

3/15/78

52 + Final Draft
approved by court
(retyped)

SPEEDY TRIAL PLAN

Federal District Court

Eastern District of Wisconsin

I. INTRODUCTION

A. Adoption of Plan.

This Speedy Trial Plan for the disposition of criminal cases in the Eastern District of Wisconsin has been adopted by the Court after reviewing recommendations from the Planning Group. It is submitted in compliance with 18 U.S.C. §§ 3165-3166 and will govern the disposition of criminal offenses within the jurisdiction of this Court beginning July 1, 1979.

B. Identification of Members of the Planning Group.

The following are the members of the Planning Group:

John W. Reynolds, Chief Judge, Federal Building, Milwaukee.

Robert W. Warren, District Judge, Federal Bldg., Milwaukee.

William J. Mulligan, U.S. Attorney, Federal Bldg., Milwaukee.

William L. Brown, U.S. Marshal, Federal Building, Milwaukee.

James Williams, Chief Probation Officer, Fed. Bldg., Milwaukee.

Ruth W. La Fave, Clerk of Court, Federal Bldg., Milwaukee.

Franklyn M. Gimbel, Attorney, 270 E. Kilbourn Ave., Milwaukee.

John C. McBride, Magistrate, Federal Building, Milwaukee.

Ramon A. Klitzke, Reporter for the Planning Group, Assoc. Prof. of Law, Marquette University Law School, Milwaukee.

C. Copies of the Plan Available for Public Inspection.

In accordance with the requirements of 18 U.S.C. § 3165 (f), this Speedy Trial Plan is designated as a public document. Copies are available for inspection at the Eastern District Clerk's office and copies may be obtained from the Clerk without charge by members of the bar of this Court and by defendants who are representing themselves without counsel.

II. STATEMENT OF TIME LIMITS AND PROCEDURES FOR ACHIEVING PROMPT DISPOSITION OF CRIMINAL CASES IN THE EASTERN DIST. OF WIS.

Pursuant to the requirements of Rule 50(b) of the Federal Rules of Criminal Procedure, the Speedy Trial Act of 1974 (18 U.S.C. chapter 208), and the Federal Juvenile Delinquency Act (18 U.S.C. §§ 5036, 5037), the judges of the United States District Court for the Eastern District of Wisconsin have adopted the following plan to minimize undue delay and to further the prompt disposition of criminal cases and certain juvenile proceedings:

A. Applicability.

1. Offenses. The time limits set forth herein are applicable to criminal offenses triable in this court, as defined in 18 U.S.C. § 3172(2), except for petty offenses as defined in 18 U.S.C. § 1(3). The time limits are not applicable to proceedings under the Federal Juvenile Delinquency Act.

2. Persons. The time limits are applicable to persons

accused, as provided in the Speedy Trial Act, Title 18, U.S.C. Chapter 208.

B. Priorities in Scheduling Criminal Cases.

Preference shall be given to criminal proceedings as far as practicable as required by Rule 50(a) of the Federal Rules of Criminal Procedure.

C. Time Within Which an Indictment or Information Must Be Filed.

Any information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges. If an individual has been charged with a felony when no grand jury has been in session during such thirty-day period, the period of time for filing of the indictment shall be extended an additional thirty days. 18 U.S.C. § 3161(b).

D. Time Within Which Arraignment Must Be Held.

The arraignment of a defendant charged in an information or indictment with the commission of an offense shall be held within ten days from the filing date (and making public) of the information or indictment, or from the date a defendant has been ordered held to answer and has appeared before a judicial officer of the court in which such charge is pending whichever date last occurs. 18 U.S.C. § 3161(c).

E. Time Within Which Trial Must Commence.

1. Where a plea of not guilty is entered, the trial of the defendant shall commence within sixty days from arraignment on the information or indictment at such place, within the district, as is fixed by the appropriate judicial officer. 18 U.S.C. § 3161(c).

2. Retrial. If the defendant is to be tried again following a declaration by the trial judge of a mistrial or following an order of such judge for a new trial, the trial shall commence within sixty days from the date the action occasioning the retrial becomes final. If the defendant is to be tried again following an appeal or a collateral attack, the trial shall commence within sixty days from the date the action occasioning the retrial becomes final, except that the court retrying the case may extend the period for retrial not to exceed one hundred and eighty days from the date the action occasioning the retrial becomes final if unavailability of witnesses or other factors resulting from passage of time shall make trial within sixty days impractical. 18 U.S.C. § 3161(e).

3. Withdrawal of Plea. If trial did not commence within the time limitation specified in 18 U.S.C. § 3161 because the defendant had entered a plea of guilty or nolo contendere subsequently withdrawn to any or all charges in an indictment or information, the defendant shall be deemed indicted with respect to all charges

therein contained within the meaning of 18 U.S.C. § 3161, on the day the order permitting withdrawal of the plea becomes final. 18 U.S.C. § 3161(i).

4. Superseding Charges.

(a) If any indictment or information is dismissed upon motion of the defendant, or any charge contained in a complaint filed against an individual is dismissed or otherwise dropped, and thereafter a complaint, information or indictment is filed against such defendant or individual charging him with the same offense or an offense based on the same conduct or arising from the same criminal episode, the provisions of subsections C, D and E of Section II of this Plan shall be applicable with respect to such subsequent complaint, indictment, or information, as the case may be. 18 U.S.C. § 3161(d).

(b) If the information or indictment is dismissed upon motion of the attorney for the Government and thereafter a charge is filed against the defendant for the same offense, or any offense required to be joined with that offense, any period of delay from the date the charge was dismissed to the date the time limitation would commence to run as to the subsequent charge, had there been no previous charge, shall be excluded in computing the time under subsections C, D and E of Section II of this Plan. 18 U.S.C. § 3161(h)(6).

5. Responsibility for Setting Cases for Trial. The appropriate judicial officer, at the earliest practicable time, shall, after consultation with the counsel for the defendant and the attorney for the Government, set the case for trial on a day certain, or list it for trial on a weekly or other short-term trial calendar at a place within the judicial district, so as to assure a speedy trial. 18 U.S.C. § 3161(a).

F. Exclusion of Time From Computation.

The following periods of delay shall be excluded in computing the time within which an information or an indictment must be filed, or in computing the time within which the trial of any such offense must commence:

1. Any period of delay resulting from other proceedings concerning the defendant, including but not limited to:

(A) delay resulting from an examination of the defendant, and hearing on, his mental competency, or physical incapacity;

(B) delay resulting from an examination of the defendant pursuant to section 2902 of title 28, United States Code;

(C) delay resulting from trials with respect to other charges against the defendant;

(D) delay resulting from interlocutory appeals;

(E) delay resulting from hearings on pretrial motions;

(F) delay resulting from proceedings relating to transfer from other districts under the Federal Rules of Criminal Procedure; and

(G) delay reasonably attributable to any period, not to exceed thirty days, during which any proceeding concerning the defendant is actually under advisement. 18 U.S.C. § 3161(h)(1).

2. Any period of delay during which prosecution is deferred by the attorney for the Government pursuant to written agreement with the defendant, with the approval of the court, for the purpose of allowing the defendant to demonstrate his good conduct. 18 U.S.C. § 3161(h)(2).

3. (A) Any period of delay resulting from the absence or unavailability of the defendant or an essential witness. 18 U.S.C. § 3161(h)(3)(A).

(B) For purposes of subparagraph (A) of this paragraph, a defendant or an essential witness shall be considered absent when his whereabouts are unknown and, in addition, he is attempting to avoid apprehension or prosecution or his whereabouts cannot be determined by due diligence. For purposes of such subparagraph, a defendant or an essential witness shall be considered unavailable whenever his whereabouts are known but his presence for trial cannot be obtained by due diligence or he resists appearing at or being returned for trial. 18 U.S.C. § 3161(h)(3)(B).

4. Any period of delay resulting from the fact that the defendant is mentally incompetent or physically unable to stand trial. 18 U.S.C. § 3161(h)(4).

5. Any period of delay resulting from the treatment of

the defendant pursuant to section 2902 of title 28, United States Code. 18 U.S.C. § 3161(h)(5).

