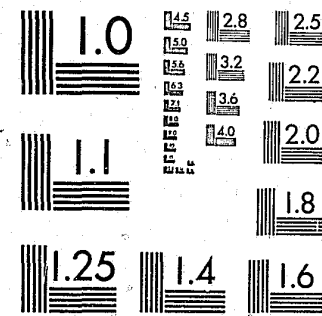


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REPORT ON THE
TECHNICAL ASSISTANCE VISIT TO THE
DISTRICT ATTORNEY

TUSCALOOSA COUNTY, ALABAMA
SEPTEMBER 30-OCTOBER 1, 1981

CRIMINAL PROSECUTION TECHNICAL ASSISTANCE PROJECT

LEONARD R. MELLON, PROJECT DIRECTOR

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This study was performed in accordance with the terms of Law Enforcement Assistance Administration contract #J-LEAA-010-80.

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

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INTRODUCTION

On September 30-October 1, 1981, a Technical Assistance team from the Criminal Prosecution Technical Assistance Project visited the offices of Charles Freeman, District Attorney for Tuscaloosa County, Alabama. The Technical Assistance team examined the District Attorney's management and operations functions in accordance with the terms of a contract with the Law Enforcement Assistance Administration. Members of the team included:*

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

David H. Bludworth, Consultant
State Attorney
Fifteenth Judicial District
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The purpose of the visit was to analyze problems related to the intake and screening of felony cases, the use of the grand jury, the use of statistics and the general administration of the office. An overall assessment of the office was not attempted, nor was it desired. The purpose of a technical assistance visit is to evaluate and analyze specific problem 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, procedures and projects unique to the delivery of prosecutorial services.

*Vitae attached as Appendix A.

During the visit, interviews are conducted with those members of the office who are most directly involved in the problem area. Their functions and tasks are examined as well as their perceptions of the problem. The flow of paperwork and statistical system may also be examined if they are problem areas. Interviews may also be conducted with other component areas of the criminal justice system such as the police, courts and the public defender's office. The basic approach used by the Technical Assistance team is to examine the office with reference to its functional responsibilities. This means that the process steps of intake, accusation, trials, post-conviction activities, special programs and projects, juveniles and other areas are examined, as required, with respect to their operations, administration and planning features. Taking a functional analysis approach permits observation of the interconnecting activities and operations 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 which are practical and feasible are made.

The visit to the District Attorney for Tuscaloosa County, Alabama, focused on the problems related to the intake and screening of felony cases, the use of statistics, the use of the grand jury, and the administration of the office.

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

11. SUMMARY OF RECOMMENDATIONS

1. Seek to have an immediate review of all felony arrests in Tuscaloosa County.
2. Use a sworn arrest affidavit to satisfy constitutional requirements and to judiciously bring cases into the criminal justice system.
3. Encourage all law enforcement officers in the county to seek legal advice from the District Attorney's Office in cases where they intend to make an arrest based upon a warrant.
4. Copies of all decisions on arrests made by the warrant magistrates should be reviewed by the District Attorney's Office.
5. Assign a senior assistant on a rotating basis to review all felony arrests both pre and post warrant within a period of 7 days from the date of arrest, or upon request of the law enforcement agency seeking an arrest warrant.
6. Request and receive a list of all felony arrest that occur in the jurisdiction on a daily basis.
7. Review and inventory all outstanding warrants for felony cases that presently exist in the county.
8. Review the inventory of cases once prepared and make an effort to dispose of as many cases by pleas, where appropriate, as is possible.
9. Explore the use of the information and direct filing of informations in those cases where it is appropriate under the Alabama Code.
10. Spend time in formulating and thereafter distributing guidelines concerning the intake function and the charging of cases in Tuscaloosa County.

11. Contact the District Attorney's office in Huntsville, Alabama to obtain copies of the preprinted grand jury indictment forms in use there.
12. Secure space elsewhere in the courthouse for grand jury meetings, and convert the presently used space in the District Attorney's office into filing and clerical space on a permanent basis.
13. Send a list of indicted defendants to the Public Defender as soon as the grand jury indicts so that the Public Defender's office can check against their list of assigned cases (especially in connection with jail cases) and thereby facilitate the disposition of these cases by early pleas.
14. Request that criminal court judges hear criminal cases every month of the year and not take summer vacations in such a manner that the courts are totally closed down during those summer months.
15. Personal time limit goals should be set by the District Attorney as to the final disposition of cases from the time of arrest; not more than 6 months should elapse from arrest to final disposition.
16. All nolle prosses should be in writing with reasons given for their entry.
17. The Standard Case Jacket developed by the National Center for Prosecution Management should be considered for use in Tuscaloosa.
18. Old files should be purged and transferred to less valuable space.
19. Replace the present filing system with a Electriever filing system where all case files should be kept when not checked out to individual attorneys.

20. Replace the present case filing system with one that is based on file cards only.
21. Utilize the PROMIS system in place in the office to generate operation statistics.
22. Secure the services of the state official knowledgeable about the Alabama Criminal Justice System to explain to the District Attorney's staff the full potential of the PROMIS computer.
23. Pending the utilization of computer generated statistics, the District Attorney should begin keeping statistics manually.
24. The District Attorney should visit other prosecutors offices in Alabama and thereby profit from the experience gained by older prosecutors.
25. A regular monthly meeting should be arranged with members of the judiciary, the sheriff, the Chief of Police of Tuscaloosa, and other principal law enforcement agencies in the county to discuss mutual problems and to concentrate on an efficacious means of eliminating case backlog.
26. Request that two new secretarial positions be allotted and that they be funded, with the secretaries assigned to specific prosecutors.
27. Attend the National College of District Attorney's Executive Course which is held in Houston.
28. Make arrangements to secure 75 percent federal financial participation for the salary of the parttime assistant prosecutor handling non-AFDC cases.
29. Consider installing a mini-computer similar to the one in operation in the Huntsville District Attorney's office and thereafter enter into it the entire child support caseload.

5-b

30. Consult with the judge handling child support matters and request that he allocate adequate time to child support enforcement.
31. Secure adequate space for the housing of the child support unit even if it means moving the unit out of the courthouse building.
32. Spend some time working with the assistant in charge of juvenile prosecution and thereby learn firsthand the extent to which she is doing the work of several prosecutors.

III. SYSTEM OVERVIEW

The population of Tuscaloosa County, Alabama is approximately 131,000. The District Attorney, Charles Freeman, has served in the office since the beginning of the year, having had some experience as an assistant several years ago. Thirteen individuals are employed in the Tuscaloosa County District Attorney's office including nine attorneys. One attorney is assigned full-time to the Child Support Program under contract and is not used to supplement the other office functions. All of the attorneys serve at the pleasure of the District Attorney. The budget for the District Attorney's office is state funded for salaries. Tuscaloosa County funds most other expenses including a portion of the salary money.

The Tuscaloosa County District Attorney's office has jurisdiction over all criminal cases, juvenile cases, traffic offenses, appeals, and certain civil cases such as those dealing with child support enforcement. The office has also instituted programs in drug and alcohol abuse, and rape or sex abuse. The Circuit Court, which is the felony court of general jurisdiction operates with a large backlog.

Six law enforcement agencies operate in Tuscaloosa County. The Tuscaloosa Police Department brings in the most cases, approximately 50 percent of the District Attorney's caseload. The three most prevalent felonies prosecuted in Tuscaloosa County are burglary, theft, and drug cases.

