Hosted Visit of
Montgomery County, Maryland State's Attorney Staff
to the King County (Seattle), Washington,
District Attorney's Office

TECHNICAL ASSISTANCE REPORT

Bureau of Justice Assistance
CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
A Joint Program of the Bureau of Justice Assistance, U.S. Department of Justice, and
American University School of Public Affairs
ADJUDICATION TECHNICAL ASSISTANCE PROJECT
Technical Assistance Assignment No. 43

FINAL REPORT

Hosted Visit of
Montgomery County, Maryland State's Attorney Staff
to the King County (Seattle), Washington,
District Attorney's Office

July 1987

Prepared Under BJA Cooperative Agreement No. 86-DD-CX-K061
MEMORANDUM

TO: JAMES DIMM, PROSECUTION COORDINATOR
THE EMT GROUP, INC.

FROM: ANDREW L. SONNER, STATE'S ATTORNEY
MONTGOMERY COUNTY, MARYLAND AND
ROBERT L. DEAN, ASSISTANT STATE'S ATTORNEY

DATE: JULY 6, 1987

SUBJECT: ON-SITE VISIT TO KINGS COUNTY DISTRICT
ATTORNEY'S OFFICE - SUMMARY REPORT

A. Introduction

The purpose of the technical assistance site visit conducted was to study career criminal prosecution at the Kings County, Washington District Attorney's Office. It was our hope and expectation that the Kings County office had integrated Career Criminal prosecution into an office-wide approach as opposed to a strict team approach.

B. Findings

Kings County did have a Career Criminal unit established in the late 1970's. It was then modified to the extent that one senior attorney had supervisory control over all targeted career criminal cases, which were then assigned office wide. This was an extremely difficult administrative task for the supervising prosecutor. With the recent adoption of presumptive sentencing throughout the state of Washington no formalized career criminal prosecution now exists in the Kings County District Attorney's Office. All cases are reviewed by the
filing unit. This unit consists of ten persons; two supervisors; four attorneys; and four support personnel. Appropriate charges are filed based upon police reports and affidavits. Discovery is then assembled to be sent out along with plea offers at this stage. The matter is assigned to one of the trial teams for trial if the plea offer is not accepted. This is determined fairly early in the life of the case at an "omnibus hearing". We were very impressed with the ability of the system in Kings County to identify and remove from the trial calendar obvious plea or disposition-type cases and to have those cases brought to final disposition in a relatively short period of time, normally within four to six weeks of the filing of the case (As a result of what we saw, we have developed a proposal that has been agreed to in principle by our county's Public Defenders Office that is modeled after the Seattle Omnibus System to identify and dispose of these types of cases in Montgomery County Circuit Court. We are awaiting a formal response from the local Bar Association Administration of Justice Committee and our administrative judge appears receptive to the concept. [See attached memorandum and letter]).

With respect to the implementation of Career Criminal prosecution, we did not find what we had expected. Our hope was to find in
place a system that had career criminal prosecution institutionalized on an office-wide basis and that matched the case with the attorney where the skill or experience of an attorney would be more in line with degree of difficulty of the case.

Finding no model upon which to draw in the Seattle office, we went ahead and formulated a screening method for case selection and assignment that we hope will achieve this. Our current career criminal program involves a structured unit of four attorneys who handle all qualified Major Offender cases (MOB cases). As a result, some very strong cases get prosecuted by our most skilled and experienced attorneys. Our plan will be to divert these very strong cases (where there is a very strong likelihood of a conviction and appropriate sentence regardless of the prosecuting attorney) that would have traditionally gone to the MOB Unit, to a trial team of less experienced prosecutors. Our traditional policy of a "presumptive trial/no reduced charges/substantial incarceration" treatment of our targeted MOB defendants will be maintained even though some of these traditional MOB cases will be assigned to non-MOB unit attorneys for trial or plea.

I have attached for your consideration a memorandum setting up a model that we have worked-up for implementing this system. The key mechanism for case assignment will
be the Case Assessment Worksheet through which we hope to formalize a method of assessing the strength of the case, the "status" of the defendant, and certain aggravators. Using these classifications from the Case Assessment Worksheet, we can then visualize approximately where the case belongs as far as team assignment is concerned. The graphic attached makes more sense if the three trial teams are identified. The Gold Unit consists of the least experienced felony trial prosecutors (normally 1-1/2 to 3 years of experience) and will carry the heaviest case load. The Blue Unit is composed of more experienced trial attorneys (2 to 5 years) and the MOB Unit has the most experienced trial attorneys. Child abuse and drug cases will continue to be treated separately.

This format will require some fine-tuning, but we hope to implement it in the near future.

Once this system is in place (as well as the "omnibus hearing" system) we would be delighted to have interested persons come to our office to observe the system(s) in operation and to otherwise share our experience with you.