6. A reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted. 18 U.S.C. § 3161(h)(7).

7. Any period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant or his counsel or at the request of the attorney for the Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. No such period of delay resulting from a continuance granted by the court in accordance with this paragraph shall be excludable under this subsection unless the court sets forth, in the record of the case, either orally or in writing, its reasons for finding that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

G. Time for Sentencing Defendant.

1. Time Limit. A defendant should ordinarily be sentenced within forty-five (45) days of the date of conviction or plea of guilty or nolo contendere.

2. Related Procedures. If the defendant and counsel consent

thereto, a presentence investigation may be commenced prior to a plea of guilty or nolo contendere or a conviction.

H. Juvenile Proceedings.

1. Time Within Which Trial Must Commence. An alleged delinquent who is in detention pending trial shall be brought to trial as provided in 18 U.S.C. § 5036.

2. Time of Dispositional Hearing. If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held in accordance with 18 U.S.C. § 5037(c).

I. Sanctions.

1. Dismissal. Failure to comply with the requirements of Title I of the Speedy Trial Act may result in the sanctions provided in 18 U.S.C. § 3162.

2. Discipline of Attorneys. If a counsel (1) knowingly allows a case to be set for trial without disclosing the fact that a necessary witness would be unavailable for trial, (2) files a motion solely for the purpose of delay which the counsel knows is totally frivolous and without merit, (3) makes a statement for the purpose of obtaining a continuance which the counsel knows to be false and which is material to the granting of the continuance, or (4) otherwise willfully fails to proceed to trial without justification consistent with 18 U.S.C. § 3161, the court may punish such counsel as provided in 18 U.S.C. §§ 3162(b) and (c).

Any proceeding to discipline an attorney shall comply with

the United States Constitution, including but not limited to the Fifth and Sixth Amendments thereof, the Federal Rules of Criminal Procedure and §§ 401, 402 and § 3691 of Title 18 of the United States Code. All proceedings to discipline an attorney shall proceed on written notice. The notice shall designate if the proceeding is for criminal or civil contempt. In the event the proceeding is for criminal contempt, the notice shall comply with Rule 42(b) of the Federal Rules of Criminal Procedure. At all disciplinary proceedings the accused is entitled to counsel and if indigent, to appointment of counsel. Any attorney against whom disciplinary proceedings are commenced shall have the right to a hearing and a reasonable time to prepare for it, to afford counsel the opportunity of presenting all defenses properly available to him. All elements of disciplinary proceedings, including wilfulness, must be proven beyond a reasonable doubt. In imposing any sanction upon the attorney, the court must exercise the least power adequate to the end proposed.

3. Alleged Juvenile Delinquents. An alleged delinquent who is in detention pending trial and is not brought to trial within thirty days from the date upon which such detention was begun shall be entitled to the application of the provisions of 18 U.S.C. § 5036.

J. Persons Serving Terms of Imprisonment.

If the attorney for the Government knows that a person

charged with an offense is serving a term of imprisonment in any penal institution, he shall promptly --

(a) undertake to obtain the presence of the prisoner for trial; or

(b) cause a detainer to be filed with the person having custody of the prisoner and request him to so advise the prisoner and to advise the prisoner of his right to demand trial. 18 U.S.C. § 3161(j)(1).

K. Effective Date.

1. Upon approval of the reviewing panel designated in accordance with 18 U.S.C. § 3165(c), this Plan will take effect on July 1, 1979.

2. If a defendant was arrested or served with a summons before July 1, 1979, the time within which an information or indictment must be filed shall be determined under the Plan that was in effect at the time of such arrest or service.

3. If a defendant was arraigned before July 1, 1979, the time within which the trial must commence shall be determined under the Plan that was in effect at the time of such arraignment.

III. SUMMARY OF EXPERIENCE UNDER SPEEDY TRIAL ACT -- EASTERN DISTRICT OF WISCONSIN

A. Progress Toward Meeting 1979 Standards.

The following table indicates the degree of success achieved in meeting the interim standards in effect in the Eastern District during the period July 1, 1976 to December 31, 1977:

Time Within Which Defendants Were Brought to Trial
Period Ending December 31, 1977

	<u>Percent of Defendants</u> <u>Within the Time Limits</u>	
	<u>7/1/76 to</u> <u>12/31/76</u>	<u>7/1/77 to</u> <u>12/31/77</u>
<u>Arrest or Service of Summons to</u> <u>Indictment or Information</u>		
Within <u>thirty</u> days (Limit to be in effect on 7/1/79)	96.4%	100.0%
Within <u>forty-five</u> days (Eastern District limit was 45 days during this period)	98.8%	--
<u>Indictment or Initial Appearance to</u> <u>Arraignment</u>		
Within <u>ten</u> days (Present Eastern District limit and also limit to be in effect on 7/1/79)	81.5%	87.9%
More than <u>twenty</u> days	8.8%	3.0%
<u>Arraignment to Trial or Other Disposition</u>		
Within <u>sixty</u> days (Limit to be in effect on 7/1/79)	37.9%	52.2%
Within <u>180</u> days (Present limit in Eastern District)	96.9%	100.0%
<u>Conviction to Sentencing</u>		
Within <u>thirty</u> days	64.6%	(no statistics available)
Within <u>forty-five</u> days	90.4%	

The table also indicates the percentage of defendants whose progress through the criminal justice system met the permanent standards which will be in effect beginning July 1, 1979. The eighteen-month statistics are with the most recent six-month statistics available. Figures used are net figures, i.e., those

which result after statutory excludable time is omitted.

B. Problems Encountered in Meeting Standards.

1. Arrest or Service of Summons to Indictment or Information. The Eastern District is already almost fully in compliance with the thirty-day limit to be in effect beginning July 1, 1979. Past statistics have shown that our record has been substantially superior to that of other courts in the Seventh Circuit and throughout the United States. Delays are attributable to: (1) an insufficient number of attorneys in the United States Attorney's Office and (2) prolonged plea negotiations between the United States Attorney and defendant's counsel. Three grand juries meet at least twice a month in the Eastern District so there should be little difficulty encountered in successfully meeting the permanent time limit of thirty days.

2. Indictment or Initial Appearance to Arraignment. The statistics indicate that a major effort will be needed to comply with the permanent time limit of ten days, although the Eastern District record has been somewhat better than that of other courts in the Seventh Circuit. In some cases delay results from the Court's practice of scheduling arraignment, plea and sentencing at one appearance when the Court is advised in advance that the defendant intends to plead guilty. The Probation Department needs time to prepare a pre-sentence report in these cases and the Court requires time to study the report.

3. Arraignment to Trial or Other Disposition. Although the Eastern District was nearly in full compliance with its interim time limit of 180 days from arraignment to trial, less than forty percent of the cases progressed quickly enough to satisfy the eventual permanent limit of sixty days. Our record has not compared well with other Seventh Circuit district courts in past statistics and has compared quite poorly with all United States courts. Some defendants decide to change their plea to guilty during this period and, when the court is advised of this prospect, an early trial date is no longer necessary. In other cases the defendant was a fugitive. Almost one-fifth of the cases were of such a complex nature, usually involving multiple counts or multiple defendants, that extensive trial preparation was imperative. However, most of the cases unduly delayed during this time period were the result of massive congestion of calendars.

4. Conviction to Sentencing. No time limit is required under the Speedy Trial Act, but the Eastern District has adopted a recommended time limit of forty-five days. Statistics available for the forty-five day limit indicate that less than ten percent of the defendants were not sentenced within forty-five days and it is likely that the goal of forty-five days will be achieved. Our record has been better than that of other Seventh Circuit district courts and has also been better than the average for

all United States courts. The Probation Department needs between four and five weeks to complete the pre-sentence report and, again, court calendar congestion accounts for substantial delays.

C. Incidence of, and Reasons for, Extensions of Time Beyond the District's Standards.

During the eighteen-month period ending December 31, 1977, 29.3 percent of the 376 defendants disposed of had time excludable under 18 U.S.C. § 3161(h). There was a total of 140 excludable time periods involving 110 defendants. During the twelve-month period ending June 30, 1977, 32.3 percent of 269 defendants disposed of had excludable time. The following table indicates the incidents of, and reasons for periods of delay excludable under 18 U.S.C. § 3161(h) in the Eastern District.

Under statistics which have been available to the Planning Group in the past, the Eastern District has compared quite favorably with other district courts in the Seventh Circuit and throughout the United States, except for the proportion of excludable delays under 18 U.S.C. § 3161(h)(1)(G).

