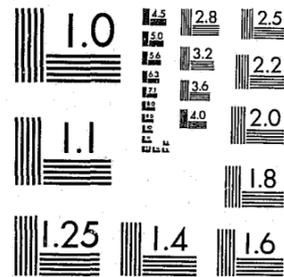


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83609

A MANAGEMENT MANUAL

U.S. Department of Justice 83609
National Institute of Justice

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MANAGEMENT MANUAL FOR A
PROSECUTOR'S OFFICE

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ACQUISITIONS

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Preface

It gives me great pleasure to present this manual to the prosecutorial community. These six pieces have resulted from visits to over 200 prosecutors' offices and are the distillation of opinions and ideas offered by many expert consultants on each of the subjects treated here. As each of these essays has been completed, it has been subjected to the scrutiny of an acknowledged authority in that particular area. Every effort has been made to ensure that this will be the best book possible. We hope that you will find it so.

Lee C. Falke
Chairman, NDAA Management Committee

Introduction

Over the past several years, the NDAA's Technical Assistance program has made more and more prosecutors aware of the advantages of good in-office management. This publication summarizes the expertise achieved on six subjects studied over that same period. Our sincere thanks and appreciation are extended to the NDAA Team Leaders and expert consultants whose untiring efforts have made this volume possible.

The NATIONAL DISTRICT ATTORNEYS ASSOCIATION exists solely for the improvement of the attorneys representing the public, employing its educational and informational services to this end. By the exchange of information in items such as this manual, which is directed to an important area of the responsibility of the prosecuting attorney, the NDAA is able to serve the cause of all the people of the United States.

Patrick F. Healy
Executive Director
National District Attorneys Assoc.

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PROSECUTION MANAGEMENT OUTLINE:
A GUIDE FOR SELF-STUDY

PROSECUTION MANAGEMENT OUTLINE:
A GUIDE FOR SELF STUDY

Your office needs shaping up, and you know it. You've decided to do it yourself rather than call in a private consulting firm, utilize services of your state or national association, or rely on other outside expertise. You have selected your team of analysts from office staff, local business and professional people, and/or other sources. Now what? Where do you start?

To help structure its own management study efforts, the National District Attorneys Association has developed a general outline of the functions of a prosecutor's office. Obviously, no single outline can cover all situations since jurisdictional responsibilities vary, particularly in such areas as traffic, civil, support, and so forth. However, the prosecutor should feel free to utilize such parts as are applicable and add any others which may be needed.

The outline is divided into three broad areas of (1) operations, (2) administration, and (3) planning and program development. Study team members should be assigned to cover certain sections of the outline -- e.g., 1.100 Professional Organization and Control and 1.200 Professional Staff Development under operations, 2.100 Support Organization and Control and 2.200 Staff Development under administration, and

so forth. Team members should concentrate upon their assigned areas to ensure the greatest possible range of study coverage along with minimal disruption of ongoing office activity. At the same time, consultants should not proceed in a vacuum. Team members should meet regularly to review findings, compare notes, and coordinate development of recommendations for improvement.

Although each area of the outline demands a certain degree of specialized expertise, four basic questions can and should be applied to any study subject:

1. What are the present practices and procedures?
2. What are the problems, if any?
3. What can be done to solve the problems or improve overall performance?
4. What is the best course of action and why is it the best?

The fundamental element in any successful management study is thorough and accurate analysis of the present situation. Good description is predicate to good prescription. Often, developing a comprehensive understanding of the present situation will make both sources and solutions of problems obvious.

Objectivity is essential. Tendencies to see the office as one thinks it ought to be, or to be unduly critical, should be avoided. The goal is to find the facts. In addition to conducting interviews, it is frequently enlightening to observe actual performance of tasks, procedures, paperwork, or other objects of the analysis.

An outline or checklist such as the one presented in the following pages can be very helpful in performing a thorough analysis. However, consultants should not become so dependent upon the outline that their inquiry is limited. Some areas not listed may need study, while other items which are listed may not be applicable or may present no problems. Additional areas may seem to be functioning smoothly under present procedures but could perform even better under a substantially different system. To help keep an open mind, the consultant may prefer to study the outline of his assigned area prior to beginning interviews and observations, then put it away and proceed on the basis of his own experience and instincts.

The management study outline is only a tool. It should not be considered complete or comprehensive, or an end in itself. It should be employed with flexibility and insight, modified where appropriate to fit the particular situation, and abandoned where it becomes inapplicable, restrictive, or superficial.

TECHNICAL ASSISTANCE OUTLINE

I. OPERATIONS: This area pertains to the major functions of the attorneys in the office. It includes investigation, case intake and screening, alternatives to prosecution, grand jury activities, plea negotiation, various court proceedings, appeals, and so forth. Also covered are functional relationships between the prosecutor's office and police, courts, correctional agencies, and other components of the criminal justice system.

1.100 PROFESSIONAL ORGANIZATION AND CONTROL

1.101 Organization

- a. Structure (How are the attorneys organized? Is an accurate organization chart available? If not, develop one and analyze it for a clear and effective chain of command as well as any multiple or unclear reporting relationships.)
- b. Delegation of responsibility and authority (Do the chief prosecutor or any of his senior assistants involve themselves in detail work which could be more profitably delegated to others?)
- c. Specialty trial teams and other special trial assignments (Are attorneys grouped into trial teams or any other special units? If so, do these units coordinate effectively with one another?)
- d. Investigators (How are they organized? What do they do? What is their relationship to the attorney staff?)

1.102 Control

- a. Supervision and evaluation systems (Are attorneys evaluated on a regular basis and informed of the results of their evaluations?)
- b. Methods of communication (How is information communicated to each attorney?)

1.200 PROFESSIONAL STAFF DEVELOPMENT

- 1.201 Hiring procedures (Who supervises? What are criteria? What results? Is there a program for recruitment of law school graduates? Internship program?)
- 1.202 Initial training and orientation (Who supervises? Any formal program? Use of written materials, seminars, observation of senior staff?)
- 1.203 In-service training (Any formal program? Use of National College of District Attorneys, Northwestern University Short Course for Prosecutors, etc.?)
- 1.204 Advancement (Who makes promotional decisions and what are the criteria?)
- 1.205 Quality and morale (Evaluate attorney competence, attitudes, and personnel turnover.)

1.300 INTAKE AND SCREENING

1.301 Intake activities

- a. Organization (How are intake activities organized? Are specific individuals or units assigned to intake functions? On a permanent or rotation basis? Experienced or inexperienced? Outline steps taken in processing a typical criminal case. Consider developing a detailed outline or flowchart of case processing from intake to final disposition.)

- b. Police report (When received? Sufficiency? Is there a uniform report for use by all law enforcement agencies in the jurisdiction?)
- c. Civilian complaints (Is there a defined procedure for processing these matters? Are specific personnel assigned?)
- d. Recordkeeping, files and paperwork (What records are initiated at intake? Intake log, file, disposition transmittal, etc. Look for duplications. Be sure all paperwork is necessary.)
- e. Policies (Decline, accept, alternatives to prosecution, diversion, uniformity, etc. Are incoming cases handled in a uniform manner? Are intake and screening policies clear to all concerned? Available in written form?)

1.400 LOWER COURT OPERATION

- 1.401 Description of the lower court (Jurisdiction, number of judges, docket, calendar, terms, etc.)
- 1.402 Organization of attorneys
- 1.403 Criminal cases (How are they processed?)
 - a. Felony (Initial appearances, probable cause hearings, etc.)
 - b. Misdemeanors (Initial appearances, motions, trials, appeals, etc.)
- 1.404 Traffic (How are they processed?)
- 1.405 Case-load management (Are there problems with scheduling, continuances, backlog, etc.?)
- 1.406 Preparation (Felony matters, misdemeanors matters, traffic, etc.)
- 1.407 Witness control (Are witnesses promptly informed of necessary appearances, pleas and continuances, case disposition?)

1.500 JUVENILE COURT

- 1.501 Description of the court (Jurisdiction, number of judges, docket, calendar, terms, etc.)
- 1.502 Organization of attorneys
- 1.503 Processing cases

1.600 GRAND JURY

- 1.601 Description of the grand jury (Jurisdiction, structure, terms, etc.)
- 1.602 How are attorneys organized to staff and handle grand jury proceedings?
- 1.603 Scheduling (Does the prosecutor have sufficient input?)
- 1.604 Procedures

1.700 HIGHER COURT OPERATIONS

- 1.701 Description of the higher court (Jurisdiction, number of judges, docket, calendar, terms, etc.)
- 1.702 Organization of attorneys (Are they assigned to cases or to stages of prosecution?)
- 1.703 Arraignment and initial appearances
- 1.704 Pre-trial motions, proceedings, and conferences
- 1.705 Plea bargaining procedures (Are policies clearly established and available in written form? Is practice consistent with policy? Is there a cut-off date for negotiations? Is there a procedure for review of plea decisions?)
- 1.706 Calendar and docket management (Scheduling, continuances, backlog, etc. Speedy trial rule compliance?)

1.707 Trials (Preparation, investigative support, operation of trial teams, etc. What is the prosecutor's disposition record? Does the number of dismissals, nol-prosses, etc. seem excessive?)

1.708 Appeals

1.800 INTERAGENCY AND COMMUNITY RELATIONSHIPS

1.801 Courts

1.802 Law enforcement agencies

1.803 Other prosecutors, if any, in the jurisdiction

1.804 Public defender

1.805 Public officials

1.806 Community

II. ADMINISTRATION: This area pertains to resources, systems, procedures, and controls necessary to support operations. It includes personnel management, space and facilities, equipment, paperflow and file control, office systems, budget, etc.

2.100 SUPPORT ORGANIZATION AND CONTROL

2.101 Organization

- a. Structure (Develop accurate organization chart of entire office. Determine how secretarial-clerical and other support staff are organized to support attorneys. Are relationships and areas of responsibility clear? Are there any duplicate or potentially conflicting reporting relationships? Verify through interviews.)
- b. Delegation of responsibility and authority (Are supervisors performing work which could be more appropriately performed by others?)
- c. Special units (Word-processing centers, information centers, central filing, etc.)

2.102 Control

- a. Line of authority and chain of command
- b. Supervision, accountability, and evaluation systems
- c. Policies and procedures (How are they communicated? Are they available in written form? Manuals, memoranda, directives, etc.)

2.103 Use of special staff (Interns, temporary help, etc.)

2.200 STAFF DEVELOPMENT

2.201 Hiring procedures (Who supervises hiring of administrative staff? What are the criteria?)

- 2.202 Initial training and orientation (Any formal program?)
- 2.203 In-service training (Any formal program?)
- 2.204 Cross-training
- 2.205 Advancement (Who makes promotional decisions and what are the criteria?)
- 2.206 Quality and morale (Evaluate competence and attitude. Any additional personnel needed?)
- 2.207 Staff meetings (Do administrative personnel regularly participate in staff meetings?)

2.300 PAPERFLOW AND FILE CONTROL

- 2.301 Paperflow (Outline and/or chart flow of forms and other paperwork. Analyze for efficiency. Check for duplications, bottlenecks, etc.)
- 2.302 Filing and recordkeeping systems (Criminal, civil, administrative, etc. Are case files centralized? Is any unit or individual responsible for their maintenance? Is there a policy for purging old files? Alphabetical or numerical organization? Structured file number? Pre-printed case jackets? Check-out system established and enforced? Single or multiple case file indexing systems? Current case status information readily available?)
- 2.303 Work product retrieval (Brief bank, etc.)
- 2.304 Forms design and utilization (Review forms for usefulness, duplications, efficient design, etc.)
- 2.305 Correspondence (Do existing procedures ensure prompt review of and response to incoming mail? Are adequate records maintained for both incoming and outgoing correspondence?)

2.400 INFORMATION SYSTEMS

- 2.401 What data is collected presently?

- 2.402 How is it collected?
- 2.403 How is it analyzed and utilized?
- 2.404 Is information currently available sufficient? What additional data is needed or desired by the prosecutor?

2.500 EQUIPMENT AND LIBRARY SERVICES

- 2.501 Availability (What equipment is available? Dictation, word processing, computer, etc.?)
- 2.502 Utilization (Is available equipment properly utilized? Is additional equipment needed?)
- 2.503 Library facilities (Are adequate library facilities available? Is additional material needed?)

2.600 SPACE AND PHYSICAL FACILITIES

- 2.601 Describe existing office space.
- 2.602 Utilization (Is present space efficiently and effectively utilized? Is security adequate?)
- 2.603 Are additional facilities needed? (Interview room? Central files?)

2.700 BUDGET AND FINANCE

- 2.701 Present budget (What is it? Is it adequate? Can changes be made without excessive delays?)
- 2.702 Sources of funding (Are local sources effectively utilized? Has the prosecutor fully explored possibilities for federal, state, and other grants?)

III. PLANNING AND PROGRAM DEVELOPMENT: This area pertains to both short- and long-term goals. It includes anticipation of future caseload, special projects, and expansion of the prosecutor's role as chief law enforcement officer in the jurisdiction. For purposes of the management study, it may not be desirable to treat this as a separate area from operations and administration. Items in this area of the outline in reality are quite intertwined with those under the other two major headings and should probably be considered along with them. Thus, team members might be assigned specific topics under operations or administration, plus planning and program development for those topics.

3.100 PLANNING AND PROGRAM DEVELOPMENT

3.101 Planning

- a. Work load profile (What kind of matters and how many of each are presently handled in the office?)
- b. Work load expansion projections (What is the expected increase in various types of matters in the jurisdiction?)
- c. Preparation for future workload (What is being done to prepare for the future?)

3.102 Program Development

- a. New projects and programs (What is being done to innovate and create new approaches?)
- b. How are present personnel and resources being used to develop new programs?]