The police file the charges in Tuscaloosa County and it can be up to four weeks before the District Attorney's office finds out about an arrest. The accusatory route most often utilized is the arrest to preliminary hearing to bindover to the grand jury. It generally takes from four to five weeks between arrest and grand jury indictment.

Cases are assigned to both judges and assistants before the arraignment. The office utilizes pretrial conferences but has no plea cut-off date. Approximately four percent of the cases are disposed of at the arraignment, and another 95 percent are disposed of between the arraignment and the first day of trial. From an evidentiary perspective, the office has decided to take the marginal cases to trial and plead the stronger cases.

Six judges are assigned criminal matters and sit approximately five days per week. The prosecutor controls both the initial and subsequent trial settings and uses a master calendar system for docketing. Indigent defense services are generally provided by the public defender's office.

IV. ANALYSIS

The analysis of the Tuscaloosa District Attorney's Office focused on the intake and screening of felony cases, the accusatory process, case tracking, statistics, and the general administration of the office.

A. Intake and Screening Process

The District Attorney's Office in Tuscaloosa County, as with most other district attorney's offices in Alabama, is not responsible for filing charges in the Court. This important matter has been transferred to the law enforcement agencies who file the majority of cases in Tuscaloosa County. This places the District Attorney's Office in a disadvantageous reactive position. The primary obstacle to the District Attorney's quest to become the accountable official for all cases which are brought to his office is that there exists a tremendous filtering process in the system. This occurs because the police and the two warrant magistrates in Tuscaloosa County operate with no general guidelines or policies.

The District Attorney uses the grand jury as a method of screening cases though the method of prereview used in the office leaves much to be desired. It is not thorough and is not predicated on what is the best disposition of the case.

It is recommended that the District Attorney's Office seek to have an immediate review of all felony arrests in Tuscaloosa County.

This can be accomplished if the District Attorney himself makes this a priority and sees the benefit of having control over the disposition of cases at the earliest possible date based on the facts of the case and the alternatives available for a just disposition of that case. If the District Attorney could, through the cooperation of various law enforcement agencies, have the primary arresting officer contact an assigned assistant district attorney to review the case after a felony arrest, it would improve the quality of the entire proceedings that follow including obtaining a warrant should that procedure be continued.

Two warrant magistrates are used in Tuscaloosa, neither of them are attorneys. On weekends parttime law students are used primarily for the purpose of setting bail.

Warrant magistrates are utilized to satisfy the requirements of Gerstein vs Pugh, 320 U.S. 103 (1975) and to serve as the independent magistrate required by that ruling. There is, however a bar to a judge issuing a warrant. The Technical Assistance team suggests that the sworn affidavit that is used in many states including Florida could be implemented more effectively to satisfy both the constitutional requirements and to judiciously bring cases into the justice system. A copy of such an affidavit is being enclosed with this report as Appendix B, with the recommendation that the District Attorney explore this method for proceeding. It is of course recognized that such a change would involve political considerations since the warrant magistrate has been grandfathered into Tuscaloosa County and the present warrant magistrate is

liked by all of those who deal with him.

If the District Attorney does not choose to review the felony arrest until after the warrant magistrate has issued the warrant, then a time period should be determined which is not later than three days after the issuance of the warrant for the primary officer to speak to an assigned senior district attorney to review the case and decide what action should be taken with regard to recommending a preliminary hearing or direct indictment by the grand jury. There are at least three senior assistants in the office who have requisite experience and to whom the law enforcement officers could go for the review of their felony arrests.

The District Attorney should encourage all law enforcement officers in Tuscaloosa County to seek legal advice in the District Attorney's Office and in those cases where they intend to make an arrest based on a warrant. That advice should be sought prior to the issuance of a warrant. Once again being cognizant of the political considerations involved in Tuscaloosa County nothing exists that would adversely affect the District Attorney making a recommendation as to what type of a case should be sought prior to the warrant magistrate reviewing the case.

In any event if present practice continues with the District Attorney reviewing cases only after the warrant magistrate has issued the warrant, the District Attorney's Office should have copies of all decisions on arrests that were made by the warrant magistrate for purposes of review. The team could find no record of review by the

District Attorney's Office where arrest were made and no warrant was issued. This lends itself to nonaccountability. It should be reviewed in Tuscaloosa County.

It appears that the District Attorney is not concerned about the type of warrant for arrest the police officers obtain since the screening method used is to review the case prior to grand jury presentation and seek the type of indictment the facts and evidence warrant. A question arises as to the delay from the day of arrest and its effect on the current backlog of cases that exists in this county.

The intake of at least felony cases in Tuscaloosa County should be a primary objective of the District Attorney's Office. If the District Attorney can gain control of the type of cases brought in, a great deal of time and effort would be saved.

It is recommended that a senior assistant be assigned on a rotating basis to review all felony arrests both pre and post warrant within a period of seven days from the date of arrest, or upon request of the law enforcement agency seeking an arrest warrant. It is recommended that the District Attorney request and receive a list of all felony arrests that occur in the jurisdiction on a daily basis.

It is recommended further that the District Attorney keep a record of all felony arrests including the disposition of those arrests.

The District Attorney should undertake a review of all the outstanding

arrest warrants for felony cases that presently exist in Tuscaloosa County. The Technical Assistance team recommends that the District Attorney review the inventory of cases once prepared and make an effort to dispose of as many cases by pleas, where appropriate, as is possible.

It is further recommended that the District Attorney explore the use of the information and direct filing of informations in those cases where it is appropriate under the Alabama Code.

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 prosecutor will seek a conviction on the counts, or whether the defendant will be eligible for alternative programs which 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 a 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 responds by establishing a system of checks and balances. Ideally, the discretionary decision

of the law enforcement agencies to arrest and detain a subject 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. Where one part becomes subservient to another--especially by transferring its decisionmaking authority to another--the system of checks and balances is degraded.

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 that it should 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:

"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:

"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 addition to these standards, Standard 8.1 also addresses this area:

"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."

It is the recommendation of the Technical Assistance team that the District Attorney spend some time in formulating and thereafter distributing guidelines concerning the intake function and the charging of cases in Tuscaloosa County.

B. The Accusatory Phase

The District Attorney's Office primarily becomes involved in the process after the warrant is issued. The Clerk of the Courts Office enters the subjects name on a grand jury docket, completes the paperwork and at that time refers the case to the District Attorney's Office. At the time of the site visit a law school intern prepared a grand jury form and made grand jury files for every case. He also lists the names of witnesses and prepares the case for presentation to the grand jury. The presentment is generally done by the District Attorney himself or one of two assistants. When the case is called for the grand jury presentation, all officers are subpoenaed for Monday and give testimony on every case they may be involved in. The balance of the witnesses are distributed throughout the grand jury period of service and therefore the case is never chronologically presented.

This must make it difficult for an individual grand juror to follow the facts. One of the grand jury assistant district attorneys interviewed by the team indicated that the Alabama Criminal Code had been revised last year. Since the new code, he indicated that the office did not have form indictments and that one had to be prepared each time in toto. He said that he wasn't aware of any other office in the state that had preprinted forms for indictments. It is the teams recommendation that the District Attorney contact the District Attorney's Office in Huntsville, Alabama where preprinted forms are presently in use. As a alternative method of saving time it is recommended that the office secure a Mag tape typewriter for programming and preparation of indictments. Presently in the office an assistant district attorney prepares the indictments usually in long hand. Since no forms are used they are all individually drafted and typed by the chief secretary in the office who spend much of her time typing up these indictments and getting these cases ready for grand jury presentation.

