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✓ FINAL NARRATIVE REPORT
ON
✓ THE GREATER ✓ INDIANAPOLIS - ✓ MARION COUNTY
✓ CAREERS IN CRIME INTERCEPTION PROJECT
(DF 76-05-0049)
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I. PROJECT OBJECTIVES

The prime objective of the Greater Indianapolis - Marion County Careers in Crime Interception Project, as stated at its inception, was to demonstrate that the incidence of the target crimes of homicide, rape, robbery and burglary could be reduced by special prosecutorial emphasis on cases involving recidivist offenders.

As a means of achieving the above-stated goal, ten general objectives were formulated, as follows:

1. Reduction of pre-trial, trial and sentencing delay, speedy disposition of the Career Criminal case.
2. Reduction of pre-trial, release-on-bail decisions made without knowledge of other cases pending, or of defendant's past criminal history.
3. Reduction of number of cases in which a bargain is made without knowledge of other pending cases or past criminal history.
4. Increased utilization of applicable habitual offender statutes.
5. Reduction of number of dismissals for reasons other than the merits of the case by:
 - A. Reducing failure of witnesses to appear; and
 - B. Reducing number of cases in which all the evidence has not been collected, or collected in a manner precluding its use.
6. Insure that the convicted Career Criminal is imprisoned for a term consistent with his criminal history.
7. Increase certainty of conviction in Career Criminal cases, and in office cases generally.
8. Insure that the recidivist murderer, rapist, robber, burglar or other violent criminal is objectively selected for priority prosecution in a manner consonant with due process guarantees, and that

such criminals are prosecuted in a fashion consistent with their criminal activity.

9. Develop internal working relations of criminal justice system so as to promote more efficient functioning, with attention to the rights of those accused.
10. To add significantly both to the body of knowledge concerning the Career Criminal, and to that understanding of the Career Criminal necessary to promote more efficient functioning of the prosecutor in the trial process; to serve as consultants to the trial deputy and to other criminal justice system officers.

II. BUDGETARY CONSIDERATIONS

The funds provided by LEAA were generally adequate to operate the Career Criminal program in Marion County, but it would have benefited the program had all program deputies received higher salaries. Prior to the program's termination, several program deputies left the office for economically more attractive employment opportunities. Greater continuity in the tenure of program personnel could perhaps have been achieved by paying program attorneys only a ten or fifteen percent larger salary. With such an increase, it would have been both financially unnecessary and less attractive to either leave for another job or maintain an outside private practice.

The transition period between one grant period and the next was always a precarious time, since the program director never knew if funds for the new grant period would arrive in time to pay the program staff.

The allowance in the budgetary guidelines, whereby up to ten percent of funds in a given budget category could be transferred to another category, provided adequate flexibility whenever exigent circumstances created a deficit which was unforeseeable when the program costs were first projected.

It was the experience of the program director that some confusion resulted from the absence, at the program's inception, of a single comprehensive list of financial directives regarding limitations on spending.

In a situation which was problematic at the local level, the Marion County Auditor's Office experienced some personnel turbulence, which ultimately resulted in poor bookkeeping practices during their management of Career Criminal grant funds. This situation finally necessitated the keeping of separate program financial records by the Marion County Prosecutor's Office itself in order that fiscal transactions of the program were properly documented.

III. PROJECT OPERATIONS

The operating procedures of this jurisdiction's Careers in Crime Interception Project eventually were fully integrated with those of the general office such that project personnel were used to augment existing activities of the general office, rather than functioning independently. These project operating procedures may be categorized as follows.

Felony Screening Unit

The general office felony screening unit received initial information on felony cases from two sources. First, as soon as an Incident Report on a felony case became available, a copy was sent to the unit. Second, the Indianapolis Police Department's Prisoner Intake Log was reviewed at the start of every work day to verify that an Incident Report had been received on every case which appeared to involve a felony.

As soon as the general office's felony screening unit was aware of the case, it drew up an affidavit for court submission, in preparation for the arrival of the detective assigned to the case. The detective brought with him a completed capias information sheet, and in addition, whatever criminal history information regarding the alleged offender was available from the Indianapolis Police Department's Records Division. The screening deputy checked the PROMIS files for additional information.

Based on all the available information, the screening deputy evaluated each case for the requisite elements of proof, for their severity within certain classes of crime, and for the existence of any major obstacles to successful trial prosecution.

For every case which was filed in or bound over to the Criminal Court, the program screening deputy would apply the Career Criminal selection criteria to the case to determine if it should be prosecuted by the project.

At the project's inception, a set of selection criteria had been developed and were ready for use. However, within six months, it became apparent that these criteria were not generating a sufficient caseload per program deputy. From that point on, project administrators took several tacks to remedy the problem. After first expanding the list of target offenses, which still generated an insufficient caseload, juvenile offenders were included among target defendants. When the caseload sharply increased to the point where caseloads were too large, project officials adopted yet a new set of selection criteria, this time assigning numerical values to various factors derived from the defendant's criminal history and pending charges. These values were inserted into an equation which would yield the defendant's "crime score." If the score was high enough, the defendant was selected for Career Criminal prosecution. The use of the numerical values, an equation and the crime score threshold was intended to objectify to process by which cases were selected. This system did not, as hoped, achieve

the goal of stabilizing individual caseloads at the projected level of thirty cases per program deputy. Minor adjustments of the selection criteria continued throughout the life of the program, due to apparent fluctuations of a complex of factors within the local criminal justice system.

Once a given case was selected by the felony screening unit for Career Criminal treatment, the Project Director was immediately notified so that he could assign a program deputy to that case. If any questions arose regarding application of the selection criteria to a given case, the Project Director was also called upon to resolve them.

Career Criminal Prosecution

Once the defendant in a newly filed case was selected by the screening unit for prosecution as a Career Criminal, the case was referred to the Project Director. A major responsibility of the director was to assure the grouping under one or more deputies of all related cases involving a given defendant. The director was also available for consultation regarding the tactical approach to be taken by program deputies in handling cases which proved difficult or unique.

The project goal of better trial preparation was achieved by several means.

The prosecutor had already instituted vertical prosecution as a standard general office practice, and this procedure, upon adoption by the program, enabled program deputies to be fully informed of case progress from arraignment through sentencing.