RLD: adb

Attachments
TO: ANDY, LOU, MATT, ANN, BARRY
FROM: BOB DEAN
DATE: APRIL 8, 1987
SUBJECT: POSSIBLE IMPLEMENTATION OF EXPEDITED GUILTY PLEA
CALENDAR CALLS - "THE SEATTLE OMNIBUS HEARING"

To expedite the flow of routine guilty pleas, Kings County uses an "Omnibus Hearing" approach that serves to bring the State and defense together in court at an early stage of the proceeding to induce an early guilty plea. The method is essentially as follows:

1. The State immediately after formal filing of charges prepares a discovery packet and a plea offer that is sent to defense counsel immediately upon his initial appearance. The plea offer is made with the hopes of inducing an early plea at the time of the Omnibus Hearing.

2. About three to four weeks after the appearance of counsel, the court schedules the "status" or Omnibus Hearing. A plea pursuant to the terms of the offer (sometimes modified from the original offer) is then entered, or a trial date within the requirements of the rules is set.
It was noted that sometimes neither the State nor the defense are ready to answer the Court's inquiry as to whether the case is a plea or trial. A two week continuance is granted. This is sometimes unavoidable, but is to be discouraged.

What seems attractive about the system is that a high percentage of the cases are disposed of at the Omnibus Hearing state. These cases are never set for trial. The criminal trial docket is, therefore, not artificially inflated with cases that really are to plead. The cases set for trial are likely to proceed to trial. The advantages are as follows:

A. Early disposition of the routine plea-type cases.
B. Trial docketing that reflects likely trials.
C. Both the defense and State, by the early plea, can spend more time on trial preparation.

This system may be adaptable to our court and our office procedures. Judge Mitchell has indicated a willingness to explore this with us. Maryland Rule 4-271(a) requires that within 30 days of the initial appearance (of counsel or the defendant), a trial date within 180 days must be set. An Omnibus-type status hearing, set three or four weeks after the initial appearance, would comport with the trial date requirements of the rule. If the plea is not accepted, then the trial date and a pre-trial motions date are set in court with all parties present.
Our current office procedures would be easily adaptable to getting out the early discovery and plea letter. In fact, our office procedures generally accomplish this already.

To have the system work, we would have to sell the system to Judge Mitchell, Betty Skelton, Ted Weiseman, and our own attorneys.

We might want to keep in mind the following possibilities:

1. For incarcerated defendants, the status hearing could be scheduled at the Detention Center on a Friday.

2. For defendants on bond, a special docket on Fridays.

3. Use of the guidelines and sentencing caps at the low-end within the guidelines would be a palatable way to induce the early plea.

4. Try to have a schedule of several judges available to hear the plea on the day of the status hearing.

5. In many cases, we could encourage sentences at the time of the plea by having the guidelines prepared and an agreed upon restitution amount and a clear picture of the criminal record of the defendant.

6. If a plea is agreed upon at the status hearing and a judge is not available to take the plea that day, the Court would set the plea very soon thereafter.

RLD:adb
MEMORANDUM

TO: ANDY, LOU, MATT, ANN, BARRY
FROM: BOB DEAN
DATE: APRIL 7, 1987
SUBJECT: SUGGESTED REVISION FOR OUR CASE SCREENING AND ASSIGNMENT

Introduction

The purpose of the suggested amendments is to attempt to match cases with attorneys where the experience and/or skill of the attorney may be "outcome determinative". The effect would be to divert some cases which would have traditionally qualified as MOB Unit cases to the Blue or Gold teams and vice versa. A presumptive-trial/no reduced charges/substantial incarceration policy would remain in effect for the classic repeat offenders of violent street crime and all potential 643B dispositions will still be reviewed by the Executive Committee. The MOB Unit would continue to be on-call for the police and the Unit would also continue to handle most of the post-conviction petitions. The MOB Unit would continue to operate at an annual case load of approximately 125 cases per year with a goal of one half of the cases going to trial and the other half guilty pleas under the same presumptive-trial policy.
A. Case Intake/Screening

As before, all felony cases at the intake level will be reviewed by the screeners. At the screening meeting, a case assessment worksheet (see attached) will be filled out by an attorney as the case is discussed. If an attorney has already done work on the case, it would make sense for that attorney to prepare the Case Assessment Worksheet. The Case Assessment Worksheet formalizes in a somewhat objective manner the defendant, his background, and the strength of the case. The team leaders (or a designee) will review all the Case Assessment Worksheets immediately after the meeting for final case assignment. One copy of the Case Assessment Worksheet goes in the file and one goes to the team leaders.

B. Case Assignment

Blue, Gold and MOB team leaders will normally assign cases as indicated on the accompanying schedule. Assuming approximately 1200 Circuit Court cases per year, a rough break-down of the Circuit Court filings could be expected as follows:

<table>
<thead>
<tr>
<th>100 Monthly</th>
<th>1200 Filings</th>
</tr>
</thead>
<tbody>
<tr>
<td>34</td>
<td>350 - Drug Unit (4)</td>
</tr>
<tr>
<td>12</td>
<td>150 - Child Abuse (2)</td>
</tr>
<tr>
<td>31</td>
<td>375 - Gold (5) (Each attorney receives 5 non-DWI District Court Jury Demands per week)</td>
</tr>
<tr>
<td>20</td>
<td>275 - Blue (4)</td>
</tr>
<tr>
<td>10-12</td>
<td>125-140 - MOB (4)</td>
</tr>
</tbody>
</table>
On a monthly basis, the MOB Unit will take the 10-12 cases most appropriate in terms of case strength, offender status and aggravators as indicated on the schedule.

