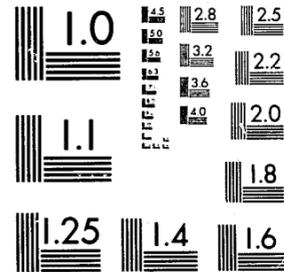


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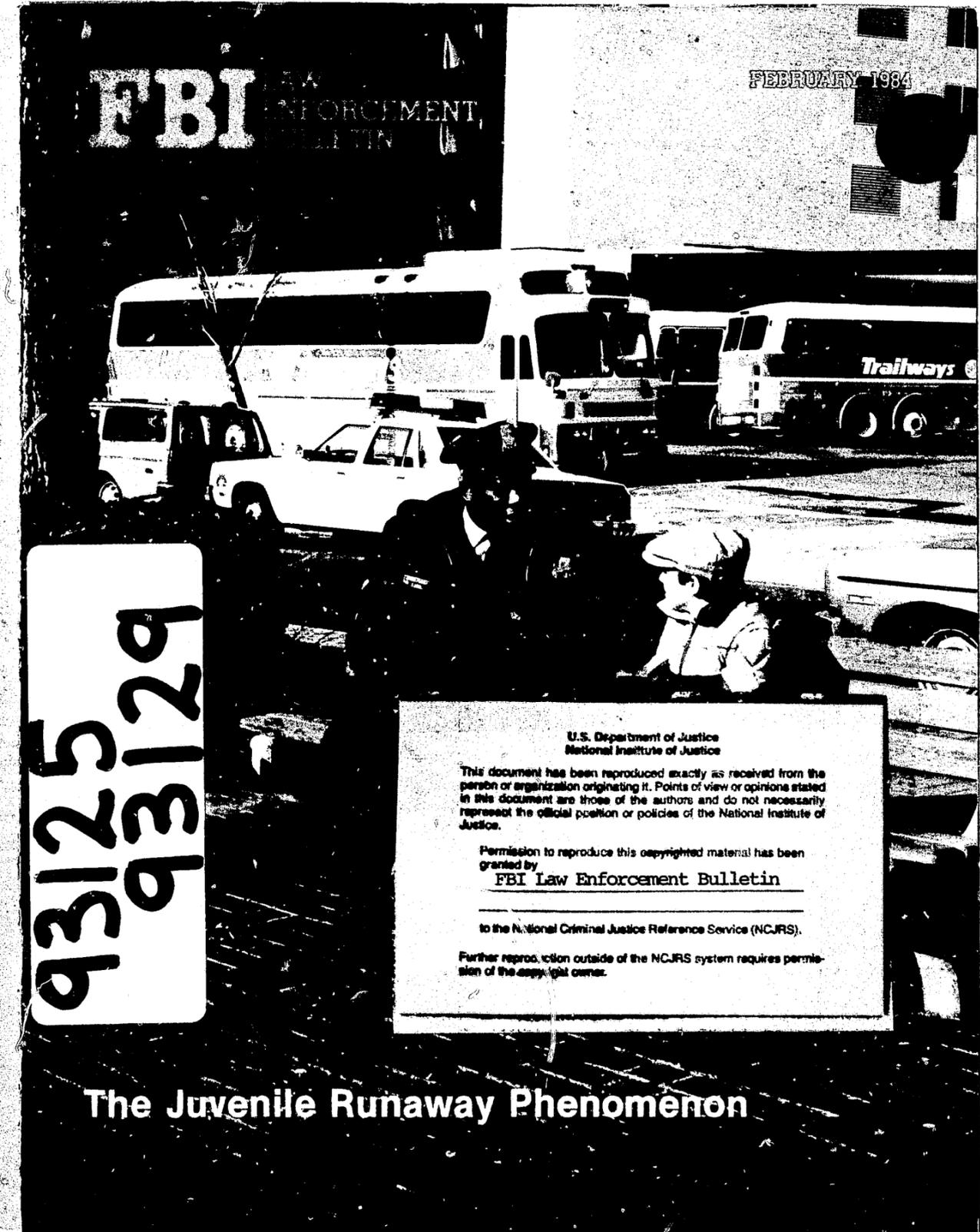
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Contents

- Operations** 1 **The Juvenile Runaway Phenomenon: A Law Enforcement Agency's Unique Approach** 93125
By Jose A. Elique
- Law Enforcement Role** 7 **Sexual Trauma Team—The Norfolk Experience**
By Kevin C. McPartland
- Police-Community Relations** 10 **Are You Raising a Victim?** 93126
By Randy Johnson and Tana Johnson
- Crime Problems** 18 **Incest: The Last Taboo (Conclusion)** 93127
By Robert J. Barry
- Administration** 21 **Dallas' Subpoena Assistance Unit** 93128
By W. Troy McClain
- Legal Matters** 26 **Sexual Exploitation of Children: An Overview of Its Scope, Impact, and Legal Ramifications** 93129
By Howard A. Davidson
- 32 **Wanted by the FBI**

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ACQUISITIONS



THE COVER: A law enforcement agency has implemented a unique program designed to deal with juvenile runaways. See article p. 1.

