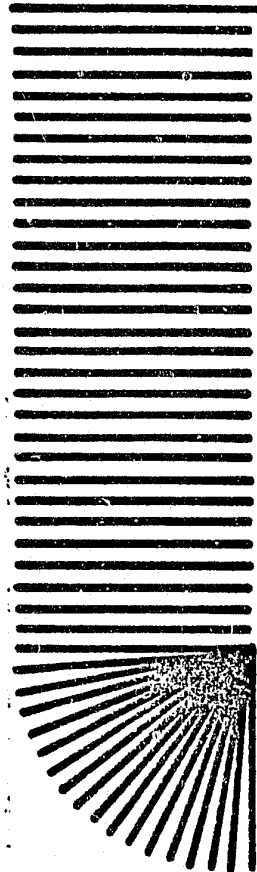


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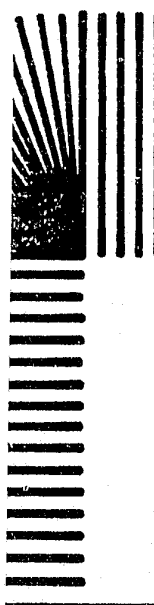
EDMUND G. BROWN JR.
GOVERNOR
STATE OF CALIFORNIA

OFFICE OF CRIMINAL JUSTICE PLANNING



**California
Career Criminal
Prosecution Program**

83428⁶¹



**PRELIMINARY REPORT
to the
LEGISLATURE**

JANUARY 1979

State of California

EDMUND G. BROWN JR.
Governor



Office of Criminal Justice Planning

RAYMOND C. DAVIS
Chairman

California Council on Criminal Justice

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STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

OFFICE OF CRIMINAL JUSTICE PLANNING
OFFICE OF THE DIRECTOR
7171 BOWLING DRIVE
SACRAMENTO CALIFORNIA 95823



Dear Friends of Law Enforcement:

Working together over the past four years, Governor Brown and the Legislature have given local police and prosecutors important new legal weapons for their fight against serious and violent crime. Among these are fixed-term sentencing, mandatory prison terms for those who use guns, prey upon the elderly or commit rape, and longer prison terms for dozens of felony crime categories. These changes demonstrate California's determination to breathe new life into the adage, "Crime Does Not Pay".

This Report covers the successful first year of one of those initiatives, California's unprecedented state-wide effort to deal severely with "career criminals", those experienced felons who have learned how to make crime pay all too well through manipulating the criminal justice system. In its first few months, California's Career Criminal Prosecution Program has achieved some remarkable preliminary figures:

- 91% of defendants are convicted;
- 87% of those convicted are sentenced to state prisons and institutions;
- 90% of defendants properly held in custody pending trial.

Furthermore, time from arrest to the conclusion of the trial is cut substantially. Even though plea-bargaining has been virtually eliminated for these defendants, there has not been a substantial increase in the demand for jury trials.

This Report makes it clear that new approaches to combatting crime do work. As Governor Brown has often pointed out, the people of this State demand effective law enforcement at the same time they insist that public agencies operate economically. We are meeting both those demands when we work to end "revolving door justice" for those who have chosen a career of crime.

With best wishes for
continued success,

A handwritten signature in cursive script that reads "Douglas R. Cunningham".

DOUGLAS R. CUNNINGHAM
Executive Director

GEORGE DEUKMEJIAN
(Pronounced Duke-may-jin)
ATTORNEY GENERAL

STATE OF CALIFORNIA



OFFICE OF THE ATTORNEY GENERAL

Department of Justice

555 CAPITOL MALL, SUITE 350
SACRAMENTO 95814
(916) 445-9555

TO: CALIFORNIA LAW ENFORCEMENT

I am pleased to report to you that preliminary data indicates that in counties which have Career Criminal Prosecution (CCP) Units, the concept is working to take habitual offenders off the streets of California.

The Career Criminal legislation which I authored as a state senator and which became law was designed to help make habitual offenders believe that continued criminal activity is not worth the risk. We wanted to let them know that swift and sure punishment would be their just rewards.

Now, from preliminary reports, I can tell you this:

--More than 90% of the career criminal defendants either pled or were found guilty of at least one charge filed against them.

--Most Career Criminal Unit (CCU) staff indicates the length of time between arrest and disposition has been shortened to an average of 97.3 days.

--The amount of bail has increased for career criminal defendants.

--There is a greater use of enhancements, increased sentencing, increased lengths of sentences and fewer dismissals or acquittals than for similar defendants prior to the law taking effect.

--Virtually no plea bargaining is occurring.

--The mean average CCU prosecutor's caseload is less than one-third of the estimated general prosecutor's caseload.

--Because of procedures set up by the CCP, prosecutors are developing stronger cases; there is high morale and enthusiasm and there are improved relationships with victims, witnesses and other criminal justice agencies.

U.S. Department of Justice
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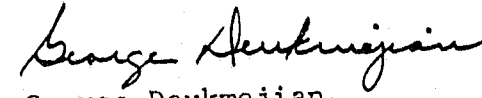
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In other words, the CCP is meeting objectives set down in the legislation I carried. That means we will be getting more and more of these one-man crime waves off our streets and into state prison where they belong.

I have said before and I will continue to say that law-abiding citizens have a Constitutional right to be free from fear of crime, to be free from fear to go for a walk day or night, to be free not to have to lock themselves behind bars in their own homes. Working together, with tools such as the CCP and tougher sentencing laws, we can help restore that right to all citizens who wish to live peaceful, law-abiding lives.

Finally, let me tell you how happy I am to be your attorney general. For all of my 16 years in the Legislature, I have enjoyed an excellent working relationship with law enforcement. I know that all of us, working together, can help make our streets and our communities safe for our citizens once more.

Most cordially,


George Deukmejian

k

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

OFFICE OF CRIMINAL JUSTICE PLANNING
OFFICE OF THE DIRECTOR
7171 BOWLING DRIVE
SACRAMENTO, CALIFORNIA 95823



January 23, 1979

The Honorable James R. Mills
President Pro Tempore of the Senate
State Capitol
Sacramento, California 95814

The Honorable Leo T. McCarthy
Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Senator Mills and Speaker McCarthy:

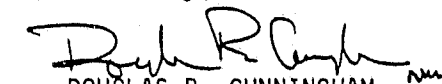
I am pleased to present this Report on the operation of the California Career Criminal Prosecution Program, pursuant to Chapter 1151 of 1977 Statutes (SB 683, Deukmejian). This report covers the period from the effective date of the Act, January 1, 1978, through September 30, 1978.

The report describes the cooperative efforts of state and local officials which permitted district attorneys in our 12 most populace counties to begin career criminal prosecutions with SB 683 support within 60 to 90 days from the Act taking effect. It explains the systematic approach to data collection and evaluation which is built into the state-wide program. Most important, the report cites preliminary case results which show that the Career Criminal Prosecution Program is meeting its basic goal. That goal is to help local criminal justice officials deal swiftly and severely with the relatively small number of repeat and multiple offenders who are responsible for a massive share of California's serious crime.

In addition, the report touches upon the relationship between SB 683 and OCJP's parallel implementation of the California Career Criminal Apprehension Program, a \$2 million program of law enforcement grants under Chapter 1167 of 1978 Statutes (SB 2039, Holmdahl).

Preparation of this report was primarily the responsibility of OCJP's Deputy Director for Planning and Operations, Nathan Manske, and members of his staff, Charley Cartwright and Robert Spindler.

Cordially,


DOUGLAS R. CUNNINGHAM
Executive Director

Telephone: (916) 445-9156

DRC:aeh

cc: The Honorable Jerry Smith
Chairman, Senate Judiciary Committee

The Honorable William McVittie
Chairman, Assembly Criminal Justice Committee

ACKNOWLEDGEMENTS

There are many individuals who have shared responsibility for the development and implementation of this promising program. In addition to Senators Deukmejian and Holmdahl, who initiated legislation in this area, members of the Career Criminal Steering Committee, chaired by the Honorable Edwin Miller, District Attorney of San Diego County, and the Evaluation Subcommittee, chaired by the Honorable Joseph Freitas, District Attorney of San Francisco, deserve special recognition.

The Steering Committee, composed of prosecutors, law enforcement officials and county administrative representatives provided valuable assistance to the Office of Criminal Justice Planning in developing and implementing this local assistance program. Similarly, the Evaluation Committee, made up of district attorneys, law enforcement executives, legislative committee staff and Department of Finance representatives, contributed not only important information, but also their valuable time and critical insights when the program evaluation strategy was being developed and the evaluation consultant being selected.

