PROMOTING INNOVATION IN PROSECUTION

PROSECUTOR'S GUIDE

ТО

POLICE-PROSECUTOR RELATIONS



JEFFERSON INSTITUTE FOR JUSTICE STUDIES

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Joan E. Jacoby Peter S. Gilchrist, III Edward C. Ratledge

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About the authors:

Joan E. Jacoby is the Executive Director of the Jefferson Institute for Justice Studies Peter S. Gilchrist, III is District Attorney of the 26th Prosecutorial District, Mecklenburg County, Charlotte, North Carolina

Edward C. Ratledge is Director, Center for Applied Demography and Survey Research, University of Delaware.

PROSECUTOR'S GUIDE TO POLICE-PROSECUTOR RELATIONS

INTRODUCTION

This guide is for prosecutors. It is designed to help them establish or improve their working relationships with law enforcement agencies. It is also designed to help them identify areas that may be in trouble and areas where better or different relationships would improve the quality of prosecution services in their community.

In this guide, we assume that every prosecutor faces the common problem of how to manage an office with a fixed amount of resources in such a way as to provide quality prosecution services consistent with his or her policy.

Quality in prosecution is influenced by the quality of policing in your jurisdiction. The best possible environment for prosecutors occurs when the prosecutor routinely receives police reports that contain enough information so that filing decisions can be made in a timely fashion and cases can be disposed in a satisfactory manner.

This guide focuses on the relationships between the police and prosecutor throughout the adjudication process. It has a very simple goal: to show that there are a number of ways available to prosecutors that can directly influence both the quality of policing and prosecution. It emphasizes alternatives for improving communication, collaboration and coordination between the prosecutor and the numerous law enforcement agencies that operate in his jurisdiction at varying levels of performance. Although the guide may not necessarily solve specific problems, it should, at least, help prosecutors think about different ways of doing things.

ORGANIZATION OF THE GUIDE BOOK

Section one of the guide asks the prosecutor to assess the police-prosecutor environment within which he or she works. Its asks the questions, "What are my major problems and what aspects should I focus on for improvement?"

Section two describes how to achieve good police-prosecutor relations in Eight Easy Steps. It is based on a simple theme originally developed by Walt Kelly¹ and expounded by his hero, POGO. **"We have met the enemy and he is us."**

<u>The first step</u> starts with the agreement of the prosecutor, chiefs of police and the sheriff to work together in controlling crime and protecting the public.

<u>The second step</u> examines ways in which this policy level agreement can be translated into workable procedures that educate both police and prosecutors about the needs and limits of these two different perspectives.

<u>The third step</u> presents some techniques for improving the quality and timeliness of police reports.

<u>The fourth step</u> examines ways to make police contact with the prosecutor's office easier and more effective.

<u>The fifth step</u> looks how law enforcement can help the prosecutor as their cases move toward trial and disposition.

<u>The sixth step</u> promotes sharing successes with law enforcement and developing long-term relationships between the police and prosecutors.

The seventh step addresses the power of joint police-prosecutor operations.

<u>The eighth and final step</u> focuses on the improvements that police and prosecutors together can make in the community if they reach beyond their traditional duties.

Section three helps prosecutors identify the next steps – actions that can be taken and in their opinion should be taken next. Law enforcement officials and prosecutors should be able to use this action list as a guide to developing an action plan.

We hope that after using the guide, you will be able to identify areas of interest to you and start the task of making change. You may still need help from others in the form of advice, technical assistance or training. But you should be able to seek this assistance with a better understanding of the dimensions of the problem that you are addressing.

¹With many thanks to: *I Go Pogo*, Walt Kelly, (1952). Simon and Schuster; New York.

READING THE GUIDE BOOK

This guide should be read with the understanding that police-prosecutor relationships are dynamic. They are constantly changing due to a wide variety of reasons not the least of which is changes in the leaders (police chiefs and prosecutors), changes in the type of crime in the community, and changes in policy and procedures. What works in one jurisdiction at one time may not work in another or at a later date. Because of this variability, prosecutors should scan this guide to find ideas that can be tailored to their situations. It is up to the prosecutor to pick and choose those pieces that can improve his present relationship with law enforcement.

The technique used to present materials in the guide is to first present the problems that are most commonly expressed. We have presented them as "gripes". The comparison and contrast between police gripes and prosecutor gripes illustrates the different dimensions of the problem for one particular aspect of police-prosecutor relations.

Alternative ways to resolve or reduce some of the gripes are offered in the form of questions starting with the phrase "why not?" The technique of offering alternatives as a series of "why not's" is used to let the prosecutor know that he can accept or reject any alternatives as he sees fit.

Each of the alternatives are briefly described and followed by suggestions for action or steps that can be taken to implement change. All of the suggested actions are based upon reality. They have been observed in practice in at least one of the offices that participated in the innovation project. Where appropriate, site examples are presented to give richer context for the suggested directions the prosecutor may want to pursue.

At the end of the guide, we have attached a form which we hope you will use to provide us with feedback, questions, corrections and additions, It is important that this guide be maintained and updated as new tactics and strategies prove successful. Your input and reactions become a valuable part in making this happen.

Remember, there is no single answer, no best approach to achieving good police-prosecutor relations and meeting the goals of early, efficient and acceptable dispositions. There are only a series of different ways of doing things which, alone, represent good approaches and, in combination, may even produce successful results for the entire police-prosecutor environment.

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Comments and Suggestions

SELF ASSESSMENT

You mean there's

a simple test

that diagnoses

police-prosecutor relations?