Generally lighter caseloads allowed program deputies to devote more attention to program cases such that deputies were truly ready to go to trial on each one if necessary. In addition, program support staff assisted in the thorough preparation of cases involving Career Criminals. The paralegals gathered criminal history and treatment history data for each case, and performed witness coordination duties such that witnesses were notified of court dates and provided with transportation if necessary. Program clerks provided research on pertinent questions of law which might arise in the trial of a program case. By virtue of local funding, three investigators and motor vehicles were made available to the program and assisted in trial preparation. The investigators served subpoenas and sought out witnesses who could not be located through normal channels. They also served as liason officers between the program staff and local law enforcement agencies.

Program deputies were further aided in case preparation by two technical improvements of office efficiency. The first was PROMIS, which provided statistical tracking and feedback on the program's progress. The second was the installation and programming of a word processing unit, which could provide eighty percent of all pleadings normally needed in the prosecution of a criminal case.

Program deputies were responsible for following Career Criminal defendants beyond the acquisition of a conviction or plea of guilty. Therefore, program deputies attended or sought information on probation and parole revocation proceedings, post-conviction proceedings, and proceedings against the given defendant in other jurisdictions. Such tracking favorably impressed other agencies within the local criminal justice system to the point of fostering good working relationships, and also kept program deputies fully informed of all treatment received by the defendant within the system.

Target Profile Refinement Unit

This unit, initially consisting of a psychologist and a social worker, was to compile data which would aid project officials in a better understanding of defendants targeted by the program. At the program's inception, this unit was to perform numerous and ambitious research functions in an effort to achieve its major objective. The largely academic aims of this unit eventually destroyed its appeal to an otherwise prosecution-oriented program. Midway through the program, the profile refinement unit had all but dissolved from disuse.

General Objective 1

Reduce Pre-trial, trial
and Sentencing delay; speed
disposition of the Career
Criminal Case.

Project officials at the outset identified several problems which contributed to delay during the trial process.

It was recognized that office use of Grand Jury and Municipal Court jurisdiction to hold some cases for eventual criminal court filing was resulting in pre-charge delay. Project officials responded by reducing their reliance on Grand Jury and Municipal Court jurisdiction through an expanded screening capacity which would identify cases which merited immediate filing in criminal court.

In the face of continuances caused by defense use of jury requests and jury waivers, program deputies uniformly requested a jury trial setting at arraignment and thereafter resisted jury waiver. Program deputies further sought to eliminate delay caused by last minute change of defense counsel by insisting that the case go to trial with present counsel, and by encouraging courts to give the defendant notice of the consequences where he or his counsel delays.

Project officials sought to eliminate continuances for court congestion or attorney unavailability by assisting judges in the preparation of a mandate seeking funding for two additional criminal courts. Although this effort was unsuccessful, it did result in increased public awareness of the fact that court congestion was a serious problem within the local criminal justice system, and paved the way for continuing efforts to

secure funding for additional criminal courts. The Project Director also sought the judges' cooperation in transferring program cases to a court with more calendar time available. Although the Director was unable to exact a concrete agreement to this effect, discussions with the judges on this matter did create an atmosphere of mutual cooperation regarding prioritized prosecution of career criminals.

Program staff made great strides in dealing with the causes of delay occasioned by the unavailability of witnesses. Immediately upon receiving a new case, program deputies sent out witness letters advising witnesses of case status and requesting advance notification of any foreseeable periods where the witness would be unavailable. Program secretaries were trained to assure that subpoenas were sent out early, allowing sufficient time for confirmation of service or notice of any scheduling conflicts. The Witness Coordination Unit staff, through use of the PROMIS Witness Register, was utilized to field all witness questions regarding time and location of court appearances, as well as coping with witness transportation problems. By placing an emphasis on early and regular witness contact, program staff contributed to better relations with both police agencies and the public, and minimized last minute witness problems in program cases. As a net result, program deputies were able to spend more time preparing their cases for trial.

The problems of case-flow management are inherent in any large prosecutorial agency, and the Marion County Prosecutor's Office was no exception. From the Program's inception, it was recognized that speedy case disposition was necessary to both achieve the conviction rates desired by program officials, and to successfully manage the ever increasing number of cases being filed each year by the Marion County Prosecutor's Office.

Program officials did not indicate what time period constituted a "speedy disposition;" however, it was felt that any case disposed in four months or less would satisfy this program goal.

Much of the local difficulty with case scheduling and speedy dispositions could be attributed to the Indiana change-of-judge rules. These change of judge rules required a change of judge upon motion made during the first ten days after arraignment. These change of judge rules resulted in a severe imbalance in the distribution of cases in the criminal courts. They also created scheduling difficulties for the local prosecutor. In addition to these reasons for local difficulty in maintaining a workable case-flow management system, there were other problems that contributed to scheduling difficulties.

The program's felony screening unit scrutinized each case as it came into the office to determine if the merits of the case were sufficient for prosecution by program deputies. For a case to be tried by program deputies it had to meet these program criteria. During the course of the program these selection criteria were altered several times to adjust the flow of cases into the program. As the criteria were relaxed to allow for a

greater number of cases accepted by the program, the overall number of cases filed by the office began to increase considerably. This resulted in more cases being accepted by the program for prosecution as career criminals.

Tables 1 and 2 show the average time, in days, from case filing to final disposition for all cases disposed by the program from October 9, 1976 through January 14, 1979. Table 1 lists the average disposition times for the first five quarters of program operation and table 2 lists the disposition times for the last four quarters. No entries are made for January, 1979 since PROMIS (the data source for all statistics in this report) shows no career criminal dispositions for that month.

As can be seen in table 1 the program deputies had difficulties in lowering the average disposition times for program cases disposed during the first five quarters of program operation (October, 1976 through December, 1977). Table 1 shows that there was considerable fluctuation in the disposition times for the time periods indicated. Table 3 shows that from December, 1976 through December, 1977, two of the disposition categories declined significantly. During this time period the disposition time for convictions on lesser offenses and acquittals declined 25.0% and 28.3% respectively.

Program year 1978 brought on additional problems for program deputies. Table 2 shows that the disposition times for all categories increased. However, during 1978, budgetary constraints had a significant effect on program personnel and program case dispositions.