Finally, we are indebted to the district attorneys and their staffs who have worked diligently with us to carry out this promising state-local government partnership effort.

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FOREWORD

This preliminary report is the first in a series of Annual Reports, prepared for the Legislature and the Governor, describing the operation and progress of California's Career Criminal Prosecution Program funded with \$3 million per year in State general funds and about \$1.5 million in Federal anti-crime monies. This program, modeled after a nationwide effort initiated by the Law Enforcement Assistance Administration (LEAA) in 1970, was authorized by Senate Bill 683 (Chapter 1151 of 1977 Statutes). This report has been prepared in response to California Penal Code Section 999c(e) which specifies that:

"(e) Annually, commencing October 1, 1978, the Executive Director shall prepare a report to the legislature describing in detail the operation of the statewide program and the results obtained of career criminal prosecution units of district attorneys' offices receiving funds under this chapter and under comparable federally-financed awards."

The report is organized in four sections. The first section, the Introduction and Purpose, provides an overview of the career criminal prosecution concept and describes California's legislative initiative encouraged and supported by interest on the part of legislative leaders, the Governor, local prosecutors and law enforcement executives and the California Council on Criminal Justice to deal with the problem of repeat offenders who come to be known as "career criminals." In the second section, Implementation of

SUMMARY

the California Career Criminal Prosecution Program, the process followed by the Office of Criminal Justice Planning (OCJP) to implement the program is discussed. Section three, California Career Criminal Prosecution Units, sets forth a description of prosecution units which resulted from the implementation effort. Finally, section four entitled, Findings and Conclusions contains not only a description of the program's progress to date but also discusses major issues which have arisen as a result of its implementation.

The report is considered preliminary since the first Career Criminal Prosecution Units funded under this program became operational in March, 1978, only two months after the enabling legislation took effect. Since most of these units devoted the first two months to an implementation or "start up" phase (i.e., hiring staff, establishing procedures, etc.) only six months worth of activity data was available for inclusion in this report. However, OCJP has retained an evaluation consultant to collect and analyze case activity data. It is anticipated that the second annual report, covering the year ending October 1, 1979, will contain a more detailed analysis of overall program accomplishments plus a discussion of each individual unit's progress to date.

A. BACKGROUND

In recent years there has developed a growing public concern and increasing evidence that a relatively small number of the criminal population accounts for a disproportionate percentage of serious criminal acts. In response to this, a National Career Criminal Program to more intensively prosecute this portion of the criminal population was established by the Law Enforcement Assistance Administration (LEAA). The basic purpose of the program is to incarcerate these repeat offenders and, thereby, reduce their opportunities to reoffend. Based on the apparent success of the national program to attain high conviction rates, longer sentences and to prosecute these cases more efficiently, California developed its own career criminal program.

In 1977 the California State Legislature passed SB 683, the Career Criminal Act, (Chapter 1151, 1977 Statutes) otherwise known as the California Career Criminal Prosecution Program (CCP). (See Appendix A). This legislation authored by Senator George Deukmejian appropriated funds to establish special Career Criminal Units (CCU's) to intensively prosecute persons who qualify as "career criminals" as defined in the legislation.

Since the creation of the CCP, twelve career criminal units were established between March 1, 1978 and June 1, 1978.

These Career Criminal Units are located in the following counties:

Alameda	Los Angeles	Sacramento	San Francisco
Contra Costa	Orange	San Bernardino	San Mateo
Fresno	Riverside	San Diego	Santa Clara

Other criminal justice programs in California which are related to the CCP and administered by OCJP are described in Section IV-C of this report.

Responsibility for establishing, monitoring and evaluation of the CCP was delegated in the legislation to the Office of Criminal Justice Planning (OCJP). As part of that responsibility, OCJP was to provide the State Legislature with annual evaluation reports analyzing the processes and impact of the CCP.

This is the first annual report of the CCP. Primarily it is a process analysis of the formation of the program and its first 6 to 8 months of the CCUs' operation. Future annual reports to be completed in the later part of 1979 and 1980 will include analysis comparing the efficiency and effectiveness of CCP methods of prosecuting career criminals and analysis of the impact the CCP has had on the criminal justice system.

B. CCP OBJECTIVES AND RESULTS TO DATE

Based on the observations of OCJP and CCU staffs, the CCP appears to be substantially meeting its objectives for which there are preliminary results.

Based on the provisions set forth in the legislation, OCJP and the Evaluation/Legislative Report Advisory Subcommittee of the California Career Criminal Prosecution Program Steering Committee have agreed on the objectives listed below as being appropriate measures of the accomplishments of the program. Responsibility for evaluating the program's accomplishments and for assuring that these objectives are met is shared by OCJP and the individual CCU's.

It is too early in the development of the CCP and its evaluation process to provide reliable statistical data as to whether or not the program is meeting its stated objectives. The following are preliminary results as to what has occurred in the first 6 to 8 months of CCU operations. Until baseline data are gathered, analyzed and presented in future annual reports, the degree of change caused by the CCP cannot be measured.

The following, then, are objectives, preliminary results and a reference cite to other parts of this report where the results are further explained. Results have been gathered from 112 Evaluation Data Forms (EDF), CCU progress reports, monitoring and evaluation visits, informal conversations with CCU Staff and observations by OCJP and evaluation staff.

Objective 1: To demonstrate an increase in conviction rates for career criminal offenders prosecuted by CCU's

- 91% of the career criminal defendants either pled or were found guilty of at least one charge filed against them. (IV. B.5.)
- All CCU staffs indicate higher conviction rates. (IV. C.6.)
- Approximately 9% of the career criminal cases were dismissed or acquitted. (IV. B.5.)

Objective 2: To demonstrate a reduction in the amount of time required to prosecute a case

- It has taken an average of 97.3 days from the time of arrest to final case disposition. (IV. B.7.)
- Most CCU staff indicate that the length of time between arrest and disposition has been shortened. (IV. C.6.)

Objective 3: To demonstrate an increase in the amount of bail for current career criminal defendants as compared with similar cases prosecuted prior to the CCP

- Average amount of bail for career criminals at time of preliminary hearing is \$22,800. (IV. B.2.)
- Average amount of bail at time of trial is \$28,700. (IV. B.2.)
- Most CCU's indicate that amounts of bail have increased for career criminal defendants. (IV. C.6.)

Objective 4: To demonstrate an increase in the length of sentence and the ratio of maximum to other sentences in career criminal cases

- Of those career criminal defendants found guilty, 97% were sentenced to some form of incarceration; over 82% were sentenced to a prison term. (IV. B.6.)
- Of those career criminal defendants convicted, the average sentence received was 5 years, 4 months, as compared with the prosecution average recommendation of 6 years. (IV. B.6.)
- CCU staff indicate there is a greater use of enhancements, increased sentencing, increased lengths of sentences and fewer dismissals or acquittals than for similar defendants prior to the CCP. (IV. C.6.)

Objective 5: To eliminate or reduce the use of plea bargaining

- CCU staff report that virtually no plea bargaining is occurring. This is evidenced by the high rate of conviction and length of sentencing. (IV. C.6.)

Objective 6: To demonstrate an increased use of enhancements.

- An average of 2.7 enhancements is being charged against each career criminal defendant. (IV. B.6.)
- CCU staff report that more enhancements are being charged and held against career criminal defendants than before the CCP. (IV. C.6.)

Objective 7: To demonstrate a higher rate of conviction on the most serious charges

- In practice it appears that conviction on the most serious crime charged will not always gain the longest sentence under the circumstances. In these cases, prosecutors' discretion may be used to attain consecutive sentences for offenses other than the most serious crime charged. (IV. D.8.)
- 91% of the career criminal defendants pled or were found guilty of crimes charged. (IV. B.5.)

Objective 8: To demonstrate a reduction in the prosecutor's caseload

- CCU prosecutors' caseloads average 8.2 cases compared with the estimated general district attorney prosecutors' average caseload of 34.2 cases. (Table 10)

Objective 9: To determine whether vertical prosecution (i.e., the use of one prosecutor per case from arraignment to sentencing) occurs with career criminal cases

- The CCU's are attempting to use vertical prosecution whenever possible. Due to limited numbers of staff and court scheduling, it is sometimes necessary for them to use "unit" instead of "personal" vertical prosecution where other members of the CCU staff will take responsibility for different stages of case prosecution. Also, because of difficulties in acquiring career criminal cases at the earliest stages, one CCU prosecutor may not have responsibility for the initial prosecution of every career criminal case. (IV. D.3.)

