

**Electronic filing of criminal cases with prosecutors – costs,
benefits and employee satisfaction**

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This Command College Independent Study Project is a FUTURES study of a particular emerging issue in law enforcement. Its purpose is NOT to predict the future, but rather to project a number of possible scenarios for strategic planning consideration.

Defining the future differs from analyzing the past because the future has not yet happened. In this project, useful alternatives have been formulated systematically so that the planner can respond to a range of possible future environments.

Managing the future means influencing the future--creating it, constraining it, adapting to it. A futures study points the way.

The views and conclusions expressed in the Command College project are those of the author and are not necessarily those of the Commission on Peace Officer Standards and Training (POST).

Failing to take advantage of advancements in technology is setting up our agencies for failure...creating inefficiencies and ineffectiveness. “Failure to prepare is preparing to fail”, as legendary UCLA basketball coach John Wooden states in his book, “Wooden on Leadership”. In the text, he refers to time as a valuable commodity. He preaches using allotted time to the best advantage and to build productivity into each moment of time¹. As technology continues to improve and become available², government agencies need to ensure they are taking advantage of opportunities to change their existing ways of conducting business to become more efficient and effective. To this point, we will look at the use of one specific technology; that of police agencies filing criminal cases electronically with their local prosecutor. We will assess some of the pros and cons of such procedures, and see from actual experience that police departments can save time and money. We will also learn the electronic process will provide a better fit to the marketplace skills of their employees by moving to available technologies. Using a case study of the protocol, the reader can then reflect on their opportunity to do the same.

Submitting Criminal Cases – the old and the new

Many police agencies continue to send criminal cases to their District Attorney’s office in what can only be termed as the “old fashioned way” that is, via human carrier. The process is neither efficient nor cost effective. These inefficiencies result in additional costs to departments including poor utilization of available personnel and

¹ John Wooden and Steve Jamison, Wooden On Leadership (McGraw-Hill, 2005), p. 155-157

² 1.1 The World is changing at a rapid pace, driven by science and technology, <http://www.interacademycouncil.net/CMS/Reports/9866/6403/6405.aspx>

additional strains put on otherwise overstretched budgets. Additionally, one cannot overlook the mismatch of procedures to the skill sets of staff. Young, computer-literate officers staff today's police agencies. These same officers are more than proficient with computer technology, and come from a generation that finds tasks done without the use of technology lethargic and without entertainment value. Some in management and executive positions, though, might be reluctant to transition away from the time-honored practices of the past. They might cite concerns with the inability to protect data from computer theft or data manipulation. They could also be very conscious of both hardware and software costs to implement such programs. For those who may be unfamiliar with the terrain of electronic filing, the following pages will present, in detail, the systems currently being used by many police agencies to complete these tasks. The shortcomings and realized benefits will be presented, leaving the reader with ample information with which to make an informed decision of their own.

What system are law enforcement agencies using today?

There are about 19,000 police agencies throughout the United States³. Many of these agencies differ greatly in how they submit criminal cases to their respective courts for prosecution. Criminal cases involve violations of the law committed by one or more individuals. Upon becoming aware of a possible violation, law enforcement agencies will typically conduct some type of criminal investigation. If warranted, the agency will forward this documentation, the criminal case, to the prosecutor's office of jurisdiction to review for the filing of a criminal complaint against the suspect(s). There are a variety of

³ Directory of Law Enforcement Agencies, <http://www.icpsr.umich.edu/cocoon/ICPSR/SERIES/00169.xml>

means to this; some are labor-intense, while others take advantage of technology to save time, money and effort.

The Old and the New

San Mateo County, California runs along the west side of the San Francisco Bay just south of the City of San Francisco. The largely urban county has 700,000 residents policed by twenty law enforcement agencies. To date, none of the agencies submit their criminal cases to the County's District Attorney's (DA) office electronically. For each agency, all cases are hand-delivered to the DA by sworn police officers or civilian employees; usually one assigned to court liaison duties. Upon submitting the case to the DA, the court officer then generally waits while the courts complete the appropriate documents and then returns the case to the court officer to file with the court recorders office. The differences in this process from jurisdiction to jurisdiction are minor.

