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Predictors of Texas Police Chiefs' Satisfaction with Police-Prosecutor Relationships

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Author Note

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This study is based on data collected for a larger study on police-prosecutor relationships conducted for the author's dissertation and funded by the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT). Points of view are those of the author and do not necessarily reflect the views of LEMIT. The author would like to thank LEMIT for facilitating survey administration. The author acknowledges the guidance and feedback provided by the following individuals during the conduct of the larger study: Dr. Larry Hoover, Dr. William Wells, Dr. Travis Franklin, Dr. Rolando v. del Carmen, and Dr. Michael Vaughn. An earlier version of this article was presented at the 2014 Academy of Criminal Justice Sciences meeting held in Philadelphia, PA.

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Author Biography

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### Abstract

Although strain in police-prosecutor relationships may be built into the criminal justice system's checks and balances, the administration of criminal justice can benefit from the adoption of practices which improve these working relationships. A first step towards the adoption of such practices can be taken by first adding to the knowledge base regarding this understudied topic. Using a survey of a state-wide sample of Texas police chiefs, this exploratory study identifies which aspects of police-prosecutor interaction styles are predictors of police chiefs' satisfaction with police-prosecutor relationships. Results indicate that perceived level of police input in prosecutors' plea bargain and charging decisions, perceived directness of felony trial preparation communication method, and perceived frequency of decision-maker interactions predict police chiefs' satisfaction with police-prosecutor relationships. Policy implications are discussed.

*Keywords:* police-prosecutor relationships, police chiefs, policing, prosecutors, interagency

### Predictors of Texas Police Chiefs' Satisfaction with Police-Prosecutor Relationships

While police agencies and prosecutor's offices in the United States are independent organizations, they are also somewhat interdependent (Walther, 2000). The police-prosecutor relationship is characterized by mutual dependence, with the police depending on prosecutors to prosecute cases and prosecutors depending on the police as their primary evidentiary source (Castberg, 2003). Although arresting and prosecuting criminals would seem to require police and prosecutors to closely cooperate with one another, the division of responsibility for handling criminal cases between two independent agencies sharing basic goals but having differing immediate tasks and the lack of a single authority figure in charge of law enforcement gives rise to inefficiency and interagency conflict (McIntyre, 1975). Sources of tension in police-prosecutor relationships include lack of feedback, inadequate consultation, police resentment of prosecutors' adverse case disposition decisions, police failure to meet prosecutor's information needs, and failure to understand each other's work (McDonald, Rossman, & Cramer, 1982a).

Although strain in police-prosecutor relationships may be built into the system given prosecutors' role in screening police allegations as part of the American criminal justice system's checks and balances, the administration of criminal justice can benefit from the adoption of practices which improve the working relationships of police and prosecutors (Castberg, 2003; Group 2, 2003). A first step towards the adoption of such beneficial practices can be taken by first adding to the knowledge base regarding police-prosecutor relationships, which is an understudied topic. The present study begins to fulfill this need by identifying which aspects of police-prosecutor interaction styles are predictors of police chiefs' satisfaction with police-prosecutor relationships. Policymakers seeking to make police-prosecutor relationships more harmonious in the interest of benefitting the administration of justice can use such knowledge to

adopt reforms which target those aspects of police-prosecutor interaction styles which are likely to impact police chiefs' satisfaction with this interagency relationship.

### **Literature Review**

#### **Police-Prosecutor Interactions and Strain in Police-Prosecutor Relationships**

Friction arises in police-prosecutor relationships at contact points where they have occasion to evaluate each other's performance, issues concerning allocation of responsibility surface, and the groups' immediate goals may conflict (McIntyre, 1975). Police and prosecutors come into contact with each other in a number of situations, including case intake, case screening, plea bargaining, trial, when there are changes in the law, when prosecutors provide legal advice, and when prosecutors become involved in police training (McIntyre, 1975). Police and prosecutors have diverging organizational goals, which are reinforced by differences in social classes, the impact of career aspirations, and the absence of formal connection between police and prosecutor organizations (Feeley & Lazerson, 1983).

The literature describes numerous sources of strain in police-prosecutor relationships including: (1) lack of feedback (McDonald et al., 1982a); (2) suboptimal consultation (McDonald et al., 1982a); (3) prosecutorial domination of the charging decision (Francis, 1985; Neubauer, 1974); (4) police resentment of prosecutors' adverse decisions concerning case dispositions (McDonald et al., 1982a; McIntyre, 1975), which is symptomatic of an underlying police resentment of the lack of opportunity for police input in the plea negotiation process (McDonald et al., 1982a); (5) arrest-oriented police failing to provide prosecutors with the information needed to successfully prosecute cases (McDonald et al., 1982a); (6) inadequate communication (McDonald et al., 1982a); and (7) lack of understanding of each other's work (McDonald et al., 1982a).

Consultation between police and prosecutors is not as frequent and thorough as one would expect (McIntyre, 1975). In fact, one observational study found that in many jurisdictions there was almost no communication between the prosecutor and the police chief (LaFave, 1965). Despite a need for prosecutorial advice during the investigative process, in many jurisdictions such prosecutorial advice is not systematically given, but rather is given ad hoc and mostly in the wake of catastrophes, amid prosecutorial complaints about the police not consulting them before taking action and police complaints about prosecutors' inaccessibility and disinterest (McDonald et al., 1982a).

However, there are instances in which prosecutors may become more involved in the early stages of case processing, such as when prosecutors engage in informal case screening for certain types of cases before a decision to arrest has been made (Pattavina, Morabito, & Williams, 2015; Spohn & Tellis, 2010). In sexual assault cases, prosecutors are involved in decision-making at the arrest stage in many jurisdictions, conflating prosecutorial case screening decisions based on sufficiency of the evidence to prove a case beyond a reasonable doubt with the police decision regarding whether to make an arrest, which should be made based on a probable cause standard (Pattavina et al., 2015; Spohn & Tellis, 2010). Using informal prosecutorial case screening as the basis for a decision to exceptionally clear a sexual assault case rather than make an arrest benefits both agencies, by inflating the prosecutor's charging rate and facilitating a high conviction rate while inflating the police department's total clearance rate, but may come at the expense of justice for victims who are denied access to the courts (Spohn & Tellis, 2010). While such an arrangement may benefit both police and prosecutors at the agency level, using a beyond a reasonable doubt standard at the arrest stage rather than the appropriate probable cause standard may generate tension in police-prosecutor relationships on an individual

level, as reflected in differing perceptions of the same case decision process, with police perceiving prosecutorial decisions not to accept a charge as driving the determination to exceptionally clear cases rather than clear by arrest while prosecutors perceive police as driving the exceptional clearance determination since police decide whether to further investigate and resubmit cases which were initially rejected (Boulahanis, 1998, as cited in Reidel & Boulahanis, 2007). Thus, while interagency consultation may potentially have a positive impact in some instances, such as when prosecutors give advice regarding the legality of a search thus protecting citizens' constitutional rights, such consultation can also have a negative impact in other instances, as noted above.

