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RESOURCE NEEDS ASSESSMENT OF DISTRICT ATTORNEY
OFFICES FOR THE STATE OF MAINE

Prepared by

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Updated by the Maine Prosecutors Association on 2/01/00 with available court statistics for the years 1996, 1997 and 1998. Updated information contains caseload analysis by prosecutorial district. The projected impact upon anticipated caseloads by Governor King's proposed supplemental budget of 2000 and the Attorney General's request for additional Assistant District Attorney Positions are also included.

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Introduction and Background

The Maine Prosecutor's Association requested the American Prosecutors Research Institute (APRI) to conduct a needs analysis of the eight Maine district attorney offices to ascertain how well Maine's district attorney's offices are handling the caseloads within their respective districts. Specifically, this analysis provides a snapshot of the size of average workloads of Maine's district attorneys and their assistants and compares them to the American Bar Association (ABA) recommended caseload numbers. Furthermore, this study examines the factors that govern the typical caseloads for Maine's prosecutors.

The objectives of the study are:

1. To compare the criminal caseloads handled by Maine's prosecutors to the American Bar Association standards for criminal law attorneys.
2. To show how well the State staffs Maine's district attorney offices to handle the public demands.
3. To provide the district attorneys information which may enable the local prosecutors to readjust workloads within their offices.

The APRI used an "open systems" approach to analyze prosecutor resources. This method should help the district attorneys deal with problems particular to each office such as rapid employee turn-over, or to improve decision making and division of responsibility. For this project, we gathered caseload data from the Maine Judicial Department's Annual Report for 1995, as well as qualitative data through surveys of individual local prosecutors. We coupled this qualitative data with comments from the Maine Prosecutors Association to provide an overview

of how well Maine district attorneys' offices are functioning.

We interviewed each of the district attorneys for Maine's eight respective districts. They are: Michael Cantara, Prosecutorial District 1, York County; Stephanie Anderson, Prosecutorial District 2, Cumberland County; Norman Croteau, Prosecutorial District 3, Androscoggin, Franklin and Oxford Counties; David Crook, Prosecutorial District 4, Kennebec and Somerset Counties; R. Christopher Almy, Prosecutorial District 5, Penobscot and Piscataquis Counties; Geoffrey Rushlau, Prosecutorial District 6, Sagadahoc, Lincoln, Knox, and Waldo Counties; Michael E. Povich, Prosecutorial District 7, Hancock and Washington Counties; and Neale Adams, Prosecutorial District 8, Aroostook County.

Prosecutor Caseload Analysis

We used a common and practical method to measure prosecutor caseload. We established the total number of criminal cases processed per year by each district attorney's office, and divided that number by the number of prosecutors in that office. This number represents an average only. The Maine district attorneys assign their staff in different manners. Some district attorneys distribute the entire felony and misdemeanor caseload among the entire staff. The district attorneys accomplish this distribution in various manners - with some choosing to give the experienced assistant more felonies and less misdemeanors and vice versa. Some district attorneys choose to assign felonies entirely to one part of their staff and misdemeanors entirely to another part of the staff. Average caseload tabulations are a reasonable means of assessing caseloads, however, they do not represent the actual number of cases per individual prosecutor.

The table on page 5 reveals that the average adult felony caseload statewide is 63 cases per prosecutor per year. Felonies usually are the most complex, stressful and time consuming matters. Felonies may involve several count indictments alleging several crimes over a space of time. Sex offenses committed repeatedly against one or more children over a long time, and burglaries involving several victims are examples of the multiple count indictments in Maine. Insurance fraud, arson, theft by embezzlement, motor vehicle manslaughter, gross sexual assault, robbery, attempted murder and aggravated assault typify the complex cases handled by Maine district attorney offices. All of these matters require pre-trial preparation such as search warrants, witness interviews and visits to the crime scene. Arson and motor vehicle manslaughter cases

require the hiring of and preparation for expert testimony. All these cases involve motions to suppress and for discovery that require complex evidentiary issue preparation. Ultimately litigation may require jury trials and appeals.

The table reveals that the statewide caseload excluding adult felonies is 1390 cases per prosecutor per year. During the past fifteen years, Maine's legislature has emphasized the prosecution of OUI (Operating Under the Influence) and domestic violence cases. Police in Maine have responded to the public demand by arresting more people for OUI, domestic assault, violation of protection orders and violation of bail orders. This increase in arrests has inundated Maine's courts with new cases and as a result, the misdemeanor caseload per prosecutor is very high.

The Criminal Justice Standards Committee of ABA chaired by Andrew L. Sonner, County Prosecutor for Montgomery County, MD has developed standards for the maximum caseloads that any criminal attorney - defense or prosecution - should manage.

These standards are:

- 150 felonies per attorney per year
- or
- 300 misdemeanors per attorney per year
- or
- 200 juvenile cases per attorney per year
- or
- 25 appeals per attorney per year

(Standards for Criminal Justice, ABA, 1992)

| TOTAL AND AVERAGE CASELOAD STATISTICS BY PROSECUTORIAL DISTRICT FOR FISCAL YEAR 1995 ¹ | | | | | |
|--|-------------------------------------|------------------------------|------------------------------------|---------------------------------------|---|
| Prosecutorial District | District Court Filings ² | Felony Caseload ³ | Number of Prosecutors ⁴ | Average Felony Filings Per Prosecutor | Average District Court Filings per Prosecutor |
| District I | 13,601 | 503 | 9 | 55 | 1,511 |
| District II | 16,663 ⁵ | 769 | 12 | 63 | 1,388 |
| District III | 10,491 ⁵ | 444 | 6.5 | 68 | 1,614 |
| District IV | 11,932 | 556 | 7 | 79 | 1,704 |
| District V | 10,878 | 464 | 7 | 66 | 1,554 |
| District VI | 6,916 ⁵ | 361 | 6 | 60 | 1,152 |
| District VII | 5,305 | 201 | 5 | 40 | 1,061 |
| District VIII | 5,195 | 242 | 4.2 | 58 | 1,237 |
| Statewide total | 80,981 | 3,535 | 56.7 | 62 | 1,428 |

1. State of Maine Judicial Branch Annual Report-1995 is the source for the District Court Filings.
2. Represents all Criminal A, B, C, D and E filings, juvenile filings and criminal traffic case filings for fiscal year 1995. Excludes all court scheduled civil violations and traffic infractions.
3. Represents all district court A, B and C filings for fiscal year 1995
4. Includes the total number of assistant district attorneys and the elected district attorney for each district.
5. Due to joint representation of District II and District VI in the Bath/Brunswick District Court, 66.6% of filings in this District Court are attributed to the District II District Attorney's Office and 33.3% are attributed to the District VI District Attorney's Office. Due to joint representation of District II and District III in the Bridgeton District Court, 75% of filings in this District Court are attributed to the District II District Attorney's Office and 25% are attributed to the District III District Attorney's Office.

using the number of felony filings in District Court. We recognize, however, that this may not be an ideal number since the Superior Court generally handles felonies. Some district attorneys report that they endeavor to plead out felonies in District Court as felonies rather than process them in Superior Court. Furthermore, the number of felony indictments for each prosecutorial district is less than or equal to the number of felony filings in District Court with one exception. In District Attorney District 3, the number of felony indictments is 503 as opposed to 444 felony filings in District Court.

