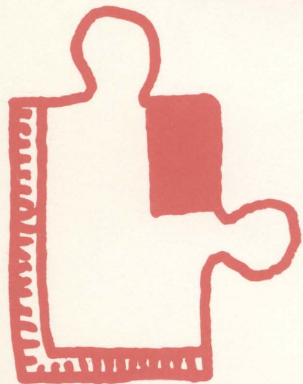


**for a more perfect union -**

A large graphic of a puzzle with the words "PROSECUTION REFORM" in the center. The puzzle pieces are outlined in red, and the text is in a bold, red, sans-serif font. The puzzle is contained within a red rectangular border.

**PROSECUTION  
REFORM**



**Advisory commission on  
intergovernmental relations.**

**washington, D.C. 20575**



**for a more perfect union-**

# **PROSECUTION REFORM**

**ADVISORY COMMISSION ON  
INTERGOVERNMENTAL RELATIONS  
WASHINGTON, D.C. 20575  
M-66      September 1971**

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# Foreword

To combat rising crime rates and to build more justice into their criminal justice systems, States and localities should make far-reaching improvements in courts and corrections, police and prosecution – and should carefully tie together these component elements of criminal justice into a coherent system.

That is the basic conclusion of the Advisory Commission on Intergovernmental Relations in its report, *State-Local Relations in the Criminal Justice System*. Based on 18 months of intensive study, the Commission formulated 44 specific recommendations for State-local action to improve all segments of criminal justice.

The Commission is a 26-member bipartisan, permanent, national body, founded by Federal law to monitor the operations of the federal system and to make recommendations for improvements at all levels of government. Its membership represents the legislative and executive branches of Federal, State and local governments and the public.

The Commission does not speak for the Federal Government and it should not be inferred that the Federal Government necessarily concurs in all recommendations of the Commission or draft legislation to implement Commission proposals.

Commission *recommendations for improving prosecution* have been incorporated into a draft State Omnibus Prosecution Act, reprinted in this volume. This draft proposal was developed by the ACIR staff with the advice and assistance of State and local officials and others with special knowledge of the subject matter. It was reviewed in detail by the Commission's Advisory Board on State Legislation. In addition, as a service to State legislatures, the Committee on Suggested State Legislation of the Council of State Governments accepted the draft proposal for publication in CSG's annual volume of *Suggested State Legislation*.

*Prosecution Reform* is one of a series of ACIR action packets designed to present in brief form selected Commission findings and recommendations together with draft legislation intended to serve as a point of departure for States wishing to incorporate the Commission's recommendations into their statutes.

The complete 300-page Commission report, *State-Local Relations in the Criminal Justice System* (A-38), may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Multiple copies of individual slip bills contained in this action packet are available without charge from the Commission.

Wm. R. MacDougall  
Executive Director



# Better Prosecution and Defense Vital to Justice

The American way of justice—the adversary system—assumes that “truth will out”. But that outcome requires a “good, clean fight” between competent, well-prepared prosecution and defense counsel.

The reality of our criminal justice system too often presents a different picture . . . in the cities, a politically beholden prosecutor may be more interested in the next election than the present case . . . in rural areas, a part time prosecutor may be more involved in his private practice than the government’s business. Across the room, an indigent defendant may be represented by an overworked, poorly paid public defender with no time to learn the details of the

case . . . or by an inexperienced or begrudging lawyer assigned at random to the case by the court.

The upgrading of both sides in the courtroom struggle are essential to improve our adversary system.

## The Prosecutor

The prosecutor’s role is not only deeply important but broad in scope. His decisions can affect the future freedom and even life of many people. He is a major link between the police and courts. The