The Ripon Police Department, on the other hand, utilizes an electronic filing system to submit criminal cases to their prosecutor's office. The department, located in the Central Valley of California in San Joaquin County (pop. 673,170) has twenty-one police officers serving a population of 13,658. In an interview with Lydia Castellanos, Administrative Assistant and Records Supervisor for the Ripon Police Department, she stated her department has transitioned to an electronic system to file criminal cases. She said it saves her about two hours in her normal daily duties, thus allowing her to be more productive in other areas of the job⁴. Ms. Castellanos stated the system has saved time in printing, collating and making copies of police reports and related documents to be filed with the courts. In Ripon, the filing of cases involves electronically transferring the

⁴ L. Castellanos, Telephone interview with Ripon Police Department Court Officer, Pacifica, California, August 2007

written criminal case to their District Attorney's office. Although the system does not yet include the ability to electronically attach digital photographs or digital interviews, this is an anticipated enhancement in the near future. Castellanos stated the Department is currently the only agency in their county filing criminal cases electronically with the District Attorney's office. She did state that, as more and more agencies become technology savvy, they will come to see the benefits of a CFS. This case filing methodology would just be one more way the profession is automating their work.

Technology In Law Enforcement

Criminal case filing processes can be improved and updated to better meet agency needs and budget requirements. Technology is the answer, and its use is neither novel nor a limiting factor. Technology has infiltrated into police agencies in many ways, shapes and forms. Advances in technology have created opportunities for work to progress more efficiently and effectively within these agencies. Additionally, police departments are staffed with a workforce skilled in the tasks necessary to make implementing case filing systems (CFS) a success.

Twenty-five years ago, police officers were writing police reports with pens and pencils. Today, it is seldom that a police report is not written without the use of a computer. Costs of computers have become so reasonable and the advantages so high, departments and their officers can't imagine completing reports without the use of the computer. Departments have desktop computers within the organization specifically for officers to write their reports, in addition to mobile computer terminals in their fleet of patrol vehicles. The mobile computer terminals allow the officer to write the report while in the police vehicle, keeping the officer on the beat and being more efficient and

effective versus coming to the police station to write the report. In a similar way, filing cases electronically with the DA will keep officers out of the halls of the courts waiting idly and back on the streets maximizing policing efforts.

Technology and Gen Y

Converting from a system that consumes reams of paper and countless hours of staff time to a paperless system involving minimal time and no travel time to file cases electronically may not be as painful as some might imagine. Technology is already available, and able to perform these functions at a reasonable cost and allow for more efficiency.

One challenge that will be easily mitigated will be matching the skill and knowledge of the workforce with that required to utilize CFS. Generation Y, those born generally after 1982, also known as The Millennials and The Internet Generation, are technically literate like no one else. Technology has always been part of their lives, whether it's computers and the Internet or cell phones and text pagers. Generation Y now makes up a large part of the police workforce and that percentage continues to grow. Luckily, law enforcement is recognizing and acknowledging that younger workforce is becoming more technically savvy, literate and dependent as time passes.

The Boomers (those born between 1946 and 1964) are sometimes resistant to the changes that technology brings to their jobs will soon be unable to perform their jobs satisfactorily if they do not learn to work with it. The learning curve for Generation Y as it relates to the technology in the workplace is being met with understanding and comprehension never seen before. It would be important for boomer managers to rely upon the skills of their Gen Y staff to train others, tech-mentor boomer fellow employees,

and to participate in the assessment and acquisition process for any CFS and similar technologies. Even with this approach, though, managers will want to be conscious of the costs of such systems, and the trade-off in terms of enhanced results.

Cost versus Cost Savings

Municipal and governmental agencies have on-going annual fiscal and budgetary challenges. Recognizing and understanding today's available technology and the ability of that technology will help law enforcement develop more effective systems. Cost factors, therefore, must be balanced against the real-life gains in both procedural effectiveness and employee satisfaction. When Ripon implemented their case filing system, the primary cost involved was the installation of an independent data server at the District Attorney's office. Costs of data servers vary based on the needs of particular agencies, although one for a moderate-size municipal agency would cost about \$16,000. Server space requirements for CFS will be based on the number of agencies participating in the program and the amount of data transferred.

