

CRIMINAL JUSTICE SYSTEM SUBCOMMITTEE
OF THE
SENATE AND HOUSE COMMITTEES ON JUDICIARY

Report to the Members of the
Second Session of the Sixty-fifth General Assembly
Meeting in the Year 1974

FINAL REPORT

of the

CRIMINAL JUSTICE SYSTEM SUBCOMMITTEE

The Criminal Justice System Subcommittee of the Senate Standing Committee on Judiciary and the House Standing Committee on Judiciary and Law Enforcement was established by the Legislative Council on August 15, 1973. The Senate and House Judiciary Chairman, Senator Tom Riley and Representative Phillip Hill, appointed the following members:

Senator Lucas J. DeKoster
Senator Elizabeth Shaw
Senator C. Joseph Coleman
Representative Rollin C. Edelen
Representative Rayman D. Logue
Representative Charles N. Poncy

The Subcommittee held four meetings. At the first meeting, held September 13, 1973, the Subcommittee elected Senator Lucas J. DeKoster as chairman. Chairman DeKoster outlined the Subcommittee's responsibilities as:

1. Study of a District Prosecutor System.
2. Study of a District Public Defender System.
3. Study of a District Court Administrator System.

The Subcommittee, at its second and third meetings, held October 8, 1973 and November 19, 1973, respectively, received information from:

1. Edward N. Wehr, Scott County Attorney.
2. Honorable Newt Draheim, Judge, District Court of Iowa.
3. Joseph Van Winkle, Janet Winslow, and Dick Grossman; Iowans for Better Justice.
4. Robert Overbillig, Legal Aid Society of Polk County and National Legal Aid and Defender Association.
5. Honorable Leo Oxberger, Judge, District Court of Iowa.
6. Walter Saur, Fayette County Attorney; Executive Secretary, Iowa County Attorneys Association.
7. John Wolfe and Kate Garrison, Metropolitan Criminal Justice Center, Des Moines, Iowa.
8. Fred White, Iowa State Bar Association.
9. Donald Cleveland, Executive Director, Iowa State Association of Counties.

10. Gordon Allen, Iowa Civil Liberties Union.
11. William Shelton, Lucas County Attorney.
12. Walter Chidester and Joe Morrissey, American Friends Service Committee.
13. Honorable Richard C. Turner, Attorney General of Iowa.
14. Ira Skinner, Jr., Assistant Attorney General of Iowa.
15. C. Joseph Coleman, Jr., Assistant Attorney General of Iowa.
16. Ray Cornell, Deputy Citizens Aide for Prison Affairs.
17. Ralph Murray, Newton Release Center Resident.
18. Larry Gorham, Newton Release Center Resident.

The Subcommittee determined from the information received from witnesses and staff research that the criminal justice system in Iowa is in need of changes to provide more uniform procedures throughout the state and to help keep court dockets uncrowded. The Subcommittee recognized that Iowa is not currently faced with some problems confronting other states, but determined that a program of District Court Administrators, District Prosecutors, and District Public Defenders is necessary to keep Iowa standards of criminal prosecution and defense high.

The Subcommittee determined that a system of District Court Administrators would provide valuable assistance to Chief Judges in each of Iowa's judicial districts. The Subcommittee agreed that such a program is necessary to provide improved administration, such as assignment of judges, defense counsel, and calendar preparation. The Subcommittee determined that the position of District Court Administrator could free Chief Judges of the judicial districts for more time on the bench, and relegate duties of an administrative nature to the Court Administrator. The Subcommittee noted the apparent success of Court Administrator programs in Polk and Woodbury Counties.

The Subcommittee also determined that a system of District Prosecutors would provide uniform standards and procedures for the prosecution of criminal cases throughout the state of Iowa. The Subcommittee agreed that the present county attorney system has both merits and faults, and favored the retention of the meritorious aspects. The Subcommittee noted the apparent success of the Area Prosecutor program under the direction of the Attorney General, but agreed that a more localized system of prosecution is necessary. The Subcommittee agreed that a District Prosecutor System will provide the localized prosecution necessary, while retaining the favorable aspects of more uniform standards and procedures of prosecutorial functions.

The Subcommittee further determined that a system of District Public Defenders is necessary to provide more uniform and better defense to criminal defendants. The Subcommittee noted that the present court-appointed attorney system appears to provide defense attorneys on a random basis; the quality of court-appointed counsel, while high, appears to be based on the willingness of the judge to scrutinize the list of lawyers available. The Subcommittee also noted the defendants lack of faith in court-appointed counsel.

At its third meeting, the Subcommittee directed the preparation of three bill drafts in the following areas, and incorporating the following ideas:

1. Create the office of District Court Administrator. Duties should include assignment of judges, preparation of calendar, assignment of defense counsel, and general administrative duties. There would be one administrator for each judicial district to work with and under the direction of the Chief Judge. The position would be by appointment by the Chief Judge.
2. Create the office of District Prosecutor in each of Iowa's judicial districts. The position would be created by nomination by the District Judicial Nominating Commission and then submitted to the voters at the general election. Assistants and staff as necessary would be provided. County Attorneys would be Assistant District Prosecutors by virtue of their office. Duties would include authority over all criminal prosecutions in district.
3. Create the Office of District Public Defender in each of the judicial districts of Iowa. Duties would include the defense of criminal defendants at all stages of a criminal proceeding. The position would be by appointment by the Judicial District Nominating Commission for a term of six years. Such staff and space as necessary would be provided.

The Subcommittee at its fourth meeting, held December 17, 1973, reviewed and approved the bill drafts with minor changes. The Subcommittee agreed that the office of the district prosecutor should be funded on the following basis:

1. The state will pay the cost of initially finding office space and providing books, furniture, etc.
2. The state will pay the salaries of the district prosecutor and staff.
3. The counties will pay, on a pro-rata basis from the court fund, the maintenance costs of operating the office.

The Subcommittee also determined that salaries for the various positions should be:

1. District Court Administration - \$13,000.
2. District Prosecutor - \$24,000.
Assistant District Prosecutor - 80% of District Prosecutor.
3. District Public Defender - \$24,000.
Assistant District Public Defender - 80% of District Public Defender.

The Subcommittee having reviewed, amended and approved the bill drafts, agreed to report the bill drafts to the full Judiciary Committees with the recommendation that they do pass.