Tensions also arise in police-prosecutor relationships due to issues associated with the latter stages of case processing. Prosecutors function as members of a courtroom workgroup whose core members, sharing a legal training background and professional identity as lawyers, operate according to group norms in furtherance of common goals which facilitate case processing (Eisenstein & Jacob, 1977). Police complaints about prosecutors' adverse case disposition decisions arise from police resentment of their exclusion from the courtroom workgroup which makes decisions affecting cases in which police have invested time and effort (McDonald et al., 1982a; McDonald, Rossman, & Cramer, 1982b). Studies have found that police are infrequently informed of the reasons for plea bargains (McIntyre, 1975; Pindur & Lipiec, 1982), and this lack of feedback is a source of complaints (McDonald et al., 1982a) and friction (Tucker, 1970). Pindur and Lipiec (1982) found that police desire discussion of testimony before trial, and that this desire was not routinely fulfilled. Furthermore, prosecutors do not routinely discuss testimony after trial (Pindur & Lipiec, 1982). Thus, a lack of interaction

throughout the latter stages of case processing gives rise to police complaints, indicating this is a source of friction in police-prosecutor relationships.

There is some inherent amount of strain built into police-prosecutor relationships, reflective of the tension between Packer's (1964) due process and crime control models of the criminal justice system. Prosecutors are part of the executive branch, yet are also bound by the rules of professional responsibility governing lawyers to act as officers of the court (Boyes-Watson, 2003; Castberg, 2003; Neubauer, 2005; Siegel & Senna, 2005). Prosecutors have a duty to hold law violators accountable by seeking warranted convictions while also having a duty to act in the interests of justice, which includes a responsibility to act as a check against police violations of citizens' constitutional rights through rigorous case screening (Castberg, 2003; Group 2, 2003; Miller & Wright, 2006, 2008). Thus, prosecutors are sensitive to both crime control and due process concerns. This role would be expected to engender some friction in police-prosecutor relations and thus conflicting perspectives concerning case dispositions can be an indication that the criminal justice system's checks and balances are working properly (Group 2, 2003).

Nevertheless, given that at the heart of police complaints regarding adverse case disposition decisions is resentment of a lack of opportunity for police input in the plea negotiation process (McDonald et al., 1982a, 1982b), simply giving police the opportunity to be heard before prosecutors make case disposition decisions, in accordance with principles of procedural justice (Haas, Craen, Skogan, & Fleitas, 2015; Tyler & Degoey, 1996), has the potential to minimize interagency friction and foster more harmonious relationships.

Unnecessary excess strain in police-prosecutor relationships should be avoided in the interest of promoting productive working relationships, which can provide a context conducive to



interagency communication which promotes both protections of citizens' due process rights, such as prosecutors providing training regarding legal constraints on police action to a receptive audience of police officers, and building solid cases to secure warranted convictions, such as communication of prosecutors' information needs (McDonald et al., 1982a; McIntyre, 1975; Scales & Baker, 2000).

### **Improving Police-Prosecutor Relationships**

The need to improve police-prosecutor cooperation has long been recognized (Cawley et al., 1977; McIntyre, 1975). Acknowledging the problems in police-prosecutor relationships, organizations such as the National District Attorneys Association, the International Association of Chiefs of Police, and the National College of District Attorneys have conducted conferences designed to foster discussion of the police-prosecutor relationship among police and prosecutors with the goal of improving that relationship (McIntyre, 1975). The American Bar Association, National Advisory Commission on Criminal Justice Standards and Goals, and National District Attorneys Association have promulgated standards in an attempt to prescribe practices which can improve the relationship between prosecutors and police (Douglass, 1977).

There has been research conducted in particular localities to evaluate the effect of specific programs designed to increase cooperation and communication between police and prosecutors on outcome measures such as case attrition (Garofalo, 1991; Petersilia, Abrahamse, & Wilson, 1990) and perceptions of improvement in police-prosecutor relations (Pindur & Lipiec, 1982). Pindur and Lipiec (1981, 1982) found that the Portsmouth, Virginia Major Offender Program's Pager System, which made prosecutors available to police by pager 24 hours a day seven days a week for felony case screening and charging, was perceived by both police and prosecutors as improving police-prosecutor relations. Police officers cited increased

personal contact and ease and speed of contact with prosecutors as ways in which the Pager System improved interdepartmental relations while prosecutors cited improved police-prosecutor cooperation, rapport, and understanding of each other's jobs as benefits (Pindur & Lipiec, 1982).

The literature indicates possible links between trends in organizational strategies, such as vertical prosecution (in which a single prosecutor is assigned to handle a case from its inception to final disposition) and community prosecution, and the quality of police-prosecutor relationships (Boland, 2001; Coles, 2000; Fluellen, 2002; Reasons, Francis, & Kim, 2010; Scales & Baker, 2000; Swope, 2000). Coles (2000) noted that as some prosecutors' offices shift from a felony case processor organizational strategy to a community prosecution strategy, this often entails prosecutors working more closely with police officers as well as other governmental agencies and citizens. Fluellen's (2002) Portland, Oregon case study of interactions between community policing, community prosecution, and community court programs found that police and neighborhood prosecutors' frequent interactions across ranks, which were perceived by participants as conferring mutual benefits, were facilitated by neighborhood prosecutors' open door policies and physical proximity created by neighborhood prosecutors' offices being located in police precincts.