A SIMPLE DIAGNOSTIC TEST

ANSWER HERE	SCORE HERE	
Q1. Do you have more than 10 local law enforcement agencies in your jurisdiction?	Q1. Enter number checked	
1. Yes5. No		
Q2. What percent of your caseload is contributed by the largest agency?	Q2. Enter 1 if less than 50% Enter 5 if 50% or more	
Q3. How often does the chief prosecutor or his deputy meet with the heads of law enforcement agencies? <i>Circle number that applies</i> 5. Regularly scheduled meetings 3. Meetings as needed 1. Infrequently	Q3. Enter number circled	
Q4. Grade the overall quality of evidence collection and protection in the: <i>(circle one)</i>	Q4. Enter appropriate number Largest agency	
Excellent Fair Poor 1. Largest agency 5 4 3 2 1 2. Other agencies 5 4 3 2 1	Other agencies	
Q5. Grade the overall quality of police reports submitted by: <i>(circle one)</i>	Q5. Enter appropriate number Largest agency	
Excellent Fair Poor 1. Largest agency 5 4 3 2 1 2. Other agencies 5 4 3 2 1	Other agencies	
Q6. Are the detectives in the largest agency specialized by type of crime (e.g., homicide, drugs, crimes against persons, property crimes, sex crimes, etc.)?	Q6. Enter number checked	
[] 5. Yes [] 1. No		
Q7. Has the prosecutor's office designed forms for police use?	Q7. Enter number checked	
[] 5. Yes [] 1. No		
Q8. Are they used?	Q8. Enter number checked	
[] 5. Yes [] 1. No [] 3. Sometimes		
Q9. How many days after felony arrests are police reports typically received by the prosecutor's office for:	Q9. Enter 5 for one or less days Enter 1 for two or more days	
1. Violent crimes2. Property crimes3. Drug offenses	1. Violent 2. Property 3. Drug	

A SIMPLE DIAGNOSTIC TEST

ANSWER HERE	SCORE HERE
Q10. Grade the response of the police to prosecutor's requests for additional information. <i>(circle one)</i> Excellent Fair Poor 1. Largest agency 5 4 3 2 1 2. Other agencies 5 4 3 2 1	Q10. Enter appropriate number 1. Largest agency 2. Other agencies
Q11. How often are there discussions between law enforcement and prosecutors about felony cases before charges are filed by the prosecutor? 5 4 3 2 1 []Always []Frequently []Sometimes []Rarely []Never.	Q11. Enter appropriate number
Q12. How often are police involved in discussions about felony cases with respect to: 5 3 1 Routinely Sometimes Rarely/Never Strength of evidence []] []] []] Plea Negotiation []] []] []] []] Prosecution plan []] []] []] []]	Q12. Enter appropriate number Strength of evidence Plea Negotiations Prosecution plans Search Warrants
Q13. Assess police availability in court as witnesses [] 1. Continuing problem [] 2. Frequently a problem [] 3. Sometimes a problem [] 4. Rarely a problem [] 5. Never a problem	Q13. Enter appropriate number
Q14. Are there joint programs between the police and prosecutor in the areas of: (check all that apply) [] Violent offenses [] Drug programs [] Career criminal/repeat offender [] Child sexual abuse [] Domestic violence [] Other	Q14. Enter 5 for each program area checked Violent Drug Career criminal Child sex abuse Domestic violence Other
	ENTER TOTAL SCORE HERE:



What is the condition of your relations?



Of Special Interest

Every time you scored a 1, 2, or 3, you identified areas that may need attention. If your low scores occurred in the following questions, then the following comments may be of special interest to you.

If you scored 1s, 2s, or 3s

Q1 - Q3	Your immediate need is to develop communication and agreement at the top policy levels. See Easy Step 1 in particular.
Q4 - Q5	You might want to examine the power of specialization to improve working relationships especially between detectives and prosecutors. Easy Step 2 and 5 should be of special interest to
Q6 - Q8	Emphasis should be given to report writing, the use of standardized forms or narratives and educating police about what the prosecutor needs to file charges and successfully prosecute. Easy Steps 3 and 4 may be of special interest to you.
Q9 - Q13	You may be ignoring or downgrading the value of police as part of the prosecution team. By involving them in the entire prosecution process, you can increase the likelihood of obtaining solid prosecutions and not wasting time on unproductive cases. Easy Steps 5, 6 and 7 should be of interest to you.
Q14	You may be missing an opportunity to strengthen existing police programs, attracting additional grant funds for joint programs, and reducing particularly troublesome crime problems in your community. Easy Step 7 and 8 may be of interest to you.
If overall, your score	es were on the high end (4s or 5s), then:
	Look to reaching out into the community and developing new programs and initiatives with the police. Review Easy Step 8 for some ideas and suggestions.

EIGHT EASY STEPS



Police-Prosecutor



Relations!









Why not agree to work <u>with</u> each other not against each other?

Site example -In Kalamazoo County MI, the prosecuting attorney has a monthly breakfast meeting with the heads of the law п enforcement agencies □ and the state police. Over □ coffee, eggs, bacon and ^D hot cakes, talk covers mutual crime problems, the need for more funding, the health of an ailing colleague. Each agency discusses major events of п $\frac{1}{2}$ interest to them.

> Why not provide departments with reports about the disposition of their cases?

Site example — In Kalamazoo County MI, at the monthly breakfast meeting the prosecuting attorney gives each □ department a report on the disposition of their cases from the previous П month.

Police and prosecutors have common interests to reduce crime, apprehend criminals and provide swift, sure and certain punishment. One would expect that there is always open communication at the top level, between chiefs, the sheriff and the prosecutor. All too often this is not the case.



- Take the lead in calling the principal policymakers together.
- □ Hold regularly scheduled meetings with the chiefs and the sheriff to discuss issues, problems and priorities.
- □ Subscribe to law enforcement publications.

Few police agencies know what happens to their cases once the prosecutor accepts them. If the results are good, the department should be praised. If they are not, reports let the chiefs and sheriff judge their own departments' ability to produce solid arrests.

Some may complain that disposition reports would encourage competition among agencies. We say, competition is healthy!



- □ Prepare monthly reports for each department describing the case dispositions for each department's arrests.
- □ Report dispositions, by case number, defendant name, type of crime, disposition (including dismissals) and sentences imposed.



Why not create a criminal justice policy board, revamp the existing one, or establish task forces? Someone has to set criminal justice priorities! Work within the framework of a board or task force which may include the prosecutor, chiefs of police, sheriff, city or county attorneys, juvenile justice authorities and representatives from the local government. Agreeing on a mutual agenda with police gives both of you a powerful voice in setting priorities.

