

# 1996 AUSA SURVEY RESULTS

## SURVEY RESULTS SHOW SUPPORT FOR NAAUSA AGENDA

More than 10 percent of all AUSAs returned the 1996 AUSA survey which was included in the Jul-Dec 1996 issue of the *NAAUSA Quarterly*. (This in spite of the many AUSAs who did not receive the newsletter, which was mailed to office addresses.)

AUSAs who have not submitted a completed survey can still respond - the survey can be completed on the NAAUSA web site at [www.NAAUSA.org](http://www.NAAUSA.org).

Based on 466 returns, the compiled survey results for Parts I and II, as well as the written comments received, are provided below. The next issue of the newsletter will report on the results for the other parts of the survey.

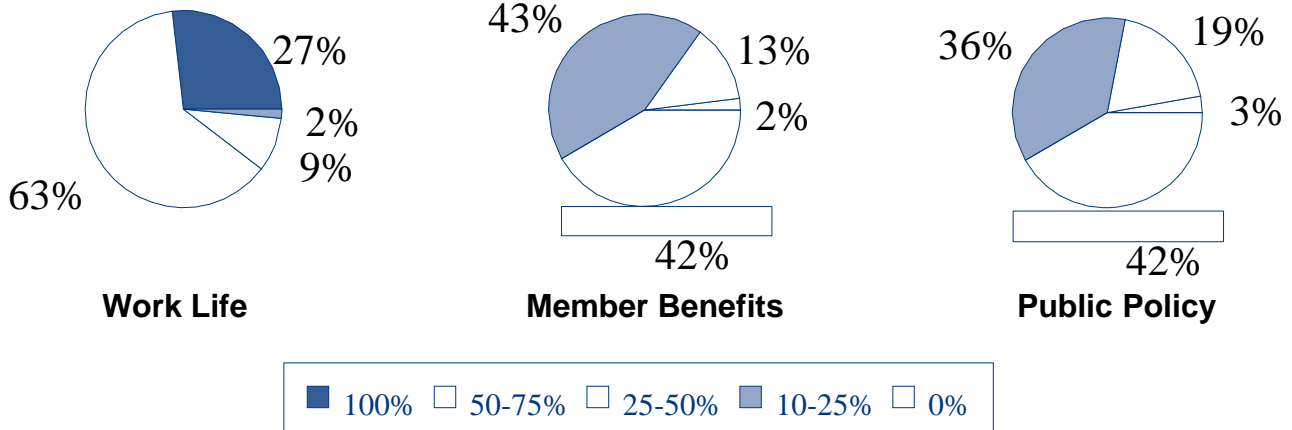
### Part I – AUSA Priorities

1. AUSAs have only a limited amount of time available to devote to NAAUSA’s mission. With that in mind, what percent of NAAUSA resources, both members and staff, should be devoted to the following (total should not exceed 100%):

	0%	10-25%	25-50%	50%-75%	100%	
	1	7	41	290	124	AUSA work life issues, including retirement, pay and employee rights?
	191	167	88	13	0	Public policy issues; for example, minimum mandatory sentences for drug offenders?
	190	198	60	9	2	Obtaining membership benefits, such as discount auto insurance, for NAAUSA members?

Survey respondents overwhelmingly want NAAUSA to devote its resources to AUSA work life issues. As indicated below, 90 percent of the AUSAs responding to the survey believe NAAUSA should devote half its resources to retirement, pay and employee rights. About 80 percent of those responding indicated that NAAUSA should spend less than 25 percent of its resources on public policy issues or securing membership benefits. A surprisingly high number, 42 percent, of AUSAs who responded indicated that NAAUSA should spend **no time at all** on either public policy or member benefits.

### NAAUSA Resource Use



Responses that are statistically immaterial are not included in the above charts.

2. Should NAAUSA maintain a narrow or broad focus while it develops credibility with Congress and the Department of Justice (DOJ) and while it grows in terms of membership and financial stability?