Current case statistics indicate that almost all (98.6 percent) of the excludable periods of delay occurred during the period between the arraignment and the commencement of trial (or other disposition).

Incidents of, and Reasons for Delay
Excludable Time Under 18 U.S.C. § 3161(h)
July 1, 1976 to December 31, 1977

	<u>Number of</u> <u>Incidents</u>	<u>% of</u> <u>Total</u>	<u>Up to 42</u> <u>Days</u>
<u>Defendant motion is actually under advisement.</u> 18 U.S.C. § 3161(h)(1)(G).	104	74.3%	93.3%
<u>Hearings on pretrial motions.</u> 18 U.S.C. § 3161(h)(1)(E).	17	12.1%	94.1%
<u>Examination or hearing for mental or physical capacity.</u> 18 U.S.C. § 3161(h)(1)(A).	7	5.0%	100.0%
<u>Interlocutory appeals.</u> 18 U.S.C. § 3161(h)(1)(D).	3	2.1%	0.0%
<u>Unavailability of defendant (including fugitives) or essential witness.</u> 18 U.S.C. § 3161(h)(3)(B).	5	3.6%	60.0%
<u>All others.</u>	4	2.9%	25.0%
Total Reportable Excludable:	140		

D. Effect of Time Limits on Criminal Justice.

The Speedy Trial Act time limits have generally had an adverse effect on the administration of criminal justice in the Eastern District of Wisconsin.

1. Plea Bargaining. Because of the severe time constrictions, the U.S. Attorney's Office has been forced into more liberal plea bargaining. Before the Act became effective, complicated, difficult

cases requiring lengthy trials could be deferred in favor of trials of shorter, simpler cases, thus giving counsel on both sides more opportunity to assess the need for plea bargaining and the appropriate degree of penalty. Now, faced with imminent trial dates, the more important complex cases are reduced to the level of the picayune and immediate disposition becomes paramount, rather than the disposition of criminal justice.

2. Effect on Trials. Because the pretrial conferences must now be held at an earlier stage in the trial preparation process, it is much more difficult to estimate the trial time needed, and close adherence to court calendars is impossible. Furthermore, longer trials are now required. For example, in complicated tax fraud cases some factual issues could be eliminated as intense trial preparation progressed. When an early trial date is pressed upon both sides of the case, however, many of these factual issues go to trial before they can be stipulated to.

3. Effect on Discretionary Prosecution. Under the Speedy Trial Act time limits, the U.S. Attorney must all too often decline prosecution of certain types of cases because of an insufficient number of attorneys. This exacerbates the relationship with the county district attorneys because most of the offenses which would be charged must now be prosecuted under state law and many offices of district attorneys are also understaffed.

E. Frequency of Use of Sanctions Under the Time Limits.

The Eastern District has not as yet had occasion to utilize any of the sanctions provided in the Speedy Trial Act. A few motions for dismissal have been made under the Act but these were denied because such relief was not appropriate.

IV. PROCEDURES AND INNOVATIONS ADOPTED BY THE EASTERN DISTRICT COURT TO EXPEDITE THE DISPOSITION OF CRIMINAL CASES.

A. Changes by the Court.

Expeditious procedures will be developed to ensure compliance with the time limits required by the Speedy Trial Act and adopted in this Plan. Lengthy trials and a lack of adequate judicial manpower have had a disastrous effect on the court's calendar. Problem areas identified are set forth below with some solutions.

1. Conservation of Court Time. Magistrate practice rules have been adopted to reduce the amount of court time required for non-decisional functions. These rules have enhanced the expediting of criminal cases and may be expanded. Provision will be made for the reporting of proceedings before the magistrate.

2. Conflict of Defense Attorney Schedules. Scheduling of cases has been difficult, and many requests for continuances are made because defense counsel have commitments in other branches or in other courts. These problems will probably seriously increase. The court will insist that the trial proceed at the time set, even if substitution of counsel becomes necessary.

3. Appearance of Non-Assigned Counsel. While it is better that the Assistant United States Attorney and defense counsel who will actually try the case be present for pretrial matters, the time limits required by the Speedy Trial Act necessitate the frequent substitution of other attorneys. A re-analysis will be made of the necessity of many pretrial appearances and scheduling to avoid conflicts and to avoid delays to counsel.

4. Grand Jury Utilization. The need for prompt indictment and investigative use of grand juries requires more frequent employment of the grand jury and empaneling of more grand juries to prevent a burden on those selected for service.

5. Jury Utilization v. Loss of Trial Time. There is conflict between the court's efforts to maximize the utilization of petit jury panels and the resulting delays in the start of trials. Apparently compliance with the time limits of the Act must be given priority over the costs of impaneling juries.

6. Rule 20 Proceedings. A number of delays are associated with Rule 20 proceedings. Although not directly covered by the statutory time limits, these proceedings impact the criminal justice system and affect its total operation.

7. Arraignment, Plea and Sentence -- Change of Plea and Sentence. The Eastern District has developed a procedure for efficient disposition by combining the arraignment, plea and sentence or change of plea and sentence into one court appearance.

The court usually first receives a letter advising of the intention of the defendant to enter a guilty or no contest plea and requesting a presentence investigation. Thus, only one court appearance is required and there is also a considerable saving of the United States Attorney's and defense attorney's time. The custom will be continued, consistent with the Speedy Trial Act.

8. Other Court Business. This district is faced with a substantial judicial manpower crisis. Efforts must be directed to the more efficient handling of civil matters as well as criminal matters. Included here are civil matters which also have been given priority, such as habeas corpus and certain injunctive matters. The new magistrate rules have provided more efficient handling of some civil and criminal matters.

B. Changes by the Clerk's Office.

To facilitate compliance with the Act the Criminal Docketing Deputy has been designated the Speedy Trial Coordinator. This Deputy monitors the status of the defendants in all three branches of the Court, advises the judges and staff of time deadlines and potential conflicts in scheduling cases, and arranges for reassignment of cases when necessary. The Deputy also acts as liaison between the Clerk's Office, the Marshal, Magistrate and U.S. Attorney to assure compliance with the Act.

C. Changes by the United States Attorney.

The United States Attorney for the Eastern District of

Wisconsin has stated that that office is understaffed, considering the increasing workload, recent restoration of Menominee Reservation to federal reservation status, major white collar crime investigations, and population of the district, and that additional attorneys are needed. Consistent with existing manpower levels the U.S. Attorney has instituted a number of steps to become more efficient:

1. Deferred Prosecution. Where possible, the U.S. Attorney's office is extensively using a deferred prosecution system of probationary supervision without formal court action.

2. Referral to State Authorities. The U.S. Attorney has referred a large number of cases to local district attorneys for prosecution. This includes many offenses relating to controlled substances, mail thefts, forged checks and bank robberies. The U.S. Attorney, however, is now receiving resistance from local prosecutors who are often overloaded themselves, and who refuse to become a dumping ground of federal cases. It should be noted that local prosecutors must comply with the Wisconsin speedy trial law. (Wis. Stat. § 971.10).

3. Use of Para-Legal Personnel. The U.S. Attorney's office has trained certain clerical personnel who now are largely responsible for civil and criminal collection work, unlawful flight to avoid prosecution cases (UFAP's), Rule 20 prosecutions, and mortgage foreclosures. This has resulted in substantial reduction

of attorney time spent in these areas and will be continued and expanded.

4. Specialization. The U.S. Attorney has developed specialization among the staff to more efficiently handle the diverse areas of law encountered, e.g., bankruptcy, environmental law, social security reviews, writs of entries for IRS, foreclosures, torts, seizures and forfeitures, and summons enforcements.

5. Team Concept. Litigation groups have been created in the United States Attorney's office to provide standardized backup and a continuous flow of criminal matters into cases. Until now, major investigations were frequently interrupted when Assistants had protracted trials or were confronted with lengthy appellate briefing. Under the new concept all members of the litigation group will be familiar with the work being done by the group. It is unlikely that all group members will be in trial at the same time, and, by substituting attorneys, the steady flow of cases is assured. Areas of criminal specialization have also been established within the litigation groups.