Remember: The prosecutor has the power to foster better communication and planning between law enforcement and prosecution.

Site example — In Sullivan п County (Blountville) TN, the District Attorney General formed а domestic violence task force with the chiefs, sheriff, criminal court clerk, and head of probation to improve law enforcement and prosecution. The group П raised over \$50,000 in cash ^D and equipment for police cruisers, officer training, etc. The prosecutor instituted a "don't drop" ^D policy resulting in more п arrests and convictions.



- Establish criminal justice priorities e.g. juvenile gangs, drug trafficking, domestic violence, or drunk driving.
- Develop joint programs, collaborate on new tactics, or change procedures that don't work well.
- □ I dentify areas needing system-wide upgrading such as technology and automation, and jointly push for them.
- Establish ad hoc work groups to set long-term goals and develop plans for programs that will take more than one year to implement.
- Lobby the legislative and funding agencies together.





Why not establish a prosecutor's award for excellence in law enforcement? Police departments tend to measure their successes by the numbers — e.g. crime rates and arrests. But "the numbers" do not reflect other indications of quality policing. Prosecutors are the direct recipients of much police work. They are able to judge the quality of investigations, case preparation, program coordination and innovation. An awards program would give recognition to excellence in policing and educate the community about the quality of their law enforcement services.



As an old sage once said:

What is that saying? "Reward in public, criticize in private."

Site Example The Prosecuting Attorney in Kalamazoo County, MI. □ has created the first formalized communications and feedback link with the local police community. [□] The (FOP) Board of Directors has approved prosecutor's liaison position on the FOP Board. The position opens up a _ two -way street for communications and improving the prosecutors responsiveness to the П п police community П п



□ Look at the awards programs conducted by the National League of Cities (NLC) and the National Association of County Officials (NACO) for techniques in setting up your own.

□ Check with police accreditation programs for prosecution issues that are important to accreditation and incorporate them into the awards process.











Why not adopt the principles of specialization?

Site example — Small teams are used in Kalamazoo MI, □ Colorado Springs CO and □ □ Charlotte NC. ADAs rotate □ $^{\circ}$ through the teams. They $^{\circ}$ learn more and faster rather п than prosecuting an 🛛 □ alphabet soup of cases. □ More importantly, the team $^{\scriptscriptstyle \Box}$ and the detectives both $^{\scriptscriptstyle \Box}$ $^{\,\,}_{\,\,\,}$ receive training in п their $_{\Box}^{-}$ specialties. п Specialization is an accepted practice in police agencies. Look at homicide detectives, auto theft bureaus, juvenile and gang units, arson squads and so on.

Small and medium size prosecutor's offices may not have enough staff to formally organize them into special teams. But informally there are some assistants who may act as experts in prosecuting specific types of crime (e.g. domestic violence, child sex abuse, drugs, and violent crimes).

The major benefits of specialization include:

On-the job training of police by experienced attorneys about prosecution needs;

I ncreased communication and camaraderie between police and prosecutors;

Shared interest by the police and prosecutors in obtaining good dispositions; and

Reduced assistant shopping.



Some police departments would like the prosecutor to create teams that correspond to police districts. Be careful! You need to consider whether you have enough attorneys to assign to each district; whether the workload will be the same in each district (probably not); and whether the attorneys in the district will prosecute their cases or whether they are forwarded to the main office for prosecution. Look at the literature and experiences of other prosecutors before you make this decision. The experience of the DA in Charlotte, NC may be helpful.

Site example — In Charlotte NC, the property crimes emphasis on property crime prosecutions. The team developed new protocols and priorities with the police for prosecutions.



- □ Identify the special skills and interests of your attorneys. Name them as specialists.
- □ Notify the law enforcement agencies that experts are available for consultation and advice.
- □ Discourage other assistants from prosecuting in these specialties until they are experienced enough to do so.

□ If you have enough attorneys, create small teams for certain offenses like sexual assault, child abuse, drug cases, to work with police in case preparation.



Why not designate on-call attorneys to respond on-scene to especially violent crimes? Experienced attorneys are invaluable in advising lines of inquiry or evaluating what more is needed for evidence to make the case.



 \Box Assign experienced attorneys or teams specializing in violent crimes to work with the detectives at the scene of violent crimes.



Remember: Working closely with police invests all with improved job satisfaction, better prosecutions and quality service to the community.

Why not have the felony screening unit monitor the status of cases needing additional information? Few police think about the prosecutor having deadlines that, if not met, may lead to the release of the defendant or the dismissal of the case. Cases that need additional information before charges can be filed are in jeopardy. It is important that you have some sort of tickler file to remind you of the deadlines and that you establish procedures with the police to help you meet them.



example Site In Sangamon County IL, the violent offender prosecutors □ are present at all violent □ crime scenes. There is a \square back-up ASA and if further $\hfill\square$ backup is needed, there is $\hfill\blacksquare$ the Deputy First ASA and the ^D state's attorney himself. п

- Establish a <u>single point of contact</u> in each law enforcement agency through which forms and requests will pass.
- □ Redesign your screening forms so that they identify what additional information is needed and <u>when</u> it is due.
- □ Establish accountability. Require that requests be signed by the screening attorney who makes them, and by the sergeant or commander who receives them.
- □ The screening unit or the victim-witness unit should provide monthly reports to the prosecutor and the law enforcement agencies, identifying the number and results of requests made of each department.



Why not examine procedures for drafting requests for warrants?

Procedures for search warrants, wiretaps and the like vary. Some may be drafted by police for prosecutor review, others may be drafted by the prosecutor. Some judges require the prosecutor to accompany the police officer to court; other judges permit telephone authorizations. The work and disruption caused by inefficient procedures, especially after business hours, can be reduced by coordinating procedures between the effort of police, prosecutor and courts.



Remember: Close collaboration between prosecutors, detectives and investigators makes everyone appreciate the fact that officers frequently must make quick decisions based on very limited information. Knowing this helps prosecutors argue the legal principles when search warrant issues arise.