One program evaluation case study found that vertical prosecution improved police-prosecutor coordination and communication, which yielded stronger cases and had a positive impact on case dispositions (Scales & Baker, 2000). Reasons et al.'s (2010) cross-national interview case study points to a possible link between vertical prosecution and homicide detectives' satisfaction with police-prosecutor relationships, as well as highlighting the potential impact of court decisions and corresponding heightened prosecutorial scrutiny of police work on police satisfaction with police-prosecutor relationships. Reasons et al. found that, while the most

frequent response for both the Seattle, Washington and Vancouver, British Columbia homicide units was reporting a good relationship with prosecutors, due to the social and legal environment. Seattle homicide detectives were significantly more satisfied with the police-prosecutor relationship, with 81 percent of the Seattle respondents reporting having a good relationship with prosecutors in contrast to only 46 percent of Vancouver respondents indicating a good relationship with prosecutors. Reasons et al. noted that there was a relatively recent program in Seattle which entailed the same prosecutor handling a case from crime scene through trial, whereas in Vancouver there was not such continuity of prosecutorial case handling. Also, in Vancouver there was more prosecutorial scrutiny of homicide detectives' work due to recent changes in constitutional rights for the accused, as well as a tradition of more separation between police and prosecutorial agencies (Reasons et al., 2010).

The literature is replete with suggestions of measures which are thought to hold the promise of improving police-prosecutor relationships including: prosecutors having regular meetings with police agency heads (Jacoby, Gilchrist, & Ratledge, 1999); participation in each other's training programs (McDonald et al., 1982a) and prosecutors providing training to police on good report writing skills, testifying techniques (Jacoby et al., 1999), and legal aspects of investigation, arrest, and charging (Brady, 2000); prosecutors' intake units providing feedback on police performance (McDonald et al., 1982a) and problems with reports (Jacoby et al., 1999) and communicating their reasons for rejecting cases to the police (McIntyre, 1975); prosecutors consulting the police prior to disposing of a case by plea negotiations (National District Attorneys Association, National Prosecution Standards, 1977, Chapter 20, Standard 20.1, as cited in Douglass, 1977); and systems providing written feedback to police regarding case outcomes and decision rationales (Cawley et al., 1977; McDonald et al., 1982a). While many of

these suggestions sound like good ideas, it may be impractical to adopt all of these measures and there may be resistance to adopting some of these measures.

Case study program evaluations and descriptive studies have shed some light on the effect of organizational strategies and programs designed to improve police-prosecutor cooperation and communication on police-prosecutor relationships. However, there is a lack of multivariate analysis of the relationship between police-prosecutor interaction styles and police-prosecutor relationships using a state-wide sample. Therefore, research using recent data from a state-wide sample to analyze what aspects of police-prosecutor interaction styles predict satisfaction with police-prosecutor relationships is needed. Findings from such research can serve as the basis for developing policies which target those aspects of police-prosecutor interaction styles most likely to make police-prosecutor relationships more harmonious.

#### **The Current Study's Contribution: Predicting Police-Prosecutor Relationship Satisfaction**

McIntyre (1975) found that high-level personnel gave positive general police-prosecutor relationship assessments even though they also indicated less than ideal police-prosecutor interaction styles such as infrequent consultation and prosecutorial advice given with respect to limited areas. This raises the question of which aspects of police-prosecutor interaction styles predict positive overall assessments of police-prosecutor relationships. While the literature to date has certainly catalogued a litany of complaints regarding police-prosecutor relationships, it may be that not every source of complaint needs to be addressed in order to make these relationships more harmonious. Furthermore, perhaps some of the prescribed ideal ways of structuring police-prosecutor interactions are unlikely to improve satisfaction levels with police-prosecutor relationships.

In the literature on police-prosecutor relationships, there is a general lack of multivariate analysis of the relationship between police-prosecutor interaction styles and satisfaction with police-prosecutor relationships. Instead, the literature tends to rely on descriptions, through the use of qualitative analysis and basic descriptive statistics, of police-prosecutor interactions, complaints police and prosecutors have about each other, efforts to improve the relationship, and perceptions of the overall relationship, plus prescriptive statements about what should be done to improve police-prosecutor relationships and case study evaluations of programs implemented with the aim of improving such relationships. In the absence of multivariate analysis, which aspects of police-prosecutor interactions predict satisfaction with police-prosecutor relationships is unknown. One would expect that reducing sources of friction and fulfilling desires would be associated with increased odds of relationship satisfaction. Much of the literature makes prescriptive statements based on this assumption. However, when deciding how to allocate resources and effort in an attempt to improve harmony within police-prosecutor relationships, there is a need for an empirical assessment of which aspects of police-prosecutor interactions predict satisfaction with police-prosecutor relationships.

The present study seeks to address this gap in the literature by identifying which aspects of police-prosecutor interaction styles predict Texas police chiefs' satisfaction with police-prosecutor relationships. Specifically, this study addresses the following research question: Which aspects of police-prosecutor interaction styles (perceived level of police input in prosecutors' plea bargaining decisions, perceived level of police input in prosecutors' charging decisions, perceived regularity of prosecutorial feedback, perceived frequency of prosecutor-provided police training, perceived directness of felony trial preparation communication method, perceived frequency of line level police consultation of prosecutors, and perceived frequency of

top decision-makers' interactions) predict police chief satisfaction with police-prosecutor relationships? This line of research has important policy implications. Given resource constraints, policymakers seeking to implement changes in police-prosecutor interaction styles in order to make police-prosecutor relationships more harmonious in the interest of benefitting the administration of justice would benefit from being able to target those aspects of police-prosecutor interaction styles likely to impact satisfaction with police-prosecutor relationships.

## Method

### Data

The primary source of data used in this study was collected through self-administered surveys of police chiefs attending the Texas Police Chief Leadership Series (TPCLS), a training program conducted by the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT).<sup>1</sup> The survey instrument was constructed based on issues identified from the literature review.<sup>2</sup> Texas law mandates that all police chiefs, numbering about 1,080, attend the TPCLS every two years (Stewart, 2009; Y. Shorten, personal communication, May 4, 2012).<sup>3</sup> Of the 455 Texas police chiefs attending TPCLS training sessions during an 11-month period in 2011 to 2012, 292 police chiefs participated in answering the survey (a response rate of approximately

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<sup>1</sup> Sam Houston State University's Institutional Review Board approved the administration of the survey to human subjects. Informed consent was obtained from all respondents. Respondents were promised confidentiality.