As the table indicates, the felony caseload per prosecutor is within manageable range recorded by the ABA. However, since Maine prosecutors distribute their felony caseloads in different manners, we need to factor in the entire caseload per prosecutor which shows an overall average of 1453 cases per prosecutor per year. This level far exceeds any level recommended by the ABA.

The ABA underscores that even experienced and industrious attorneys will be unable to provide quality services when their workloads are unmanageable. In its report on criminal justice standards, the ABA explains that excessive workloads will lead to attorney frustration, disillusionment and a weakening of the adversary system. In addition, the ABA voices concern that attorneys who have too many cases will experience special ethical dilemmas regarding the amount of time spent on criminal cases.

While examining these caseload numbers, the APRI feels that the average felony caseload

number of 63 is consistent with the relative crime rates in Maine as reported by the FBI in 1994.

Maine's Violent Crime Index is 130 per 100,000 inhabitants. This is 82% below the national average and 80% below the Northeastern United States average. Maine's 1994 property crime index was 3143 per 100,000 inhabitants which is 32% below the national average and 14% below the Northeastern United States average⁶.

As stated before, Maine's district attorneys divide their caseloads among their staff in different manners. One distribution method involves assigning certain assistant district attorneys to felonies only. In District Attorney District II, this results in an average caseload of 153 felonies per assistant - 764 felonies - five assistants. This is above the ABA recommended level for each of the five assistants. On the other hand, in district attorney offices where felonies and non-felonies are distributed to a larger number of prosecutors, the felony caseload is within recommended levels but the misdemeanor caseload put each assistant far above the recommended level.

The high misdemeanor caseload poses a particularly difficult problem for Maine's entire criminal justice process. Maine's Constitution guarantees a jury trial for any person accused of a crime for which there is a possibility of incarceration for any period of time. The Federal Constitution requires a jury trial only when the maximum possible sentence exceeds six months.

⁶ *Crime in the United States 1994*. U.S. Department of Justice, Federal Bureau of Investigation.

As a result of this Maine Constitution requirement, Maine's courts face the prospect of impounding twelve member juries for the most petty offenses. This dilemma, according to Maine's district attorneys, puts both prosecutors and judges in the position of having to prepare more cases for an expensive and time consuming jury trial. This procedure increases the difficulty of handling an already large misdemeanor caseload.

To see how this right to a jury trial actually affects the various district attorney offices, we determined the number of misdemeanor cases eligible for a jury trial in 1995 and compared that to the number of jury trials actually requested by defendants in the 1995 Superior Court transfer filings.

The following table provides a district by district analysis:

| Eligible and Requested Jury Trials for Misdemeanors - 1995 | | | |
|---|---|--|--|
| | District Court Filings for D, E and Criminal Traffic | # of Jury Trial Transfers Requested | % of Transfers Relative to Cases Eligible |
| District I | 11,939 | 939 | 7.8 |
| District II | 15,085 | 1,340 | 8.9 |
| District III | 9,103 | 633 | 7.3 |
| District IV | 10,383 | 706 | 6.8 |
| District V | 9,669 | 535 | 5.5 |
| District VI | 6,032 | 984 | 16.3 |
| District VII | 4,808 | 420 | 8.7 |
| District VIII | 4,619 | 343 | 7.4 |
| Statewide Total | 71,638 | 5,900 | 8.2 |

This table may provide Maine's prosecutors and other criminal justice agencies with some information on how to lessen the workloads of Maine's courts.

Decreasing the number of cases eligible for a jury trial may provide financial savings for the State. Maine could accomplish such a decrease through decriminalization of certain offenses or by Constitutional Amendment.

Maine prosecutors themselves may want to scrutinize and address the transfer rates in their districts. Prosecutorial responsibilities and policies affect case management and could alleviate workloads. If the transfer rates exceed the standard average rate district attorneys would be wise to adjust case assignments or sentencing recommendation policies.

The Maine district attorneys also report that in addition to the felonies and misdemeanors discussed above, Maine laws require them to prosecute contested traffic infractions and civil violations. These offenses carry "fine only" punishments.

Although these cases require little pre-trial preparation, they do require court presentation and pre-trial negotiation mostly with unrepresented defendants. These tasks in certain districts become laborious and time consuming.

The following table reflects the number of traffic infractions and civil violations handled by each district attorney's office.

| Traffic Infractions and Civil Violations - 1995 | | | | |
|---|--|--|--|---|
| | Civil Violations + Traffic Infract + Viol. Bureau Cases Requesting a Trial ¹ | Viol. Bureau Cases Eligible for Trial | Viol. Bureau Cases Requesting a Trial | % of Bureau Cases Requesting Trial Relative to Cases Eligible for Trial |
| District I | 3,070 | 13,042 | 2,024 | 15.5% |
| District II | 7,341 | 27,930 | 5,542 | 20% |
| District III | 3,793 | 15,138 | 2,416 | 16% |
| District IV | 2,034 | 12,494 | 1,048 | 8% |
| District V | 2,039 | 11,472 | 888 | 8% |
| District VI | 1,924 | 7,433 | 881 | 12% |
| District VII | 989 | 4,342 | 452 | 10% |
| District VIII | 789 | 6,512 | 322 | 5% |
| Statewide Totals | 21,969 | 120,332 | 13,573 | 11.27% |

¹ State of Maine Judicial Branch Annual Report - 1995 and the Administrative Office of the Courts (AOC) provided these figures. The AOC indicated that the only figures available for court scheduled- violations bureau cases were for July, 1995 through December, 1995. Estimates for January through June were extrapolated based on the July through September figures and from the figures in the State of Maine Judicial Branch Annual Report - 1995 entitled Civil Violation and Traffic Infraction Cases.

Prosecutor Interviews

We interviewed the eight district attorneys to learn more about the problems their offices face. We were able to identify certain difficulties common to most or all of them. To help achieve greater consensus on the issues addressed in the initial interview survey, we conducted a subsequent mail survey. The results of that second survey, and their implications, are discussed in the second part of this section.

We divided the first questionnaire into two broad sections, problem identification and recommendations for change. All questions were open-ended to avoid artificially inhibiting answers and allowed for the widest range of responses. The problem identification section posed three broad questions addressing: 1) critical resource problems; 2) demographic and geographic factors affecting the use of ADA's; and 3) factors unique to the district that produce resource strain. The recommendations section of the questionnaire solicited suggestions for improvement for each of the district attorney offices, and permitted an opportunity for the district attorneys to comment on areas that may have been considered important by the respondents, but were neglected in the questionnaire instrument.

The following summarizes the survey results for each of the DA interviews.

The district attorneys state that a combination of factors jeopardize the efficiency and effectiveness of Maine's prosecutors. These factors include 1) the demographic characteristics

of Maine (distances between courts and between prosecutor offices within districts); 2) vacillation in the volume of specific types of cases referred to the prosecutor's offices; and 3) variations in the perception of crime that may have an effect on reporting crimes and, in turn, the volume of arrests and prosecutions. Prosecutors also cite procedural changes such as the types of responsibilities that ADA's have, as well as the amount of work time associated with these new responsibilities. The following section discusses these factors and explains why the district attorneys conclude their staffs are overextended.