During 1978 the number of program deputies was decreased from six to two. The program continued to accept cases for prosecution (see tables 4 and 5) and the two full time deputies absorbed portions of the caseloads from the four former Career Criminal deputies. Table 3 shows that these events had quite an impact on disposition time. The overall increase in disposition times from December, 1977 to December, 1978 was 40.9%.

In retrospect, program officials cited several ways in which disposition times may have been more efficiently controlled. However, they also noted that the largest stumbling block for program deputies was the great fluctuation in caseload size; due largely to the program's screening criteria. It was felt that more consistent criteria for case acceptance would have resulted in a more even influx of cases to the program. The regulation of deputy caseload would allow for far better caseload management by program officials, who felt that this could have resulted in better disposition times for program cases.

General Objective 2

Reduction in pre-trial, release-on-bail decisions made without knowledge of other cases pending or Defendant's past Criminal history.

Project officials recognized that in numerous cases, the courts were holding bond-reduction hearings wherein the assigned deputy either had not been notified, or was present but did not have available to him a copy of the defendant's criminal history.

With the Prosecutor's support, the Indianapolis Police Department obtained funding from the City-County Council for the mechanization of the Indianapolis Police Department criminal history file. This concerted effort constituted an instance of significant cooperation between the two agencies. The above mechanization program proceeded steadily through the early stages, but became mired in personnel problems which eventually lead to a complete halt of the program.

The Prosecutor and the Project Director also attempted to expedite the consolidation of the individual criminal history file systems of Indianapolis Police Department and the Marion County Sheriff's Department. However, the manpower and monetary problems involved proved insurmountable.

Program officials requested that the program analyst study the feasibility of developing an interface between PROMIS, the Prosecutor's file of court actions, and the proposed Indianapolis Police Department Automated Criminal History System. The Career Criminal program analyst determined that such an interface was theoretically possible; however, since the Automated Criminal History System was never activated, the interface could proceed no further.

General Objective 3

Reduction in the number of cases in which a plea bargain is made without knowledge of other pending cases or past criminal history.

The use of the plea bargain as a means of disposing of general office cases had been subject to abuse for sometime. The standard practice had been to accept something less than the presumptive sentence as long as the guilty plea was obtained. Further, such bargains were sometimes struck without the deputy's being apprised of the defendant's criminal history or other pending cases.

Project officials determined that as a general rule, there would be no plea bargaining in program cases. The exceptions would be limited to cases wherein the State "receives something of real value for its forbearance" of prosecution. In limited cases where a plea bargain was to be worked out, it was the duty of the Trial Supervisor to insure that no bargain would be made in program cases unless the assigned deputy was fully informed on the defendant's record of past and present criminal activity.

The program felony screening unit established as a ground-rule that felony screening would issue no capias until the detective assigned to a given case had provided screeners with a copy of the defendant's criminal history.

Further, program paralegals sought out possible aliases and additional background information on target defendants. Program deputies thus were well informed on defendant's criminal activity at each case's inception.

In a continuing effort to develop lines of communication between the Career Criminal program and other local criminal justice agencies, program officials regularly furnished Indianapolis Police Department with printouts detailing dispositions in program cases in order that Indianapolis Police Department could manually update its criminal history log on the defendants charged.

Several instances arose early in the program wherein target defendants were discovered to have several independent charges pending against them under a variety of aliases. In response, program officials instructed program paralegals to make a concerted check of defendants' criminal history and other available background information in an effort to uncover other criminal activity charged to Career Criminals under aliases. Further, detectives assigned to program cases were encouraged to provide such information when discovered. These efforts were aimed at providing program deputies with as much information as possible regarding target defendants' other cases, convictions, and activity.

Finally, program officials were disturbed by the number of release events, such as shock probation, parole and clemency hearings, which took place without adequate notice being provided to program deputies. With respect to trial court events, the Program Director instructed paralegals and secretaries to regularly check court dockets for such hearings. The Program Director also established lines of communication with the Parole Board and Clemency Commission, and secured assurances from those groups that program deputies would receive advance notice of

release events effecting target defendants. In this fashion, program officials ascertained that program input could be duly presented at such hearings.

General Objective 4

Increased utilization of applicable habitual offender statutes.

In an effort to obtain higher sentences for recidivist offenders, project officials turned to Indiana's Habitual Offender statute. It was discovered that while numerous defendants charged with lesser, non-target offenses would qualify as habitual offenders, only a very few target defendants were eligible. Further, the evidentiary requirements set out in the statute placed a burden on the State which was always difficult to meet. Efforts to get the statute reformed by the state legislature were without success.

In the interest of streamlining the preparation of the habitual count in given program cases, the Project Director set about revising the existing storage methods for disposed prosecutor case files. At the time, such files were stored in a haphazard fashion in several downtown locations, and retrieving the information necessary for preparation and presentation of the habitual count was difficult and time consuming. Further, closed files which were located in the office were organized by the court wherein they had been filed; this made previous cases against a target defendant difficult to find.

The Project Director was eventually able to have a majority of the closed office files consolidated, filed according to cause number and the defendant's name, and had them located in the office itself. The Director also obtained funding for a file technician to maintain the filing system.

Project officials determined that habitual counts should be filed early to allow sufficient time for the proof to be prepared. Therefore, screening deputies worked to identify prospective habitual criminals on the day on which the criminal court filing decision was made, and to initiate evidence collection immediately. Also, a program paralegal was made available to assist deputies in making arrangements with witnesses who were to testify as to the habitual count.

Project officials also encouraged the trial deputies to make full use of the potential filing of an habitual count as a bargaining tool during plea negotiations.

General Objective 5

Reduce the number of dismissals for reasons other than the merits of the case by:

1. reducing failure of witnesses to appear
2. reducing cases in which all the evidence has not been collected or collected in a manner precluding its use.

The Project Director and Trial Supervisor determined that dismissals for evidentiary problems were pre-empting a substantial percentage of cases from ever reaching the trial stage. Witness non-appearance was targeted as a problem.

To reduce the problem, civilian witnesses in program cases were initially contacted by the witness coordination unit near the filing date, asked to verify basic case information, and were thereafter kept advised of any change in the trial date.

Upon receiving new cases, program deputies made initial contact with witnesses by sending out brief letters. Initial interviews were scheduled shortly thereafter.