6. Criminal Intake. The U.S. Attorney's office formerly handled intake of criminal matters from investigative agencies and the public primarily on a weekly rotational basis among the Assistant U.S. Attorneys. Although this system resulted in less interruptions to the professional staff, it also resulted in some instances of inconsistency of prosecutive policy and shopping by

agents. Now investigative agency cases are assigned by the litigation group leaders within their own group under the supervision of the Chief of the Criminal Section.

7. Juris. The U.S. Attorney's office recently installed a juris computer terminal for legal research. The juris computer terminal permits attorneys and legal interns to do high-speed research and obtain immediate printouts of researched materials. The juris system includes statutory law, federal case law, digest, and other research materials. The use of the computer substantially reduces research time and assures that the research is as current as possible.

8. Brief Bank. The U.S. Attorney's office has developed a substantial indexed brief bank of research materials which permits more speedy and efficient legal research. The bank has been of great value in affording each attorney the benefit of the prior effort of all other attorneys.

9. Legal Interns. The U.S. Attorney's office has found it necessary to hire six law school students as interns to assist the U.S. Attorney's office in the preparation of legal documents, brief, and trial preparation. In the immediate future we anticipate expanding the utilization of senior law interns in magistrate's court. The law interns also handle increasing amounts of citizens' complaints and inquiries.

10. Utilization of Automatic Equipment. Mag Card typewriters are being used to quickly and efficiently produce jury instructions, mortgage foreclosures, responsive pleadings and even portions of briefs to certain defense counsel motions. Such equipment has permitted the reassignment of some secretaries to paralegal functions. Additional equipment is being requested to further maximize efficiency and quality of work.

D. Changes by the U.S. Marshal.

The U.S. Marshal for the Eastern District of Wisconsin has stated that the office is seriously understaffed. Under these circumstances the U.S. Marshal proposes the following for more efficient utilization of the staff:

1. Custodial Facilities and Transportation. A considerable problem for the U.S. Marshal relates to the custodial facilities in the Milwaukee area. Since the early 1960's the U.S. Marshal has not been able to house prisoners at the Milwaukee County Jail. This has required transporting prisoners to and from Waukesha and Port Washington (20 and 28 miles away). Shifting of prisoners between facilities is also sometimes necessary to balance space availability, thus requiring a heavy drain on deputy time. In 1977 the Port Washington facility was lost because of refusal of the Ozaukee County Board to renew its contract for housing federal prisoners. The Fond du Lac jail was substituted for Port Washington, but is some 65 miles from Milwaukee.

Prisoners from the Menominee Indian Reservation are housed by the U.S. Marshal in the Brown County Jail in Green Bay, about 45 miles from the Menominee Reservation. The U.S. Marshal requests additional personnel for stationing at Green Bay.

Also, a lack of holding facilities in the vicinity of the federal courtrooms results in a wasteful drain of deputy time to guard prisoners during court recesses in the halls and public restrooms and, on calendar days, in moving prisoners to and from courtrooms. The U.S. Marshal has requested such additional holding facilities.

An additional deputy has been requested for assignment to rooms where the grand juries are in session. There is a serious security problem at this time because a deputy cannot be spared for this duty.

2. Use of BIA Special Police. A court order permits BIA Special Police to serve criminal summonses on the Menominee Indian Reservation, thus saving travel (150 miles each way). The use of summonses in appropriate cases has also lessened some of the custodial and transportation problems.

3. Improved Radio Communications. The U.S. Marshal has obtained the use of a new higher tower location from Fond du Lac County authorities which will permit better radio communications with squads north of Milwaukee. This will permit the use of subpoenae tickets by squads in the field rather than requiring

separate additional trips after deputies have been dispatched. Other repeater equipment and locations are needed in the Green Bay and Menominee Reservation areas.

V. ADDITIONAL RESOURCES NEEDED TO ACHIEVE COMPLIANCE WITH THE PERMANENT TIME LIMITS.

A. Additional Resources Needed on a Permanent Basis.

1. By the Court.

(a) Judgeships. To close the gap between this District's current time lag between indictment and trial, it is imperative that two additional judges be appointed in this District. The Seventh Circuit Judicial Council has recognized the need for two judges in this District, and has approved the request. The House Judiciary Committee has approved legislation which would provide one additional judge for the Eastern District but this will be insufficient. Two additional judges are needed urgently.

(b) Magistrates. An additional full-time magistrate is needed in Milwaukee and a second full-time magistrate is needed at Green Bay to insure compliance with the Speedy Trial Act.

(c) Clerk's Office. The Clerk's Office needs two additional deputies to meet the responsibility of monitoring the time limits imposed by the Act and to prepare the reports required by the Administrative Office and the judges of this court.

2. By the United States Attorney. To fully comply with the Speedy Trial Act time requirements, the U.S. Attorney conservatively estimates that the following resources will be needed:

(a) Assistant United States Attorneys. Twenty-six Assistant United States Attorneys will be needed to meet the requirements of the Speedy Trial Act. The estimate takes into consideration the two additional district court judgeships that have been requested for this district. There would be four Assistants for each branch of the court for criminal cases, three Assistants to handle strictly civil caseloads, and three to handle organized crime and white-collar crime investigations. This would be an increase of fifteen Assistant United States Attorneys over present authorization.

(b) Clerical. Twenty-four clerical or support employees are needed to provide administrative, secretarial and para-legal functions. This will be an increase of twelve clerical personnel. The support level assumes the availability of advanced state of the A.R.T. automatic typewriting keyboards, such as IBM Mag Card II's. It also accounts for staffing the Green Bay Office.

(c) Other Expenses. The following additional expenses must be met. Some of these items are needed for additional personnel. Others are needed independent of personnel increases.

(1) Office Expansion. Milwaukee and Green Bay, Wisconsin, including a library at Milwaukee and a limited library facility at Green Bay.

(2) Furniture.

(3) Equipment.

- (i) IBM Mag Card II for docketing and other duties.
- (ii) Automatic typing equipment.
- (iii) Dictation-transcribing equipment.
- (iv) Power Files.

(4) Library Expansion -- including duplication of some materials at Milwaukee to account for increased demand and a smaller working library at Green Bay.

The court takes no position on these needs at this time.

3. Defense Services. There must be a substantial increase in the number of willing criminal defense attorneys capable of representing defendants in federal courts on a retained or appointed basis. A pilot grant study should be inaugurated to experiment with means of assisting the defense bar to meet the reduced time available for preparation and handling cases, cooperative transfer of trial commitments and financing the defense system. A full-time public defender attorney is needed to coordinate availability of attorneys for appointment and to provide initial interim legal service to indigents accused of crime.

It may be necessary to explore a joint state-federal computerized calendaring system on both a criminal and civil basis.

4. U.S. Marshal's Office. The U.S. Marshal has stated that additional personnel will be needed to staff two additional

federal judges at Milwaukee and to staff the sitting of federal court in Green Bay. Additional deputies will also be needed for the proposed increase in the number of U.S. Magistrates. Additional deputies will be required to more quickly move prisoners and to more quickly serve subpoenas. Additional deputies will be required to act as bailiffs to guard petit jury deliberations. More extensive use of air travel to transfer defendants for trial is a necessity. As previously discussed, custodial facilities in the Milwaukee and Green Bay-Menominee Reservation areas are needed. Custodial holding facilities must be made available in the vicinity of the courtrooms.

5. Investigative Agencies. Federal investigative agencies have requested expansion of their scientific and laboratory staffs of experts (e.g., DEA chemists, FBI laboratory personnel, ATF explosive experts, Secret Service document examiners, IRS tax summary expert witnesses, etc.). They estimate a need for at least a 100 percent increase in such expert personnel. More agents will also be needed on the streets to replace agents tied up before grand juries and in trial. An approximate increase of 25-33 percent in street agents alone will be needed to maintain present investigation levels.

6. Probation Department. To accommodate the increase in deferred prosecutions requiring probationary supervision and to prepare pre-sentences sufficiently early to permit sentencing

within 45 days, five additional probation officers and two secretaries will be required on a permanent basis. A Green Bay office will be needed to supervise probationers and prepare pre-sentences on the Menominee Reservation and in the northern part of the district.

7. Court Reporters. With the increasing use of the United States Magistrate to handle arraignments and evidentiary hearings in criminal cases, it is absolutely necessary to provide court reporter services to the full-time United States Magistrates. It also appears necessary to further study the need for supplementary court reporters for each of the judges. As their courtroom time increases, it will become increasingly more difficult for the reporters to farm out appellate transcripts.