While opponents may argue that costs of hardware and software do not outweigh cost savings, research supports just the opposite conclusion. There are many examples as to how technology can benefit the workplace in efficiency and effectiveness.

In one example, which involves using two-way video technology, superintendent, Joe Kitchens, of the Western Heights School District, Oklahoma, states, "At Western Heights High School we're able to offer high school credit to middle school students through the use of distance learning programs. That allows us to save approximately 50% of a teacher's salary on every distance learning program that we promote and utilize between our high school and our middle school. This is where we gain cost savings. We

can't replace the total cost of a teacher through distance learning, but we certainly can recoup as much as 50% of the cost of a teacher. So it is a win-win from both the personnel saving issue and for the students. It is improving our flexibility allowing students to take instruction at the middle school level from high school teachers. And that will proceed well into higher ed, where we will see concurrent enrollment with high school students in college classes over the IP network.”

In another example, Marko Lucich, Chief Juvenile Probation Officer, Butte, Montana, states, “The very important part here is that right now we are spending two days on one youth just for transportation purposes. For probable cause hearings it can tie up the probation officer or the transporter for 2 to 3 hours. This includes the time they go down to get the youth, bring the youth to the hearing, wait for the time of the hearing, take the youth back to the facility, and come back to the courthouse. With this type of technology, we could do that probable cause hearing in 5 to 7 minutes, versus 2 to 3 hours.”⁵

Most law enforcement agencies are already taking advantage of some aspects of today's available technology⁶, so using or accepting the benefit of technology in today's police workforce has already been established as having intrinsic value. This technology ranges from digital video recording systems in police vehicles to red light photo monitoring systems, to name just a few.

Again, it is logical to extrapolate or infer that similar benefits could be reaped by changing over to electronic filing of cases between the District Attorney's office and police agencies. To facilitate the implementation of CFS, Ripon uses a records

⁵ K-12 Videoconferencing/Cost Benefits, <http://www.netc.org/digitalbridges/planning/bdgtx2.php>

⁶ Tech Profiles: Making a Difference, <http://www.nlectc.org/pdf/techprofilesreport.pdf>

management system called RIMS, a Sun Ridge Systems, Inc. product. RIMS Law Enforcement Records Management System (RMS) is an integrated system that has no boundaries between functions, and virtually no boundaries on what you can do. The RMS is completely integrated with CAD (computer aided dispatching) and all other RIMS products. According to Sun Ridge, RMS is designed to be powerful as well as easy.

In San Mateo County there are seven agencies that do not have RMS. Jim Saunders, Pacifica's Police Chief, envisions that every agency in the county would have a system using RMS, to create one system with the ability to share data. While RMS is not required for a CFS, it would allow for the complete management of the CFS process. In addition, it would bring the county to a level of interoperability that has been desired, but not possible, without such technology in place. A RIMS product for a mid-size agency would cost about \$300,000 with annual maintenance costs of \$30,000. As will be discussed, there are ample sources to draw upon to defray these costs.

Electronic Filing Drawbacks

One significant concern when considering a CFS might be the security of confidential crime case data. While advances in technology have led to many great societal advances, such as ATM cards, debit cards and Internet purchasing, these advancements have not come without a concern.

This will also be the case when law enforcement and the courts look at an electronic CFS. As with the Ripon Police Department, wherein they installed an independent data server at the court to address their security concerns, agencies will need to be able to build a system of security that is flexible enough to respond to today's ever-

changing threat landscape. Due to the confidential and sensitive nature of the data involved in the CFS, systems will need to be built that will provide the users with confidence of security. When looking at a system intended for use to file criminal cases, system security will be of the utmost importance. One California agency is assertively addressing this concern.