<sup>2</sup> Respondents were instructed to answer all questions in reference to the prosecutor's office to which the respondent's police agency regularly refers felony cases.

<sup>3</sup> The sampling frame includes only the heads of those agencies subject to attending TPCLS, which includes the heads of municipal agencies, college campus police agencies, independent school district police agencies, and other special police agencies (Bill Blackwood Law Enforcement Management Institute of Texas [LEMIT], n.d.-b; Vaughn, Cooper, & del Carmen, 2001). Thus, heads of law enforcement agencies who are not required to attend TPCLS, such as heads of county and state police agencies, constables, and chiefs of municipal agencies which serve jurisdictions with populations of 100,000 or more (who are eligible to attend the Texas Major Cities Police Chief Leadership Series), are not part of the sampling frame (Bill Blackwood LEMIT, n.d.-a; Bill Blackwood LEMIT, n.d.-b; Texas Association of Counties, n.d.).

64%) and 277 completed usable surveys.<sup>4</sup> While caution is warranted when generalizing the findings of this study to nonparticipating police chiefs since police chiefs self-selected the dates they attended the mandatory training sessions during the two-year cycle, given that the sample represents more than 25 percent of the population of Texas police chiefs, the sample is likely to be representative of Texas police chiefs. In addition to the primary data source of self-administered surveys of police chief TPCLS attendees, this study also used secondary data sources, including U.S. Census data and Uniform Crime Reports (UCR) data, for police agency and jurisdiction characteristics used to describe the sample.<sup>5</sup>

### **Measures**

Each of the variables used in the multivariate analysis is a composite measure comprised of multiple survey items which shed light on different aspects of a concept. Categorical principal components analysis (CATPCA), which was appropriate due to the ordinal nature of the indicators (Manfredi, Manisera, & Dabrassi, 2009),<sup>6</sup> was performed on each grouping of survey items which relate to a concept of interest in order to assess whether each group of indicators represented a singular construct. Comparison of solutions with varying numbers of dimensions is necessary when determining the number of components to retain because solutions are not nested in CATPCA (Linting & van der Kooij, 2012). Therefore, for each CATPCA conducted, solutions with varying numbers of dimensions, at the ordinal scaling level, were compared, and when each indicated the appropriateness of retaining one component for the CATPCA solution,

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<sup>4</sup> Five respondents who had at least 50 percent missing data were excluded from analyses, as were ten respondents who were heads of other type police departments (including marshal's offices and agencies serving airports, medical facilities, and aquatic areas), which have functions differing from the municipal, university or college, and school district police departments and would therefore be expected to have differing interactions with prosecutors.

<sup>5</sup> When metric agency size data was unavailable in the UCR, data was collected by telephone inquiry to the police department.

<sup>6</sup> For each composite measure, a one-component CATPCA solution with numeric scaling, which gives equivalent results to classic linear principal components analysis (Linting & van der Kooij, 2012), was similar to the one-component CATPCA solution with ordinal scaling.

this suggested the indicators represented a singular construct. In each case, the decision to retain one component was based on the scree test criterion and the latent root criterion. For each index, CATPCA suggested that the indicators represented a singular construct.

For each CATPCA, bivariate correlations of the indicators of each construct were examined, and all exceeded .30, suggesting the viability of principal components analysis for quantifying the scales (Hair, Black, Babin, Anderson, & Tatham, 2006; Tabachnick & Fidel, 2007). For each CATPCA suggesting singular constructs, components with eigenvalues larger than 2 were retained as individual constructs and component loadings exceeded .4, indicating a quality analysis (Hair, Anderson, Tatham, & Black, 2008). Therefore, the constructs can be considered high in reliability. Table 1 presents the items which comprise each composite measure, along with the corresponding response scale, as well as the CATPCA component loadings, variance accounted for (VAF), eigenvalues, and Cronbach's  $\alpha$ . For each of these composite measures, CATPCA suggested that the indicators for that composite measure represented a singular construct, the one-component CATPCA solution with ordinal scaling accounted for at least 70 percent of the variance, and Cronbach's alpha is at least .799.<sup>7</sup>

In order to retain the ordering of categories while not presuming linearity, an ordinal scaling level was used for all of the CATPCA solutions (Linting & van der Kooij, 2012). For each composite measure used in this study, respondents' mean scores on the indexes, which were calculated by totaling the scores for all items making up an index and dividing by the number of items in that index, are used in the multivariate analysis. This benefits interpretability since the

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<sup>7</sup> The general consensus is that .70 is the lower limit for Cronbach's alpha when assessing the internal consistency of a scale, although a lower limit of .60 may be acceptable for exploratory research (Hair et al., 2006). A principal components analysis (PCA) solution accounting for 60 percent of total variance is considered satisfactory in the social sciences (Hair et al., 2006).



mean scores have the same range as the original survey items and has an advantage over the use of factor scores in terms of replicability (Hair et al., 2006).

**Dependent variable.** The dependent variable is Texas police chiefs' overall satisfaction with the police-prosecutor relationship (Overall Relationship Satisfaction Index), which was measured via a 3-item index, with each item having a five-point response scale, ranging from strongly disagree to strongly agree. The three survey items pertain to police chiefs' agreement with statements concerning the interagency relationship being excellent, there being a need for improvement in the interagency relationship, and the activities of the two agencies being well-coordinated. The item concerning need for improvement in the relationship was reverse coded so that for each item higher numbers indicate higher satisfaction with the police-prosecutor relationship.

**Independent variables.** The independent variables are the respondent's mean scores on the following indexes measuring important aspects of police-prosecutor interactions: Police Input – Plea Bargaining Index, Police Input – Charging Index, Prosecutorial Feedback Index, Prosecutor-Provided Training Index, Trial Preparation Communication Method Index, Line Level Police Consultation Index, and Decision-Maker Interactions Index. These aspects of police-prosecutor interaction styles were selected as variables based on the sources of friction described in the literature on police-prosecutor relationships in order to facilitate assessment of which of the litany of complaints actually predict police chiefs' satisfaction with police-prosecutor relationships. While one might expect that addressing complaints would improve relationships, it is important to first empirically assess which aspects of police-prosecutor interaction styles impact relationship satisfaction so that limited resources can be channeled effectively.