C. Case Preparation

The case preparation procedures prior to indictment and up to a plea conference is probably best left to the team leaders.
**CASE ASSESSMENT WORKSHEET**  
(Confidential)

**Defendant:** ________________________________  
**D.O.B.:** ____________________________  
**Age:** ____________________________  
**Crime:** ________________________________  
**Date of Offense:** ________________________________  
**Investigator:** ________________________________  

**Case Strength**

<table>
<thead>
<tr>
<th>I. Very Weak - Not Triable</th>
<th>IV. Strong - Probable Conviction</th>
</tr>
</thead>
<tbody>
<tr>
<td>II. Weak - Triable - Probable Non-Conviction</td>
<td>V. Very Strong - High Likelihood of Conviction</td>
</tr>
<tr>
<td>II. Marginal - Even Chance of Conviction</td>
<td></td>
</tr>
</tbody>
</table>

(If Case Strength is I, Primary Investigator Should Be Invited to Screening Meeting)

**Factors**

<table>
<thead>
<tr>
<th>Identifications</th>
<th>Circumstantial</th>
<th>Statements</th>
<th>Defenses</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Positive</em></td>
<td><em>Fingerprints</em></td>
<td><em>Police</em></td>
<td><em>Alibi</em></td>
</tr>
<tr>
<td><em>Tentative</em></td>
<td><em>Forensics</em></td>
<td><em>To Civilian</em></td>
<td><em>Intoxicated</em></td>
</tr>
<tr>
<td><em>Multiple</em></td>
<td><em>SeroLOGY</em></td>
<td><em>To Co-Defendant</em></td>
<td><em>Sanity</em></td>
</tr>
<tr>
<td><em>Photo Array</em></td>
<td><em>Trace Evidence</em></td>
<td><em>Other Inculpitory</em></td>
<td><em>Self Defense</em></td>
</tr>
<tr>
<td><em>Line-Up</em></td>
<td><em>Possession Of</em></td>
<td><em>Statements</em></td>
<td><em>Accident</em></td>
</tr>
<tr>
<td><em>Show-Up</em></td>
<td><em>Incriminating Property</em></td>
<td><em>Lies/Deceptive</em></td>
<td><em>Other</em></td>
</tr>
<tr>
<td><em>Corroborated</em></td>
<td><em>Other Crimes Evidence</em></td>
<td><em>Statements</em></td>
<td><em>Other</em></td>
</tr>
<tr>
<td><em>Accuracy Of Description</em></td>
<td><em>Other Factors:</em></td>
<td></td>
<td><em>Corroborated</em></td>
</tr>
<tr>
<td><em>Qualify:</em></td>
<td></td>
<td></td>
<td><em>Defense By:</em></td>
</tr>
</tbody>
</table>

**Offender Status:** (Juvenile/Adult)

<table>
<thead>
<tr>
<th>A. No Arrests</th>
<th>D. Prior Incarceration Or On Probation At Time Of Crime</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Minor Arrests</td>
<td>E. Multiple Prior Convictions And At Least One Incarceration</td>
</tr>
<tr>
<td>C. Prior Convictions Or On Bond At Time Of Crime</td>
<td></td>
</tr>
</tbody>
</table>

**Aggravators**

* Drug Usage  
* Multiple Pending Incidents  
* Weapon Usage  
** Handgun (Double)  
* Depravity  
* Physical Harm  
* Economic Harm  
* Other

**TEAM ASSIGNED:** MOB B G DC  
**ATTORNEY ASSIGNED:** ________________________________  
**INDICTMENT/DATE:** ________________________________  
**INFORMATION/DATE:** ________________________________
### Defendants Status

<table>
<thead>
<tr>
<th>Defendants Status</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Very Weak</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Not Triable</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Weak Triable</em></td>
<td>BLUE</td>
<td></td>
<td>MOB</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Probable Non-Conviction</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Marginal</em></td>
<td>GOLD</td>
<td>BLUE</td>
<td>MOB</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Even Chance of Conviction</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Strong</em></td>
<td>GOLD</td>
<td>BLUE</td>
<td>MOB</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Probable Conviction</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Very Strong</em></td>
<td>GOLD</td>
<td>BLUE</td>
<td>MOB</td>
<td></td>
<td></td>
</tr>
<tr>
<td>High Likelihood of Conviction</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Aggravators

- Drug Usage
- Multiple Pending Charges
- Weapon
- Handgun (Double)
- Depravity
- Physical Harm
- Economic Harm
- Other

---

**Forensic Graphic Unit**