The grand jury is the primary screening method used by the District Attorney who reviews his cases with one of his most experienced assistants prior to presentation. Since indictments are prepared prior to the meeting of the grand jury it must be assumed that the grand jury, in the great majority of cases, follows the recommendations of the District Attorney's Office. The grand jury presently meets in a section of the District Attorney's office where space is at a premium. It is the recommendation of the Technical Assistance team that additional courthouse space be sought so that the grand jury room could be converted into filing and clerical office space on a permanent basis. This would require

seeking grand jury space in another part of the courthouse or perhaps using an empty courtroom on the day the grand jury would be required to meet.

C. Trials to Disposition

After grand jury indictments are returned the District Attorney and one of his most experienced assistants reviews each of the cases and, on what is referred to as a "blue sheet," indicates the disposition that would be recommended by the office. The Public Defender in Tuscaloosa County indicated that in the past it was mutually advantageous for both the Public Defender's office and the District Attorney's to work more closely in connection with pleas. It is recommended that the District Attorney's office send a list of indicted defendants to the Public Defender as soon as the grand jury indicts so that the Public Defender's office can check against their list of assigned cases (especially in connection with jail cases) and thereby facilitate the disposition of these cases by early pleas. The Public Defender said that he was more than willing to cooperate with the District Attorney in this area.

Once a case has been assigned at an indeterminate future time, it will be called for docket sounding by one of the judges who has an individual caseload assigned to his court. One such pretrial jury docket soundings was attended by the team. It was obvious that this was a very inefficient method of proceeding. The District

Attorney was without knowledge as to how many of the defendants listed were ready for trial, whether they were in custody in the State Prison or in the County Jail or had been disposed of in an earlier proceeding. The defense attorneys for most of the defendants also indicated that they did not know where their clients were located either. The docketing method, at least as observed by the Technical Assistance team, was a complete waste of time and manifested no accountability for processing of cases in the circuit.

One of the team members inquired of several of the private lawyers about the pretrial docket practice and was told that once their clients were on bond they very rarely saw them again. Since there were few trial weeks that were not taken up with persons in custody who are given priority, non-jail cases generally were held from court docket to court docket unless their client's case was dismissed.

A cursory examination of the statistics contained in the Workload Study obtained from the Clerk of the Court by the Technical Assistance team (attached as Appendix C) shows that very little court time is actually devoted to handling the backlog that exists in this Circuit. It would be revealing to determine the number of defendants on their first arrest. This again is not an unusual happening in other jurisdictions, but certainly it seems that it would be a more recurring one in this County.

It was indicated by the Public Defender that when pretrial dockets soundings first started, defendants were required to be present for consultation with counsel in connection with a proffered plea. The Public Defender indicated that the present sounding is a useless waste of time. It will continue to be so until it is established that it exists for purposes of advancing cases by facilitating the entry of early pleas.

In connection with the number of felony arrests in this jurisdiction, there is a notable lack of statistics available for evaluation. Neither of the team members could obtain any figures that would be reliable to indicate the number of felony arrests in Tuscaloosa County during 1980. The Police Chief of Tuscaloosa was not able to provide any of the statistics that had any reliability though he has many numbers on various crimes and other proceedings that occurred in which his police department was involved, particularly where the department had been sued. The maintenance of such statistics is important in order to establish accountability for felony arrests being made in the jurisdiction through the entire judicial proceedings. In this regard, the District Attorney's office does not have any statistics that are readily available or usable for the purposes of determining how the office is proceeding with the existing caseload. The team was only able to gather statistics indicating that in 1980 the Tuscaloosa County felony arrest number was 1222 and the number of grand jury indictments was 950. In 1980, 102 jury trials and 1,038 pleas of guilty were recorded with only 15 nolle prosequere being entered. The team considered the number of nolle prosequeres to be extremely low based on the number of arrests and could not make any definitive determination as to why there were so few of them.

The Technical Assistance team commends the Circuit Court Clerk for attempting to maintain meaningful statistics such as those which are attached in Appendix C covering the period of January 1980 thru August 1981. The statistics, if accurate, are significant in that they show that the jurisdiction is experience a tremendous backlog of cases. As of August, 1981, the Clerk's Office reports 1,005 cases pending. A review of the prior months in the prior year will show an increasing number of cases being added to the decreasing number of dispositions, which indicates that at some point this jurisdiction is certain to encounter grave difficulty.

Alabama does not have a speedy trial rule and operates on a case by case basis which allows some leeway for the very slow disposition of cases. The State has adopted the Uniform Detainer Act which imposes trial date limits. In addition there is an all prevailing attitude in the state of Alabama that the overcrowded state prisons and the various court orders by federal judges limiting the number of prisoners that can be held in county jails is sufficient reason for not handling cases in a more expeditious manner. Tuscaloosa operates under such a federal court order. The team found this reason to be cited over and over by various persons in the criminal justice system including judges

law enforcement officers and prosecutors to explain their failure to move cases in a more expeditious manner. The question posed was "Where do we put more people in jail if we speed up the disposition process?" This clearly is a problem. However such a dilemma is further cause for the creation by the District Attorney of an efficient organization to properly evaluate felony arrests and thus ensure that the most serious and dangerous offenders committing the most serious crimes are in fact those that the judicial system is concentrating on and processing through the court system. The persons who are not able to make bond under the schedule are those who are being tried in the courts. It should be noted that in this jurisdiction, despite the backlog, the courts close down during the summer months and absolutely no criminal cases are handled during this time. It should also be noted that very little time is being scheduled for the handling of cases in spite of the pending caseload and the number of arrests in Tuscaloosa County. This is a problem that must be addressed by the District Attorney in conjunction with the judiciary and all other segments of the criminal justice system if the system is to operate effectively and to do the job that is required. It is the recommendation of the Technical Assistance team that the District Attorney request that criminal court judges hear criminal court cases every month of the year and not take summer vacations in such a manner that the courts are totally closed down during those summer months. It is also recommended that the District Attorney set personal time limit goals as to the final disposition of cases from the time of arrest. It is recommended that not more than six months elapse from the date of arrest to final disposition.

In the District Attorney's Office in Tuscaloosa nolle prosses are entered orally with no reasons given for their entry. It is the recommendation of the Technical Assistance team that for accountability purposes all nolle prosses be in writing with reasons set out.

The case jacket presently in use in the District Attorney's Office does not provide a sufficient amount of information in an efficient way to allow an attorney who is given the case at the eleventh hour to adequately prepare himself with the least expenditure of time. Accordingly it is the recommendation of the Technical Assistance team that the standard case jacket developed by the National Center for Prosecution Management be considered for use in Tuscaloosa. A copy of that jacket is attached as Appendix D.

The filing system in the District Attorney's Office in Tuscaloosa is very obsolete and cumbersome in its functioning. Files are maintained continously. That is even after "settlement" (the term used in connection with case dispositions in this jurisdiction) the file is maintained on an open basis in the event the defendant is subsequently charged. Upon that happening, the office will then use the same file. Clearly this method should be discontinued and these files purged and the old cases transferred to less valuable space than they now occupy. Prior convictions can be kept on index files arranged alphabetically and by dates as will be more fully discussed infra. The present filing system should be replaced by an

Electricier filing system where all case files should be kept when not checked to the individual attorneys. The alphabetical file for defendants presently kept in the office shows merely an arrest date with no subsequent updating. The secretary in the office indicated there was no way that they could keep these files updated with this dispositional information. Many of the files which remain open in this office go back as far as the early 1950s.

