

MULTNOMAH COUNTY DISTRICT ATTORNEY  
HIGH IMPACT PROJECT  
(74-DF-10-0107)

FINAL EVALUATION REPORT  
(No. 2)

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ACQUISITIONS

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"Points of view or opinions stated in this document are those of the author and do not necessarily represent the official position or policies of the Department of Justice."

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NOTE TO THE READER:

To facilitate the reading of this report, it is recommended that the Tables and Figures at the back be removed and placed at the side for ease of reference.

## SUMMARY OF FINDINGS

1. The first stated objective was to maintain an "original charge" conviction rate of 85 percent.

Data for the two project years indicates an overall "original charge" conviction rate of 86 percent was attained for the combined Burglary I in Dwelling, Robbery I, and Theft I (Fencing-Related) cases prosecuted. Sixty-five percent of these cases pled to the original charge and 20 percent were found guilty at trial.

The overall "original charge" conviction rate for the specific offense categories was as follows:

Burglary I in Dwelling--85 percent  
189 of 222 cases

Robbery I--89 percent  
128 of 144 cases

Theft I (Fencing-Related)--67 percent  
14 of 21 cases

2. The second objective was to maintain an original charge conviction rate 50 percent higher than the rate for the comparison group prosecutions.

Eighty percent of the combined Burglary I in Dwelling and Robbery I cases accepted for prosecution either pled to the original charge or were found guilty at trial compared to 34 percent of the comparison-designated Burglary I Not in Dwelling, Burglary II, and Robbery II cases prosecuted.

A significantly greater proportion of both the Burglary I in Dwelling and Robbery I cases either pled to the "original charge" or were found guilty compared to their respective comparison cases concurrently prosecuted.

Thus, this objective was well surpassed as it would have required only 51 percent of the Impact-designated cases to have pled to the "original charge" or been convicted at trial.

3. The third project objective was to maintain a rate of negotiated pleas of less than five (5) percent.

Figures for the two project years for the combined Burglary I in Dwelling, Robbery I, and Theft I (Fencing-Related) cases indicate that six (6) percent (23 of 387) were pled pursuant to bargain.

On an individual offense category, the objective was achieved for the Burglary I in Dwelling (5 percent) and Robbery I (4 percent) cases prosecuted but fell short on the fencing-related Theft I cases as 24 percent (5 of 21) were pled pursuant to bargain.

For the combined Burglary I (BID) and Robbery I cases, 5 percent were pled pursuant to bargain contrasted to 57 percent of the comparison-designated BNID, Burglary II, and Robbery II cases.

4. The fourth stated objective was to increase by 50 percent the rate of guilty pleas to the "original charge" over the 1972-73 baseline.

The figures for the Burglary I in Dwelling cases prosecuted reveal that only 14 percent (20 of 143 cases) pled to the original charge during 1972-73 compared to 68 percent (150 of 222 cases) in the two project years, 1974-75. Adding in the cases that went to trial and were found guilty results in an overall percentage of 23 percent for 1972-73 contrasted to 86 percent for 1974-75.

Comparing baseline and project data for the Robbery I cases prosecuted indicated that 12 percent (10 of 81) pled to the original charge in 1972-73 contrasted to 63 percent (91 of 144) during the project in 1974-75.

In reference to the Theft I (Fencing-Related) cases, none of the eight cases in 1972-73 pled to the original charge while three (38 percent) were found guilty at trial. For the 21 cases prosecuted in 1974, 11 (52 percent) pled to the original charge and an additional three (14 percent) were found guilty for a combined figure of 67 percent.

Thus, the objective was attained for each of the three specific Impact-offenses prosecuted. Comparative data for each of the other comparison offenses are presented for the four years.

5. Objective No. 5 was to maintain a rate of cases dismissed for insufficient evidence 50 percent lower than for the comparison offenses.

Six of 220, or 2.7 percent, of the Burglary I in Dwelling cases were dismissed due to insufficient evidence over the two project years. This contrasts with a figure of 1.4 percent (2 of 143 cases) for the comparison BNID and 2.7 percent (5 of 187) of the Burglary II cases. The rate for the two comparison offenses combined was 2.1 percent (7 of 330 cases).

Thus, this objective was not attained in reference to the Burglary I in Dwelling and the comparison offenses.

The objective was met for the Robbery I cases in the Impact office. The figures indicate that 2.1 percent (3 of 143) of the Robbery I cases were dismissed due to insufficient evidence contrasted to 4.3 percent (4 of 93) of the comparison Robbery II cases.

Related to this objective is the number of cases declined or "screened out" by the prosecutor's office. Data reported in the first evaluation report<sup>1</sup> indicated an insignificant difference between the Burglary I in

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<sup>1</sup>Yacob, Y. and Goff, C. Multnomah County District Attorney High Impact Project: Preliminary Evaluation Report (No. 1). Salem, Oregon: Oregon Law Enforcement Council, February, 1975.

Dwelling (45 percent) and the comparison Burglary I Not in Dwelling and Burglary II (41 percent) figures. However, for the Robbery cases it was found that a significantly greater proportion of the Robbery II cases (75 percent) were declined compared to the Robbery I (31 percent) cases inspected for that time period.

Additional data on a sample of Robbery I and Burglary I (both Burglary I in Dwelling and Burglary I Not in Dwelling) police bookings for the year of 1973 and 1974 were gathered and analyzed by S. Wildhorn et al. in a separate study.<sup>1</sup> Figures from a sample of 100 cases each year for Robbery I bookings indicated 42 percent were rejected outright in 1973 and 51 percent of the 1974 sample. Inspecting the Burglary I bookings revealed that 41 percent were rejected in 1973 compared to 32 percent in 1974.

The author's state "...that between 1973 and 1974, there was no substantial change in either the outright rejection rate or in the filing rate on the most serious charge. Taken alone, these two performance measures suggest that no major changes in prosecutorial charging policies and standards for robbery occurred as a result of the No Plea Negotiation Experiment".

"Turning next to Burglary I bookings, we see no salient changes occurred in any of the prosecutorial filing actions over the two-year period. Based on these performance measures alone, we infer that the charging threshold for Burglary I as a whole did not shift materially. (But since the

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<sup>1</sup>Wildhorn, S. et al. Indicators of Justice: Measuring the Performance of Prosecution, Defense, and Court Agencies Involved in Felony Proceedings Analysis and Demonstration. Santa Monica, California: Rand Corp., June 1976.

data could not be estimated separately for dwelling and nondwelling burglaries, we cannot infer from these data whether the Impact experiment affected charging standards in dwelling burglaries differently from charging standards in nondwelling burglaries.) However, the results of the case auditing exercise, in which small samples of dwelling and nondwelling burglaries were examined, revealed that for both years and both types of burglaries, there was no discernible change in the strength of the average case. The audit suggested that almost all of the filed cases were strong" (p. 92).

6. The sixth and final stated project objective was to maintain an arrest to trial period equal to the comparison offense cases.

For the Burglary cases during the first project year, the Impact office not only maintained equal time frames from arrest to disposition, but had a significantly shorter period as evidenced by the means of 73.71 compared to 93.35 days for Burglary Not in Dwelling cases prosecuted by the central office. Figures for the second year were virtually identical as the means were approximately 57 days each.

The Impact office also had a shorter time period (although not statistically significant) for the Robbery I cases in 1974. The mean number of days for the Impact office was 70.60 contrasted to 85.08 for the Robbery II cases handled through the central office.

In 1975, the mean value for the cases handled in the Impact office was 56.76 days compared to 53.12 days for the Robbery II cases handled by the central office staff.

7. Additional data is also presented on types of sentences received for convicted defendants by specific offense category for each of the four years.

Significant shifts in types of sentence--probation, jail, or institutionalization--received occurred for the convicted defendants with the original charges of Burglary I in Dwelling, Robbery I, and Robbery II cases.

For the convicted defendants with an original charge of Burglary I in Dwelling, 65 and 75 percent were placed on probation in 1972 and 1973. This dropped to 37 and 28 percent in 1974 and 1975. Conversely, those sentenced to the state institutions increased from 24 and 13 percent in 1972 and 1973 to 42 and 33 percent in 1974 and 1975.

As approximately 40-50 percent of the defendants with an original charge of Robbery I pled to a "lesser included" in 1972 and 1973, approximately 30 percent were placed on probation, 50 percent sentenced to either OSP and OSCI, and 15-20 percent sentenced to jail followed by probation.

During 1974 and 1975, a great majority of the cases either pled to the original charge or were found guilty at trial. The sentences that followed provided that nearly 75 percent were sentenced to OSP or OSCI and 15 percent given probation.



## INTRODUCTION

The Multnomah County District Attorney's office was awarded project funds for a two-year period as a component of Portland's High Impact program. Portland was one of eight cities selected by the Law Enforcement Assistance Administration to receive approximately 20 million dollars to develop programs to reduce the "stranger to stranger" crimes of homicide, rape, robbery, aggravated assaults, and burglary.

This District Attorney's Impact project was designed to accomplish primarily three goals:

- (1) Improve the quality of cases coming to trial by providing a team of attorneys who would be responsible for assigned cases from initial screening to disposition.
- (2) Provide swift and appropriate prosecution of "target" crime cases.
- (3) Reduce the incidence of negotiated pleas in cases involving specific impact crimes. These specific goals were formed on account of the following reasons.

### Quality of Casework

Many individuals who are charged with a crime are not convicted because the evidence necessary for such is not available. This causes the prosecutors and all courts to spend valuable time and money to partially process a case that will be dismissed either before or at trial for insufficient or improper evidence. A close working relationship is necessary between the enforcement (investigation) and the prosecutors to enable cases to withstand the test of trial.

The problem has generally been an economic one--lack of sufficient resources results in cases that neither the detective nor the prosecuting attorney have

seen or devoted sufficient time until the last minute. In many cases, large urban prosecutor offices process criminal cases in assembly-line fashion. Different attorneys, specializing in one stage of criminal procedure, handle the same case. Files are passed from one deputy to another as the case proceeds through the adjudication process. This specialization and division is necessary to meet the increase flow of criminal defendants. However, this approach often results in loss of information or case records which may prove debilitating to ensure equal case treatment.

#### Trial Delay

Oregon Revised Statutes (ORS) 136.290 requires that a defendant cannot be held more than 60 days if he/she has not been brought to trial by that time and has not approved the delay. The Impact project because of its vertical case handling procedure and non-plea bargaining position could conceivably take more time. This concern was addressed by incorporating an arrest-to-trial time as a specific program objective.

#### Plea Bargaining

The project's first task was to determine an operational definition for what constituted "no plea bargaining". Conceptually, any compromise between the prosecutor and defendant is construed as a bargain, each party offering the other an advantage of some kind. The prosecutor will receive a conviction and save expensive legal resources and the defendant reduces both his "risk" and legal bill. A problem rises when the concept is placed in the context of a program designed to eliminate it. The nature of some of the advantages is not easily recognized as the bargaining process in a function of individual values and goals.

The problem this project confronted was how to interpret "no-plea negotiations" in a manner that was uniform and consistent, amenable to

evaluation, and comprehensive enough to envelope most of what is generally considered to be plea bargaining. After much discussion, the participants agreed that the most useful definition and the one most usually criticized, would be those bargains which reduce the criminal charges in return for a plea of guilty.

Several reasons entered into this decision. First, the court's Task Force to the 1967 President's Commission on Law Enforcement and Administration of Justice had stated ... "The plea agreement follows several patterns. In its best known form it is an arrangement between the prosecutor and the defendant or his lawyer whereby the accused pleads guilty to a charge less serious than could be proven at trial. "Less serious" normally means a charge which statutorily carries a lower maximum penalty.

Secondly, the practice of reducing the criminal charge manifests more real and potential abuses of the plea bargaining process than any other form. Some of these are:

- (1) An innocent defendant may be more inclined to accept a conviction of a lesser offense than asserting the right to trial and risking possible conviction of the original charge and the accompanying publicity.
- (2) The chronic offender can take full advantage of a charge reduction bargain to realize excessively lenient treatment.
- (3) The defendant is not convicted on the basis of the evidence but on such factors as time, money, and personnel available.

Finally, the important evaluation criteria necessitated a quantifiable measure by which the degree of plea negotiation could be indicated. Thus, cases which were issued and subsequently reduced became the primary measure of "plea bargaining".

As part of the program operations, the project was allowed to dismiss ancillary charges. Prosecuting an individual on every count was not deemed

essential to either the interest of the community or justice as long as the focal criminal charge (Burglary I, Robbery I, Theft I) remained. A defendant's conviction of the focal charge was viewed as a significant achievement; to pursue convictions for additional criminal charges--when the sentences would probably be served concurrently--did not seem to be a rational distribution of the project's resources. However, there were exceptions, particularly, in cases of additional serious and violent offenses.