3.103 Master plan

- a. Resources (What material is available on interesting programs, projects and concepts around the country?)
- b. Recommendations for improvement in the office.
- c. Goals and objectives (Both short and long range.)
- d. Evaluation (Are existing goals and objectives realistic? Are assignments being carried out in a timely manner?)

PERFORMANCE RATING FOR PROSECUTORS

PERFORMANCE RATING FOR PROSECUTORS

A good personnel management program is an essential component of an effective prosecution effort. Such a program should include recruitment policies which are clearly defined and aggressively pursued. Personnel policies and procedures should be put into written form and widely distributed. A career ladder, complete with detailed job descriptions, should be established so that each individual knows his or her role in the overall organization and the next possible step in advancement of either position or salary. Procedures for resolving personnel problems should also be clearly defined.

In addition, a system should be developed to enable supervisors to evaluate and rate their subordinates so that achievements will be rewarded, areas for improvement identified, and inadequate performance brought to the attention of both top management and the individual involved. An effective personnel program should be directed by a strong administrator. However, the great majority of supervisors do not enjoy pointing out subordinates' inadequacies and frequently put it off. This seems to be especially true of attorneys in general and prosecutors in particular.

There may be any number of reasons for this. For example, the prosecutor may feel that by hiring an attorney he is entering into a professional relationship where the normal rules of employer-employee conduct do not quite apply. Or, the prosecutor may think of himself as primarily a trial lawyer, rather than a supervisor, and thus be reluctant to devote a great deal of time to administrative activities. Still, assistant prosecutors have the same needs for personal recognition and guidance as other employees. Without such employer-employee communication, assistants and others may feel unsure of their position and future in the office. This will certainly dampen their enthusiasm for their work and consequently affect performance. It may even lead them to leave prosecution for careers in other areas.

The main goal of any evaluation system should be to bring together supervisors and their subordinates for face-to-face, two-way discussion of the subordinates' performance. Such conversations boost morale by assuring employees of their supervisors' interest in their performance and professional development and by providing them with an opportunity to air any personal questions or grievances they may have. A formal personnel evaluation also gives the supervisor a chance to sit down and carefully consider a particular employee's current status and future development needs. Evaluation sessions

should be scheduled semi-annually (more often for new employees) and should result in objective performance ratings of each person in the organization according to job title and pay grade. (It is wise to keep the rating system as simple as possible to encourage its conscientious application.) Such a system is needed so that when the time arrives for raises, transfers, promotions, and the like, the chief prosecutor knows the respective strengths of his people and has some relatively objective data upon which to base his decisions. This is particularly true in a larger office, where the prosecutor is unable to personally oversee all of his assistants.

There are two basic approaches to evaluation of personnel: structured and unstructured. A structured method may center around a list of specific performance factors such as punctuality, preparation, opening arguments, case development, cross-examination, closing argument, etc. An individual may be rated in these areas on a four- or five-point scale from outstanding to unsatisfactory. An overall performance rating might then be developed as a numerical average of these factor ratings, or as a somewhat more subjective opinion still based on the specific categorical scores.

An unstructured or nondirective approach requires the supervisor and employee to jointly determine the subject areas of evaluation,

either entirely on their own or within certain broad categories such as strengths, areas for improvement, actions to be taken, ability, attitude, and so forth. Such an approach is likely to be useful where performance is less susceptible to objective measures, as is often the case with attorneys. In fact, some prosecutors make excellent use of an evaluation system which consists of little more than regular face-to-face conferences between the attorney and his immediate supervisor. The result is a simple number rating and, if the supervisor feels promotion or discipline is in order, a one-page written summary of the reasons for the desired action. In most cases, no forms at all are involved.

A MODEL SYSTEM

Obviously, both structured and unstructured evaluation methods have their uses. In the prosecutor's office, each is suitable in varying degrees for monitoring the different activities. Generally, clerical evaluation systems tend to be more structured than those used for attorneys.

The system described in the following pages attempts to combine the best of both structured and unstructured approaches. It was developed as a result of several years of providing management technical assistance to prosecutors' offices all over the country, and is to

NAME (LAST, FIRST, INITIAL) _____

SOCIAL SECURITY NUMBER _____

JOB CLASS _____

DEPARTMENT _____

STRENGTHS: _____

WEAKNESSES: _____

GENERAL EVALUATION: IN MY OPINION, THIS INDIVIDUAL IS: _____

1. PERFORMING IN AN OUTSTANDING MANNER. (EXPLAIN ON REVERSE.)
2. PERFORMING IN EXCESS OF THE REQUIREMENTS OF THE POSITION.
3. PERFORMING ADEQUATELY.
4. NOT PERFORMING SATISFACTORILY. SHOULD BE RETAINED IN THIS POSITION ONLY IF SIGNIFICANT IMPROVEMENT IN NEXT ___ MONTHS.
5. UNACCEPTABLE. SHOULD NOT BE CONTINUED IN THIS POSITION. (EXPLAIN ON REVERSE.)

FUTURE PERFORMANCE OBJECTIVES: _____

SIGNATURE OF EMPLOYEE _____

DATE _____

SIGNATURE OF EVALUATOR _____

TITLE _____

DATE _____

some extent based on several excellent systems observed in operation during this time -- particularly those in Denver, Colorado; Baltimore Maryland (city and county); and Minneapolis, Minnesota. It is a model in the sense of a starting point, not an ideal. The prosecutor should feel free to make any modifications necessary, adding or omitting items as he sees fit to accommodate the system to the specific needs of his jurisdiction.

It is recommended that the front of the form illustrated on the preceding page be filled out in a conference between the employee and his or her immediate supervisor. The reverse is intended as a supervisor's worksheet, with space for listing data and comments in general performance areas which support the conclusions outlined on the front. Completion of this section would be optional. However, it would be desirable for the supervisor to consider using this part of the form prior to the evaluation conference to help clarify his ideas.

Identification. The example illustrated includes space for the employee's name, social security number, job classification (if any), and departmental assignment (if any). Other information might be added to this section, such as current salary and date of last salary increase, date of last promotion, and the like.

Strengths and Weaknesses. This section is largely self-explanatory. Space is provided for briefly describing the employee's two or three most prominent job-related strengths and weaknesses. These should be brought out in two-way discussion, with the supervisor first asking the employee's own feelings on the matter, then comparing them with his own, and finally placing their joint conclusions on the form. Employee responses should be solicited first so that the session involves as much self-appraisal as possible. Note that the form provides more space for strengths than weaknesses to keep discussion on a more positive level.

General Evaluation. Next, the evaluator assigns an overall rating based on a five-point scale as follows:

Outstanding	= 1
Exceeds Requirements	= 2
Meets Requirements	= 3
Improvement Needed	= 4
Unacceptable	= 5

Prosecutors should be compared to an average concept for those with similar experience and responsibilities. For example, a first-year assistant should be rated against the average performance expected of first-year assistants, supervising attorneys against the average of others with supervisory duties, and so forth. In evaluating personnel, the following points should be kept in mind:

- Do not rate an individual outstanding (1) unless you believe that he/she is the best or one of the best whom you have seen perform within the particular grade and should be promoted at the very next opportunity.

- Do not rate an individual improvement needed (4) unless you are prepared to notify him/her of that rating in writing. This notification will inform the individual of specific deficiencies which, if not corrected prior to the next performance evaluation, will result in termination of employment.

- Do not rate an individual unacceptable (5) unless you have already warned him/her of particular deficiencies which have not been corrected and you believe that termination is now in order.

- Do not rate an individual unless he/she has been under your supervision, or that of a supervisor assigned to you for at least three months. If this is the case, place UKN after his/her name for unknown.

As indicated, the performance evaluation should generally be conducted by the employee's immediate supervisor, or by a responsible individual with substantial direct knowledge of the employee's work activities. The evaluator should strive to be as objective as possible in appraising the employee's work. In this regard it is helpful to keep in mind several tendencies which should be avoided:

- Rating high. Giving everyone unrealistically high ratings can impede employee development by failing to point out areas where improvement is needed. This can also reflect upon the rater, when one of his subordinates is found to be unprepared for duties assigned on the basis of his ratings.

- Rating low. Giving consistently low ratings also reflects upon the judgment of the rater and can be a contributing factor in morale and turnover problems.

- Rating high in all categories when overall performance is satisfactory. Everyone has strengths and weaknesses, and it is highly unlikely that any individual's work can be realistically judged all good or all bad.

- Rewarding friends and punishing adversaries, or giving higher marks to those who in some way resemble the rater. Fairness demands that the personnel evaluation focus on performance methods and results. Personality and like factors should be considered only where they genuinely affect performance.

- Giving excessive weight to seniority. It is natural that experienced employees should perform better than those with less experience. However, this should not be assumed. Again, the focus of the evaluation should be on actual results and methods, not personal familiarity or length of service.

Future Performance Objectives. Next, the evaluator and employee should agree upon several steps to be taken prior to the next evaluation with the aim of correcting the notable weaknesses specified earlier in the form and improving the individual's overall rating. These objectives should be specific, reasonable, and attainable within the time allotted -- not some ideal level possible only to one attorney in a thousand. They should also be recognizable stages in an overall pattern of advancement toward what the employee visualizes as his ultimate career goals. Realization of such objectives will provide the employee with a stronger feeling of progress and achievement.

Signature. Finally, the completed evaluation form should be signed by both the employee and the evaluator. Space is also available in the lower right corner for an evaluation review sign-off procedure, if desired -- as by a department head or by the chief prosecutor himself.

Achievements. As indicated on the form, this section should be used to summarize the employee's accomplishments toward meeting the performance objectives outlined in previous evaluations. Also included might be any outstanding work done during the evaluation period.

Ability. In this section, the evaluator should comment upon such factors as technical knowledge, organizational skills, amount of supervision required, ability to work with others, and so forth. Specific subjects covered will vary with each individual employee and job. It may be useful to develop separate checklists of performance factors to be considered in evaluating personnel in the various work areas. For example, factors to be examined in appraising a trial attorney might include the following:

- Coverage of court
- Case preparation
- Docket administration (witnesses, other attorneys and dispositions)
- Oral argument
- Motions
- Briefs
- Relationships with judges, other attorneys, police, and citizens.

Similar lists could be drawn up for civil, juvenile, and other broad functional areas.

Comments. This section should be used for any general remarks by the evaluator, and for supporting any overall evaluation of outstanding (1) or unacceptable (5).

THE TOTEM POLE

Particularly in a large office, where the chief prosecutor is unable to maintain contact with day-to-day operations and several people are involved in evaluating personnel, it is important to have a method of comparing employees in various operational areas. Of course, no such comparison can be truly exact, but in some situations the attempt must be made in order to provide as fair a basis as possible for salary increases, promotions, reassignments, and so forth. One of the best systems for this seen by the PATS Bureau technical assistance teams is the "totem pole" approach employed in the Baltimore County (Maryland) State's Attorney's Office. Basically, this system is designed to give the chief prosecutor lists of employees by salary classification, with the names in each list arranged in descending order from most to least qualified.

Periodically, the personnel or office manager should provide each supervisor with a separate list for each classification in which there are prosecutors reporting to him. The lists should contain the name of each prosecutor along with the date of hiring, date of last promotion, last rating, and appropriate spaces for present rating and remarks. A form suitable for this purpose is shown on the next page.

The supervisor then conducts evaluation interviews with his subordinates and assigns a numerical rating to each. The model form and procedure outlined earlier could be used for this, as could a simple face-to-face conference and numerical rating method. Next, the supervisor should group the employees and determine their individual rank within each numerical rating. For example, if above average (2) ratings are assigned to three entry-grade assistants, the supervisor should next decide who is best qualified in descending order among the three. This forces the supervisor to more closely evaluate such factors as potential, coolness under pressure, attitude toward the office, and relevant personal traits.

Sometimes these are very difficult choices. For example, Jones may be the senior man in experience and time in grade, but Smith may be a very clever trial lawyer who the supervisor believes will

ultimately surpass Jones. Davis may be above average but not in the same league with Jones and Smith. The totem pole forces the supervisor to make these fine distinctions so that when he submits his totem pole the three assistants will appear as follows:

Entry Grade Totem Pole
As of 7/1/76

<u>Division</u>	<u>Name</u>	<u>Mo/Yr Hired</u>	<u>Date Promoted</u>	<u>Last Rating</u>	<u>Rating</u>	<u>Remarks</u>
1. Misdemeanor	Smith	3/76	N/A	N/A	2	Shows great Promise
2. Misdemeanor	Jones	12/75	N/A	N/A	2	
3. Misdemeanor	Davis	3/76	N/A	N/A	2	

The preceding ranking order indicates that although Smith, Jones, and Davis rated above average, if any promotions are to be made among the entry-grade assistants, their supervisor desires Smith to be considered first, Jones second, and Davis third.

Supervisors prepare and submit totem poles for all grades under their supervision in the same manner. The lists are then collated by the personnel manager so that the chief prosecutor has ratings for all prosecutors on his staff according to grade classifications. The total list of entry grade assistants prepared by the personnel manager might appear as shown on the next page.

Entry Grade Totem Pole
As of 7/1/76

<u>Division</u>	<u>Name</u>	<u>Mo./Yr. Hired</u>	<u>Date Promoted</u>	<u>Last Rating</u>	<u>Rating</u>	<u>Remarks</u>
1. Felony	Richards	9/75	N/A	2	1	
2. Felony	Doe	10/75	N/A	2	2	Good prospect
3. Misdemeanor	Smith	3/76	N/A	N/A	2	Shows great promise
4. Juvenile	Roe	3/76	N/A	N/A	2	Excellent prospect
5. Misdemeanor	Jones	12/75	N/A	N/A	2	
6. Juvenile	Johnson	2/76	N/A	N/A	2	
7. Misdemeanor	Davis	3/76	N/A	N/A	2	
8. Juvenile	Allen	11/75	N/A	3	3	
9. Misdemeanor	Burns	11/75	N/A	3	3	
10. Misdemeanor	Cane	11/75	N/A	3	4	Poor attitude

Let us assume that as of July 1, 1976, there were three vacancies in the next grade, so that three promotions can be made. Clearly Richards, who has been rated outstanding by the Felony Division chief, will be the first promoted. The question now facing the chief prosecutor is who among the six exceeding the requirements of their positions should be promoted to the other vacancies.

