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**Scott County Attorney's Office**  
**Justification for Additional Attorneys**

I have been concerned for many years that the Scott County Attorney's Office is understaffed relative to the caseload we handle. We have tried to be as efficient and economical as possible but there is a limit to the amount of work employees can do effectively. The Board of Supervisors has been receptive and supportive of efforts to address our staff needs and I am grateful for that history.

In December 2019 we decided to seek professional review of our office to determine whether we were appropriately staffed in relation to workload and in comparison to similar prosecutor's offices in Iowa and the Midwest. During the FY21 budget review the request for additional attorneys was discussed with the Board.

Vera Causa Group works with prosecution offices nationwide to assess operations and implement best practices. Vera Causa conducted a Workload Analysis and the report detailing their findings is attached.

The findings of the analysis are clear, the Scott County Attorney's Office is precariously understaffed. Those findings include:

1. The Office has done an admirable job of performing with insufficient resources.
2. The Office is significantly understaffed when compared to equivalent counties in Iowa, and the region.
3. Despite the outstanding performance of the staff, it is approaching a breaking point unless it gets appropriate resources to manage the increasing workload.

In an effort to begin to address this staffing shortage, I am requesting the creation of two assistant attorney positions to begin January 2021.

Thank you for your consideration in this regard.

June 30, 2020

Mr. Michael Walton  
Scott County Attorney  
Scott County, IA



Re: Scott County Attorney's Office Workload Assessment

Dear Mr. Walton

We are pleased to provide you with the attached Scott County Attorney's Office Workload Analysis Report dated June 2020 (hereinafter the "Report") containing a resource analysis of comparable counties to help you determine future resource needs for your office. This Report outlines the relevant background information from a criminal justice perspective, sets forth our research methodology, explains what our research into comparable counties demonstrated, and details our conclusions as experts in the support of high-functioning prosecution offices around the country.

Vera Causa Group was created in 2016 specifically to serve the needs of prosecutors around the country in the areas of leadership development, organizational excellence and communication. Our two principals, Susan C. Ryan and Jennifer M. Joyce, are uniquely qualified to conduct this analysis. Ms. Ryan is a former human resources executive for a fortune 500 company, and she has worked with law enforcement and prosecutors for the last two decades. Ms. Joyce is a former four-term elected prosecutor for the City of St. Louis, an area with significant violent crime and a senior staff member of the Prosecutors' Center of Excellence, in Washington D.C.


After several months of research, our conclusions are inescapable:

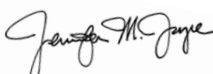
1. The increasing crime in Scott County over the past 10 years has created an overwhelming workload for the Scott County Attorney's Office without comparable increased resources for the Office to manage the workload.
2. The Scott County Attorney's Office has done an admirable job of performing their function with insufficient resources.
3. The Scott County Attorney's Office is significantly understaffed when compared to various equivalent counties in Iowa, and comparable counties across the region.
4. Despite the outstanding performance of the office professionals, the Office is rapidly approaching a breaking point unless it gets appropriate resources to manage the increasing workload.

Based on the Report's analysis and conclusions, we make specific recommendations regarding staffing increases in attorneys, victim advocates and investigators. Once these staffing deficits have been addressed, the office will also likely need to consider addition of further clerical staff.

Thank you for the opportunity to work with you in this important project. We are available to provide any other assistance you may need in the future regarding the Report, or any other matter.

Regards,

  
Susan C. Ryan  
Vera Causa Group

  
Jennifer M. Joyce  
Vera Causa Group

# Scott County Attorney's Office

## Workload Analysis

June 2020



Jennifer M. Joyce and Susan C. Ryan  
Principals



VERA CAUSA GROUP

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# I. Introduction

In December of 2019, the Scott County, Iowa County Attorney's Office ("SCAO") and the Assistant County Administrator/Human Resources Director reached out to Vera Causa Group ("VCG") and requested that VCG conduct a Workload Analysis (Analysis) of SCAO.

In accordance with the expressed needs of the County Attorney, the Analysis would contain two distinct areas of research:

1. A statewide resource Analysis of comparable counties designed to help determine future resource needs for the Scott County Attorney's Office; and
2. An assessment of the Scott County Attorney's Office conducted through a comprehensive employee interview process (Interview Assessment). The goals of the Interview Assessment were to identify issues and opportunities and to facilitate long-term planning specifically to:
  - a. Uncover potential duplication of efforts and job duties and better align job descriptions and duties with the most productive tasks.
  - b. Utilize the Interview Assessment results to identify areas where office leaders can implement best practices in prosecution.

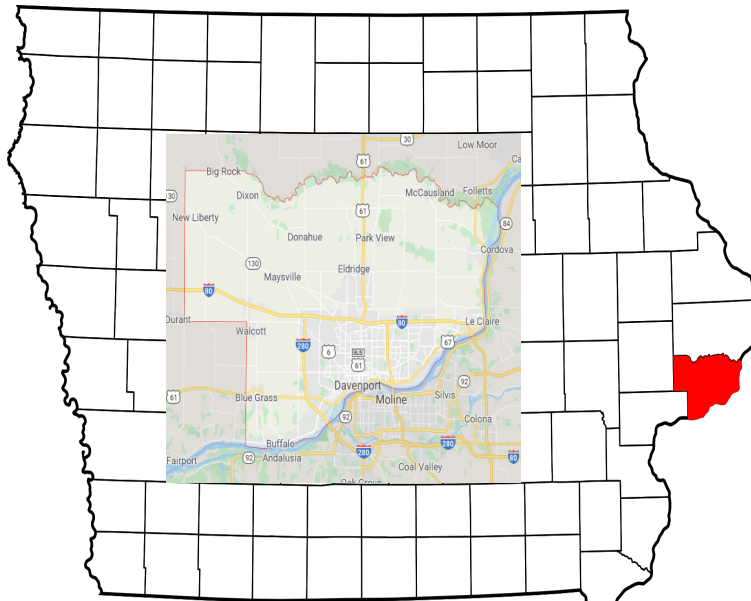
## A. Methodology

The VCG team sought to gather data and do a comparative analysis of the caseload and workload in the SCAO as compared to similarly situated counties in Iowa. To accomplish this, VCG reviewed data from various Iowa, regional and national sources and experts within the criminal justice system. Finally, the team researched similar jurisdictions in the Midwest to compare staffing levels.