### LOCAL PROSECUTORS — SELECTED DATA 1970

State	Title	Jurisdiction	Area	Selected by	Term	Removed by
Alabama . . .	District Attny.	criminal and civil	Judic. Dis.	elected	4	Impeached
Alaska . . .	District Attny.*	criminal, civil, appeals	Jud. Dis.*	Attorney Gen.*		NA
Arizona . . .	County Attny.	criminal and civil	County*	elected*	4*	NA
Arkansas . . .	Dist. Pros. Attny.	criminal only	Judic. Dis.	elected	2	Impeached
California . . .	District Attny.	criminal and civil	County	elected	4	Impeached
Colorado . . .	District Attny.	criminal only	Judic. Dis.	elected	4	Impeached
Conn. . . .	States Attny. Chief Pros.	felonies misdemeanors	County Circuit*	Circuit Ct.* Circuit Ct.*	2 NA	NA NA
Delaware . . .	(no local pros.)	—	—	—	—	—
Florida . . .	State Attny.	1	Judic. Ct.	Governor	4	Governor
Georgia . . .	District Attny.	criminal, St. civil appeals	Judic. Dis.	elected	4	Impeached
Hawaii . . .	Co. or City Attny.	criminal and appeals	County	elect. or appt.	NA	NA
Idaho . . . .	Prosecuting Attny.	criminal and civil	County	elected	2	NA
Illinois . . .	States Attny.	civil, criminal, appeals	County	elected	4	NA
Indiana . . .	Prosecuting Attny.	criminal only	Judic. Dis.	elected	4	Supreme Court
Iowa . . . .	County Attny.	criminal and civil	County	elected	4	recall, impeached
Kansas . . .	County Attny.	civil, criminal, appeals <sup>2</sup>	County	elected	2	NA
Kentucky . . .	County Attny. Comm. Attny.	misdemeanors felonies, State civil	County District	elected elected	4 6	NA Impeached
Louisiana . . .	District Attny.	criminal, State civil	Judic. Dis.	elected	6	NA
Maine . . . .	County Attny.	criminal and civil	County	elected	2	Gov. and Council
Maryland . . .	State’s Attny.	criminal and civil	Co. or City	elected	4	Impeached or AG
Massachusetts . . .	District Attny.	criminal, State civil, appeals	Jud. Dist.	elected	4	Impeached or AG
Michigan . . .	Prosecuting Attny.	civil, criminal, appeals <sup>3</sup>	County	elected	4	Governor
Minnesota . . .	County Attny.	civil, criminal, appeals	County	elected	4	Governor
Mississippi . . .	District Attny.*	felony only <sup>4</sup>	Judic. Dis.*	elected	4	NA

**LOCAL PROSECUTORS—SELECTED DATA (Continued)**  
1970

State	Title	Jurisdiction	Area	Selected by	Term	Removed by
Missouri . . .	Prosecuting Attny.;	criminal <sup>5</sup>	County	elected	2	Suit, Quo Warranto
	County Attny.	misdemeanor	County	elected	4	NA
Montana . . .	County Attny.	criminal and civil	County	elected	4	NA
Nebraska . . .	County Attny.	criminal and civil	County	elected	4	Governor
Nevada . . .	District Attny.	criminal and civil	County	elected	4	recall, suit
New Hampshire .	County Attny.	civil and criminal <sup>6</sup>	County	elected	2	Superior Court
New Jersey . . .	Co. Prosecutor	criminal only	County	Gov. with consent of Senate	5	NA
New Mexico . . .	District Attny.	criminal only	Judic. Dis.*	elected	4	NA
New York . . .	District Attny.	criminal, civil, appeals	County	elected	3	Governor
North Carolina .	Solicitors <sup>7</sup>	criminal only	Solic. Dis.	elected	4	NA
North Dakota . .	State's Attny.	criminal, civil, appeals	County	elected	2	Governor
Ohio . . .	Prosecuting Attny.	civil, criminal, appeals	County	elected	4	NA
Oklahoma . . .	District Attny.	civil and criminal	District	elected	4	Impeached, suit
Oregon . . .	District Attny.	civil, criminal, appeals	County	elected	4	Recall, suit
Pennsylvania . .	District Attny.	civil, criminal, appeals	County	elected	4	Impeached
Rhode Island . .	(no local pros.)	—	—	—	—	—
South Carolina .	Solicitor <sup>8</sup>	criminal, State, civil	Judic. Dis.	elected	4	NA
South Dakota . .	State's Attny.	civil and criminal	County	elected	2	Governor
Tennessee . . .	District A.G.	criminal only	Judic. Dis.	elected	8	Impeached
Texas . . .	County Attny.	misdemeanor, felonies <sup>9</sup>	County*	elected	4	NA
	Crim. Dist. Attny.*	felony only	County	elected	4	NA
	District Attny.	felony only	County	elected	4	NA
	District Attny.	felonies only	Dist.	elected	4	NA
Utah . . .	Co. Attny.	mysd., civil	County	elected	4	NA
	State's Attny.	civil, criminal, appeals	County	elected	2	Impeached
Virginia . . .	Comm. Attny.	civil and criminal	County or City	elected	4	cir. & corp. Courts
Washington . . .	Prosecuting Attny.	civil, criminal, appeals	County	elected	4	Recall, suit
West Virginia . .	Prosecuting Attny.	civil and criminal	County	elected	4	Impeached
Wisconsin . . .	District Attny.	civil and criminal	County	elected	2*	Governor
Wyoming . . .	County and	civil and criminal	County	elected	4	Governor
	Prosecuting Attny.					