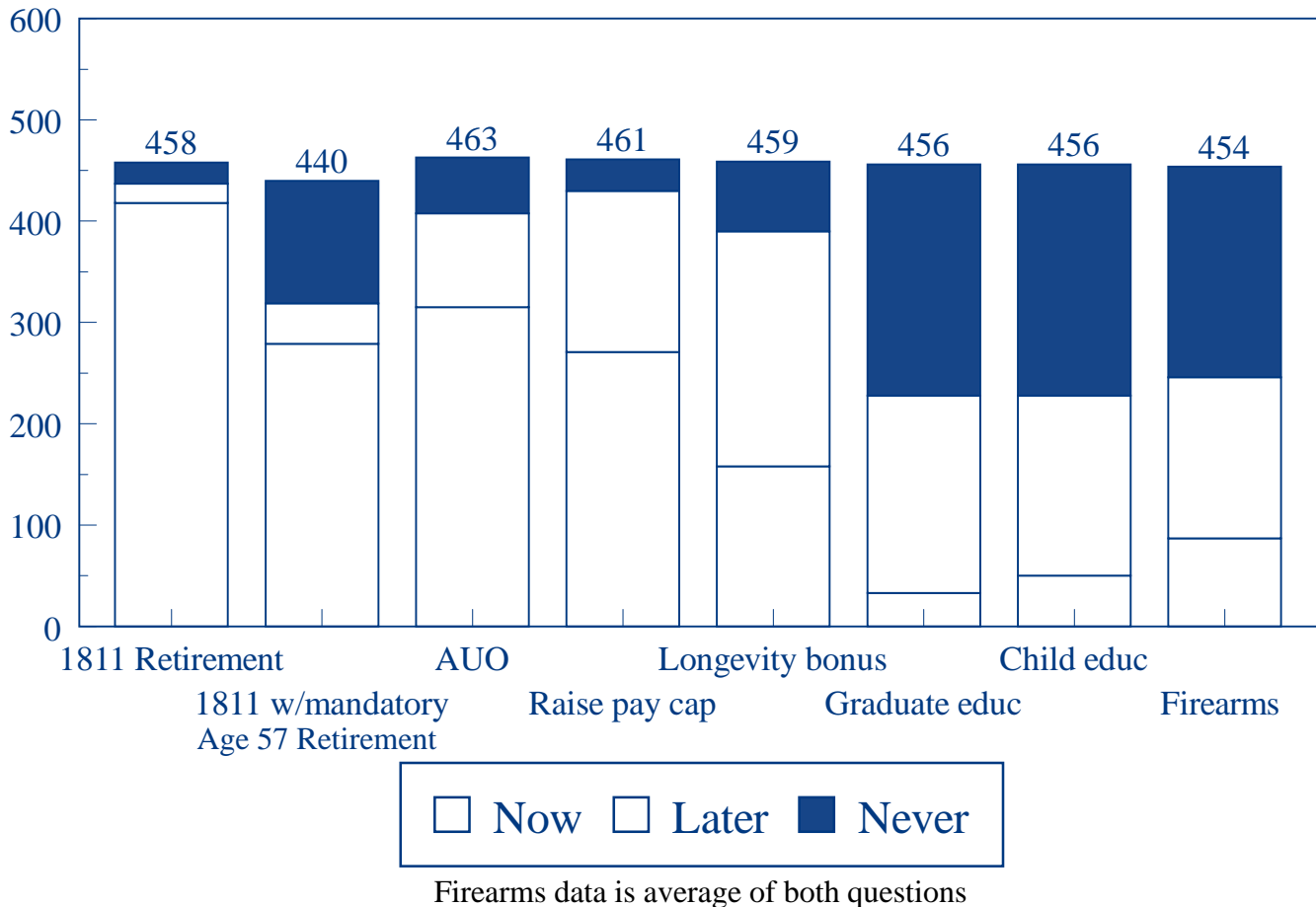
	<u>Reponses</u>	<u>Percentage</u>
Very narrow, one issue at a time	12	39%
Narrow, not more than two issues at a time	141	31%
Balanced, two to three issues	236	52%
Broad, several issues at a time	36	8%
All issues on the NAAUSA agenda	28	6%

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3. Please check below the importance of each issue to you and its priority for NAAUSA.