VCG also conducted through a comprehensive employee interview process during the week of May 4 – May 8, 2020. Each interview lasted between 30 - 60 minutes, and each interviewee was asked the same questions. To garner the most thoughtful feedback possible, all respondents were given the interview questions in advance and encouraged to give them some thought before the scheduled interview. The goal of this research was to identify issues and opportunities, to facilitate long-term planning, to uncover potential duplication of efforts and to identify areas where leaders could implement best practices in prosecution.

This research was conducted in the Spring of 2020 by Vera Causa Group, LLC. VCG provides consultant services to prosecutors' offices around the nation in the areas of Leadership, Organizational Excellence and Communication.

## B. Overview of Scott County and Crime Rate



This Photo by Unknown Author is licensed under [CC BY-SA](#)

Scott County is comprised of 468 square miles located on the southeastern border of Iowa. It is situated along the Mississippi River and has an estimated population as of 2019 of 172,943<sup>1</sup>. The county seat and largest city in Scott County is Davenport, with an estimated population of 101,590,<sup>2</sup> making it the third largest city in Iowa. Davenport is the largest of the “Quad Cities,” a metropolitan area with an estimated population of 382,630 including Bettendorf, Iowa and Rock Island and Moline, Illinois.

The SCAO serves in civil matters as legal counsel for the Scott County Board of Supervisors and all county officers and agencies. The SCAO also serves as prosecutor in all criminal matters arising in the county.

Criminal prosecutions in Scott County reached a 10 year high in 2019.<sup>3</sup> The VCG SCAO employee interviews made clear that the majority of the criminal cases prosecuted in the office originate in the city of Davenport. The most recent data from the FBI estimated Davenport’s overall crime rate at 5820.7 per 100,000 people – 125.63% above the national average.<sup>4</sup> A commercial data aggregator recently published a report listing Davenport as the fourth “Most Dangerous” city in Iowa in 2020<sup>5</sup>.

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<sup>1</sup> U.S. Census Bureau

<sup>2</sup> U.S. Census Bureau 2019 City and Town Population Estimates

<sup>3</sup> Disposed Charges by County, Iowa Department of Human Rights, Division of Criminal & Juvenile Justice Planning [https://disposedcharges.iowa.gov/asp/selection.asp?table\\_in=1](https://disposedcharges.iowa.gov/asp/selection.asp?table_in=1)

<sup>4</sup> Federal Bureau of Investigation, Crime in the U.S.

<sup>5</sup> RoadSnacks, *10 Most Dangerous Cities in Iowa for 2020* (Nov. 2019)

2019 was a record year for Scott County in virtually every category of prosecution. As Figure 1 demonstrates, in 2019, Scott County disposed the highest number of criminal charges, the highest number of felony cases, the highest number of cases in the associate court, the highest number of convictions, highest number of violent convictions, and drug convictions in the last 10 years. Yet the number of attorneys has remained unchanged for the last 30 years, according to CA Walton.

Figure 1<sup>6</sup>

Disposed Charges: District Court All Cases		Disposed Charges: District Court Felony Charges		Disposed Charges: Associate Court All Charges	
Year	Total	Year	Total	Year	Total
2010	30,097	2010	1,627	2010	27,711
2011	29,513	2011	2,080	2011	26,801
2012	28,717	2012	1,994	2012	26,011
2013	28,422	2013	2,156	2013	25,775
2014	25,788	2014	2,194	2014	23,108
2015	26,738	2015	2,216	2015	23,946
2016	27,210	2016	2,145	2016	24,243
2017	28,385	2017	1,717	2017	25,676
2018	28,578	2018	1,956	2018	25,510
2019	33,493	2019	2,206	2019	29,949
Total	286,941	Total	20,291	Total	258,730

Figure 2<sup>7</sup>

Convictions: District Court All Cases		Convictions: District Court Felony Charges		Convictions: Drugs	
Year	Total	Year	Total	Year	Total
2010	19,337	2010	770	2010	852
2011	18,345	2011	746	2011	855
2012	17,550	2012	653	2012	756
2013	17,298	2013	737	2013	743
2014	15,654	2014	651	2014	669
2015	16,835	2015	700	2015	742
2016	18,074	2016	780	2016	622
2017	19,377	2017	769	2017	582
2018	19,258	2018	740	2018	923
2019	22,102	2019	809	2019	1,297
Total	183,830	Total	7,355	Total	8,041

<sup>6</sup> Disposed Charges by County, Iowa Department of Human Rights, Division of Criminal & Juvenile Justice Planning

<sup>7</sup> Convictions by County, Iowa Department of Human Rights, Division of Criminal & Juvenile Justice Planning

## II. Executive Summary

The Scott County Attorney's Office is a high-functioning organization with multiple assets including a dedicated leadership team and hardworking staff. County Attorney Walton is committed to operating his office in the most effective and efficient way possible, as evidenced by the results of this Analysis and his desire to have this research conducted. CA Walton leads a dedicated team of professionals who have done an admirable job serving the public under circumstances that have become more difficult with each passing year.

The office is experiencing significant resource challenges. It's a testament to the professionalism of the staff that they have kept disaster at bay with the crushing workload they have been experiencing for years. As staffed today, the office is set up to fail.