The first two independent variables pertain to the perceived level of police input in prosecutorial decision-making concerning case processing. Texas police chiefs' perceptions of police input in plea bargain decisions (Police Input – Plea Bargaining Index) and Texas police chiefs' perceptions of police input in charging decisions (Police Input – Charging Index) were each measured by a four-item index, with these items pertaining to the level of police input with which prosecutors typically make plea bargain or charging decisions, respectively, in property, violent, driving while intoxicated, and drug cases.

The next three independent variables pertain to perceptions regarding prosecutors' feedback to police, interagency training, and directness of felony trial preparation communication method. Texas police chiefs' perceptions of regularity of prosecutorial feedback (Prosecutorial Feedback Index) was measured by a three-item index, with these items pertaining to the degree of regularity of prosecutorial feedback to the police agency, expressed as a proportion of cases for which feedback is given, for the following matters: (1) officers' courtroom performance; (2) reasons for initial charging decisions; and (3) reasons for dismissals, reductions, and plea bargains. Texas police chiefs' perceptions of frequency of prosecutor-provided police training (Prosecutor-Provided Training Index) was measured by a four-item index, with these items pertaining to the frequency with which prosecutors provide training to officers in the police agency for the following matters: (1) providing effective testimony; (2) legal issues; (3) prosecutors' information needs; and (4) report writing skills. Texas police chiefs' perceptions of trial preparation communication methods (Trial Preparation Communication Method Index) were measured by a four-item index, with these items pertaining to the typical communication method, going beyond the offense report, between the arresting

officer and prosecutors which occurs prior to the day of the trial/hearing for felony property, violent, driving while intoxicated, and drug cases which go to trial.

The final two independent variables pertain to perceived frequencies of line level consultation and top decision-maker interactions. Texas police chiefs' perceptions of frequency of line level police consultation of prosecutors (Line Level Police Consultation Index) was measured by a seven-item index, with these items pertaining to how frequently: (1) patrol officers consult with prosecutors, consult prosecutors prior to arrest, and seek legal advice from prosecutors; (2) investigators consult with prosecutors, consult prosecutors prior to arrest, and seek legal advice from prosecutors; and (3) prosecutors provide legal advice to officers. Texas police chiefs' perceptions of frequency of top decision-makers' interactions (Decision-Maker Interactions Index) was measured by a three-item index, with these items pertaining to the frequency with which top decision-makers from the police agency and the prosecutor's office: (1) meet to discuss criminal justice administration issues; (2) socialize; and (3) communicate.

### **Analysis**

The goal of this study is to identify which aspects of police-prosecutor interactions are predictors of police chiefs' overall satisfaction with the police-prosecutor relationship. First, descriptive statistics pertaining to sample characteristics will be presented to facilitate an understanding of the sample of police chiefs who participated in the study. Next, notable findings from the descriptive statistics for the composite measures will be presented. Then bivariate analysis results will be examined to assess the relationship between each of the independent variables and the dependent variable. Finally, an ordinary least squares (OLS) regression model will be presented to assess which aspects of police-prosecutor interactions (Police Input – Plea Bargaining Index, Police Input – Charging Index, Prosecutorial Feedback

Index, Prosecutor-Provided Training Index, Trial Preparation Communication Method Index, Line Level Police Consultation Index, and Decision-Maker Interactions Index) predict police chiefs' overall satisfaction with the police-prosecutor relationship.

Stepwise multiple regression, using the backward deletion method and with listwise deletion of cases with missing values, was conducted.<sup>8</sup> Data screening led to the elimination of one multivariate outlier, whose Mahalanobis' distance score exceeded the chi square critical value at  $p < .001$ . Tolerance statistics were greater than .1, indicating that multicollinearity is not a problem (Mertler & Vannatta, 2005). Examination of the residuals scatterplot indicates that assumptions of normality, linearity, and homoscedasticity are met.

### Results

The descriptive statistics of categorical variables describing the sample are shown in Table 2. The vast majority of the sample were chiefs of municipal police departments ( $n = 217$ ; 78.3 percent) and their agencies represented metropolitan jurisdictions ( $n = 193$ ; 69.7 percent). While chiefs of small police departments (6 to 25 full-time sworn officers) had the highest frequency in the sample ( $n = 112$ ; 40.4 percent), chiefs of very small police departments (1 to 5 full-time sworn officers) were not much less frequent ( $n = 86$ ; 31 percent).<sup>9</sup> The sample's police agency characteristics are similar to those of police departments nationwide, which are mostly municipal police departments and with almost half employing less than 10 sworn officers (Hickman & Reaves, 2006).

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<sup>8</sup> Stepwise multiple regression is appropriate given the exploratory nature of the study (Mertler & Vannatta, 2005).

<sup>9</sup> Using the classification scheme employed by Webb (2007), Stewart (2009), and Stewart and Morris (2009), which is based on the Texas Commission on Law Enforcement Officer Standards and Education's (TCLEOSE) format, police agencies were classified for agency size, based on number of full-time sworn law enforcement officers employed, as follows: one to five officers is very small, 6 to 25 officers is small, 26 to 50 officers is medium, and over 50 officers is large. Respondents serving a municipal police agency serving a population of 2,500 or less and for whom metric agency size data was missing were classified as serving very small police agencies based on typical police-population ratios. In terms of metric agency size, the median was 12 full-time sworn law enforcement officers ( $M = 25.80$ ,  $SD = 38.35$ ).

The descriptive statistics of the composite measures used in the multivariate analysis are shown in Table 3. The mean for the Overall Relationship Satisfaction Index (3.38) indicates that there is room for improvement with regard to police chiefs' satisfaction with police-prosecutor relationships. Comparing the mean for the Police Input – Charging Index (2.26) with the mean for the Police Input – Plea Bargaining Index (1.60) yields a noteworthy finding. The police chief respondents perceive that police have a higher level of input in prosecutors' charging decisions than they do in prosecutors' plea bargain decisions. This is not unexpected, as there are likely more opportunities for police-prosecutor interaction at the charging stage than at the plea bargain stage.

Note that a comparison of the means for the Line Level Police Consultation Index (3.58) and the Decision-Maker Interactions Index (2.38) suggests that line level police personnel consult with prosecutors more frequently than top decision-makers from the police agency and the prosecutor's office interact. This is not surprising, as one would expect that there would be a necessity for line level consultation to be more frequent than interagency interactions among the top decision-makers.