Site example In Sangamon County IL, the State's attorney developed protocols and procedures [□] for processing drug cases. П П



- Design warrant request forms in collaboration with the police.
- □ Use faxes or e-mail to speed requests from police to the authorizing prosecutor. Provide on-duty attorneys with cell phones and access to fax machines or computers.
- □ Work with the court to accept telephone authorizations from the on-duty attorney.





Why not help police process high volume misdemeanors and traffic cases? Traffic and misdemeanor cases typically are the highest volume of work in your office. If not processed efficiently, they can clog the courts, give citizens a poor impression of our system of justice, and produce unwanted dismissals due to breakdowns in police scheduling. Efficient processing frees up police, prosecutors and the courts to handle other cases.



As an old sage once said:

It's not the numbers that count, it's the quality of the results.

Site example In Sangamon County IL, the State's Attorney found that □ creating a misdemeanor □ screening unit separate felony screening \Box from $\hfill\square$ resulted in more careful $\hfill\blacksquare$ □ review of misdemeanors. It □ [□] developed a priority system [□] for misdemeanor п prosecution. As a result, police and misdemeanor attorneys reported more job satisfaction, better quality of \Box cases and higher morale. п



- □ Set up a separate misdemeanor screening unit to handle the high volume of cases.
- □ Develop efficient procedures for notifying police of court dates for contested misdemeanor and traffic cases. Some prosecutors use e-mail to notify police, others rely on pagers and/or telephone answering machines.
- Use victim-witness coordinators to help improve the notification process.





Why not tackle the problems of citizen complaints?

Site example — In Santa Fe NM, the DA works with police to coordinate citizen complaint charging policy $\frac{1}{2}$ so that if the prosecutor \Box refuses to charge a case, \Box the police will be less willing without 🛛 □ to proceed prosecutor approval. п

If there is one area more demanding, less rewarding and potentially dangerous, it is reviewing citizen complaints for prosecution. Depending on the statutes in your state, how you handle these complaints may vary widely. Here are some suggestions that may be applicable to your situation.





Remember: There is a big difference between the police's perception of a "good" case and what the prosecutor "knows" is a good case.

Site example — In Colorado \Box □ Springs CO, the district □ attorney established an 🛛 $\hfill\square$ economic crimes unit for all $\hfill\square$ but the most mundane $\ddot{\}$ cases. Its intake procedures $\ddot{\}$ □ by-pass the local police □

department thereby reducing their workload. In

addition its Neighborhood

Justice Center mediates cases prior to the initiation

□ of the formal charges. □

^D Police refer citizens to the ^D

 $\frac{1}{2}$ center for mediation.

.



- □ Assign an attorney to police headquarters to work with police on order maintenance problems and citizen complaints that clog up the lower courts.
- Use mediation to reduce court demand. Look at your community for mediation resources and develop guidelines with police for referrals to mediation.
- □ Relieve police from processing complaints for consumer fraud by assigning one or more attorneys to handle these complaints directly with the complainant.







Why not require written reports from law enforcement before authorizing or filing charges? Verbal reports from police often produce bad cases, high dismissals and a lot of unnecessary work. Written reports provide more complete information for charging decisions. Properly designed they also reduce requests to police for follow up information.

Caution!



Changing police reports is not an overnight task. Start with your most supportive law enforcement agencies or the smaller ones in your jurisdiction that can make changes more easily.

Site example —In Colorado \Box Springs CO, the police \Box designed probable cause □ affidavits that outline the □ police charges. In-custody П $\ddot{}$ reports initiated by patrol $\ddot{}$ \Box are routed to the detective \Box $\hfill\square$ section, reviewed and then $\hfill\blacksquare$ □ given to the filing deputy □ DA. Almost all case reports $\ddot{}_{\Box}$ are typed. They identify the $\ddot{}_{\Box}$ □ witnesses and include . summaries оf their 🛛 □ expected testimony. Also □ included with the report is $\ddot{}$ discovery material and a $\ddot{}$ □ copy already prepared for □ defense counsel.



- □ Work with the police to develop procedures for making probable cause arrests that require written reports.
- Establish with police a review process that flows from the police officer to the sergeant for approval before coming to your office.
- Provide ADA backup to help with exceptional circumstances.





Why not develop standard forms for police reports? You know what information you need from the police to make charging decisions. The police know what they can collect and when it is available.

The benefits of good case reports can be seen in a better control by the prosecutor over the gate into the courthouse, less follow-up work requested of detectives and patrol, and more time available for both the prosecutor and the police to do productive work rather than waste time on cases that will go nowhere.



Remember: Good case reports do not come about just because the DA says so. They entail a lot of hard work.

Site example — In Santa Fe NM, the district attorney design charging forms that list the elements of the crime authorized. As a result, the quality of reports coming over has greatly improved.

Site example — In Robeson County NC, the district attorney requires law enforcement officers to use a uniform investigative report for all felony cases. Officers are required to submit investigative reports within 10 days of making a felony arrest. Ready, Set...CHANGE -----

- □ Obtain policy agreement with chiefs and sheriff to give priority to standardizing their supplemental reports.
- Establish a work group of experienced trial attorneys and detectives to review existing law enforcement reporting forms.

□ I dentify basic information needed for charging and pretrial decisions about bond, pleas and probable cause, and information that is currently missing.

- □ Identify the elements needed for the most common offenses.
- □ Work with law enforcement to identify who collects what information and when.
- □ Redesign the case report and its contents so it matches the information collection process.

□ Work with law enforcement supervisors (sergeants and lieutenants) to develop procedures that ensure the collection process is complete and persons can be held accountable for supplying basic information.

□ Pretest the forms and procedures to debug problem areas before you start full implementation.



Why not train police to assemble case reports? Prosecutors usually do not train police in assembling case reports and police receive limited training from police academies in report writing. The combination can be deadly. If you are serious about obtaining "good" case reports, then you must be willing to dedicate resources to this task on an on-going basis.



Remember: Training is a continuous process because of turnover and new police officers. Your commitment of an hour or so every 6 months or a year is minor compared to the benefits it yields.