Distance Traveled by ADA in the Fulfillment of Their Responsibilities

District attorneys contend that geographic factors in their district affect their workload. In most districts, ADA's must travel a considerable distance to certain District Courts. Also, some prosecutors must travel large distances between their county offices. In some districts it is not unusual for ADA's to travel up to 70 miles one way to District Courts. In one particular district, there are a total of five separate offices, two in the Superior Courts (40 miles apart), and one in each of the five District Court buildings. Some offices must delegate ADA's to 4 different District Courts each week. In another district, the population is widely spread along the Canadian border including two Indian reservations. ADA's in this district must travel between DA offices and the District Courts, and then meet with local police in other towns.

Travelling from District Court to District Court erodes the time that would normally be available for preparing and trying cases. ADAs with high misdemeanor caseloads and large travel requirements are less prepared and the entire process suffers. To compensate for time lost to

travel, some offices assign experienced prosecutors to district courts to increase the disposition rates. In addition, other offices have tried rotating personnel where more experienced ADAs are shifted between District and Superior courts to speed court cases on both levels. These techniques have worked in some areas but other offices, with less experienced staff, end up being poorly prepared.

Increases in Criminal Case Volume

District attorneys describe their offices as overburdened with the prosecution of misdemeanor offenses. Prosecutors have tried some effective methods of coping with the amount of work generated by the mounting numbers of the misdemeanors. The large caseload diminishes the quality of trial preparation because there is inadequate time to prepare. The plea negotiation process is most affected by the rise in misdemeanor cases. Some of the district attorneys report that their ADAs speed through negotiations to free time to cover all their cases. The quality of plea agreements suffers, often resulting in an imprudent eagerness to accept plea agreements from defense attorneys to speed dispositions to meet the workload. Prosecutor - victim relations and the general public's perception of prosecutor efficacy also suffers.

Prosecutors agree that increases in the volume of family violence cases has strongly affected ADA work time. Some district attorneys assert that the public awareness of incidents of child abuse and domestic violence has lead to more reports, arrests and prosecutions of these crimes. Scrutiny from the public and specific special interest groups has made prosecutors less likely to reach or offer plea-bargains, thereby leading to more trials. Prosecutors have had to

dedicate more ADA work hours to family violence cases, and the special skills for prosecuting such cases has compounded ADA work time problems. District attorneys state that the sensitive and complex nature of these types of crimes has driven ADAs to devote much more time to preparing for trial. It is common for ADAs to pledge additional time to personally meet with victims and their families. District attorneys also report growing evidence of juror skepticism toward charges of child abuse, because of media coverage of prominent child abuse trials in other parts of the country in which defendants were acquitted.

Procedural Change Factors

Changes in criminal procedures have also increased workload. OUI cases are a particularly vexing area for district attorneys. Often these defendants hire attorneys who file motions to suppress, alleging illegal detention by police. The district attorneys trace ADA work time problems associated with OUI cases back to a recent Maine Supreme Court decision concerning police stops. In that decision, judges were described as showing patterns of becoming more protective of defendants in cases where police stops were made. Also, since that decision, district attorneys have observed that defense attorneys have become more aggressive in pursuing pre-trial motions leading to greater work for ADAs.

Procedural changes taking place in the last five years have had a notable impact on the workload of ADA's. The enactment of a state bail code in 1990 strengthened the prosecutors ability to revoke bail, but also created added hearings on many cases. The new bail code also created a group of criminal offenses termed "violation of condition of release." These new

offenses are effective prosecution tools, however they do increase ADA workload.

A change in the responsibility for the processing of post conviction petitions has added to the workload of the district attorneys. The Maine Attorney General's Office previously handled these petitions; ADAs must now commit extra time to preparation, court appearance and, often, legal briefs. One district attorney estimates that at least two months of ADA work time has been consumed in the past year for these cases. District attorneys from other districts agree that the paperwork volume associated with such proceedings has increased the workloads for assistant district attorneys.

Other Influences on ADA Workload

District attorneys cite other factors besides the ones stated above that affect the work time of their staff. Court scheduling and the lack of computerization in the courts create substantial problems in some districts. Computerization would assist the Maine prosecutors because it would enable the courts to schedule cases more efficiently; scheduling clerks would be able to identify both complex cases and cases that languish on the docket. In more populated districts, Superior and District courts generally operate five days a week and prosecutors often find themselves in court all day, 5 days a week. When the prosecutor leaves the court s/he faces hours of case preparation and screening. Busy court schedules leave assistant district attorneys with little time for case preparation and review, let alone for professional development or for essential technical assistance to police. Lack of an adequate number of judges to handle lengthy dockets forces the ADAs to plea bargain unnecessarily.

The need to rush through court proceedings, lowers the professionalism and compassion of ADAs especially when interacting with police representatives and victims.

The lack of adequate computer resources indirectly hinders prosecutorial efficiency in Maine. The district attorneys are unable to communicate via computer, between prosecutors' offices, State Bureau of Identification (SBI), Department of Motor Vehicles (DMV), and with the District and Superior Courts. As a result, the ADAs must often make decisions without important information that could be provided by computers. For example, an ADA may request an inappropriate sentence for an offender because knowledge of a criminal record was unavailable at the time of sentencing. The district attorney in one district describes their computers as being so antiquated that the office is unable to secure a maintenance contract. Only secretaries and paralegal employees in that office have direct access to a computer. Assistant district attorneys in several of the districts draft all letters and case documents by hand and forward them to support staff for production. District attorneys in these offices say such a system creates "more than double the work" than having the ADA draft and print the documents themselves. Adequate computerization/automation of the district attorneys' offices will provide significant case management benefits, providing information about where best to direct resources.

Follow-up Survey: Delphi Survey Results

After speaking with each district attorney we conducted a mail survey to see if we could achieve some consensus on the problems facing district attorneys in Maine. The initial survey posed general, problem-defining questions eliciting open-ended responses. We used the Delphi technique, developed by the Rand Corporation, in an attempt to reach agreement on important issues.

In the Delphi questionnaire, we requested the district attorneys to, first, rate the factors critical to the use of personnel in prosecutor offices. We then asked them to rate the effects of resource problems. Lastly, we asked the district attorneys to rate proposed methods for solving personnel constraints. We rated the proposals based on desirability, utility, feasibility, and importance.