For the immediate future it is the recommendation of the Technical Assistance team that the present system be replaced by one that is based upon file cards only, in which data is kept in two files. Two file cards are necessary to track cases using this system. These cards may be of any design but a suggested format is attached as Appendix E. This form is designed in three parts with a snap-out carbon paper in between each part. Information as to case number, defendant name and charges should be typed onto these two cards. By using the snap-out carbon paper it is not necessary to type duplicate information. For maximum effectiveness all of this information should be entered when the case is brought into the office. The reviewing assistant may also record remarks as to why the case is being dismissed or downgraded.

The two cards should then be filed in their respective locations. The first copy should be filed alphabetically to become the active defendant index file. When cases are closed the card may be removed to a closed portion of the file. This will become a quick reference as to whether the defendant has been through the criminal justice system before.

The second card should be filed according to the next event and then by date within that type of event. This file becomes the master calendar record. One section should contain cases pending arraignment another those pending trial and the third section for cases pending sentencing. Other sections may be added as needed. Under this recommended system, a clerical employee should pull the appropriate cards from the alphabetical file in the calendar file and post information on these two cards. The file should then be returned with the cards to the filing drawers. Both file boxes should remain in the central records office. Each card has three sections. Information about the defendant and the overall case is typed in the first section. The second part contains information regarding complaints, court numbers, charges and disposition of charges. The back contains both the event history and sentencing information. The District Attorney may choose to change this format, however this general type of data has been found to be useful in many prosecutor's offices.

A case tracking system is enhanced when a case register can be prepared. This can be done by entering defendants names sequentially as cases are received. It is desirable to arrange a case register by date so that a convenient key exists for accessing defendants names in the register. Case progress can be recorded on an index card or a register. If a card is used, that file should be utilized as the case register.

Another essential component of a centralized case tracking system is the creation of tickler or suspense files. Tickler files serve to remind the clerk that something specific involving the case files should be done on a certain day. In the District Attorney's office, a number of case processing steps require setting dates for future action. For ease of operation, it is the recommendation of the Technical Assistance team that ticklers or reminders for each of these steps be maintained separately. A brief description of the organization of a tickler system follows.

A tickler system can be a 3 x 5 card prepared at the same the date is set for future action on an individual case. The card is then placed behind a time marker and remains until callup, for example one week before a court date. In some cases lead time for preparation work is required. In such instances, the card can be filed for a specific action date and pulled in advance.

A register type of tickler system may also be used. A separate sheet of paper is required for each date and then every case is to be acted upon is recorded on the appropriate sheet. These pages can be maintained in a three ring binder. Like the index card system, the register serves to indicate the date when cases are scheduled for action. One disadvantage to this method is that whole sheets must change and more work is involved for each exception to the general case processing.

Some offices arrange their case files and central files to reflect pending case action. However, using such a filing procedure breaks up the normal sequence and also creates problems for file retrieval as there is no standard other than future action on which to base location.

File control is a serious problem in the office as it is presently structured. It is too often difficult to locate files which are not in the filing cabinets. It is essential that even in an office with only a limited number of prosecutors that a file log be maintained so that it can be readily ascertained which of the prosecutors has the case file in their possession.

The file folders being used at the present time were found to be unsatisfactory since they do not contain any space on the cover for pertinent information as to case history dispositions and so forth. A model case jacket designed by the National Center for Prosecution Management is attached as Appendix D. The Technical Assistance team recommends that the District Attorney adapt this model to his needs and adopt it for case file purposes.

In the central area of the office there are an excessive number of filing cabinets containing both current cases and those which have been closed. The Technical Assistance team recommends that all of the closed cases be purged from this file and stored in less valuable floor space.

When current cases have all action in them completed, the case file should be removed from the central file and placed in storage. Thus, while new cases are constantly being entered into the central file system, the closed ones are constantly being removed.

Removing the closed case files from the central file area should not be the last step in the life of that case file. Closed cases, although they can be maintained in the storage area in boxes specifically designed for storage should not be permitted to accumulate indefinitely. A specific retention period should be established by the District Attorney for closed cases. Then, when closed cases reach this predetermined date they should be destroyed.

Destruction of the case file folder should not mean that all of the information related to that case is lost. Important data and information regarding each case is maintained permanently, or for a specified period of time by the police agencies or the Court. The District Attorney's office should also retain the index card related to the case which will then relate the case to the available police and court files.

One system for organizing and managing closed files for disposition that has been found useful in other prosecutor's offices is to segregate them from the active files as soon as they reach the closed status. Some accumulation of closed file cases may be permitted in the file area for a specified period of time, however this accumulation period should not exceed one year. During this time cases may be interfiled in numerical or alphabetical order. Thus at the end of the accumulation period the cases will be in numerical or alphabetical order for that period.

Notations as to the closing date should be made on the master index card. The cards in the master index should then be maintained in

separate groups reflecting active and closed status. When the case is closed and the card so noted the file should be removed from the active category and placed in the closed category, triggering the removal of the closed file folder. At the accumulation period, the collected closed case folders should be removed to a storage area and held until the retention time has been met at which time they can be destroyed. Should it be necessary to locate a closed file folder while it is in dead storage, index cards will indicate the closing dates and access can be made quickly to the appropriate group of closed case files.

Inactive case files should also be separated from active case files to maintain the efficiency of day-to-day operations. The dispositional process for inactive case files is similar to that of closed cases, but alternative or special consideration should be given to the inactive category depending upon local offices. A waiting period for inactive case files should be predetermined by the District Attorney's office after which they should be removed from the active file area. Inactive files can be grouped and held in storage in the same manner as the closed cases. The index cards for each inactive case should be appropriately marked.

Some offices interfile the inactive case files with their active files. The advantage of this approach is that the numeric sequence of the files is not disturbed. The disadvantage is that open case counts cannot be taken. The active case files are bigger and unwieldy and as the case file doubles in size the personnel time required to process the file increases by 30 percent. Inactive case files should be removed from the central file area periodically although segregation of the inactive files does not remove them from the information system. It really allows

a better use of the expensive office space and provides the needed active filing floor space.

D. The Use of Statistics

The site visit to the Tuscaloosa County District Attorney's Office made it evident that the office does not have a formalized system for keeping statistics. The person in charge of input for the PROMIS system that is in place in the office (officially known as the Alabama Criminal Justice System) is very knowledgeable. The program she says has never been put to full use. For example it is not used to generate statistics. She indicated that the former District Attorney did have statistics generated out of the programs which are in place in that system. The system is so designed that it could be used to generate dockets. She operates from a terminal screen. It is the recommendation of the Technical Assistance team that a printer be secured from the state for her use. Presently the names of assistant district attorneys assigned to cases are not inputted; it is recommended that they be. Data should be collected charting the number of days from indictment until settlement in order to help the District Attorney chart performance of his assistants. It is the further recommendation of the Technical Assistance team that the state official in Montgomery knowledgeable about the Criminal Justice System be requested to come to the office and lecture the full staff on the extensive number of programs that have been written for District Attorneys' offices which are available immediately to the Tuscaloosa office.