Pursue Now	Pursue Later	Should Not Pursue	
418	19	21	Obtain Section 1811, law enforcement status for all AUSAs in order to receive the same retirement benefits as other federal employees in the law enforcement community.
279	40	121	Obtain Section 1811, law enforcement retirement for all AUSAs, <u>even if it includes mandatory retirement.</u>
315	93	55	Permit AUSAs to receive administrative uncontrollable overtime (AUO), health and insurance benefits similar to other federal law enforcement employees.
271	159	31	Recommend that the Attorney General urge Congress to substantially raise the salary cap for AUSAs.
158	232	69	Request that DOJ seek appropriate authorization to establish a longevity bonus system for senior AUSAs.
33	195	228	Recommend that DOJ establish a graduate education program.
50	178	228	Request that DOJ establish an educational funding program for children of AUSAs.
87	167	202	Liberalize the DOJ policy on special deputation which allows AUSAs to carry firearms under certain circumstances.
88	152	214	Pursue a DOJ policy allowing AUSAs to carry firearms when in duty status provided they are licensed by their respective state jurisdictions.

## NAAUSA Priorities



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## ***Part II – Justice and Legal Reforms***

Please check the appropriate column to indicate how strongly you believe the reform would improve the federal judicial system.

<b>Greatly Improve</b>	<b>Improve Somewhat</b>	<b>Would Not Improve</b>	
109	259	77	Add additional prosecutors, judges and attendant personnel to eliminate the “choke point” in criminal justice system.
130	258	60	Implement Title 18, Section 3662 to create a national repository of all criminal convictions in the United States.
96	174	171	Select 14 people for juries, but retain 12-person verdicts, to reduce the number of hung juries.
181	199	75	Seek legislation to exempt federal prosecutors from disciplinary rules of state and local bar associations where the conduct at issue is job related.
162	204	76	Bar evidentiary hearings on motions to suppress without prior affidavits from defense that will establish that a hearing will be more than a discovery session.

## **Part I Comments**

Many of the AUSAs who responded to the 1996 AUSA survey wrote comments on the issues that should be included in the NAAUSA agenda. Among the suggestions which appeared more than once were the following:

- Rectify retirement inequities and acquire 1811 (law enforcement benefits) status for AUSAs, including civil AUSAs who deal with tax protestors, militia, etc.
- Obtain reimbursement for professional liability insurance and/or bar dues.
- Reform the OPR disciplinary process.
- Obtain child care facilities/day care on site.
- Pursue immunity from personal liability for doing job.
- Permit AUSAs to carry badges.

There were also several comments related to AUSA pay, including obtaining compensatory time for litigation and investigative overtime, salary adjustments to match salaries of peers in private sector and increasing the salary cap to the level of a magistrates judges salary.

Of particular interest to the NAAUSA Board are the number of comments about initiatives that are already included in NAAUSA’s major objectives. (See page 7.)

Some of the comments suggested NAAUSA pursue issues which are currently available to federal employees. Future issues of the *NAAUSA Quarterly* will include reminders of the government employees benefits program already in place to benefit and assist AUSAs and their families.

## **Part II Comments**

Several AUSAs suggested reforms to improve the federal judicial system. Among the suggestions made were:

- Obtain immunity for prosecutors for actions taken during the investigative phase of a case.
- Give the government and defense the same number of peremptory juror challenges.
- Allow nonunanimous verdicts 11-1 to convictions.
- Abolish the civil rights act of 1991 amendment that instituted jury trials in discrimination cases against the government.
- Permit pre-trial determination of as many evidentiary issues as possible while retaining current rules of appealability of such rulings.
- Address the increasing pro se litigation in federal court.

Of particular note were the number of suggestions related to “term limits for federal judges,” the poor and politicized selection process for judges and mandatory litigation experience for all judges and magistrates. Some of these comments are directly opposite the views of the Chairman of Senate Judiciary Committee, Senator **Orrin Hatch** (R-UT), who strongly opposes establishing term limits for judges.