The following describes the results of the Delphi survey. The first subsection ranks factors affecting the use of ADAs in their respective offices. District attorneys ranked the factors on a five-point scale of importance with 5 being the highest level of importance, and 1 being the lowest level of importance.

| Importance Rankings for Factors Identified as Critical to the Use of ADA Resources⁷ | |
|---|------|
| Lack of adequate inter-agency computer resources | 5.0 |
| Expansion of ADA role | 4.67 |
| Lack of adequate intra-agency computer resources | 4.5 |
| Shifting of habeas motion responsibility | 4.2 |
| Introduction of mandatory arrest policies | 4.0 |
| Increased complexity of child abuse cases | 4.0 |
| OUI statutory modifications | 3.8 |
| Increase in sex offenses | 3.67 |
| Increase in juvenile offenses | 3.67 |
| Increase in sentencing appeal motions | 3.6 |
| Increase in child abuse offenses | 3.4 |
| Modifications to state bail policy | 3.4 |
| Travel between prosecutor offices | 3 |
| Travel between courts | 2.8 |

Lack of computer resources (both inter-agency and intra-agency), expansion of the role of the ADA, the shifting of habeas motion responsibilities from the State Attorney General's Office to district attorneys, and the introduction of mandatory arrest policies for specific offenses all ranked in the top third. These rankings emphasize the significance of sufficient computer resources for use within respective DA offices. All district attorneys are unanimous in reporting this at the highest level of the five point importance scale.

⁷ Development and application of the Likert scale used for the Delphi survey, and the interpretation of results were modeled after works of Hagan (1993) and Kramer (1973) on this method.

The second tier focuses on the effects of legislative changes (e.g., OUI statute modifications, statutory changes on the hearing of sentence appeal motions) and obstacles associated with the prosecution of specific types of criminal cases (e.g., volume increases in sex offenses and juvenile offenses, the complexity of prosecuting child abuse cases). Based on the responses, DA's are in general agreement that most OUI cases now involve motions to suppress creating additional work for ADAs. District attorneys describe increased sentence appeals as time consuming and unsettling for victims. Increased workload involving the prosecution of child abuse offenses is caused by difficulty in obtaining convictions based only on children's testimony, and the necessity for greater witness preparation. Other factors include concerns of time lost to travel responsibilities, changes to the state bail policy and a reported rise in child abuse cases.

The following chart represents the composite means for DA responses to a five point scale ranking the effects of critical factors influencing the work of the ADA. However, respondents are in a high level of agreement that less ADA attention to individual cases and a weakening of ADA plea negotiation strategies were the most important negative effects. DAs are in strong agreement that ADAs are devoting less time to individual cases to cope with an increase in the overall caseload and that ADAs are altering plea negotiation strategies that lead to reaching plea agreements more expeditiously, but at a cost to the quality of justice.

| Agreement Rankings for Effects Identified as Resulting from ADA Resource Constraints | |
|---|------|
| Less ADA attention to individual cases | 4.5 |
| Weakening of ADA plea negotiation strategies | 4.4 |
| "Cutting corners" to cope with constraints | 4.14 |
| Decrease in ADA morale | 3.17 |
| Increase in ADA turnover rate | 2.67 |

The last section of the Delphi survey presents several proposals to the district attorneys that were offered in the first survey as being possible methods to offset the negative effects of personnel constraints.

Summary and Recommendations

Prosecutors all over the United States have difficulties in responding to increasing caseloads while trying to deliver fair and just results (Rhodes, 1981; Weimer, 1979; Lawson, 1980). The chief prosecutor must be aware of the assistant prosecutor's daily experiences with fluctuation in caseloads and how the lack of time affects the ADA's ability to meet their responsibilities. According to Jacoby (1987), this awareness enables the chief prosecutor to effectively allocate personnel.

The ABA advises that an independent assessment conducted by an independent consultant can provide chief prosecutors with this essential information. However, such studies can be

prohibitively expensive, and they tend to involve costly task analysis studies of personnel logging activities and dwell too much on caseload numbers. The present assessment is an attempt to understand human resource needs of Maine's district attorney offices in a cost-efficient manner. We attempted to blend useful quantitative measures as well as qualitative factors to generate recommendations for Maine's eight district attorneys. This assessment is modest in comparison to full management audit evaluations. This assessment does, independently, reveal areas of resource need and encourages steps that can be taken to affect positive change.

The analysis of prosecutor average caseloads in Maine demonstrates that the need for additional personnel varies across the State.

Questionnaire surveys of Maine's 8 district attorneys supply penetrating insights into the types of human resource dilemmas Maine's DAs experience and how these DAs attempt to adapt to these difficulties. This study reveals that all local DAs face similar problems. Geographic and demographic factors deviate little across the State. The rapid rise in OUI motions to suppress affect all prosecutor offices, but converge toward the realization that as the role of the prosecutor in Maine has evolved, the demands placed upon the use of human resources have increased. These demands have stretched these resources beyond the limits required for expeditious processing of criminal cases while sustaining a high level of justice.

During the open-ended response section of this survey some district attorneys report that the understaffing of assistant district attorneys is a grave problem. For more than half of the

offices, the managerial skills of DAs are severely tested to guarantee proper preparation of incoming cases. A common term used to represent how DAs have attempted to adapt to this situation is the "juggling of schedules." The DAs have struggled to maintain a high degree of professionalism while addressing a growing number of cases and tasks. District attorneys are nearly unanimous in their contention that ADAs have begun to participate in practices that threaten the responsible fulfillment of ADA responsibilities. Regrettably, most DAs confess that in a number of ways justice has been sacrificed as a result of failed attempts to compensate for resource shortages.

District attorneys report that ADAs are paying less attention to individual cases, are choosing to enter into plea negotiations to avoid the case work associated with trial, or are racing through plea negotiations to try to minimize caseload time. Lower morale or staff turnover have resulted from this situation. DAs feel a sense of powerlessness.

An element that has played a large part in growing pressure on the effective delivery of prosecutorial services in Maine is the evolution of the role of the prosecutor; what the position means to the criminal justice process and what it means to the general public. Individual interview reports note that in Maine, professional responsibilities have spread far past the original boundaries of "sanction setter" and "pure jurist." Maine prosecutors must now not only apportion work time across newly-defined crime areas (e.g., child abuse) and assume responsibility for areas falling outside of their professional domain (e.g., post conviction motions), but they are, increasingly, being expected by the general public to serve functions assigned to other

government agencies in the past (e.g., victim assistance, and teaching at the criminal justice academy). Efforts at meeting the demands of this changing role are described by several DAs as an exercise in futility.

Compounding the workload problems of Maine's ADAs are recent procedural changes that have occurred in the Maine court system. The most frequently cited change is the modification of OUI laws. District attorneys indicate that the toughening of these laws has translated into a surging volume of pre-trial motions. Similarly, District attorneys are pessimistic, though, that much could be done to make additional procedural changes to reverse the negative effects described.

All DAs agree that enhanced computer capability, both within offices and with outside organizations and agencies is important. Currently, staff are spending an inordinate amount of time tracking defendant histories in open and closed files, tracking witnesses and reinventing common forms, motions and letters. In many of these offices, efficient case flow management and case tracking have not arrived due to the absence of in-house computerization or available computer expertise. On an inter-office level, DAs lament their lack of bail status information, probation status information, and criminal history information. DAs see this area as one which the most gains could be made by networking agencies like the SBI, the DMV and to Superior and District Court dockets.

Based upon the findings presented, we have formulated five broad recommendations to

assist in the improvement of Maine's district attorney offices.

Recommendation 1 - Add Assistant District Attorneys for Individual District Attorney Offices.