<sup>1</sup> Florida. Felonies except in eight counties which have county solicitors, then only felonies punishable by death and in Dade County and Hillsborough County, which are responsible for prosecution of all crimes, misdemeanors, and felonies; State civil.  
<sup>2</sup> Kansas. Exception in Sedgwick, Wyandotte, and Shawnee Counties—civil in hands of county counselors.  
<sup>3</sup> Michigan. Exception in some larger counties which have corporation counsel for civil.  
<sup>4</sup> Mississippi. Discretionary as to misdemeanors. County attorneys handle misdemeanors, assist on felonies.  
<sup>5</sup> Missouri. Except City of St. Louis—misdemeanors only. One Circuit Attorney—City of St. Louis—Felony only.  
<sup>6</sup> New Hampshire. Except felonies involving sentences of death or imprisonment for more than 25 years, which are AG's responsibility, although he may delegate them to county attorney.  
<sup>7</sup> District Court Prosecutors in some are selected by presiding judge for minor criminal duties.  
<sup>8</sup> County Solicitors are selected in certain instances to have original jurisdiction over misdemeanors and concurrent jurisdiction over some felonies.  
<sup>9</sup> Texas. If no district attorney, county attorney has jurisdiction over all criminal cases, otherwise only misdemeanors and district attorney prosecutes felonies. If by local and special bill of the legislature a criminal district attorney's office is established, offices of district attorney (if any) and county attorney are eliminated with new officer responsible for all crimes.  
Source: NAAG, "Study of the Office of Attorney General," (revised draft) Dec., 1970; NDAA, Journal of the National District Attorneys Association Foundation, July-August, 1966; State law enforcement plans submitted to Law Enforcement Assistance Administration of the U.S. Department of Justice.

prosecutor has substantial influence on investigations; he frequently determines the disposition of cases brought to him by police and he influences police arrest practices. He decides whether charges will be brought and what those charges will be. His actions affect the volume of cases in the courts and the

number of offenders referred to the correctional system.

And yet, more than half the local prosecutors in more than half the States spend less than half time on public business. Part time prosecutors are open to the suspicion of conflict of interest between their



public duties and private practice. And there is the underlying question of whether an official who spends much of his time in private practice is giving the taxpayers their money's worth for the part time spent on the public job.

Although in larger cities the prosecutor has a staff of assistants—more than 200 in Los Angeles and more than 150 in Chicago, for instance—the typical district attorney or county attorney has a staff of one or two assistants, frequently part time.

For his efforts, an assistant prosecutor is meagerly compensated. A survey of the National District Attorney's Association several years ago indicated annual salaries of less than \$4,000 not uncommon.

Training and preparation to perform this vital function is also very limited. Two important prerequisites for success in prosecuting a case are a thorough knowledge of criminal law and expertise in the courtroom. But most law schools concentrate primarily on civil law—most law students look toward a career in civil law—and most attorneys enter the prosecutor's office with little trial experience.

Once they become prosecutors, odds are they will not make it their lifelong profession. The State attorney general is elected in 42 States and local prosecutors are elected in 45 States. Both offices are traditionally viewed as stepping stones in a political career. The office of local prosecutor, particularly, seems to be viewed as a temporary job. Terms average two years. A survey in a comprehensive report by the National Association of Attorneys General, showed that of 430 prosecutors responding, 184 were in their first term and 122 in their second term. The Maryland State's Attorneys' Association reported that the average seniority in the Baltimore State's Attorney's office is only 13 months and the whole staff turns over every two years.

Perhaps the most extreme example of the low estate of the office was given in Oklahoma in 1964: no attorneys sought election as local prosecutor in 55 of the State's 77 counties that year.

Because of his relationships to police, courts and corrections, the prosecutor would seem to be in a perfect position to serve a coordinating role. Far from that ideal, in most States the prosecution function itself is badly fragmented which makes it nearly impossible for the State legal code to be used consistently throughout the State and is a major cause for long delays.