It had been general office experience that delays in filing sex offense and homicide cases with the Grand Jury resulted in deterioration in witnesses' memories and availability. Project officials initiated a procedure whereby, when practical, such cases were filed through a court commissioner's hearing. This process resulted in such a savings in time that the assigned deputy could procure a search warrant and obtain additional evidence if necessary.

Also, the practice of holding felony cases in Municipal Court was clearly a source of delay which contributed to witness

problems. Therefore, program screeners instituted written referral standards which detectives were obliged to meet before a felony case could be held in Municipal Court. If evidentiary reasons or the nature of the crime charged did not justify retaining the case there, it was "bound over" or transferred to one of the criminal courts.

Evidence collection problems were recognized as an additional source of dismissals. Office experience indicated that it was extremely difficult to persuade the assigned detective to investigate further once the case had been filed; further, if such investigation was not done soon after the commission of the crime, it became less and less likely that any additional evidence would be uncovered.

In the face of these two problems, project officials directed the trial deputies to review new cases early, and to anticipate evidentiary flaws in the fabric of the case. Upon early identification of such shortcomings, program paralegals and investigators were available to obtain the necessary evidence while the case was still fresh.

Witness intimidation was also perceived as a potential problem in program cases. Therefore, whenever such a situation arose, program deputies worked to allay witness fears, provide protection, and file intimidation charges if possible.

In addition to the obvious public relations problems involved with prosecutor dismissals, the most important reason for controlling the number of prosecutor dismissals is the time and resources that are invested in these cases.

Table 6 is a listing of the number of cases dismissed by the

prosecutor. This table is listed by quarter of program operation. Of the four major reasons for prosecutor dismissals (testimonial evidence, witness attitude, plea bargains and "reason unknown") the category that represents witness failure to appear (witness attitude) is the least of the four. The 29 cases dismissed due to witness attitude represents 13.1% of all cases dismissed during the length of the program.

With regard to reducing the number of dismissals for evidentiary reasons, table 6 clearly shows that the program was successful in achieving their goal. During the two plus years of program operation only 6 cases were dismissed for evidentiary reasons. These 6 cases represent only 2.7% of all prosecutor dismissals for the program. The success of the program, in virtually eliminating evidentiary dismissals, can be credited to the program's screening unit.

General Objective 6

Insure that the convicted Career Criminal is imprisoned for a term consistent with his criminal history.

Program deputies consistently sought to obtain lengthy sentences for recidivist offenders convicted under the program.

In addition, the Prosecutor and Project Director worked through the Indiana Prosecuting Attorneys Council to secure amendments in two sentencing provisions, and to persuade the legislature that these provisions were unduly lenient with regard to career criminals. While these efforts were not successful, legislators were informed of the disparate impact Career Criminals have on the crime rate.

Program officials also sought to limit the early release of Career Criminals by corrections agencies. It was learned that the Parole Board accorded considerable weight to sentence recommendations made by the Prosecutor's Office. Program deputies therefore regularly communicated their impressions to the Parole Board on program cases which were scheduled for hearings. In a select few cases, the program director, the trial deputy and paralegals prepared an elaborate workup on the target defendant, and presented it for the Parole Board's consideration.

The Career Criminal program, by the virtue of its existence, was dedicated to the conviction and incarceration of the Career Criminal defendant. Tables 7, 8 and 9 document the program's performance in this area. Tables 7 and 8 list the average executed sentence for the program's target felony convictions. As can be seen from these tables, the program was successful in maintaining

high sentencing averages for convicted program defendants. It must be noted that the sentence averages listed in these tables (tables 7 and 8) are "executed" sentences. They do not average the upper limit of an indeterminate sentence. For these computations the figure used for indeterminate sentences was the midpoint. The figure used for a determinant sentence was half of the actual sentence. Also, in cases that received multiple concurrent sentences only the maximum sentence was used in the computations for average executed sentence.

Table 9 lists, by program year of operation, the number of cases filed, disposed and convicted and also the incarceration rate. As can be seen in the table the incarceration rates for program cases increased each year while the incarceration rate for general office cases decreased each year. The maximum incarceration rate for program cases occurred in 1978 when 97% of all program defendants convicted subsequently served time.

Tables 10, 11 and 12 are a breakdown of the disposition activity for the program. Table 10 lists disposition information for the program's duration while tables 11 and 12 analyze disposition rates on a quarterly basis.

For the length of the program the overall conviction rate was 64.4%. The acquittal and dismissal rates for the program were 6.6% and 29.0% respectively. Although the 64.4% conviction rate achieved by the program during its 2½ years of operation did not meet what program officials originally anticipated, it was felt that the program did maintain conviction rates that were higher than those achieved by the general office. As can be seen in table 12 the program conviction rates began to decline in 1978.

It was during 1978 that many cases originally screened as Career Criminal cases were handled by regular office deputies. As was previously mentioned it was during this time period that certain budgetary constraints resulted in a cutback of program deputies. Although the general office deputies were highly qualified attorneys, once the Career Criminal cases were assigned to general office personnel the case activities were not monitored as thoroughly as those deputies who were employed by the program. Program officials felt that it was due to these uncontrollable circumstances that the program's conviction rates began to suffer.

General Objective 7

Increase certainty of conviction in Career Criminal Cases and office cases generally

General office experience had been to the effect that jury verdicts were the result of unexpected leaps of logic and emotion on the part of the jurors. Program officials therefore directed ✓ the research unit to conduct jury studies and compile data, which information was made available to program deputies to enhance their knowledge of jury functions. Use of such information was ultimately intended to lead to both the selection of a conviction-oriented juror group and improved communication of evidence to those jurors selected. To this end, periodic conferences were held between each of the program deputies and the director, wherein the deputy's attitude and awareness of program goals were probed. The Trial Supervisor was also available for consultation regarding the trial tactics employed by each deputy.

Pursuant to the program goal that deputies should have more time to prepare their cases, research support was provided to program staff by two legal research clerks. These interns fielded specific research requests on a priority basis, and further, kept a continually expanding file of legal briefs spanning the entire spectrum of criminal law. This research unit also made much progress in preparing a trial book for use by program deputies. When it was discovered that the Indiana Prosecuting Attorney's Council was also preparing such a book, unit research clerks gave the Council the benefit of their research. Program clerks also maintained a standard jury instruction file for use by deputies in case preparation.