Objective 10: To determine improved "quality" of prosecutorial efforts

- Due to vertical prosecution, reduced caseload and a close working relationship among CCU staff, the following benefits are generally found. (IV. C.):
 - stronger cases for prosecution;
 - high unit morale and enthusiasm for the CCP;
 - improved relationships with victims, witnesses and other criminal justice agencies.

Objective 11: To determine cost factors associated with CCP prosecution offices and conduct a cost-effectiveness analysis of the program

- A cost analysis of the CCP will not be reported until the second or third annual report. Data on the cost of the CCP to date, relative to criminal justice system costs in the participating jurisdictions, and federal funding of other career criminal-related programs are presented in this report. (Section II)

Objective 12: To determine the impact that the program has on the other components of the criminal justice system, specifically corrections, courts, law enforcement and Public Defenders' offices

- There are no specific data on this objective to date. Because of the general interest of law enforcement in the program, there is increased cooperation in most jurisdictions, but impact on these agencies is unknown. The evaluation effort will include a sampling of Public Defenders' offices to help determine if there is a workload impact caused by the CCP. Attention will also be given to the effects of the CCP on other parts of the criminal justice system.

OTHER RESULTS:

- almost 71% of the career criminal defendants were already on probation, parole or were incarcerated at the time of the offense for which they were being prosecuted (IV. B.2.);
- 90.8% of the career criminal defendants were in custody (not on bail or other pretrial release) at the time of their trial (IV. B.2.);
- for slightly more than 90% of the career criminal defendants, burglary (47.2%) or robbery (44.5%) were the most serious crimes charged (IV. E.4.);

- There was an average of 4.2 charges against each career criminal defendant (IV. B.4.)
- Approximately 34% of the charges originally brought against the defendants were dismissed by court or prosecution (IV. B.4.)
- Of those defendants convicted of the charge(s), 80% pled guilty and 20% were found guilty by a court or jury (IV. B.5.).

C. CONCLUSIONS

Again, it is too early in the program to determine the results or impact of CCP activities. Data in this report are preliminary and may change greatly over the course of several years. The Interim Baseline Data Report due May 1979 and the Second and Third Annual Evaluation Reports due in late 1979 and 1980 will provide more reliable findings.

This report is, however, able to indicate the trends apparent in the early stages of the program. Some of those trends of the CCP as described above are:

- increased conviction rates;
- increased length of sentencing;
- reduced use of plea bargaining;
- increased use of enhancement charges;
- reduced prosecutor caseload;
- increased use of vertical prosecution; and
- high morale and enthusiasm for the CCP and other criminal justice agencies.

I. INTRODUCTION AND PURPOSE

This preliminary report is the first of a series, to be prepared for the Legislature and the Governor, describing the operation and progress of California's Career Criminal Prosecution Program established by Senate Bill 683 (Chapter 1151 of 1977 Statutes). This Act, which added Chapter 2.3 commencing with Section 999b to Title 6 of Part 2 of the California Penal Code, specifies in Section 999c(e) that:

"(e) Annually, commencing October 1, 1978, the executive director shall prepare a report to the Legislature describing in detail the operation of the state-wide program and the results obtained of career criminal prosecution units of district attorneys' offices receiving funds under this chapter and under comparable federally financed awards."

This report is considered preliminary by the Office of Criminal Justice Planning (OCJP) since it is primarily descriptive in nature and does not contain detailed program results. Despite the fact that OCJP worked with participating prosecutors' offices to have Career Criminal Units (CCU's) in place on March 1, 1978, only two months after the enabling legislation took effect, sufficient activity data are not yet available on which to base a detailed statistical analysis. However, as of October 1, 1978, OCJP had received 112 case reports from eight of the twelve participating counties. A summary analysis of these cases is included in this report. It is anticipated that the next annual report to the legislature, due in late 1979, will contain a more detailed description of the program's progress.

The balance of this section sets forth a brief history of the Career Criminal Prosecution Program concept, outlines California's program and explains the organization of the rest of this report.

A. THE CAREER CRIMINAL PROSECUTION PROGRAM CONCEPT

As a result of the passage by Congress of the Omnibus Crime Control and Safe Streets Act of 1968, the Law Enforcement Assistance Administration (LEAA) was established to help State and local governments deal with the crime problem. One approach taken by LEAA was to support research and development leading to new anti-crime strategies which could be adopted and implemented by other states and local government agencies.

The Career Criminal Prosecution Program, established by LEAA in the early 1970's, was designed to help local prosecutors focus on multiple and repeat offenders. This federally funded program was initiated in 11 pilot jurisdictions and later expanded to include 24 major metropolitan areas. Based on reports from prosecutors involved in the program, over 7,000 defendants have been convicted, at a conviction rate of 83 percent and with an average case disposition time of 106 days.

Although a final evaluation of the national program has not been completed, preliminary findings are promising. Significantly, the national program has resulted in:

- a reduction in the time between case filing and disposition and
- an increase in indictments, convictions and prison sentences.

Subsequently, and based on the initial reported success of this program, several states and some local communities have initiated their own career criminal prosecution efforts. The California Career Criminal Prosecution Program was the first to be established by State statute and supported with State general funds.

B. CALIFORNIA'S LEGISLATIVE INITIATIVE

By mid-1977, Legislative leaders, local prosecutors and law enforcement officials had taken note of the promising results coming out of the LEAA-sponsored career criminal prosecution effort.

At about the same time, the California Council on Criminal Justice (CCCJ), which sets policy for and supervises the LEAA program in California, was completing an extensive intergovernmental planning process. This process, which took into account crime-related problems and needs of State and local criminal justice agencies, as well as community-based organizations, concluded with the identification of sixteen state-wide priority programs. Near the top of the Council's list was a program dealing with career criminals:

"6. Support multiagency efforts to reduce crimes through coordinated apprehension, trial and disposition of repeat offenders."

In response to the growing interest in Career Criminal Prosecution Programs, Senate Bill 683 (please refer to Appendix I for a copy of

the Act), authored by Senator George Deukmejian, was passed by the Legislature and signed by the Governor in September of 1977. (Following his election in November, 1978, Mr. Deukmejian became the Attorney General of the State of California.)

In addition to setting forth items such as the minimum program elements for inclusion in a Career Criminal Unit (CCU), the criteria for determining who may be the subject of career criminal prosecution and the circumstances under which a prosecutor could exercise discretion in career criminal cases, the enactment also provided for an initial appropriation of \$1.5 million from the General Fund to OCJP. This initial appropriation sustained the first six months of the program from January 1, 1978 to June 30, 1978. In keeping with the Act, OCJP requested and received an additional \$3 million in its FY 1978-79 Budget. Sufficient additional funds are included in the Governor's FY 1979-80 Budget to continue the program at the current level.

C. ORGANIZATION OF THE REPORT

The remainder of this report is divided into two major sections:

- Implementation of the California Career Criminal Program - a description of the process used by OCJP to carry out the legislative initiative,
- California Career Criminal Prosecution Units - a description of the make-up and operation of the units, and
- Findings and Conclusions - discussion of the program's accomplishments to date.

II. IMPLEMENTATION OF THE CALIFORNIA CAREER CRIMINAL PROSECUTION PROGRAM

Included in this section is a description of the process used by OCJP to implement the career criminal statute. A common thread which runs through all of the program development elements is active participation by local prosecutors, law enforcement executives and state agencies having an interest in the effort.

Specific items dealt with in this section are:

- Program Steering Committee - a statement of composition and purpose.
- Program Guidelines - a review program and administrative guideline development.
- Related LEAA-Funded Programs - a description of funded projects.
- Program Management - a brief statement on the role of OCJP.
- Program Evaluation - a description of how the evaluation strategy was developed, how it works and how its results will be analyzed.

A. PROGRAM STEERING COMMITTEE

The Executive Director of the OCJP is responsible for preparing and issuing written program and administrative guidelines and procedures for the Career Criminal Program (Penal Code Section 999.c.(d)). The Act set March 1, 1978 as the date that these procedures and guidelines, in final draft, must be submitted to the Chairman of the Assembly Criminal Justice Committee and of the Senate Judiciary Committee.

To assist and advise OCJP in carrying out its statutory mandate to develop program guidelines and to prepare the Annual Report to the Legislature detailing program results, OCJP established a Steering Committee with broad representation from the prosecution and law enforcement elements of the justice system as well as a representative from a County Chief Administrator's Office. A roster of committee members is contained in Appendix B. In addition, an Evaluation/Legislative Report Subcommittee of the Steering Committee was formed to assist OCJP in developing evaluation guidelines and program objectives (see Appendix C for Subcommittee roster).