B. Additional Resources Needed on a Temporary Basis to Eliminate Backlog by 1979.

1. Analysis of the Backlog.

(a) Matters Awaiting Prosecutorial Action. The U.S. Attorney's office reports that as of December 31, 1977, there were 446 pending criminal matters involving 603 defendants, 272 of these matters being delinquent or awaiting grand jury investigation and presentation. Many other criminal matters were awaiting prosecutorial decision or action. There are now pending ten major investigations involving white collar crime, organized crime, kickback schemes, pornography and drugs which deserve the full-time assignment of one or two Assistants for substantial

time periods (from three months to one year or more).

(b) Docketed Cases. There are presently 119 triable criminal cases (U.S. Attorney's Monthly Comparative Printout for December 31, 1977). These are, for the most part, complex cases and many will require multiple week trials. It is estimated that it would take the efforts of two additional judges and ten Assistants to break the backlog of these cases, within the time standards of 60 days for trial under the Speedy Trial Act. This estimate is based solely on the present docketed cases. If the backlog of criminal matters is included in this estimate, there could be an increase of at least 60 percent of the docketed cases that are presently pending in this District requiring the continued and extended efforts of the additional judges and Assistants mentioned above.

2. Resources Needed by the Court.

(a) Judge Time. As has been stated in Part A of Section V, two additional judges are absolutely needed immediately. In addition, it will be necessary to arrange an efficient system of obtaining visiting judges quickly when one of the judges in this District is not available for trial of a case within the time limits of the Act. From time to time it might be necessary to have a visiting judge handle a large number of cases over a three- or four-week period.

(b) Clerk's Office. The Clerk's system needs two additional deputies to comply with statistical reporting and other procedures required by this Plan and by the Administrative Office.

3. Resources Needed by the United States Attorney.

(a) Assistant U.S. Attorney Time. As indicated in the discussion above on the analysis of the backlog, the U.S. Attorney estimates a need for an immediate infusion of additional assistants to break the backlog of criminal matters together with the backlog of docketed cases compounded by the additional cases to be generated by breaking the backlog of criminal matters.

(b) Prosecutor Compensation and Status. If the Speedy Trial Act of 1974 is to operate effectively, the maintenance of an experienced and dedicated prosecutorial staff is essential. The U.S. Attorney has suggested that salary levels should be consistent with competitive levels in the bar for trial attorneys. The problem is particularly acute at the higher level of experience where the older, experienced trial lawyer is inevitably forced to leave the government service to go into private practice to support his or her family. The maximum limits set on the U.S. Attorney's salary and that of experienced assistants should be competitive with the private bar. Moreover, the Congress must also address the problem of whether the impartial handling of the government's litigation business should remain a vestige of the spoils system.

(c) Supporting Clerical Staff. On a temporary basis, additional clerical staff would be added on a one-to-one ratio simultaneously with additional professional staff.

4. Resources Needed by Other Agencies.

(a) U.S. Marshal. The U.S. Marshal also requests a gradual phasing in of his needs with the additional increase of judicial and prosecutorial staff.

(b) Investigative Agencies. Investigative agencies should also bolster their scientific laboratory and staff of experts so they may be trained, experienced and productive when the system requires their services. A gradual increase of investigative agents to maintain street level effectiveness is also indicated.

(c) Probation Department. The two additional probation officers and secretary must be provided immediately because of the increased workload to cut the backlog of cases and matters.

(d) Court Reporters. Immediate provision of Court Reporter service to full-time U.S. Magistrates conducting arraignments and evidentiary hearings are needed. With the increase of courtroom time as the backlog of cases and matters is reduced, there is a critical need to immediately supplement the Court Reporters for each of the judges.

VI. RECOMMENDATIONS FOR CHANGES IN STATUTES, RULES, OR ADMINISTRATIVE PROCEDURES.

A. Statutes.

1. Speedy Trial Act of 1974.

(a) Clarification. Amendments are needed to clearly indicate that the period of excludable delay applies to the pre-indictment stage, the ten-day period for arraignment and the 60-day trial time limit. Also needed is a provision permitting arraignment, plea and sentence and change of plea and sentence in one appearance as discussed above.

(b) Additional Extensions. Additional time should be specifically provided for trial of certain complex cases such as antitrust, criminal tax cases, securities, mail, wire and bank fraud cases.

(c) Defense Demonstration Projects. Funds should be provided for experimental defense programs to explore means of meeting the burden on the defense bar, including training.

(d) The amendments to the Speedy Trial Act recommended by the Judicial Conference of the United States in September, 1977, should be adopted.

2. Post-Conviction Statutes. A thorough review and revision of the post-conviction statutes permitting collateral attacks on judgments is long overdue. The overburdened criminal justice system can no longer afford the luxury of repetitive petitions. There must be finality at some point in time. More is needed than proposed procedural rules.

B. Rules

1. Federal Rules of Criminal Procedure. The Federal Rules of Criminal Procedure should be simplified, especially as they

apply to the pretrial stages. Particular areas which should be expanded are: reciprocal discovery, requirements for statement of probable cause for complaints and search warrants to avoid the increasing common law pleading syndrome (e.g., showings of reliability and credibility of informants) and permission to file a written plea of not guilty rather than to take court time for entry of such a plea.

2. Civil Service Rules. Examination of civil service rules and regulations is needed to make the Civil Service Commission quickly responsive to the needs of the justice system to immediately fill vacancies which occur.

3. Magistrate Rules. Information flow from United States Magistrates is a major problem because some magistrates deal with a large volume of business. The tradition of independence (freedom from regulations with respect to reporting) contributes to this problem, as does the fact that many magistrates are part-time and are not paid enough to become well informed and professional with respect to record keeping and reporting. Additional and more specific rules are needed.

C. Forms, Reporting Procedures and Reporting Requirements.

Changes in reporting requirements and forms prescribed by the Administrative Office are needed to reduce the time the Clerk's Office spends in making its reports. Consideration should be given to a reporting system separate from the regular statistical

reporting. Detailed computation of interval time and excludable time from arraignment to trial is necessary under the Act only when the case goes to trial after a not guilty plea. In a great majority of cases, although an initial plea of not guilty is entered, negotiations with the United States Attorney follow and an eventual change of plea is entered. In these cases it is unnecessary to fill out the prescribed forms for the interval from arraignment to trial. An improved Manual of Procedure to assure uniform reporting procedures is absolutely necessary.

VII. INCIDENCE AND LENGTH OF, REASONS FOR, AND REMEDIES FOR DETENTION PRIOR TO TRIAL.

During calendar year 1977, there were nineteen pretrial detainees who remained in custody a minimum of 25 days and up to a maximum of 142 days while going through arraignment, plea, pre-trial procedures, trial or plea, presentence investigation, sentencing, and transfer to a correctional institution. Eight of these pretrial detainees who spent in excess of 100 days in custody were being detained because they had holds placed against them by other jurisdictions or were serving a sentence and were in custody through writs of habeas corpus ad prosequendum. A ninth pretrial detainee who had been in custody in excess of 100 days was being held in lieu of bond in that he had a history of failure to appear in prior criminal proceedings. Of the remaining ten pretrial detainees, three posted bail before trial, two were released on probation at sentencing, and five were sentenced

and transferred to other federal correctional institutions without release.

From this evaluation, it appears that the primary reason for lengthy pretrial detentions in this District are the result of detainers for other pending criminal charges or current sentences from other convictions being served while awaiting trial here which require detention in this district under the interstate agreement on detainers (Title 18 Appendix U.S.C. § 2). In almost all instances in which the original bail conditions could not be met, those bails were subsequently reduced and the prisoners released.