The Career Criminal research staff were also available to provide answers to legal questions which were problematic to police officer with whom the program had dealings.

The program's legal research staff also had as one of their duties the amassing of most of the legal pleadings which program deputies would need in the course of trying cases. These pleadings were programmed into the word processor, newly obtained by the Prosecutor. Program deputies thus had at their disposal approximately 80% of necessary pleadings which could be prepared, clean and error-free, on very short notice.

At the inception of the Career Criminal Program in Marion County, the demonstrative evidence capabilities of the Prosecutor's Office were practically non-existent. In light of studies which showed that juries were extremely receptive to displays and exhibits, project officials directed the program technician to strengthen program capabilities in this area. The acquisition of a camera, lenses, projectors, and drafting equipment and supplies enabled the program to present generally stronger cases at trial, by virtue of broad visual presentation capabilities.

Project officials sought to improve the quality of precharge and pretrial investigation of forcible sex offenses by allocating a deputy to the screening unit for the sole purpose of instituting a training program for the sex investigators of local police agencies. This deputy worked with detectives concerning their role in insuring witness candor and acquiring evidence.

The Project Director projected that, with the inception of the Career Criminal Program in Marion County, average general caseloads could be reduced by 27% the first year and 14% thereafter. However,

due to fluctuations in the number of cases screened for treatment by the unit, this goal was exceedingly difficult to attain. Nevertheless, the concept of assigning limited caseloads to program deputies should lessen the caseload of general office deputies, since both groups of cases would have been drawn from the same pool.

General Objective 8

Insure that the recidivist murderer, rapist, robber, burglar, or other violent criminal, is objectively selected for priority prosecution in a manner consonant with due process guarantees and that such are prosecuted in a fashion consistent with their criminal activity.

Project officials recognized that targeting a defendant as a Career Criminal was a serious decision, and should be done with a view toward selecting defendants whose criminal activity truly warranted the prioritized prosecution provided by the program. Furthermore, serious consequences resulted to a defendant who was selected for program prosecution, and project officials determined that the screening process should take a due process approach to defendants' rights.

Almost from the outset, the number of cases which qualified for program treatment fluctuated independently of concerted efforts on the part of program screeners to stabilize the yield. Both too many and too few cases could have a detrimental effect on program progress.

Program officials ultimately resorted to a screening equation which could be adjusted to limit or expand the cases qualifying; this method of screening still assured that the most serious cases would always be prosecuted under the program.

In an effort to validly increase the caseload handled by the unit, program screeners included certain juvenile offenders in the screening pool. In what developed into a pilot program for the country, the Marion County Career Criminal program thus assured that truly serious offenses were not ignored simply because the offender was under age. In prosecuting select juvenile waiver cases under the program, the net result was that deputies obtained numerous very acceptable guilty pleas, and this conserved program resources for the trial of other cases.

General Objective 9

Develop internal working relations of Criminal Justice System so as to promote more efficient functioning with attention to the rights of those accused.

Early in the program, it was recognized that, in order to make real inroads in the prosecution of Career Criminals, project officials would have to persuade all components of the local criminal justice system to work together.

Each member of the program staff had instilled in him the idea that he was to act as a liason officer between the program and other criminal justice agencies with which he came in contact.

In an effort to foster a positive attitude on the part of the criminal courts toward the program, the Prosecutor and Project Director arranged informal meetings and discussions, and offered staff and PROMIS support for various projects.

Program attempts to expedite case flow and disposition were often thwarted by the public defenders on the other side of the program cases. In response, the Prosecutor and Project Director encouraged discussion of reform in the development of better public defense services.

Case preparation in the past had often been impeded by the existence of separate detention and record-keeping facilities with the two local police agencies: the Indianapolis Police Department and the Marion County Sheriff's Department. These agencies' activities often exhibited an unpredictable overlap, and sometimes an even more disconcerting conflict. Program

officials strove throughout the program to encourage unification of the above-mentioned facilities. While the bureaucratic, political and monetary barriers involved proved insurmountable, the idea, first proposed by the program, has continued currency and is gaining increased support in the county.

Aware that Strike Force activities against police officers were having a deleterious effect on the relationship between police officers and program staff, program officials resolved to act to minimize hostilities resulting from Grand Jury indictments handed down against some officers. Officials recommended that program deputies display confidence in officers' work, and indicate a willingness to work side by side with them to obtain convictions.

General Objective 10

To add significantly to the body of knowledge concerning the Career Criminal and to that understanding of the Career Criminal necessary to promote more efficient functioning of the Prosecutor in the trial process; to serve as consultants to the trial deputy and to other Criminal Justice System Officers.

The establishment of the PROMIS data base within the Marion County Prosecutor's Office allowed both general office and program personnel to compile data, for the first time, on a broad array of components within the local criminal justice system. Within the Career Criminal Program, deputies were easily provided with sophisticated data regarding minute aspects of their trial performance over past quarters. The Prosecutor and Project Director were able to use court performance data to pinpoint problems with conviction rates. Further, data amassed on local Career Criminal program experiences and defendants were made available to government agencies for monitoring purposes. Other jurisdictions implementing the Careers in Crime Interception Project were provided with local PROMIS data for the purpose of drawing comparisons arising from similar experiences.

At its inception the program was to incorporate a staff of persons from a psycho-sociological orientation. This unit, referred to as the target profile refinement unit, was to amass data concerned with the Career Criminal defendant and provide the program with valuable research information. It was hoped that this unit could provide information that would benefit the program's legal staff in areas such as jury selection techniques,

and help to increase staff awareness of and rapport with case victims and witnesses. Due to the differences in ideological orientation between the target profile refinement unit and program's legal staff, the unit never quite became a functioning entity, and subsequently was dissolved. However, as a sampling of data which the target profile refinement unit would have compiled, tables 16 through 29 are a very basic attempt to profile the Marion County Career Criminal as seen from October, 1976 through January, 1979.

V. INTERACTION AND REACTION

At the inception of the Career Criminal Project in Marion County, cooperation with other agencies of the local criminal justice system was generally good. Program orientation classes were conducted for the Indianapolis Police Department recruit class in 1976 to alleviate the lack of awareness on the part of some uniformed officers as to the program's existence. Many detectives of local law enforcement agencies came forward, soon after the program became operational to suggest defendants for prosecution under the program. High on the list of the program's objectives was the development of lines of communication with other agencies, and to that end, all program personnel made an effort to promote an attitude of mutual cooperation between the program and the police, courts and corrections agencies. Several officers and detectives were openly complimentary of the program's effectiveness.

