

# Department of Law Civil and Prosecution Function




Strategic Issues

2009-2010

# Strategic Issues

## 1. Increased Legal Services.

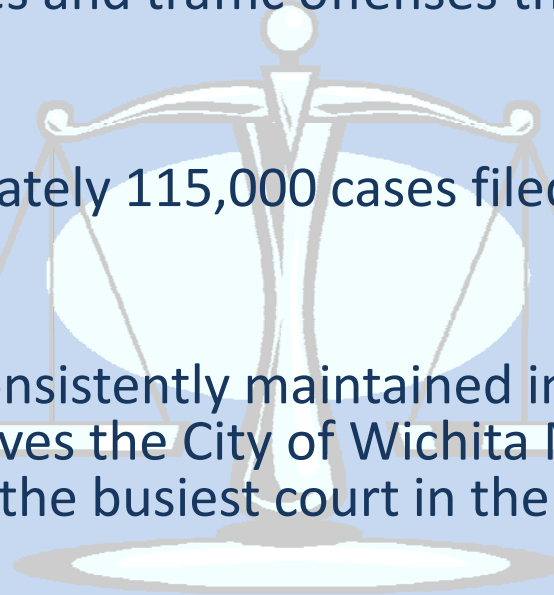
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- As the City continues to support special projects and pursue major enhancements in service delivery, the Law Department will need to deal with the attendant additional technical and logistical burdens of supporting these projects and service efforts.
  - To continue providing cost-effective legal representation using Best Practices for legal services, training resources will be needed to provide high-quality continuing legal education (CLE) opportunities for staff attorneys.
  - In order for the City Attorney's Office to continue to pursue excellence in the practice of law, to be recognized experts in municipal law, and focus on preventive legal advice, staff attorneys will need to expand knowledge of municipal laws and ordinances, as well as in-depth understanding of state and federal procedures and substantive law issues.

### Key Issues requiring enhanced training:

- Environment and global climate change issues
- Telecommunications and challenges to local authority
- Municipal finance – economy, taxation, bonds and federal regulations
- Immigration reform – state and federal legislation
- Civil rights and constitutional law litigation – state and federal courts
- Electronic document discovery – state and federal courts

## 2. Prosecution Caseload

- The Prosecution function is responsible for the prosecution of all misdemeanor crimes and traffic offenses that occur within the City of Wichita.
- There are approximately 115,000 cases filed each year in the municipal court.
- The caseload has consistently maintained incredibly high numbers of cases filed, which gives the City of Wichita Municipal Court the distinction of being the busiest court in the State of Kansas.
- The Prosecution function consists of a supervisor, seven prosecutors, two secretaries, a diversion coordinator, a victim/witness coordinator (by contract), and a domestic violence advocate (by contract).