#### STAFFING AND OPERATIONS

##### Staff

The staffing for the project consisted of a Deputy District Attorney serving as the Unit Leader, five additional deputy district attorneys, two legal assistants, two legal stenographers, and a legal clerk. The Impact Unit was located separately from the Central District Attorney's office at approximately two blocks distance from the Central Portland Police precinct.

##### Project Activities and Case Processing

The first concern was proper police education. In order that the quality of cases be enhanced, an effective investigatory evidence-gathering police force was a necessity. Numerous classes and meetings were held with the county enforcement agencies to assist in meeting project investigatory requirements. The Unit taught a number of classes aimed at providing the policing agencies with the requisite skills for drafting of search warrants and accompanying affidavits. This proved worthwhile as it resulted in a substantial saving of time for staff attorneys who could more effectively direct their efforts to other endeavors.

The Unit attorneys also attempted to gain more effective backup of clerical staff by providing an intensive training into all facets of case

preparation and ultimate disposition. All non-professional office personnel not only attended and learned from the classes, but were allowed numerous exposures to courtroom activity.

Educational activities were not just reserved for non-professional staff as various staff attorneys had special projects under study for the exclusive purpose of increasing the Unit's collective knowledge in various areas. For example, several staff attorneys participated in the creation of a unique jury instruction book which comprehensively covered the target crimes. Some innovative instructions were included in the book which helped greatly in a number of jury cases.

To insure uniformity of sentence recommendations, the staff attorneys met on a periodic schedule to discuss their own respective cases with other staff attorneys for the purpose of reaching a Unit recommendation as to appropriate sentences.

Several members of the Unit participated in a unique and novel approach to the State's Theft in the First Degree statute. A local police agency had purchased a number of television sets from a supplier and then proceeded through the use of undercover officers to sell this equipment to various individuals after having represented that the television sets were stolen. A number of test cases resulted. The main issue centered on the applicability of the theft statute to the character of the property. A large number of convictions were obtained in the trial court and upon appeal, the State's Court of Appeals held an individual could attempt to purchase items represented to be stolen which were in fact not stolen and thus be guilty of Attempted Theft in the First Degree, assuming other general requirements of the statute were met.

The Unit has also uniformly requested trial judges to order restitution for all crime victims.

The project did undergo attack on constitutional grounds wherein a defendant alleged that by having been charged with committing a target crime, he was denied due process and equal protection through the project's selective no-plea bargaining policy. This attack was unsuccessful in the State trial court and, upon appeal, was equally unsuccessful in the State Supreme Court.

The Unit's vertical case handling resulted in several added benefits. With sufficient time to devote to a case, staff attorneys were able to use the Grand Jury to its fullest extent. Learning early the names of adverse or alibi witnesses, these people would be summoned by subpoena to testify at the Grand Jury. This provided the attorneys with the opportunity to preview the defense case and, on many occasions, to destroy false and sometimes hastily put together defenses. Another advantage resulted through the increased opportunity to interview witnesses not only prior to trial but even prior to the preliminary hearing. In the State's District Court, all preliminary hearing proceedings are tape recorded. Therefore, it is an essential ingredient to proper preparation that witnesses perfectly understand the nature of the preliminary hearing proceeding and what information the staff attorney will need to elicit. Having the opportunity to sit down with the witnesses in advance and review important facts led to greater trial convictions and increased pleas of guilty.

The Unit sought to clarify some of the fringe areas in search and seizure law and in cooperation with local police agencies, assisted in drafting and ultimately defending affidavits supporting search warrants for property

alleged to be stolen but not specifically identified as stolen from a particular individual or place. The project did succeed on a limited basis with this type of affidavit and warrant drafting. In another test area, police officers had gone to a residence in search of specific items of stolen property and discovered approximately \$40,000 worth of additional items which appeared to be but were not at the time known to be stolen. A local District Court judge was requested to come to the scene. Based upon his viewing of the additional items, he verbally authorized further seizure of the suspected items.

#### Processing the Case

Each weekday morning an arrest docket arrived notifying the Unit's attorney of new cases. Shortly thereafter, representatives of the local police agencies arrive with all information known about the respective arrests to the Unit office for review. If all necessary, preliminary investigation had been completed, the staff attorney issued a formal complaint called an Information of Felony. Later in the afternoon, the defendant was arraigned on this Information of Felony, counsel was obtained and a date set for a preliminary hearing within five days of the defendant's arrest. At this point, the subpoena clerk sent out notices to necessary witnesses to appear in advance shortly before the preliminary hearing. Concurrently, police investigation and case preparation continued.

At the time of the preliminary hearing, the Unit attorney presented evidence that a crime was committed and that there was probable cause to believe that the defendant committed the crime. Upon being satisfied of the above, the District Court judge then bound the case over to the Grand Jury or, at the Unit attorney's discretion, allowed the case to proceed directly to Circuit Court. During the maximum permissible period of 30 days, the Unit attorney

had the opportunity to present witnesses to the Grand Jury including anticipated defense witnesses. Upon the return of an indictment, or if the case was sent directly to Circuit Court bypassing the Grand Jury, the defendant was arraigned on the now formal charge in Circuit Court. A date was set for a pre-trial conference and trial. The court seeks to set trial within 60 days of the defendant's initial arrest. At the pre-trial conference, the staff attorney, defense attorney and defendant exchange information for purposes of trial which includes disclosure of all the names and addresses of witnesses intended to be called by either side. During this stage, many defendants elect to plead guilty to the charge. Those convicted by plea or trial are sentenced approximately 30 days thereafter.

Between the time of conviction and sentencing, an Impact-funded Corrections Diagnostic Center psychologically evaluated the defendant and completed a thorough investigation and background account for the court. At sentencing, the staff attorney informed the court of any relevant facts in the case and made recommendations on sentence and asked for restitution for the crime victim. If the defendant received probation and is later alleged to have violated the conditions of probation, the Unit attorney was present at the revocation hearing participating as an advocate. Finally, the Unit communicated to the Parole Board on all defendants sentenced to the state penitentiary or correctional institutions.

In summary, the staff attorney had an excellent opportunity in the program to understand, properly prepare, and prosecute defendants for serious and violent crimes committed. With complete control over evidence gathering and witness preparation, the project functioned as a viable member of the criminal justice system.



## Evaluation Design

The evaluation design for the project was basically a before and during project type with the addition of inspecting data for a comparison group of concurrent prosecutions in the main office for equivalent categorical offenses.

Data was retrieved for two-baseline years before project implementation-- 1972 and 1973--and compared with the project data for calendar years 1974 and 1975.

## Data Collection

The original data collection form and coding manual was developed by the OLEC evaluation staff and the project personnel. The form was later modified to facilitate keypunching and some data elements were deleted.

The two-year (1972-73) baseline data was manually retrieved from the District Attorney's records by three law students supervised by the OLEC evaluation staff member.

The project data forms were completed by a person designated within the project. The data forms for the concurrent comparison offenses handled in the central office were completed by clerks in the Records Unit. Various clerks were involved over the two-year duration and, consequently, the data is not as complete as compared to the project cases.

The offenses prosecuted in the project office and the comparison offenses handled by the central staff were as follows:

D.A.'s  
Impact Office

### Target Offenses

Burglary I in a Dwelling

Robbery I

Theft I (Fencing Related)

D.A.'s  
Central Office

### Comparison Offenses

Burglary I Not in a Dwelling  
Burglary II

Robbery II

(None Designated)

## Evaluation Results

The evaluation results will focus primarily on the objectives as stated in the project proposal. Some additional analyses were conducted related to types of sentences and these will be provided.

### Objective I

Objective I was stated that ... THE PROJECT WOULD MAINTAIN AN "ORIGINAL CHARGE" CONVICTION RATE OF 85 PERCENT.

### Burglary I Cases Prosecuted (Burglary In a Dwelling)

The dispositions of the Burglary I cases prosecuted during the project are presented in Table 1 . As can be readily observed of those case prosecuted by the D.A.'s Impact office, 85 percent either pled to the original charge or were found guilty at trial during calendar year 1974. This overall percentage is comprised of the 84 (68%) who pled to the original charge plus the 21 (17%) who went to trial and were found guilty of the original charge. This overall percentage would increase to 91 percent if we exclude the eight cases with the unknown plea results from the 1974 cases of 124.

The results for the second project year, 1975, are very similar to those of the first. Overall, 86 percent were found guilty at trial or pled to the original charge. The percentages pleading to the original charge (67%) and found guilty either by jury trial or the judge (18%) are virtually the same as for 1974.

### Robbery I Cases Prosecuted

The figures in Table 2 portray the dispositions of the Robbery I cases handled through the Impact office during the two project years. During the first project year (1974), 85 percent (79 of 93 cases) either pled to the original charge or were found guilty at trial. Although fewer cases were filed in 1975, the percentage of cases found guilty of the original charge or pled to the original charge increased to 96 percent.

Figures for the two years indicates that 26 percent were found guilty at trial and 63 percent, nearly two-thirds, pled to the original charge for a combined overall rate of 89 percent. Thus, the objective to maintain an "original charge" conviction rate of 85 percent was exceeded for the Robbery I cases.

#### Theft I Cases Prosecuted

The disposition of the fencing-related Theft I cases handled by the Impact office are presented in Table 3. The figures indicate for the 21 cases prosecuted in 1974, that 14 or 67 percent either pled to the original charge (52 percent) or were found guilty at trial (14 percent).

The assignment of cases to year of project operation was based on date of arrest. Therefore, we find that no cases were filed for prosecution in 1975.

Thus, for the fencing-related Theft I cases, we find that the project objective to attain an 85 percent conviction was not quite met.

#### Burglary I (BID), Robbery I, and Theft I Cases Combined

Combining the cases that the D.A.'s Impact Unit handled during the two project years, we observe that 331 of the 386 cases resulted in a conviction through pleading to the original charge or being found guilty at trial. Thus, we find that nearly two-thirds (65 percent) of the cases pled to the original charge and 20 percent were found guilty at trial for a conviction rate of 86 percent. (Table 4)

The conviction rate for 1974 (based on date of arrest) was 83 percent. This resulted from 64 percent pleading to the original charge and 19 percent found guilty at trial. If one were to exclude the 8 cases with unknown "plea results" from the total case count of 238, the overall conviction increases to 86 percent.

Figures for the second project year, 1975, indicates that an overall conviction rate of 89 percent was attained. This is comprised of the 100 cases (67 percent) which pled to the original charge and 33 cases (22 percent) which went to trial and were found guilty.

#### Objective II

The second performance objective of the project was to MAINTAIN AN ORIGINAL CHARGE CONVICTION RATE 50 PERCENT HIGHER THAN THE RATE FOR THE COMPARISON GROUP PROSECUTIONS.

#### Burglary

The Impact office accepted for prosecution a total of 241 cases with charges of Burglary I (BID) over the two-year project period. One hundred eighty-nine or 78 percent of the defendants pled guilty to the original charge or were found guilty at trial contrasted to 128 or 37 percent of the comparison cases of Burglary I (BNID) and Burglary II cases processed through the central D.A.'s office.

The chi square test (corrected for continuity) indicates that a significantly greater proportion of the Impact cases pled guilty or were found guilty of the original charge contrasted to the comparison cases (Table 5 ).

Inspecting the figures for only the comparison Burglary not in a dwelling cases (both Burglary I charges) reveals that 35 (or 25 percent) of the 139 cases either pled to the original charge or were found guilty. This contrast dramatically with the Impact's office figure of 85 percent.

#### Robbery

During the two-years of project operations, the D.A.'s Impact office accepted for prosecution a total of 157 cases charged with Robbery I. One hundred twenty-eight or 82 percent of the defendants pled guilty to the original charge or were found guilty at trial compared to 23 percent of the Robbery II comparison cases. (Table 6)

The chi square test (corrected for continuity) indicates that a significantly greater proportion of the Impact cases pled guilty or were found guilty of the original charge contrasted to the Robbery II cases that were prosecuted by the D.A.'s Central office.

#### Burglary and Robbery Combined

By combining the Impact Burglary I (BID) and Robbery I cases, one observes that 80 percent of the 398 cases prosecuted either pled to the original charge or were found guilty at trial (Table 7 ). The percentage for comparison Burglary I (BNID), Burglary II, and Robbery II cases amounts to 34 percent or 151 of the 443 cases accepted for prosecution.

Thus, the objective to maintain an original charge conviction rate 50 percent higher than for the comparison cases was well surpassed. The objective would have been met if only 51 percent of the Impact cases accepted for prosecution either pled or were convicted at trial.

#### Objective III

The third project objective was to...MAINTAIN A RATE OF NEGOTIATED PLEAS OF LESS THAN FIVE (5) PERCENT.