**Federal Bureau of Investigation
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William H. Webster, Director

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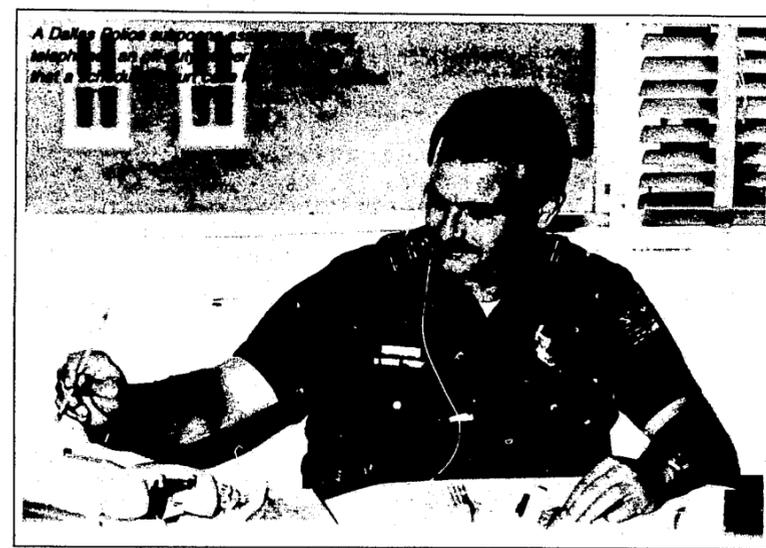
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Administration

Dallas' Subpoena Assistance Unit

By
BILLY PRINCE
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and
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Deputy Chief
Police Department
Dallas, Tex.



All too often, the court summons process has been viewed by individual officers and police administrators as a rather peripheral aspect of police work of minimal importance. Typically, court appearance notifications have been perceived essentially as the function of the courts and prosecuting attorney. Rarely do police agencies assume any responsibility for the court subpoena facet of the criminal justice system, preferring instead to conclude that the police are at the

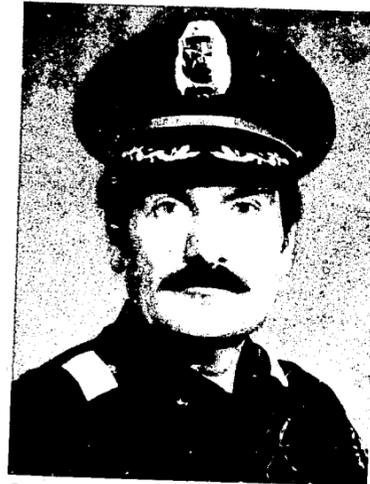
mercy of the scheduling whims of the courts and district attorney.

Unfortunately, this rather narrow view of the court appearance process fails to take into account several significant implications that represent substantial adverse budgetary and productivity repercussions, including:

- 1) Officers' day-to-day attitudes toward the criminal justice process;
- 2) Departmental overtime expenses;



Chief Prince



Deputy Chief McClain

- 3) Reduction in number of personnel available for field service;
- 4) Interagency cooperation; and
- 5) Officers' demeanor in court.

In previous years, Dallas police officers were required to attend court only when personally served with an official, legal subpoena. However, due to personnel shortages of the agencies responsible for the delivery of subpoenas, combined with the ever-increasing number of criminal cases, constables and deputies were no longer able to physically serve every subpoena.

In the spirit of cooperation, department officials agreed to an informal system of court summons that would require officers to respond to subpoenas sent through interagency mail. Officers were mandated to attend court when they received an unofficial court notice ("routing slip") through the mail. In the intervening years, the court summons system was liberalized even more to the point where officers had to honor even a telephone request from the court/district attorney's staff for their appearance in court or be subject to administrative disciplinary action.

