Review of Organization, Management, Adequacy of Resources, Staff Development, and Other Issues Related to Managing the County Attorney's Office, Sarpy County, Nebraska (Memorandum Report)

TECHNICAL ASSISTANCE REPORT

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Review of Organization, Management, Adequacy of Resources, Staff Development, and Other Issues Related to Managing the County Attorney's Office, Sarpy County, Nebraska (Memorandum Report)

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Consultant

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Assignment Data Sheet

Technical Assistance No.: 98-044
Requesting Jurisdiction: Sarpy County Attorney's Office, Papillion, NE
Requesting Agency: Sarpy County Attorney's Office, Papillion, NE
Requesting Official: L. Kenneth Polikov, Sarpy County Attorney
Local Coordinator: L. Kenneth Polikov, Sarpy County Attorney
Date of On-Site Study: August 23-25, 2000
Consultant Assigned: Michael D. Schrunk, District Attorney, Multnomah County, OR
CCTAP Staff Coordinator: Joseph Trotter
Central Focus of Study: Management and Administrative Review of the Sarpy County Attorney's Office

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Re: CCTAP #98-044: Sarpy County, Nebraska

Good People:

Mr. Joe Trotter of the American University recently asked me to visit the Sarpy County Attorney’s Office to review that office in terms of organization, management, adequacy of resources; staff development, and other issues related to managing a prosecutor’s office. The following provides details of my impressions, observations, and recommendations resulting from that site visit.
Scope of Visit

On Thursday, August 24 and Friday, August 25, I made a site visit to the Sarpy County Attorney’s Office. During my time there I was able to meet and talk with several staff members and judges. On Thursday, August 24 I met with staff from the Support Enforcement Division, the Civil Division, the Victim Witness/Diversion Program, the Felony Division, the Misdemeanor Division and the Juvenile Division. On Friday, I continued to speak with representatives from the Felony Division, with Judges Thompson and Reagan, with the Office Manager, and the County Attorney. In addition to these discussions, I reviewed the Annual Caseload Report of the Courts Of Nebraska 1999, prepared by the Nebraska Supreme Court Administrative Office of Courts/Probation, as well as memos providing demographic information on Sarpy County and a history of the last three years of budget requests for the office. Though not included in the August 4 memorandum titled Sarpy County Demographics, I was advised of other important considerations related to the population of Sarpy County. There is a general understanding that the population of Sarpy County is a youthful population, which has implications for long term planning for the county attorney’s office. In addition, I was advised that the population of the county, along with the caseload for the County Attorney’s Office, is growing at a more rapid rate than previously projected. Offutt Air Force Base is located nearby and brings with it implications for planning. My comments and recommendations are based on the two days of discussions, the review of the materials noted above, as well as my visual observations during the visit.
General Impressions and Recommendations

The office has had several transitions in the past that relate to the County Attorney position. The appointment of the current County Attorney has provided needed stability for the organization. This, along with the anticipated pay increases resulting from the most recent budget submission to the Board of County Commissioners, are serving as much needed morale boosters for staff throughout the organization.

It is clear that the County Attorney and the staff of the Sarpy County Attorney’s Office are dedicated to providing professional prosecution and legal services to the county residents. It is equally clear that the organization is understaffed. The current caseloads and other demands for legal services have pushed the office to its maximum organizational capacity. This is particularly problematic given the projections for increasing populations and caseloads in the county.

The office is young in terms of experience and would definitely benefit from both additional clerical and attorney support. Without expansion of the staff it may not be possible to move toward implementing other activities that would build on the current strengths of the office. For example, the organization has not been able to participate in training activities on a regular basis. There are multiple training opportunities offered by the National College of District Attorneys, the National Advocacy Center and the American Prosecutor’s Research Institute. Many of these programs are at no cost or provide full or partial scholarships. They serve not only to provide excellent training opportunities but also can serve as recognition and rewards for hard working staff.

Another avenue the office could pursue to assist in improvements in planning
and overall office functions is upgrading the technology. Upgrading computers and software would allow the organization to be in a position to perform more comprehensive analysis of information about their caseloads. Having a case tracking system that can provide detailed information and seeking assistance on filing systems and document control are also advised. The National Association of Justice Information Systems (NAJIS) can provide information on low cost, available software programs that could serve to offer greater opportunities to maintain, review and analyze data. This increased ability in data analysis becomes even more important as office volume increases. Improved data analysis could serve not only the prosecutor’s office but also the other components of the criminal justice system and the Board of County Commissioners in long term planning.