Table 4 presents the Pearson's  $r$  correlation matrix from a bivariate analysis, which indicates that each of the seven independent variables has a statistically significant, moderate, positive correlation to the dependent variable. In other words, greater police input in prosecutors' plea bargaining decisions, greater police input in prosecutors' charging decisions, more consistent prosecutorial feedback, more frequent prosecutor-provided police training, use of a more direct communication method prior to felony trials, more frequent line level police consultation, and more frequent decision-maker interactions are each associated with greater police chief satisfaction with the police-prosecutor relationship.

Backward stepwise regression results indicate the final model of four predictors (Police Input – Charging Index, Police Input – Plea Bargaining Index, Trial Preparation Communication Method Index, and Decision-Maker Interactions Index) significantly predicts Texas police chiefs' satisfaction with police-prosecutor relationships,  $R^2=.303$ ,  $R^2_{adj}=.290$ ,  $F(4, 219)=23.81$ ,  $p<.001$ . This model accounts for 30.3% of variance in Texas police chiefs' satisfaction with police-prosecutor relationships.

Table 5 presents a summary of the full and final OLS regression models. The final model indicates that four predictors significantly contribute to the model: Police Input – Charging Index, Police Input – Plea Bargaining Index, Trial Preparation Communication Method Index, and Decision-Maker Interactions Index. Each of these predictors is positively related to Texas police chiefs' satisfaction with police-prosecutor relationships, with an increase in each predictor leading to an increase in satisfaction. Thus, greater police input in prosecutors' charging decisions ( $\beta=.169$ ,  $p=.016$ ), greater police input in prosecutors' plea bargaining decisions ( $\beta=.178$ ,  $p=.009$ ), use of a more direct communication method prior to felony trials ( $\beta=.255$ ,  $p<.001$ ), and more frequent decision-maker interactions ( $\beta=.154$ ,  $p=.017$ ) each lead to greater police chief satisfaction with the police-prosecutor relationship. Finally, note that use of a more direct communication method prior to felony trials has the greatest impact on police chief satisfaction with the police-prosecutor relationship.

### **Discussion**

The present study addressed the question of which aspects of police-prosecutor interactions are predictors of police chiefs' overall satisfaction with the police-prosecutor relationship. The primary finding of this study is that greater police input in prosecutors' charging decisions, greater police input in prosecutors' plea bargaining decisions, use of a more

direct communication method prior to felony trials, and more frequent decision-maker interactions each lead to greater police chief satisfaction with the police-prosecutor relationship. While prior research using quantitative, multivariate methods to assess predictors of satisfaction with police-prosecutor relationships is lacking, this finding is consistent with indications in the literature that sources of friction in police-prosecutor relationships included prosecutorial domination of charging decisions (Francis, 1985; Neubauer, 1974) and resentment of lack of opportunity for police input in the plea negotiation process, which was at the heart of police complaints about prosecutors' adverse case disposition decisions (McDonald et al., 1982a). It is also consistent with Pindur and Lipiec's (1982) finding that police desire discussion of testimony before trial, and that this desire was not routinely fulfilled. One would expect that reducing sources of friction and fulfilling police desires would be associated with greater police chief satisfaction with the police-prosecutor relationship. Finally, it is consistent with Jacoby, Gilchrist, & Ratledge's (1999) suggestion that regular meetings between prosecutor and police agency heads is a promising approach to improving police-prosecutor relationships.

Notably, the following aspects of police-prosecutor interactions did not predict police chiefs' overall satisfaction with the police-prosecutor relationship: perceived regularity of prosecutorial feedback, perceived frequency of prosecutor-provided police training, and perceived frequency of line level police consultation of prosecutors. This is somewhat unexpected given the indications in the literature that sources of police complaints and friction in police-prosecutor relationships included lack of feedback and difficulty in reaching prosecutors for needed consultation (McDonald et al., 1982a), as well as the literature's prescription of more interagency training as holding the potential for improving police-prosecutor relationships (Brady, 2000; Jacoby et al., 1999; McDonald et al., 1982a). However, prior research cataloging

such complaints was largely descriptive and did not use multivariate methods to assess predictors of satisfaction with police-prosecutor relationships. Thus, the present study makes an important contribution to the literature by assessing which aspects of police-prosecutor interactions are predictors of police chiefs' overall satisfaction with the police-prosecutor relationship. While other aspects of police-prosecutor interactions may be fodder for complaints, they do not predict police chiefs' overall satisfaction with the police-prosecutor relationship.

The finding that the other aspects of police-prosecutor interaction styles did not significantly predict relationship satisfaction is consistent with McIntyre's (1975) finding that high-level personnel gave positive general police-prosecutor relationship assessments even though they also indicated less than ideal police-prosecutor interaction styles such as infrequent consultation and prosecutorial advice given with respect to limited areas. This may be illustrative of the danger of assuming what aspects of police-prosecutor interaction styles impact overall assessments of the police-prosecutor relationship.

The finding that level of police input in prosecutors' charging decisions, level of police input in prosecutors' plea bargaining decisions, trial preparation communication method, and frequency of decision-maker interactions predict police chiefs' satisfaction with the police-prosecutor relationship (and that other aspects of police-prosecutor interaction styles do not) has policy implications. This finding suggests that efforts to improve police-prosecutor relationships, at least if police chiefs' satisfaction with these relationships is one of the goals, may best be focused on taking steps which target these four aspects of police-prosecutor interaction styles. Implementation of mechanisms allowing the police opportunities for input in prosecutors' charging and case disposition decision-making process could be one such step. Another policy change which has potential to impact police chiefs' satisfaction with police-



prosecutor relationships is the adoption of measures which facilitate prosecutors' increased use of more direct, personal methods of communication for felony trial preparation. Such measures may include improvements in communication channels, thus making it easier for prosecutors to quickly contact police officers, and reduction of assistant prosecutors' caseloads in order to allow them more time for trial preparation. Finally, creating a structure which facilitates regular interactions between police chiefs and elected district attorneys, such as periodic standing lunch meetings, is another step which has potential to impact police chiefs' satisfaction with police-prosecutor relationships.