The Problem

In 1982, several problems surfaced in regard to the court appearance process. First, officers' day-to-day attitude became negative, and they began to express a growing ambivalence toward the criminal justice system and the court appearance

process. Second, it was recognized that court appearances by officers represented a sizable drain on field forces. Third, there was concern among the staffs of the district attorney and criminal court about the failure of officers to appear in court after proper notification. These issues served as a catalyst for the police department to conduct an in-depth evaluation of the court notification and appearance process.

The Study

An analysis of the court summons system revealed several interesting findings, including:

- 1) Subpoenas were emanating from 50 different tribunals, staffed by over 125 prosecutors;
- 2) Approximately 1,800 officers assigned to 9 different stations were subject to subpoenas;
- 3) Most officers were receiving court notifications through the mail, with only a short leadtime;
- 4) Many officers were receiving last-minute telephone messages to appear in court;
- 5) Due to the number of courts involved (50), little consistency existed in terms of subpoena policies or procedures;
- 6) Far more cases were being set in each court than could conceivably be tried. A significant number of officers were being subpoenaed only to be released after docket call; and
- 7) Fewer than 10 percent of the officers subpoenaed to court on any given day actually testified.

The existing summons system resulted in:

- 1) Overcrowded courtrooms;

"The Subpoena Assistance Unit reflected the police department's commitment to enhancing the efficiency, effectiveness, and fairness of the court summons process."

- 2) Excessive overtime pay expenditures for off-duty officers attending court;
- 3) Unnecessary depletion of on-duty officers from field service;
- 4) A growing resentment by officers (both on and off duty) about being subpoenaed to court only to sit idly and be dismissed without being called; and
- 5) Lack of uniformity in the summons procedures used by the myriad of courts when requiring officers to appear in court.

These problems manifested themselves in eroding cooperation between the affected agencies, and in fact, engendered an adversarial relationship between the police, courts, and prosecutors.

The Subpoena Assistance Unit

In response to both the findings of the study and the spiraling complaints from officers about the system, several corrective strategies were developed. It was believed important to open the lines of communication with the district attorney's office and court staff. Meetings were held to establish positive rapport with all the involved parties. The meetings were orchestrated to both underscore the problems from the police department's perspective and solicit candid input on the needs of the judges and prosecutors.

It was also decided that the problems surrounding the court appear-

ance process were acute enough to create a unit devoted exclusively to the problem. This unit, the subpoena assistance unit (SAU), represented a sizable investment in personnel and other resources. It reflected the police department's commitment to enhancing the efficiency, effectiveness, and fairness of the court summons process.

Staffing

SAU is staffed by one sergeant (supervisor) and six police investigators. Each investigator was previously assigned to a felony court and formerly served in a police/prosecutor liaison capacity. Every officer assigned to the SAU, therefore, has had training and experience in the interworkings of the criminal courts from which all subpoenas originate. This arrangement is also beneficial from the standpoint that the SAU staff knows most of district attorney/court staff on a personal basis, which facilitates inter-

change concerning mutual problems.

Operations

The SAU processes over 36,000 subpoenas each year from a number of tribunals, including 2 grand juries, 2 misdemeanor appeal courts, 16 felony trial courts, 10 misdemeanor trial courts, 12 Justice of the Peace courts, 8 municipal courts, and a civil service trial board. The unit's sole responsibility is the processing of subpoenas and the coordination of officers' appearance in court. There are several key features of the unit.

The SAU uses a special telephone system that incorporates an automatic dialing capability for the 20 "most called" telephone numbers, allowing speedy contact with frequently called numbers. The phones are also equipped with headsets.

When numerous officers are subpoenaed on a single case, the SAU staff doublechecks case documents to ensure that the officers summoned

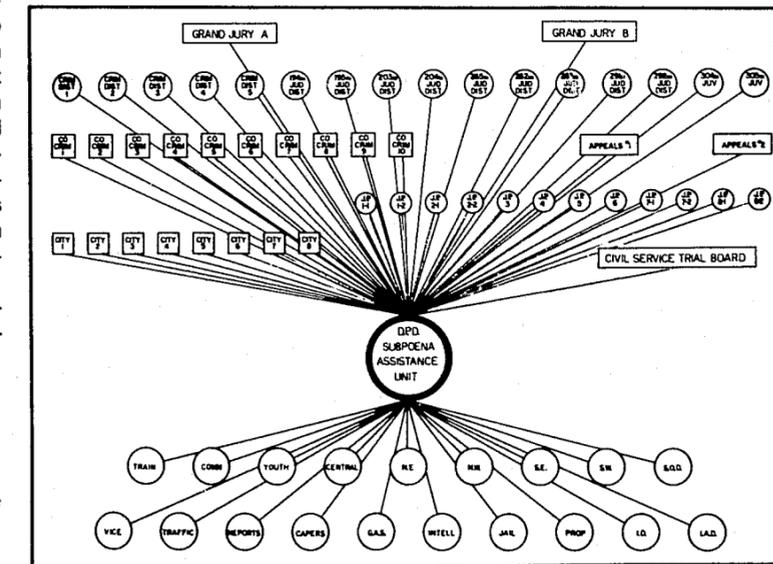


Illustration of how the multitude of subpoenas originating from many courts are coordinated through the subpoena assistance unit to a myriad of police divisions (and officers).