Site example - In Pueblo \square CO, the DA presents 4 hours \square of police training in two □ sessions on report writing □ and testifying. The office has $\hfill \Box$ $\ddot{}_{\Box}$ also prepared a "Juvenile $\ddot{}_{\Box}$ Procedures Manual for \square □ Police". Site example — In Colorado \Box Springs CO, the DA, CSPD \Box □ and the sheriff are 🛛 developing on-line imaging system to scan reports into a $\frac{1}{2}$ shared computer system.

- → Ready, Set...CHANGE →
 → Take advantage of the "in service" training programs conducted
- by police.
- □ Decide in conjunction with police whether training will be provided to the corporals or sergeants or those who review and sign reports; or whether training will extend to patrol and detectives.
- □ Use assistants or investigators who work well with police, are respected by them and are experienced to describe what is needed in reports and why.
- □ Develop a schedule for training that is on-going and focuses on the contents of the case reports, the procedures for obtaining the information and the process by which they are transmitted to the prosecutor.
- □ Start training in the smaller departments, they often are capable of making changes more easily than the larger departments.



Why not identify the offenses that produce the most requests for additional information and do something to reduce requests? Even if you are satisfied with most of the case reports you receive from law enforcement, there are probably some that repeatedly need additional information or further investigation. These cases typically signal problems due to incomplete investigations, inadequate information or special types of crime. An examination of cases sent back for additional information should help you identify problems and suggest how to correct them.



Remember: You don't need a law to make changes.

Site example — In Charlotte □ NC, the district attorney □ organized his attorney staff □ to reflect the Charlotte □ Police Department's crime $\ddot{}_{\Box}$ bureaus. The result was 7 $\ddot{}_{\Box}$ teams of prosecutors □ specializing in homicide, a ^D violent crime, property ^D juvenile, 🚆 crimes, drugs, $_{\Box}$ misdemeanors, and child $_{\Box}$ □ sex abuse. Each team was □ responsible for developing $^{\mbox{\tiny D}}$ the elements that had to $^{\mbox{\tiny D}}$ \square exist to prove these different \square \square types of cases. They and the \square □ police worked together to □ revise forms and 🛛 procedures.

Examine some or all of the cases "pending further information".

Ready, Set...CHANGE

- □ Sort them by law enforcement agency and type of crime.
- □ Count the number pending because of problems with 1. investigations,
 - 2. incomplete information such as summaries of witness or victim statements, or
 - 3. the absence of one or more elements of the crime.

□ Start correcting the most frequent problem.

- If they are insufficient investigations, then consider specially assigning an attorney or small team to work with the detectives and provide them with on-the-job training.
- If they are incomplete information, then develop a checklist for the sergeant or whoever reviews reports.
- If they are absent one or more of the elements, then develop a form for the offense and train the sergeants in its use. Use in-service training to make changes.
- □ Monitor the level of "cases pending" by monthly reports. If the numbers are not being reduced, find out why.









Why not find ways to make communication with the police easier at intake? Prosecutors usually work normal business hours at a few locations (office or courts). Police officers usually work shifts and are mobile. The result is difficult communication. Even a simple telephone call may take all day to complete. If you consider the number of calls that you make to get information before filing, you can see the importance of having efficient communications 24 hours a day.



As an old sage once said:

Consistency at intake makes for consistency in case reporting.

Site example — In Fort Collins CO, appointments are scheduled every 30 minutes for the investigating officer to meet with the screening prosecutor. Appointments cut down on traffic, waiting time and assistant shopping.	
Site example — In Kalamazoo MI, the prosecuting attorney serves police subpoenas to the commander or to the substation. The police provide voice mail pagers to officers so they can be paged when needed.	
Site example — In Colorado Springs CO, DDAs have a set schedule for visiting police stations to review reports.	



- Determine how you would like case reports brought over to your office at intake -- by a liaison officer after department review, by the arresting police officer or detective, by mail or fax.
- □ Assign only experienced attorneys to case review. Notify police who is doing review.
- Decide whether screening attorneys should make regularly scheduled visits to police headquarters.
- Establish a feedback mechanism so intake can notify sergeants or liaison officers about problems with reports.
- □ Give on-duty attorneys equipment to respond to police calls. Do not allow the use of answering machines after-hours. Instead, use pagers and cell phones.
- □ Provide back-up to the duty attorney.
- Provide the police agencies with a schedule and contact numbers for the on-duty attorneys.



Why not improve communications with police during the prosecution phase? Once cases are in the court system, police are subject to court schedules in addition to their regularly scheduled work hours. The most unproductive use of police is waiting for a hearing that doesn't occur. Good communication reduces these incidents and overtime paid for waiting in prosecutors' offices or court, increases opportunities for on-the-job training and gives law enforcement better insight into the needs of the prosecutor.



Remember: Teamwork means that detectives do not work on cases that have little chance of being filed and prosecutors do not spend time reviewing, and then returning, cases that do not meet charging standards.

Site example — In Santa Fe $^{\Box}$ NM, police give their pager Ready, Set...CHANGE numbers to the witness . notification staff so they can □ be paged when they are □ $^{\mbox{\tiny D}}$ needed in court. The court $^{\mbox{\tiny D}}$ Examine your procedures for calling officers during all this [–] has agreed with prosecution phases. procedure. Work with law enforcement agencies to decide which is the most efficient method for communicating with police officers and detectives. Site example — In Fort Collins CO, the attorneys □ Ask the detectives or police who are "court regulars" what \square praise the value of e-mail for \square communication problems are the most troublesome. providing communication at all times of the day (or night) Look at the use of cell phones, pagers, fax machines, and allowing the police to the $\overline{}_{\Box}$ update information telephone answering machines and e-mail to improve □ prosecutor has. communications. Designate victim-witness coordinators to be responsible for communications and notifications to law enforcement. Site example —In Fort Collins □ Keep officers informed when attorney case assignments $\ddot{}_{\Box}$ CO, during their shift time $\ddot{}_{\Box}$ change. $_{\Box}$ police call the DDA or his $_{\Box}$ answering machine to □ Use specialist attorneys and/or small teams to foster more □ check whether they need to □ one-on-one communication between police and prosecutors. $^{\Box}_{\Box}$ go to court the next day.