The Pacifica Police Department has installed a firewall on its computer system that meets Department of Justice standards. In addition, the department has many internal protection levels utilizing passwords and authorization levels to manage the various groups of employees that may or may not be allowed access to specific data. The department has a system to back up data in case of a computer system malfunction or other disaster, such as a fire.

Pacifica is interested in developing a CFS for San Mateo County, and being a pilot agency for this program. The County already maintains a secure intranet site, Lawnet, that county law enforcement agencies use. It is anticipated that the CFS could be run through Lawnet. While Pacifica intends to pilot the case filing protocol, the ultimate beneficiaries would be to all County agencies. The CFS would eliminate the need to have multiple systems in place and place all 20 in one protocol. Each individual agency will reap the rewards of not having to send their personnel to the courts on a daily basis. Instead, using a system accessed from the department and transferred to the DA with a few clicks of the mouse, their personnel will be free to perform more critical tasks. Countless hours of travel time, document preparation time and idle-time eliminated. This technological opportunity cannot be ignored.

Pacifica has already made many strides in technology, which include digital video and audio recorders in every patrol vehicle. In addition to this, it has many components in place to implement a CFS, thus minimizing the cost to pilot such a program. The department has already installed additional data server space and maintains a secure network. As mentioned previously, Pacifica would look to use the Lawnet intranet as the vehicle in which to transfer this data. While the ultimate goal would be to have all county agencies utilizing RIMS, the CFS pilot program can begin independent of RIMS and later be migrated together.

Costs may vary depending on specific agency needs. A simplified CFS could be run through an email based system, thus minimizing or eliminating any costs to agencies. More advanced systems, with costs noted previously, could be operated through a Record Management System. Agencies will need to assess their current automated systems and how they might integrate with the proposed project. Law enforcement agencies typically work on tight budgets and will need to budget funds to cover the cost of such a project. If agencies aren't able to budget the costs into existing budgets they will need to look at other sources of funding, such as grants.

In 2007, buoyed by one-time grants for interoperability and local law enforcement, police departments around the country will see a significant increase in the funding they can access from sources beyond the well-documented Homeland Security Grants Program⁷. Also in 2007, Byrne Discretionary Grants became available for competitive grant applications. These grants will provide funding in six priority areas that address a range of issues; including violent crime, community programs, law

⁷ Michael Paddock, "Law enforcement funding makes a comeback", HSToday Vol 4, No. 8 (August 2007): 10.

enforcement capacity building, courts, corrections, offender reentry and data sharing. The U. S. COPS office has also been busy administering several competitive programs for methamphetamine enforcement, technology acquisition, tribal law enforcement and school safety and security⁸. The acquisition of CFS systems can be eligible for such data sharing purposes. Managers and executives should assess the trade off of costs for CFS versus the personnel time savings and enhanced efficiency of the case filing process. This will allow them to determine when, and to what point, the implementation of CFS is appropriate.

Conclusion

Establishing a program that goes beyond the elementary paper based system utilized today to a fully automated CFS process will allow for delivery of services in a more effective and efficient manner. Prior to the advancements in today's technology, information systems operated by law enforcement agencies and the courts have been discrete, and incapable of linking and exchanging information. The development of a highly functional electronic case filing system that allows the District Attorney's office to securely receive, process, and manage case filings from law enforcement agencies in today's technologically advanced arena is critical to the efficient overall operation of the agencies.

The implementation of an electronic filing system of criminal cases between law enforcement and the courts should be seriously considered. While there are times when budgets are flush with discretionary funds, more often budgets are tight and restricted.

⁸ Michael Paddock, "Law enforcement funding makes a comeback", HSToday Vol 4, No.8 (August 2007): 10.

Agencies need to recognize the benefits they can reap from implementing a system that is more efficient and effective, while at the same time freeing up personnel staff time. Even with limited funds, decision-makers should support the electronic filing of cases with the District Attorney's office.

Today's technology continues to allow us to enhance many of our efforts in the workplace. The law enforcement community needs to stay abreast of the changing technology and understand how this technology can impact our organizations. To ignore it will only cause us to lag behind the private sector and society in general.