., p. 44.

13/For criminal justice standards pertaining to such advice, see National Advisory Commission, Courts, p. 247 and American Bar Association, op. cit., p. 67.



14/In the District of Columbia, the U.S. Attorney serves as the local prosecutor. About 75 lawyers are assigned to the D.C. Superior Court (equivalent to a state court of general jurisdiction), where prosecution of local "street crime" cases is conducted. About 16,000 such crimes are considered for prosecution annually.

15/See Briefing No. 21, Optional On-Line Inquiry Capability.

16/Briefing No. 9, Counting by Crime, Case and Defendant, discusses the importance and use of the criminal event number and related identifiers in more detail.

17/Briefing No. 12, Police Prosecution Report, contains an illustration of this form and more fully describes the data to be recorded on it.

18/Felony trial assistants also utilize the on-line terminals. For example, when engaged in plea negotiations with defense counsel, prosecutors can obtain immediate information about other pending cases against the defendant.

19/See Briefing No. 3, Uniform Case Evaluation and Rating. And for a full explanation of the Crime Analysis Worksheet, see Briefing No. 13.

20/A sample of this form and a fuller explanation of the data recorded on it are contained in Briefing No. 14, Processing and Trial Preparation Worksheet.

21/Briefing No. 15, Police Intake Worksheet, contains an illustration of this form and more fully describes the data to be recorded on it.

22/Front and back covers of the case jacket are illustrated in Briefing No. 16, Standardized Case Jacket, along with a description of the data contained thereon.

23/See Briefing No. 6, Paralegals.

24/Briefing No. 10, Research Uses of PROMIS Data, expands on PROMIS-related research.





END