Most States give the attorney general and local prosecutors overlapping or concurrent responsibilities. A major function of the local prosecutor is his responsibility for criminal investigations. But in many cities, the corporation counsel is responsible for some investigations. Frequently, a case is turned over to the prosecutor after the corporation counsel has had it for several months. The prosecutor must begin the investigation again, after witnesses have disappeared or have forgotten the details.

At the opposite extreme, three States—Alaska, Delaware and Rhode Island—have a unified statewide prosecution system. The Commission does not see this approach as generally applicable as it deems responsiveness to local needs an important factor in prosecution. Alaska with its sparse population and Delaware and Rhode Island with their small land area lend themselves to the atypical structure.

What is needed is coordination and basic consistency. The State attorney general can play a major role here, setting minimum prosecutorial standards, providing technical assistance and establishing statewide councils of prosecutors.

However, State-mandated standards are unfair if the localities must pay the whole tab; equal justice under law cannot be provided where a great disparity exists in financial resources. But the tradition in this country is for local responsibility for financing the prosecutorial function. In 18 States, the counties pay the entire cost of the prosecutor's salary; in five States, the State pays the entire bill; the others share.

What's to be done?

The Commission makes several recommendations. First, all States should require that prosecuting attorneys be full-time officials. Where prosecutorial districts are too small to support a full-time prosecutor, the Commission suggests that the boundaries be redrawn to provide enough work and enough financial resources for a full-time official. In 1965, Oklahoma replaced its county prosecutorial districts with a system corresponding to State judicial districts. Interest in the office as well as efficiency of the office increased.

The local prosecution function should be centralized in a single office responsible for all criminal prosecutions. That would eliminate much of the fragmentation and delay.

The States should pay at least half the cost of

investigations by local prosecuting attorneys' offices. That would help equalize the quality of performance throughout the State, raise the level of funding and thus of personnel, and provide a lever for greater State coordination.

Most important, the States should strengthen the authority of the attorney general to oversee the work of local prosecutors: through a State council of prosecutors under his leadership; through the power to consult and advise local prosecutors, to attend local trials and assist in the prosecution and, where necessary, to intervene. Moreover, at the initiation of the attorney general, State supreme courts should have the power to remove prosecuting attorneys for cause.

### **The Grand Jury**

The grand jury is the traditional vehicle for investigation and bringing official charges. All States provide for grand juries; 21 of them require that the prosecutor initiate all felony cases by means of a grand jury. However, grand juries have also been accused of delaying justice, causing unnecessary expense, and reducing the powers of the prosecutor.

The subpoena powers of the grand jury and its ability to compel criminal testimony greatly increase the power of the prosecutor in an investigation. Because it is made up of lay citizens, the grand jury assures some public participation, especially in cases of extraordinary public concern such as the investigation of official corruption.

But to avoid unnecessary delay and expense the Commission recommends that prosecutors be given the discretion to use a grand jury or bring indictments through information procedures. It urges prosecutors to use grand juries primarily in cases of alleged official corruption or extraordinary public concern. Grand juries should be empaneled on a frequent enough basis to prevent unnecessary court delay. However, the Commission stresses that it does not propose limiting the traditional investigative powers of grand juries.

### **The Defenders of the Poor**

The right of the poor to a defense attorney at all

stages of any Federal or State criminal proceeding has been established by the United States Supreme Court. But implementation lags.

Although there are plenty of lawyers in this country—the American Bar Association estimated 200,000 in private practice a few years ago—there are not enough criminal lawyers available to serve even those who can afford to pay them. One survey estimated between 2,500 to 5,000 lawyers accept criminal representation more than occasionally. The National Legal Aid and Defenders Association indicated there were 900 defenders in the United States in 1966 and half of them didn't work full-time. But the need for defenders of the indigent is placed at 8,300 to 12,500 full-time attorneys.

Two procedures predominate in the States to secure counsel for the indigent defendant: the public defender system, under which the State retains salaried attorneys who are appointed or elected; and the assigned counsel system, under which private attorneys in the city are assigned defendants on a case-by-case basis, through a coordinated system or at random. A variation of the public defender system is private defenders, generally retained by a non-profit organization. The assigned counsel system—being cheaper—is used more frequently: only 11 States have public defender systems; assigned counsel systems are used in 30 States.