#### Burglary

The number and percent of burglary cases prosecuted by the D.A.'s Impact and central office are presented in Table 8 . The figures indicate only 12 of 222 cases or 5 percent of the Burglary I in a dwelling cases were pled pursuant to bargain over the two project years. Nine of the 12 cases pled to a lesser included charge and three pled to a separate case. No cases were permitted to plead to a different charge or to plead to charge for dismissal of others.

These figures contrast dramatically with the 73 percent (101 of 139) of the Burglary I (BNID) and 40 percent (72 of 178) of the Burglary II comparison

cases prosecuted by the D.A.'s central office. Approximately six out of ten cases, 63 percent, of the BNID cases were pled to a lesser included charge while 28 percent of the original Burglary II cases were pled to a lesser included.

#### Robbery

The number and percent of robbery cases prosecuted by the D.A.'s Impact and central office are presented in Table 9 . The figures indicate that six of 144 cases, or 4 percent of the Impact Robbery I cases were pled pursuant to bargain during the project. Four of the six were permitted to plea to a lesser included while one each pled to a separate case and for the dismissal of other charges.

Similarly to the Burglary category, there is a dramatic difference for the Robbery II cases serving as the comparison cases. Over the two-year period, 65 percent (57 of 88) were pled pursuant to bargain. Forty-three percent of the cases pled to a lesser included while 16 percent were permitted to plea to a separate case. Two cases pled to a different charge and three defendants pled to the charge for the dismissal of others.

#### Theft I (Fencing-Related)

By inspecting the figures in Table 3 , it is observed that this objective was not achieved on the 21 cases prosecuted. Five of the 21, or 24 percent were pled pursuant to bargain. Four cases were found to have pled to a separate case and one pled to the charge for the dismissal of others. The reader should be cognizant of the small case number (21) on which the percentages are computed.

#### Burglary and Robbery Combined

By combining the Impact Burglary I (BID) and Robbery I cases, the figures indicate that 18 of 366 or 5 percent of the cases were pled pursuant to bargain (Tables 8 and 9 ). This contrasts to 230 of 405, or 57 percent of the

comparison Burglary I (BNID), Burglary II, and Robbery II cases handled by the central office.

Inclusion of the Impact Theft I (fence-related) cases together with the Burglary I and Robbery I cases reveals that 23 of 287, or 6 percent of the cases were pled pursuant to bargain (Table 10 ). This is one percent higher than the stated objective of 5 percent.<sup>1</sup>

#### Objective 4

The fourth stated objective was... TO INCREASE BY 50 PERCENT THE RATE OF GUILTY PLEAS TO THE "ORIGINAL" CHARGE OVER 1972-73.

#### Burglary in a Dwelling

The absolute numbers and percentages for the disposition of the Burglary I in Dwelling cases for the two baseline years, 1972 and 1973, and the two project years 1974 and 1975, are presented in Figures 1 and 2. It is observed that of the 70 cases originally charged with Burglary I in Dwelling in 1972, only 2 (3 percent) pled to the original charge and an additional 6 (8 percent) were found guilty at trial. Likewise, for the 73 cases in 1973, 18 (25 percent) pled to the original charge and 7 (10 percent) went to trial and were found guilty. For the two baseline years combined, 20 (14 percent) of 143 cases pled to the original charge and 13 (9 percent) were found guilty at trial.

These figures contrast dramatically with the results for the two project years. For 1974, the first project year, 84 of 124 (68 percent) pled guilty to the original charge and an additional 21 (17 percent) were found guilty at trial. During the second year, 1975, 66 of 98 cases (67 percent) pled to the original charge and 18 (18 percent) were found guilty at trial.

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<sup>1</sup>The figure remains at 6 percent even if one excludes the eight cases in 1974 with unknown plea results from the base number of 387, i.e., base number 379.

Combining the figures from the two project years, 150 of 222 (or 68 percent) pled guilty to the original charge and an additional 39 (or 18 percent) were found guilty at trial.

Thus, by focussing only on the cases pleading to the original charge, we find that the percent of cases rose from 14 percent during the two baseline years to 68 percent during the two years of project operations. Adding in the cases that was sent to trial and were found guilty results in an overall percentage of 23 percent for 1972-73 contrasted to 86 percent for 1974-75.

#### Robbery I

Comparable figures for the Robbery I cases prosecuted during the two baseline years and two project years are presented in Figures 3 (absolute numbers) and 4 (percentages).

During 1972, only five (10 percent) of the 50 cases pled to the original charge. An additional nine cases (18 percent) went to trial and were found guilty. In 1973, five of 31 cases (16 percent) pled to the original charge and four (13 percent) were found guilty. Combining the figures for the two baseline years reveals that 10 of 81 cases (12 percent) pled to the original charge and 13 (16 percent) were found guilty at trial.

As for the burglary cases during the two project years, the number pleading guilty to the original charges dramatically increased. During 1974, 57 of 93 cases (61 percent) pled to the original charge and 22 (24 percent) were found guilty at trial. Although the absolute number of cases prosecuted decreased during 1975, the percentage of cases pleading to the original charge increased to 67 percent, 34 of 51 cases. An additional 15 cases (29 percent) went to trial and were found guilty.

Combining the data for the two project years, 91 of 144 cases or 63 percent pled guilty to the original charge and an additional 37 cases, or 26



percent were found guilty at trial. Again, focussing only on the cases pleading to the original charge, we find that the percent of cases increased from 12 percent during the baseline years to 63 percent during the two project years. Including the cases found guilty at trial, the overall percentage rose from 28 percent to 89 percent during the project.

#### Theft I (Fencing-Related)

The data for the Theft I (fence-related) cases prosecuted from 1972 through 1975 are presented in Figures 5 and 6. The readers should be aware that the percentages in Figure 6 are based on a small number of cases--5 in 1972, 3 in 1973, and 21 in 1974.

Accordingly, for the comparison purposes the data for the two baseline years are combined. None of the eight cases pled to the original charge in 1972-73; although, three of the eight (38 percent) went to trial and were found guilty. Of the five remaining cases, three pled to a lesser included, one pled to the original charge for dismissal of other charges and there was one mistrial.

As for the disposition of the 21 cases in 1974, 11 (52 percent) pled to the original charge and three (14 percent) were found guilty by a jury trial. The disposition of the remaining seven cases was as follows: Four pled to a separate case, one pled to the original for the dismissal of other charges, one was found not guilty and one dismissed at trial.

Thus, in reference to the objective, none of the eight cases in 1972-73 pled to the original charge while three (38 percent) were found guilty at trial. For the 21 cases in 1974, 11 (52 percent) pled to the original charge and an additional three (14 percent) were found guilty for a combined figure of 67 percent.

Burglary I Not in a Dwelling, Burglary II, Robbery II

Although these three offense categories served as comparison offenses and the objective does not apply to them, similar presentations in terms of numbers and percentages are presented for the interested reader.

The number and percentages for the BNID cases are presented in Figure 7 (numbers) and Figure 8 (percentages). The number of cases with the original charge of BNID (Burglary I) nearly doubled from the last baseline year 1973 to the first year of the Impact program in 1974. The number of cases increased to 78 in 1975.

None of the 26 cases pled to the original charge in 1972 while four of 33 (12 percent) pled to the original charge in 1973. Twenty-one percent (13 of 62) pled to the charge in 1974 and a slightly reduced level, 12 of 77 or 16 percent pled to the charge in 1975.

The percentage of cases pleading to a lesser included for the years 1972 through 1975 was 77, 58, 56 and 69 percent respectively. Thus, a majority of the cases continued to be disposed of by means of pleading to a lesser included charge.

For the Burglary II cases prosecuted from 1972 through 1975, a more divergent pattern is found during the Impact project years 1974-75 compared to the baseline years of 1972-73. Whereas 20 percent of the 1972 and 15 percent of the 1973 cases pled to the original charge, the figures increased to 38 percent (37 of 98) in 1974 and 42 percent (34 of 81) during 1975. Conversely, a reduction in the percentage of cases pleading to a lesser included occurred with the figure of 47, 43, 31 and 25 percent for the respective years of 1972 through 1975. (Figures 9 and 10)

The Robbery II cases for the four years present an interesting variation of dispositions. Of the 19 cases prosecuted in 1972, approximately one in

four (26 percent) pled to the charge for the dismissal of other charges. Only one pled to the original charge and 6 of the 19 (32 percent) pled to a lesser included. Three cases were found guilty at trial.

For the 24 cases in 1973, 15, or 62 percent, pled to a lesser included offense. Again, one case pled to the original charge and two were found guilty at trial.

In 1974, one observes an increase in the percentage pleading to the original charge, 5 of 36 (or 14 percent) and a decrease from the previous year to 36 percent pleading to a lesser included. Additionally, 8 of 44 cases, or 18 percent, were dismissed at the preliminary hearing.

The pattern for the cases prosecuted in 1975 is similar to the 1974 cases. There was a slight increase in the percentage of cases pleading to the original charge--up 3 percent to 17 percent--accompanied by an increase in the percentage pleading to a lesser included--from 36 to 47 percent.

#### Objective 5

The fifth stated objective was ...TO MAINTAIN A RATE OF CASES DISMISSED FOR INSUFFICIENT EVIDENCE 50 PERCENT LOWER THAN FOR THE COMPARISON OFFENSES.

Data for the measurement of this objective was obtained from the records maintained and submitted by the Impact and Central office. The data as presented in Tables 11 and 12 are categorized by the year of disposition as opposed to year of arrest which was utilized to categorize or classify the cases in the previous Tables and Figures. Thus, we can expect some variation across years in the number of cases presented and adjudicated.

The data for the BID (Impact cases) together with the BNID and Burglary II (Comparison cases) are presented in Table 11. Six of 220, or 2.7 percent, of the Burglary I in Dwelling cases were dismissed due to insufficient evidence over the two project years. This contrasts with a figure

of 1.4 percent (2 of 143 cases) for the comparison Burglary I not in Dwelling and 2.7 percent (5 of 187) of the Burglary II cases. Dismissal due to insufficient evidence for the two comparison offenses combined amounted to 2.1 percent (7 of 330 cases). Thus, for the Burglary I offenses presented to the Impact office, it is observed that this objective was not attained as a smaller percentage of comparison cases were dismissed for insufficient evidence.

The percentage of cases dismissed for "other reasons" are nearly identical for the BID and BNID cases--7.3 and 7.7 percent, respectively. However, the percentage of the Burglary II cases dismissed for "other reasons" amounted to 17.1 percent of the cases. Some of the "reasons" included within this category include the following: Sentenced on another case, witness discredited, defendant referred to juvenile court, victim refused to testify, defendant deceased, and civil compensation.

The objective was achieved in terms of comparing the Robbery cases. Figures in Table 12 indicate that 2.1 percent (3 of 143) of the Robbery I cases were dismissed due to insufficient evidence contrasted to 4.3 percent (4 of 93) of the comparison Robbery II cases.

Additionally, it is observed that another 20 percent of the Robbery II cases were dismissed for a variety of "other reasons".

#### Objective 6

The sixth and final stated project objective was ... TO MAINTAIN AN ARREST TO TRIAL PERIOD EQUAL TO THE COMPARISON OFFENSE CASES.

The data for the measurement of this objective for the Burglary cases are presented in Table 13 . During the first year of the project, the Impact office not only maintained equal time frames from arrest to disposition but had a significantly lower period as evidenced by the mean values of 73.71 and 93.35 days, respectively. Figures for the second year are virtually identical

as the means are approximately 57 days each. (See Figure 13 ).

The distribution (by percent of cases) of the number of days from arrest to disposition for the BID and BNID cases in 1974 and 1975 are presented in Table 14 . In 1974, the largest percentage of both the BID and BNID cases was in the interval from 63-77 days. For the cases in 1975, approximately one-fourth (24 percent) of the BID cases were in the interval of 47-62 days while approximately one-third (32 percent) of the BNID cases were adjudicated in the interval of 16-31 days.

The Impact office also had a shorter time period from arrest to disposition for the Robbery I cases they handled in 1974. The mean number of days for the Impact office was 70.60 contrasted to 85.08 for the Robbery II cases handled through the central office (See Table 15 and Figure 14 ). This mean difference of approximately two weeks is not statistically significant.

The time interval from arrest to disposition for both offices in 1975 decreased from the 1974 figures. The mean value for the cases handled through the Impact office was 56.76 days compared to 53.12 days for the Robbery II cases handled by the D.A.'s central office staff.

The tabular distribution (by percent of cases) of the number of days from arrest to disposition for the Robbery I and Robbery II cases in 1974 and 1975 is presented in Table 16 . For the Robbery I cases handled by the Impact office, the largest percentage--approximately one in four cases--was disposed of within the time interval of 47-62 days.