# MUNICIPAL COURT STATISTICS

## Continuances:

2005 - 43,472

2006 - 45,941

2007 - 51,117



## Cases Docketed:

2005 - 131,072

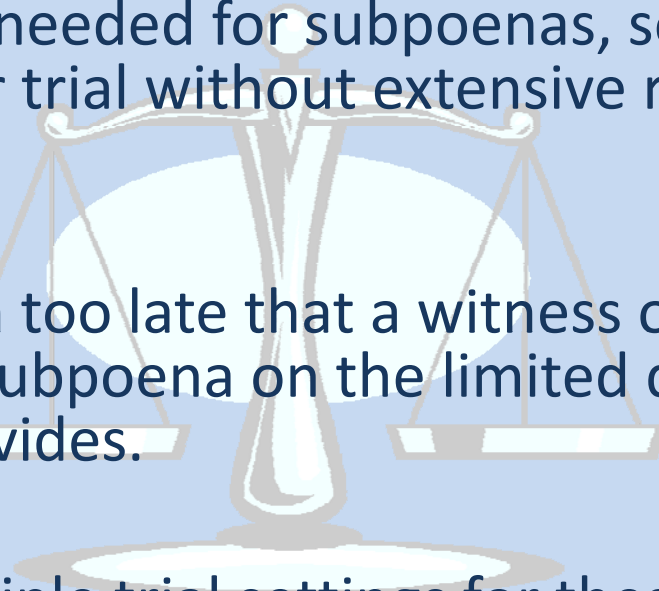
2006 - 123,958

2007 - 133,721

## Issue 1 - Subpoena Generation.

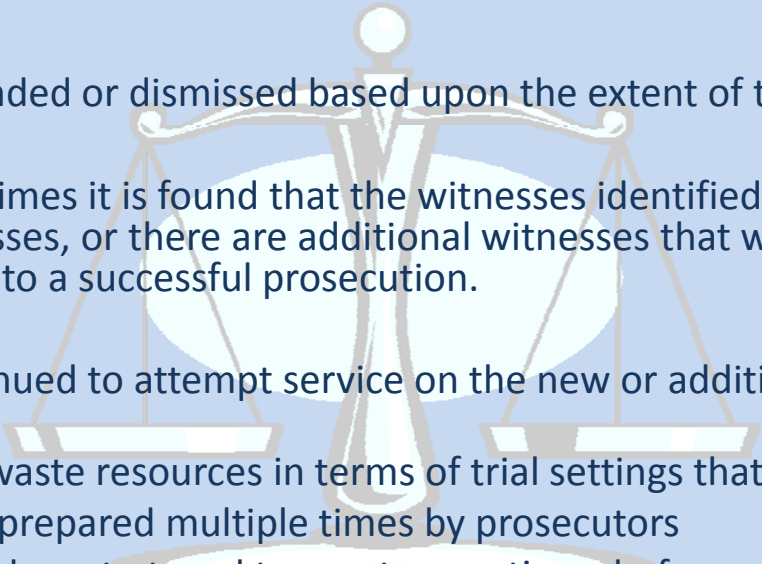
Problem: The current computer system does not automatically select the witnesses needed for subpoenas, so few cases actually are ready for trial without extensive review and data entry.

- Prosecutors learn too late that a witness or witnesses were not selected for subpoena on the limited data entry that the Clerk's Office provides.
- The result is multiple trial settings for these cases.
- The subpoena function could be helpfully addressed by a legal assistant with the appropriate training to make sure the subpoenas are correct and timely.



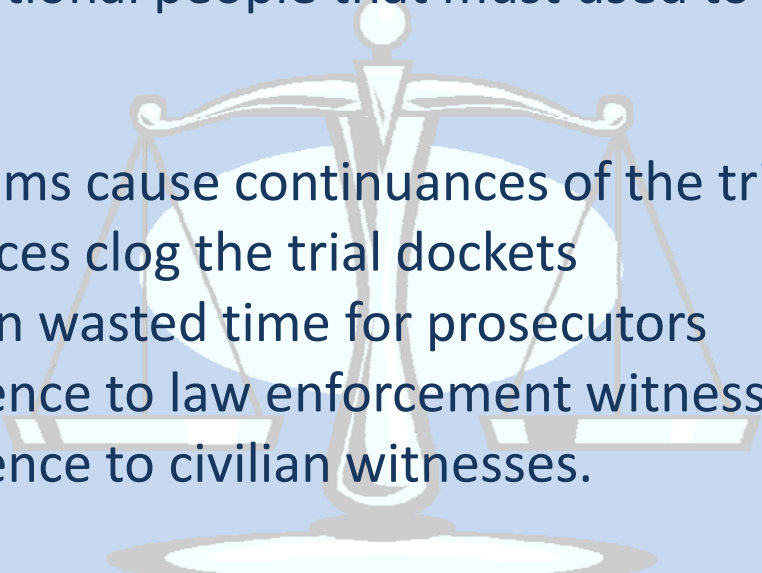
## Issue 2 - Witness Interviews/Screening.

Problem: Because of the high volume, prosecutors are only able to speak with witnesses immediately before trial and many witnesses are unable to provide the information necessary to prosecute a case.

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- Cases are either amended or dismissed based upon the extent of the witness' information.
  - There are numerous times it is found that the witnesses identified by the police officers are not the correct witnesses, or there are additional witnesses that would be able to provide the key piece of evidence to a successful prosecution.
  - The case will be continued to attempt service on the new or additional witnesses identified at the trial setting.
    - Continuances waste resources in terms of trial settings that clog trial dockets
    - Cases must be prepared multiple times by prosecutors
    - Witnesses may have to travel to court many times before a case can be tried
  - Issue can be addressed to by a well-trained legal assistant
    - Who would screen witnesses in advance of trial
    - Thereby decreasing the number and times a case is set on a docket
  - This function could be combined with Issue 1 as part of the duties of a position.

### Issue 3 - Gauging Evidence Availability and Chain of Custody.

Problem: The existence of evidence is not always available to the prosecution, or additional people that must be used to show the chain of evidence.

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- Evidence problems cause continuances of the trial settings
    - Continuances clog the trial dockets
    - Resulting in wasted time for prosecutors
    - Inconvenience to law enforcement witnesses
    - Inconvenience to civilian witnesses.
  - A legal assistant could be used for chain of custody determinations, intoxilyzer foundation issues, evidence screening functions could be addressed.
  - These functions could be combined with Issues 1 and 2 as part of the duties of a position.