The Commission feels that a principal reason for the lack of good defense for the poor is that States have left it up to local communities to provide the service. The Commission proposes that the States set minimum standards and administer and pay for the system to meet it. Only seven States now do so: Alaska, Connecticut, Delaware, Massachusetts, New Jersey, North Carolina and Rhode Island.

The Commission believes that considerable flexibility can be built into a statewide system. Public defenders could be used in urban communities—while rural communities could have either a coordinated assigned counsel system or "circuit rider" public defenders.

State and local criminal justice systems need more system and more justice. More coordinated prosecution can bring about greater system and improved procedures for defending the poor can help bring about more justice. Together they will preserve and perfect the adversary system.

# Omnibus Prosecution Act

The relationship between the attorney general and local prosecuting attorneys varies widely from State to State. A few States vest complete prosecutorial authority in the attorney general; at the same time, a few give him no authority whatsoever in criminal cases. Between these extremes, most States have established a range of relationships, including mutually exclusive areas of criminal authority, attorney general advice and assistance to local prosecutors, and direct control over local prosecuting attorneys by the attorney general.

The purpose of the following proposed legislation is to strengthen statewide coordination of prosecutorial activity by providing for general supervision by the attorney general of the prosecution component of a State's criminal justice system. Section 2 contains the necessary definitions. It should be recognized that the definition of "local prosecuting attorney" will vary from State to State; in determining the proper titles, however, it should be kept in mind that the local prosecutor should have primary responsibility for instituting criminal actions within his jurisdiction. Section 3 of the bill provides a number of actions that the attorney general may take vis-a-vis local prosecutors at his discretion; on the request of the local prosecuting attorney, the governor, or a grand jury; or when the local prosecutor fails to apply properly a statewide policy. These actions include consultation, technical assistance, and intervention. This section also embodies necessary safeguards in connection with the exercise of the attorney general's authority in criminal investigations. Section 4 authorizes the attorney general to submit periodically to the legislature local prosecution district reorganization plans, and requires local prosecuting attorneys of multi-county districts to appoint at least one assistant. Section 5 requires the attorney general to prescribe minimum standards for local prosecutors' offices, and authorizes State financial aid to offices certified as meeting these standards to cover part of the costs related to the investigation and prosecution of criminal offenses. Section 6 establishes a State Council of Prosecutors and provides for interagency cooperation, and Section 7 deals with reporting requirements. Section 8 contains procedures for the removal of local prosecuting attorneys.

This draft bill draws upon the American Bar Association's "Model Department of Justice Act" and New Jersey's "Criminal Justice Act of 1970." In some States, constitutional amendments may be required to implement various sections of this act.

## Suggested Legislation

*[Title should conform to state requirements. The following is a suggestion: "An act providing for the general supervision by the attorney general of criminal law enforcement throughout the state."]*

*[Be it enacted, etc.]*

1           Section 1. *Findings and Purpose.* The legislature hereby finds and declares that:

2           (1) The increasing rate of crime presents a serious threat to the political, social, and  
3           economic institutions of the state and helps bring about a loss of popular confidence in the  
4           agencies of government; and

5           (2) Fragmented administration of the prosecution function has reduced the effectiveness of  
6           the crime prevention and control efforts of the state and its political subdivisions, and has hindered  
7           the consistent application of criminal law throughout the state.

1           It is the purpose of this act to encourage cooperation among state and local prosecuting  
2 attorneys and to provide for the general supervision of criminal justice by the attorney general as  
3 chief law officer of the state, in order to secure the benefits of a uniform and efficient enforce-  
4 ment of the criminal law and the administration of criminal justice throughout the state.

5           *Section 2. Definitions.* As used in this act:

6           (1) “Local prosecuting attorney” means a [county or district prosecutor, or a county  
7 attorney, district attorney, state’s attorney, circuit attorney, city attorney, corporation counsel, or  
8 solicitor]<sup>1</sup> having primary responsibility for instituting criminal actions.

9           (2) “Law enforcement officer” means a police officer, sheriff, or other individual who is  
10 employed full time by the state or a unit of local government to preserve order and enforce the laws.

11           *Section 3. Powers and Duties of the Attorney General.*

12           (a) The attorney general shall consult with and advise the several local prosecuting  
13 attorneys and may provide technical assistance in matters relating to the duties of their office.  
14 He shall maintain a general supervision over local prosecuting attorneys with a view to obtaining  
15 effective and uniform enforcement of the criminal laws throughout the state.