CASE PROCESSING TIME - Interval 1
 CRIMINAL DEFENDANTS TERMINATED DURING
 EIGHTEEN MONTHS ENDED DEC. 31, 1977, IN

Eastern District of
 Wisconsin
 DISTRICT

TABLE 1A

ALL DEFENDANTS

NET TIME TO
 INDICTMENT OR INFORMATION
 FROM
 ARREST OR SERVICE OF SUMMONS

NO. DEFENDANTS	SAME DAY		1 to 30		31 to 35		36 to 45		46 to 60		61 to 90		91 to 120		121 to 180		181 & over	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
BEFORE JULY 1 '76	1	50	---	---	---	---	---	---	---	---	---	---	---	---	1	50	---	---
Cumulative	1	50	---	---	---	---	---	---	---	---	---	---	---	---	2	100	---	---
BETWEEN JULY 1 '76 & JUNE 30 '77	33	39.8	47	56.6	1	1.2	1	1.2	---	---	---	---	1	1.2	---	---	---	---
Cumulative	33	39.8	80	96.4	81	97.6	82	98.8	---	---	---	---	83	100	---	---	---	---
BETWEEN JULY 1 '77 & DEC 31 '77	---	---	4	100	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Cumulative	---	---	4	100	---	---	---	---	---	---	---	---	---	---	---	---	---	---

PERMANENT LIMITS: 30 DAYS

TRANSITIONAL LIMITS: 7-77 to 7-78: 45
 7-78 to 7-79: 35

WITH MINOR OFFENSES EXCLUDED

PROCE-DURAL INTER-VAL BEGAN	BEFORE JULY 1 '76		BETWEEN JULY 1 '76 & JUNE 30 '77		BETWEEN JULY 1 '77 & DEC 31 '77		SAME DAY		31 to 35		36 to 45		46 to 60		61 to 90		91 to 120		121 to 180		181 & over	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
PROCE-DURAL INTER-VAL BEGAN	1	50	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	1	50	---	---
Cumulative	1	50	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	2	100	---	---
BETWEEN JULY 1 '76 & JUNE 30 '77	31	38.3	47	58.0	1	1.2	1	1.2	---	---	---	---	---	---	---	---	---	1	1.2	---	---	---
Cumulative	31	38.3	78	96.3	79	97.5	80	98.7	---	---	---	---	---	---	---	---	---	81	99.9	---	---	---
BETWEEN JULY 1 '77 & DEC 31 '77	---	---	4	100	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Cumulative	---	---	4	100	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SAME DAY	---	---	4	100	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

CASE PROCESSING TIME—Interval 2
 CRIMINAL DEFENDANTS TERMINATED DURING
 EIGHTEEN MONTHS ENDING DEC. 31, 1977, IN
 Eastern District of
 Wisconsin
 DISTRICT

ALL DEFENDANTS

NET TIME TO
 ARRAIGNMENT
 FROM LATER OF
 INDICTMENT OR INITIAL APPEARANCE

NO. DEFENDANTS	NET DAYS				
	SAME DAY	1 to 10	11 to 15	16 to 20	21 & over
BEFORE JULY 1 '76	No. ---	No. 3	No. 3	No. 1	No. 7
Cumulative	---	3	6	7	14
DURAL INTERVAL BEGAN	26.4	55.1	71.0	82.6	88.8
BETWEEN JULY 1 '76 & JUNE 30 '77	No. 60	No. 125	No. 16	No. 6	No. 20
Cumulative	26.4	81.5	88.5	91.6	99.9
BEFORE JULY 1 '77	No. ---	No. 3	No. 3	No. 1	No. 7
Cumulative	---	3	6	7	14
DURAL INTERVAL BEGAN	26.4	21.4	21.4	21.1	50.0
BETWEEN JULY 1 '77 & DEC 31 '77	No. ---	No. 3	No. 6	No. 7	No. 14
Cumulative	---	3	42.8	51.9	99.9

PERMANENT LIMITS : 10 DAYS

WITH MINOR OFFENSES EXCLUDED

PROCE. DURAL INTERVAL BEGAN	NET DAYS				
	SAME DAY	1 to 10	11 to 15	16 to 20	21 & over
BEFORE JULY 1 '76	No. ---	No. 3	No. 3	No. 1	No. 7
Cumulative	---	3	6	7	7
DURAL INTERVAL BEGAN	26.5	54.2	71.2	81.7	91.0
BETWEEN JULY 1 '76 & JUNE 30 '77	No. 59	No. 122	No. 16	No. 6	No. 20
Cumulative	26.5	81.2	88.4	91.1	100.1
BEFORE JULY 1 '77 & DEC 31 '77	No. 11	No. 16	No. 3	No. ---	No. ---
Cumulative	36.7	53.3	100.0	---	---
SAME DAY	No. 11	No. 27	No. 30	No. ---	No. ---
SAME DAY	36.7	90.0	100.0	---	---

TABLE 1C

ALL DEFENDANTS

NET TIME TO
 COMMENCEMENT OF TRIAL
 (OR OTHER DISPOSITION)
 FROM ARRAIGNMENT

NO. DEFENDANTS	NET DAYS																	
	SAME DAY	1 to 30		31 to 60		61 to 80		81 to 100		101 to 120		121 to 180		181 to 240		241 & over		
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%		
BEFORE JULY 1 '76 Cumulative	---	---	---	---	3	3.7	7	8.5	13	15.9	10	12.2	29	35.4	11	13.4	9	11.1
BETWEEN JULY 1 '76 & CHANGE PERIOD	51	22.5	11	4.8	24	10.6	24	10.6	24	10.6	28	12.3	58	25.6	7	3.1	---	---
BETWEEN JULY 1 '77 & PERIOD	8	17.4	11	23.9	5	10.9	9	19.6	4	8.7	5	10.9	4	8.7	---	---	---	---
Cumulative	---	---	---	---	3	3.7	10	12.2	23	28.1	33	40.3	62	75.7	73	89.1	82	100.1

PERMANENT LIMITS: 60 DAYS

TRANSITIONAL LIMITS: 7-77 to 7-78
 7-78 to 7-79

120
 80
 DAYS

WITH MINOR OFFENSES EXCLUDED

PROCE-DURAL INTER-VAL BEGAN	NET DAYS																	
	SAME DAY	1 to 30		31 to 60		61 to 80		81 to 100		101 to 120		121 to 180		181 to 240		241 & over		
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%		
BEFORE JULY 1 '76 Cumulative	---	---	---	---	3	3.7	7	8.5	13	15.9	10	12.2	29	35.4	11	13.4	9	11.1
BETWEEN JULY 1 '76 & CHANGE PERIOD	49	22.2	10	4.5	2.4	10.8	23	10.3	24	10.8	28	12.6	58	26.0	7	3.1	---	---
BETWEEN JULY 1 '77 & PERIOD	7	16.3	11	25.6	3	7.0	9	20.9	4	9.3	5	11.6	4	9.3	---	---	---	---
Cumulative	---	---	---	---	3	3.7	10	12.2	23	28.1	33	40.3	62	75.7	73	89.1	82	100.1

CASE PROCESSING TIME—Interval 4 Eastern District of Wisconsin
 CRIMINAL DEFENDANTS TERMINATED DURING EIGHTEEN MONTHS ENDED DEC. 31, 1977, IN DISTRICT

TABLE 1D

ALL DEFENDANTS

NO. DEFENDANTS	TIME TO SENTENCING FROM CONVICTION								
	(NET DAYS)								
	SAME DAY	1 to 30	31 to 45	46 to 60	61 & over				
	No.	No.	No.	No.	No.				
	%	%	%	%	%				
158	52.3	37	12.3	78	25.8	14	4.6	15	5
158	52.3	195	64.6	273	90.4	287	95	302	100

CONVICTED DURING PERIOD FROM JULY 1, '76 THRU DEC 31, '77

WITH MINOR OFFENSES EXCLUDED

NO. DEFENDANTS	TIME TO SENTENCING FROM CONVICTION								
	(NET DAYS)								
	SAME DAY	1 to 30	31 to 45	46 to 60	61 & over				
	No.	No.	No.	No.	No.				
	%	%	%	%	%				
154	52.2	37	12.5	75	25.4	14	4.7	15	5.1
154	52.2	191	64.7	266	90.1	280	94.8	295	99.9

Cumulative

SAME DAY

1 to 30

31 to 45

46 to 60

61 & over

SPEEDY TRIAL DATA ANALYSIS

INCIDENCE OF AND REASONS FOR DELAY

ORIGINAL DEFENDANTS TERMINATED DURING FIFTEEN MONTHS ENDED DEC. 31, 1977.