B. PROGRAM GUIDELINES

In cooperation with and based on advice from the Steering Committee, OCJP drafted two documents.

- A work plan and time schedule which called for CCU projects to be operational in early 1978.
- Project Selection Criteria which, because of the limited amount of funds available, gave funding preference to applications from district attorneys' offices serving metropolitan areas. County population size served as the main criteria for determining funding priority with a higher priority given to those counties with the larger populations. In recognition of the limited funds available, it was recommended that OCJP attempt to fund all counties with populations of 400,000 or more. This criteria was selected after considerable discussion and examination of other potential criteria such as crime rates and number of felony case filings.

The committee was also asked for a recommendation as to the amount to grant funds each participating county should be eligible to receive. Since LEAA had experience in funding Career Criminal Prosecution Units

in varying sizes of jurisdictions, it was suggested that the general dollar-range used by LEAA be adopted as a model for use in California's program. As a result, applications to be considered eligible for funding could not exceed the maximums listed below.

<u>County Population*</u>	<u>Funding Maximum</u>
- 2 million or more	\$ 450,000
- More than 1 million but less than 2 million	\$ 275,000
- More than 400,000 but less than 1 million	\$ 250,000

*Based on July 1, 1977 State Department of Finance population estimates.

It was the conclusion of the committee that insufficient funds exist in SB 683 to provide career criminal prosecution programs in any counties except the larger, metropolitan counties in California and that additional funds should be sought to provide such programs in less populated California counties. The committee also discussed the need to assist district attorneys in counties having State correctional institutions, particularly those that because of fund limitations cannot participate in the California Career Criminal Prosecution Program. How OCJP responded to these recommendations is discussed later in this section.

Based on the Steering Committee work, OCJP drafted program guidelines which were distributed in early January 1978 to all California district attorneys and the California Council on Criminal Justice for review and comment.

Next, after sufficient time was allotted for comments to be received by OCJP, copies of the final draft guidelines were transmitted on January 26, 1978 to the chairpersons of the Criminal Justice Committee of the Assembly and the Judiciary Committee of the Senate; consistent with Penal Code Section 999c(d). The final program guidelines were sent to all California district attorneys in early February 1978. The guidelines set February 23, 1978 as the application deadline for projects slated to start on March 1, 1978. A copy of the program guidelines may be obtained by contacting:

Office of Criminal Justice Planning
7171 Bowling Drive
Sacramento, CA 95823

Telephone: (916) 445-9156

In response to the call for project applications, OCJP received funding requests from twelve counties. The amount of funds requested by the applicants and the amount awarded by OCJP are shown on Table 1. The table also lists awards out of LEAA funds to other counties.

C. RELATED PROGRAMS

Five separate yet related programs supported with LEAA funds and administered by OCJP are:

1. Career Criminal Prosecution Program for Counties with Population less than 400,000. To date \$290,163 has been awarded to eight counties for CCU programs.
2. Career Criminal Legal Research Center
This program provides \$96,000 in California block funds to the California District Attorneys Association to provide research assistance to the Career Criminal Programs.

TABLE 1
 LARGE AND MEDIUM-SIZED COUNTIES
 STATE AND FEDERAL FUNDS ALLOCATED
 TO CAREER CRIMINAL PROGRAMS

CALIFORNIA CAREER CRIMINAL PROSECUTION PROGRAM FUNDS (SU 683)					LEAA FUNDS		PROGRAM TOTAL
County	Population Group	Maximum Allowable Allocation	Requested Allocation	OCJP Approved Allocation	California Block Funds	Federal Discretionary Funds	
Los Angeles	Over 2,000,000	\$ 450,000	\$ 449,981	\$ 449,981	\$519,907		\$ 969,888
Orange	Over 1,000,000 less than 2,000,000	275,000	159,726	159,726	\$87,255-Fed. 4,847-State 4,848-Local \$96,950-Sub Total		256,676
San Diego	Over 1,000,000 less than 2,000,000	275,000	321,856	275,000			275,000
Santa Clara	Over 1,000,000 less than 2,000,000	275,000	274,989	274,539			274,539
Alameda	Over 1,000,000 less than 2,000,000	275,000	273,468	273,468			273,468
San Bernardino	Over 400,000 less than 1,000,000	250,000	250,000	250,000			250,000
Sacramento	Over 400,000 less than 1,000,000	250,000	249,938	249,938			249,938
San Francisco	Over 400,000 less than 1,000,000	250,000	32,962	32,962		\$296,654 32,962-Local	362,578
Contra Costa	Over 400,000 less than 1,000,000	250,000	250,000	250,000			250,000

OCJP Revised 1/79

TABLE 1 (Cont.)
 LARGE AND MEDIUM-SIZED COUNTIES
 STATE AND FEDERAL FUNDS ALLOCATED
 TO CAREER CRIMINAL PROGRAMS

County	Population Group	CALIFORNIA CAREER CRIMINAL PROSECUTION PROGRAM FUNDS (SB 683)			LEAA FUNDS		PROGRAM TOTAL
		Maximum Allowable Allocation	Requested Allocation	OCJP Approved Allocation	California Block Funds	Federal Discretionary Funds	
San Mateo	Over 400,000 less than 1,000,000	\$ 250,000	\$ 245,962	\$ 245,962			\$ 245,962
Riverside	Over 400,000 less than 1,000,000	250,000	250,000	250,000			250,000
Fresno	Over 400,000 less than 1,000,000	250,000	228,310	138,015	\$81,265 4,515 Local 4,515 State \$90,295		228,310
			Sub-Total	\$2,849,591	\$707,152	\$329,616	\$3,886,359

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TABLE 2
SMALL COUNTIES
STATE AND FEDERAL FUNDS ALLOCATED
TO CAREER CRIMINAL PROGRAMS

CALIFORNIA CAREER CRIMINAL PROSECUTION PROGRAM FUNDS (SB 683)					LEAA FUNDS		PROGRAM TOTAL
County	Population Group	Maximum Allowable Allocation	Requested Allocation	OCJP Approved Allocation	California Block Funds	Federal Discretionary Funds	
Ventura	Over 400,000 less than 1,000,000			-0-		\$262,398** 29,155-Local <u>\$291,553-Sub</u> Total	\$ 291,553
Stanislaus	Less than 400,000			-0-	\$58,375 3,243-Local <u>3,243-State</u> \$64,861		64,861
San Joaquin	Less than 400,000			-0-	\$99,272 5,515-Local <u>5,515-State</u> \$110,302		110,302
Yolo	Less than 400,000				20,000		20,000
Santa Barbara	Less than 400,000				20,000		20,000
Marin	Less than 400,000				20,000		20,000
Placer	Less than 400,000				15,000		15,000

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TABLE 2 (Cont.)
SMALL COUNTIES
STATE AND FEDERAL FUNDS ALLOCATED
TO CAREER CRIMINAL PROGRAMS

County	Population Group	CALIFORNIA CAREER CRIMINAL PROSECUTION PROGRAM FUNDS (SB 683)			LEAA FUNDS		PROGRAM TOTAL
		Maximum Allowable Allocation	Requested Allocation	OCJP Approved Allocation	California Block Funds	Federal Discretionary Funds	
Solano	Less than 400,000				\$ 20,000		\$ 20,000
Imperial	Less than 400,000				20,000		20,000
					Sub Total \$290,163	\$291,553	\$581,716
				GRAND TOTAL	\$997,315	621,169	\$4,468,075

*1976 Block C Funds (Reverted by CDC Info. Sys. Grant) out of State Agency Plans.
**LEAA funds have been approved but have not been released.

3. Prosecution of Cases Originating in State Correctional Institutions. Under this program \$75,184 in LEAA funds has been awarded to two counties for programs to support local investigation and prosecution of cases originating in State Correctional Institutions which do not qualify for State reimbursement.

4. Prosecutor's Assistance for Life Parole Hearings. This program provides for compensation for local district attorney travel and per diem expenses incurred because of their participation in state parole board hearings relating to inmates sentenced to prison for life. This function was performed by the Attorney General's Office prior to the recent enactment of the legislature making local prosecutors responsible for this function. About \$112,000 is set aside for this program.

5. California Career Criminal Apprehension Program. This program, established by passage of Senate Bill 2039 (Chapter 1167 of 1978 Statutes), is the law enforcement component of California's Comprehensive Career Criminal effort.