### A. Comparative Caseload Analysis

VCG researchers analyzed the caseloads of SCAO and other similar jurisdictions in Iowa. Based on this research, it is clear that SCAO is severely understaffed to meet its current caseload needs. The cases prosecuted by SCAO reached a 10-year high in 2019 and show no signs of slowing down. In addition, the use of body worn cameras and other video by police has dramatically increased the work of the prosecutors since they are legally and ethically required to review all footage relevant to each case they prosecute. The attorneys are also performing time consuming tasks that could be completed by clerical, investigative or victim advocate staff. Right now, the levels of attorney staffing and non-legal staffing are not sufficient to meet the county's criminal prosecution demands.

While there is no national benchmark for prosecutor caseloads, SCAO lags behind other offices in Iowa in terms of attorney staffing. SCAO also appears to have lower levels of attorney staffing than comparable jurisdictions in the region, with significantly higher caseloads per attorney. .

### B. Employee Interview Assessment

VCG researchers conducted one-on-one interviews with all employees of the SCAO and with CA Michael Walton.

The employees reported that they are proud of the work they do, and they have great respect for CA Walton. The office's recent response to Covid-19 was highly praised and employees felt CA Walton truly cares about their health and wellbeing.

Team members described the current caseload as crushing and expressed concern about the insufficient staffing levels. There was concern expressed that cases are not getting the attention they should because of the volume of work people are asked to do. Some case management improvements were suggested, such as weeding out weak cases earlier in the process. Concern was also expressed about inefficiencies in the trial docketing system led by the courts.



VCG was tasked with uncovering potential duplication of efforts and job duties, which we did not find in our research. While there is some duplication of effort, that duplication is a big part of why the organization successfully manages the high-volume of work with few errors. Research found that the staff is working in a remarkably efficient manner, given the workload.

For the most part, the work people do on a daily basis is aligned with their job descriptions and duties, although a significant number of employees stated that their job description did not include all of their duties. The research did uncover that attorneys are performing tasks that could be more efficiently performed with added support staff.

## C. Recommendations

Based on their research, the VCG staff made the following recommendations:

- Increase attorney staff by 11 attorney to better match the caseload/workload levels of other Iowa state prosecuting attorneys' offices.
- Examine the case intake procedures to better weed out weak cases earlier in the review process, especially the cases in which there is little chance of victim or witness cooperation. Provide a dedicated attorney
- Hire at least five investigators to assist prosecutors in the preparation of cases.
- Expand the Victim Services department with two additional victim services specialists and one support staff member.
- Once fully staffed, dedicate at least two full-time attorneys to maximize the use of Alternative Sentencing / Diversion Programs for low level offenses as a way to better meet the needs of the public and to conserve prosecutorial resources for violent and repeat offenders.
- Establish a more formal management structure within the office to provide greater oversight and more consistent approaches to case management.
- Create a county-wide Coordinated Crime Reduction Strategy Team to identify crime drivers in the county and develop strategies for dealing with these drivers on the streets and in the courtroom.
- Consider creation of specialized units that coordinate closely with law enforcement and allow those who are experts in their area to increase their decision making and authority.
- Approach the court about reforming the trial docketing system to accommodate the workload of prosecutors (and potentially defense attorneys).
- Consider establishing a Criminal Justice Coordinating Council with various members of the criminal justice community to identify inefficiencies in the Scott County criminal justice system as a whole.

# III. Scott County Attorney Caseload and Workload

## A. The Expanding Role of a Prosecutor

The role of America’s prosecutors has changed dramatically over the years. The core mission of pursuing justice has not changed, however, the means by which they accomplish this mission have expanded dramatically.

*“Traditionally, a prosecutor’s role was a limited and relatively passive one – to evaluate and prosecute arrests made by the police. But over the last 40 years, there has been a dramatic transformation and expansion of prosecutors’ mission, to not only vigorously prosecute criminal cases, but also to engage in crime prevention, problem solving and community partnerships. This shift is due to the recognition of a need for more complex solutions that not only seek positive outcomes for victims, but also strive for long-term solutions for defendants, potential defendants and the community at large.”<sup>8</sup>*

## B. Workload vs Caseload

In February 2020, the National District Attorneys Association (NDAA), the oldest and largest national, non-partisan, non-profit association that represents prosecutors in the United States, published an article entitled: “Overworked and Understaffed: The Shifting Landscape in Local Prosecutor Caseloads.”<sup>9</sup>

Nelson O. Bunn, Jr., the Executive Director of the NDAA, says the discussion around prosecutor caseloads falls short when it fails to incorporate the entirety of a prosecutor’s job and the added work they are required to complete. “Usually, we talk about a prosecutor’s ‘caseload,’ when in reality, we should talk about a prosecutor’s ‘workload.’”<sup>10</sup>

Bunn says the term “caseloads” often only means individual cases a prosecutor handles at any given time, which doesn’t usually account for any managerial responsibilities, screening for diversion eligibility, working with police or victims, training or initiatives to engage with their communities.

Today, the NDAA says the term “workload” takes into account community basketball tournaments, job fairs, neighborhood meetings, church events and other initiatives offices engage in with their communities to promote accountability, transparency and reflect the values of their constituents.

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<sup>8</sup> *The Prosecutor’s Evolving Role*, Prosecutors’ Center for Excellence (2016)

<sup>9</sup> <https://medium.com/@ndaajustice/overworked-and-understaffed-the-shifting-landscape-in-local-prosecutor-caseloads-122f7ef5e4f1>

<sup>10</sup> *Id.*

These “non-caseload” aspects of the modern prosecutors’ labors are time consuming, but particularly hard to capture in any data or metrics.