When local crime rates began to drop, various officials of local agencies expressed pleasure, and several were willing to take credit for the phenomenon. The Mayor spoke proudly of local efforts to rid the county of crime, and high-ranking police administrators claimed that dedicated police work should be recognized as the cause. The local criminal court judges were also mentioned for their tougher stance in robbery and burglary cases. The program itself was willing to recognize that any explanation of crime rate fluctuations "must necessarily take a system-wide perspective" with efforts of all local agencies being considered.

Despite numerous positive responses, program rapport with police agencies soon began to atrophy due to certain general office activities. The Prosecutor's Strike Force had been collecting evidence of corrupt practices in a major local police agency since early 1975. Subsequently, several police officers were indicted by the Marion County Grand Jury, including some detectives assigned to program cases.

Nevertheless, in taking a system-wide approach to battling crime, a major effort has been made to further develop and cement good working relationships with other branches of the criminal justice system. At this time the indications are that the program was successful in bringing about better relationships between agencies. The Career Criminal program, on several occasions, was complimented by police officers and detectives for its diligence and effectiveness. As one detective put it, "You guys are really tearing them up." The comments of another detective in a letter written to the Career Criminal trial supervisor are also illustrative: "The Career Criminal Section of which you are a part has proven to me that there are dedicated, unswerving persons within the criminal justice system, who are totally intent in serving the ends of the law, and the communities of which they are members." He goes further in saying, "Thank you for a job well done. I hope that the Career Criminal Section continues to flourish and the professionalism exhibited by your staff spreads throughout the entire prosecutor's office." These remarks are indicative of the type of impression the program has

made on people it has dealt with. The benefits of this type of rapport between police officers and the Prosecutor's staff are enormous.

APPENDIX

Disposition Time (in days) Listed by Disposition Type
 And Quarter of Program Operation.

	Oct. - Dec. 1976	Jan. - Mar. 1977	Apr. - Jun. 1977	Jul. - Sep. 1977	Oct. - Dec. 1977
CONVICTED AS CHARGED	162.231 39	179.63 43	141.32 43	162.80 44	259.9 44
CONVICTED OF LESSER OFFENSE	211.9 10	166.96 24	169.11 18	194.6 20	158.9 9
ACQUITTAL	171.62 13	129.25 4	121.6 3	224.6 9	123.0 9
DISMISSALS	162.48 23	184.83 24	123.97 39	186.8 19	182.4 28
TOTAL	169.6 85	165.19 101	145.00 103	180.71 92	228.68 90

Table 1

Disposition Time (in days) Listed by Disposition Type
 And Quarter of Program Operation.*

	Jan. - Mar. 1978	Apr. - Jun. 1978	Jul. - Sep. 1978	Oct. - Dec. 1978	PROGRAM TOTAL
CONVICTED AS CHARGED	219.0 57	223.7 39	217.3 34	260.6 31	203.2 374
CONVICTED LESSER	341.7 9	258.6 7	277.8 8	220.6 5	186.6 110
ACQUITTAL	129.0 1	164.3 4	269.7 3	232.0 4	173.4 50
DISMISSAL	157.3 24	232.2 26	215.6 16	258.0 22	191.2 221
TOTAL	213.9 91	226.7 76	227.4 61	254.6 62	203.7 755**

Table 2

* SOURCE: Marion County PROMIS System

** Information required for this statistic was missing from 6 cases.

Percentage Change in Average Disposition Time
 During Program Operation (10-9-76 to 1-14-79)*

	Percentage Change 12/76 - 12/77	Percentage Change 12/77 - 12/78	Percentage Change 12/76 - 12/78	
Convicted As Charged	+60.2%	-.38%	+37.9%	
Convicted Lesser Offense	-25.0%	+27.9%	+ 3.9%	
Acquittals	-28.3%	+ 3.3%	+35.2%	
Dismissals	+15.0%	+38.1%	+58.9%	
TOTAL	+ 6.5%	+40.9%	+50.1%	

Table 3

* Source: Marion County PROMIS System

Total Number of Cases Filed Against Career Criminal Defendants; Listed by Quarter of Program Operation*

	Oct. - Dec. 1976	Jan. - Mar. 1977	Apr. - Jun. 1977	Jul. - Sep. 1977	Oct. - Dec. 1977	TOTAL
Cases Filed Against Career Criminal Defendants	111	159	123	87	106	586

* Source: Marion County PROMIS System.

Total Number of Cases Filed Against Career Criminal Defendants; Listed by Quarter of Program Operation*

	Jan. - Mar. 1978	Apr. - Jun. 1978	Jul. - Sep. 1978	Oct. - Dec. 1978	1978 TOTAL	TOTAL PROGRAM
Cases Filed Against Career Criminal Defendants	60	44	39	32	175	761

Table 5

* Source: Marion County PROMIS System.

BREAKDOWN OF DISMISSAL REASONS LISTED BY

QUARTER OF PROGRAM OPERATION

<u>DISMISSAL REASON</u>	<u>QUARTER OF PROGRAM OPERATION</u>									
	1	2	3	4	5	6	7	8	9	TOTAL
Physical or Scientific Evidence	1				1		1	1	2	6
Testimonial Evidence	3	6	7	4	6	4	1	2	6	39
Witness Attitude	2	2	7	4	2	3	2	4	3	29
Witness Testimony	1	4	2						1	8
Lack of Prosecutive Merit	1		1	3	1	1			1	8
Violation of Due Process	1						1		1	3
Lack of Jurisdiction	2								1	3
Diversionsary Programs		1				2				3
Plea Bargains	8	4	14	2	9	8	10	8	4	67
Reason Unknown	4	7	8	6	9	6	11	1	3	55
TOTAL	23	24	39	19	28	24	26	16	22	221

Table 6

Average Sentences (in months) Listed by Case Type.
 For Sentences Rendered October 1976 Through December 1977.*

KEY: MEAN
 COUNT

	Oct. - Dec. 1976	Jan. - Mar. 1977	Apr. - Jun. 1977	Jul. - Sep. 1977	Oct. - Dec. 1977
HOMICIDE	137.91 1	188.99 2	240.00 1	0.0 0	240.00 1
SEX OFFENSES	198.00 4	184.28 7	120.00 2	96.66 3	0.0 0
ROBBERY	185.00 12	168.75 16	135.00 20	127.06 17	151.87 16
BURGLARY	54.40 16	45.24 20	45.74 8	33.33 9	71.18 11
THEFT	38.99 2	55.76 12	24.18 10	47.49 12	48.00 7
ALL OTHER	37.98 9	27.92 12	56.10 17	68.79 14	45.17 10

Table 7

* SOURCE: Marion County PROMIS System.