Thus, the Impact office met this objective for both project years. In fact, during 1974 they had a statistically significant shorter time period for the Burglary I in Dwelling cases than the comparison Burglary I Not in Dwelling cases that were prosecuted through the D.A.'s central office.

The time interval for both the Impact and Central office decreased in 1975 from the 1974 figures. The average (mean) time interval for both offices was approximately 57 days during 1975.

### Sentencing Patterns

Although the types of sentences received for offenders found guilty on pled to the charges was not an explicit objective of the project, the following information is included to provide a more complete picture of the judicial process over the four years. Likewise, the reader is cautioned that the information is not intended (or designed) to serve as a study of "sentencing disparity" as complete criminal history background was not gathered or analyzed; type of defendant's legal representation--private or court appointed; age of defendant; ethnic groups; sentencing judge; and other pertinent variables that one might consider for such a study.

The data in terms of type and length of sentence for the convicted offenders on these charges is available but only the specific type of sentence is presented. Comparisons across years in terms of length of sentence were not made primarily because complete criminal history background and other pertinent data was not obtained and the number of cases in some of the subgroups are relatively small.

### Burglary I in Dwelling

The number and percent of the cases by year and type of sentence--probation, jail or institution suspended placed on probation, jail/institution suspended, jail only, jail (probation following release) and sentenced to a state correctional institution--are presented in Table 17. By inspecting the percentages across years it is fairly obvious that a shift in terms of probation, jail followed by probation, or sentenced to one of the state institutions--

OSP, OSCI, OWCC--occurred between the last of the two baseline years 1973 and first year of the project's operation in 1974. Whereas 65 and 75 percent were placed on probation in 1972 and 1973, this dropped to 37 and 28 percent in 1974 and 1975. Conversely, those sentenced to the state institutions increased from 24 and 13 percent in 1972 and 1973 to 42 and 33 percent in 1974 and 1975. The decrease in those sentenced to the state institution during 1975 from 1974 probably occurred because of the overcrowding conditions that existed within the state institutions. Hence, we observe an increase in those sentenced to jail (for up to a period of 12 months) followed by placement on probation upon release.

A chi-square computed on the proportions of cases by type of sentence--probation, jail, or institution--by years is highly significant ( $\chi^2 = 55.64$ , 6 df  $p < .001$ ).

#### Burglary I Not in a Dwelling

The sentence types by number and percent for those found guilty/pleading for this specific offense are presented in Table 18. The variation that exists occurs from the 1972 cases compared to those sentenced in 1973 through 1975. Approximately three-fourths of the 1972 cases were placed on probation but this decreased to 59, 63, and 54 percent for the cases in 1973, 1974 and 1975, respectively. Similarly, about a fourth of those found guilty were sentenced to one of the state institutions in 1973 and 1974 with a small decrease in 1975 concomitant with a larger percentage being given a jail sentence followed by probation upon release.

However, the variation in type of sentence by years is not statistically significant ( $\chi^2 = 5.36$  6 df, NS) as was found for the BID cases.

## Burglary II

The sentence types for those with an original charge of Burglary II (class C felony) are presented in Table 19. Some variation in sentence types occurred across the four year interval, most noticeably between 1973 and 1974. Whereas a large majority were placed on probation in 1972 and 1973, concomitant with the plea to a "lesser included", "different charge", or for the "dismissal of other charges", we observe an increase in those given a jail sentence and/or sentenced to an institution in 1974 and 1975.

Again the change in type of sentence across years is not statistically significant, though, as tested by chi-square ( $\chi^2 = 9.13$  6 df, NS).

## Robbery I

A significant shift in types of sentences given occurred for those originally charged with Robbery I across the four years. Whereas approximately 40-50 percent of the offenders pled to a "lesser included" in 1972 and 1973, approximately 30 percent were placed on probation, 50 percent sentenced to either OSP or OSCI, and 15-20 percent sentenced to jail followed by probation (Table 20). During 1974 and 1975, a great majority of the cases either pled to the original charge or were found guilty at trial. The sentences that followed provided that nearly three-fourths were sentenced to OSP or OSCI and only about one-half of the 1972-73 proportion of cases given probation (decrease from approximately 30 percent to 15 percent). Although for those guilty of Burglary in Dwelling cases, we observed a slight decrease in the percentage of 1975 from 1974 cases sentenced to the state institutions, this did not occur for those convicted of Robbery I. Although the absolute number of cases is smaller (42 to 62), a higher percentage (82 to 76) of the 1975 contrasted to the 1974 convicted offenders were sentenced to a state institution.

The test of the relationship between major type of sentence--probation, jail, or institution--across years is statistically significant ( $\chi^2 = 16.09$  6 df,  $p < .02$ ).



## Robbery II

The pattern of sentences for those convicted with an original charge of Robbery II is quite varied. Approximately one-fourth of the convicted offenders in 1972 received probation and another fourth were sentenced to jail with probation following release. The balance (53 percent) were sentenced to one of the state institutions (Table 21). For the 1973 cases sentenced, 79 percent were placed on probation, 11 percent sentenced to jail with probation following release, 5 percent (1 case) had the jail sentence suspended, and 5 percent (1 case) sentenced to OSP or OSCI.

The pattern for the years of 1974 and 1975 show more similarity. For the 1974 cases convicted, 32 percent were placed on probation, 40 percent sentenced to jail, and 28 percent (7 defendants) received a sentence to one of the state institutions. The percentage sentenced to a state institution in 1975 remained at 24 percent (10 defendants) while there was an increase to 45 percent placed on probation accompanied by a decrease to 29 percent sentenced to jail with probation following release.

Similar to the Robbery I convicted offenders, there was a statistically significant difference in proportions between the major type of sentences received across the four years ( $\chi^2 = 18.97$   $p < .01$ ).

## Theft I (Fencing-Related)

Although the number of cases prosecuted for this specific offense was extremely small during 1972 and 1973, the sentence types are presented in Table 22. All four convicted offenders were placed on probation in 1972 and two of the three received probation in 1973. The majority of those convicted in 1974 received probation although three were sentenced to one of the state correctional institutions. The pattern of sentences across years was not tested because of the extremely small sample sizes.

TABLE 1

DISPOSITION OF BURGLARY I (BID) CASES ADJUDICATED  
BY IMPACT OFFICE IN 1974 and 1975

	1974		1975		Total	
	Number	%	Number	%	Number	%
<u>Trial</u>						
a) Found Guilty	21	17	18	18	39	18
by Jury	14	11	13	13	27	12
by Court	7	6	5	5	12	5
b) Found Not Guilty-	1	1	2	2	3	1
by Jury	1	1	2	2	3	1
by Court	0	0	0	0	0	0
c) Found Not Guilty-						
Insanity	1	1	6	6	7	3
by Jury	0	0	0	0	0	0
by Court	1	1	6	6	7	3
Pled to charge	84	68	66	67	150	68
Pled Pursuant to Bargain	7	6	5	5	12	5
a) Lesser Included	5	4	4	4	9	4
b) Different charge	0	0	0	0	0	0
c) Separate Case	2	2	1	1	3	1
d) Dismissal of others	0	0	0	0	0	0
Found Guilty or Pled to Charge	105	85	84	86	189	85
Total Cases Adjudicated	124 <sup>a</sup>		98 <sup>b</sup>		222 <sup>a&amp;b</sup>	

<sup>a</sup>1974 cases includes 2 mistrials and 8 cases with unknown plea results

<sup>b</sup>1975 cases includes 1 mistrial

TABLE 2

DISPOSITION OF ROBBERY I CASES ADJUDICATED  
BY IMPACT OFFICE IN 1974 and 1975

	1974		1975		Total	
	Number	%	Number	%	Number	%
<u>Trial</u>						
a) Found Guilty	22 <sup>a</sup>	24	15	29	37 <sup>a</sup>	26
by Jury	15	16	11	22	26	18
by Court	6	6	4	8	10	7
b) Found Not Guilty	5 <sup>b</sup>	5	0	0	5 <sup>b</sup>	3
by Jury	1	1	0	0	1	1
by Court	3	3	0	0	3	2
c) Found Not Guilty						
Insanity	2	2	0	0	2	1
by Jury	0	0	0	0	0	0
by Court	2	2	0	0	2	1
Pled to Charge	57	61	34	67	91	63
Pled Pursuant to Bargain	4	4	2	4	6	4
a) Lesser Included	2	2	2	4	4	3
b) Different charge	0	0	0	0	0	0
c) Separate case	1	1	0	0	1	<1
d) Dismissal of Others	1	1	0	0	1	<1
Found Guilty or Pled to Charge	79	85	49	96	128	89
Total Cases Adjudicated	93 <sup>c</sup>		51		144 <sup>c</sup>	

<sup>a</sup>Includes 1 unknown type trial

<sup>b</sup>Includes 1 unknown type trial

<sup>c</sup>Includes 3 mistrials

TABLE 3

DISPOSITION OF THEFT I (FENCING-RELATED) CASES  
ADJUDICATED BY IMPACT OFFICE IN 1974 and 1975

	1974		1975		Total	
	Number	%	Number	%	Number	%
<u>Trial</u>						
a) Found Guilty	3	14			3	14
by Jury	3	14			3	14
by Court	0	0			0	0
b) Found Not Guilty	1	5			1	5
by Jury	1	5			1	5
by Court	0	0			1	5
c) Found Not Guilty - Insanity	0	0			0	0
by Jury	0	0	No Cases Prosecuted			
by Court	0	0				
Pled to Charge	11	52			11	52
Pled Pursuant to Bargain	5	24			5	24
a) Lesser Included	0	0			0	0
b) Different Charge	0	0			0	0
c) Separate Case	4	19			4	19
d) Dismissal of Others	1	5			1	5
Found Guilty or Pled to Charge	14	67			14	67
Total Cases Adjudicated	21 <sup>a</sup>				21 <sup>a</sup>	

<sup>a</sup>Includes 1 case dismissed at trial

TABLE 4

DISPOSITION OF BURGLARY I (BID), ROBBERY I, AND THEFT I (FENCING-RELATED)  
CASES ADJUDICATED BY IMPACT OFFICE IN 1974 and 1975

	1974		1975		Total	
	Number	%	Number	%	Number	%
<u>Trial</u>						
a) Found Guilty	46 <sup>a</sup>	19	33	22	79 <sup>a</sup>	20
by Jury	32	13	24	16	56	14
by Court	13	5	9	6	24	6
b) Found Not Guilty	7 <sup>b</sup>	3	2	1	9 <sup>b</sup>	2
by Jury	3	1	2	1	5	1
by Court	3	1	0	0	3	<1
c) Found Not Guilty	3	1	6	4	9	2
Insanity						
by Jury	0	0	0	0	0	0
by Court	3	1	6	4	9	2
Pled to Charge	152	64	100	67	252	65
Pled Pursuant to Bargain	16	7	7	5	23	6
a) Lesser Included	7	3	6	4	13	3
b) Different Charge	0	0	0	0	0	0
c) Separate Case	7	3	1	<1	8	2
d) Dismissal of Others	2	1	0	0	2	<1
Found Guilty or Pled to Charge	198	83	133	89	331	86
Total Cases Adjudicated	238 <sup>c</sup>		149 <sup>d</sup>		387 <sup>c&amp;d</sup>	

<sup>a</sup>1974 cases includes 1 unknown type of trial

<sup>b</sup>1974 cases includes 1 unknown type of trial

<sup>c</sup>1974 cases includes 5 mistrials, 1 dismissed at trial, 8 cases with unknown plea results.

<sup>d</sup>1975 cases includes 1 mistrial

TABLE 5

IMPACT (BURGLARY I) AND COMPARISON (BNID & BURGLARY II)  
CASES BY DISPOSITION

1974-1975

	Burglary I (BID) (Impact)	BNID & Burglary II (Comparison)
Plea to Original Charge/Found Guilty	189 (78%)	128 (37%)
Other Dispositions*	52 (22%)	215 (63%)
Total Cases	241	343

\*Other Dispositions include: Pled pursuant to bargain; cases dismissed; cases not true billed; mistrial; cases found not guilty; and found not guilty--insanity.

$\chi^2$  corrected = 94.72 1 df,  $p < .001$

TABLE 6

IMPACT (ROBBERY I) AND COMPARISON (ROBBERY II)  
CASES BY DISPOSITION

1974-1975

	Robbery I (Impact)	Robbery II (Comparison)
Plea to Original Charge/Found Guilty	128 (82%)	23 (23%)
Other Dispositions*	29 (18%)	77 (77%)
Total	157	100

\*Other Dispositions include: Pled pursuant to bargain; cases dismissed; cases not true billed; mistrial; cases found not guilty; and found not guilty--insanity.

