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Special Litigation
(Major Violators) Unit

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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Prosecutors are well aware that, despite their best efforts, many serious offenders often do not stand trial or are acquitted because office procedures are frequently geared more toward moving cases through the judicial pipeline than toward preparing them in the desired detail. The underlying cause, of course, is a massive case load relative to prosecutory resources, a condition that has spurred the use of such techniques as master calendaring, particularly for processing the large volume of misdemeanors and, at least in the preliminary stages, felonies. A highly segmented procedure, master calendaring has often resulted in fragmentation of responsibility and control to the point where court-wise repeat offenders can maneuver their cases so that they fall through the cracks in the system instead of being adjudicated on their merits.

Through the media, the public is also increasingly aware of this problem. One newspaper^{1/} highlighted the difficulties faced by the prosecutor's office:

1. A case may be handled by a half-dozen or more different assistants as it progresses from stage to stage in the proceedings. Thus no one is familiar with the case, and there is no one to assume responsibility for delays and administrative errors.
2. Assistant prosecutors go to trial without necessary documents and reports, and uncertain if witnesses have been contacted to appear.
3. Deficient preparation leads to trial delays, in turn leading to acquittals and dismissals.

HOW ONE JURISDICTION TACKLED THE PROBLEM

Several years ago much the same conditions noted above prevailed in the prosecutor's office in Washington, D.C.^{2/} The office was "losing control of the system," especially in the misdemeanor area, where, at the time, up to 9,000 cases were being considered for prosecution annually. According to one attorney:

*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.)

"Our system did not allow us the time or resources to prepare the cases individually. So we looked at a case the day the police officer brought it in and made a judgment on whether to prosecute; nobody looked at the case again until the day of the trial. Consequently, we were losing, through the cracks in the system, over 40 percent of the cases.

"I don't mean losing them through jury verdicts of not guilty--I mean losing because files were misplaced or because cases got continued so many times that witnesses failed to reappear or a judge ultimately dismissed the case."

Essentially, instead of taking the offensive by allocating manpower to specially prepare at least some of the more serious cases, the prosecution was constantly reacting to crises created by an unending flood of seemingly indistinguishable cases. Receiving important misdemeanor cases minutes before he had to argue them in court, the trial attorney "prepared" his presentation by reviewing notes made by the screening prosecutor who had selected and prepared the initial charges.

Although limited prosecutory resources certainly precluded special preparation of all pending cases, some of the most important could have received extra attention prior to trial if, indeed, the most serious cases had been identified on a uniform, consistent basis. This critical capability is now supplied by PROMIS, a computer-based management information system, which, among other things, rates each case by assigning numerical ratings which reflect the gravity of the defendant's criminal history and the gravity of the crime, and indicates whether there are other misdemeanor or felony cases pending against the same person elsewhere in the prosecutory process.^{3/} Regardless of the order in which a court might call cases it has scheduled for a given date (oldest first, alphabetically, or by docket number), PROMIS generates a calendar that lists those same cases but ranks them in descending order of importance --that is, cases with the highest ratings top the list. This priority calendar is printed five days before (as well as the day before) trial. Thus PROMIS had set the stage for the establishment of a special team of six to eight lawyers, who, at a glance, identified the most important of the cases slated for trial five days hence and assured that these cases received intensive, individualized pretrial preparation. This team, the Special Litigation Unit (also known as the Major Violators Unit), was alluded to by the National Advisory Commission.^{4/} President Ford, in a speech of September 24, 1974, highlighted the work of this unit and suggested that perhaps it could be "adapted for use in urban areas elsewhere."^{5/}



THE SPECIAL LITIGATION (MAJOR VIOLATORS)
UNIT IN ACTION

Once alerted by the Five-Day Misdemeanor Priority Calendar (see Figure 1) to the relative importance of the cases scheduled by the court for a given date, based on the numerical ratings as well as on the indications of other pending cases, the chief of the Special Litigation Unit selected the most serious cases and assigned them to members of the team. (He was assisted in his assignment task by a PROMIS report that lists information about each attorney's current case load.)6/

These prosecutors reviewed every aspect of the case. They contacted and interviewed witnesses to determine their attitudes toward the case, cooperativeness, and applicable information; they personally arranged for witnesses to be present on the trial date. Police officers were interviewed, necessary line-ups conducted, analyses by chemists or other experts completed as required, sequence of testimony prepared, physical evidence assembled, accuracy and completeness of paperwork checked, and case jacket material enclosed in proper order.7/

If there were other cases pending against the defendant (or a witness), defense counsel might have been contacted to ascertain if a plea could be negotiated. Armed with facts uncovered through careful preparation, Special Litigation Unit prosecutors would reach plea-agreement decisions based on the merits of the case.