Average Sentences (in months) Listed by Case Type.
 For Sentences Rendered in 1978. Included is a
 Listing For Program Duration (10-9-76 to 1-14-79).*

KEY: MEAN
 COUNT

	Jan. - Mar. 1978	Apr. - Jun. 1978	Jul. - Sep. 1978	Oct. - Dec. 1978	AVERAGE FOR TOTAL PROGRAM
HOMICIDE	240.00 1	375.00 4	30.00 2	312.00 2	244.28 14
SEX OFFENSES	13.71 7	206.00 6	288.00 3	224.00 3	156.57 35
ROBBERY	160.74 19	82.80 10	166.80 10	193.60 15	153.06 135
BURGLARY	78.60 20	65.40 10	106.02 12	75.60 5	63.97 111
THEFT	41.99 8	20.38 5	41.99 9	38.40 5	41.47 70
ALL OTHER	70.18 10	40.61 8	39.00 4	14.96 3	49.11 87

Table 8

*SOURCE: Marion County PROMIS System

Overall Comparison of Case Handling of the Marion County
 Careers in Crime Interception Project and General Office Cases

	1976*		1977		1978	
	Career Criminal	General Office	Career Criminal	General Office	Career Criminal	General Office
CASES INITIATED	92	446	418	1,731	251	1,670
CASES DISPOSED	85	513	386	2,255	290	1,880
CONVICTIONS	49	345	251	1,333	190	1,329
INCARCERATION RATE	.90	.79	.92	.73	.97	.66

DISPOSITION RATES FOR ALL CAREER CRIMINAL
CASES DISPOSED 10-9-76 THROUGH 1-14-79.

<u>FINAL DISPOSITION</u>	<u>FREQUENCY</u>	<u>PERCENTAGE</u>
Pled - As Charged	263	34.6%
Pled - Lesser	80	10.5%
Jury Conviction - As Charged	91	12.0%
Jury Conviction - Lesser	26	3.4%
Court Conviction - As Charged	26	3.4%
Court Conviction - Lesser	4	0.5%
<hr/>		
CONVICTION RATE	49.0	64.4%
Jury Acquittal	40	5.3%
Court Acquittal	3	0.4%
Other Acquittal	7	0.9%
<hr/>		
ACQUITTAL RATE	50	6.6%
<u>PROSECUTOR DISMISSALS</u>	221	29.0%
DISMISSAL RATE	221	29.0%
<hr/>		
TOTAL	761	100.0%

Table 10

Career Criminal Case Dispositions Listed by Quarter
of Program Operation; for 1976 and 1977*

KEY: COUNT
ROW %
COLUMN %

	Oct. - Dec 1976	Jan. - Mar. 1977	Apr. - Jun. 1977	Jul. - Sep. 1977	Oct. - Dec 1977	TOTAL
CONVICTED AS CHARGED	39 17.9% 45.9%	49 22.5% 48.5%	43 19.7% 41.7%	44 20.2% 47.8%	44 19.7% 48.9%	219 46.5%
CONVICTED LESSER	10 12.3% 11.7%	24 29.6% 23.7%	18 22.2% 17.5%	20 24.7% 21.7%	9 11.1% 10.0%	81 17.2%
ACQUITTAL	13 34.2% 15.3%	4 10.5% 3.9%	3 7.9% 2.9%	9 23.7% 9.8%	9 23.7% 9.8%	38 8.1%
DISMISSALS	23 17.3% 27.1%	24 18.0% 23.8%	39 29.3% 37.8%	19 14.3% 20.7%	28 21.1% 31.1%	133 28.2%
COLUMN TOTAL	85	101	103	92	90	471
% of GRAND TOTAL	18.0%	21.4%	21.9%	19.5%	19.1%	100%

Table 11

* SOURCE: Marion County PROMIS System

Aug 1977

Career Criminal Case Dispositions Listed by Quarter
of Program Operation; for 1978.*

KEY:

COUNT
ROW %
COLUMN %

	Jan. - Mar. 1978	Apr. - Jun. 1978	Jul. - Sep. 1978	Oct. - Dec. 1978	TOTAL
CONVICTED AS CHARGED	57 35.4% 62.6%	39 24.2% 51.3%	34 21.1% 55.7%	31 19.2% 50.0%	161 55.5%
CONVICTED LESSER OFFENSE	9 31.0% 9.9%	7 24.1% 9.2%	8 27.6% 13.1%	5 17.2% 8.1%	29 10.0%
ACQUITTAL	1 8.3% 1.1%	4 33.3% 5.3%	3 25.0% 4.9%	4 33.3% 6.5%	12 4.1%
DISMISSAL	24 27.3% 26.4%	26 29.5% 34.2%	16 18.2% 26.2%	22 25.0% 35.4%	88 30.3%
TOTAL	91	76	61	62	290
% GRAND TOTAL	31.4%	26.2%	21.0%	21.4%	100%

Table 12

* SOURCE: Marion County PROMIS System

CONVICTION RATE
Marion County

	<u>TOTAL PROGRAM DURATION</u>
Homicide	68.4%
Sex Offenses	62.5%
Robbery	63.2%
Burglary	79.2%
Assault	78.4%
All Other Felonies	58.6%

Source: Marion County PROMIS System

ACQUITTAL RATE
Marion County

	<u>TOTAL PROGRAM DURATION</u>
Homicide	13.2%
Sex Offenses	8.9%
Robbery	6.5%
Burglary	5.4%
Assault	5.9%
All Other Felonies	6.9%