$\chi^2$  corrected = 86.35, 1 df,  $p < .001$

TABLE 7

IMPACT (BID, ROB. I) AND COMPARISON (BNID, BURG. II, ROB. II)  
 CASES BY DISPOSITION

1974-1975

	BID & Rob. I (Impact)	BNID, B. II & Rob. II (Comparison)
Plea to Original Charge/Found Guilty	317 (80%)	151 (34%)
Other Dispositions*	81 (20%)	292 (66%)
Total Cases	398	443

\*Other Dispositions include: Pled pursuant to bargain; cases dismissed; cases not true billed; mistrial; cases found not guilty; and found not guilty--insanity.



TABLE 8

DISPOSITION OF IMPACT (BURGLARY I IN DWELLING) AND  
COMPARISON (BURGLARY I NOT IN DWELLING & BURGLARY II)  
CASES IN 1974 - 1975

	1974						1975						Total							
	(I)		(Comparison)		B. II		(I)		(Comparison)		B. II		(I)		(Comparison)		B. II			
	BID	BNID	B. II	BID	BNID	B. II	BID	BNID	B. II	BID	BNID	B. II	BID	BNID	B. II	BID	BNID	B. II		
No.	%	No.	%	No.	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	
<u>Trial</u>																				
a) Found Guilty	21	17	5	8	11	11	18	18	5	6	11	14	39	18	10	7	22	12		
b) Found Not Guilty	1	1	3	5	3	3	2	2	0	0	5	6	3	1	3	2	8	4		
c) Found Not Guilty- Insanity	1	1	0	0	3	3	6	6	0	0	1	1	7	3	0	0	4	2		
Pled to Original Charge	84	68	13	21	37	38	66	67	12	16	34	42	150	68	25	18	71	40		
Pled Pursuant to Bargain	(7)	(6)	(41)	(66)	(43)	(44)	(5)	(5)	(60)	(78)	(29)	(36)	(12)	(5)	(101)	(73)	(72)	(40)		
a) Lesser Included	5	4	35	56	30	31	4	4	53	69	20	25	9	4	88	63	50	28		
b) Different Charge	0	0	0	0	0	0	0	0	0	0	2	2	0	0	0	0	2	1		
c) Separate Case	2	2	5	8	8	8	1	1	5	6	5	6	3	1	10	7	13	7		
d) Dismissal of Others	0	0	1	2	5	5	0	0	2	3	2	2	0	0	3	2	7	4		
Found Guilty or Pled to Charge	105	85	18	29	48	49	84	86	17	22	45	56	189	85	35	25	93	52		
Total Cases Adjudicated	124 <sup>a</sup>		62		97		98 <sup>b</sup>		77		81 <sup>c</sup>		222 <sup>a&amp;b</sup>		139		178 <sup>c</sup>			

<sup>a</sup>1974 cases includes 2 mistrials and 8 cases with unknown plea results

<sup>b</sup>1975 cases includes 1 mistrial

<sup>c</sup>1975 cases includes 1 dismissed at trial

TABLE 9

DISPOSITION OF IMPACT (ROBBERY I) AND COMPARISON (ROBBERY II)  
CASES IN 1974 and 1975

	1974				1975				Total			
	(I)		(C)		(I)		(C)		(I)		(C)	
	Rob. I	Rob. II	Rob. I	Rob. II	Rob. I	Rob. II	Rob. I	Rob. II	Rob. I	Rob. II	Rob. I	Rob. II
	N	%	N	%	N	%	N	%	N	%	N	%
<u>Trial</u>												
a) Found Guilty	22	24	4	11	15	29	5	8	37	26	9	10
b) Found Not Guilty	5	5	2	6	0	9	1	2	5	3	3	3
c) Found Not Guilty- Insanity	2	2	1	3	0	0	4	8	2	1	5	6
Pled to Original Charge	57	61	5	14	34	67	9	17	91	63	14	16
Pled Pursuant to Bargain	(4)	(4)	(23)	(66)	(2)	(4)	(34)	(64)	(6)	(4)	(57)	(65)
a) Lesser Included	2	2	13	37	2	4	25	47	4	3	38	43
b) Different Charge	0	0	2	6	0	0	0	0	0	0	2	2
c) Separate Case	1	1	7	20	0	0	7	13	1	<1	14	16
d) Dismissal of Others	1	1	1	3	0	0	2	4	1	<1	3	3
Found Guilty or Pled to Charge	79	85	9	26	49	96	14	26	128	89	23	26
Total Cases Adjudicated	93 <sup>a</sup>		35		51		53		144 <sup>a</sup>		88	

<sup>a</sup>Includes 3 mistrials

TABLE 10

DISPOSITION OF BURGLARY I (BID), ROBBERY I, AND THEFT I (FENCING-RELATED)  
CASES ADJUDICATED BY IMPACT OFFICE IN 1974 and 1975

	1974		1975		Total	
	Number	%	Number	%	Number	%
<u>Trial</u>						
a) Found Guilty	46 <sup>a</sup>	19	33	22	79 <sup>a</sup>	20
by Jury	32	13	24	16	56	14
by Court	13	5	9	6	24	6
b) Found Not Guilty	7 <sup>b</sup>	3	2	1	9 <sup>b</sup>	2
by Jury	3	1	2	1	5	1
by Court	3	1	0	0	3	<1
c) Found Not Guilty Insanity	3	1	6	4	9	2
by Jury	0	0	0	0	0	0
by Court	3	1	6	4	9	2
Pled to Charge	152	64	100	67	252	65
Pled Pursuant to Bargain	16	7	7	5	23	6
a) Lesser Included	7	3	6	4	13	3
b) Different Charge	0	0	0	0	0	0
c) Separate Case	7	3	1	<1	8	2
d) Dismissal of Others	2	1	0	0	2	<1
Found Guilty or Pled to Charge	198	83	133	89	331	86
Total Cases Adjudicated	238 <sup>c</sup>		149 <sup>d</sup>		387 <sup>c&amp;d</sup>	

<sup>a</sup>1974 cases includes 1 unknown type of trial

<sup>b</sup>1974 cases includes 1 unknown type of trial

<sup>c</sup>1974 cases includes 5 mistrials, 1 dismissed at trial, 8 cases with unknown plea results.

<sup>d</sup>1975 cases includes 1 mistrial

Figure 1

BURGLARY I IN DWELLING CASE DISPOSITIONS  
1972-1975 (By Year of Arrest)  
Absolute Numbers

ORIGINAL  
CHARGE

PRELIMINARY  
HEARING  
RESULTS

ADJUDI-  
CATION

Base No. for Adjudications

1972 - n=70  
1973 - n=73  
1974 - n=124  
1975 - n=98

1972-70  
1973-75  
1974-144  
1975-105

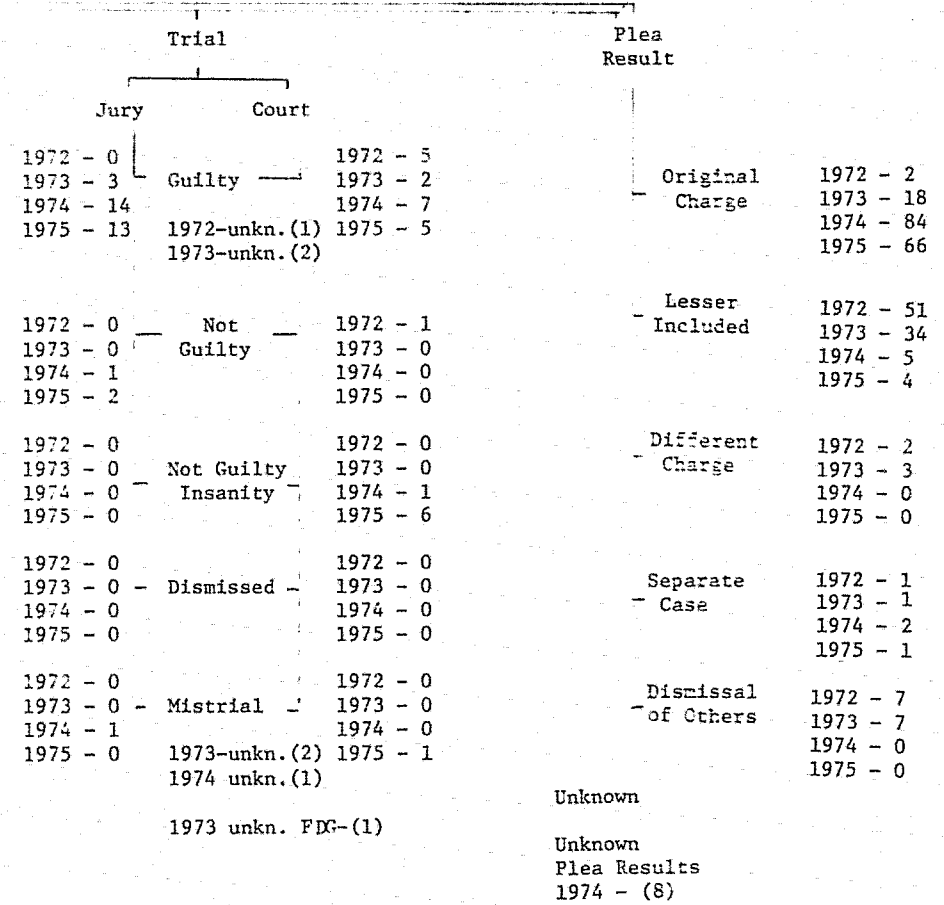
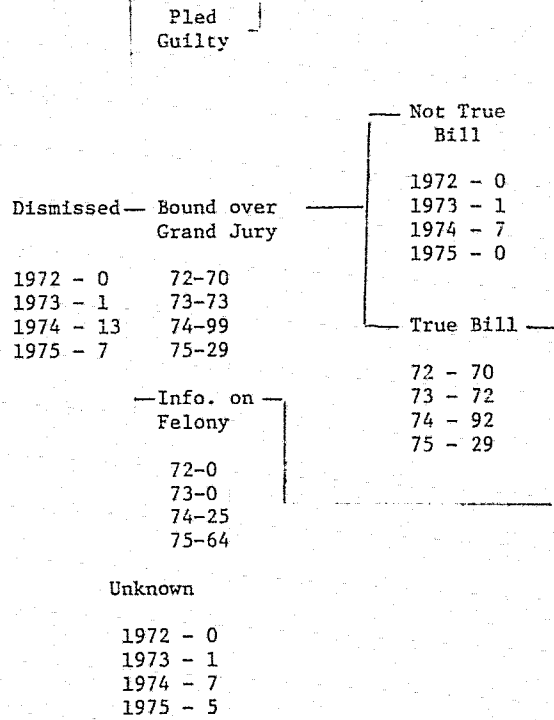




Figure 3

ROBBERY I CASE DISPOSITIONS  
1972-1975 (by Year of Arrest)  
Absolute Numbers

ORIGINAL CHARGE	PRELIMINARY HEARING RESULTS	ADJUDICATION		Base No. for Adjudications	
				1972 - 50	1973 - 31
1972- 51 1973- 34 1974-102 1975- 55	Pled Guilty				
	Dismissed	Not True Bill	Trial		
	Bound over Grand Jury	1972 - 1 1973 - 2 1974 - 2 1975 - 0	Jury	1972 - 6 1973 - 3 1974 - 15 1975 - 11	1972 - 3 1973 - 1 1974 - 6 1975 - 4
		True Bill	Court		
1972 - Q 1973 - 1 1974 - 7 1975 - 4	72- 51 73- 31 74- 71 75- 10	72 - 50 73 - 29 74 - 69 75 - 10	Guilty	1972 - 0 1973 - 2 1974 - 1 1975 - 0	1972 - 1 1973 - 0 1974 - 3 1975 - 0
	Info. on Felony		Not Guilty	1972 - 0 1973 - 0 1974 - 0 1975 - 0	1972 - 0 1973 - 0 1974 - 2 1975 - 0
	72- 0 73- 1 74- 16 75- 38		Insanity		
	Unknown		Dismissed	1972 - 0 1973 - 0 1974 - 0 1975 - 0	1972 - 0 1973 - 0 1974 - 0 1975 - 0
1972 - 0 1973 - 1 1974 - 8 1975 - 3			Mistrial	1972 - 0 1973 - 0 1974 - 1 1975 - 0	1972 - 0 1973 - 0 1974 - 0 1975 - 0
			1974-unkn. (2)		
					1972 - 5 1973 - 5 1974 - 57 1975 - 34
					1972 - 25 1973 - 13 1974 - 2 1975 - 2
					1972 - 3 1973 - 0 1974 - 0 1975 - 0
					1972 - 0 1973 - 1 1974 - 1 1975 - 0
					1972 - 7 1973 - 4 1974 - 1 1975 - 0
					Unknown 1973-2