"The subpoena assistance unit is a major step toward coordination and efficient operations between the three key components of the criminal justice network—the police, prosecutors, and courts."



A Dallas Police subpoena assistance officer transmits court summons to officers at remote stations via the computer-assisted subpoena transmittal (CAST) system.

can, in fact, provide instrumental testimony. While the final decision lies with the prosecuting attorney, some unnecessary witnesses are screened out prior to trial, eliminating unneeded trips to court.

Stand-by (On Call) System

Under this concept, officers no longer randomly report to court until it is determined that their particular case will, in fact, be tried and that their testimony will be needed. Officers simply remain on "alert" either at home (off-duty) or in the field (on-duty) until notified that they are actually needed in court.

Computer-assisted Subpoena Transmittal (CAST)

The SAU operates a sophisticated automated court notification delivery system. Essentially, this computer-aided network enables the SAU to "electronically mail" court summons from the main police headquarters to nine outlying police facilities. The CAST system offers numerous time-saving, automated features, including:

- 1) The capacity to identify an officer, his division station, and his duty hours when his badge number is fed into the system.

- 2) The capacity to sort all subpoenas for a given police station and instantaneously transmit a tear-off receipt for each officer, as well as a summary of subpoenas sent for supervisory control;
- 3) The capacity to translate input codes into everyday language on officers' copies of subpoena slips; and
- 4) The capacity to automatically print the prosecutor's office telephone number and the applicable court telephone number on each subpoena slip.

Advantages

There are several advantages to an SAU:

- 1) Specialization—As with any unit that is devoted exclusively to a single function, a great deal of expertise in the problems of subpoena processing is developed. Uniform procedures and policies are formulated to facilitate problem solving.
- 2) Single Contact Point—Previously, court and district attorney's staffs wishing to locate an officer (witness) might be referred to several stations to locate him, often feeling frustrated by being transferred multiple times. Now, the SAU serves as an intermediary, "tracking" any officer needed.

- 3) "Disregard" Capability—Formerly, when a case did not materialize and had to be "passed" at the last minute, locating officers by court/district attorney's staffs to advise officers they need not report to court was often complicated. The common practice was simply to wait until officers arrived at court to inform them that they would not be used. The SAU acts as a convenient relay to notify officers of a cancelled case.
- 4) Court Overcrowding Reduced—Because officers do not report to court until actually needed, court corridors and waiting rooms are less crowded.
- 5) Cost Effectiveness—It is estimated that the SAU will save approximately \$300,000 annually in overtime.
- 6) More Officers Available for Field Service—It is projected that eight full-time officers will be available each day for field service under the standby concept. Under the old subpoena system, these officers would be sitting idly in court.
- 7) Case Rescheduling—If, after receiving a preliminary subpoena, an officer encounters a scheduling conflict with personal activities (i.e., vacation), he may rearrange the case with the respective court through the SAU. In years past, officers were required to be present when subpoenaed regardless of personal commitments. Officers are now able to arrange a postponement on a case which, in the past, seemed only available to defendants.

- 8) Leadtime—Officers are now afforded much more advance notice on upcoming cases. In most instances, officers are given at least 2 weeks' notice. Prior to the formation of the SAU, it was not unusual for officers to receive less than 3 days' leadtime to appear in court.

Conclusion

Cooperation has long been heralded as the cornerstone of effective law enforcement. Unfortunately, however, all too often "cooperation" is a vague and abstract concept. The subpoena assistance unit is a major step toward coordination and efficient operations between the three key components of the criminal justice network—the police, prosecutors, and courts. Such a unit, devoted exclusively to the coordination and systematic processing of subpoenas, can not only improve interagency teamwork but can also enhance productivity. There are other big dividends to be derived not only in monetary matters, efficiency, and morale but also in a renewed willingness to acknowledge that criminal justice should be an integrated system that must work in harmony to achieve mutual goals. **FBI**

END