## 1. The Challenge of Assessing Caseload and Workload

In 2020, cases managed by prosecutors are more complex and time consuming than ever. Determining an appropriate caseload for prosecutors is a complex task. Any number of external and internal conditions can affect how an office operates. These conditions range from the court structure, criminal code, and applicable criminal offenses to internal conditions such as office policy and practice, experience level of staff, and level of automation.

## 2. External Factors

The number of cases referred to a prosecutor's office and the amount of time spent processing these cases are greatly influenced by factors outside the prosecutor's control.

The Scott County Attorney’s Office has thousands of cases referred to them by 16 law enforcement and government agencies including Davenport Police Dept., Bettendorf Police Dept., Scott County Sheriff’s Office, Iowa State Patrol, Eldridge Police, Le Claire Police, Walcott Police, Blue Grass Police, Buffalo Police, Princeton Police, Davenport Fire Dept., Metropolitan Enforcement Group (MEG), Department of Transportation, Department of Inspection & Appeals, Iowa Workforce Development, and Iowa Fraud Bureau.

The criminal justice system is made up of individual components, each inter-related and dependent upon the other. As a result, factors that influence one component will ultimately affect another. For example, factors that affect the police will also affect prosecutors, which in turn will affect the courts, and so forth. With respect to prosecutorial workload, these factors may include:

- Level of investigative resources in law enforcement agencies (resulting in an increased investigative responsibility for prosecutors);
- Police policies and procedures (e.g., enforcement of previously non-enforced laws, search and seizure rules, police stops, body cameras, video availability, etc.);
- The number of law enforcement officers bringing cases to the office and the procedures by which they determine the quality of cases;
- Volume of evidence available;
- Court processes and protocols;
- Availability of pretrial diversion and alternative sanctions and/or programs;
- Victim and witness cooperation;
- Number and type of pre-trial motions, continuances, and late or second preliminary hearings;
- Case enhancers, such as complex evidence and language barriers;
- Crime patterns and crime trends;
- Types of criminal activity from low level to serious crime;
- Socio-economic conditions that can lead to more criminal offending;

- Economic wellbeing of the county funding the prosecutor's office;
- Criminal justice reform efforts;
- Scrutiny from the public, advocacy groups, and other special interest groups may increase pressure to prosecute certain types of crimes more rigorously, making prosecutors less likely to reach or offer plea bargains.

#### a. Video

Police departments across the country have fitted officers with thousands of body worn cameras ("BWCs") in the past several years, and the demand for these cameras continues to increase as a way to hold police officers more accountable and gather important evidence when officers are involved in altercations. These video resources are valuable evidence that verifies officers' observations and provide essential criminal evidence that strengthen our cases and encourages quick case resolution because there is no dispute about what occurred. Often times, police officers are fitted with these cameras without additional corresponding resources for the prosecuting attorneys who are ethically bound to review the thousands of hours of video the BWCs produce.

Prosecutors are legally required to turn over any evidence that's favorable to the defense, and that includes BWC video. If a prosecutor doesn't have time to review the video, and it is later discovered the video has evidence that could have assisted in a person's defense, the wrong person could be convicted, a guilty person's conviction can be overturned and the prosecutor is subject to professional disciplinary action.

SCAO works with several law enforcement agencies that utilize BWCs including Davenport Police Department, Scott County Sheriff's Office, Bettendorf, Eldridge, Buffalo, Blue Grass, and Iowa State Patrol. And, each of those agencies also has squad car video recordings. The remaining smaller agencies that don't have body cameras, have squad car video recordings.

The workload increases when there are several police officers on the scene during an arrest, each with their own BWC footage to be reviewed. This happens frequently in OWI cases, and each hour of video might take two hours to review because attorneys are pausing the footage and taking notes.

It is common to have dozens of videos for one case to review, depending upon how many officers respond to a scene or were involved in a specific case or investigation. Downloading videos can also be quite time consuming for the SCAO staff. It can often take hours of waiting time to download videos from Davenport Police, and the size of each video can overwhelm the system and cause even more delays. For other law enforcement agencies, we must request copies of the videos from the law enforcement agencies to meet our discovery obligations. This requires additional resource from the agencies as well.

## b. Technology

The use of technology as a crime fighting tool has never been higher. Everyone leaves their footprint with every website they open, every text they send and every cell tower with which they connect. Tools such as social media, mobile phones, GPS, computer tracking, jail calls, have become a boom for law enforcement in gathering critical evidence for solving both simple cases and serious violent cases. The use of this technology requires training and practice by prosecutors and support staff. This has created both a gift and a curse, as technology is a vital tool, yet it also requires more hours and higher skill levels to maximize.

## 3. Internal Factors

Internal factors can impact prosecutorial caseloads and workloads, such as office policies and practices. These factors play a major role in the demand placed on individual staff in prosecutors' offices.

The internal factors most likely to impact prosecutorial workload include the following:

- Staff resources: the number of attorneys, investigators, victim/witness personnel, and other support staff;
- Staff skills: staff experience level and appropriate training;
- Turnover;
- Physical resources: availability of office automation, vehicles, and office space;
- Office organization: use of specialized units/staff, vertical prosecution, supervisory structure; and
- Office policies and procedures: screening and charging decisions, proactive involvement in problem-solving and crime prevention (e.g., community prosecution), and coordination with law enforcement.

### a. Staff Resources

The number of attorneys, investigators, victim/witness assistance specialist, paralegals and support staff directly impact both caseload and overall workload. An office can process more cases efficiently if it has a sufficient number of staff and an appropriate combination of office personnel in terms of the proportion of attorneys to staff. Deficiencies in the number of staff can dramatically alter the case processing time and the overall workload of attorneys.