On the trial date, the Special Litigation Unit provided its detailed case work-up to the assistant prosecutor servicing the trial judge. Because the full details of the case were clearly and accurately recorded on specially designed and logically sequenced forms enclosed within the case jacket before him, the assistant prosecutor not only had all the facts but also could quickly locate and review any given item of information inasmuch as he knew that it had been recorded at a specific location on a certain form or related document.

Although Special Litigation Unit members did not try the cases they so carefully prepared, this did not affect morale. Indeed, because of the demonstrated effectiveness of their efforts, Special Litigation Unit prosecutors perceived that they were making a significant dent in the crime problem and that what they were doing was important and produced results.8/

Special Litigation Unit performance was impressive: the conviction rate for cases receiving this special preparation is reported as 25 percent higher than that for other cases. This is so not just because of better preparation per se. Cases were better prepared on time; witnesses appeared





RANK	DEFEND	CRIME	CASE NO	CO	DEFENDANT'S NAME	CHARGES	PROSECUTOR	PENDING		CONTINUANCES
								CASE NO	TYP NC	
01	22.0	15	02899973		PXXXXXXZ, JOHN L	UNA-MJ		04		C-CONT TO INIT TRIAL G-CW UNAVAILABLE G-POLICE UNAVAILABLE G-POLICE NO SHOW
02	22.0	14	02625973		JLXXXX, BETTY	SOL PROS		00198573 M	01	C-CONT TO INIT TRIAL
	14.5	14	02526073	X	BXXXXXXXX, GLORIA	SOL PROS			01	C-CONT TO INIT TRIAL
03	18.0	02	02666573		JXXXX, CARL P	LARCENCY	MXXXX, T		02	C-CONT TO INIT TRIAL G-CW UNAVAILABLE
04	18.0	01	02233473		RXXX, GERALD S. JR	UNLAWFUL ENTRY			01	C-CONT TO INITIAL TRIAL

Note that cases are ranked by their defendant ratings (Column 2); if the same rating is assigned to two cases (as in Nos. 3 and 4 above), the one with the higher crime rating (Column 3) is listed before the other. As in No. 2 above, codefendant cases are grouped together, with the highest ranked case listed first. Cases already pending against the accused and their type (felony, misdemeanor), along with the number of continuances in the present case and their causes, are noted in the last four columns. Appearing on this PROMIS report, but not shown here, are the date of the report, the date of the next court action, the year's and "today's" average crime and defendant ratings.

FIGURE 1
ILLUSTRATIVE FIVE-DAY MISDEMEANOR PRIORITY CALENDAR

when scheduled; files were available, not lost; prosecutive responsibility and accountability were fixed. This is not to say that errors cannot occur. However, major repeat offenders, whose cases were flagged by PROMIS and processed by the Special Litigation Unit, found that dispositions were determined not by cracks in the system but by the merits of their cases--which must be as sobering for the guilty among the accused as it is encouraging for the criminal justice system.



FOOTNOTES

1/Located in a large, eastern city, the paper published a series of articles analyzing the operations of the district attorney's office.

2/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 allegations of such crimes are considered for prosecution annually.

3/Details of PROMIS' case rating capability are contained in Briefing No. 3, Uniform Case Evaluation and Rating.

4/National Advisory Commission on Criminal Justice Standards and Goals, Courts (Washington: Government Printing Office, 1973), p. 96.