FIGURE 4

ROBBERY I CASE DISPOSITIONS  
1972-1975 (By Year of Arrest)  
Percentages

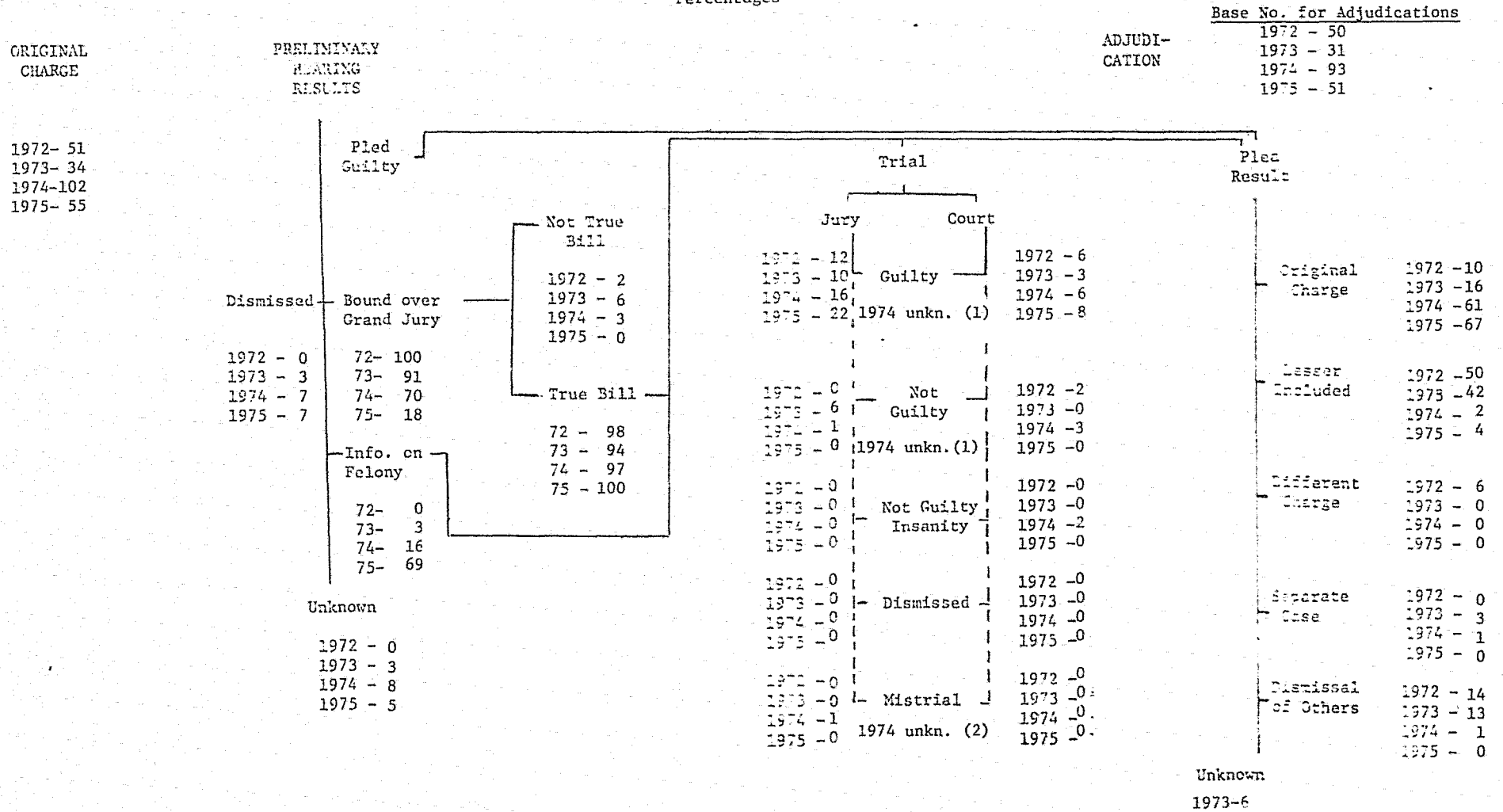








FIGURE 7

BURGLARY I NOT IN DWELLING CASE DISPOSITIONS  
1972-1975 (By Year of Arrest)  
Absolute Numbers

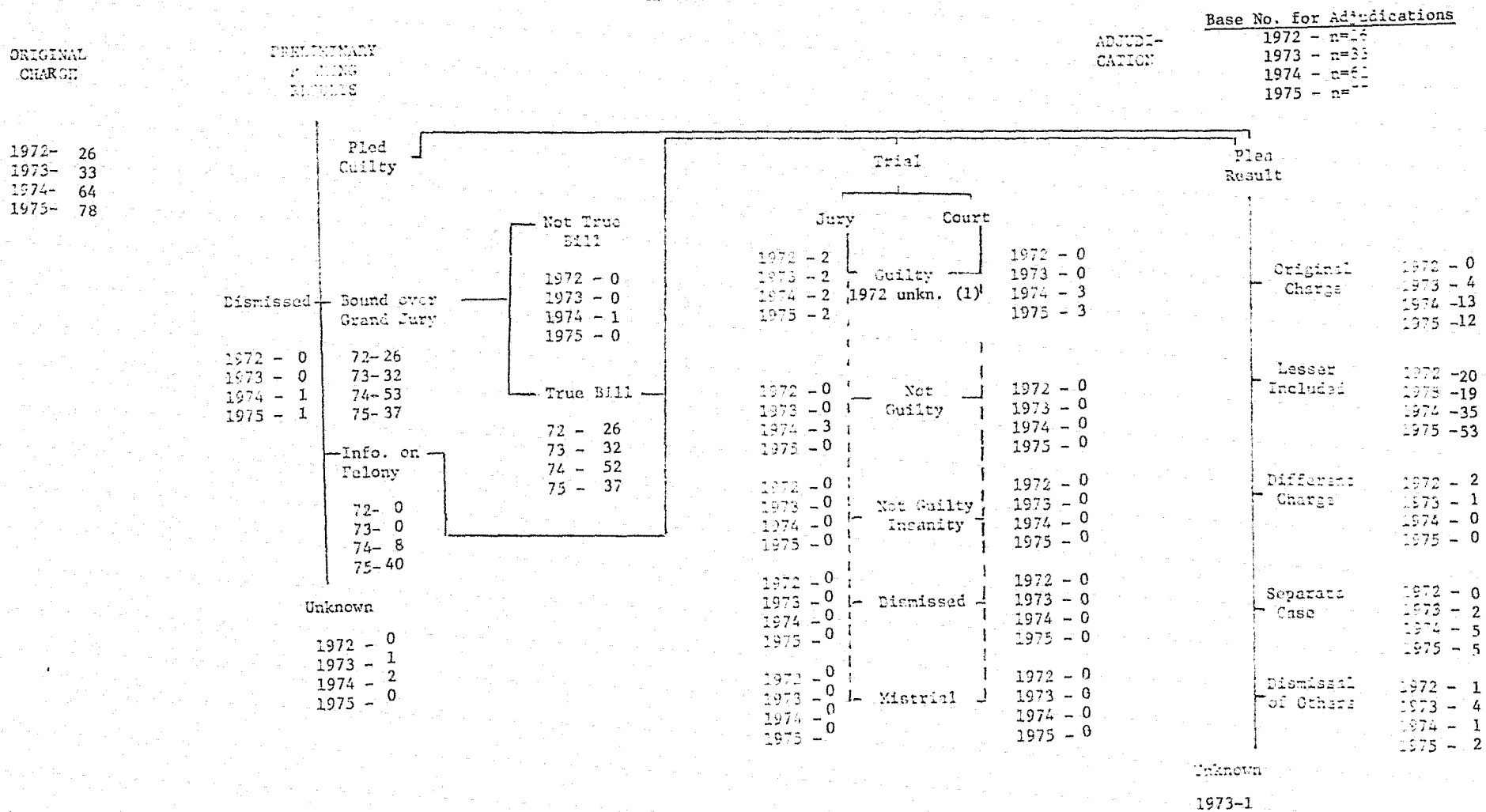


FIGURE 8

BURGLARY I NOT IN DWELLING CASE DISPOSITIONS  
1972-1975 (By Year of Arrest)  
Percentages

ORIGINAL  
CHARGE

PRELIMINARY  
HEARING  
RESULTS

ADJUDI-  
CATION

Base No. For Adjudications  
1972 - N=26  
1973 - N=33  
1974 - N=62  
1975 - N=77