Investigators can perform a variety of tasks related to case development, including interviewing witnesses and victims, collecting evidence, coordinating with crime labs on evidence analysis, locating and transporting witnesses to court proceedings, and helping attorneys prepare exhibits for trial.

The SCAO only has one investigator, who was hired in 2019. Without the support of a sufficient number of investigators, attorneys must rely on already overburdened law enforcement officers,

perform these activities themselves, or rely on other staff in the prosecutor's office, affecting staff time dedicated to other office responsibilities.

Similarly, victim/witness assistance specialists aid prosecutors by handling victim notification of case status, gaining victims' cooperation, preparing victims for trial, arranging transportation for victims, and completing/obtaining victim impact statements. The SCAO only has two victim specialists, and they do a great job. However, the caseload exceeds their capabilities. So, the attorneys are tasked with doing all of the victim and witness coordination, which takes up a tremendous amount of their time. Despite the proficient job the organization does now, the Victim Services team needs expansion.

In addition, over the past few years, the SCAO has experienced significant turnover in experienced attorneys. The SCAO staff believes this turnover is driven by two major factors: higher salaries provided for attorneys by private law offices and federal law enforcement agencies as well as the "crushing" volume of cases in the SCAO. This unwanted turnover not only affects the skill in the courtroom, but every time a prosecutor leaves the office, his/her caseload must be distributed to other attorneys adding to their already sizable caseloads.

#### b. Experience

It is logical to assume that more experienced and well-trained professionals perform more efficiently than less experienced people. Over the years, SCAO has performed at very high levels, given the extraordinary volume of charges and convictions the organization has managed. In virtually every prosecuting attorney's office across the country, including SCAO, new prosecutors join the organization by managing non-victim misdemeanor cases and gradually work their way up to prosecuting more serious victim cases such as robberies, rapes and murders as they gain necessary trial advocacy skills. When senior attorneys leave the office, it causes a dearth of experience and puts greater demands on the remaining experienced attorneys to assist the less experienced attorneys with legal, evidentiary and trial issues. It also places more demands on experienced attorneys because there are fewer people to manage the most serious cases. This is certainly the case in Scott County, due to the number of less experienced attorneys hired in the last five years due to unwanted turnover.

#### c. Case Specific Factors

The nature of the offense, complexity of the case, the defendant's criminal history and status, and the type of defense counsel can individually and collectively impact the amount of time prosecutorial staff spend on a specific case.

Serious offenses, such as murder or rape, require a significant amount of prosecutorial resources including preparation time for preliminary hearings, motions, and trial. In addition, high-level cases are less likely to be pled out or the plea does not occur until just prior to trial – after significant time and resources have been invested to prepare the case for trial. Factors such as an elderly victim, a language barrier, or complex scientific evidence, will increase case preparation time. Consequently,

it's logical that felony cases take more prosecutorial resources than misdemeanor cases because they are more serious and often far more complex.

Other case specific factors that impact prosecutor work time include:

- Child victim/witness: victims or witnesses of a very young age (less than 10 years old);
- Victim/witness with a disability: victims or witnesses with a physical or mental disability as defined by the Americans with Disabilities Act 1990;
- Competency issues brought forward by the defense, mental health issues and the ability to stand trial;
- Capital offense: the prosecution considers, or files notice of intent to pursue the death penalty;
- Gang-related offense: the criminal activities of a known gang member acting on the gang's behalf or in which defendants, victims, or witnesses are known gang members;
- Defense attorney type (e.g., private counsel versus public defender);
- Cooperation of law enforcement, probation, and parole agencies.

All of these case-specific factors are present in the SCAO. Violent crime is a serious issue in Scott County. In his interview with researchers, County Attorney Walton expressed concern about the high levels of gun violence, sexual abuse and domestic violence cases his office is required to manage, as the volume of serious cases has been on the rise for the last several years.

## C. Caseload Analysis of Scott County Attorney's Office

### 1. There is No National Benchmark

There is currently no modern national benchmark for prosecutor caseloads. The last comprehensive national prosecutor workload Analysis was done by the now defunct American Prosecutors Research Institute upon receiving a Bureau of Justice Administration Grant in 1998. The study, published in 2002<sup>11</sup>, concluded that it was not feasible to develop national caseload and workload standards due to immense variation in external and internal factors across the country. The APRI did conclude, however, that it is possible for individual jurisdictions to develop their own caseload standards based on their own metrics and comparison with similarly situated jurisdictions.<sup>12</sup>

In 2007 the Bureau of Justice Statistics (BJS) conducted their most recent National Census of State Court Prosecutors (2007 Census).<sup>13</sup> The 2007 Census measured things such as salary levels, use of DNA evidence, and the number of cases involving elderly victims and children. While the 2007 Census did not attempt to establish a national caseload standard, it did state that the mean number of cases held by American prosecutors was 94. Of course, given the myriad factors that can impact the time it takes to prosecute any given case, the mean statistic from 2007 offers little insight today.

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<sup>11</sup> *How Many Cases Should a Prosecutor Handle: Results of the National Workload Assessment Project*, APRI (2002)

<sup>12</sup> *Id.*

<sup>13</sup> <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=265>

Due to the lack of national data, Vera Causa Group reviewed caseload literature, regional data and Iowa court data to assess caseloads.

## 2. Comparing Scott County with Similar Iowa Counties

Figure 3 provides a look at Iowa court data to assess the volume of cases across comparable Iowa county attorney’s offices.