The California Career Criminal Apprehension Program was developed to focus attention and resources of the criminal justice system on the relatively small number of multiple and repeat felony

offenders who commit a substantial and disproportionate amount of serious crimes. The program is designed to allow law enforcement agencies to concentrate enhanced management techniques, technological improvements and augmented resources upon individuals who are responsible for serious offenses. OCJP has been assured by LEAA that it will receive \$2 million in special funds to implement the program.

In anticipation of the forthcoming funding, OCJP has established a Steering Committee and begun to draft program guidelines. It is anticipated that this effort, which will be structured so as to link up with the prosecution effort, will be operational in at least five to eight law enforcement agencies by July 1, 1979.

D. PROGRAM MANAGEMENT

The Office of Criminal Justice Planning is responsible for the programmatic coordination of the CCP. A staff coordinator is budgeted for and assigned the responsibility for the day-to-day coordination and monitoring of the CCP.

This coordination has been implemented with the cooperation of two CCP advisory committees--The Career Criminal Prosecution Program Steering Committee and the Evaluation/Legislative Report Subcommittee. Both committees are comprised of prosecutors, law enforcement officials and county administrative representatives. The Evaluation/Legislative Report Subcommittee also includes representatives from the Legislature and state agencies.

E. PROGRAM EVALUATION

1. Development of the Evaluation Model

The Evaluation/Legislative Report Subcommittee of the California Career Criminal Program Steering Committee was established to work with OCJP staff in the design and implementation of the CCP evaluation strategy. The OCJP Evaluation Unit took the lead role in developing the evaluation design. Initially, this involved combining aspects of other career criminal research to accommodate anticipated needs of the CCP and California State Legislature.

OCJP received considerable help in this effort through a donation by LEAA of 30 days of technical assistance provided by the National Legal Data Center in Thousand Oaks, California. In addition, a researcher with LEAA made an on-site visit to OCJP and provided staff with several more days of technical assistance.

After numerous meetings to determine the evaluation design and data gathering responsibilities of the CCU staff, it was mutually decided that an intensive evaluation design spanning 26 months and three annual reports to the California State Legislature would be implemented. Because of the innovative nature of the program and because of the interest state and local decision makers have shown in knowing program results, emphasis was placed on providing as rigorous and objective an evaluation design as possible. After cost estimates were gathered from several consulting firms, OCJP and the Subcommittee projected an \$150,000 evaluation budget for the full evaluation process.

On June 2, 1978 a Request for Proposal (RFP) was mailed to approximately 100 criminal justice consulting firms. A Bidders Conference was held June 15th to answer questions raised by interested bidders. Nine firms submitted proposals and four were selected to be interviewed by OCJP staff and Subcommittee members. All four groups were interviewed on July 27, 1978 by the same persons who had reviewed the proposals. In late July, 1978, **MetaMetrics, Inc.** was selected to provide the CCP evaluation services.

MetaMetrics, Inc. will also receive a contract for \$50,000 to gather baseline data on career criminal and noncareer criminal defendants. These data, which are necessary for measuring change affected by the CCP, will be gathered in all participating District Attorneys' offices.

Two forms necessary to capture evaluation data from the career criminal units were developed by the OCJP Evaluation Unit and distributed to the career criminal units. Those two forms--the Evaluation Data Form (EDF) and the Progress Report -- are included here as Appendices D and E. After the forms are filled out by prosecutors, they are sent to OCJP on a monthly basis where they are reproduced and forwarded to **MetaMetrics, Inc.** for data processing and analysis. These forms will be revised as needed to ensure capturing the most useful data.

Many different research techniques were considered for measuring the effects of the CCP. It was soon discovered that the most rigorous research designs presented practical problems to implement.

For example, it would be ideal from a research point of view to randomly select those career criminal defendants who will or will not be prosecuted by the CCU, thus creating a control group against which to compare results. In some jurisdictions, however, there will be enough CCU capacity to permit it to handle all defendants who meet the program criteria. Furthermore, to most prosecutors it would seem more appropriate to prosecute more conscientiously those defendants perceived as being most dangerous to the community rather than to place them in the control group with less attention given to prosecution. Another alternative was to compare those counties in the program with nonparticipating counties. Because of administrative and demographic differences among the counties in California, this idea was abandoned.

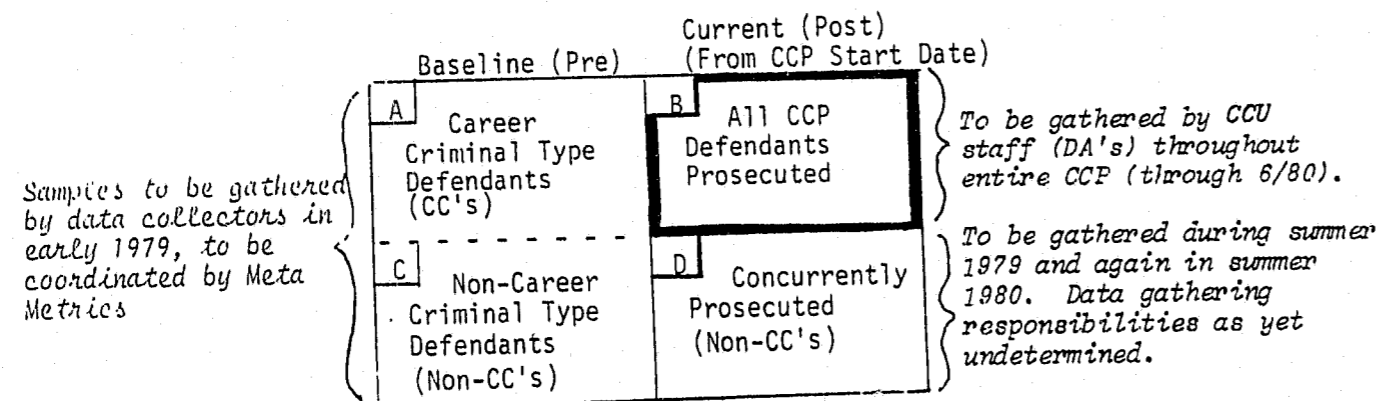
Although not without its difficulties and limitations, the data gathering model OCJP selected to measure program success is a "four-cell sampling approach". This method utilizes the approach of comparing pre-program (baseline) with post-program (current) data for two groups of defendants: (a) "career criminal" defendants (i.e., those persons who would have qualified as career criminals in the past and those persons now being prosecuted in the CC units); and (b) "non-career criminal" defendants prosecuted by other units of the DA's office. The model is illustrated below in more detail.

Because most District Attorneys have selected fewer than the seven target crime categories identified in the enabling legislation as their target crimes, the four-cell sampling approach will be restricted

to the target crimes specified by each prosecutor's office. (See Section III-B for a listing of the target offenses.) Thus, if a prosecutor's office has selected burglary and robbery as its target crimes, this model will only include information on defendants prosecuted for burglary and robbery.

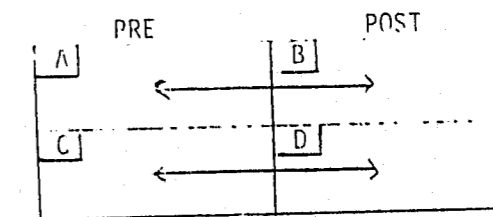
The primary limitation of this model is that it relies heavily on case records which may not be complete or which may be hard to interpret. Also, because of the effects of SB 42, California's Uniform Determinate Sentencing Act of 1976, sampling of baseline data can only go back to July 1, 1977 when the law came into effect. Nonetheless, this was the best and most realistic model to be used and which was suitable to OCJP's need to provide the legislature with impact data and responsive to the prosecutors' needs to have as much discretion as possible as to who and how they would prosecute. Especially important, this four-cell model allows each District Attorney's office to compare its progress against its own past performance rather than against that of another jurisdiction.

CCP Data Collection for each CC Unit



Cells A, C and D will include a randomly selected sample of cases for each target crime identified in the District Attorney's grant award as a "crime specific" of their Career Criminal unit (e.g., burglary and robbery). Each participating District Attorney's office has the responsibility for collecting the data on the career criminal defendants (Cell B). This will be an ongoing effort and, thus, should not pose a critical problem to any office. Ideally, a form is initiated for a defendant when the case is first assigned to the unit. Certain sections of the data form would be completed as the defendant's case proceeds through the prosecutorial process. Currently, it is anticipated that data for the concurrent non-career criminal defendant group (Cell D) will be collected at yearly intervals (i.e., after the units have been operational at least one full year and once again the following year).

Comparisons of the data will always be made on a pre-post basis comparing baseline career criminals with current career criminals or comparing baseline non-career criminals with current non-career criminals.