"We have met the enemy and he is us" -POGO



Why not recognize differences in perspective and use them to strengthen prosecutions? Police officers may not be concerned with *how* things appear in court, because they concentrate on the facts. But the prosecutor has to care because appearances are important in getting convictions. The police emphasis on collecting evidence (the facts) has to be tempered by the prosecutor's experience about what will "pass the bar" and what the court or jury will believe. If both police and prosecutor "own" the case, it is possible to mesh investigative and prosecution strategies so they work together.

Caution!



For some prosecutors, it is easy to become "closet cops". Having a vested interest in a case requires the prosecutor to retain his independent role as an attorney.

Site example — In Sullivan County (Blountville) TN, the District Attorney General established a multi-jurisdictional gang task force to break the п п backbone of street gangs. Highest priority was given to convict and obtain long $\hfill\square$ sentences for violent gang leaders. A central □ repository for gang □ intelligence is available to enforcement □ law in contiguous counties in TN and VA.



- Encourage a team approach. It reconciles police facts with prosecutor evidence. Communication and working together does this automatically.
- □ Ask police about the best procedures for handling reluctant witnesses, flipping defendants and acquiring information not normally included in the case file that is passed from the police to the prosecutor.
- Encourage critiques, suggestions and questions.
- □ Respect the individual autonomies of law enforcement and prosecution agencies.
- Encourage long-term relationships between police, detectives and attorneys.



Why not treat police officers as valued members of the trial team? It is important to destroy the mindset that says, "Once I've made the arrest, my job is over". Extending working relations into the case processing system produces better investigations, more complete and up-to-date information about the suspect, witnesses and acquaintances and even new leads to other crimes. As police begin to understand the needs of the prosecutor and how valuable their input is to successful prosecutions, cases improve dramatically, along with the morale and working relationships.



Remember: A joint strategy lets the police build a case that they consider factual AND the attorneys consider presentable in court.

Ready, SetCHANGE
Involve law enforcement in every step of the adjudication process.
Respond quickly to help detectives "flip" an arrestee before he is placed in open jail.
Establish criteria with the police for identifying defendants where opposition to bail is important (e.g. repeat offenders, career criminals, etc.).
For probable cause hearings or grand jury, make sure police know the deadlines you operate under and the timing and availability of evidence that you need for these hearings.
When you are actively negotiating a plea, keep the officer or detective informed of the progress of the negotiations and listen to their opinions.
Notify the officer when a plea agreement has been reached and what it is.
If the case goes to trial, be sure the officer is prepared to testify, knows the important elements to present and can update you on any late breaking developments.
Notify the officer when the jury has reached a verdict so he can be present to hear it along with you.
Don't keep the chief or the sheriff in the dark about unfavorable outcomes.



Why not extend your victim-witness services to police?

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Site example — In Fort

 \Box Collins CO, police have \Box

victim advocates. Meetings -□ between the two agencies □

communication clear and \Box

lines

the

□ establish supportive

coordinated help for

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keep

^D victims.

Police are witnesses too. They can benefit from early notifications of changes in court schedules and the setting of other important hearings. Even if they do not have to attend every court hearing, they will be informed and up-to-date.



- Coordinate your victim-witness services with those of the police (if they also have victim witness personnel) to ensure a seamless flow of services.
- Educate your victim-witness coordinators about the critical importance of the police as witnesses. Have them develop workable notification procedures with the police.
- Integrate the victim-witness staff into the case prosecution flow. Make them members of the trial team, the intake and screening unit and coordinators with police as well as other victim services programs.

Why not help law enforcement with testifying techniques? Not all police officers are public speakers. Many may need help in expressing themselves and with their demeanor as a witness. Recognizing the importance of police as witnesses and helping them with testifying techniques may be crucial to successful prosecutions.



- Make felony assistants available to teach testifying techniques.
- Hold a moot court for detectives and investigators complete with training in the presentation of evidence and critiques of performance.
- П Award certificates to the participants upon the successful completion of the training program.


"We have met the enemy and he is us" -POGO



Why not praise law enforcement agencies when they make good cases? When teamwork produces good results, you should make sure that credit is given where due. Giving credit and praise goes a long way for better relationships, support for new and innovative joint operations, and more importantly funding.

Conversely, problems should be identified and resolved quietly out of the public spotlight.



As an old sage once said,

You catch more flies with sugar than vinegar.

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Site example - The Fort	
Site example — The Fort Collins CO, police use a DA	
designed critique form for	
the officer to evaluate how	
well the Youth Offender	
Decrease team performed	
Response team performed.	



- Hold joint press conferences about high interest cases especially once the prosecution has started.
- □ Have police quietly critique problem areas and let the assistants who are designated to work with police help with solving the problems.
- ☐ Help develop long-term relationships between detectives and attorneys by increasing the length of their assignments to teams and special crimes.
- Publicly recognize the value of good teamwork.





Why not make sure that accountability exists for all decisions? Accountability lets you know who was responsible for actions or practices that are not acceptable, efficient or effective. At the same time, it helps you identify where to start to remedy problems. Accountability can be assigned to an entire department or agency, or it can be pinpointed to an individual. Accountability is most easily achieved when decisionmakers can be identified. Decisionmakers may be specific individuals, units or agencies. When decisionmaking authority is dispersed among many entities, accountability is hard to assign.



Remember: Accountability is a two way street.

Site One example technique used (rarely) _ Robeson County D □ in to 🗆 (Lumberton) NC, expedite follow-up \Box investigations is to notify the \Box □ victim that the prosecutor □ cannot proceed until police information is forthcoming. $\ddot{}_{\Box}$ The victim is advised to $\ddot{}_{\Box}$ $\hfill\square$ contact the chief of police $\hfill\square$ □ or the sheriff if they are □ concerned about the status of the case.