Source: Marion County PROMIS System

Table 14

DISMISSAL RATE
Marion County

	<u>TOTAL PROGRAM DURATION</u>
Homicide	18.4%
Sex Offenses	27.6%
Robbery	36.2%
Burglary	15.4%
Assault	15.7%
All Other Felonies	34.5%

Source: Marion County PROMIS System

CAREER CRIMINAL DEFENDANT PROFILE
Marion County
January 14, 1979

Defendants in Sample	597
Average Prior Arrests	4.32
Average Felony Convictions	1.49
Average Misdemeanor Convictions	1.00
Percent on Conditional Release or Escape	38.9%
Average Age	26
Percent Using Firearms	26.5%
Percent Possessing Firearms	56.4%

Table 16

CAREER CRIMINAL DEFENDANT PROFILE
Marion County

<u>DEFENDANT'S SEX</u>	<u>FREQUENCY</u>	<u>PERCENT</u>
Male	591	99.0
Female	<u>6</u>	<u>1.0</u>
Total	597	100.0%

Table 17

CAREER CRIMINAL DEFENDANT PROFILE*
Marion County

<u>DEFENDANT'S RACE</u>	<u>FREQUENCY</u>	<u>PERCENT</u>
White	189	31.7
Black	<u>408</u>	<u>68.3</u>
Total	597	100.0

Table 18

CAREER CRIMINAL DEFENDANT PROFILE
Marion County

<u>DEFENDANT'S MARITAL STATUS</u>	<u>FREQUENCY</u>	<u>PERCENT</u>
Married	61	10.2
Single	175	29.3
Divorced	28	4.7
Widowed	3	0.5
Co-Habiting	22	3.7
Unknown	<u>308</u>	<u>51.6</u>
Total	597	100.0

Table 19

CAREER CRIMINAL DEFENDANT PROFILE
Marion County

<u>DEFENDANT'S EMPLOYMENT STATUS</u>	<u>FREQUENCY</u>	<u>PERCENT</u>
Full-Time	48	8.0
Part-Time	14	2.3
Unemployed	211	35.3
No Employment History	21	3.5
Student	1	0.2
Intermittant	2	0.3
Unknown	<u>300</u>	<u>50.2</u>
Total	597	100.0

Table 20

CAREER CRIMINAL DEFENDANT PROFILE
Marion County

<u>PREVIOUS CRIMINAL RECORD</u>	<u>FREQUENCY</u>	<u>PERCENT</u>
None	24	4.0
Local	494	82.7
Non-Local	14	2.3
Local and Non-Local	<u>65</u>	<u>10.9</u>
Total	597	100.0

Table 21

CAREER CRIMINAL DEFENDANT PROFILE
Marion County

<u>DEFENDANT STATUS</u>	<u>FREQUENCY</u>	<u>PERCENT</u>
Incarcerated	13	2.2
Pre-Trail Release	77	12.9
Prison Parole	102	17.1
Probation	35	5.9
Suspended Sentence	3	0.5
Escape	14	2.3
Work-Release	1	0.2
None--Clear	<u>352</u>	<u>59.0</u>
Total	597	100.0

Table 22

CAREER CRIMINAL DEFENDANT PROFILE
Marion County

<u>VICTIM-DEFENDANT RELATIONSHIP</u>	<u>FREQUENCY</u>	<u>PERCENT</u>
No Relationship	491	82.2
Acquaintance	75	12.6
Friend	10	1.7
Family Non-Specific	2	0.3
Family-Immediate	7	1.2
Family-Spouse	1	0.2
Unknown	<u>11</u>	<u>1.8</u>
Total	597	100.0

Table 23

CAREER CRIMINAL DEFENDANT PROFILE
Marion County

<u>POSSESSION OF WEAPON AT TIME OF ARREST</u>	<u>FREQUENCY</u>	<u>PERCENT</u>
None	425	71.2
Handgun	53	8.9
Rifle or Shotgun	17	2.8
Knife	17	2.8
Blunt Instrument	3	0.5
Other Sharp Instrument	4	0.7
Unknown	<u>78</u>	<u>13.0</u>
Total	597	100.0

Table 24

CAREER CRIMINAL DEFENDANT PROFILE
Marion County

<u>POSSESSION OF WEAPON AT TIME OF OFFENSE</u>	<u>FREQUENCY</u>	<u>PERCENT</u>
None	218	36.5
Handgun	222	37.2
Rifle or Shotgun	42	7.0
Knife	47	7.9
Blunt Instrument	15	2.5
Other Sharp Instrument	8	1.3
Weapon-Unspecified	3	0.5
Unknown	<u>42</u>	<u>7.0</u>
Total	597	100.0

Table 25

CAREER CRIMINAL DEFENDANT PROFILE
Marion County

<u>USE OF WEAPON OR PHYSICAL FORCE</u>	<u>FREQUENCY</u>	<u>PERCENT</u>
None	199	33.3
Displayed Weapon	209	35.0
Shot Victim	40	6.7
Shot at Victim	5	0.8
Used Physical Force	72	12.1
Other Than Gun	4	0.7
Cut Victim	16	2.7
Used Blunt Instrument	21	3.5
Innapplicable	<u>13</u>	<u>2.2</u>
Total	597	100.0

Table 26

CAREER CRIMINAL DEFENDANT PROFILE
Marion County

NUMBER OF CAREER CRIMINAL CO-DEFENDANTS

<u>NO. OF DEFENDANTS</u>	<u>FREQUENCY</u>	<u>PERCENT</u>
0	504	84.4
1	84	14.1
2	2	0.3
3	3	0.5
4	<u>4</u>	<u>0.7</u>
Total	597	100.0

Table 27

CAREER CRIMINAL DEFENDANT PROFILE
Marion County

NUMBER OF NON-CAREER CRIMINAL CO-DEFENDANTS

<u>NO. OF DEFENDANTS</u>	<u>FREQUENCY</u>	<u>PERCENT</u>
0	417	69.8
1	139	23.3
2	27	4.5
3	10	1.7
4	<u>4</u>	<u>0.7</u>
Total	597	100.0

Table 28

CAREER CRIMINAL DEFENDANT PROFILE
Marion County

<u>TYPE OF DEFENSE ATTORNEY</u>	<u>FREQUENCY</u>	<u>PERCENT</u>
Private	135	22.6
Public Defender	460	77.1
None	<u>2</u>	<u>0.3</u>
Total	597	100.0

Table 29

END