Like all research, this study has limitations. One such limitation is the sampling method. While caution is warranted with regard to generalizing beyond the sample given that police chiefs self-selected the dates they attended the mandatory training sessions during the two-year cycle, given the absolute sample size, the sample is likely to be representative of Texas police chiefs. The state level nature of the study is a contextual limitation. However, Texas is one of the largest and most populous states in the United States and there is no reason to believe that Texas is particularly unique with respect to police-prosecutor relationships. Still, future research in other states is warranted in order to assess the extent of similarity or differences in police-prosecutor relationships between states. Future research employing larger sample sizes is also warranted, as are studies which oversample medium and large police agencies in order to compare police-prosecutor relationships by agency size.<sup>10</sup>

Reliance on perceptions, measured through self-administered surveys, is also a limitation of the present research, both because perceptions may vary based on the respondents' moods and because perceptions may differ from objectively measured interaction styles. Thus, caution is

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<sup>10</sup> Given the predominance of small and very small police agencies in the national population of police agencies, oversampling will be necessary in order to obtain a sufficient number of respondents employed by large and medium police agencies to facilitate comparisons by agency size.

warranted in interpreting the present study's results, bearing in mind the reliance on perceptions rather than objective measures of interactions. Resource constraints, potential barriers to obtaining cooperation, and likely difficulties associated with the infrequent, irregular nature of police-prosecutor interactions precluded use of observations of police-prosecutor interactions in the present study, particularly in light of the need to move beyond the reliance on case studies which is common in the extant literature. Additionally, the present study's focus on satisfaction with police-prosecutor relationships, in the interest of promoting more harmonious working relationships, necessitates reliance on perceptions. Certainly, though, studies employing observations of police-prosecutor interactions are a direction for future research.

Finally, this study only measures police chiefs' perceptions. Police chiefs were selected as subjects for this exploratory study because they are in the best position to answer for the police agency as a whole. However, past studies indicate that perceptions of police-prosecutor relationships vary by rank (McIntyre, 1975) and also vary between prosecutors and police (Boulahanis, 1998, as cited in Reidel & Boulahanis, 2007; McIntyre, 1975). Therefore, caution should be exercised in interpretation as it is important to remember that the data in this study are solely police chiefs' perceptions. Measuring the perceptions of prosecutors and of police officers of varying ranks with regard to police-prosecutor relationships will be an important avenue for future research.

### **Conclusion**

By generating more recent data on police-prosecutor relations in Texas and employing multivariate analysis to assess which aspects of police-prosecutor interaction styles are predictors of police chiefs' satisfaction with police-prosecutor relationships, this exploratory state-level study begins to fill a void in the literature on police-prosecutor relationships, which is a topic of

great importance to the administration of justice and yet continues to be understudied. This study found that greater police input in prosecutors' charging decisions, greater police input in prosecutors' plea bargaining decisions, use of a more direct communication method prior to felony trials, and more frequent decision-maker interactions each lead to greater police chief satisfaction with the police-prosecutor relationship. In so doing, this study drew attention to those aspects of police-prosecutor interaction styles which, if targeted for improvement, hold promise of improving police-prosecutor relationships. Implementing mechanisms which allow the police opportunities for input in prosecutors' charging and case disposition decision-making process and improvements in communication channels, making it easier for prosecutors to quickly contact police officers to discuss testimony prior to the court date, combined with reducing assistant prosecutors' caseloads in order to afford more time for trial preparation are examples of steps which can be taken. Setting up a structure of regular meetings between police and prosecutor agency heads is another step which may prove fruitful in improving police chiefs' satisfaction with police-prosecutor relationships.

More harmonious police-prosecutor relationships can benefit the administration of justice. It is not possible to eliminate all strain in police-prosecutor relationships, as some strain is inherent in such relationships due to the prosecutor's role in screening police allegations and may even be seen as an indication that the criminal justice system's checks and balances are working properly (Group 2, 2003). However, minimizing strain to only that which is necessary can yield more productive working relationships, which have the potential to facilitate both greater effectiveness in crime control and improvements in justice. Logically, a more harmonious relationship has the potential to foster more effective interagency communication and cooperation, which should result in the ability to build stronger cases to more effectively

hold offenders accountable. One way in which this may manifest is through effective communication of prosecutors' information needs to a receptive police audience and willingness on the part of police to continue investigating until the evidence necessary to prove a case at trial has been gathered, which can improve justice for victims, in contrast to the finger pointing which Boulahanis (1998, as cited in Reidel & Boulahanis, 2007) described with regard to differing police and prosecutor perceptions of the decision to exceptionally clear a case once prosecutors refuse to accept charges based on a beyond a reasonable doubt standard. More harmonious police-prosecutor relationships also have the potential to provide a context in which there is more opportunity for productive interagency training, which may yield a better-informed police force regarding recent legal developments concerning constitutional constraints on police conduct. This has the potential to promote the protection of citizens' due process rights, to improve police legitimacy, to reduce the number of cases adversely affected by the exclusionary rule, and to reduce municipalities' liability exposure. Thus, more harmonious police-prosecutor relationships have the potential to facilitate both greater effectiveness in crime control and improvements in justice.

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**Table 1.** Composite Measures: Composition and Reliability.

Composite Measure	Variance Accounted For (VAF)	Eigenvalue	Cronbach's $\alpha$	Items	Component Loadings	Response Options
Overall Relationship Satisfaction Index	71.359 %	2.141	.799	1. My police agency's overall relationship with the prosecutor's office is excellent.	.891	1 = Strongly disagree 2 = Disagree 3 = Neutral 4 = Agree 5 = Strongly agree
				2. There is a need for improvement in police-prosecutor relations in my jurisdiction. <sup>a</sup>	.734	
				3. The activities of my police agency and the prosecutor's office are well-coordinated.	.899	
Police Input – Plea Bargaining Index	87.367 %	3.495	.952	Level of police input with which prosecutors typically make plea bargain decisions in:		1 = Without police input beyond facts in offense report 2 = With some police input beyond facts in offense report 3 = With police input carrying substantial weight 4 = With police input being the primary factor
				1. property cases	.915	
				2. violent cases	.921	
				3. driving while intoxicated cases	.936	
				4. drug cases	.967	
Police Input – Charging Index	86.474 %	3.459	.948	Level of police input with which prosecutors typically make charging decisions in:		1 = Without police input beyond facts in offense report 2 = With some police input beyond facts in offense report 3 = With police input carrying substantial weight 4 = With police input being the primary factor
				1. property cases	.912	
				2. violent cases	.927	
				3. driving while intoxicated cases	.931	
				4. drug cases	.949	