The purpose of collecting non-career criminal information is to monitor whether or not changes that occur between cells A and B are due to the effects of the CCU or are outside factors affecting the whole office caseload.

If, for example, the average length of time to prosecute career criminals remained the same in Cells A and B, it would appear the career criminal unit had had no effect. But if it could be demonstrated that it was not taking longer to prosecute non-criminals now than in the past, there would be a strong indication that forces outside of the career criminal unit were causing the lack of decrease in time, and that considering the general trend to longer prosecution time, the career criminal unit was operating successfully.

PRE		POST	
A	4 mos.	B	4 mos.
C	4 mos.	D	6 mos.

2. Evaluation Design

The purpose of the career criminal prosecution program is to concentrate criminal justice resources on the prosecution of career criminals. The OCJP is concerned with documenting the effect of each career criminal unit in these efforts and with reporting the results to the State Legislature, the Governor and participating District Attorneys' offices.

Over the course of the 26-month evaluation process, there will be three annual reports released by OCJP. Primary work responsibility for these reports will be shared by OCJP staff and the evaluation consultant, MetaMetrics, Inc. The three reports will be the result of both a process and impact analysis of the Career Criminal Program which will attempt to define causal relationships between career criminal unit activities and changes in prosecutorial results.

The first report, this report, is primarily a process analysis of CCP activities during the early stages of development. Some data are presented, but because the program is relatively new, impact data and analysis will be included in the second and third annual reports. The second and third reports will continue to include process analysis, as well. While this first report groups all of the CCU's and emphasizes the whole program, future reports will focus on each CCU separately. The second and third reports will also focus on the effects of the CCP on the Public Defenders' offices.

a. Process Evaluation

The process evaluation will provide information and analysis for the understanding of project activities, inputs, procedures and contributions to achievement of program impact. The initial output of process evaluation will be CCU descriptions.

The case records of both career and non-career defendants will provide all the data necessary to measure the degree to which the CCP has met its objectives. This information will provide contrasts between the CCU's as to their different approaches to the CCP. Additional information, however, will be required to describe the operations of each funded project. The following table outlines major process components and measures/indicators.

TABLE 3
PROCESS COMPONENTS AND INDICATORS/MEASURES

<u>COMPONENTS</u>	<u>INDICATORS/MEASURES</u>
1. <u>Activities</u>	
• Identification of career criminals	Stated selection criteria, case records, screening procedures
• Coordination	Relations with court staff, police and other agencies; special pre-sentencing investigation
• Case Flows	Disposition times, times of decision points, size of caseload
• Court Information	Use of computerized and manual records to identify career criminals
• Prosecutor Functions	Case preparation, investigation sentence advocacy
• Program Development	Procedures for and linkages with key court officials for program changes and enhancement
2. <u>Resources</u>	
• Staff	Available support to specialized prosecutors
• Facilities	Office space, layout and proximity to major court functions
3. <u>External Factors</u>	
• Constraints	Existing administrative procedures that affect the project, additional required staff resources, transfer of needed information, impact of Proposition 13 on staff and other resources
b. <u>Impact Evaluation</u>	
The career criminal prosecution program will affect the criminal justice system from apprehension through case disposition, as well as the defendants. Again, the case flow information will provide	

consistent and relevant data for cross sectional comparisons and overall impact. Additional information (i.e., results of data analysis of non-career criminal defendants) will be required to shed light on program impact. The following table outlines impact components and indicators/measures.

TABLE 4
IMPACT COMPONENTS AND INDICATORS/MEASURES

<u>COMPONENTS</u>	<u>INDICATORS/MEASURES</u>
1. <u>Criminal Justice System</u>	
• Police	Cooperation for investigative purposes, court appearance time, boost in morale
• Corrections	Probation caseload changes, incarceration levels, sentence changes, PSI reports
• Public Defender	Increased workload
2. <u>Court Structure</u>	
• Organization and Procedures	Changes in prosecution staffing and procedures, required time for case preparation
• Caseloads	Changes in time to disposition, conviction rates
• Costs	Changes in resource allocation, differences in costs for regular and career criminal prosecution
3. <u>Defendants/Convicted Offenders</u>	
• Awaiting Trial	Changes in size of load, utilization of release to community, use of plea bargaining
• Convicted Offenders	Length of sentence, use of incarceration vs. probation

3. Scheduled Evaluation Reports

The following is a list of the reports and summaries of the content of future CCP evaluation reports scheduled to be released by OCJP:

May 1979

Interim Baseline Data Report:

This report will compare career criminal baseline and current data in six CCU's.

October 1979

Second Annual Evaluation Report:

This report will contain process and impact analyses on each CCU. Baseline data will be compared with current program data.

October 1980

Third Annual Evaluation Report:

This report will have the same format as the second report but will contain updated data and final analysis of the CCP activities and impact.

III. CALIFORNIA CAREER CRIMINAL
PROSECUTION UNITS

The Office of Criminal Justice Planning (OCJP) currently funds 12 county-based Career Criminal Units (CCU's) as part of the state-funded California Career Criminal Prosecution Program. An important function of the OCJP and the evaluator will be to monitor the effects and processes of each CCU in terms of:

- County structure;
- Criminal justice system performance and information;
- Program and operational issues.

Information will be collected from site visits, monthly and quarterly reports submitted by each of the Units and relevant information from appropriate State agencies. The results of the review and monitoring activities conducted by OCJP and the evaluator will be detailed case studies on each Unit. These studies will provide the contextual framework by which OCJP can interpret and analyze the impact results achieved in each of the Career Criminal Prosecution Programs. These individual unit studies will be presented in the next two annual CCP reports.

The intent of this section is to describe the counties, and more specifically, the Career Criminal Units involved in this statewide effort. The information and statistics presented in this section come in part from the recently released Criminal Justice Profile-1977. This annual series produced by the Bureau of Criminal Statistics summarizes a variety of data and information pertaining to the California criminal justice system. It should be noted that because these are 1977 data, they do not reflect the effects of Proposition 13.

This section includes the following subsections:

- County Criminal Justice Cost and Personnel Data
- Career Criminal Program Targeted Crimes and Selected Crime Statistics - 1977.
- Career Criminal Unit and Prosecution Caseload Data.

A. COUNTY CRIMINAL JUSTICE COST AND PERSONNEL DATA

The 12 counties selected to participate in the CCP represent the counties within the state with populations of more than 400,000. Collectively, the counties comprising the CCP account for nearly 80% of the state's population. Again, those 12 counties are:

Alameda	Sacramento
Contra Costa	San Bernardino
Fresno	San Diego
Los Angeles	San Francisco
Orange	San Mateo
Riverside	Santa Clara

Because of the population concentration, there is a heavy concentration of both criminal justice system resources and state costs associated with the CCP counties. Consequently, the 12 counties collectively account for nearly 72% of all law enforcement officials within the state, nearly 80% of the prosecutors and public defenders, and slightly less than 75% of all judges. Tables 5 and 6 detail current information on county personnel and related criminal justice system costs. The Corrections figures in Table 5 are low because they only include probation department personnel and not corrections personnel in state correctional institutions or connected with parole.

1. Criminal Justice System-Related Costs

A key concern to the California Legislature is the cost of operating a Career Criminal Unit. Table 5 details the total expenditures

TABLE 5
CRIMINAL JUSTICE SYSTEM COST INFORMATION¹

County	Law Enforcement	Prosecution Total	CCP Unit	Public Defense	Courts	Court Related	Corrections	Total Expenditures
Alameda	59,768	6,419	274	5,696	11,251	2,670	25,982	111,786
Contra Costa	29,036	4,665	250	2,613	4,282	2,420	14,660	57,677
Fresno	25,859	3,796	138 ²	1,120	3,613	697	9,446	44,531
Los Angeles	508,061	40,193	450	14,660	54,246	31,071	112,881	761,113
Orange	94,691	8,287	160 ²	3,913	13,061	6,256	18,700	144,909
Riverside	28,750	3,325	250	792	4,323	2,149	8,451	47,791
Sacramento	33,094	7,301	250	2,202	6,783	2,364	18,594	70,338
San Bernardino	34,115	4,286	250	1,704	7,684	2,985	15,113	65,889
San Diego	67,110	8,179	275 ²	N/A	16,118	5,977	23,682	121,066
San Francisco	51,460	4,041	332	1,341	8,434	1,379	10,941	77,596
San Mateo	28,544	3,108	246	1,207	4,489	1,194	15,004	53,545
Santa Clara	61,219	6,117	275	2,554	8,305	2,128	15,118	95,442
County Total	1,021,707	99,717	2,850	37,802	142,589	61,290	288,572	1,651,683
Statewide Total	1,433,862	128,716	2,850	47,387	177,068	78,683	730,754	2,596,472

¹ In thousands of dollars.