We find that staffing needs and desires are individualized to respective offices; however several district attorneys appeal for substantial increases in ADA positions. Based upon caseload average analysis and qualitative study, the three district attorney offices that show the greatest need for more staff are Districts 1, 3, and 4. The average caseload per prosecutor in those districts (See table - Total and Average Caseload Statistics) is significantly above the average caseload in other districts.

We recommend expansion in stages to allow an assessment of the effect additional ADAs have on individual caseloads as well as on overall ADA productivity. We also recommend the DAs conduct a formal productivity assessment for each office. This process is explained in greater detail in the next recommendation.

Recommendation 2 - Maine's District Attorneys offices should undertake comprehensive job task analyses for all ADA positions.

An intensive task analysis would help to determine the precise personnel needs of Maine's district attorney offices, as it would enable the DAs to gauge how staff additions would affect workload by showing the time and effort typical tasks require and how often these tasks occur, and by identifying the number of attorney hours needed to bring cases to disposition, the analysis would derive and use caseweights for resource allocation and cost analysis. Although the National District Attorneys Association (NDAA) encourages the use of such analysis by local

prosecutors, they have not been widely employed because of complexity and cost (Jacoby, 1987).

Case weighting analysis is essential to properly assign work hours to duties of the ADA position. This type of analysis would: require statistical data about the number and type of cases prosecuted and their dispositions; and require ADAs to maintain activity logs for 6 to 8 weeks. The data generated through the logs would then be edited, coded and entered on computer for analysis, and the production of reports for operations and management.

There are no simple answers to questions like - how many cases can an average ADA handle before the quality of prosecution suffers? or how many cases should an average ADA dispose of in a year? However, developing and supporting caseweightings systems in Maine's district attorney offices would take the offices a step closer to discovering where work is being allocated in the offices, how much work is being accomplished by ADAs and what impact the addition of new ADA staff will have on overall workload, particularly if activity logging results are longitudinally compared prior to the hiring of the first stage of new ADAs and after their introduction to the offices. Only in this manner can the effects of the expansion of the ADA work force be accurately and objectively gauged to set the foundation for responsible decision making on the determination of further staffing additions.

Recommendation 3 - Add judges.

The district attorneys and assistant district attorneys are concerned court judges are

overextended. Maine judges must handle many matters, often family-related issues, that compound effective processing of criminal cases. Maine's criminal court judges also oversee divorce proceedings, child custody hearings, child protection and general protection from harassment and abuse. This burden is too great for the judges to meet all their obligations timely. Consequently, adding ADA's without adding judges may not reduce backlog or increase efficiency.

Recommendation 4 - Change certain criminal offenses to civil violations to enhance enforcement.

To reduce the burden on prosecutors, without impeding the proper response to crime, the Legislature should change certain crimes to civil violations and place them under the original jurisdiction of the Violations Bureau. Such changes would reduce the burden on both prosecutors and judges. It is more appropriate that the Legislature, after reflection, determine which offenses require a lesser sanction.

Recommendation 5 - District Attorney Offices must be fully automated and linked with one another, SBI, DMV, the courts and corrections.

All Maine prosecutor offices are operating in a low technology environment. The inability to use even the most rudimentary computer resources causes significant delay and individual workload strain. Any effort to enhance ADA performance without addressing computer development would be handicapped.

Lack of computer resources in district attorney offices hinders ADA efficiency and

reduces overall productivity. District attorneys steadfastly believe that the introduction of wide-scale computerization would significantly decrease time now spent manually tracking defendant histories, witnesses, offender bail and probation status and scheduling of cases. Installing a computer networking system that links DA satellite offices as well as Superior and District Courts, would decrease the effects of geographically-related obstacles.

We recommend all district attorney offices analyze their current paperflow processing and as a group ascertain a cost-efficient way to connect all DA offices, the courts, SBI and DMV databases.

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Appendix 1
Questionnaire Instrument

Appendix 1

AMERICAN PROSECUTORS RESEARCH INSTITUTE

MAINE PROSECUTOR NEEDS ASSESSMENT: QUESTIONNAIRE SURVEY

This questionnaire instrument has been developed subsequent to a meeting held on November, 11, 1995 between APRI and representatives of each of Maine's eight district attorney offices regarding the administration of a needs assessment for all eight offices. The focus of the assessment is the extent of human resources available to each of the offices in terms of assistant district attorneys and the degree to which the level of human resources is able to meet the demands of professional responsibilities within the offices. At the November 11 meeting, it was concluded that the quantitative caseload comparisons to established baselines would benefit from the inclusion of a qualitative analysis of perspectives of resource needs from each of the eight offices. This telephone survey is conducted to furnish such qualitative data to assist in constructing a comprehensive needs assessment for Maine's district attorneys' offices.

NAME _____ POSITION _____ DISTRICT _____

NUMBER OF YEARS IN CURRENT POSITION _____

JURISDICTIONAL SIZE _____ # FTE'S _____ #PTE'S _____

ADA'S _____ # ADA'S RESPONSIBLE FOR FELONY PROSECUTIONS _____

ADA'S RESPONSIBLE FOR MISDEMEANOR PROSECUTIONS _____

PROBLEM IDENTIFICATION

1. In terms of human resources (e.g., assistant district attorneys), how would you characterize resource needs for your office? (probe: What are the most pressing problems you face because you do not have sufficient personnel to address prosecutorial responsibilities in your office?)

2. What are the most significant procedural factors that have had an influence on the manner in which human resources are used in your office? (probe: Are there any court procedures that you believe have either directly or indirectly impeded ADA effectiveness because of the pressures they put on effective use of human resources?)

3. What *demographic* factors do you believe have had the most critical impact on the use of assistant district attorneys in your office? Which of these factors have demonstrated the most change over the last 2-3 years? What effect has this change had on the use of human resources?

4. Are there any factors unique to your district that have placed a strain on the use of assistant district attorneys in your office? If so, what have you done to cope with this problem? (*probe: Have you had to "cut corners" in some way to compensate for these problems?*)

5. How has Maine's policy of treating individual criminal charges as separate cases affected the use of assistant district attorneys' time in your district? What other policies have had an effect of equal or stronger magnitude than that of the policy of treating individual criminal charges as separate criminal cases?

6. What geographic/distance factors have had an influence on how assistant district attorney resources are used in your district? (*probe: Does the distance between courts have any impact on the time needed for ADA's to cover cases they are responsible for?*)

RECOMMENDATIONS FOR CHANGE

7. Given the your description of human resource use and need in your office, what are your suggestions for improvement of any problems associated with the lack of adequate human resources to satisfactorily address professional responsibilities of assistant district attorneys? Please rank your recommendations in terms of the importance of the recommendations with regard to your projection on the immediate impact that these changes could have on the articulated problems.

8. What issues/areas do you feel should have been covered by this questionnaire but were not? How do these issues/areas relate to the identification of resource needs for Maine's district attorneys? How would improvements here improve the resource need situation for Maine's district attorneys?