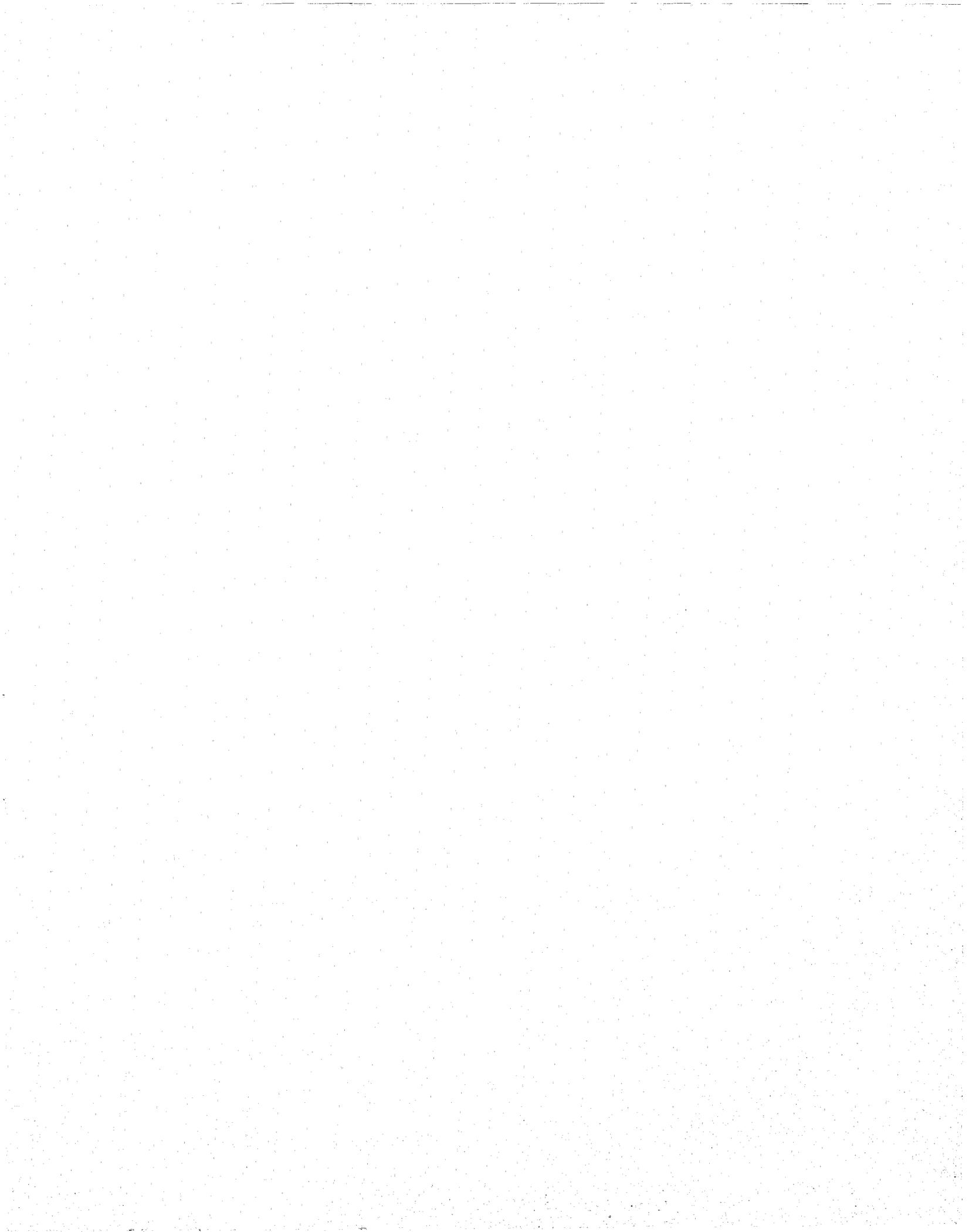
5/President Gerald R. Ford (Address to the 81st Annual Convention of the International Association of Chiefs of Police, Washington Hilton Hotel, Washington, D.C., September 24, 1974).

6/For each Special Litigation Unit attorney, the report (Misdemeanor Specially Assigned Cases) lists case numbers along with defendant's name and defense counsel, arrest date, charges, witnesses and type (complaining witness, eyewitness, etc.), addresses and phone numbers of witnesses, other pending cases against the defendant and their type (felony, misdemeanor).

7/See Briefing Nos. 11-16, Uniform Crime Charging Manual, Police Prosecution Report, Crime Analysis Worksheet, Processing and Trial Preparation Worksheet, Police Intake Worksheet, and Standardized Case Jacket, regarding the case jacket and forms and procedures associated with it.

8/A Special Litigation Unit could also handle the low rated cases and examine them systematically in terms of possible pretrial diversion.





END