Composite Measure	Variance Accounted For (VAF)	Eigenvalue	Cronbach's $\alpha$	Items	Component Loadings	Response Options
Prosecutorial Feedback Index	76.750 %	2.303	.849	Proportion of cases for which prosecutorial feedback to police is provided for:		1 = never provides feedback
				1. officers' courtroom performance	.857	2 = provides feedback for about one-fourth of cases
				2. reasons for initial charging decisions	.883	3 = provides feedback for about half of cases
				3. reasons for dismissals, reductions, and plea bargains	.887	4 = provides feedback for about three-fourths of cases
						5 = always provides feedback
Prosecutor-Provided Training Index	76.075 %	3.043	.895	Frequency of prosecutor-provided police training for:		1 = never
				1. providing effective testimony	.868	2 = less than annually
				2. legal issues	.868	3 = annually
				3. prosecutors' information needs	.881	4 = quarterly
				4. report writing skills	.871	5 = monthly
					6 = weekly	
					7 = daily	
Trial Preparation Communication Method Index	83.312 %	3.332	.933	Typical communication method, going beyond offense report, between arresting officer and prosecutors prior to day of trial/hearing for felony cases which go to trial by case type:		1 = no communication until day of trial/hearing
				1. property cases	.907	2 = solely message relayed via police-prosecutor liaison or other intermediary
				2. violent cases	.889	3 = phone conversation prior to day of trial/hearing
				3. driving while intoxicated cases	.916	4 = in person pretrial conference prior to day of trial/hearing
				4. drug cases	.939	

Composite Measure	Variance Accounted For (VAF)	Eigenvalue	Cronbach's $\alpha$	Items	Component Loadings	Response Options
Line Level Police Consultation Index	70.224 %	4.917	.929	How frequently patrol officers:		1 = never
				1. consult with prosecutors	.811	2 = annually
				2. consult prosecutors prior to arrest	.856	3 = quarterly
				3. seek legal advice from prosecutors	.849	4 = monthly
						5 = weekly
						6 = daily
				How frequently investigators:		
4. consult with prosecutors	.833					
5. consult prosecutors prior to arrest	.842					
6. seek legal advice from prosecutors	.856					
7. How frequently prosecutors provide legal advice to officers.	.819					
Decision-Maker Interactions Index	71.587 %	2.148	.802	Frequency with which top decision-makers:		1 = never
				1. meet to discuss matters affecting the administration of justice	.827	2 = annually
				2. meet socially	.831	3 = quarterly
				3. communicate	.879	4 = monthly
					5 = weekly	
					6 = daily	

a. Response options for this item were reverse coded so that for each item higher numbers indicate higher satisfaction with the police-prosecutor relationship.

**Table 2.** Descriptive Statistics: Sample Characteristics.

Sample Characteristic	<i>n</i>	%
Police Agency Type		
Municipal	217	78.3
School District	36	13.0
University/College	23	8.3
Police Agency Size		
Very Small	86	31.0
Small	112	40.4
Medium	28	10.1
Large	30	10.8
Nature of Jurisdiction Served		
Metropolitan	193	69.7
Micropolitan	38	13.7
Neither Metropolitan Nor Micropolitan	46	16.6

*Note.* Some percentages will not add up to 100 percent due to missing data.

**Table 3.** Descriptive Statistics: Composite Measures.

Composite Measure	Mean	SD	<i>n</i>
Police Input – Plea Bargaining	1.60	.79	266
Police Input - Charging	2.26	.97	265
Prosecutorial Feedback	2.37	1.32	271
Prosecutor-Provided Training	2.02	1.07	272
Trial Preparation Communication Method	2.76	1.01	265
Line Level Police Consultation	3.58	1.41	249
Decision-Maker Interactions	2.38	1.11	271
Overall Relationship Satisfaction	3.38	.94	272



**Table 4.** Pearson's *r* correlation matrix (*n*=224).

Composite Measures	1	2	3	4	5	6	7	8
1. Overall Relationship Satisfaction	1							
2. Police Input - Charging	.409*	1						
3. Police Input – Plea Bargain	.392*	.520*	1					
4. Trial Preparation Communication Method	.416*	.345*	.269*	1				
5. Decision-Maker Interactions Index	.375*	.383*	.372*	.351*	1			
6. Line Level Police Consultation	.298*	.402*	.252*	.277*	.384*	1		
7. Prosecutorial Feedback	.400*	.384*	.394*	.505*	.504*	.295*	1	
8. Prosecutor-Provided Training	.324*	.328*	.359*	.275*	.528*	.414*	.406*	1

\**p*<.001

**Table 5.** OLS regression predicting satisfaction with police-prosecutor relationship ( $n=224$ ).

Independent Variables	<i>B</i>	<i>S.E.</i>	$\beta$
Full Model <sup>a</sup>			
Police Input-Charging	.141	.071	.143*
Police Input-Plea Bargaining	.199	.088	.157*
Trial Preparation Communication Method	.202	.062	.216**
Decision-Maker Interactions	.076	.061	.091
Line Level Police Consultation	.038	.044	.058
Prosecutorial Feedback	.066	.054	.090
Prosecutor-Provided Training	.046	.061	.053
Constant	1.636	.196	
$R^2$	.314		
Adjusted $R^2$	.292		
Final Model <sup>b</sup>			
Police Input-Charging	.167	.069	.169*
Police Input-Plea Bargaining	.225	.086	.178**
Trial Preparation Communication Method	.238	.058	.255***
Decision-Maker Interactions	.129	.054	.154*
Constant	1.688	.183	
$R^2$	.303		
Adjusted $R^2$	.290		

a. Full model:  $R^2=.314$ ,  $R^2_{adj}=.292$ ,  $F(7, 216)=14.14$ ,  $p<.001$ .

b. Final model:  $R^2=.303$ ,  $R^2_{adj}=.290$ ,  $F(4, 219)=23.81$ ,  $p<.001$ .

\* $p<.05$ , \*\* $p<.01$ , \*\*\* $p<.001$ .