**Figure 3**  
**2019 Charges and Convictions<sup>14</sup>**

Prosecutor Jurisdiction	Population	Attorneys	Disposed Charges	Convictions	Disposed Felony Cases	Violent Crime Disposed	Violent Crimes Convictions
Scott County	172,943	15	33,493*	22,102*	2,206*	1,855	809*
Black Hawk	131,228	15	18,708	15,303	2,559	1,151	852
Dubuque	97,311	10	14,642	9,947	800	1,091	605*
Johnson	151,140	14	17,747	13,690	886	1,091*	552*
Linn**	226,706	19	27,250	19,302	1,252	1,245	730
Polk	490,161	54.5	67,192	50,748*	5,193*	4,315	2,358*
Pottawattamie	93,206	14	19,389	13,052	1,476	1,380	480
Story	97,117	14	12,921	10,189	407	424	251*
Woodbury	103,107	17	16,150	12,134	1,100*	993	539

\*denotes highest volume in 10 years

\*\* Linn County was allocated two additional attorney positions starting in July 2020, which will take the total to 21 attorneys

Note: The attorney counts do not include the elected attorney, as some positions are full time and others are part time. The caseloads of elected prosecutors varies and is often limited due to required administrative duties.

### Caseload Comparison

There is a lack of consistent local, regional and national data to do a head-to-head, statistically relevant caseload analyses for Scott County, as requested by County Attorney Walton. So, Vera Causa Group devised a formula to determine how the SCAO compared to other similar Iowa counties in terms of volume of charges and convictions per prosecuting attorney. VCG consulted with Jessica A. Reynolds, Executive Director of the Iowa County Attorneys Association, to verify the formula as a sound approach to the analysis.

#### VCG Formula:

Average number of disposed charges per case = Three (3) Charges

Number of disposed cases in each county divided by number of attorneys in each office = estimated attorney caseload.

Number of convictions per case = Three (3) Convictions

<sup>14</sup> Disposed Charges and Convictions by County, Iowa Department of Human Rights, Division of Criminal & Juvenile Justice Planning



Number of cases in which convictions are secured divided by the number of attorneys in each office = estimated attorney conviction caseload

Figures 4 and 5 demonstrate the how the volumes in caseloads for Scott County far exceed other comparable Iowa county attorney’s offices in both volume of disposed charges and convictions per prosecutors.

**Figure 4**  
**2019 Disposed Charges by Volume and Number of Attorneys<sup>15</sup>**  
 (Highest Value in Each Column is Represented in Red)

Prosecutor Jurisdiction	Population	Attorneys	Disposed Charges	Disposed Charges Per Attorney	VCG Formula 3 Charges = 1 Case	Average # of Cases Per Attorney Calendar Year 2019
Scott County	172,943	15	33,493	<b>2,233</b>	11,164	<b>744</b>
Black Hawk	131,228	15	18,708	1,247	6,236	415
Dubuque	97,311	10	14,642	1,464	4,880	488
Johnson	151,140	14	17,747	1,268	5,915	422
Linn	226,706	19	27,250	1,434	9,083	478
Polk	<b>490,161</b>	<b>54.5</b>	<b>67,192</b>	1,233	<b>22,397</b>	411
Pottawattamie	93,206	14	19,389	1,385	6,463	462
Story	97,117	14	12,921	923	4,307	308
Woodbury	103,107	17	16,150	950	5,383	316

Of nine comparable counties in Iowa:

- SCAO has the highest number of disposed charges per attorney.
- SCAO has the highest number of cases per attorney (utilizing the VCG formula).
- Polk County has more than twice the population and three times more attorneys than Scott County, yet Scott County has 45% more disposed charges per attorney than Polk County.

<sup>15</sup> Disposed Charges by County, Iowa Department of Human Rights, Division of Criminal & Juvenile Justice Planning

**Figure 5**  
**2019 Convictions by Volume and Number of Attorneys<sup>16</sup>**  
 (Highest Value in Each Column is Represented in Red)

Prosecutor Jurisdiction	Population	Attorneys	Convictions	Convictions Per Attorney	VCG Formula 3 Convictions = 1 Case	Convictions/ Cases Per Attorney
Scott County	172,943	15	22,102	<b>1,473</b>	7,367	<b>491</b>
Black Hawk	131,228	15	15,303	1,020	5,101	340
Dubuque	97,311	10	9,947	995	3,316	332
Johnson	151,140	14	13,690	978	4,563	326
Linn	226,706	19	19,302	1,015	6,434	339
Polk	<b>490,161</b>	<b>54.5</b>	<b>50,748</b>	931	<b>16,916</b>	310
Pottawattamie	93,206	14	13,052	932	4,351	311
Story	97,117	14	10,189	728	3,396	243
Woodbury	103,107	17	12,134	714	4,044	238

Of nine comparable counties in Iowa:

- SCAO has the highest number of convictions per attorney.
- SCAO has the highest number of cases per attorney (utilizing the VCG formula).
- Polk County has more than twice the population and three times more attorneys as Scott County, yet Scott County has 63% more convictions per attorney than Polk County.

### 3. Comparing Scott County with Similar Midwest Counties

In addition to comparing the SCAO caseload with similar Iowa counties, we wanted to review similarly situated counties in the region. Utilizing a commercial data aggregating service, *Sperling's Best Places*<sup>17</sup>, we identified several counties that were comparable to Scott County in terms of population, cost of living and crime rate<sup>18</sup>. We also narrowed our search to counties that, like

<sup>16</sup> Convictions by County, Iowa Department of Human Rights, Division of Criminal & Juvenile Justice Planning

<sup>17</sup> Sperling's Best Places, [www.bestplaces.net](http://www.bestplaces.net), is a commercial data aggregator that has been analyzing data about people and places and rating them for major publications for over 30 years. Their work has been featured in Forbes, The New York Times, USA Today, The Washington Post and Newsweek, among other news outlets. Their data is sourced from their firm's own original research and analysis, as well as from government and respected private organizations. A complete list Sperling's data sources is available here <https://www.bestplaces.net/docs/datasource.aspx>

<sup>18</sup> In order to facilitate comparison, the Sperling analysts have developed an index for cost of living, property crime and violent crime. Their cost of living index is based on a US average of 100. An amount below 100 indicates that the cost of living in that jurisdiction is cheaper than the US average. An amount above 100 indicates that the jurisdiction's cost of living is higher than the US average.