16           (b) Any local prosecuting attorney may request in writing the assistance of the attorney  
17 general in the conduct of any investigation, criminal action, or proceeding. The attorney general  
18 may thereafter take whatever action he deems necessary to assist the local prosecuting attorney in  
19 the discharge of his duties.

20           (c) Whenever requested in writing by the governor, the attorney general shall, and when-  
21 ever requested in writing by a grand jury of a county or by [insert other appropriate agencies],  
22 the attorney general may intervene in any investigation, criminal action, or proceeding instituted  
23 by a local prosecuting attorney, and may appear for the state in any court or tribunal for the  
24 purpose of conducting such investigations, criminal actions, or proceedings as shall be necessary  
25 for the protection of the rights and interests of the state.

26           (d) Whenever in his opinion the interests of the state will be furthered by so doing, the  
27 attorney general may, and whenever a local prosecuting attorney refuses to apply a statewide  
28 policy or has applied it in a manner that distorts its purposes, the attorney general shall, intervene  
29 in or initiate any investigation, criminal action, or proceeding. In such instances, the attorney  
30 general may appear for the state in any court or tribunal for the purpose of conducting such  
31 investigations, criminal actions, or proceedings as shall be necessary to promote and safeguard the  
32 public interests of the state and secure the enforcement of the laws of the state. [The attorney

<sup>1</sup>Each state should insert the appropriate title of its local prosecuting attorneys.

1 general may in his discretion act for any local prosecuting attorney in representing the interests of  
2 the state in any and all appeals and applications for post-conviction remedies.]

3 (e) The attorney general shall prosecute the criminal business of the state in any county or  
4 judicial district having no local prosecuting attorney.

5 (f) Whenever the attorney general shall assist, intervene or participate in, or initiate or  
6 conduct any criminal action or proceeding as heretofore provided in subsections (b) and (c) of  
7 this section, he shall be authorized to exercise all the powers and perform all the duties the local  
8 prosecuting attorney would otherwise be authorized or required to perform, including the investi-  
9 gation of alleged crimes, the attendance before the criminal courts and grand juries, the prepara-  
10 tion and trial of indictments for crimes, and the representation of the state in all proceedings in  
11 criminal cases on appeal or otherwise in the courts of this state. Subject to the availability of  
12 funds, he may appoint temporary assistants, aides, investigators, or other personnel.

13 (g) The powers and duties conferred upon or required of the attorney general by this act  
14 shall not be construed to supplant or deprive local prosecuting attorneys of any of their authority  
15 in respect to criminal prosecutions, or relieve them from any of their duties to enforce the  
16 criminal laws of the state.

17 *Section 4. Local Prosecution Districts.* (a) Local prosecuting attorneys of multi-county  
18 districts shall appoint at least one assistant [in each county] to coordinate the prosecution of  
19 crimes under state law and handle all stages of felony proceedings.

20 (b) So as to warrant at least one full-time local prosecuting attorney and the supporting  
21 staff necessary for effective performance of the prosecution function, the attorney general shall  
22 submit periodically to the legislature a plan revising existing or establishing new local prosecution  
23 districts on the basis of population, caseload, judicial district boundaries, and other relevant  
24 factors.<sup>2</sup>

25 *Section 5. Minimum Standards; Financial Assistance.* (a) In order to assure the efficient  
26 operation of offices of local prosecuting attorneys, the attorney general shall prescribe minimum  
27 standards with regard to personnel, procedures, and other appropriate matters. Offices of local  
28 prosecuting attorneys shall be given reasonable opportunity to meet such minimum standards. On  
29 or before [the last day of each fiscal year], the attorney general shall certify to the [state dis-  
30 bursing officer] those offices of local prosecuting attorneys meeting these standards. The [state  
31 disbursing officer] shall make payments, from funds appropriated for that purpose, to the

<sup>2</sup>In some states, a constitutional amendment may be necessary to implement this subsection.

1 appropriate [units of local government] to reimburse them for [fifty] percent of the costs incurred  
2 during the ensuing fiscal year for activities related to the investigation and prosecution of criminal  
3 offenses conducted by certified offices of local prosecuting attorneys.