All promotional decisions should be made at staff meetings involving the chief prosecutor, his division chiefs, and the personnel manager. The division chiefs should be ready to explain their ratings with specific reasons. Doe, Smith, and Roe were obviously at the top of the exceeding requirements (2) ratings in their divisions. Since there are only two remaining vacancies, the choice is difficult. Each division chief should argue the case for his man, with the chief prosecutor making the final decision. Doe will probably receive one of the promotions since he has seniority over Smith and Roe, all other factors being equal. Whether Smith or Roe receives the remaining promotion will depend on the strength of the cases presented by their chiefs. The fact that Smith is trying misdemeanors while Roe is trying juveniles should not be given unusual weight since it will tend to lessen the importance of juvenile prosecutions if Smith is chosen solely for that reason. However, the nature and

complexity of each prosecutor's work clearly has a bearing on his progress in the office. There is no easy way to solve this type of personnel management problem. It is one of those hard decisions involving competing interests which only the chief prosecutor can make. The division chiefs should know their boss well enough to trust his or her decisions as being for the good of the organization.

All prosecutors, from the time that they are hired, should be aware of how their performance is evaluated. Supervisors should discuss each subordinate's performance personally, telling the subordinate what his rating will be and the reasons why he is considered to be meeting or exceeding requirements, in need of improvement, etc. However, the supervisor should not discuss the employee's position on the totem pole. The totem pole lists of each supervisor and the office as a whole should remain confidential and should only be seen by the chief prosecutor, the division chiefs, and the personnel manager. They are tools of management designed to enhance managerial decisions. The supervisor making such critical judgments should be free of external influences. He is more likely to be objective if he knows that his decisions will not become the topic of office conversation.

RATING CLERICAL STAFF

In general, the techniques outlined above can also be employed to evaluate clerical personnel. However, a more structured appraisal form has been designed for this purpose and is illustrated on the following page. Specific rating criteria may be varied according to the needs of your particular office. In addition, certain criteria may be assigned more weight in determining the overall rating. For example, completion of work on schedule and performance with little supervision may be more critical to the effectiveness of a trial attorney's secretary than a file clerk. Still, the overall rating should be consistent with the individual factor ratings.

The comments section at the right side of the page should be used for explaining individual factor ratings, as appropriate, especially those of outstanding, unacceptable, or improvement needed. It might also be used for developing a plan for improvement.

Again, employees should be rated against an average performance concept for their job classification, not against some overall ideal standard. First-year secretaries should be judged against the expected performance of an average first-year secretary, file clerks against file clerks, and so forth. As before, the evaluation form

CLERICAL/SECRETARIAL PERFORMANCE EVALUATION

NAME (FIRST, LAST, INITIAL) _____
SOCIAL SECURITY NUMBER _____
JOB CLASS _____
SALARY _____
DEPARTMENT _____
RATING PERIOD _____

ITEMIZED FACTOR CHECKLIST	DOES NOT APPLY	OUTSTANDING	EXCEEDS REQUIREMENTS	MEETS REQUIREMENTS	IMPROVEMENT NEEDED	UNACCEPTABLE
1 ATTENDANCE AND PUNCTUALITY						
2 COMPLIANCE WITH RULES						
3 PERSONAL NEATNESS						
4 ABILITY TO WORK WITH OTHERS						
5 SELF EXPRESSION						
6 OPERATION AND CARE OF EQUIPMENT						
7 ACCURACY AND NEATNESS OF WORK						
8 QUANTITY OF WORK						
9 COMPLETION OF WORK ON SCHEDULE						
10 WILLINGNESS TO ACCEPT EXTRA DUTY						
11 PERFORMANCE UNDER PRESSURE						
12 ADAPTABILITY						
13 PERFORMANCE WITH LITTLE SUPERVISION						
14 PROFESSIONAL ATTITUDE						
EMPLOYEES WHO SUPERVISE						
15 TRAINING AND LEADING STAFF						
16 PLANNING AND ASSIGNING WORK						
17 FAIRNESS AND IMPARTIALITY						

- GENERAL EVALUATION: IN MY OPINION, THIS INDIVIDUAL IS:
- 1. PERFORMING IN AN OUTSTANDING MANNER.
 - 2. PERFORMING IN EXCESS OF THE REQUIREMENTS OF THE POSITION.
 - 3. PERFORMING ADEQUATELY.
 - 4. NOT PERFORMING SATISFACTORILY. SHOULD BE RETAINED IN POSITION ONLY IF SIGNIFICANT IMPROVEMENT IN NEXT _____ MONTHS.
 - 5. UNACCEPTABLE. SHOULD NOT BE CONTINUED IN THIS POSITION.

SIGNATURE OF EMPLOYEE _____
DATE _____
SIGNATURE OF EVALUATOR _____
DATE _____

should be completed in conference with the employee, with two-way discussion on each point. This discussion should be kept on as positive a level as possible. Its focus should be on the employee's performance, not the employee personally. Its aim should be to improve performance of the individual employee, and of the office as a whole. At the conclusion of the conference, both the evaluator and the rated employee should sign the form to signify their agreement on the conclusions listed there.

CONCLUSION

Any rating system is only as effective as the people administering it. Good supervisors can make nearly any system work well. It is important that evaluations be conducted in a fair and impartial manner with emphasis on performance, rather than personalities or other extraneous factors. It is equally important that employees see these sessions not as a threat but as an opportunity for reviewing their career orientation and progress, formulating plans for future development, and improving their position in the prosecutor's office. In this way, an effective personnel evaluation system can provide substantial benefits to prosecution in terms of improved morale, reduced employee turnover, and increased productivity and operating efficiency.

BASIC INFORMATION SYSTEMS
FOR THE PROSECUTOR

BASIC INFORMATION SYSTEMS FOR THE PROSECUTOR

INFORMATION -- no prosecutor can survive without it. Number of cases received, number screened, number accepted for prosecution/returned for follow-up investigation/diverted/refused, number of defendants in jail, number of arraignments, individual case status, and on and on. The prosecutor must have access to such data to control his operation.

The single most important aspect of any information system, whether manual or automated, is to ensure that accurate and complete data are gathered and entered into the system. A second rule of great importance is that all information should be collected at the earliest possible point in time so it can be used from there on. No less important is the fact that forms and procedures should be kept as simple as possible to facilitate operation of the system as well as minimize costly and time-consuming recordkeeping activities.

In many offices, processing of felony and misdemeanor paperwork is well systematized in that there is a clearly defined channel through which each case moves from intake to disposition. Each secretary may have specific duties for which she is responsible in

handling cases at various stages of the judicial process. The result is effective though not necessarily efficient.

The inefficiency generally stems from the highly fragmented nature of the process. For example, there may be no connection between records for felony and misdemeanor cases, even though the same defendant may be involved in both types of offenses. Moreover, the paperwork which must be produced at the various stages of felony or misdemeanor prosecution may be divided among secretaries in a manner requiring almost totally independent operation of each secretarial work station for cases at that stage and forcing maintenance of many duplicate files, card systems, docket sheets, and log books. This multiplicity of systems and possible case file locations makes it difficult to locate individual file folders and information on individual cases. A great deal of clerical and attorney time must then be expended each day in simply hunting for file folders or information -- an extremely frustrating task for all concerned.

Generally, the first step in alleviating such a situation is substantial simplification of the office's criminal case records, plus concurrent reassignment of clerical staff to a separate records unit.

Such a reorganization could reduce the number of individuals needed to reference case information. In addition, the number of filing and card systems should be reduced to one or two, and many of the log books should be eliminated. While this can be a somewhat drastic change, it will often not require any reorganization of the basic case processing operations, nor any expenditure of funds. Major objectives would be to make file folders easier to locate and more accessible to those who need them, as well as to maintain more complete and accurate records on individual cases and overall office activity with a minimum of effort and duplication. The benefits include substantial savings of time, effort, and supplies by reducing the volume of redundant information maintained on individual cases and by providing a system designed to be more easily and efficiently utilized.

There are five basic elements to the proposed case filing and information system:

1. Consolidated files and records area.
2. Index "control" card.
3. File folder.
4. "Tickler" card.
5. Activity summary sheet.

Centralization. As an initial reorganizational step, files for felonies and misdemeanors should be consolidated into a single system, and the disparate files for cases in various stages of criminal adjudication should be gathered into a central location. There should be only two sets of files: one for all open cases and another for closed cases. This division is practical for everyday use since the great majority of activity relates to open cases. While closed cases should be filed in the same geographical part of the office as open cases, they can be stored in a slightly less accessible place if physical requirements dictate.

In addition, files should be organized according to numbers assigned by the prosecutor. The numbers should be sequential, continuous, and designed to provide certain information without requiring a check of the folder itself. For example, a number such as 77-0001-F could be used to indicate the first case filed in 1977, which happened to be a felony. Similarly, 77-0002-M would be the second case and a misdemeanor. Alternatively, different colored labels might be used to distinguish between felonies and misdemeanors, while the numbers could be purely sequential or used with alphabetic characters to indicate other information important to the prosecutor such as specific nature of the case, prosecuting attorney assigned,

county or city of origin, and so forth. In general, color coding should be used to indicate the most commonly sought attribute, and the structured number to give less frequently needed but more detailed information.

The central files area should be of sufficient size to accommodate all filing equipment and personnel. In addition, some effort should be made to restrict access. Ideally, files would be located in a separate room with a single dutch door. However, a similar result can be achieved by other means, perhaps through positioning of file cabinets if no more secure arrangement is possible. Security is important to any filing system if those in charge are to be able to locate folders when needed. It would be most desirable to have clerical staff members responsible for filing and records be the only ones in the office with routine access to the open and closed case folders in the central filing area. Anyone wishing to use the file would obtain it from a files secretary, who would make an appropriate notation on a checkout card or similar record to ensure accurate knowledge of the location of every folder in the office. While attorneys should be free to use files whenever necessary, some system must be initiated to minimize the amount of time and effort spent in locating file folders.

In examining the records to be maintained within the office, the chief prosecutor should work closely with his first assistant and chief clerical supervisor to decide what data is needed to provide meaningful individual case and summary workload information. A careful and thorough examination should then be made of current office recordkeeping. Efforts should be made to eliminate unnecessary material, add desired data not now maintained, and then simplify the system so that all desired information can be recorded and retrieved with a minimum of effort.

Index Cards. To facilitate individual case tracking, index cards should also be consolidated in a central filing location. For example, rather than having several separate places for felony index cards as they proceed through the judicial process (e.g., pre-grand jury, grand jury, trial, and disposed), these card systems should be located in the central filing area. This would eliminate the need for transferring cards from one place to the next as the case moves through the process. It would also make them easier to find. In addition, adding current activity information to each case index card would provide a ready source for current status as well as a complete activity history for each case. Rather than looking in several different areas to find the status of the "John Doe" case, the records custodian need look in only one place.

A similar consolidation of index cards should be performed for misdemeanors. Moreover, index cross-references between felony and misdemeanor cases should also be combined to provide coordination of prosecution of the same defendant at those two levels.

In consolidating the various card indexes, the prosecutor should adopt a standard information format for the cards themselves. The following page illustrates a suggested design for an index "control" card to be used for all types of criminal cases. This could be modified as necessary to incorporate all essential information presently recorded on cards for either felonies or misdemeanors, including the current status of each case. The latter would permit the records unit to refer to the card for information which presently may require either a separate case status record system or a check of the file folder itself.

When the case index card is initially prepared, it would appear as illustrated in the sample opened control card. As activity proceeds, the attorney will note changes on the folder before returning it to central files. The records secretary, in turn, would mark any status change on the index card and return the folder to the shelves or to the attorney if required. This practice would

Defendant's Name Prosecutor's # Police Agency	Charge Date of Offense	Court JP # ; JP case #
_____	Complaint filed	
_____	_____	
_____	_____	
_____	_____	
Plead: G / NG	Found: G / NG	By: Ct. / Jury
Sentence:		

CONTROL CARD
FORMAT

Doe, John Q. 77-0001-F APD	DWI - II 7/3/77	D. Ct. 77-0001 JP 7 #01234
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TICKLER CARD

Doe, John Q. 77-0001-F APD	DWI - II 7/3/77	D. Ct. 77-0001 JP 7 #01234
_____	7/5/77	Complaint filed
Plead: G / NG	Found: G / NG	By: Ct. / Jury
Sentence:		

OPENED
CONTROL
CARD

Doe, John Q. 77-0001-F APD	DWI - II 7/3/77	D. Ct. 77-0001 JP 7 #01234
_____	7/5/77	Complaint filed
Plead: G / NG	Found: G / NG	By: Ct. / Jury
Sentence:		

CLOSED
CONTROL
CARD

provide the records secretary with a source of up-to-date information on each case. The cards system would then serve as the primary resource for accumulation of summary case statistics.

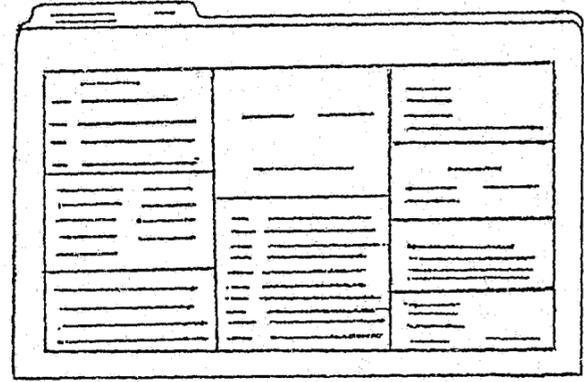
As the illustration indicates, a duplicate of the control card should be created for use in a "tickler" file. By using NCR or carbon surfaced paper, both cards can be produced simultaneously. Only the first two lines need be reproduced to create the tickler card. The control card would then remain in the master index file at all times until the case is closed, at which time it would be transferred to a closed case index. The tickler card, on the other hand, would be placed in a second file divided into sections representing the various stages of criminal procedure -- e.g., grand jury preparation, ready for grand jury, set for trial, awaiting lab reports, etc. When a case moves from one stage to the next, the tickler card would be pulled from the old classification and replaced behind the new one. Organization within procedural sections could be alphabetical, numerical, or by next action date.