- At the policy level, make sure that there are written agreements or memorandum of understanding for each joint or collaborative police-prosecutor operation or undertaking and that the agreements have an agreed upon renewal or cut off date.
- □ For working relationships between patrol, detectives and attorneys, make sure that each can be held accountable for their responsibilities and duties.
- □ If a problem surfaces and accountability is not clear, give priority attention to making changes so the decision maker can be identified in the future.
- □ Establish procedures so negative reports on police performance can be forwarded (confidentially) to the chief or his delegate for their information and/or action.
- □ Establish procedures that allow law enforcement personnel to critique the performance of your office, its personnel and practices. Installing a suggestion box in the detective's squad room should encourage complaints and/or suggestions.







Why not take the lead in developing joint programs?

Site example — The Fort Collins CO, district attorney is working with the police to establish a youth service bureau to serve as a juvenile diversion program. Some of the most effective joint programs are those where police and prosecutor share common goals. Good examples are career criminal/ repeat offender programs. Once offenders are arrested, the prosecutor fights for pretrial detention and long sentences. Both police and prosecutor make sure that the case does not fall through the cracks. Benefits are reduced recidivism, crime avoidance since offenders are incapacitated, savings in losses due to crime, and increased public safety.



Remember: Multi-jurisdictional task forces are not subject to caps on the number of years they can receive grant funds. Other grant programs typically have a 2 to 4 year funding limits. Funds for prosecutors to support task forces may also be exempt.

Site example – In	
and onampio	
Kalamazoo MI, to implement	
a new law allowing	
prosecutors to issue	
investigative subpoenas for	
witnesses about unsolved	
crimes, the prosecuting	
attorney created a priority	
crimes task force consisting	
of one member from each	
large police agency and	
the chief assistant PA. The	
task force reviews, evaluates	
and screens potential cases	
for acceptance into the	
investigative subpoena	
. .	
program.	



- Establish a task force of police and prosecutors to identify and focus on the most serious crime problem in your community, e.g. drugs, juvenile gangs, violence, repeat offenders, burglaries, and drunk driving.
- Dedicate your attorney resources to the task force and develop new solutions to old problems.
- Establish new programs. Travel to other jurisdictions. See what other prosecutors are doing. Copy or adapt those programs that will suit your community.
- □ Use the political power of the chief to tap into city services and yours and the sheriff's to tap into county services to enhance your program.
- □ Seek grant funds to support new programs as demonstrations.
- Educate the media about the goals of the programs to gain public support and lend excitement to the new venture.



Why not coordinate victim-witness services between police and prosecutor? The victim-witness coordinator is a relatively new function. In some jurisdictions, law enforcement agencies employ victim-witness personnel to assist the victim and investigators at the earliest stages of their investigation. As a result victims and witnesses receive a continuity of services and protection. The prosecutor benefits from improved transfers of relevant information.



Remember: Police and prosecutors are natural allies in fighting crime and promoting public safety.

Site example — In Pueblo CO, victim advocates at police stations are 🛛 $\hfill\square$ volunteers who train police $\hfill\square$ to take pictures of children $\ddot{}_{\Box}$ and abused adults, to be $\ddot{}_{\Box}$ □ sensitive to victim's needs □ to 🗆 and refer them $^{\mbox{\tiny D}}$ community services. Some $^{\mbox{\tiny D}}$ of the advocates go to the \Box crime scene. They work \Box closely with the prosecutor $^{\scriptscriptstyle \Box}$ and the domestic violence $^{\scriptscriptstyle \Box}$ and the e



- □ Work with the chief or sheriff to help establish victimwitness services in law enforcement if they do not presently have these positions.
- ☐ Make sure that your victim-witness staff meet regularly with their counterparts in law enforcement agencies to support the transfer of information between the two groups.









Why not focus on quality of life crimes?

Crimes like drunk and disorderly, drinking in public, soliciting, loitering, graffiti, trespassing, illegal sales to minors, etc. are often called quality of life crimes. They may seem less important (to you) but they are most visible to the citizens who have to live with them.

These crimes can be controlled. Police presence followed up by strong prosecution and severe sentences sends a powerful message that crime will not be tolerated, not even the least serious. Restoring the quality of life in a neighborhood increases business for stores, makes communities pleasant and safe and reduces calls for service.



Remember: The team of police, prosecutors, and city and county agencies are unbeatable weapons in maintaining and improving the quality of community life.

Site example - In Santa Fe	
NM, the district attorney has	
a public liaison staff person	
^D to handle all citizen walk-ins	
and calls and refer the	
and calls and refer the	п
\Box citizens to other county, city	
and public agencies if the	
^D matters are not of	
prosecutorial interest.	п
L .	-



- □ Join with the police in a crusade against their community's most troublesome crimes.
- □ Enlist the support of the business community, neighborhood associations, and public service organizations and religious groups to help report crimes or infractions.
- □ Educate the police about what the courts need to prosecute these minor offenses. Follow through with strong prosecutions. Make sure the courts are aware of your "crusade" so they will impose strong punishments.
- □ Obtain the support of the mayor and/or county commissioners for your crusade. Show where the savings to the community begin.



Why not use the legal knowledge in your office to find non-traditional solutions to problems? Lawyers are trained in problem solving and dispute resolution. Not all problems have to be solved by a criminal prosecution. They can use other statutes and ordinances, rules and regulations to prevent or reduce "quality of life" crimes. Building code and zoning violations, nuisance abatements, liquor sales and licensing, health department violations, sanitary and sewer regulations, are only a few of the city's and county's resources that can help you and law enforcement meet your goals.



As an old sage once said:

If you only have a hammer, all you can do is drive nails.

Site example ____ In - Kalamazoo County MI, the prosecuting attorney's D office has just been 🛛 awarded Michigan Association of Chiefs of Police 1999 Community П Policing Award of 🛛 Excellence for its 🗆 Neighborhood Prosecuting Attorney Program. This program assigns a assistant \square to work in specially selected \square area with Neighborhood Liaison Officers and other [□] neighborhood leaders to [□] $\begin{bmatrix} \\ \\ \\ \\ \end{bmatrix}$ implement crime prevention $\begin{bmatrix} \\ \\ \\ \\ \\ \\ \end{bmatrix}$ initiatives.