² State Funds only, does not include Federal funds expended by the program.

TABLE 6

COUNTY SIZE AND AUTHORIZED FULL-TIME PERSONNEL¹
IN THE CRIMINAL JUSTICE SYSTEM¹

County	Population	Law Enforcement ²	Courts			Corrections ⁶ (Probation Dept.)	Total
			Prosecution ³ Office	Public Def. ⁴ Office	Judges ⁵		
Alameda	1,101,100	3,171	349	199	63	637	4,419
Contra Costa	611,600	1,313	203	67	29	354	1,966
Fresno	471,000	1,225	201	49	27	225	1,727
Los Angeles	7,034,700	23,307	2,381	570	418	3,702	30,378
Orange	1,799,700	4,020	371	118	85	722	5,316
Riverside	569,600	1,317	194	47	30	336	1,978
Sacramento	721,500	1,593	284	80	40	330	2,327
San Bernardino	738,200	1,641	213	70	49	371	2,399
San Diego	1,679,000	3,280	419	40	76	928	4,743
San Francisco	654,000	2,632	334	59	51	307	3,383
San Mateo	588,400	1,247	107	15	28	313	1,710
Santa Clara	1,218,600	2,539	295	113	54	514	3,515
Total	16,187,400	47,285	5,351	1,427	950	8,739	63,861
Statewide Total	21,500,000	65,971	6,786	1,782	1,269	23,034	98,842

¹All data in this table, and in the following tables, are derived from Criminal Justice Profile-1977, published by the Bureau of Criminal Statistics.

²Includes police and sheriff departments, sworn and civilian and university police forces.

³Includes attorneys, investigators, clerical and other staff.

⁴Same as above.

⁵Includes Superior, Municipal and Justice - judgeship/auxiliary.

⁶Includes probation officers and all others.

made in each county for the various components of the criminal justice system. The relationship between original expenditures made by the state in funding the Career Criminal Units and the counties' overall expenditures in this area can be seen.

Because increased staff time is provided in CCU's, district attorney operational costs are greater per caseload than with the traditional prosecution office. The increased costs of the CCU's, however, are expected to be offset by the benefits gained in increased lengths of incarceration and saved crimes.

The proportion of attorneys to the overall staff in the Career Criminal Unit is higher than normal. Fifty-three percent of the 100 individuals involved in the 12 county Career Criminal Programs are attorneys. Among the 5,351 individuals in the prosecution offices in the 12 counties, only 1,571 or 29% are attorneys. This high ratio of attorneys to staff in the Career Criminal Program and the lower caseload of CCU attorneys in part accounts for the greater cost associated with maintaining and operating a Career Criminal Unit.

2. Prosecution, Defense and CCP Personnel

The Criminal Justice Profile - 1977 (released in November 1978) indicates a total of 5,351 individuals employed in the prosecution staff in the CCP 12 counties. In Table 7, the number of county prosecution and defense personnel were divided into four major categories: attorneys, investigators, clerical, and other.

TABLE 7
 PROSECUTION OFFICE AND PUBLIC DEFENSE INFORMATION
 Numbers of Personnel by Job Classification

County	Prosecution Staff					Career Criminal Program					Public Defenders Office				
	Att.	Inv.	Cler.	Other	(Total)	Att.	Inv.	Cler.	Other	(Total)	Att.	Inv.	Cler.	Other	(Total)
Alameda	130	58	159	2	(349)	4	2	2	-	(8)	107	29	57	6	(199)
Contra Costa	58	21	82	42	(203)	5	1	2	2	(10)	39	9	17	2	(67)
Fresno	53	36	79	33	(201)	3	2	1	-	(6)	31	8	10	-	(49)
Los Angeles	655	274	939	513	(2,381)	6	1	2	-	(9)	390	54	119	7	(570)
Orange	110	77	134	50	(371)	5	2	1	-	(8)	66	18	20	14	(118)
Riverside	58	22	87	27	(194)	3	3	4	2	(9)	32	6	9	-	(47)
Sacramento	78	56	123	27	(284)	5	3	1	-	(9)	51	11	15	3	(80)
San Bernardino	89	6	81	37	(213)	4	2	2	-	(8)	41	7	18	4	(70)
San Diego	133	65	163	58	(419)	6	-	2	1	(9)	28	4	8	-	(40)
San Francisco	86	84	125	39	(334)	5	2	1	2	(10)	44	4	11	-	(59)
San Mateo	30	20	54	3	(107)	4	-	2	-	(6)	4	4	5	2	(15)
Santa Clara	91	35	129	40	(295)	3	2	2	-	(7)	58	13	26	16	(113)
Total	1,571	754	2,155	841	(5,351)	53	18	22	7	(100)	891	167	315	64	(1,427)

Generally, in the overall staffing of the participating District Attorney offices, attorneys represent approximately 30% of the overall prosecution staff. Investigators account for 14% of the staff, and clerical and other account for the remaining 56% of the staff. The Career Criminal Program allocation of personnel differs substantially. As Table 7 indicates, 53% of the staff is composed of attorneys. In addition, the deputies in the Career Criminal Program tend to be more experienced attorneys. In many cases, they consist of deputies at third, fourth, and fifth grade. There is a higher ratio of investigators to cases in the CCP. Again, the Career Criminal Units tend to select the more experienced and highly qualified investigators. The clerical and related support personnel for the Career Criminal Unit comprises slightly less than 30% of the total authorized staff.

Table 7 also presents information concerning the allocation of personnel in the public defenders offices within the 12 counties. This information is of interest for the potential impact the Career Criminal Program may have on its function and services. Although there is no documented evidence of the effects of the California Career Criminal Prosecution Program on public defenders offices, the CCP evaluation will investigate this possibility. The evaluators will sample several public defenders offices over a long period of time to determine any impact.

B. CAREER CRIMINAL PROGRAM TARGETED CRIMES AND SELECTED CRIME STATISTICS - 1977

The California Career Criminal Program substantially differs from other programs of this type established throughout the country. The Act that established the Career Criminal Programs made the definition of the target population crime specific: that is, in order to be selected as a career criminal a defendant must first, before any other selection criteria are considered, be charged with at least one of the following felonies identified in SB-683 legislation:*

- Arson
- Burglary
- Drugs (11351 and 11352)
- Theft
- Grant Theft-Auto
- Receiving Stolen Property
- Robbery

Each jurisdiction was allowed to emphasize one or more of the crimes specified in the legislation based on the existing levels of criminal activities within the counties (see Table 8). Consequently, not all the CCU's focus their prosecutorial resources on all seven targeted crimes or on the same combination of these crimes.

Table 8 presents crime data for each CCP jurisdiction on those crimes they have selected as their target offenses. The following statistics are given for each crime category listed:

- Total number of crimes reported
- Crime rate per 100,000
- Number of crimes cleared
- Clearance rate per crime category
- Total arrests - adult felons for commission of the identified crime category

*Complete selection criteria can be found in the legislation. See Appendix A.

TABLE 8

TARGETED CRIMES AND SELECTED CRIME STATISTICS 1977*

County	CCP Target Crimes	Number Reported	Crime Rate Per 100,000	No. Crimes Cleared	Clearance Rate	Total Arrests (Adult Felons)
Alameda	Burglary	27,884	2532.4	3,923	14.1	872
	Robbery	4,570	415.0	1,168	25.6	759
Contra Costa	Burglary	11,725	1917.1	1,801	15.4	831
	Robbery	1,120	187.4	388	34.6	265
	Drugs	--	--	--	--	654
	Grand Theft	4,200	686.7	NA	NA	632
	Grand Theft-Auto	2,249	367.7	492	21.9	145
Fresno	Burglary	13,020	2764.3	1,835	14.1	1,110
	Robbery	1,435	304.7	388	27.0	435
	Drugs	--	--	--	--	563
	Grand Theft	5,277	1120.4	NA	NA	814
	Grand Theft-Auto	3,140	666.7	429	13.7	370
Los Angeles	Robbery	30,110	428.0	7,619	25.3	7,657
Orange	Burglary	36,918	2051.3	7,200	19.5	3,105
	Robbery	2,993	166.3	995	33.2	798
Riverside	Burglary	15,509	2722.8	1,997	12.9	772
	Robbery	1,032	181.2	380	36.8	268
	Drugs	--	--	--	--	998
	Grand Theft	4,208	738.8	NA	NA	843
	Grand Theft-Auto	2,826	496.1	912	32.3	163

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* Data from California Bureau of Criminal Statistics - 1977 Data

Table 9, Sentencing and Disposition Information 1977, provides data against which to compare the results of the CCP most fairly. As described in Section III.B.5. preliminary results of the CCP indicate an overall conviction rate of 91 percent. Table 9 allows a comparison of CCP conviction rates with lower court conviction rates for 1977 (Column 5) with superior court conviction rates for 1977 (Column 10), and with overall conviction rates for 1977 (Column 17). Since the CCP statistics must include all dispositional events, including lower court dismissals, it is important to look at the overall conviction rates (next to last column) when making such comparisons.