4 *Section 6. State Council of Prosecutors and Interagency Cooperation.* (a) The attorney  
5 general shall establish a state council of prosecutors composed of all local prosecuting attorneys,  
6 which shall meet on a regular basis to develop guidelines for local prosecuting attorneys and assure  
7 that local prosecution policies and practices meet state minimum standards and are consistent from  
8 jurisdiction to jurisdiction.

9 (b) The attorney general may, from time to time, and as often as may be required, call  
10 into conference the local prosecuting attorneys, the chiefs of police of the several counties and  
11 municipalities, and any other law enforcement officers of the state or such of them as he may  
12 deem advisable, for the purpose of discussing the duties of their respective offices with a view to  
13 the adequate and uniform enforcement of the criminal laws of this state.

14 (c) All local prosecuting attorneys and local police officers shall cooperate with and aid  
15 the attorney general in the performance of his duties. All state and local law enforcement officers  
16 shall cooperate with and aid the attorney general and the several local prosecuting attorneys in the  
17 performance of their respective duties.

18 *Section 7. Reports.* (a) The attorney general shall annually submit to the governor and the  
19 legislature a report setting forth the activities of his office during the preceding calendar year,  
20 together with suggestions and recommendations for the adequate and uniform enforcement of the  
21 criminal laws of the state. The attorney general shall include in his report an abstract of the annual  
22 reports of the several local prosecuting attorneys.

23 (b) Each local prosecuting attorney shall annually submit to the attorney general a written  
24 report for the last preceding [fiscal] [calendar] year, covering such items of information and such  
25 dispositions of complaints, investigations, criminal actions, and proceedings as the attorney general  
26 shall prescribe. The attorney general may also require the several local prosecuting attorneys to  
27 submit, from time to time, reports as to any matters pertaining to the duties of their office.

28 (c) The attorney general may make studies and surveys of the organization, procedures,  
29 and methods of operation and administration of all law enforcement agencies within the state,  
30 with a view toward preventing crime, improving the administration of criminal justice, and securing  
31 the improved enforcement of the criminal law. Such studies may include the procedures and re-  
32 sults of sentencing, where sentences are open to discretion.

1 *Section 8. Removal of Local Prosecuting Attorneys.* In addition to any and all methods now  
2 provided by law for removal from office, the attorney general, after receipt of a valid complaint or  
3 on his own motion, may initiate proceedings for the removal of any local prosecuting attorney in  
4 the state by the supreme court. Upon receipt of a valid complaint, the attorney general shall make  
5 such investigation as he deems necessary to verify or refute the substance of the complaint. After  
6 such investigation, the attorney general may order a confidential hearing to be held. After investi-  
7 gation and hearing, the attorney general may petition the supreme court for the removal from  
8 office of any prosecuting attorney. The supreme court shall review the record of the attorney  
9 general's proceedings and in its discretion may permit the introduction of additional evidence. It  
10 shall make whatever determination it finds just and proper, and may order the removal of any  
11 local prosecuting attorney or may wholly reject the petition of the attorney general.

12 *Section 9. Laws Repealed.* All acts or parts of acts inconsistent with the provisions of this  
13 act are hereby repealed.

14 *Section 10. Separability.* [Insert separability clause.]

15 *Section 11. Effective Date.* [Insert effective date.]





# Published Reports of the Advisory Commission on Intergovernmental Relations<sup>1</sup>

- Coordination of State and Federal Inheritance, Estate and Gift Taxes. Report A-1, January 1961. 134 pages.
- Investment of Idle Cash Balances by State and Local Governments. Report A-3, January 1961. 61 pages (out of print; summary available)
- State and Local Taxation of Privately Owned Property Located on Federal Areas. Report A-6, June 1961. 34 pages, offset (out of print; summary available).
- Local Nonproperty Taxes and the Coordinating Role of the State. Report A-9, September 1961. 68 pages.
- Intergovernmental Responsibilities for Water Supply and Sewage Disposal in Metropolitan Areas. Report A-13, October 1962. 135 pages.
- \*The Role of the States in Strengthening the Property Tax. Report A-17, June 1963. Vol. I (187 pages) and Vol. II (182 pages). \$1.25 each.
- Statutory and Administrative Controls Associated with Federal Grants for Public Assistance. Report A-21, May 1964. 108 pages.
- The Intergovernmental Aspects of Documentary Taxes. Report A-23, September 1964. 29 pages.
- State-Federal Overlapping in Cigarette Taxes. Report A-24, September 1964. 62 pages.
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