Appendix 2

Delphi Survey Instrument

Appendix 2

AMERICAN PROSECUTORS RESEARCH INSTITUTE

MAINE PROSECUTOR NEEDS ASSESSMENT: DELPHI SURVEY

This questionnaire represents an effort to provide greater clarification and detail to responses elicited through the original survey administered in December and to reach a degree of consensus on the issues reported as being integral to the use of human resources in prosecutors' offices throughout Maine. The original survey was purposely designed to pose general, problem-defining questions that would elicit open-ended responses to allow for the widest range of responses and to avoid the effects of possible interviewer bias or instrument bias in obtaining responses. The Delphi technique, developed by the Rand Corporation, is a method of exposing groups of experts, who were respondents to a general survey, to the results of that survey in an attempt to reach agreement on the level of importance of identified issues. Both the inquiry and the conclusions reached by others may serve to stimulate taking into account considerations that might have been neglected in responses to the original questionnaire and to give due weight to factors some respondents may have been inclined to dismiss as unimportant on first thought. Using a more closed-ended rating scale, results are used to rank the relative significance of the issues defined and to eliminate those that receive low ratings of importance.

The following is a listing of the factors that were reported most frequently in responses to the first prosecutors' survey as being critical to the use of human resources in prosecutor offices. Please answer the following questions to the best of your ability regarding the degree of importance of factors described, in the first questionnaire, as affecting the use of human resources (i.e., assistant district attorneys) in your office.

1. Lack of adequate computer resources to be used within the office.

| | | | | |
|----------------|-----------|---------|--------------------|-------------|
| Very Important | Important | Neutral | Somewhat Important | Unimportant |
| 5 | 4 | 3 | 2 | 1 |

Please explain - _____

2. Lack of adequate computer resources to link with other criminal justice agencies/organizations.

| | | | | |
|----------------|-----------|---------|--------------------|-------------|
| Very Important | Important | Neutral | Somewhat Important | Unimportant |
| 5 | 4 | 3 | 2 | 1 |

Please explain - _____

3. Personnel time loss due to required travel between prosecutor offices within the district.

| | | | | |
|----------------|-----------|---------|--------------------|-------------|
| Very Important | Important | Neutral | Somewhat Important | Unimportant |
| 5 | 4 | 3 | 2 | 1 |

Please explain - _____

4. Personnel time loss due to required travel between courts within the district.

| | | | | |
|----------------|-----------|---------|--------------------|-------------|
| Very Important | Important | Neutral | Somewhat Important | Unimportant |
| 5 | 4 | 3 | 2 | 1 |

Please explain - _____

5. Statutory modifications to OUI laws.

| | | | | |
|----------------|-----------|---------|--------------------|-------------|
| Very Important | Important | Neutral | Somewhat Important | Unimportant |
| 5 | 4 | 3 | 2 | 1 |

Please explain - _____

6. Shifting of the responsibility of habeas motions from the Maine State Attorney General's office to district attorneys.

| | | | | |
|----------------|-----------|---------|--------------------|-------------|
| Very Important | Important | Neutral | Somewhat Important | Unimportant |
| 5 | 4 | 3 | 2 | 1 |

Please explain - _____

7. Increases in sentencing appeals brought about by statutory changes regarding the hearing of sentencing appeal motions.

| | | | | |
|----------------|-----------|---------|--------------------|-------------|
| Very Important | Important | Neutral | Somewhat Important | Unimportant |
| 5 | 4 | 3 | 2 | 1 |

Please explain - _____

8. Modifications to the state bail policy.

| | | | | |
|----------------|-----------|---------|--------------------|-------------|
| Very Important | Important | Neutral | Somewhat Important | Unimportant |
| 5 | 4 | 3 | 2 | 1 |

Please explain - _____

9. The introduction of mandatory arrest policies for specific offenses (e.g., domestic violence, sex abuse).

| | | | | |
|----------------|-----------|---------|--------------------|-------------|
| Very Important | Important | Neutral | Somewhat Important | Unimportant |
| 5 | 4 | 3 | 2 | 1 |

Please explain - _____

10. Increase in the volume of juvenile crimes.

| | | | | |
|----------------|-----------|---------|--------------------|-------------|
| Very Important | Important | Neutral | Somewhat Important | Unimportant |
| 5 | 4 | 3 | 2 | 1 |

Please explain - _____

11. Increase in the volume of sex offense cases.

| | | | | |
|----------------|-----------|---------|--------------------|-------------|
| Very Important | Important | Neutral | Somewhat Important | Unimportant |
| 5 | 4 | 3 | 2 | 1 |

Please explain - _____

12. Increase in the volume of child abuse cases.

| | | | | |
|----------------|-----------|---------|--------------------|-------------|
| Very Important | Important | Neutral | Somewhat Important | Unimportant |
| 5 | 4 | 3 | 2 | 1 |

Please explain - _____

13. Increased complexity of child abuse cases.

| | | | | |
|----------------|-----------|---------|--------------------|-------------|
| Very Important | Important | Neutral | Somewhat Important | Unimportant |
| 5 | 4 | 3 | 2 | 1 |

Please explain - _____

14. Expansion of the role responsibilities of assistant district attorneys.

| | | | | |
|----------------|-----------|---------|--------------------|-------------|
| Very Important | Important | Neutral | Somewhat Important | Unimportant |
| 5 | 4 | 3 | 2 | 1 |

Please explain- _____

The following section presents scenarios offered in the original survey as results of the individual and combined effects of the above factors. Please indicate your level of agreement with the following statements regarding these effects.

Human resource strains precipitated by some or all of the above factors have led to:

1. assistant district attorneys devoting less time to individual cases to cope with an increase in the overall volume of cases.

| | | | | |
|----------------|-------|---------|----------|-------------------|
| Strongly Agree | Agree | Neutral | Disagree | Strongly Disagree |
| 5 | 4 | 3 | 2 | 1 |

2. assistant district attorneys altering plea negotiation strategies that lead to reaching plea agreements more expeditiously, but at a cost to the quality of justice (i.e., settling to terms that they would not agree to under normal circumstances).

| | | | | |
|----------------|-------|---------|----------|-------------------|
| Strongly Agree | Agree | Neutral | Disagree | Strongly Disagree |
| 5 | 4 | 3 | 2 | 1 |

3. assistant district attorneys "cutting corners" in other ways to cope with time constraints.

| | | | | |
|----------------|-------|---------|----------|-------------------|
| Strongly Agree | Agree | Neutral | Disagree | Strongly Disagree |
| 5 | 4 | 3 | 2 | 1 |

Please describe these coping mechanisms - _____

4. an decrease in the morale of assistant district attorneys.

| | | | | |
|----------------|-------|---------|----------|-------------------|
| Strongly Agree | Agree | Neutral | Disagree | Strongly Disagree |
| 5 | 4 | 3 | 2 | 1 |

5. an increase in the turnover rate of assistant district attorneys.

| | | | | |
|----------------|-------|---------|----------|-------------------|
| Strongly Agree | Agree | Neutral | Disagree | Strongly Disagree |
| 5 | 4 | 3 | 2 | 1 |

The final section of this questionnaire presents several proposals that were offered in the first survey as being possible methods to offset the negative effects of human resource constraints brought about by some or all of the factors described in the first section. Below, please rate the desirability, utility, feasibility and importance of these proposals.