Pending the full utilization of the computer in the office there are some general statistics that should be kept manually by the District Attorney. These statistics will assist him in managing the case flow in

his office, instituting internal evaluation procedures, allocating resources effectively and predicting the need for additional resources in the future and informing the public of the work accomplished by the District Attorney's office.

It is the recommendation of the Technical Assistance team that the District Attorney begin keeping statistics by making a determination to count cases and defendants as they enter the system. This can be accomplished manually by the use of a tally sheet such as Form 1 found in Appendix F. This form is a weekly intake report to be filled out each day by the use of simple hash marks in the appropriate boxes. The amount of detail which is to be used may be determined by the needs of the Prosecutor. On Form 1 both cases and defendants are counted, and the detail is sufficient to permit analysis of changes and charges filed, as well as cases accepted, referred or rejected. The Clerk enters a hash mark in the appropriate box to indicate the result of the intake process. At the end of the week, all of the columns are totalled and the monthly total from the previous weeks report is entered in the next to the last row. The next monthly total to date is obtained by adding the weekly total to the monthly from the last week. Form 2 in Appendix F is a disposition report having basically the same format as the intake report. The heading should include all possible dispositions. While these may vary from one jurisdiction to another, the most common ones are listed on the form. Cases and defendants reaching dispositions for each day are recorded in column 1. The upper half of the first block should be used to show the number of

cases reaching final disposition and the bottom should show defendants. In all other blocks along the table, only defendants should be counted, as there are too many variations in the disposition of individual cases involving multiple defendants to use cases as the basis of the count. Therefore the various categories such as pled to original, pled to reduced and so forth all refer to the number of defendants

There are several ways in which this information can be collected. It has been found to be highly successful to either analyze the court calendar for each day which has been appropriately annotated with the courtroom results, or to use a master list of all defendants reaching final disposition in a given month. To use the latter approach a form such as Form 3 in Appendix should be used. Each day whether the calendar is prepared in the District Attorney's office or returned to the District Attorney at the conclusion of the days work, a clerk should review the calendar to obtain the information and place it on this report. The date called for on the file is the date that the case was heard. The case number, the defendants name, docket number and charge should be listed individually and the disposition should be shown for each charge. The name of the assistant district attorney who tried the case or handled the plea and of the trial judge, if applicable, should also be listed. The disposition category should correspond to the weekly disposition report. The clerk should determine what occurred for each defendant at the trial or plea and mark only one column. At the end of the day this information should be transferred to the weekly summary report. Form 4 in Appendix F is an example of the calendar report. This report measures the amount

of delay arising in the system and the reason that it is occurring. The first column indicates for any given day, the total number of cases scheduled. The third column "defendants rescheduled" is a measure of continuances being granted during a particular day. The next box enumerates the reasons why the defendant was rescheduled. This will show whether delays in the system are due to court backlog, prosecutor requested continuances or defense requested continuances.

By using these four forms the District Attorney will be able to keep useful statistics for the office with a minimum of burden to the clerical personnel who will be performing this task.

E. General Office Administration

In view of the District Attorney's limited time in office and the resultant lack of experience coping with many of the problems extant there which are quite common to many prosecutors offices, the Technical Assistance team believes that he could learn a great deal by visiting another district attorney's office or offices in Alabama. Accordingly, the team recommends that he start by visiting the District Attorney's office in Birmingham.

It is recommended that the District Attorney arrange a regular monthly meeting with members of the judiciary, the sheriff, the Chief of Police of Tuscaloosa, and other principal law enforcement agencies in Tuscaloosa County to discuss mutual problems and concentrate on an efficacious means of eliminating case backlog.

It is also recommended that the District Attorney request that two new secretarial positions be allotted to the office and that they be funded. The secretaries should be assigned to specific assistant prosecutors.

It is recommended that the District Attorney consider attending the National College of District Attorney's Executive Course which is held in Houston.

F. Child Support Enforcement Unit and Juvenile Division

At the time of the site visit there was one fulltime assistant prosecutor assigned to AFDC cases in the child support area and one parttime assistant assigned to the non-AFDC caseload. The fulltime

assistant's salary is funded under Title IV-D and thus 75 percent/FFP is available for non-AFDC cases. Thus the fifth percent of the salary of the parttime assistant should be charged to the child support budget in the office. In the District Attorney's office in Huntsville, Alabama a record for (bookkeeping and audit purposes) is kept of non-AFDC cases by referring such cases to the D.P.S. to get an AFDC number. Thereafter, the cases are routinely handled once they arrive back in the prosecutor's office.

The child support caseload in the office is at the point that it is becoming overwhelming. Delinquencies are not worked on any systematic basis, and are not handled until after an excessively large amount of time elapses from the time of the delinquency. This can be attributed in large measure to the state agency's lack of an efficient monitoring system. The team recommends that the office consider the installation of a computer similar to the one which is now in place in Huntsville, which has been 75 percent federally funded. The entire caseload could be entered into the computer with delinquencies responded to in a very short time period. It is recommended by the Technical Assistance team that the entire child support unit visit the District Attorney's office in Huntsville and examine the child support enforcement operation there.

The prosecutors in child support in Tuscaloosa do not have available contempt of court as an enforcement tool because of the cap placed on the jail population under the injunction of the U.S. District Court. As a result of it, local judges will not incarcerate delinquent

parents for their failure to abide by child support payment orders. The unit has a further problem in that the judge hearing child support cases will not allot sufficient court time for the cases. It is recommended that the District Attorney consult with the court and secure the time needed for disposition of these cases.

The child support unit's physical environment is an intolerable one. There are presently located in one medium sized room two child support assistants, one assistant who handles juvenile cases in the office, one secretary, and a very large number of filing cabinets. This constitutes an impossible situation professionally for the attorneys in this space. Additionally, under these crowded circumstances there is absolutely no privacy afforded child support clients. They are compelled to come to the office and discuss personal matters involving such things as finances and other obvious personal matters involved in paternity cases in full sight and hearing of the other people assigned to this office space. The situation is critical enough for the District Attorney, in the absence of cooperation from the County, to consider leasing space outside of the courthouse for the child support unit. This rent would also be subject to 75 percent FFP.

G. Juvenile Cases

One assistant district attorney handles all of the juvenile cases in the office and additionally carries a full load of felony cases. In view of the exceedingly large juvenile caseload, this

is entirely too much work to be assigned to one individual. The assistant assigned to this responsibility is required by the judge hearing juvenile matters to prepare the docket, do calendaring and all of the other matters done by clerks in other Alabama circuits. It is strongly recommended that the District Attorney spend some time in the juvenile division of his office which is physically located away from his office and thereby determine how untenable the situation is there.

V. CONCLUSIONS

This analysis and these recommendations are presented with the realization that the District Attorney already has a working organization. The steps taken to improve the operation and professionalism of the office are to be commended. The areas highlighted in this report are those that are next to be addressed by the District Attorney.

The first priority for the District Attorney concerns the means by which he receives cases. As with most other prosecutors in Alabama he is not responsible for filing charges in court. This important matter has been transferred to law enforcement officers working through warrant magistrates. As a result the District Attorney is placed in a disadvantaged reactive position.

The District Attorney should seek to have a review made of all felony arrests in Tuscaloosa County. He should utilize his senior assistants on a rotating basis for this purpose. This will be the start of a screening process which will allow prosecutor input at the earliest possible time.