The office may also wish to consider expanding the use of law school interns, not only to provide exposure and experience in the field of prosecution but also, to assist in providing courtroom coverage. Another possible option would be the establishment of a volunteer attorney program. Other prosecutors’ offices have had success in recruiting volunteer attorneys who, in exchange for training and trial experience, commit to serving as a volunteer prosecutor on a weekly basis over a ten to twelve week period. The private attorney has the opportunity to acquire courtroom experience and the county benefits by having additional lawyers at no additional expense to the taxpayer. The recommendations regarding the use of students and volunteers are intended to be a supplement to, not a substitution for, expanding the core staff.

The prosecutor’s office does not operate in a vacuum. It is highly dependent on other criminal justice agencies to perform and complete its work. To this end, the
county may wish to consider the formation of a local justice planning council composed of representatives of the court, the county attorney's office, the criminal defense bar, local law enforcement, and other stakeholders key to the efficient operation of a criminal justice system. A public safety council could serve as a consistent forum to discuss issues that cut across organizational boundaries and to collaborate on solutions.

The Sarpy County Attorney's Office, like many other prosecutors' offices, has its share of unplanned events that interrupt staff work. These interruptions take the form of walk-ins requesting information, changes in cases and court dockets, lost files, and other urgent activities that require immediate responses. While many of these activities are endemic to a prosecutor's office there are steps that can be taken to mitigate their impact on the office workflow. The rest of this report consists of a brief review of each of the divisions within the Sarpy County Attorney's Office and specific recommendations for the individual divisions and programs.

Support Enforcement Division

The staff of the Support Enforcement Division does a commendable job and has been collecting $1 million a month in child support. Given the youthfulness of the county population, the close proximity of Offutt Air Force Base and the projections regarding expected growth in the county, it is fair to expect that there will be a higher demand for the services of the Support Enforcement Division. Currently, the division shares court time with three other county support enforcement offices. With regard to investigative resources, they currently have .50 FTE of an investigator.

The work of Support Enforcement Division could be enhanced by having an investigator available to them on a full time basis. In addition, a full time paralegal
position focusing on case preparation and handling the phone traffic would increase
productivity. Another important step would be to work with the courts to obtain more
court time for support enforcement cases. Currently, support enforcement cases are
being set out as far as mid-October. A reasonable goal to work toward would be to have
sufficient court resources to set cases within 45 days. The division would also benefit
from a computer system and software that could integrate information from both social
service and justice agencies.

Civil Division

The Civil Division has two attorneys assigned to it. The attorneys provide legal
advice for the five Member Board of County Commissioners, the Mental Health
Commission, and the Planning Commission. They also cover other Sarpy County legal
needs. The bulk of their time is spent in rendering advice, attending planning
commission meetings, and back filling for the Criminal Department. This includes
working at the front counter to answer questions and handling misdemeanor and
felony court appearances.

The Civil Division would benefit from the addition of a paralegal position. This
position would be responsible for preparing for the numerous planning commission
and mental health meetings and could perform support functions, including
responding to "front counter" questions. With the anticipated growth in the county, it is
fair to assume that the planning commission will need to place greater emphasis on
land use issues. This will mean that more legal time will need to be devoted to this
function. Recognizing and planning for the increased attention on land use issues is
recommended.
Felony Division/Misdemeanor Division

The Felony and Misdemeanor Divisions have many similarities in terms of their operation and recommendations and will be reviewed together. Both the Felony and Misdemeanor Division have three attorneys, each is assigned to an individual judge and his courtroom. The Felony Division includes the First Assistant who carries a full felony caseload in addition to her administrative duties. The individual judges control their own court docket and, as a result, there is no central calendaring system. Consequently, the county attorney does not have a way to anticipate and distribute workloads and assignments. This leaves little or no time for screening, issuing and preparing for cases. Without the ability to plan two to three months in advance the County Attorney's Office is continually placed in the position of responding to the immediate and most urgent need.