TOTALS FOR

**TERMINATED DEFENDANTS REPORTED DURING PERIOD

376 (A) % OF "A"

DEFENDANTS WITHOUT EXCLUDABLE TIME

266 (B) % OF "A"

DEFENDANTS WITH EXCLUDABLE TIME

110 (C) % OF "A"

INCIDENTS OF EXCLUDABLE TIME

140 (D) % OF "B"

TABLE 2

LENGTH OF EXCLUDABLE DELAY PERIOD (NO. OF DAYS)

REASON	Under 18 USC 3161	0 to 10 days	11 to 21	22 to 42	43 to 84	85 to 120	121 + days	SUB-TOTALS OF "D"	% OF "D"	ONE	TWO	THREE
A. Examination or hearing for mental or physical incapacity—(H)(1)(A)	2	2		3				7	5			7
B. NARA examination—(H)(1)(B)						2	1	3	2.14			3
C. State or federal trials on other charges—(H)(1)(C)												
D. Interlocutory appeals—(H)(1)(D)	14	1	1	1	1			17	12.14			17
E. Hearings on pretrial motions—(H)(1)(E)	1	1						2	1.43	1	1	
F. Transfers from other districts (per FRCP rules 20, 21 & 40)—(H)(1)(F)	19	16	62	7				104	74.28			104
G. Motion is actually under advisement—(H)(1)(G)												
H. Major proceedings: probation or parole revocation, deportation, extradition—(H)(1)				1				1	.71	1		
I. Prosecution deferred by mutual agreement—(H)(2)												
J. Unavailability (includes fugitive) of defendant or essential witness—(H)(3)(A)(B)	1		2				2	5	3.56		1	4
K. Physical or physical incompetence of defendant to stand trial—(H)(4)							1	1	.71		1	
L. Failure of NARA commitment or treatment—(H)(5)												
M. Sentence being undictated and/or new charges—(H)(6)												
N. Defendant awaiting trial of co-defendant when no response has been granted—(H)(7)												
O. Continuances granted in the ends of justice—(H)(8)		1						1	.71			1
P. Time up to withdrawal of guilty plea (I)												
Q. Grand jury indictment time extended 30 more days (B)												

***INTERVAL IN WHICH EXCLUDABLE DELAY OCCURRED

1. A defendant's removal from 18 USC 3161, Speedy Trial Act of 1974, are shown with reason for delay below.
 2. FEDERAL COURTS: 100-301, DISTRICT JUDGES: Appeals from U.S. Magistrate decisions, Rule 20 transfers out of district, pretrial diversion dispositions, removals from State courts and any petty offenses prosecuted by information.
 3. Cases are listed by defendant's indictment interval two (two) months to Agreement, interval three (three) months to Agreement to Trial.
 Prepared by: Administrative Office of U.S. Courts

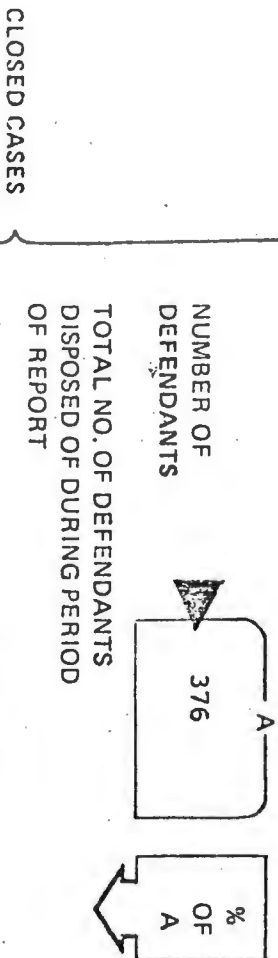
PRETRIAL DETENTION

TABLE 3

REPORT COVERS

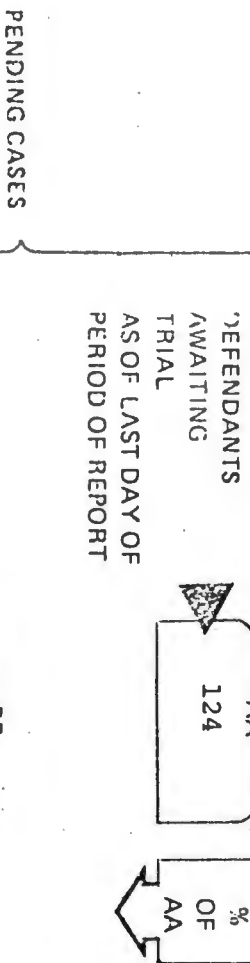
PERIOD OF: July 1, 1976 to December 31, 1977

PERCENTAGE OF DEFENDANTS DETAINED



DEFENDANTS GROUPED BY LENGTH OF TIME IN DETENTION STATUS

NUMBER OF DETAINÉES		% OF BOX B	
NUMBER OF DAYS			
1 to 10	55	18.6%	18.7%
11 to 30	21	24.8%	24.8%
31 to 90	28	4.4%	4.4%
91 to 120	5	1.8%	1.8%
121 to 150	2	1.8%	1.8%
151 Plus	2		



DEFENDANTS AWAITING TRIAL AS OF LAST DAY OF PERIOD OF REPORT

NUMBER OF DETAINÉES		% OF BOX "BB"	
NUMBER OF DAYS			
1 to 10	1	100%	100%
11 to 30			
31 to 90			
91 to 120			
121 to 150			
151 Plus			

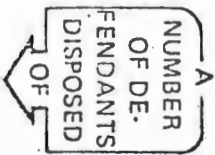
DISTRICT

EASTERN DISTRICT OF WISCONSIN

SPEEDY TRIAL DATA ANALYSIS 3166(c)(4) & (5)
CRIMINAL DISPOSITIONS

TABLE
4

REPORT COVERS
PERIOD OF



290

% OF A	B TOTAL NOT CON. VICTED	NOT CONVICTED		ACQUITTED AT TRIAL	
		% OF B	DISMISSED TOTAL NO. DIS-MISSED	% OF B	COURT JURY
27.2	79	71	56	29	7 16

% OF A	C TOTAL CON. VICTED	CONVICTED		CONVICTED AT TRIAL	
		% OF C	CONVICTED by PLEA PLEA of GUILTY or NOLO CON.	% OF C	COURT JURY
72.8	211	86.3	182	13.7	7 22

Office of U.S. Attorney
Eastern District of Wisconsin

NUMBER OF MATTERS PRESENTED TO U.S. ATTORNEY FOR PROSECUTION, AND THE NUMBER ON WHICH PROSECUTION WAS INITIATED

REPORT COVERS Calendar Year 1977

NAME OF AGENCY PRESENTING MATTER TO U.S. ATTORNEY FOR PROSECUTION	ON HAND & NEW		DECLINED					NEW	
	MATTERS ON HAND AT START OF PERIOD ¹	MATTERS RECEIVED OR ORIGINATED BY U.S. ATTY DURING PERIOD	I.e. DETERMINATIONS THAT NEW PROSECUTIONS WOULD NOT BE INITIATED IN THIS DISTRICT. ²					OTHER PROSECUTIONS INITIATED DURING PERIOD ¹	MATTERS ON HAND AT END OF PERIOD ¹
	(a)	(b)	REFERRED TO OTHER FEDERAL DISTRICT	STATE/ LOCAL AUTHORITY	PRETRIAL DIVERSION	ALL OTHER DECLINATIONS ³	(d)	(h)	(i)
FOREST SERVICE	3	4	(c)	(d)	(e)	(f)	(g)	(h)	(i)
AGRICULTURE	2	2							
COMMERCE	3	9						4	5
SOCIAL SECURITY ADMIN.	15	31				33		2	11
HEALTH, EDUCATION & WELFARE	1	3							4
FISH & WILDLIFE SERVICE	8	6				2	11		1
NATIONAL PARK SERVICE	3								3
INTERIOR	1					1			
DRUG ENFORCEMENT ADMIN	16	62		2		18	3	40	15
FEDERAL BUREAU OF INVESTIGATION	586	579	6	160	8	403	63	105	418
TOTALS	638	696	6	162	8	466	79	151	460

¹ "MATTER" REFERS TO DEFENDANT MATTER - I.E. IF CLAIMED OFFENSE INVOLVES 2 DEFENDANTS COUNT IT AS 2 MATTERS

² COL. (E) INCLUDES MATTERS DECLINED FOR WANT OF PROSECUTIVE MERIT, LACK OF EVIDENCE, JURISDICTIONAL PROBLEMS, ETC.