Thus, the office would have a ready source of information on the number and identity of cases in each criminal stage. From the tickler file sections, the clerical staff could produce lists of

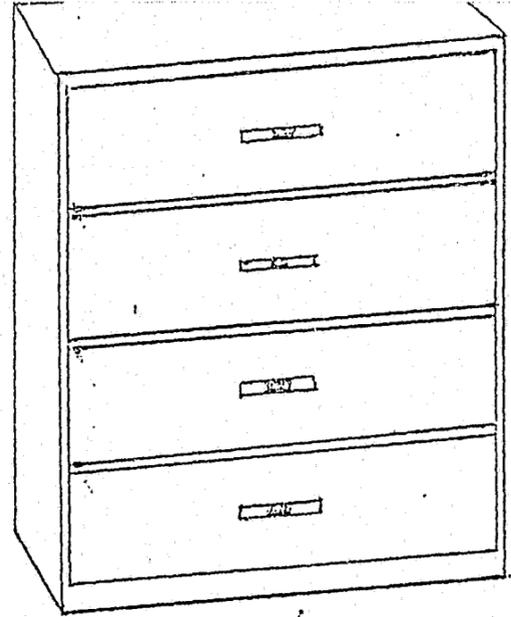
cases pending grand jury presentation, misdemeanor court, felony trial, and so forth. Use of a master control card along with a "tickler" card could conceivably allow the office to eliminate most of its other present card systems and log books.

Preprinted Folder. The file folders should be the primary source of case information for the records custodian. Any time a case is set for trial, an arraignment held, a plea negotiated, or any other significant case activity occurs, that information should be noted by the attorney on a "case record" sheet maintained outside the file folder. The folder would then go to the central records area where the records custodian would make the proper notation on the control card. Subsequently, the folder would be replaced on the filing shelves or returned to the attorney if desired. This stop in the records section should be of minimal duration, causing little if any inconvenience to the attorneys. On the other hand, the procedure will be a great benefit to the office in that current, complete, and accurate case status information as well as summary workload statistics will be available to the prosecutor at all times. The chart on the following page illustrates movement of the file folder to the records section and other elements of the manual information system as they relate to one another.

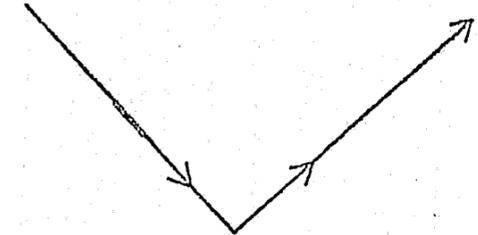
MANUAL INFORMATION SYSTEM



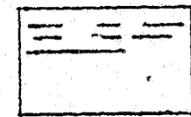
FILE FOLDER



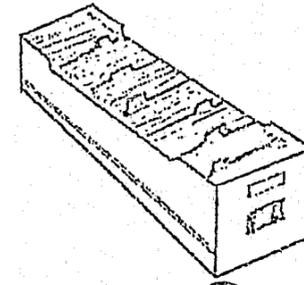
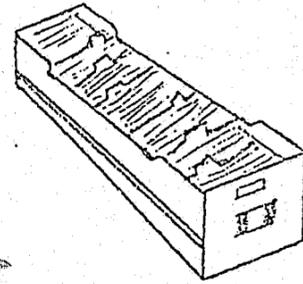
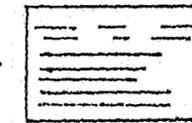
CENTRAL FILES



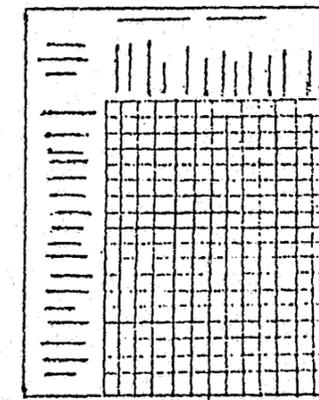
TICKLER SYSTEM



CONTROL CARDS



ACTIVITY REPORT



In upgrading his filing and information systems, the prosecutor should definitely consider adopting a preprinted file folder to facilitate information transfer and records activities. Preprinted folders are inexpensive and easier for the clerical staff to work with in obtaining case status information. A sample preprinted design developed by the NDAA is illustrated on the following pages. This sample format can be modified to suit the requirements of local procedure and the desires of the individual prosecutor for certain types of information. Given a proper design, a preprinted file folder can be extremely easy for the attorney to fill out and for the records custodian to read and transfer information.

Activity Summary Sheet. The final element of the recommended information system is a summary activity report. As case information is received via the file folder, the records custodian would record changes on the individual case control card and make necessary adjustments in the tickler file system to reflect current status. In addition, it would be easy for the custodian to make a brief notation on an activity summary report such as the sample form shown on page 17. The prosecutor should develop similar sheets for both felony and misdemeanor cases, modifying the sample as needed to meet his own particular requirements.

The sample summary form lists felony charges down the left side and procedural steps across the top. To utilize the sheet, the records custodian would read down to the type of offense concerned (e.g., DWI second offense), across to the column reflecting the action taken (set for trial), and then place a single tick mark in the appropriate box. In the sample form, provision has been made for recording both defendants and charges. The prosecutor should decide and make clear to the records custodian what information he wishes kept, whether defendants, charges, or indictments/informations. Whatever his desires, the prosecutor should make certain that the records custodian understands how "cases" are to be counted.

At the end of the day, the records custodian would tally the marks in each column and note the totals at the bottom of the sheet. Daily totals could then be tallied at the end of the week and month. Thus, by spending only a few moments each day, the office could maintain complete, accurate, and up-to-date workload summary information which could be used by the prosecutor in estimating future workload and planning staff assignments as well as in managing daily operations. Such a system could be used to provide daily or weekly reports on such matters as the number of

cases dismissed in felony court, the number of continuances requested by the prosecutor's office, pre-trial motions won or lost, and various other information which might direct attention to potential problem areas. For example, by looking at the totals of the first four columns, one might note that the sum of cases processed in columns two through four does not equal the number of cases received as noted in column one. Such a result would indicate a backlog in screening cases at the intake level.

In reviewing types of information to be recorded by the office, the prosecutor should reconsider the need for any logs maintained on misdemeanor complaints and informations, warrants, drug cases, probation revocation, and like matters. It may be that they are unnecessary or that they duplicate functions which will be more efficiently performed by the recommended system. The need for maintenance of all logs should be carefully reevaluated. If the prosecutor decides to continue them, a further examination should be made of their format and of the necessity for maintaining each item.

Many prosecutors' offices receive a large number of calls from law enforcement agencies requesting information on disposed cases. Under the proposed system, an office could utilize the tickler cards

to relay this information to police. Rather than taking the time each month to type a complete disposition list, the records custodian could simply pull the tickler card (since the case is closed, there is no more need for it). She would write the disposition on the card and then send it to the agency involved. Subsequently, phone calls received from police officers concerning those cases should be referred to their own department's records.

* * *

Development and implementation of an effective information system can provide the prosecutor with many tangible and intangible benefits. Obviously, better information can improve control of cases and proceedings by facilitating case preparation, communication with civilian witnesses and police, coordination of prosecution of the same defendant at felony and misdemeanor levels, and so forth. It can also make the prosecutor more aware of present and potential problem areas and bottlenecks in his office operation. Furthermore, accurate objective measures of workload and performance can be most useful in evaluating personnel, supporting budget and grant presentations, and in keeping the public informed of the prosecutor's achievements.

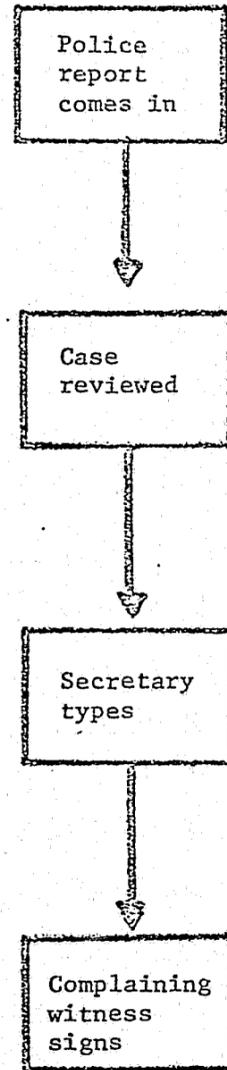
CHARTING PAPERFLOW

CHARTING PAPERFLOW

One way of viewing a prosecutor's office is to think of it as a paper-moving machine. That is, it is in the business of moving papers from one place to another and modifying them. A considerable proportion of the resources and expenditures in a prosecutor's office is devoted to his "paperflow." In order to understand the paperflow, a manager has to know how it works, what, in fact, is being done. Similarly, in order to study and apply logic to the work in an office, it is necessary to discover just what work is being done. To plan future work it is important to be aware of the impact such work will have elsewhere.

One of the best methods available to discover and document the work that is being done is "flow charting." The use of this technique by data processing entities has greatly increased its popularity and helped others in management to understand and use such a method in their own offices. Put simply, the proper charting of paperflow in a prosecutor's office consists of recording systematically and in adequate detail the movement of documents from the point at which they enter the flow through each step of the process until there is a final disposition. These methods, which were used at least as far back as the construction of the pyramids, can, if used properly, reflect the entire nature of an office's work.

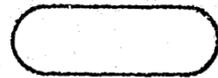
It is not adequate, however, merely to depict each general stage of the procedure. The following, for example, is not detailed enough:



Each document or paper utilized should be depicted on the chart and given a number. Then, to make the description more complete, a document list should be constructed, defining each document or piece of paper as numbered. As a narrative for the chart, each step is numbered and very briefly defined.

It is important to actually "walk" through the system from start to finish. That is, physically and personally observe the paperflow; go to the area where the first paper is received, then move through the office, following the paper as it goes from one step or process to another. It is not enough just to ask someone about what happens. Each step or process should actually be observed.

It is best to keep the symbols and characters to a minimum and the chart as simple as possible. Here, for example, are some symbols and characters which may be used:



Start or finish as designated.



An activity or process involving the input or creation of a new document.



An activity or process not involving input or creation of a new document. Documents already introduced into the system are utilized.



A document as designated.