Both the Felony Division and the Misdemeanor Division would benefit significantly from an additional attorney and clerical staff. This would permit the creation of a position that could be assigned on a rotating basis to deal with walk-in clients and other related activities. The divisions would also benefit, if the court would be so inclined, from technical assistance from the American University Technical Assistance Project. The American University could conduct a study on the feasibility of Sarpy County initiating a differentiated case management system.

There are other steps that could be taken that could help promote greater efficiency and effectiveness within these divisions. The previously mentioned need for a more sophisticated case tracking system would particularly benefit the felony and misdemeanor divisions. They currently are unable to conduct analysis beyond gross.
numbers of cases. Being able to break down cases into categories would greatly assist in both communicating the level of need and the kinds of cases coming to the County Attorney. Interested audiences for this information include the community at large, the Board of County Commissioners, and other funding sources. Detailed information about workloads and case types also assist in making decisions regarding work assignments.

Another path that could be pursued would involve the development of a written policy manual for attorneys and clerical staff. Having more precise job descriptions and definitions for various desk functions can serve as a foundation for in-house training activities and cross-training. With the current staffing pattern, the loss of one person due to vacation, illness or a leave can cripple the office. Until additional staff is available, the previously recommended training activities and the other steps that could help the organization are not immediately possible.

Juvenile Division

The Juvenile Division has two attorneys assigned to it and the workload, at this point, seems to be manageable. This division also suffers from a lack of clerical support. When one person is out their job responsibilities must be distributed among the remaining division members. The availability of support staff is key to keeping the organization on task.

Victim Witness/Diversion Program

These two functions were recently combined into one unit and placed under the supervision of one individual. The programs were also moved to different offices in an
adjacent facility. The Victim Witness Program has been aggressive in obtaining resources and funding from VOCA and other sources. The Diversion Program has several components; a teen court, alcohol and drug programs, and a tobacco cessation program. They have enjoyed success in operating these programs, which are run in collaboration with law enforcement and the community. The programs receive support from within the organization and they are used appropriately as evidenced by staff screening and referrals. Any prosecutor's office would be proud to have this array of successful programs.

However, there are steps that can be taken that would maximize the benefit of having these programs in the organization. Increased efforts in a few areas would pay large dividends. The Victim Witness Program would better serve the client population if there was a more consistent and timely information flow between trial attorneys and victim witness staff. Engaging trial attorneys and victim witness staff in cross training activities would carry the agenda forward. So, too, would victim witness staff attendance at the weekly office staff meetings serve to facilitate communication between trial attorneys and victim witness staff. Any other activities that would create stronger bonds and interrelationships between the trial attorneys and the victim witness staff should be pursued aggressively.

**Administrative Perspective**

Office administration staff recognizes that both lawyers and non-lawyers are stretched too thinly across the organization. There is no room for training activities, medical, family, or educational leaves, or vacation time without having a negative impact on the organization. This is particularly detrimental to the morale of all office
staff. The clerical staff is the backbone of the prosecutor’s office and need training and technical assistance to be aware of advances in organizational techniques and practices. It may be advisable to request technical assistance from American University on document control and record keeping systems. In addition, the National College of District Attorneys offers an Office Administration course as a way to assist prosecutors to remain current in these areas.

It should be noted that with the new permanent administration and the anticipated pay increases that, in spite of the burdens placed on staff from inadequate staffing levels, the morale is high at this time.

Summary

In summary, the Sarpy County Attorney’s Office was receptive to the site visit. From the County Attorney on down, everyone was cooperative and available. This consultant had the opportunity to talk with staff individually and to meet with them in small groups. It was clear everyone was committed toward improving the organization and providing the best possible prosecution and legal services to the citizens of Sarpy County. They treated the site visit with seriousness and demonstrated a genuine interest in exploring new options.

The citizens of Sarpy County can be proud of the work of the County Attorney’s Office. Given the anticipated growth in the county, and the impact this will have on the County Attorney’s Office. It is recommended that further analysis be done by American University, particularly in the area of differentiated case management and in document control.
A top priority should be devoting serious efforts to adding staff to the organization in order to move forward on the recommendations contained in this report.

Very truly yours,

MICHAEL D. SCHRUNK
District Attorney

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