- □ Enlist the help of other city and county agencies to cite infractions of other city and county ordinances or regulations as a means to clean up neighborhoods.
- □ Work beside the police as they sweep the streets of loitering, panhandling, or prostitution for example, and make sure the citations issued are processed quickly and properly.
- Be sure to inform the courts of the seriousness of these "minor" arrests and the importance of your prosecution to the neighborhood.



Why not give the public and media a voice in defining priorities for action in their communities? Citizen commissions, representing neighborhoods, created under the auspices of the mayor or county council, can help set priorities for action. Their priorities may not match yours or law enforcement's but they are valid nonetheless and need to be considered by both agencies. The benefit is that the public becomes educated about the strengths and limitations of both police and prosecution.



- □ Have your attorneys and police representatives meet regularly with citizen and community groups to identify issues and priorities.
- □ Create or support a police-prosecutor newsletter discussing the priorities for other members of the local government and the public.



Remember: New immigrants may have vastly different perspectives about police, prosecutors and the courts.

Why not reach out to the ethnic, minority and other underrepresented groups? Many in these groups need to be educated about our criminal justice system. Often feelings of distrust and impotence keep them away from the very agencies that can help or protect them. It is vitally important that they are educated about the criminal and civil justice systems. The police and prosecutor can play major roles in their education through a variety of techniques.



- □ Sports and recreational activities are tried and true ways to let kids learn about your world. Trips to museums and sightseeing events make prosecutors and cops more human.
- □ Citizen academies sponsored by the prosecutor or the police educate adults about the law and criminal justice.
- Awards events, banquets or luncheons inspire others to emulate their successes.
- □ Ride along programs for police and honorary prosecutor days attract new supporters of law enforcement and prosecution.



Why not seek grant and foundation funds for new programs? There is a large pool of grant money that you should be tapped into. The largest pool is available from the Department of Justice (DOJ) through your governor's commission. It is important that you establish a working relationship with the commission and its staff. They can tell you what areas are funded. You should know that higher priority is given to joint programs. partnerships, alliances and multijurisdictional task force programs. In addition to DOJ funds, there are other federal agencies like HUD, DOT, HHS, and Education that also have funds to demonstrate new and innovative programs.



□ LLEBG and JAIBG* funds can be used to support joint policeprosecutor programs. Forfeiture money may be available if you have joint drug task forces or operations. Funding from these sources may allow you to staff specialized teams to work with police on specific problems.

□ Examine the possibility of creating joint task forces or workgroups directed at various projects such as drugs, violent crimes, organized crimes, domestic violence, neglected and abused children, victims of crime and seek funding for them from other federal or state grant agencies.

□ I dentify a person in the state agency or in the county who is knowledgeable about grants and foundations. Ask this person to help train some of your staff in grant writing.

Establish a working group with the law enforcement agencies to identify areas where the funding for joint or multijurisdictional programs is available and develop a plan to seek grant funds.

* Local Law Enforcement Block Grant and Juvenile Accountability Incentive Block Grant.

Whatever you do, as Satchel Paige said, "Don't look back, something may be gainin' on you".



 $_{\Box}^{-}$ CO, the DA established a $_{\Box}^{-}$ separate charitable, non-□ profit corporation D "Prosecutor Assistance, Inc" with a board for directors $_{\Box}$ consisting of the DA, his $_{\Box}$ □ secretary, sheriff and 1 □ county commissioner. The $^{\Box}$ corporation allows the DA $^{\Box}$ from _ to seek funds П □ community groups, 🛛 $\hfill\square$ businesses and industries to $\hfill\blacksquare$ support computers, D □ personnel to prosecute bad □ п checks, juvenile counselors, П program development for □ juveniles, employment and □ on-the-job training to 🗆 ^D support restitution orders. П П

Site example - In Pueblo

Ready, Set ... CHANGE

Now that I

learned all about

police-prosecutor

relations,



WHAT NEXT?



Easy Action Steps

Check each box where you think more work is needed.

1. Easy Step: Agree to Agree	5. Involve law enforcement in case processing	
 Hold regularly scheduled meetings with law enforcement Distribute monthly reports on dispositions to law enforcement agencies Develop police-prosecutor priorities for the criminal justice policy board Provide awards for law enforcement excellence Support police accreditation efforts relating to case report preparation 	 Recognize differences in perspective and use them to strengthen prosecutions Treat police officers as valued members of the trial team Extend victim-witness services to police Help law enforcement with testifying techniques 6. Share successes with law enforcement 	
 2. Easy Step: Work with each other Use specialists or small teams to work with law enforcement Designate on-call attorneys 24/7 	 Praise law enforcement agencies when they make good cases Make sure accountability exists for all decisions 	
 Monitor the status of cases pending additional information Make warrant request procedures efficient Reduce police presence for processing high volume misdemeanor and traffic cases Streamline police involvement in citizen complaints 	 7. Encourage joint operations Take the lead in developing joint programs Coordinate victim-witness services between police and prosecutor 	
3. Easy Step: Help Police Improve Report Writing	8. Reach out to the community	
 Require written reports from law enforcement before authorizing or filing charges Develop standard forms for police reports Train police to assemble case reports Reduce requests for additional information to page 7 	 Focus on quality of life crimes Use legal knowledge to find non-traditional solutions to problems Give public and media a voice in defining priorities for action Reach out to the ethnic, minority and other under-represented groups Seek grant and foundation funds for new 	
4. Easy Step: Make police contact with prosecutors easier	programs	
 Facilitate communication at intake I mprove communications during prosecution phases 		
Now, let your staff complete the Then, after your meeting with the officials. Do they agree with you?		

"We have met the enemy and he is \bigwedge us"



Y'KNOW, CHILE, CRITTERS IS NICE, BUT HUMAN BEANS STILL MAKES THE BEST PEOPLE.



BYE BYE, POGO



PROSECUTOR'S GUI DE TO:





We would like to hear from you!

Please send us your comments and corrections



Name: Office: Address:

Phone:()Date:Subject: Guide to Police-Prosecutor Coordination



Please fax to:

Joan Jacoby Jefferson Institute 1015 18th Street, NW Suite 902 Washington, DC 20036

Fax: Telephone: e-mail: (202) 659-2885 (202) 659-2882 jjacoby@dc.net