If the District Attorney chooses not to review the felony arrest until after the warrant has been issued by the magistrate, then a time period of not more than 3 days after issuance of the warrant should be established for the primary law enforcement officer on the case to speak to an assigned senior assistant district attorney to review the case and decide what action should be taken, i.e. whether the case should be disposed of at a preliminary hearing or whether it should proceed by grand jury indictment.

Grand jury indictments are presently prepared in a primitive long hand method. No standard forms exist in the office. The District Attorney should consult with the District Attorney in Huntsville and request copies of their pre-printed grand jury indictments.

The District Attorney's office space is severely inadequate. The grand jury presently meets in a portion of the office. The District Attorney should request of the Presiding Judge adequate space elsewhere in the Courthouse for the grand jury, and if need be, use one of the vacant courtrooms for this purpose.

Tuscaloosa County is operating under a severely large backlog of felony cases. This can be attributed to a number of things. One that is paramount is a general attitude of disinterest generally among bench and bar (as it was observed during the TA team's visit) as to the moving of cases. The pre-trial docket sounding attended by the Technical Assistance team, (if typical) manifests the rather casual attitude taken in this jurisdiction. Many defense counsel there present were unaware of the present location of their clients. Continuances appear to be a way of life in this docket sounding.

It was suggested to the team by the Public Defender that defendants be required to be present at these hearings so that pleas proffered by the District Attorney's office could be discussed and a bargain finally arrived at so that felony cases could be moved. He indicated that in the past this practice had been followed. The Public Defender also evinced a willingness to cooperate in moving the backlogged trial docket by early plea

negotiations. He indicated that if the District Attorney would provide him with a list of indicted defendants as soon as possible after the indictments had been handed up, he would ascertain those on the list who had been assigned public counsel and would be willing to begin plea negotiations where appropriate, as soon as possible. This was especially the case with those clients of his who were in detention awaiting trial.

Many of the attorneys interviewed by the team shared the opinion that the pretrial docket sounding, which is now a charade, could be made meaningful if the judge conducted the hearing, in fact, became interested in moving the docket and clearing the backlog. Should this occur, continuances would be sparingly granted and cases would start being assigned for trial and disposition. One of the private defense counsel present at the hearing attended by members of the team said that once a client was on bond he rarely saw him again. This was so because of the few trial weeks that are scheduled in Tuscaloosa. During such time persons in custody are given priority as to trial time. Non-jail cases generally were held from court docket to court docket unless the client's case got dismissed.

Certainly an element that is a major inhibitor toward the clearing of felony case backlog is the fact that the judiciary responsible for hearing the cases regularly close down their courts for the summer months during which time absolutely no criminal cases are heard.

The District Attorney should take it upon himself to request that judges not abandon the criminal courts during the summer months. He should set time limit goals for the time from arrest to the final disposition for criminal cases.

The District Attorney is severely constrained in his attempt to arrive at an efficient operation by his totally inadequate space. He and his present staff occupy exactly the same floor space that was assigned to the District Attorney and one assistant and a secretary in 1962-63. Cramped quarters have required that three professional persons--the two assistants assigned to child support and the assistant assigned to juvenile cases--operate out of a single office/filing room with their secretary also present there. Professionally, this is an intolerable situation. It is also counterproductive because of the lack of privacy and it's adverse impact on the work attempted to be done by the three assistants assigned to this office space.

Contributing to the prosecutors space problems is the filing system in the office. Cases are never closed and removed to less vital space than the main office proper. Files are present in this area involving cases which go back as long ago as the early 50's. Case files are maintained in this condition and reopened upon a prior convicted felon being reindicted. Clearly, the same objective can be achieved through the use of a proper card file maintained alphabetically.

Statistical information is nonexistent in the District Attorney's office. Accordingly, no one could tell the team what the current felony caseload was, or how many cases had been disposed of last year, or any of the other basic data which should be readily available in a properly managed office. The PROMIS system computer which is in use in the

office is barely in use. It's many programs designed to generate meaningful statistical data have not been activated. They should be, and should be used, among other things, by the prosecutor to measure the performance of his assistants. Until such time that the computer's full potential is realized, a rudimentary system of manual statistic keeping should be established in the office.

The office is in need of at least two more secretaries. The county funding authority should be petitioned and requested that the positions be funded and made available. When hired they should be assigned to particular assistant prosecutors and not at large as is the current practice.

The full monetary and social potential of the child support enforcement (Title IV-D of the Social Security Act) law is not being accomplished in Tuscaloosa County because of a paucity of several resources: (1) Lack of time; (2) Failure to immediately respond to delinquencies in timely fashion; (3) Size of the caseload and the physical impossibility of manually handling the number of cases which exist in the Child Support Division.

The District Attorney should impress on the court the urgency of the child support enforcement effort and earnestly request additional court calendar time for such cases. The Alabama IV-D agency (the DPS) is in large measure responsible for the time lag in reporting delinquent child support payments. The District Attorney should permit his child support personnel to travel to Huntsville, Alabama and there examine

the District Attorney's child support operation, including the newly installed computer. He should thereafter explore with the DPS the possibility of obtaining a similar unit for his operation. Once in place, all of the active child support cases can be entered, and the computer can be programmed to monitor payments and report delinquencies on short notice.

Properly operated child support enforcement operations in prosecutors offices can and do pay for themselves, and pay additionally to the county in the way of incentive payments. Cost-effectiveness is the watchword in this area. It is incumbent upon the District Attorney to make the effort to achieve such cost-effectiveness.

The implementation of these suggestions and recommendations should result in a more efficient and effective office for the District Attorney as well as a savings in the long run for the citizens of Tuscaloosa County.

APPENDIX A

RESUME

LEONARD R. MELLON

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

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

PROFESSIONAL EXPERIENCE:

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

CURRENT EMPLOYMENT

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

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

PAST EXPERIENCE

1978-1980

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

1975-1978

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

1974-1975

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

1974

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

1971-1974

As assistant state attorney, 11th Judicial Circuit of Florida, Dade County,
Miami, after adoption by Florida Supreme Court of speedy trial rule with
trial deadline for those defendants then charged and awaiting the trial,
created at direction of State Attorney, a special trial division for the
processing and trial or other disposition in a 6 week period of approximately
450-500 defendants. Successfully disposed of overwhelming majority of cases.
Assisted in the establishment and development of pre-trial intervention
(diversion) program in office. Established a magistrate's Division there.
After undertaking a survey of case intake and screening, recommended the
establishment of a new system and was appointed head of the new intake and
Pre-Trial Division in the State Attorney's office.

1969-1971

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

1965-1969

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

1958-1965

As assistant attorney general of Florida was initially assigned to civil division handling general legal and administrative law matters for a variety of state agencies. In April, 1960 appointed as Director of Law Enforcement under the Attorney General, where with an investigative staff, was responsible for the enforcement of Florida's wire service and anti-gambling laws. During this period testified before U.S. House Judiciary Committee at request of Manhattan District Attorney Frank Hogan in favor of legalization of wire tapping and before the U.S. Senate Judiciary Subcommittee (McClellan) on Organized Crime. Acted also during this time as counsel for the Florida Hotel and Restaurant Commission, the State Beverage Department, the State Narcotics Bureau and the Florida Racing Commission. In this capacity assisted in re-writing the Rules of Racing in Florida, and drafted a number of regulatory bills which were enacted into law affecting horse and dog racing in Florida, the hotel restaurant and liquor industries, and the profession of pharmacy. Also acted as counsel for the Florida Sheriff's Bureau and ex officio as liaison with the Florida Sheriff's Association. In 1962, in addition to the foregoing was placed in charge of both the South Florida (Miami) Office of the Attorney General and the Criminal Appeals Division there.