The Sperling analysts have the same methodology for property and violent crime, ranking each on a scale of 1 (low crime) to 100 (high crime.) For property crime the U.S. average is 22.7, and for violent crime the US average is 35.4.

Scott County, have a medium size city as their center of population. Finally, we only included counties in our study if we were able to find public information on their attorney staffing levels.

Figure 6 indicates how Scott County compares to the following midwestern jurisdictions:

- St. Joseph’s County, Indiana (South Bend)
- Olmsted County, MN (Rochester)
- Peoria County, IL (Peoria)
- Cass County, ND (Fargo)
- Boone County, MO (Columbia)
- Vanderburgh County, IN (Evansville)
- Winnebago County, IL (Rockford)
- Ingham County, MI (Lansing)

**Figure 6**

**Comparing Scott County with Similar Counties in Region**

County	City/ Jurisdiction	Elected Prosecutor	County Population	City Population	Violent Crime Score (US Avg = 22.7)	Property Crime Score (US Avg = 35.4)	Cost of Living Score (US Avg = 100)	# of Attorneys
Scott County, IA	Davenport, Iowa/ Scott County, IA	Scott County Attorney, Mike Walton	172,943	102,268	35.8	63.3	81.7	15
St. Joseph’s County, IN	South Bend, Indiana	St. Joe County Prosecutor, Kenneth P. Cotter	271,826	101,928	42.1	69.3	68.4	25
Olmsted County, MN	Rochester, MN	Olmsted County Attorney, Mark Ostrem	158,293	112,683	11.0	32.3	94.1	24
Peoria County, IL	Peoria, IL	Jodi M. Hoos, State’s Attorney, Peoria County, IL	179,179	115,424	36.6	56.1	74.6	33*
Cass County, ND	Fargo, ND	Cass County State’s Attorney, Birch P. Burdick	181,923	118,099	26.5	43.0	91.9	18
Boone County, MO	Columbia, MO	County Prosecutor, Dan Knight	180,463	118,620	26.7	45.8	87.9	16
Vanderburgh County, IN	Evansville, IN	Nicolas Hermann, Prosecutor of the 1st Judicial District	181,451	119,806	34.2	70.9	78.5	19
Linn County, IA	Cedar Rapids, IA	Jerry Vander Sanden, Linn County Attorney	226,706	130,330	19.9	53.6	81.6	19
Winnebago County, IL	Rockford, IL	Marilyn Hite Ross, State’s Attorney	282,572	148,640	72	57.1	75.3	48*
Ingham County, MI	Lansing, MI	Carol A. Siemon, Ingham County Prosecutor	292,406	115,222	55.7	45	76.5	37

\*As of 2017

\*\*Authorized attorney manpower

It is noteworthy that all of the jurisdictions listed in Figure 6 have a higher attorney staff than SCAO. While there could be numerous local nuances to account for the higher number of

prosecutors in these jurisdictions, this data could also support the conclusion that other similar jurisdictions have seen fit to increase their levels of prosecution resources to deal with comparable crime rates.

## IV. Issues and Recommendations

### A. Issue: Attorney Workload and Insufficient Levels of Staffing

There is no question that the SCAO is significantly understaffed at all levels. The office does not have the sufficient number of prosecutors or staff members to best manage their rising caseloads. As a result, the office is having morale issues due to caseload overload. People are frustrated, and turnover is high, especially among prosecutors. In the last six years, 12 attorneys have left the office, and seven of those attorneys left the office in the last two years. This unwanted turnover impacts the most serious crimes in the office, as those crimes are managed by the most experienced attorneys. The office works to hire former legal interns as new hires, which is wonderful, except that doesn't address the issues created by the loss of experienced attorneys. Currently, there are five major case attorneys in District Court to handle the violent crime cases, and two attorneys are projected to retire in the next two years.

In addition, the number of experienced attorney applicants have decreased in recent years. SCAO leadership believes that this is due to the overwhelming caseload in the office.

Employees rightfully fear that the high volume of cases and the current staffing levels could drive mistakes and circumvent justice. (This is not happening yet due to the dedication of the team, but it is inevitable if caseloads continue to rise without a corresponding increase in staffing.) The attorneys work nights and weekends to keep up because they have myriad clerical duties in addition to their legal responsibilities.

In addition, the amount of work per case has increased dramatically due to the amount of video footage that must be reviewed from BWCs, squad car cameras, surveillance cameras, etc. Prosecutors are legally and ethically obligated to review this footage, which can take many hours per case.

The Scott County Attorney's Office only has two victim specialists who primarily focus on statutorily required compliance due to the heavy workload. This tasks attorneys with doing all of the victim and witness coordination, which takes up a tremendous amount of their time.

### Recommendation

**Increase Staffing:** The staffing of SCAO, both legal and non-legal, needs to be increased to a level commensurate with the growing workload. It is impressive that the office has not had a

major catastrophe as a result of being stretched too thin, but such an outcome is inevitable if staffing levels do not change, especially if caseloads continue to rise.