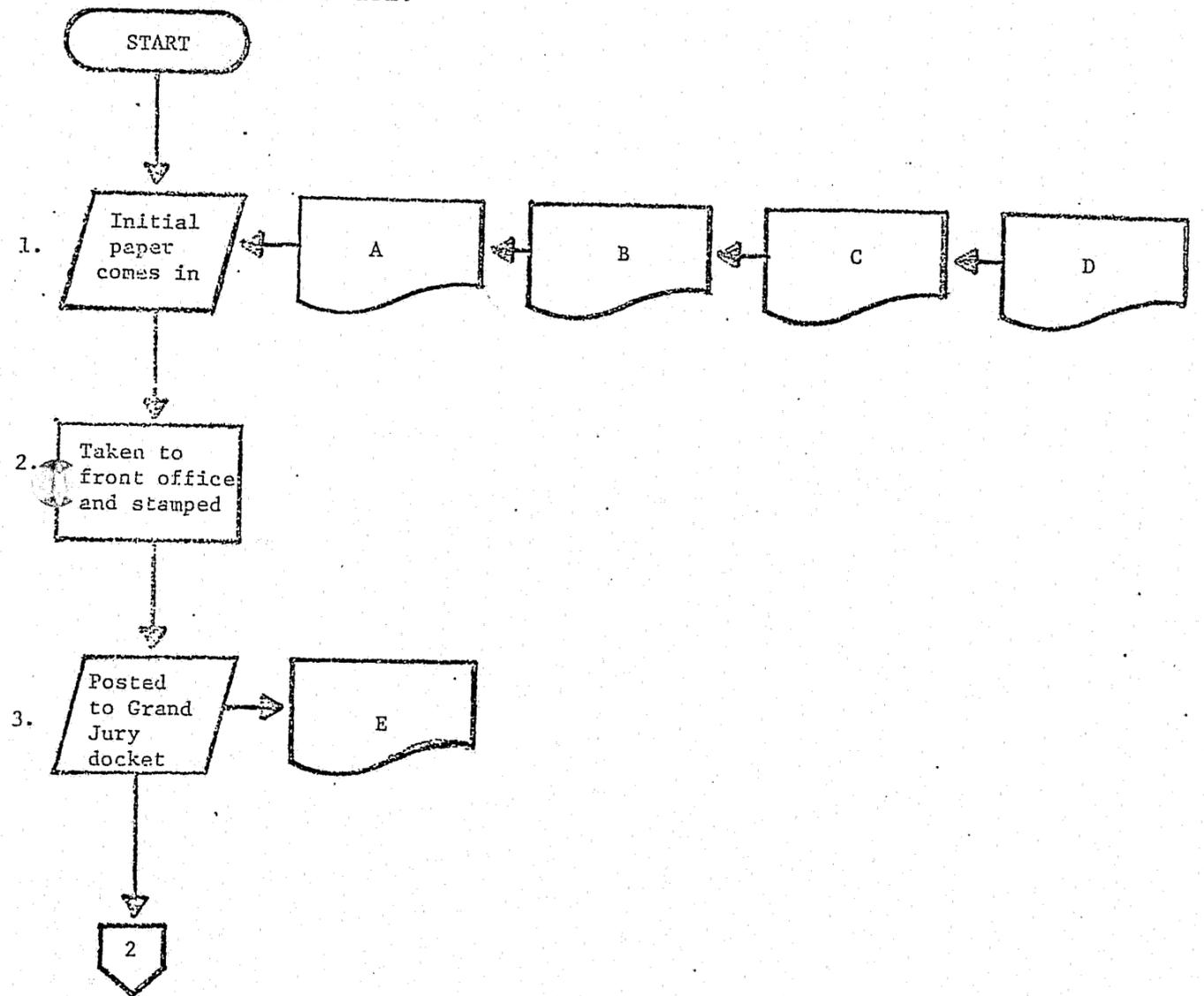


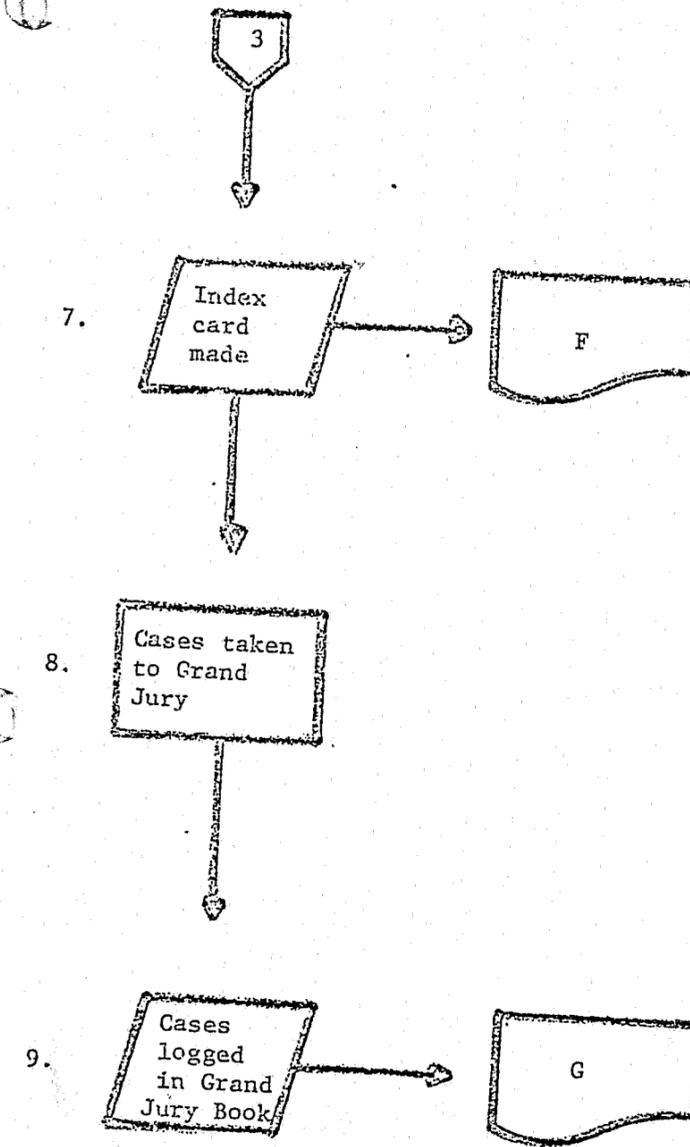
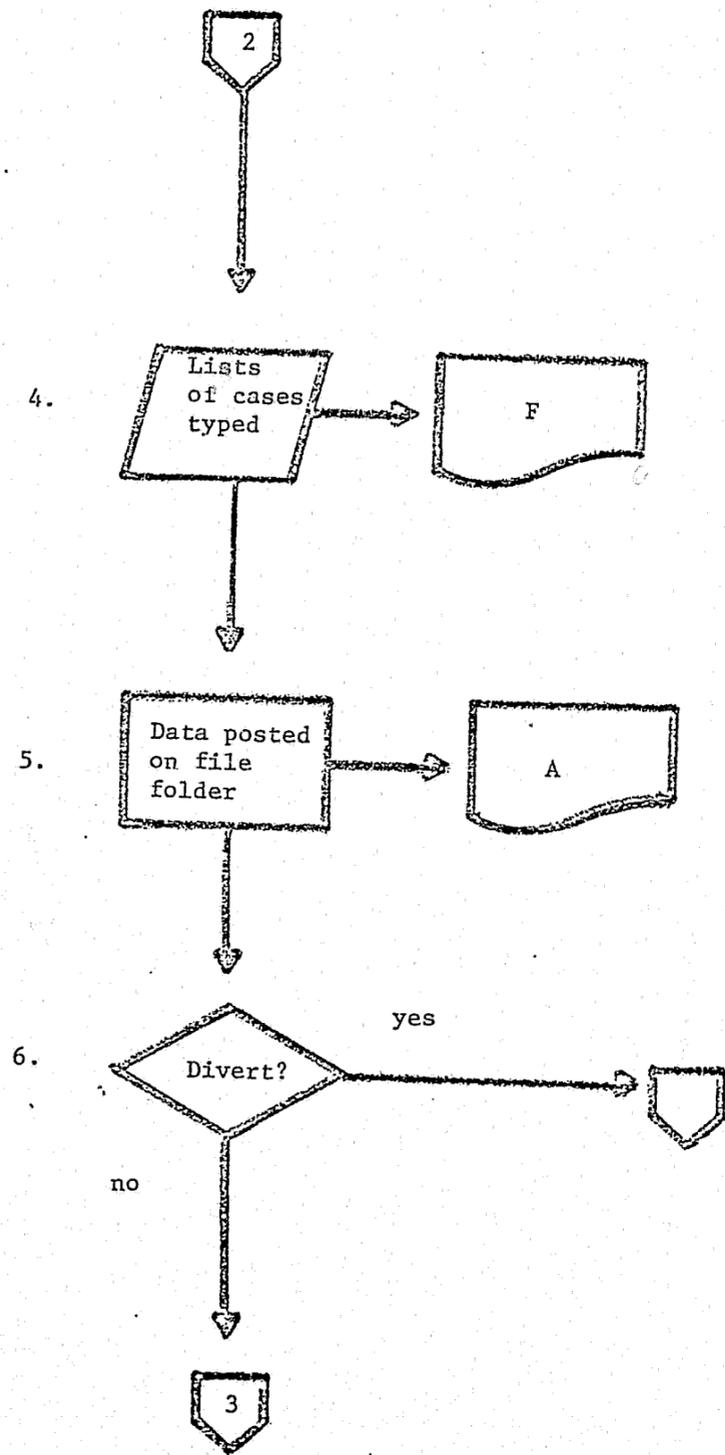
A decision has to be made.



Off page connector.

Following are some sections of a flow-chart which demonstrate the technique. Note that these procedures come from an actual office situation and should not be construed as a "model."





Following is a list of the documents as indicated in the preceding chart:

Documents

- A file folder
- B copy of criminal complaint
- C copy of bail certification
- D copy of Magistrate court transcript
- E grand jury docket (large hard-bound book)
- F index card for record room
- G grand jury date book (calendar)

The steps as indicated in the flow chart are as follows:

1. Pre-numbered file folder containing copy of criminal complaint, certification of bail, and magistrate court transcript received at trial listing room.
2. File taken to front office to be time stamped.
3. File taken back to trial listing room to be entered into Grand Jury docket. Each case entered into Grand Jury calendar in numerical sequence showing name of defendant, charge, name of complainant, magistrate, date received.
4. Lists of cases are typed vertically on a page, showing case number, name of defendant, and charge.
5. Certain data, including 180-day speedy trial date, written on file folder. The date is established by referring to paperwork in the file.
6. Cases to be reviewed by Diversion are selected and routed to that activity. The cases to be routed to Diversion include everything except homicide, rape, lottery, and exclusive drug cases.
7. An information data sheet and an index card are created for each case not kept by Diversion. The data sheet and

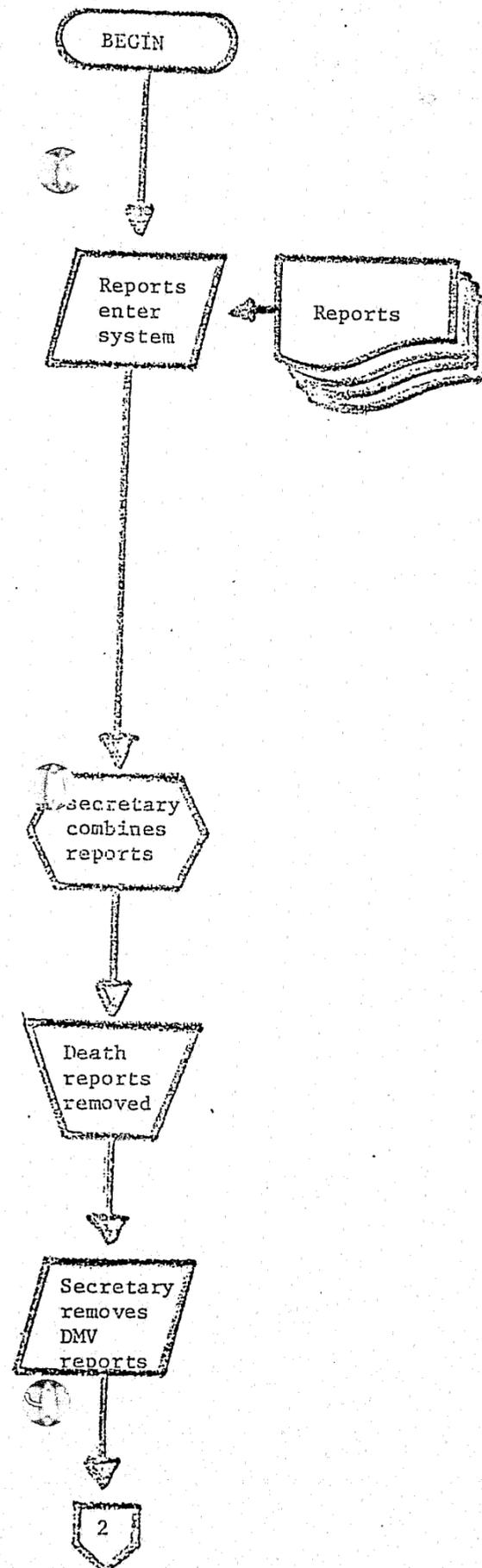
index card are routed to the record room to be housed there.

8. Files involving cases to be presented to Grand Jury are taken to indictment room.

9. Each case is logged in the Grand Jury date book, which is a small black book kept on the counter. The book has a list of preprinted case numbers. The date when case was received in the indictment room is handwritten by the appropriate number in the date book. Later, when the Grand Jury is established, that date will also be written. Each file folder is filed numerically in a file cabinet drawer.

There is no required format to use in charting these steps. More important, anyone who has the interest can chart the paper flow. To illustrate another approach, a chart depicting the preparation of a felony complaint or information is set forth in the following five pages.

PREPARATION OF COMPLAINT OR INFORMATION OF FELONY
PAPERFLOW DOCUMENTATION



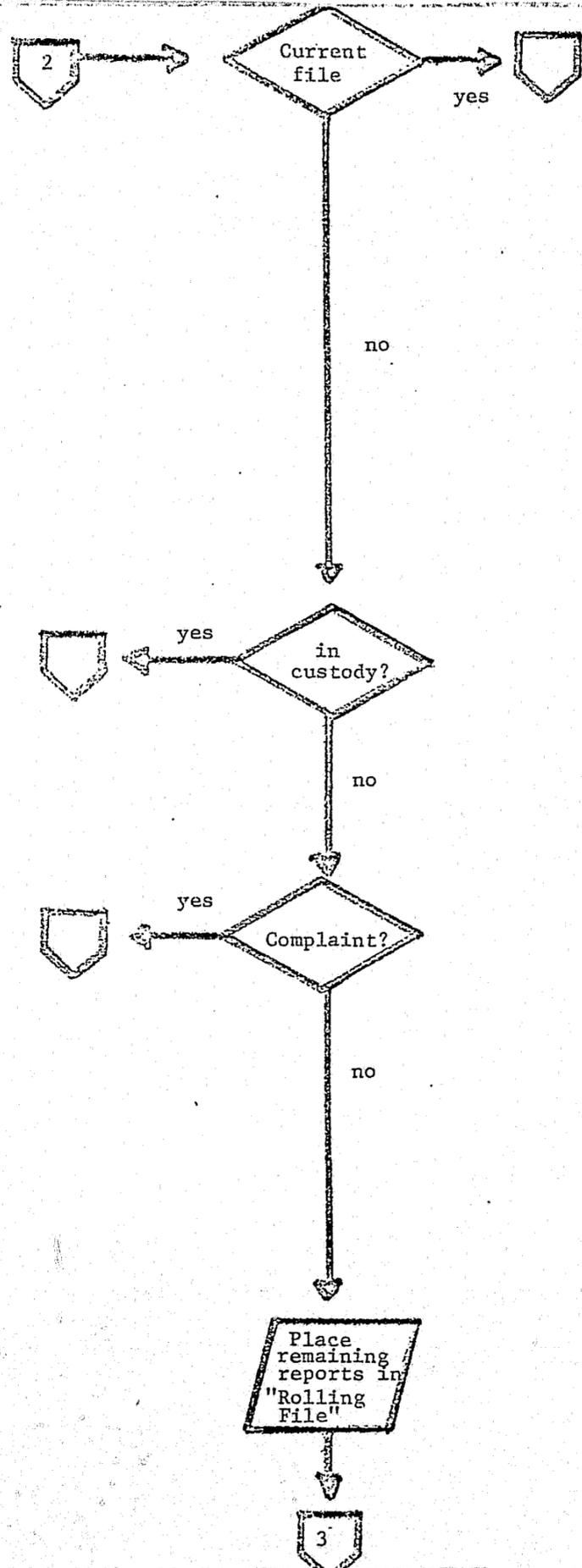
1. Reports enter system. Following reports are delivered to the District Attorney's office:

- a) Crime Report
- b) Vehicle Report
- c) Death Investigation Report
- d) Breathalyzer Operator's Checklist
- e) Department of Motor Vehicle teletype record checks

2. Collation of reports. All reports delivered to the District Attorney's office are directed to the District Attorney's District Court secretary for sorting and distribution.