Selected Publications

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

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

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

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

"Measuring Evidentiary Strength of Criminal Cases", Criminal Justice

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

Transmitting Prosecutorial Policy: A Case Study in Brooklyn, New York (with Joan E. Jacoby, et al.). Bureau of Social Science Research, 1979

A Quantitative Analysis of the Factors Affecting Prosecutorial Decisionmaking (with Joan E. Jacoby, et al.). Bureau of Social Science Research, 1979

Policy Analysis for Prosecution (with Joan E. Jacoby) Bureau of Social Science Research, April 1979.

Policy Analysis for Prosecution: Executive Summary (with Joan E. Jacoby) Bureau of Social Science Research, April 1979.

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

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

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

"Can Effective Restrictive Legislation Be Written" The Journal of the American Pharmaceutical Association, Spring, 1963

DAVID HOWARD BLUDWORTH

OFFICE ADDRESS: State Attorney's Office, Palm Beach County Courthouse, P. O. Box 2905,
West Palm Beach, Florida 33401

OFFICE TELEPHONE: (305) 937-2454

AGE: 39 FAMILY: Wife - Judi, formerly of High Point, North Carolina
Three children - Jessica, Melanie and Brent

EDUCATION: B.A.E. Degree, University of Florida 1962 (History, Political Science);
J.D. Degree in Law, University of Florida, 1964.

CHURCH: Member, Haverhill Baptist Church

WORK EXPERIENCE: Assistant State Attorney General for Florida.
Assistant County Solicitor for Palm Beach County.
Appointed State Attorney for Monroe County, Florida, by the Governor of Florida.
Has been appointed a Special Prosecutor in several Florida circuits.
Assistant State Attorney, Palm Beach County, Florida.
Municipal Judge, Jupiter, Florida.
Elected State Attorney, Fifteenth Judicial Circuit of Florida in 1972.

TEACHING EXPERIENCE: Business Law and Constitutional Law, University of Maryland,
Overseas Division.
Criminal Law and Evidence, Palm Beach Jr. College and Florida Atlantic University.
Palm Beach Atlantic College, Business Law, Constitutional Law & Political Science.

ORGANIZATIONS: Member of American Bar Association, Florida Bar Association, Palm Beach
County Bar Association, Young Lawyers Section of the American, Florida and
Palm Beach County Bar Associations.
National District Attorneys Association.
Florida Prosecuting Attorneys Association, Rotary Club, VFW, American Legion,
Jaycees, Lake Worth Valley Scottish Rite, York Rite Commandery, Amara Shrine
Temple.

PUBLICATIONS AND LECTURE EXPERIENCE:

Amicus Curiae Brief for Florida Prosecuting Attorneys Association on the new
death penalty in Florida.
Author, Bill of Rights for Mobile Home Owners.
NDAA - Delinquency Programs for the Prosecutor's Office.

MILITARY: Sixteen years commission service, two years active duty, one year overseas
in Korea.
Presently lieutenant colonel in U. S. Army Reserve.

APPENDIX B

STATE ATTORNEY'S OFFICE

RM. 430, COUNTY COURTHOUSE
WEST PALM BEACH, FLORIDA
UNIFORM COMPLAINT FORM

STATE OF FLORIDA
COUNTY OF PALM BEACH

STATE ATTORNEY

Arresting Agency: _____
Investigative Case Number: _____

Defendant's Name: _____ (last) (first) (middle) Date of Birth: _____

Place of Birth: _____ Local Address: _____

Permanent Address: _____ Phone: _____ Occupation: _____

Soc. Sec. No.: _____ Race: _____ Sex: _____ Eyes: _____ Hair: _____ Hgt.: _____ Wt.: _____

OFFENSES CHARGED:

1. _____ In Viol. of _____
2. _____ In Viol. of _____
3. _____ In Viol. of _____
4. _____ In Viol. of _____

AMOUNT OF BOND: _____ (leave blank) HOLDS OR DETAINERS _____

Witnesses Against Defendant: (For additional witnesses attach separate sheet.)

- | | | |
|----------------|----------------|--------------|
| 1. Name: _____ | Address: _____ | Phone: _____ |
| 2. Name: _____ | Address: _____ | Phone: _____ |
| 3. Name: _____ | Address: _____ | Phone: _____ |
| 4. Name: _____ | Address: _____ | Phone: _____ |
| 5. Name: _____ | Address: _____ | Phone: _____ |

Physical Evidence Against Defendant: (Describe briefly) _____

The undersigned certifies and swears that he has just and reasonable grounds to believe, and does believe that: On the _____ day of _____, 19____, at _____ (location)

_____ (last name) _____ (first name) _____ (initial)
committed the following violation of law:
Narrative: (Be specific) _____

Sworn to and subscribed before me,
the undersigned authority, this _____
day of _____, 19____.

I swear the above statement is correct and true to the best
of my knowledge and belief.

Investigator's Signature _____

Deputy of the Court or Notary Public _____

I.D. No. _____

(MUST BE TYPEWRITTEN)

STATE ATTORNEY'S COPY - WHITE

INVESTIGATOR'S COPY - YELLOW

FILE ROOM COPY - PINK

APPENDIX C

WORKLOAD STUDY

These were obtained by reviewing the Clerk of Court records.

It shows the present of cases on docket that were disposed of.

Symbols

Number of juries called - JT

Case which plead guilty - S

Dismissed - D

Mistrial - MT

These statistics reflect the lack of coordination of the justice system in Tuscaloosa County.

Note that on very few jury weeks did more than 50% of the cases get disposed of.

The attorneys of the private bar indicate that once you get a client on bond, it is hard to get him back for trial and they are in no hurry to help.

The summer recess of the court also shows because there are no summer dispositions. The team could not find out what happens to those persons in custody during this time.

Clerk

<u>1980</u>	<u>% Disposed</u>	<u>No. of Juries</u>	<u>Settled</u>	<u>Dismissed</u>	<u>Mistrial</u>
Jan 7	10%	5			
Jan 28	20%	4			
Feb 11	27%	5	2		
Mar 3	42%	7	1		
Mar 24	43%	7	1		
Apr 7	38%	6		2	
Apr 21	37%	12	1		1
May 12	32%	5	1		
May 26	42%	9	4		
Jun 16	45%	7	3		
Sep 8	48%	4	1		
Sep 22	37%	3			
Oct 6	20%	4	2		1
Oct 20	37%	5	2		1

<u>1980</u>	<u>% Disposed</u>	<u>No. of Juries</u>	<u>Settled</u>	<u>Dismissed</u>	<u>Mistrial</u>
Nov 3	24%	5	1		
Nov 17	51%	6	3		
Dec 8	25%	6	4	1	
<u>1981</u>					
Jan 12	25%	4			
Jan 26	49%	4	1		
Feb 23	63%	7	1		
Mar 16	45%	5	4		
Mar 30	51%	6			
Apr 20	38%	8	2		
May 4	17%	4			1
May 18	39%	5			
Jun 15	8%	2			
Aug 31	85%	4			
Sep 14	20%	6	1		1

APPENDIX D

MODEL CASE FILE JACKET

Minimum guidelines and standards for the design of a case file folder have recently been developed by the National Center for Prosecution Management. The folder may be utilized by prosecutors or modified for adaptation to a given jurisdiction's procedures. The secondary purpose of this model is to stimulate the thinking of the prosecutor in this area and to present him with standards and guidelines that formulate a base for designing his own case file jacket that will be responsive to his local procedural and information needs.