We recommend that the SCAO seek funding to raise the number of personnel to a level maintained by other similar counties in Iowa. The staffing levels in the following positions need to be increased:

- **Attorneys.** Over the next three years, Scott County should increase the number of attorneys by 11 attorneys to match the attorney staffing levels at other Iowa County Attorney's Offices and to compensate for rising caseloads and increased utilization of video evidence. This level of staffing puts SCAO on par with Polk County in terms of workload/caseload, which is in the middle of the pack of comparable Iowa offices. Other jurisdictions in the country have also made increases to prosecutor manpower to accommodate the workload related to BWC.<sup>19</sup>
- **Investigators.** The SCAO only has one investigator at the present time. Additional investigators could perform a variety of tasks to free up attorney time, including interviewing witnesses and victims, collecting evidence, coordinating with crime labs on evidence analysis, locating and transporting witnesses to court proceedings and helping attorneys prepare exhibits for trial.
- **Victim Services** The volume of cases in the Scott County Attorney's Office creates a situation in which it is very difficult to keep up with the thousands of victims and witnesses involved in criminal prosecutions in the way the office should. The office needs at least two more people to assist prosecutors with victims and witnesses. Additional victim/witness assistance resources will aid prosecutors by handling victim notification of case status, gaining victims' cooperation, preparing victims for trial, arranging transportation for victims, and completing/obtaining victim impact statements. The office currently has only two dedicated staff members working in this area and the caseload demands more. Without sufficient dedicated Victim Services resources, which is considered a best practice in prosecution across the country, prosecutors are left chasing down victims and witnesses for depositions and court proceedings in addition to managing the trauma associated with being a crime victim or witness.
- **Diversion Programs and Alternative Sentencing Programs.** Dedicate two attorneys to help manage the diversion programs and specialty courts in Scott County. Specialty Courts such as Drug, OWI, Mental Health, Veterans and are designed to seek justice and provide opportunities for rehabilitation, while saving finite prosecution and prison resources for individuals who don't pose a serious threat to citizens. Scott County has several good programs right now that are offered, but many of these programs have waiting lists of participants eager to get into these programs.

**Case Management:** In addition to increased staffing, we recommend the follow strategies for making the office more efficient in case management:

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<sup>19</sup> According to a December 2019 news report from NBC12 in Central Virginia, lawmakers in the Virginia General Assembly passed legislation requiring localities to hire one new prosecutor for every 75 body cameras the city or county has in use.

- Rethink case intake procedures to ensure that un-prosecutable cases are identified and weeded out early in the process. Attorney staff expressed frustration that “weak” cases were allowed to proceed through the system until the eve of trial, thus wasting scarce office resources. More selectivity early on would help reduce caseloads. This is work that must be done by attorneys.
- Consider establishment of specialized units within the office that correspond to police department units. This specialization could make working with police agencies more efficient and would have the potential of improving police work and reports through better working relationships.

## B. Issue: Rising Crime in Scott County

A significant increase in case filings is apparent from the analysis of the court data.<sup>20</sup> SCAO’s criminal filings reached a 10-year high in 2019, and the employee interviews indicated that the upward trend has not decreased. Although research of county-wide crime trends was beyond the scope of this project, it is reasonable to conclude that there is a corresponding rise in crime throughout Scott County, and specifically in the City of Davenport. Rising crime can stretch the resources of law enforcement and prosecutors. An increased crime rate can also have a major impact on economic development of a region in a community is perceived to be an unsafe place to live, work or raise a family.

## Recommendation

Many communities across the country have found that increased communication and teamwork among the law enforcement stakeholders has paid dividends in more efficient handling of crime and, in some cases, reduction of crime. We recommend that the County Attorney explore the idea of establishing a county-wide Coordinated Crime Reduction Strategy Team. This would entail convening representatives of the various law enforcement agencies serving Scott County and meeting as a committee on a regular basis. The goal of this committee would be to identify crime drivers in the county and develop strategies for dealing with these drivers on the streets and in the courtroom. It is also recommended that the community be educated on their role in preventing crime. An engaged citizenry is often the most powerful crime fighting tool in any community.

## C. Issue: Jury Trial Docketing System

Many defendants in Iowa choose to go to trial, which is their constitutional right. This, however, puts a lot of pressure on prosecutors, defense lawyers and the court system. In Scott County, it is not uncommon to be assigned a trial on a Thursday, for an upcoming Monday. Sometimes prosecutors are trying to prepare five to eight cases at the same time for an upcoming trial docket. This means that prosecutors work each weekend prior to trial

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<sup>20</sup> Disposed Charges by County, Iowa Department of Human Rights, Division of Criminal & Justice Planning.  
[https://disposedcharges.iowa.gov/asp/selection.asp?table\\_in=1](https://disposedcharges.iowa.gov/asp/selection.asp?table_in=1)

preparing for a case that may or may not go to trial on a Monday. The work to get witnesses and victims scheduled for trial on such short notice is putting an undue burden on the prosecutor's office.

## Recommendation

The courts should work with the SCAO and the public defender's office to create a more manageable docketing system to decrease the overload of work for lawyers. While the SCAO has no ability to force the courts to change their docketing procedures, we recommend that they ask the court and the defense bar to join with them in the creation of a Criminal Justice Coordinating Council, which could work to identify inefficiencies in the system. Jurisdictions across the country that have implemented this approach have seen positive results for all stakeholders.

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THE COUNTY AUDITOR'S SIGNATURE CERTIFIES  
THAT THIS RESOLUTION HAS BEEN FORMALLY  
APPROVED BY THE BOARD OF SUPERVISORS ON

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SCOTT COUNTY AUDITOR

R E S O L U T I O N

SCOTT COUNTY BOARD OF SUPERVISORS

September 3, 2020

APPROVAL OF TABLE OF ORGANIZATION CHANGES TO THE ATTORNEY'S  
OFFICE AS DISCUSSED DURING THE FISCAL YEAR 2021 BUDGET REVIEW  
PROCESS

BE IT RESOLVED BY the Scott County Board of Supervisors as follows:

Section 1. That the table of organization for the Attorney's Office be increased by 2.0 FTE Assistant Attorneys (total 9.0 FTE).

Section 2. This resolution shall take effect January 1, 2021.