1972- N=26  
1973- N=33  
1974- N=64  
1975- N=78

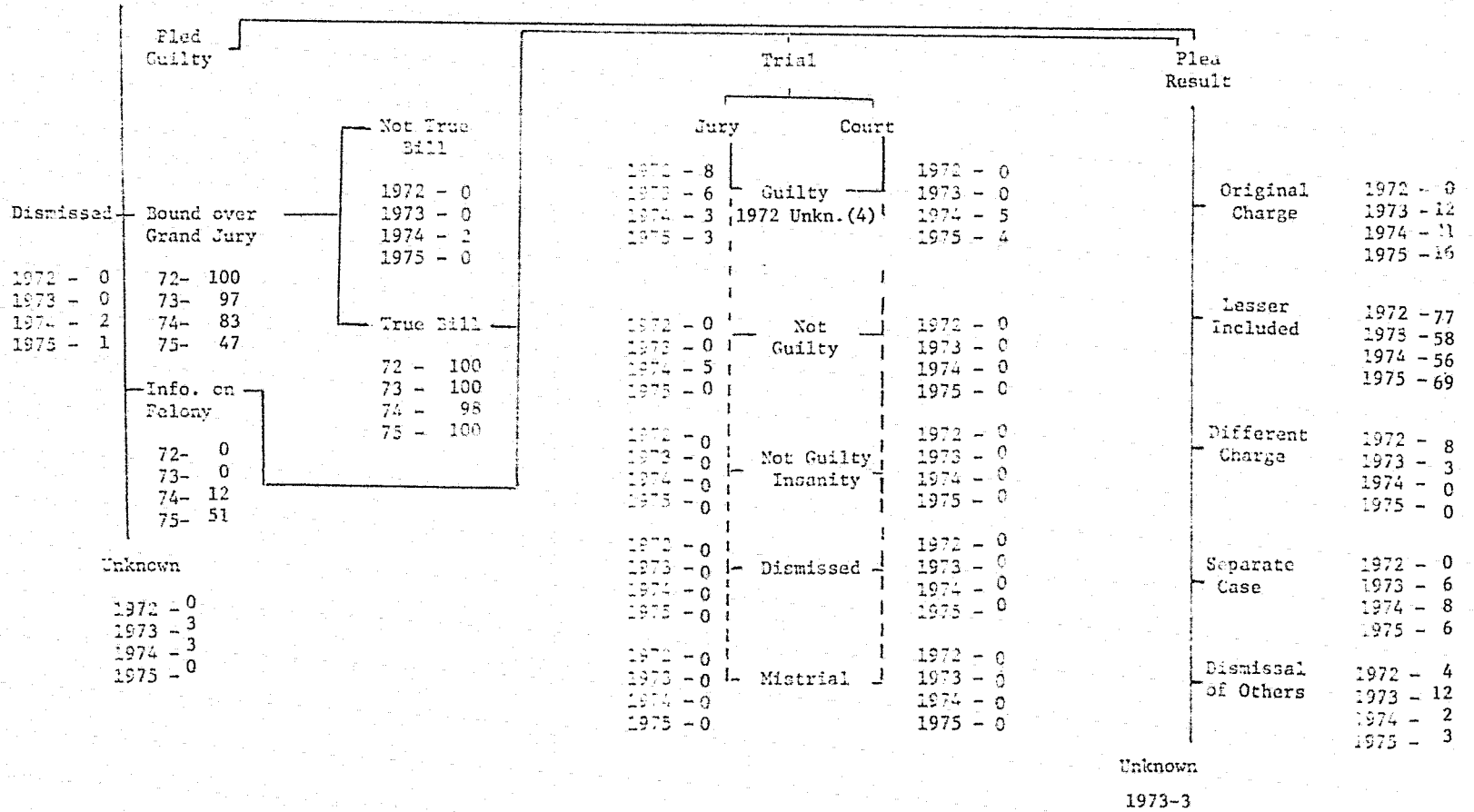




FIGURE 10

BURGLARY II CASE DISPOSITIONS  
1972-1975 (By Year of Arrest)  
Percentages

ORIGINAL  
CHARGE

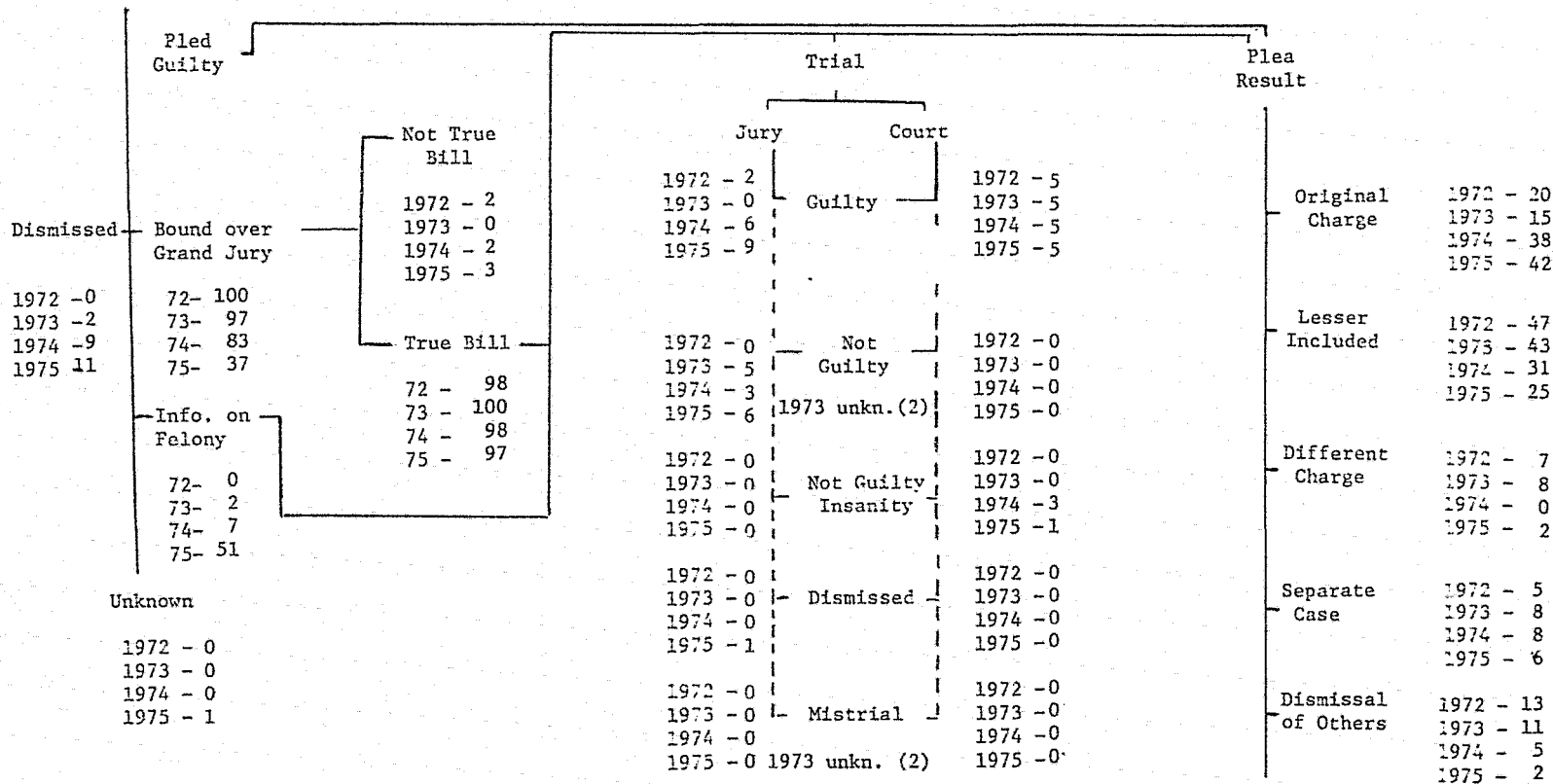
PRELIMINARY  
HEARING  
RESULTS

ADJUDI-  
CATION

Base No. for Adjudications

1972 - N=59  
1973 - N=65  
1974 - N=97  
1975 - N=81

1972- N=60  
1973- N=66  
1974- N=109  
1975- N=92



Unknown  
1973-2



FIGURE 12

ROBBERY II CASE DISPOSITIONS  
1972-1975 (By Year of Arrest)  
Percentages

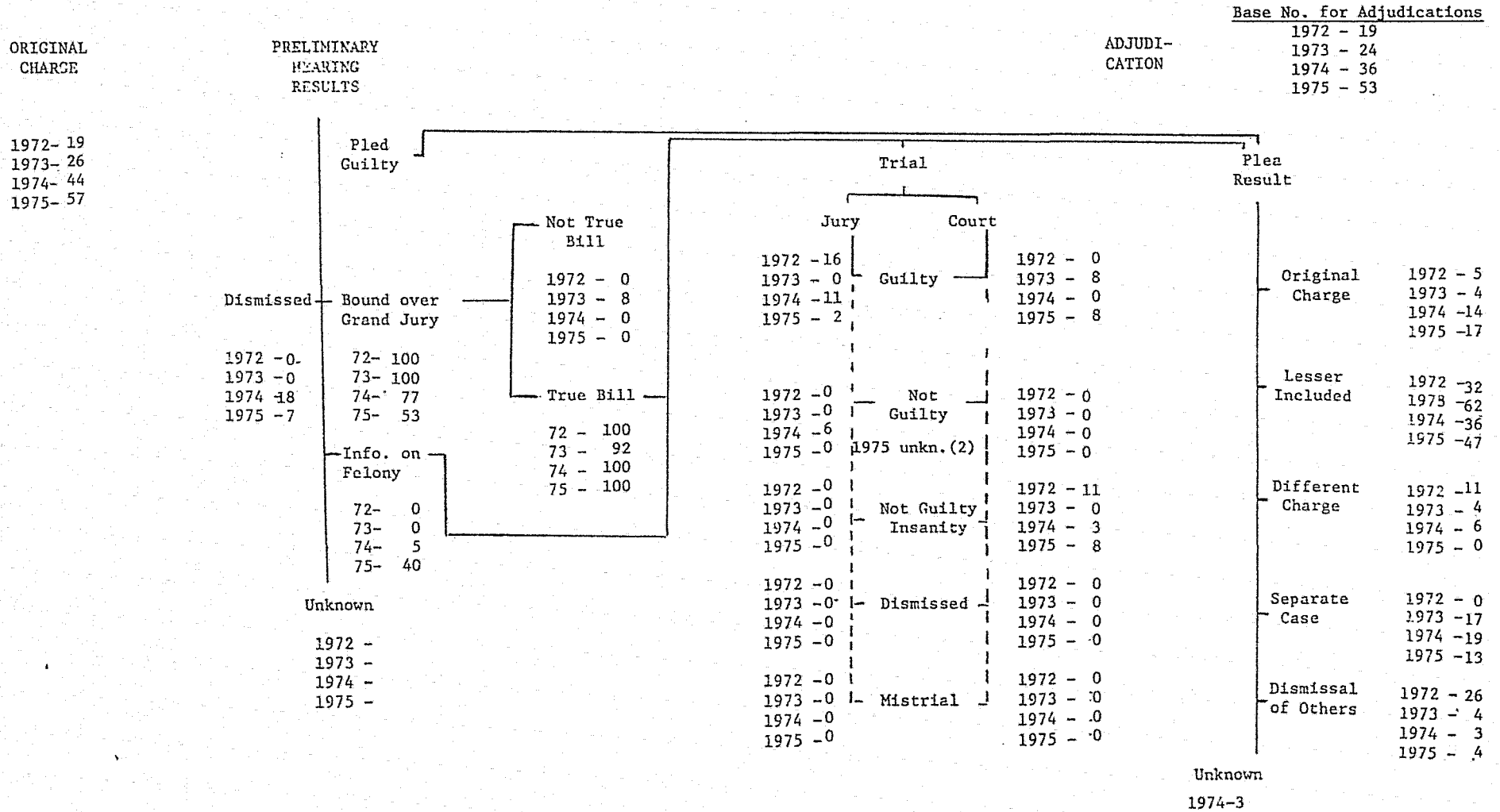


TABLE 11

NUMBER AND PERCENT OF BURGLARY I IN DWELLING, BURGLARY I NOT IN DWELLING,  
AND BURGLARY II CASES DISMISSED

1974-1975

Reason	(Impact) Burg. I in Dwelling					(Comparison) Burg. I Not in Dwelling					(Comparison) Burg. II			BNID and Burg. II Total			
	1974		1975		Total	1974		1975		Total	1974		1975		Total	N	%
	N	%	N	%	N %	N	%	N	%	N %	N	%	N	%	N %		
Insufficient Evidence	5	6	1	1	6 2.7	0	0	2	2	2 1.4	0	0	5	4	5 2.7	7	2.1
Other Reasons	4	5	12	9	16 7.3	5	10	6	6	11 7.7	17	23	15	13	32 17.1	43	13.0
No. of Cases Presented	80		140		220	48		95		143	73		114		187	330	



TABLE 12

NUMBER AND PERCENT OF ROBBERY I AND  
ROBBERY II CASES DISMISSED

1974-1975

Reason	(Impact) Robbery I						(Comparison) Robbery II					
	1974		1975		Total		1974		1975		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
Insufficient Evidence	1	2	2	3	3	2.1	3	14	1	1	4	4.3
Other Reasons	4	6	1	1	5	3.5	6	27	13	18	19	20.4
No. of Cases Presented	65		78		143		22		71		93	

TABLE 13

DAYS FROM ARREST TO DISPOSITION FOR BURGLARY I  
 IN DWELLING (BID) AND BURGLARY I NOT IN DWELLING (BNID) CASES  
 1974-1975

	1974		1975	
	(Impact) BID	(Comparison) BNID	(Impact) BID	(Comparison) BNID
Mean	73.71	93.35	57.58	57.04
Std. Deviation	52.01	58.22	34.90	25.92
t test value	-2.35 $p < .05$		.11 Not Significant	
Range	9-285	26-319	1-209	19-174
No. of Cases	136	60	99	72

Number of

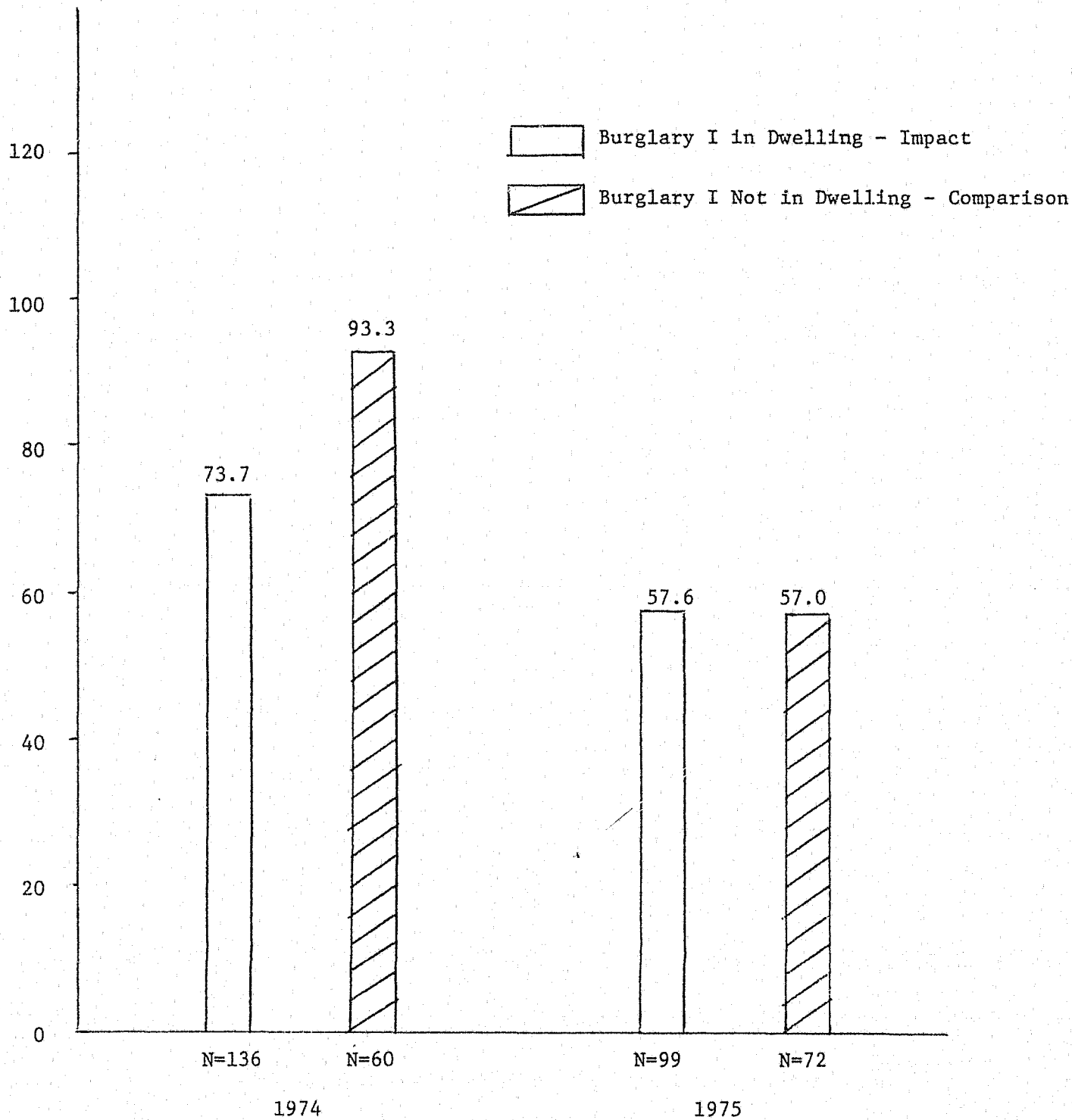


Figure 13 . Mean number of days from arrest to disposition for Burglary I in Dwelling and Burglary I not in Dwelling cases 1974-1975.