3. Removal of Death Investigation Reports. All reports are transferred to the Investigator, who sorts and removes all Death Reports. Remainder of reports are returned to office's District Court secretary.

4. Removal of traffic conviction reports. The office's District Court secretary sorts through the remaining reports and removes all Motor Vehicle traffic conviction reports and transfers these to the District Court Clerk for further reference.

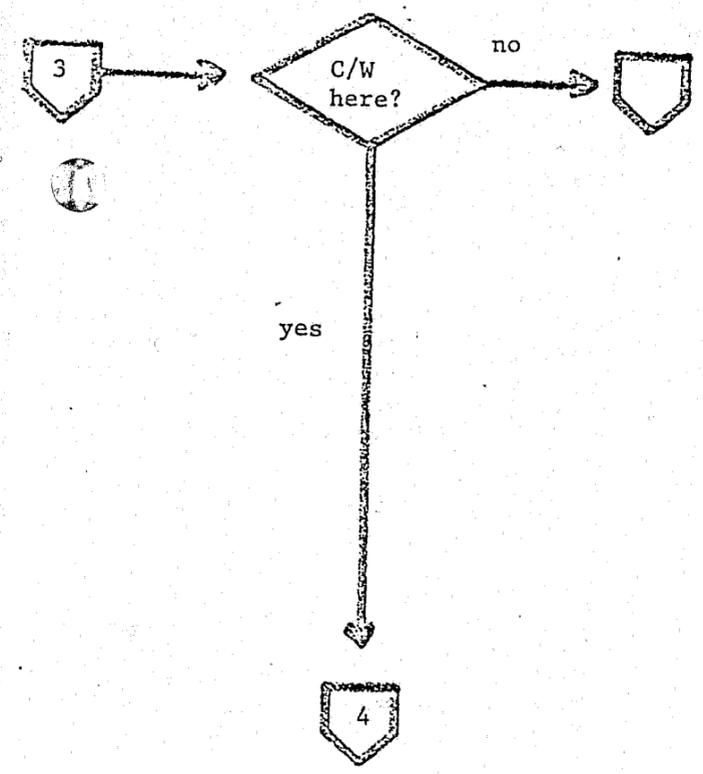


5. The office's District Court secretary then determines whether a corresponding current file exists in relation to one or more of the reports.

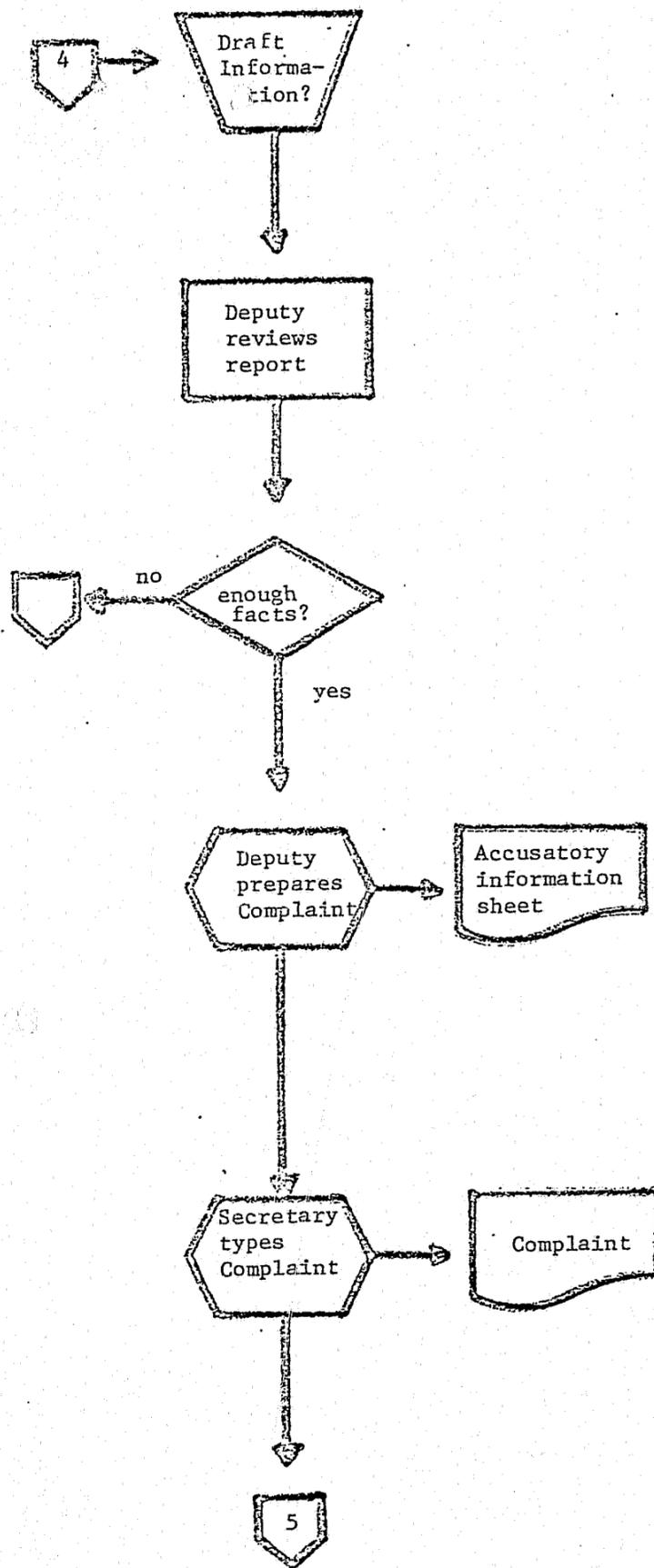
6. Does report refer to a suspect in custody? If no current file exists as to the suspect named in the report, the office's District Court secretary then determines whether the suspect referred to in each report is at present being held for custody. If the suspect is in custody, see Paragraph 10.

7. Is report a citation for an offense? The office's District Court secretary then determines from the remaining reports whether or not the daily file contains any citations which are for offenses that require the issuance of a Complaint: e.g., citation for possession or less than an ounce of marijuana. If any citations do exist in the daily file, see Paragraph 10.

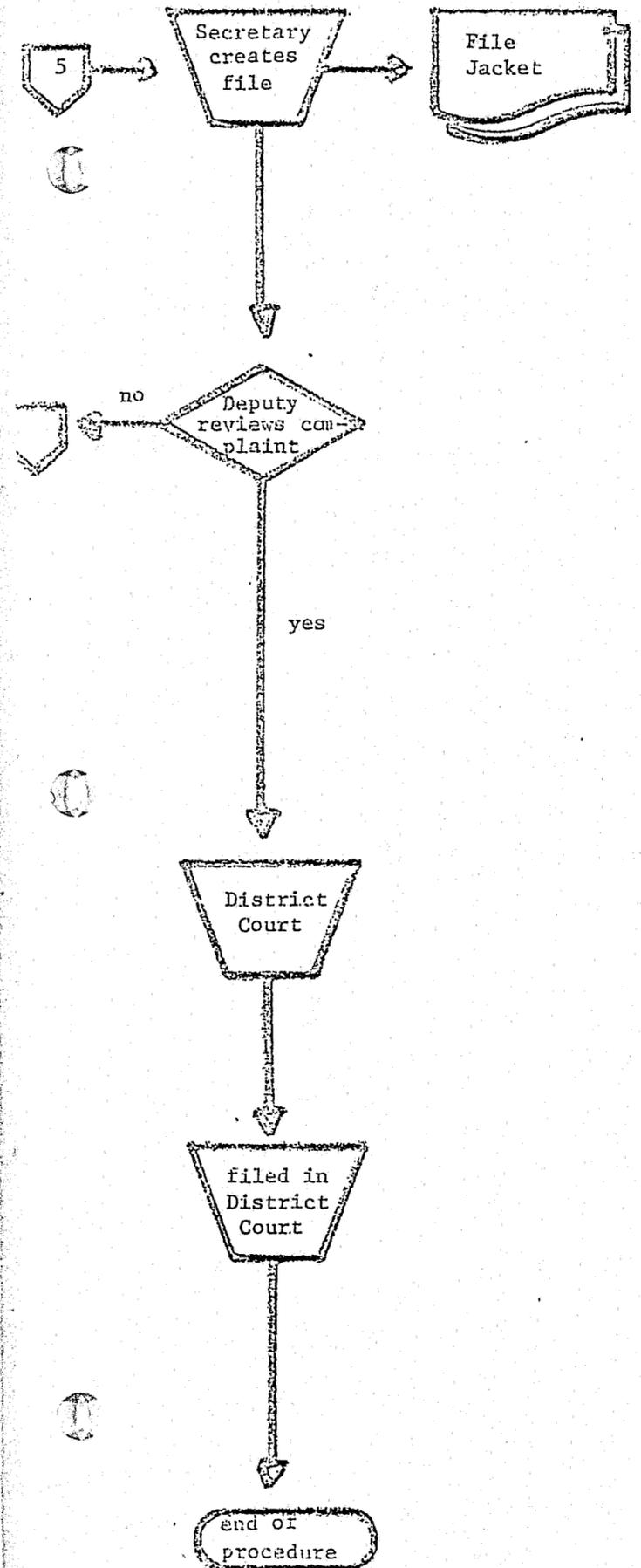
8. Retention of remaining reports. The office's District Court secretary then places the remaining reports delivered that day into the office's "rolling file." This file is a system for holding reports for a specified period of time which is indicated by the office's District Court secretary on the top of each report in order to ascertain whether any further action as to that report will be taken.



9. Review of rolling file. Each day, the office's District Court secretary reviews the office's "rolling file" to determine whether any complaining witnesses have come in to initiate complaints and, if so, whether any records exist in the "rolling file" in reference to that complaint. If the secretary determines that a complaining witness is present to sign a complaint and reports do exist in the office's "rolling file," see Paragraph 10.



10. Referral of report to Deputy District Attorney. The office's District Court secretary refers those reports that are active to the Deputy District Attorney for his drafting of a Complaint or Information based on the information contained within the report(s).
11. Deputy reviews report. The appropriate Deputy District Attorney reviews the contents of those reports forwarded by the office's District Court secretary to him to determine the action to be taken.
12. Is there sufficient information? Based on the information contained within the transmitted reports, the Deputy then makes a determination as to whether sufficient information exists therein from which a Complaint or Information of Felony may be drafted and issued by the office.
13. Preparation of Complaint. Based on the information contained within the reports, the appropriate Deputy drafts the Complaint or Information of Felony for final typing.
14. Typing of final Complaint. The office's District Court secretary then types the final Complaint, using the information contained on the Accusatory Information Sheet.



15. Creation of case file. The office's District Court secretary, upon completion of the final typing of the Complaint or Information of Felony, then creates an appropriate file for the case and attaches thereto the reports pertaining to that case. This secretary then returns the prepared file and original Complaint or Information of Felony to the Deputy for review and approval.
16. Review of Complaint. Deputy then reviews the final draft of the Complaint or Information of Felony and indicates approval of same by placing his initials upon the face of the Complaint. The Deputy then returns the original Complaint or Information of Felony to the complaining witness for review as to correctness. (If the Deputy finds an error in the final draft, he returns same to District Court secretary with recommended corrections. See Paragraph 14.)
17. Signature of Complaint. The complaining witness, upon agreeing with the correctness of the Complaint or Information of Felony, hand carries the Complaint or Information of Felony to the District Court Clerk's office, where he swears out and/or signs the Complaint or Information of Felony in front of a District Court Clerk.
18. Transmittal to District Court Clerk. A complaining witness, upon swearing out and/or signing the Complaint or Information of Felony, leaves the original Complaint or Information of Felony with the Clerk of the District Court.

As a follow-up technique to make certain that the chart is accurate, it is helpful to go over the chart with those people in the office whose responsibility is to work with the various phases of the actual paperwork.

After the paperflow has been accurately described, it can be analyzed. One approach to the initial analysis is to challenge each activity by asking the question, "Is this particular activity necessary? If so, can it be made more efficient?" Also challenge each instrument or piece of paper that is utilized by asking this question: "Is this paper necessary? If so, can it be designed better?" If an activity is not necessary, then it should be eliminated. Similarly, if a piece of paper is not needed it, too, should be eliminated from the system.

FORMS AND FORMS DESIGN

When a piece of paper is inserted into a typewriter, the odds are very high that the typist is creating a lot of unnecessary and expensive work - not only in what is being typed, but even more likely in how it is being typed. Typewriter techniques still lie in the days of 1873 when our present keyboard was designed. Those typewriters were for a different world, one of leisurely pace and artful workmanship.

For many today, it is more important to improve production than it is to produce a work of art. One of the many ways to improve production in the prosecutor's office is to improve form design. If forms are easy to work with - simple to fill in, unnecessary work designed out - 50-75 percent of the time that a secretary spends on a form can be saved.

In order to accomplish good form design, a prosecutor should simply follow what can be called the "Rules of Forms Design." They are:

1. Write it once.
2. Flush left.
3. Vertical space.
4. Create originals.
5. Color Code.

6. Stop inserting carbons
7. Have fewer blanks.
8. Use form guide.
9. Question necessity of form.

The following discussion will cover each of the nine rules.

Rule 1. Write it once.

This is the Basic rule of form design, the foundation upon which most form improvement can be based. It means what it says: "Write it once." Do not write it twice. Anything that has to be inserted in a blank in a form should absolutely be done only once by a secretary. Anything more is time-consuming, wasteful, and expensive.