A report entitled "Minimum Standards for the Design and Use of a Prosecutor's Case Jacket" has been developed as an attachment to the Case File Jacket by the Center for the effective utilization of the Model, and is available upon request.

MODEL CASE JACKET
Front Cover

DEFENDANT'S NAME: _____		CASE NO. _____	TITLE AND ADDRESS OF OFFICE _____		
LAST FIRST MIDDLE			P.D.I.D. _____ D.O.B. _____ MO. _____ DAY _____ YR. _____		
OPTIONAL FOR SHELF FILING	CHARGES		DATE OF ARREST: _____		
			DATE CHARGED: _____		
			SPEEDY TRIAL DATES		
			DEMAND NO DEMAND		
			DATE DATE		
	AUTHORIZING ASSISTANT:		RELEASE DECISION		
	CO-DEFENDANT AND/OR RELATED CASES				
CASE NO.	DEFENSE COUNSEL		POLICE OFFICER		
	(NAME, ADDRESS, PHONE)				
	DEFENDANT'S NAME	COMPLAINING WITNESS		REQUISITE NOTICE TO DEFENDANT	
		(NAME, ADDRESS, HOME PHONE, BUSINESS PHONE)			
POLICE OFFICER		PO AVAILABILITY			
(NAME, DEPT/UNIT, BADGE NO., REPORTING (R), COMPLAINING (C))					
		CONFESION		PRELIM	
		IDENTIFICATION		MOTIONS	
		DISCOVERY		PRETRIAL	
		OTHER		TRIAL	

MODEL CASE JACKET
National Center for Prosecution Management
1900 L St., N.W., Suite 701, Washington, D.C. 20036
August, 1973

Work Performed under LEAA Grant No. 72-DP-99-0038

Reverse Side Front Cover

NEEDED	IN FILE	EVIDENTIARY MATTER
<input type="checkbox"/>	<input type="checkbox"/>	Autopsy
<input type="checkbox"/>	<input type="checkbox"/>	Ballistics
<input type="checkbox"/>	<input type="checkbox"/>	Chain of Evidence List
<input type="checkbox"/>	<input type="checkbox"/>	Chemical Report
<input type="checkbox"/>	<input type="checkbox"/>	Confession
<input type="checkbox"/>	<input type="checkbox"/>	Contraband
<input type="checkbox"/>	<input type="checkbox"/>	Damages Listed
<input type="checkbox"/>	<input type="checkbox"/>	Evidence
<input type="checkbox"/>	<input type="checkbox"/>	Indictment
<input type="checkbox"/>	<input type="checkbox"/>	Investigative Reports
<input type="checkbox"/>	<input type="checkbox"/>	Motions
<input type="checkbox"/>	<input type="checkbox"/>	Newspaper Articles
<input type="checkbox"/>	<input type="checkbox"/>	Office Memorandum
<input type="checkbox"/>	<input type="checkbox"/>	Photographs
<input type="checkbox"/>	<input type="checkbox"/>	Police Reports
<input type="checkbox"/>	<input type="checkbox"/>	Rap Sheet
<input type="checkbox"/>	<input type="checkbox"/>	Research Material
<input type="checkbox"/>	<input type="checkbox"/>	Restitution Made
<input type="checkbox"/>	<input type="checkbox"/>	Trial Memorandum
<input type="checkbox"/>	<input type="checkbox"/>	Weapons
<input type="checkbox"/>	<input type="checkbox"/>	Witness List
<input type="checkbox"/>	<input type="checkbox"/>	Witness Statements

MODEL CASE JACKET INSERT

National Center for Prosecution Management
1900 L Street, N.W., Suite 701, Washington, D.C. 20036
August, 1973

MODEL WITNESS LIST

NAME :	D.O.B.:	I.D. NO.:	DATE APPEARED
RES. ADDRESS :	PHONE:		
BUS. ADDRESS:	OCCUPATION:	PHONE:	
ALTERNATE CONTACT:	SUBPOENAS		
WILL TESTIFY TO:	ACTION	DATE ISSUED	RETURN DATE
TESTIMONY			
DESCRIPTION OF WITNESS:	TAKEN: <input type="checkbox"/>		
	TRANSCRIBED: <input type="checkbox"/>		

NAME :	D.O.B.:	I.D. NO.:	DATE APPEARED
RES. ADDRESS :	PHONE:		
BUS. ADDRESS:	OCCUPATION:	PHONE:	
ALTERNATE CONTACT:	SUBPOENAS		
WILL TESTIFY TO:	ACTION	DATE ISSUED	RETURN DATE
TESTIMONY			
DESCRIPTION OF WITNESS:	TAKEN: <input type="checkbox"/>		
	TRANSCRIBED: <input type="checkbox"/>		

NAME :	D.O.B.:	I.D. NO.:	DATE APPEARED
RES. ADDRESS :	PHONE:		
BUS. ADDRESS:	OCCUPATION:	PHONE:	
ALTERNATE CONTACT:	SUBPOENAS		
WILL TESTIFY TO:	ACTION	DATE ISSUED	RETURN DATE
TESTIMONY			
DESCRIPTION OF WITNESS:	TAKEN: <input type="checkbox"/>		
	TRANSCRIBED: <input type="checkbox"/>		

Mark performed under LEAA Grant No. 72-DF-99-0038

This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the page. A vertical margin line is visible on the left side, creating a narrow left margin. The paper appears slightly aged or off-white.

INSIDE BACK COVER

[illegible]

APPENDIX E

CALENDAR CARD

CASE #	TYPE	DEFENDANT	DOB	INTAKE DAG.		NEXT CT. EVENT	
				ASG. DAG.	TRL. DAG.	TYPE	DATE
ARST./SUM. DATE			DEF. STATUS			CRIME	CRIME CL. PRIORS
IND./INF. DATE		CO-DEFENDANTS	DEF. STATUS			W.N.U.	PR. DAL.
ARR. DATE			PENDING CASES	Age of Case	#of Con't.	DISPOSITION	
TRIAL DATE							

- CHARGES

[illegible]

[illegible]

NOTES

OFFICE OF ATTORNEY GENERAL

PRIORS

OFFENSE DATE

A.

B.

5

5

D.

TRIAL DATE:

INT. DAG!:

ASG. DAG.:

TRL DAG:

DEF ATT:

DEF. AT
HARDY

OTHER PENDING CASES

- CHARGES -

[illegible]

EVENT HISTORY

DATE	TIME	TYPE	RSLT	SOURCE/REASON	DATE	TIME	TYPE	RSLT	SOURCE/REASON

TERM BEGINS:		SENTENCE									
CONFINEMENT					FINE			PROBATION			
#	L	PERIOD	TYPE	SUS. PER.	PCP	AMOUNT	AMT. SUS.	PERIOD	TYPE	SUS. PER.	SPECIAL TERMS

APPENDIX F

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

WEEK OF _____ TO _____, 1980

[illegible]

MONTHLY REPORT OF DISPOSITIONS

[illegible]

WEEK OF: _____ TO _____, 1980

[illegible]

END