TABLE 14

NUMBER OF DAYS FROM ARREST TO DISPOSITION BY  
PERCENTAGE OF BURGLARY I IN DWELLING AND BURGLARY I  
NOT IN DWELLING CASES

1974-1975

No. of Days	1974				1975			
	BID		BNID		BID		BNID	
	%	Cum. %*	%	Cum. %*	%	Com. %*	%	Cum. %*
1-15	4	4	8	8	5	5	11	11
16-31	15	19	7	15	15	20	32	43
32-46	15	34	7	22	19	39	26	69
47-62	15	49	17	39	24	63	12	81
63-77	19	68	35	74	18	81	8	89
78-93	10	78	7	81	8	89	6	95
94-108	3	81	5	86	3	92	3	98
109-124	5	86	2	88	2	94		
125-139	1	87	7	95	1	95		
140-165	5	92			1	95		
166-180	2	94			1	97	1	99
181-196	2	96			1	98		
197-211	2	98			1	99		
212-227			2	97				
228-242								
243-258			2	99				
259-273	1	99						
274-289	1	100	3	102				
290+								
No. of Cases	(136)		(60)		(99)		(72)	

\* Percentage may not total to 100 due to rounding

TABLE 15

DAYS FROM ARREST TO DISPOSITION FOR  
ROBBERY I AND ROBBERY II CASES  
1974-1975

	1974		1975	
	(Impact) Robbery I	(Comparison) Robbery II	(Impact) Robbery I	(Comparison) Robbery II
Mean	70.60	85.08	56.76	53.12
Std. Deviation	48.91	48.63	46.36	33.55
t test value	-1.53 $p > .05$ NS		t = .47 Not Significant	
Range	6-266	15-222	1-257	4-196
No. of Cases	98	36	51	56

Number of Days

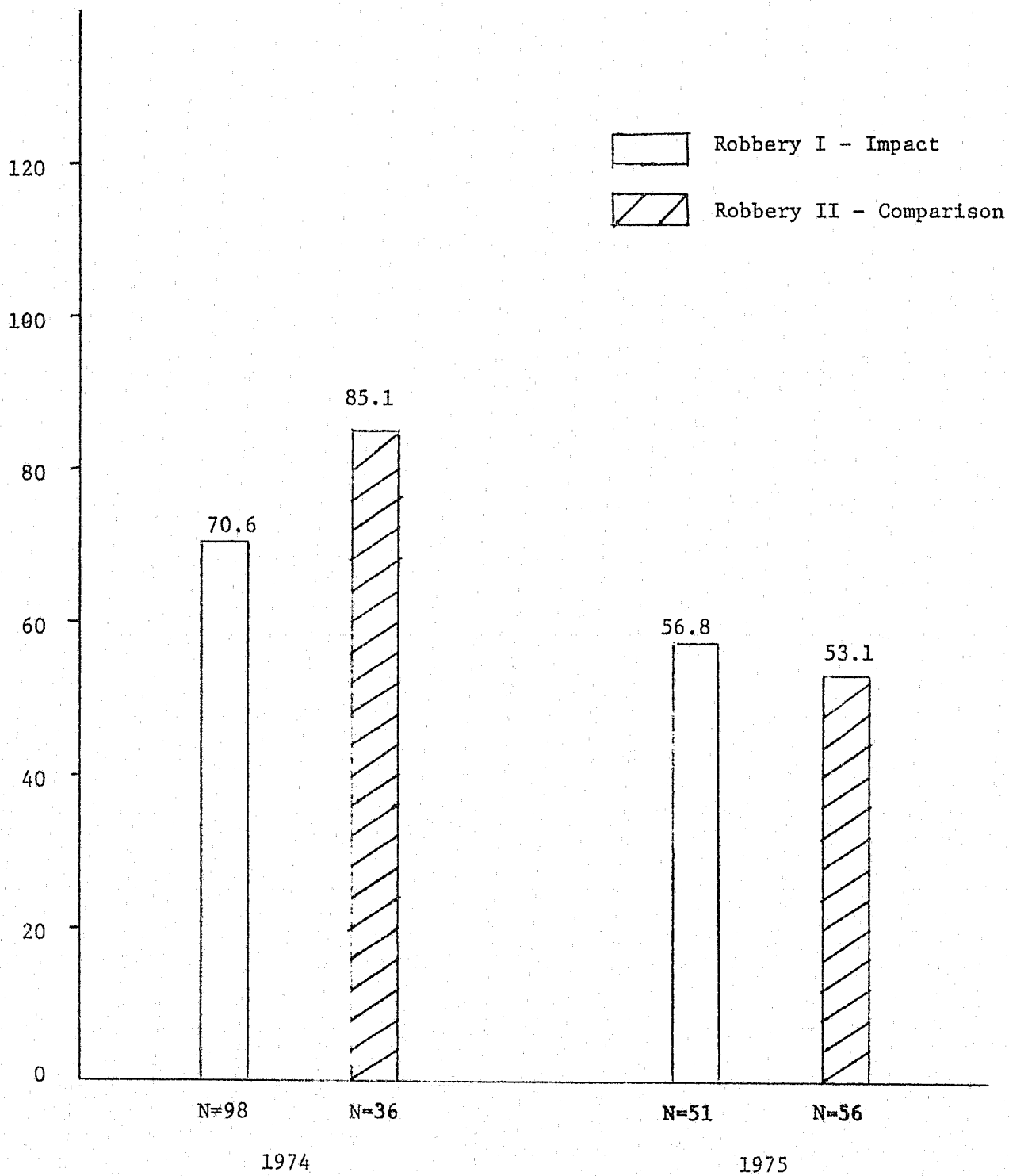


Figure 14. Mean number of days from arrest to disposition for Robbery I and Robbery II cases 1974-1975.

TABLE 16

NUMBER OF DAYS FROM ARREST TO DISPOSITION BY  
PERCENTAGE OF ROBBERY I AND ROBBERY II CASES

1974-1975

No. of Days	1974				1975			
	Robbery I		Robbery II		Robbery I		Robbery II	
	%	Cum. %*	%	Cum. %*	%	Cum. %*	%	Cum. %*
1-15	7	7	3	3	6	6	9	9
16-31	8	15	3	6	17	23	14	23
32-46	17	32	17	23	17	40	30	53
47-62	24	56	19	42	26	66	12	65
63-77	11	67	8	50	15	81	18	83
78-93	7	74	19	69	6	87	7	90
94-108	7	81	8	77	2	89	2	92
109-124	5	86	3	80	2	91	5	97
125-139	4	90	3	83	2	93		
140-165	2	92	3	86				
166-180	1	93	3	89				
181-196	2	95					2	99
197-211	1	96						
212-227	1	97	6	95				
228-242					2	95		
243-258					2	97		
259-273	1	98						
No. of Cases	(98)		(36)		(51)		(56)	

\*Percentage may not total to 100 due to rounding

TABLE 17

SENTENCE TYPE FOR CONVICTED OFFENDERS WITH  
ORIGINAL CHARGE OF BURGLARY I IN DWELLING  
1972-1975

Sentence	1972		1973		1974		1975	
	N	%	N	%	N	%	N	%
Probation	29	43	28	44	10	9	8	9
Jail/Institution Suspended Placed on Probation	15	22	19	30	31	28	17	19
Jail/Institution (Suspended)			1	2	1	1		
Jail only								
Jail (Probation following release)	8	12	7	11	23	21	35	39
Institution	16	24	8	13	47	42	29	33
	68 <sup>a</sup>		63 <sup>b</sup>		112 <sup>c</sup>		89	

a - Excludes 1 with sentence unknown

b - Excludes 7 with sentence unknown

c - Excludes 10 with sentence unknown

TABLE 18

SENTENCE TYPE FOR CONVICTED OFFENDERS WITH  
ORIGINAL CHARGE OF BURGLARY I NOT IN A DWELLING  
1972-1975

Sentence	1972		1973		1974		1975	
	N	%	N	%	N	%	N	%
Probation	16	61	13	46	22	42	33	46
Jail/Institution Suspended Placed on Probation	2	8	3	11	11	21	6	8
Jail/Institution (Suspended)								
Jail Only	1	4	1	4	1	2		
Jail (Probation following release)	4	15	4	14	6	11	17	24
Institution	3	12	7	25	13	25	16	22
	26		28 <sup>a</sup>		53 <sup>b</sup>		72 <sup>c</sup>	

a - Excludes 4 with sentence unknown

b - Excludes 6 with sentence unknown

c - Excludes 5 with sentence unknown



TABLE 19

SENTENCE TYPE FOR CONVICTED OFFENDERS WITH  
ORIGINAL CHARGE OF BURGLARY II  
1972-1975

Sentence	1972		1973		1974		1975	
	N	%	N	%	N	%	N	%
Probation	33	58	19	41	31	38	35	51
Jail/Institution Suspended Placed on Probation	12	21	14	30	16	20	6	9
Jail/Institution (Suspended)								
Jail only	2	4	3	7	8	10	7	10
Jail (Probation following Release)	6	11	7	15	18	22	13	19
Institution	4	7	2	4	7	9	7	10
	57 <sup>a</sup>		46 <sup>b</sup>		81 <sup>c</sup>		68 <sup>d</sup>	

- a - Excludes 2 with sentence unknown  
b - Excludes 14 with sentence unknown  
c - Excludes 10 with sentence unknown  
d - Excludes 6 with sentence unknown

TABLE 20

SENTENCE TYPE FOR CONVICTED OFFENDERS WITH  
ORIGINAL CHARGE OF ROBBERY I  
1972-1975

Sentence	1972		1973		1974		1975	
	N	%	N	%	N	%	N	%
Probation	8	17	6	24	1	1	2	4
Jail/Institution Suspended Placed on Probation	7	15	1	4	11	13	5	10
Jail/Institution (Suspended)			1	4				
Jail only	1	2						
Jail (Probation following Release)	6	13	5	20	8	10	2	4
Institution	25	53	12	48	62	76	42	82
	47 <sup>a</sup>		25 <sup>b</sup>		82 <sup>c</sup>		51	

a - Excludes 2 with sentence unknown

b - Excludes 4 with sentence unknown

c - Excludes 1 with sentence unknown

TABLE 21

SENTENCE TYPE FOR CONVICTED OFFENDERS WITH  
ORIGINAL CHARGE OF ROBBERY II  
1972-1975

Sentence	1972		1973		1974		1975	
	N	%	N	%	N	%	N	%
Probation	3	18	11	58	7	28	14	34
Jail/Institution Suspended Placed on Probation	1	6	4	21	1	4	3	7
Jail/Institution (Suspended)			1	5				
Jail only							3	7
Jail (Probation following Release)	4	24	2	11	10	40	11	27
Institution	9	53	1	5	7	28	10	24
	17		19 <sup>a</sup>		25 <sup>b</sup>		41 <sup>c</sup>	

a - Excludes 5 with sentence unknown

b - Excludes 8 with sentence unknown

c - Excludes 7 with sentence unknown

TABLE 22

SENTENCE TYPE FOR CONVICTED OFFENERS WITH  
 ORIGINAL CHARGE OF THEFT I (FENCING-RELATED)  
 1972-1975

Sentence	1972		1973		1974		1975	
	N	%	N	%	N	%	N	%
Probation	3	75	2	66	11	69		
Jail/Institution Suspended Placed on Probation	1	25			2	12		
Jail/Institution (Suspended)								
Jail Only								
Jail (Probation following Release)			1	33				
Institution					3	19		
	4		3		16 <sup>a</sup>			

a - Excludes 4 with sentence unknown

**END**