In various court orders, it is not unusual for a defendant's name to be typed time after time. More than once violates the Rule. The defendant's name is probably in the caption:

STATE OF CONFUSION

-vs-

John Doe

Therefore it need not be spelled out, typed out, hand-written, or anything else again. There are many ways to word the body of a document, but an obvious method is to use the pre-printed words "the above-named defendant," instead of typing in the defendant's name.

So "write it once" means write it only once. If any letter, symbol, number, or character is typed on a form once it should never have to be typed again if the form is economically designed. The use of forms rather than typing everything from scratch is now accepted invariably as a tremendously important time-saver; improperly designed forms may, however, prevent a secretary from being as efficient as she might otherwise be. In an average office, proper form design may cut in half the time a secretary now spends in working with forms. If an office has bad forms, savings may be 90-95 percent of the time previously expended.

Rule 2. Create originals.

This perhaps should be (a) of our Rule 1; it refers to preparing other documents at the same time as the original. For example, it might be possible to combine an Order for Capias and a Capias itself, so that both might be filled out at a single typing.

CONTINUED

1 OF 2

Rule 3. Flush Left.

The flush left Rule proposes to do away with the kind of secretarial work that is time-consuming and irritating: that is, setting tabs, tabbing over to the tabs, spacing over to blank after blank after blank, or worse, free-wheeling over.

To illustrate, the usual form goes something like this:

Dated this 31 day of February, 1984

If a secretary is preparing one document, she will space over to these blanks. If she is doing a number of them, she will set the tabs and tab over. According to the Flush Left Rule, either way is wasteful.

The Rule requires that all the blanks on a pre-printed form that are to be filled in must be FLUSH LEFT. There should be no spacing, no tab setting, no tabbing over. Three better ways of arranging the above data would be as follows:

February 31, 1984

2-31-84

2/31/84

The same rule applies to all other blanks which are to be filled in.

It is not difficult to work out the forms so that the blanks will come flush left. Simply re-word the language of the document. Words, word order, grammar, spacing, or anything else can be changed if the end product is better.

Often it is easier to let a line end in the middle of a page if a blank is to follow - then drop down to the next line for the blank. For example:

This matter coming on regularly for hearing before the above - entitled Court on February 31, 1984, and the Court being fully advised in the premises, etc.

When the return key is depressed, the typewriter will automatically be set at the place where any typing is to begin.

Rule 4. Vertical Space.

This Rule might be most obvious to a secretary. It means that when the return key is pressed, the typewriter will automatically

stop on any space that needs to be filled in and not above it or below it. If this rule of form design is followed, it should no longer be necessary to move a typewriter roller up and down to hit a line.

How does one implement Rule 4? Tell the printer and he will take care of it. If he should fail to do so, hire another printer. Good printers take vertical space into account at all times, but an office cannot always count on them to design forms appropriately without being specifically told.

Rule 5. Color Code.

Color coding papers, files, and documents in the office can be extremely helpful in locating and identifying them quickly. There are many approaches to color coding; a single, overall coding policy would be helpful to any office. Other things being equal, a prominent color should be used for documents that are most frequently needed. It is probably valid to make the original a different color from the file copy, and the file copy a different color from the defendant's copy or any other copies. It may be useful to limit one range of colors to one particular department; then different shades of color could be used for documents within that grouping. "Color coding" should not be merely random or

arbitrary, however; it should not be allowed to just happen. An office should plan its color coding so that it will be most useful to those who will be using those various documents. It is important to have color coding which is sensible and logical. The prosecutor should consider its advantages in terms of easier filing, recovery of documents in and out of the file, and quick and easy identification and location. He should decide exactly what help color coding can be to this operation and then make a carefully planned transition.

Rule 6. Stop Inserting Carbons.

The ancient rule of taking a piece of paper, a sheet of carbon, a second sheet of paper, another sheet of carbon, another sheet, ad infinitum, assembling them by hand, and placing them in the typewriter is slow, obsolete, distasteful, dirty, and expensive. Fortunately, there are a number of ways to avoid it these days. One of these, which is perhaps the most popular, is the snapout form with the carbon already inserted. After completion, the forms are separated as needed and torn out. The use of NCR paper is another means of duplicating material without the constant insertion of carbons. It is lighter, less bulky, and cleaner than the snapout types, and it does not smear. Both of these types of forms are commonly used on contracts by retail merchants, and it should not be difficult to see examples.

Another method which may under some circumstances be better is simply to type an original and then use a copying machine to make as many copies as are needed. There are other ways to solve the problem of copies, but whatever method is used, the office must stop inserting carbons.

Rule 7. Have Fewer Blanks.

The fewer the blanks, the better the form. If the goal is to improve efficiency and to save time and money, everything possible should be put on pre-printed forms. For a document to be filed in court, the perfect form has only three (3) blanks - this includes complaints, orders, motions, virtually everything filed in court.

These three blanks are:

1. The defendant's name.
2. The case number (the Court's, not the prosecutor's).
3. A necessary date.

Some documents may not even require number 3 - for example a motion. In most jurisdictions, the clerk stamps a date and time on a document, or otherwise logs it into the court system when it is received. The date he puts on it will be controlling, not the prosecutor's date.

Many court documents have date after date typed in, reciting the dates of previous events in the history of the case: the date of conviction, the date probation was ordered, etc. None of these dates is necessary. It is sufficient merely to recite in the body that the event previously occurred.

If the time of conviction or order of probation becomes critical, mention of it in the order will not be controlling and probably will not even be helpful. It will be necessary to go to the court reporter's notes or to the date on the original document itself to prove the date. For most purposes, the previous date is not significant. For example, one could say:

And it appearing to the court that heretofore the above-named defendant was convicted of a felony under the laws of the State of Confusion, and heretofore was granted probation by the above - titled court, and it now appearing that said defendant has violated the terms of that probation, it is THEREFORE HEREBY ORDERED, ETC.

Usually the date of the signing of this particular document is the only necessary date in the document, and the judge frequently fills that in when he signs it. If so, a 2-blank form is created which is better than perfect. We need not count blanks if another

agency or department fills it out, so the date blank on the order filled out by the judge is not one of "ours."

Rule 8. Use Form Guide.

Have a procedure guide near the office's forms. Although most forms are self-explanatory, it is surprising how many people will fill them out improperly without instruction.

A simple explanation of

1. The reason for the document
2. What it is used for
3. How it is filled out
4. What is done with it

should be kept near the forms for ready reference or referral by the person using them.

Rule 9. Question Necessity of Forms.

Rule 9 is more important to a well-managed operation than all the rest of them put together, and it is perhaps best saved until last. Under Rule 9, a form designer disputes the notion that the form - or the operation that generates the form - is necessary at all. That is, even better than using a good form properly is not to use it at all. If you do not have to do it, don't.

One prosecutor who has acted as a consultant for the National District Attorneys Association has noted that in his office, a post-sentence form for the Department of Corrections and a Grand Jury witness form for the Department of Financial Administration were simply abandoned, one after consultation and one out of hand. The ultimate antidote to the "They've always done it that way" mentality is to bear in mind a corollary to Rule 9: any current form is a potential former form. The result of questioning the necessity of forms and of not writing something at all should it prove to be unnecessary is less work and less expense for all involved. The time which is saved would free personnel to do something important or innovative for the operation, instead of just fighting the calendar.

IN THE CIRCUIT COURT OF THE STATE OF CONFUSION
FOR THE COUNTY OF REALLY

STATE OF CONFUSION

Plaintiff

No. 77-A-1234

vs.

Walter Joseph Stepancharski, Jr.

Defendant

This matter coming on regularly for hearing on this 34th
day of January, 1984 before the Honorable Gale L.
Gordon and the defendant Walter Joseph appearing in
Stepancharski, Jr.
person and by his attorney David Defender and the State
of Confusion, County of Really appearing
by Peter Prosecutor who is an Deputy District
Attorney and it appearing to the court that Walter Joseph Stepancharski,
had heretofore on the 33rd day of October, 1981 Jr.
entered his plea of not guilty to the charge of Burglary
and thereafter on the 41st day of November, 1977
appeared before the Honorable Jerome Judicious and a trial was had
by jury with the above named Walter Joseph appearing in person and
Stepancharski, Jr.
by his attorney at law David Defender and the State of Confusion
County of Really appearing by Carl Killum an Assistant
District Attorney and the court having received the verdict of the
jury guilty and that said verdict of guilty
entered against the said Walter Joseph was duly filed and
Stepancharski, Jr.
recorded in the court house of Really County for the State
of Confusion and;

WHEREAS on the 42nd day of November, 1981 the
Honorable Jerome Judicious Judge of the above entitled court
did appear before him the said Walter Joseph for sentencing
Stepancharski, Jr.
the said Walter Joseph appearing in person and by David Defender
Stepancharski, Jr.
his attorney and the State of Confusion, County of Really
appearing by Sidney Slugger who is an Assistant District
Attorney for Really County, State of Confusion, the
court by the Honorable Jerome Judicious did impose a sentence
upon Walter Joseph for a period of not to exceed forty-nine
Stepancharski, Jr.
years in the Penitentiary located at Seedsville, State
of Confusion.

That thereafter on 42nd of November, 1981, the
Bureau of Probation in the State of Confusion by Charles
Sympathy a duly qualified probation officer did file a petition
for revocation of the probation of Walter Joseph and that
Stepancharski, Jr.
due service of said petition of violation of
probation was served upon Walter Joseph on the 43rd day
Stepancharski, Jr.
of November, 1981, at the Courthouse, in the County
of Really, State of Confusion and also by placing
a certified copy of said petition of violation
in the United States mail addressed to David Defender at 6000 Main
St., Happy Valley, State of Confusion, County of Really
with postage prepaid in the amount of thirteen cents and duly
certified by Neal Nifer an Deputy District Attorney
for Really County, State of Confusion.

That thereafter on the 33rd day of November, 1984, before the Honorable Philip Fair, Judge of the above entitled court, the said Walter Joseph Stepancharski, Jr. appeared personally and by his attorney, David Defender, and the State of Confusion appearing by Willie Wiggre an Deputy District Attorney for Really County, State of Confusion, and the court being fully advised in the premises the matter was continued until the 34th day of November, 1984, for a hearing on probation violation and that thereafter on the 34th day of November, 1984, before the Honorable Gerald Jehovah, Judge of the above entitled court, appeared the said Walter Joseph Stepancharski, Jr. personally and by his attorney, David Defender, and the State of Confusion appearing by Cyrus Slippery, who is an Assistant District Attorney for Really County, State of Confusion and all of the parties having been heard and the court being fully advised in the premises it is therefore hereby ordered that the said Walter Joseph Stepancharski, Jr. be hereby sentenced to a period not to exceed fifty years in prison located at Happy Valley in the State of Confusion.

Dated this _____ day of _____, 19____.

Judge

IN THE CIRCUIT COURT OF THE STATE OF CONFUSION FOR THE
COUNTY OF REALLY

State of Confusion

Plaintiff,

vs.

Walter Joseph Stepancharski, Jr.

Defendant.

77-A-1234 Case Number

This matter coming on regularly for hearing and the defendant appearing personally and with his attorney of record and the State of Confusion appearing by the District Attorney of Really County and it appearing to the Court that heretofore the defendant was convicted of a felony under the laws of the State of Confusion and was placed on probation to the State Bureau of Probation and;

The Court being fully advised in the premises, both parties having had opportunity to be heard, and it now appearing that the defendant has violated his probation it is therefore hereby;

ORDERED that said probation be revoked and that the defendant be sentenced to a term in the Confusion State Penitentiary of fifty years.

Dated this _____ day of _____, 197____.

Judge

WORD PROCESSING

Background

The term "word processing" is currently used in American business to denote a variety of office equipment, procedures, and functions. From the standpoint of equipment, word processing involves an entire generation of typewriters and printers with various high speed and memory capabilities. Input to this equipment often interfaces with voice recording devices, various keyboard equipment, and computers. Procedurally, word processing involves one or more "secretaries" with very specialized responsibilities. An office generally goes through considerable procedural re-adjustment in setting up a "word processing center." The relationship between procedures and equipment is necessarily precise and often complex. With the likelihood of even more sophisticated word processing equipment being developed in the near future, complexities will undoubtedly grow. Already there is a new form of expert in the management field, the word processing expert.

There is, however, a simple way to look at word processing. First and last, word processing is typing. To be sure, it is typing of a new and special nature. The typing is fast, accurate, and memory storage is available for a variety of uses. But typing is still the ultimate output of word processing. In fact, one way to view the entire gamut of equipment-procedures-functions is as an extension of the typewriter. On a conventional typewriter, if you press a key you print a letter. Over and over again, press

the key and you reproduce that letter uniformly every time. With word processing, when you "press the key" you similarly produce a uniform response. But this response may be anything from a single letter all the way up to an entire book, depending upon which "key" you press. The trick is to organize equipment and personnel so that appropriate use can be made of the enormous capabilities of word processing.

This monograph addresses itself specifically to word processing for the prosecutor's office. Specific procedures and benefits are discussed in the following pages, as well as pitfalls to avoid.

Equipment

Word Processing for the typical prosecutor's office generally calls for one or more "automatic" typewriters. There are many models from various manufacturers to choose from. Unless a prosecuting attorney is unusually "equipment-minded," he might well be overwhelmed by the variety of word processing equipment available to him when it comes time to make a choice for purchase. Most of the manufacturers and dealers have sales personnel who are willing and able to advise the prosecutor on his word processing needs. Often this takes the form of a management study at the pre-purchase stage, as well as help in actually implementing the equipment after purchase. Many manufacturers also offer various classes for training employees to operate equipment as new people are moved into the word processing function. All of this can be extremely beneficial to the prosecutor.