Appendix 3
Delphi Results

| Comparison Factors | A | | | | B | | | | C | | | | D | | | | | | |
|-----------------------------------|--------------|------------------|----------|--------------------|-------------|--------|-----------------|----------|-----------------|---------------------|-------------------|----------|---------------------|-----------------------|----------------|-----------|----------|--------------------|-------------|
| | Desirability | | | | Utility | | | | Feasibility | | | | Importance | | | | | | |
| | Desirable | Mildly Desirable | Doubtful | Mildly Undesirable | Undesirable | Useful | Slightly Useful | Doubtful | Not Very Useful | Definitely Feasible | Possibly Feasible | Doubtful | Possibly Infeasible | Definitely Infeasible | Very Important | Important | Doubtful | Slightly Important | Unimportant |
| Proposals | | | | | | | | | | | | | | | | | | | |
| Intra-office computerization | 7 | | | | | 6 | | | | 3 | 3 | | | | 5 | 1 | | | |
| Inter-office computerization | 6 | 1 | | | | 5 | 1 | | | 1 | 4 | 1 | | | 4 | 3 | | | |
| ADA "floater" position(s) | 6 | | 1 | | | 5 | | | | | 5 | 1 | | | 1 | 4 | 1 | | |
| Conventional ADA position(s) | 3 | 3 | | | | 3 | 1 | | | 1 | 2 | 3 | 1 | 1 | 1 | 1 | 2 | 1 | |
| Narrowing of ADA responsibilities | | 1 | 4 | | | | 3 | 2 | | | 1 | 6 | | | 2 | 1 | 2 | 3 | |
| Modifications to: | | | | | | | | | | | | | | | | | 1 | | |
| State bail policies | 2 | 3 | 1 | | 1 | 2 | 3 | 1 | | | 3 | 3 | | | | 3 | | 3 | |
| OUI laws | 2 | 1 | 2 | | | 1 | 1 | 3 | | | 1 | 4 | | | | 1 | 3 | 2 | |
| Sentence appeal motions | 2 | 4 | 2 | | 1 | 1 | 4 | | 1 | | 4 | 2 | | | | 1 | 1 | 3 | 1 |
| Habeas procedures | 4 | 2 | 1 | | 1 | 1 | 4 | | 1 | | 3 | 2 | | | | 1 | | 2 | 1 |
| Other: | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

9/7

| TOTAL AND AVERAGE CASELOAD STATISTICS BY PROSECUTORIAL DISTRICT FOR FISCAL YEAR 1995 ¹ | | | | | |
|--|-------------------------------------|------------------------------|------------------------------------|---------------------------------------|---|
| Prosecutorial District | District Court Filings ² | Felony Caseload ³ | Number of Prosecutors ⁴ | Average Felony Filings Per Prosecutor | Average District Court Filings per Prosecutor |
| District I | 13,601 | 503 | 9 | 55 | 1,511 |
| District II | 16,663 ⁵ | 769 | 12 | 63 | 1,388 |
| District III | 10,491 ⁵ | 444 | 6.5 | 68 | 1,614 |
| District IV | 11,932 | 556 | 7 | 79 | 1,704 |
| District V | 10,878 | 464 | 7 | 66 | 1,554 |
| District VI | 6,916 ⁵ | 361 | 6 | 60 | 1,152 |
| District VII | 5,305 | 201 | 5 | 40 | 1,061 |
| District VIII | 5,195 | 242 | 4.2 | 58 | 1,237 |
| Statewide total | 80,981 | 3,535 | 56.7 | 62 | 1,428 |

1. State of Maine Judicial Branch Annual Report-1995 is the source for the District Court Filings.
2. Represents all Criminal A, B, C, D and E filings, juvenile filings and criminal traffic case filings for fiscal year 1995. Excludes all court scheduled civil violations and traffic infractions.
3. Represents all district court A, B and C filings for fiscal year 1995
4. Includes the total number of assistant district attorneys and the elected district attorney for each district.
5. Due to joint representation of District II and District VI in the Bath/Brunswick District Court, 66.6% of filings in this District Court are attributed to the District II District Attorney's Office and 33.3% are attributed to the District VI District Attorney's Office. Due to joint representation of District II and District III in the Bridgeton District Court, 75% of filings in this District Court are attributed to the District II District Attorney's Office and 25% are attributed to the District III District Attorney's Office.

| TOTAL AND AVERAGE CASELOAD STATISTICS BY PROSECUTORIAL DISTRICT FOR FISCAL YEAR 1996 ¹ | | | | | |
|--|-------------------------------------|------------------------------|------------------------------------|---------------------------------------|---|
| Prosecutorial District | District Court Filings ² | Felony Caseload ³ | Number of Prosecutors ⁴ | Average Felony Filings Per Prosecutor | Average District Court Filings per Prosecutor |
| District I | 13,537 | 642 | 9 | 55 | 1511 |
| District II | 16,579 ⁵ | 841 | 12 | 70 | 1,382 |
| District III | 10,093 ⁵ | 386 | 6.5 | 59 | 1,553 |
| District IV | 12,173 | 507 | 7 | 72 | 1,739 |
| District V | 10,686 | 449 | 7 | 64 | 1,527 |
| District VI | 7,044 ⁵ | 288 | 6 | 48 | 1,174 |
| District VII | 5,117 | 236 | 5 | 47 | 1,023 |
| District VIII | 4,902 | 341 | 4.2 | 81 | 1,167 |
| Statewide total | 80,131 | 3,690 | 56.7 | 65 | 1,413 |

1. State of Maine Judicial Branch Annual Report-1996 is the source for the District Court Filings.
2. Represents all Criminal A, B, C, D and E filings, juvenile filings and criminal traffic case filings for fiscal year 1996. Excludes all court scheduled civil violations and traffic infractions.
3. Represents all district court A, B and C filings for fiscal year 1996
4. Includes the total number of assistant district attorneys and the elected district attorney for each district.
5. Due to joint representation of District II and District VI in the Bath/Brunswick District Court, 66.6% of filings in this District Court are attributed to the District II District Attorney's Office and 33.3% are attributed to the District VI District Attorney's Office. Due to joint representation of District II and District III in the Bridgeton District Court, 75% of filings in this District Court are attributed to the District II District Attorney's Office and 25% are attributed to the District III District Attorney's Office.

| TOTAL AND AVERAGE CASELOAD STATISTICS BY PROSECUTORIAL DISTRICT FOR FISCAL YEAR 1997 ¹ | | | | | |
|--|-------------------------------------|------------------------------|------------------------------------|---------------------------------------|---|
| Prosecutorial District | District Court Filings ² | Felony Caseload ³ | Number of Prosecutors ⁴ | Average Felony Filings Per Prosecutor | Average District Court Filings per Prosecutor |
| District I | 12,452 | 563 | 11 | 51 | 1,132 |
| District II | 17,609 ⁵ | 858 | 12 | 78 | 1,467 |
| District III | 12,580 ⁵ | 518 | 6.5 | 80 | 1,932 |
| District IV | 13,169 | 593 | 7 | 85 | 1,881 |
| District V | 11,253 | 518 | 7 | 74 | 1,608 |
| District VI | 7,501 ⁵ | 363 | 6 | 61 | 1,250 |
| District VII | 5,505 | 208 | 5 | 42 | 1,101 |
| District VIII | 4,837 | 285 | 4.2 | 68 | 1152 |
| Statewide total | 84,886 | 3,906 | 58.7 | 67 | 1446 |

1. State of Maine Judicial Branch Annual Report-1997 is the source for the District Court Filings.
2. Represents all Criminal A, B, C, D and E filings, juvenile filings and criminal traffic case filings for fiscal year 1997. Excludes all court scheduled civil violations and traffic infractions.
3. Represents all district court A, B and C filings for fiscal year 1997
4. Includes the total number of assistant district attorneys and the elected district attorney for each district.
5. Due to joint representation of District II and District VI in the Bath/Brunswick District Court, 66.6% of filings in this District Court are attributed to the District II District Attorney's Office and 33.3% are attributed to the District VI District Attorney's Office. Due to joint representation of District II and District III in the Bridgeton District Court, 75% of filings in this District Court are attributed to the District II District Attorney's Office and 25% are attributed to the District III District Attorney's Office.