³ COL. (G) INCLUDES MATTERS DISMISSED BY MAGISTRATE, NOT ON INITIATIVE OF U.S. ATTY., AND MATTERS RESULTING IN NO TRUE BILL BY GRAND JURY

⁴ COL. (H) INCLUDES INDICTMENTS AND INFORMATION FILLED BY GRAND JURY

⁵ COL. (I) INCLUDES MATTERS THAT ARE STILL PENDING BEFORE GRAND JURY, AND ALL OTHER MATTERS NOT YET

⁶ COL. (J) INCLUDES DEFERRED MATTERS THAT ARE STILL PENDING BEFORE GRAND JURY, AND ALL OTHER MATTERS NOT YET

Office, of U.S. Attorney
Eastern District of Wisconsin

NUMBER OF MATTERS PRESENTED TO U.S. ATTORNEY FOR PROSECUTION, AND THE NUMBER ON WHICH PROSECUTION WAS INITIATED

REPORT COVERS Calendar Year 1977
PERIOD OF:

NAME OF AGENCY PRESENTING MATTER TO U.S. ATTORNEY FOR PROSECUTION	ON HAND & NEW		DECLINED					MATTERS	
	MATTERS ¹ ON HAND AT START OF PERIOD ¹	MATTERS REC'D OR ORIGI- NATED BY U.S. ATTY DURING PERIOD	(i.e. DETERMINATIONS THAT NEW PROSECUTIONS WOULD NOT BE INITI- ATED IN THIS DISTRICT.)					OTHER DISPOSI- TIONS ²	NEW PROSECU- TIONS INITIATED DURING PERIOD ¹
	(a)	(b)	REFERRED TO OTHER FEDERAL DISTRICT	STATE/ LOCAL AU- THORITY	PRETRIAL DIVER- SION	ALL OTHER DECLINA- TIONS ²	(c)	(d)	
SECURITIES & EXCHANGE COMMISSION	5					4		1	1
VETERANS ADMIN.	151	3				7		4	147
OTHER INDEPENDENT AGENCIES	3					3			2
ARMY		2							2
FOOD & DRUG ADMIN.		10 ³				4			2
IMMIGRATION & NATURALIZATION		2						1	1
JUSTICE (OTHER)		2				1		1	
FEDERAL AVIATION ADMIN.		2							2
FEDERAL TRADE COMM.		1							1
HOUSING ASSIST. ADMIN.		2				2			
TOTALS	797	720	6	162	8	487	80	157	615

¹"MATTERS" REFERS TO DEFENDANT MATTER - I.E. IF CLAIMED OFFENSE INVOLVES 2 DEFENDANTS COUNT IT AS 2 MATTERS
²COL (F) INCLUDES MATTERS DECLINED FOR WANT OF PROSECUTIVE MERIT, LACK OF EVIDENCE, JURISDICTIONAL PROBLEMS, ETC.
³COL (C) INCLUDES MATTERS DISMISSED BY MAGISTRATE, NOT ON INITIATIVE OF U.S. ATTY., AND MATTERS RESULTING IN NO TRUE BILL BY GRAND JURY

⁴AND MATTERS ADJUDICATED BEFORE U.S. MAGISTRATE
⁵COL (H) INCLUDES INDICTMENTS AND INFORMATION FILLED AND MATTERS THAT ARE STILL PENDING BEFORE GRAND JURY, AND ALL OTHER MATTERS NOT YET

Office of U. S. Attorney
Eastern District of Wisconsin

NUMBER OF MATTERS PRESENTED TO U.S. ATTORNEY FOR PROSECUTION, AND THE NUMBER ON WHICH PROSECUTION WAS INITIATED

REPORT COVERS Calendar Year 1977

NAME OF AGENCY PRESENTING MATTER TO U.S. ATTORNEY FOR PROSECUTION	ON HAND & NEW		DECLINED					NEW	
	MATTERS ON HAND AT START OF PERIOD ¹	MATTERS REC'D OR ORIGINATED BY U.S. ATTY DURING PERIOD	(i.e. DETERMINATIONS THAT NEW PROSECUTIONS WOULD NOT BE INITIATED IN THIS DISTRICT.)					OTHER PROSECUTIONS INITIATED DURING PERIOD ⁴	MATTERS ON HAND AT END OF PERIOD ¹
	(a)	(b)	REFERRED TO OTHER FEDERAL DISTRICT	STATE/LOCAL AUTHORITY	PRETRIAL DIVERSION	ALL OTHER DECLINATIONS ²	(g)	(h)	(i)
LABOR	3	2							2
POSTAL SERVICE	55	86	1		12	33		26	69
CUSTOMS BUREAU	4	1				3			2
CUSTOMS: INCOME, TAX UNIT	34	47				7		32	42
CUSTOMS: ALCOHOL TAX UNIT	14	64 ¹		2	2	16	4	36	18
SECRET SERVICE	7	50		3	6	2	3	31	12
ENVIRONMENTAL PROT. AGENCY	1					1			
GENERAL SERVICES ADM.	2								2
FEDERAL HOUSING ADMIN.	1	5					1		5
INTERSTATE COMMERCE COMM.	1	12						1	12
TOTALS	919	987	7	167	28	552	88	283	779

¹"MATTER" REFERS TO DEFENDANT MATTER - I.E. IF CLAIMED OFFENSE INVOLVES 2 DEFENDANTS COUNT IT AS 2 MATTERS
²COL. (F) INCLUDES MATTERS DECLINED FOR WANT OF PROSECUTIVE MERIT, LACK OF EVIDENCE, JURISDICTIONAL PROBLEMS, ETC.
³COL. (G) INCLUDES MATTERS DISMISSED BY MAGISTRATE, NOT ON INITIATIVE OF U.S. ATTY., AND MATTERS RESULTING IN NO TRUE BILL BY GRAND JURY
⁴COL. (H) INCLUDES INDICTMENTS AND INFORMATIONS FILED AND MATTERS ADJUDICATED BEFORE U.S. MAGISTRATE
⁵COL. (I) INCLUDES MATTERS THAT ARE STILL PENDING BEFORE GRAND JURY, AND ALL OTHER MATTERS NOT YET

Office of U.S. Attorney
Eastern District of Wisconsin

NUMBER OF MATTERS PRESENTED TO U.S. ATTORNEY FOR PROSECUTION, AND THE NUMBER ON WHICH PROSECUTION WAS INITIATED

REPORT COVERS Calendar Year 1977

NAME OF AGENCY PRESENTING MATTER TO U.S. ATTORNEY FOR PROSECUTION	ON HAND & NEW		DECLINED					NEW	
	MATTERS ON HAND AT START OF PERIOD ¹	MATTERS REC'D OR ORIGINATED BY U.S. ATTY DURING PERIOD	(i.e. DETERMINATIONS THAT NEW PROSECUTIONS WOULD NOT BE INITIATED IN THIS DISTRICT)	REFERRED TO OTHER FEDERAL DISTRICT	STATE/LOCAL AUTHORITY	PRETRIAL DIVERSION	ALL OTHER DECLINATIONS ²	OTHER DISPOSITIONS ³	NEW PROSECUTIONS INITIATED DURING PERIOD ⁴
SMALL BUSINESS ADMIN.	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
STATE/COUNTY/MUNICIPAL AUTHS.		1				1		1	1
CANAL ZONE		1							1
OTHER (NO CODE)		3						2	1
TOTALS	919	993	7	167	28	553	88	286	783

¹ "MATTER" REFERS TO DEFENDANT MATTER - I.E. IF CLAIMED OFFENSE INVOLVES 2 DEFENDANTS COUNT IT AS 2 MATTERS
² COL. (F) INCLUDES MATTERS DECLINED FOR WANT OF PROSECUTIVE MERIT, LACK OF EVIDENCE, JURISDICTIONAL PROBLEMS, ETC.
³ COL. (G) INCLUDES MATTERS DISMISSED BY MAGISTRATE, NOT ON INITIATIVE OF U.S. ATTY., AND MATTERS RESULTING IN NO TRUE BILL BY GRAND JURY
⁴ COL. (H) INCLUDES INDICTMENTS AND INFORMATIONS FILED AND MATTERS ADJUDICATED BEFORE U.S. MAGISTRATE
 MATTERS THAT ARE STILL PENDING BEFORE GRAND JURY, AND ALL OTHER MATTERS NOT YET