The buyer must, however, beware. It is important that the prosecutor get advice on what kind of equipment he needs from someone other than a manufacturer or vendor. This can present a real problem. If the prosecutor has an office manager or administrator or secretary who is personally familiar with word processing and word processing equipment, he is fortunate. These individuals should by all means be extensively consulted before any decision to lease or buy is made. What if the prosecutor does not have such a person on his staff? There are several alternatives. It is wise to consult some of the most experienced and capable secretaries in the office about the prospects of word processing.

The response from these individuals might be anything from enthusiasm to out-and-out horror. But their advice can be extremely important. Even if an experienced secretary does not understand word processing, this secretary does understand typing. The prosecutor may also call upon a fellow prosecutor in another jurisdiction who has an operational word processing system. Because of the high cost of word processing equipment, it is money well spent to arrange a face-to-face interview with a word processing expert from another prosecutor's office before deciding to lease or buy.

Finally, there is the independent word processing consultant whom the prosecutor may hire to advise him on the various word processing products that can meet his needs.

Whatever the source, the prosecutor should have independent advice from someone besides the manufacturer or vendor before he commits himself. This advice should come from people who are familiar with his office procedures and with word processing generally.

The following word processing features present some of the current possibilities available on the market. It should be noted, however, that distribution and service often depend very much upon the geographical location of the prosecutor's office. The prosecutor should determine in advance of purchase whether or not good service is in fact available on the equipment he purchases. Probably

the best source of information here would be an office in his city that already has purchased equipment from a given manufacturer or vendor.

- Memory. This term generally denotes electronic circuitry. Functionally, memory can provide two benefits: storage and editing. The latter function can be accomplished in a memory without printing out the entire memory contents. In considering memory, capacity is the all important feature. Some automatic typewriters, for example, have memory capacities of a few lines, while others have capacities for several pages. Computer memories, of course, can provide for volumes of printed material. One important rule of thumb for editing purposes is as follows: The memory should be approximately twice as large as the text to be edited. For example, if a prosecutor wanted a machine that could edit one typewritten page, the memory capacity of the machine should be two pages worth of typed characters.

- Storage Media. Information may of course be stored in the memory of a word processing system. There are, however, less expensive storage media commonly used. They include cards, tapes, discs, and belts. Capacities vary among these media. For example, cards usually hold up to one and one-half pages of typed characters. It should be noted that the data stored on these media must be physically changed whenever a text is revised in some manner. Unlike the electronic memory described above, there is no "automatic" editing. Thus, editing is typically accomplished in the memory,

then the edited material is recorded on some kind of storage medium.

- Display Screen. Display screens resemble television screens. Two functions of display screens are relevant to the present discussion. An operator who is typing input for storage somewhere in the word processing system can see what is being typed on the display screen. The display screen can also be used as a retrieval mechanism: An operator can type a "question" into the word processing system and receive the answer on the display screen. In this respect, the display screen obviates the need for a printer.

- Printer. Various printers capable of performing at different speeds are available to function as components of a word processing system. The printer may function independently of input. For example, one configuration of a word processing system would permit a typist to enter text into the memory at the same time that the printer was turning out previously entered and edited text. In its simplest form, of course, the "printer" component of a word processing system is a typewriter.

- Dictating Equipment. There are various kinds of dictation equipment, but two important distinctions should be made: a) continuous belt dictation and b) cassette-type dictation. The former may consist of telephone-type dictating units placed on the

desks of attorneys. Dictation is then recorded on continuous belts in "tanks," with various capacities. Material on the tanks is taken off at various transcription stations by typists. Cassette-type dictation equipment is, on the contrary, essentially portable. These dictating units may be either desk-type or hand held, but they both produce a tape which is physically removed when dictation is complete. The tape is then physically taken to the transcriber for typing. Many storage capacities are available, from a few minutes to over an hour.

The above components can be combined in endless configurations. Automatic typewriters can be purchased, each having its own individual memory. On the other hand, typewriters can be hooked into a single common memory. This common memory might in fact be the office or county computer. Printing might be accomplished by typewriters or separate printers operating at anywhere from 120 words per minute to over 1,000 lines per minute. Display terminals and accompanying keyboards would be placed at various points where ready information was required. And dictating equipment would function so as to link every attorney into the system. It should be noted that some of these components can be connected by telephone lines.

An overriding concern in selecting word processing equipment is compatibility among different manufacturers' equipment. Although some equipment is standardized, much of it is not. If different components are to be purchased from different manufacturers, the

prosecutor and his staff must be certain that the various keyboard, ()
memory, storage, display, and printing items are mutually com-
patible.

() Use of Equipment

In an age of expensive technology, it is not unusual for machine time to be more valuable than human time. This may or may not be the case with word processing. For example, it is probably better to fill in a very few blanks of a pre-printed form with a conventional typewriter and not go the formal word processing route. Word processing people say that "down time" on equipment costs the company a lot of money. This is true, but you should not necessarily change office procedure in order to slavishly keep the word processing unit going eight hours a day, when six and on-half appears to be enough. Some balance has to be struck, and the word processing supervisor-manager is probably the person to do it.

Work Station Layout

Word processing work station(s) should not be located in the midst of office traffic. A separate room for word processing personnel and equipment is desirable for several reasons. Anyone who has worked around word processing equipment knows that it is noisy, it generates heat, and it is fragile. These are good reasons for locating equipment away from other office activities. Word processing makes exclusive demands on the concentration of the operators. If they are located in a separate room, this helps minimize disturbances to them. It follows that a word processing operator will ordinarily not perform such traditional secretarial functions as telephone answering and filing. If equipment and operators are located separate from other office staff, this will help clarify the point that these people are doing specialty work and should not be asked to leave their work stations.

In the event a separate word processing room is established, the supervisor should be located so that he or she may easily monitor working conditions during the day.

If housing the word processing unit in a separate room is not feasible, partitions ("office landscaping") are an alternative. This helps reduce the noise level in the office and keep the word processing function separate from other secretarial functions.

There should be ample outlets to allow for tape transcribers, typewriters, etc. They should be installed in an area which would be convenient to the individual word processing stations. Adequate desk space should be provided to accommodate a telephone call director, tape transcribers or any other equipment used by the operator. An additional table would be useful for incoming and outgoing work projects. For continuous form typing, it is advisable to have a shelf on the wall opposite each machine to prevent the paper from dropping to the floor. This may change the alignment of the printed material on the individual pages as they are being produced by the automatic typewriter.

Sufficient space for the equipment is a must to prevent crowding and subsequent low morale of the operator(s). It should have an environment that fits its function and responsibility. By selecting uniform furnishings, it will create a pleasant atmosphere for the operators which in turn will increase productivity.

Personnel

It is desirable to hire experienced operators if you can. If you cannot, any good typist who is willing to try new things can be trained for this function. These employees do not need to know everything about word processing -- just what the office requires. However, there should be a competent supervisor if the word processing operation is of any size at all. A strong person who really understands equipment and who is at the same time an efficient administrator is certainly a desideratum in any such system. If the office cannot afford a word processing head, then the office manager-senior secretary-administrator should be on hand to periodically review the workload and to take care of problems and/or questions that arise.

It is important that every word processing position be set up in functional terms. This will help make it clear both to word processing personnel and others in the office that these individuals have a very specific job to do. Generally, they should not be available for miscellaneous secretarial functions such as filing. A good way to develop the various functions is to begin with a written job description drafted by someone in a supervisory position. This "description" might appropriately take the form of a step by step task list for the various duties relating to a position. As time goes on, the job description should be amended with input from the person who fills it. This will help keep the job descriptions current and realistic.

Although word processing jobs are necessarily separate from other secretarial-clerical tasks, consideration should be given to rotating different members of the secretarial staff in and out of word processing according to a set schedule. This provides welcome variety for the staff, and it also provides backup support for the office in case of absence or resignation.

If the prosecutor's office is large enough to support an entire word processing division with several staff members, then the head of the division will likely be responsible for seeing to it that the full capabilities of the equipment are utilized. This is necessarily an on-going process that involves months and even years. The equipment has so many different capabilities that every application will not be readily apparent upon first installation. The word processing supervisor will need a thorough understanding both of the needs of the office and the capabilities of the equipment.

At the same time, it should be recognized that most prosecutors' offices probably will only have one or two individuals working in word processing. Thus, there cannot really be a word processing "division" with a full-time supervisor. In this situation, it is vital that the operators be not only capable, but sufficiently skillful to explore the possible applications of word processing on a trial and error basis over the long run. This calls for an individual who is intelligent, self-motivated, and "curious" to see just how much can be done with the equipment. The extent to

which equipment is ultimately used in the office will depend very heavily upon operators with these characteristics.

Procedures

Word processing consists of bringing together materials which are original and materials which are pre-recorded. Original materials are either dictated or taken from a submitted copy (material that cannot be dictated, such as documents with complicated formats, and copies of revised material or updates). Specific procedures should be established for the use of the word processing center.

The best way to ensure uniformity is to provide everyone -- attorney and secretary -- with a form book. It should be arranged in the order that the forms are required from beginning to end. The form book would have everything recorded on word processing typed out so that a dictator could see exactly what he was ordering. In many cases, a secretary will simply be filling in a few variables, and it is important for both attorney and secretary to be able to refer to a printed out form.

Turn-around time should be specified. In other words, the amount of time required for the secretary to process a draft before getting it back to an attorney. Some offices have, for example, four hours -- within four hours after being put in the in-basket it ought to be back to the attorney. Or it could be a day or two days, depending on the material. To establish priority items, different colored folders or folders that have been fitted with different colored tabs

could be utilized. For example, if you put it in a blue folder, it's four hours, in a red folder, it's two hours, etc. It should also be specified how long magnetic cards, belts, or tapes should be kept before recycling. Before an attorney begins his dictation, he should specify whether it is to be a draft or a final copy. It is preferable for a draft copy to be double spaced to allow space for revisions and/or corrections. After an attorney has reviewed the draft, it should be returned to the secretary within a reasonable amount of time. If there is an extensive amount of revisions on a page (a third or more), it is easier to redictate the page than to ask the secretary to correct it. After the final copy has been returned and approved by the attorney, it is then ready for distribution, mailing, and filing.

Implementation

Deciding to buy a piece of equipment is just the beginning. Equipment must be phased in and office procedures modified to make appropriate use of it. This process takes months and even years; the District Attorney and his staff should not expect a word processing system to be up and running smoothly in a matter of weeks. In this regard, it is often desirable to lease equipment for a trial period if at all possible.

The single most important decision at the implementation stage is, what should be word processed and how should it be done? Here are several possibilities. Lengthy items such as briefs, opinions, and memoranda should be processed in such a way that the correction capabilities of the word processing equipment can be taken advantage of. Thus, an entire document of this nature need not be retyped, only the portions that an attorney desires to change after reviewing the initial draft. It should be noted that major savings of time here is in proofreading: material that is correct the first time need not be proofread again after subsequent drafts.

Materials that have standardized language such as accusatory instruments can be processed in the following manner. The word processing operators record the basic form (e.g., indictment) and then separately record every charge in the charging manual (or at least the most commonly encountered charges). When an

attorney wishes an accusatory instrument to be drafted, he or she merely indicates the charge or charges on a form and sends it to word processing. The operator selects the appropriate cards or tapes and produces the document. Again, it will be noted that the proofreading is reduced to an absolute minimum by this process. The attorney need only briefly glance at the indictment to be sure the proper charge has been selected -- individual words and sentences will automatically be produced in perfect copy.

Many prosecutors have occasion to send out letters to the business community or the criminal justice community on various subjects from time to time. The word processing center can "personalize" such letters by means of a "switching operation" whereby a list of names and addresses is fed to a word processing machine along with a standard form letter. This process can also be used to thank victims and witnesses for testifying, and to notify them of the disposition of their cases.

The implementation phase is to some extent open ended. The possible applications of word processing in a prosecutor's office are limitless. The prosecutor should insure that someone in a supervisory capacity who understands both the functions of his office and the capabilities of his word processing equipment is constantly re-evaluating the use made of the equipment and exploring new possibilities.

A Word of Caution

Like any piece of equipment, word processing is only as good as the people who use it. No "automatic" benefits will derive to an office simply because expensive word processing equipment has been purchased.

The problems that will arise once word processing is contemplated or purchased will be "people problems." Attorneys may feel that they are losing their secretaries in place of equipment. This is particularly true when it comes to dictating. Many people take a long time to adjust to using dictation equipment -- it is not uncommon for people to write things out longhand before picking up a microphone. Priority items present another problem. If a word processing operator cannot take an item off a belt until everything before it has been transcribed, some individuals are going to have to learn to wait. It should be added, however, that some means of typing genuine "priority" items should be initiated so that attorneys can have things typed in a few minutes if really needed.

These kinds of problems are genuine and they very much involve personalities. Thus, they need to be solved one by one. A single memo announcing that word processing is now in effect simply will not do. Many problems, both real and alleged, will need to be put to rest continuously as long as word processing

is in the office. The Chief Prosecutor cannot possibly be expected to be the one to do this. Accordingly, it would be imperative that he appoint one individual to be in charge of all day to day monitoring/problem solving of word processing. This individual might be the office manager or administrator or it might be the word processing supervisor. It should be someone who is able to deal sensibly and intelligently with the human problems that will arise once word processing is installed.

Because of the high cost of word processing equipment, any office will undoubtedly have to live with the equipment for many years. There are many examples of offices where equipment was purchased without sufficient study at the beginning, then not used to its full capacity. There are two very formidable unknowns at the beginning of every word processing venture: how the prosecutor's paperflow needs can be handled by word processing; what the full capabilities of various items of word processing equipment are. Neither of these questions can be answered in a short period of time -- to some extent answers must come from experience. Therefore, it is best for a prosecutor to lease equipment for one or two years before purchasing it. Various arrangements are possible. Although this represents some additional cost to the funding agency, once purchase is made, this cost is well justified by the fact that any equipment eventually purchased will be well utilized. The worst that can happen is for an office to purchase expensive word processing equipment and not be able to use it for one reason or another. A lease period is the best insurance against this eventuality.

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