**TOTAL AND AVERAGE CASELOAD STATISTICS
BY PROSECUTORIAL DISTRICT FOR FISCAL YEAR 1998¹**

| Prosecutorial District | District Court Filings ² | Felony Caseload ³ | Number of Prosecutors ⁴ | Average Felony Filings Per Prosecutor | Average District Court Filings per Prosecutor |
|------------------------|-------------------------------------|------------------------------|------------------------------------|---------------------------------------|---|
| District I | 14,166 | 645 | 11 | 59 | 1,288 |
| District II | 19,283 ⁵ | 894 | 13 | 69 | 1,483 |
| District III | 12,647 ⁵ | 432 | 9 | 48 | 1,405 |
| District IV | 12,315 | 742 | 9 | 82 | 1,375 |
| District V | 10,670 | 553 | 8 | 69 | 1,334 |
| District VI | 7,797 ⁵ | 387 | 7 | 55 | 1,114 |
| District VII | 5,163 | 244 | 6 | 41 | 861 |
| District VIII | 4,492 | 274 | 4.2 | 65 | 1,069 |
| Statewide total | 86,533 | 4,171 | 67.2 | 62 | 1,288 |

1. State of Maine Judicial Branch Annual Report-1998 is the source for the District Court Filings.
2. Represents all Criminal A, B, C, D and E filings, juvenile filings and criminal traffic case filings for fiscal year 1998. Excludes all court scheduled civil violations and traffic infractions.
3. Represents all district court A, B and C filings for fiscal year 1998
4. Includes the total number of assistant district attorneys and the elected district attorney for each district.
5. Due to joint representation of District II and District VI in the Bath/Brunswick District Court 66.6% of filings in this District Court are attributed to the District II District Attorney's Office and 33% are attributed to the District VI District Attorney's Office. Due to joint representation of District II and III in the Bridgeton District Court, 75 % of filings in the District court are attributed to the District II District Attorney's Office and 25% are attributed to the District III District Attorney's Office.

| IF GOVERNOR KINGS PROPOSED SUPPLEMENTAL BUDGET IS ADOPTED TOTAL AND AVERAGE PROJECTED CASELOAD STATISTICS BY PROSECUTORIAL DISTRICT FOR FISCAL YEAR 2000¹ BASED ON 1998 STATISTICS | | | | | |
|---|-------------------------------------|------------------------------|------------------------------------|---------------------------------------|---|
| Prosecutorial District | District Court Filings ² | Felony Caseload ³ | Number of Prosecutors ⁴ | Average Felony Filings Per Prosecutor | Average District Court Filings per Prosecutor |
| District I | 14,166 | 645 | 11 | 59 | 1,288 |
| District II | 19,283 ⁵ | 894 | 15 | 60 | 1,286 |
| District III | 12,647 ⁵ | 432 | 10 | 43 | 1,265 |
| District IV | 12,315 | 742 | 10 | 74 | 1,231 |
| District V | 10,670 | 553 | 8 | 69 | 1,334 |
| District VI | 7,797 ⁵ | 387 | 7 | 55 | 1,114 |
| District VII | 5,163 | 244 | 7 | 35 | 737 |
| District VIII | 4,492 | 274 | 5 | 59 | 898 |
| Statewide total | 86,533 | 4,171 | 73 | 57 | 1185 |

1. State of Maine Judicial Branch Annual Report-1998 is the source for the District Court Filings.
2. Represents all Criminal A, B, C, D and E filings, juvenile filings and criminal traffic case filings for fiscal year 1998. Excludes all court scheduled civil violations and traffic infractions.
3. Represents all district court A, B and C filings for fiscal year 1998
4. Includes the total number of assistant district attorneys and the elected district attorney for each district.
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| THE PROPOSED DISTRICT ATTORNEY REQUEST OF 15 POSITION CONTRASTED WITH THE EXISTING 1998 CASELOAD STATISTICS | | | | | | | |
|--|-------------------------------------|------------------------------|------------------------------------|---------------------------------------|-----------|---|--------------|
| Prosecutorial District | District Court Filings ¹ | Felony Caseload ² | Number of Prosecutors ³ | Average Felony Filings Per Prosecutor | | Average District Court Filings per Prosecutor | |
| District I | 14,166 | 645 | 11 + 2 = 13 | 59 | 50 | 1,288 | 1,090 |
| District II | 19,283 ⁵ | 894 | 13 + 5 = 18 | 60 | 50 | 1,483 | 1,071 |
| District III | 12,647 ⁵ | 432 | 9 + 2 = 11 | 43 | 39 | 1,405 | 1,150 |
| District IV | 12,315 | 742 | 9 + 2 = 11 | 74 | 67 | 1,375 | 1,120 |
| District V | 10,670 | 553 | 8 + 1 = 9 | 69 | 61 | 1,334 | 1,186 |
| District VI | 7,797 ⁵ | 387 | 7 + 2 = 9 | 55 | 43 | 1,114 | 866 |
| District VII | 5,163 | 244 | 6 + 1 = 7 | 41 | 35 | 861 | 738 |
| District VIII | 4,492 | 274 | 4.2 + 1 = 5 | 65 | 55 | 1,069 | 898 |
| Statewide total | 86,533 | 4,171 | 67.2 = 83 | 62 | 50 | 1,288 | 1,043 |

1. State of Maine Judicial Branch Annual Report-1998 is the source for the District Court Filings.
2. Represents all Criminal A, B, C, D and E filings, juvenile filings and criminal traffic case filings for fiscal year 1998. Excludes all court scheduled civil violations and traffic infractions.
3. Represents all district court A, B and C filings for fiscal year 1998
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MAINE DISTRICT COURTS – JUVENILE OFFENSES

60% increase in juvenile crime dispositions since FY'91

| <u>DISPOSITIONS</u> | <u>JUVENILES</u> |
|----------------------------|-------------------------|
| FY' 91 | 3,998 |
| FY'92 | 4,364 |
| FY'93 | 4,937 |
| FY'94 | 5,285 |
| FY'95 | 5,727 |
| FY'96 | 5,810 |
| FY'97 | 6,705 |
| FY'98 | 7,101 |
| FY'99 (estimated) | 7,521 |

Source: AOC Judicial Department's Annual Reports