The two factors that will be of particular interest in later analysis of the Career Criminal Program effectiveness are conviction rate and sentencing information. A review of the Criminal Justice Profile-1977, suggests that only 18 and 25 percent of the total adult felony arrests as reported through the Offender-Based Transaction System (OBTS) reach the superior court level. Thus, it should be remembered that the seemingly high conviction rate does not take into account the fact that 75 to 80 percent of adult felony cases are disposed of before they reach the superior court. Another problem with interpreting conviction rates is that OBTS does not routinely make available data that indicate whether the defendant pled or was found guilty on the original charge, or whether the defendant pled or was found guilty of a reduced charge. Lastly, a jurisdiction may have a high conviction rate for defendants involved in the identified crime categories, but a low incarceration rate. This would tend to negate some of the benefits derived from a

a successful prosecution program. With the CCU's in operation, it is anticipated that not only will the program result in a high conviction rate, but will also result in convictions on the actual crimes charged. Another anticipated result of the program will be to insure the incarceration of the convicted defendant. In these key areas then, it is anticipated that the Career Criminal Program will have a major impact in those identified crime categories within the 12 jurisdictions.

C. CAREER CRIMINAL UNIT AND PROSECUTION CASELOAD DATA

With the exception of four of the CCU's which have previously operated with federal funds, the Career Criminal Units were operational for only six months as of August 31, 1978, when the last of these data were collected. As part of their grant requirements, all of the Career Criminal Units are required to submit quarterly progress reports concerning the activities of the unit (see Appendix E). This is in addition to the completed Evaluation Data Forms that are filled out on each defendant (Appendix D). The caseload information contained in Table 10 was derived from the quarterly reports submitted by the programs. Two quarterly reports per unit were not available for every jurisdiction.

At the time the data were gathered, most of the CCU's were still very new and, therefore, relatively few cases had been completed. What is apparent in these early statistics, however, is the ability of all of the CCU's listed in Table 10 to greatly reduce the caseload average of CCU prosecutors. In general, Deputy District Attorneys'

Table 9

Sentencing and Disposition Information 1977*

County	CCP Target Crime	Total Felony Arrests (1)	Total Complaints Filed	LOWER COURT DISPOSITION					SUPERIOR COURT DISPOSITION								Overall Conviction Rate	Overall Incarceration Rate of Convicted Defendants	
				Total Complaints Disposed in Lower Court	Total Convicted	Conviction Rate	Total Incarcerated (2)	Incarceration Rate of Convicted Defendants (3)	Total Complaints Disposed in Superior Court	Total Convicted	Conviction Rate	Prison & CYA (No. Defendants)	Subtotal Rate A (%) (4)	Probation/Jail and Jail	Subtotal Rate B (%) (5)	Total Incarcerated			Incarceration Rate of Convicted Defendants (3)
Alameda:	Burglary	1607	1422	1146	793	69.2	542	68.3	276	249	90.2	37	14.9	151	60.6	188	75.5	64.8	45.4
	Robbery	589	434	244	103	42.2	64	62.1	190	164	86.3	54	32.9	90	54.9	144	87.8	45.3	35.3
Contra Costa:	Burglary	684	534	280	209	74.6	156	74.6	254	240	94.5	42	17.5	173	72.1	215	89.6	65.6	54.2
	Robbery	232	181	51	21	41.2	16	76.2	130	122	93.8	55	45.1	55	45.1	110	90.2	61.6	54.3
	Drugs	581	441	304	161	53.0	72	44.7	137	121	88.3	14	11.6	83	68.6	97	80.2	55.3	33.1
	Grand Theft	580	430	322	241	74.8	181	75.1	108	103	95.4	9	8.7	70	68.0	79	76.7	59.4	44.8
	G. Theft-Auto	117	85	52	37	71.2	27	73.0	33	32	97.0	1	3.1	30	93.8	31	96.9	59.0	49.6
Fresno:	Burglary	651	560	523	322	61.6	287	89.1	37	35	94.6	12	34.3	17	48.6	29	82.9	54.8	48.5
	Robbery	210	153	124	28	22.6	22	78.6	29	28	96.6	23	82.1	3	10.7	26	92.9	26.7	22.9
	Drugs	290	236	215	89	41.4	48	53.9	21	17	81.0	7	41.2	8	47.1	15	88.2	36.6	21.7
	Grand Theft	486	363	352	185	52.6	149	80.5	11	7	63.6	1	14.3	4	57.1	5	71.4	39.5	31.7
	G. Theft-Auto	203	152	152	83	54.6	74	89.2	--	--	--	--	--	--	--	--	--	40.9	36.5
Los Angeles:	Robbery	4988	2869	997	609	61.1	377	61.9	1872	1622	86.6	802	49.4	675	41.6	1477	91.1	44.7	37.2
Orange:	Burglary	2159	1919	1319	1002	76.0	722	72.1	600	565	94.2	125	22.1	394	69.7	519	91.9	72.6	57.5
	Robbery	616	519	175	76	43.4	55	72.4	344	326	94.8	154	47.2	160	49.1	314	96.3	65.3	59.9
Riverside:	Burglary	665	595	404	291	72.0	161	55.3	191	171	89.5	56	32.7	99	57.9	155	90.6	69.5	47.5
	Robbery	187	160	64	24	37.5	15	62.5	96	86	89.6	62	72.1	19	22.1	81	94.2	58.8	51.3
	Drugs	670	579	466	292	62.7	86	29.5	113	95	84.1	24	25.3	62	65.3	86	90.5	57.8	25.7
	Grand Theft	436	352	296	200	67.6	98	49.0	56	46	82.1	5	10.9	31	67.4	36	78.3	56.4	30.7
	G. Theft-Auto	179	122	104	73	70.2	44	60.3	18	17	94.4	3	17.6	12	70.6	15	88.2	50.3	33.0

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* Table based on statistics from the California Bureau of Criminal Statistics - 1977 Data.
 (1) Includes all law enforcement arrests including those persons released and cases where complaints were denied.
 (2) Sentenced to California Youth Authority, probation/jail combination, or jail.
 (3) Calculated by dividing "Total Incarcerated" by "Total Convicted" and multiplying by 100.
 (4) The percentage of convicted Superior Court defendants sent to prison or CYA.
 (5) The percentage of convicted Superior Court defendants sentenced to probation/jail or jail.

TABLE 9 (Cont.)

County	CCP Target Crime	Total Felony Arrests (1)	Total Complaints Filed	LOWER COURT DISPOSITION					SUPERIOR COURT DISPOSITION							Overall Conviction Rate	Overall Incarceration Rate of Convicted Defendants		
				Total Complaints Disposed in Lower Court	Total Convicted	Conviction Rate	Total Incarcerated (2)	Incarceration Rate of Convicted Defendants (3)	Total Complaints Disposed in Superior Court	Total Convicted	Conviction Rate	Prison % CYA (4)	Subtotal Rate A (%) (4)	Probation/Jail and Jail	Subtotal Rate B (%) (5)			Total Incarcerated	Incarceration Rate of Convicted Defendants (3)
<u>Sacramento:</u>	Burglary	923	854	629	408	64.9	240	58.8	225	209	92.9	57	27.3	136	65.1	193	92.3	65.8	45.8
	Robbery	413	370	165	42	25.5	37	88.1	205	175	85.4	109	62.3	52	35.4	171	97.7	52.5	50.4
	Drugs	681	638	512	294	57.4	107	36.4	126	109	86.5	22	20.2	61	56.0	83	76.1	59.2	27.9
	Grand Theft	749	676	568	352	62.0	183	52.0	108	89	82.4	18	20.2	62	69.7	80	89.9	58.9	35.1
	G.Theft Auto	257	216	183	95	51.9	58	61.1	33	28	84.8	5	17.9	18	64.3	23	82.1	47.9	31.5
<u>San Bernardino:</u>	Burglary	925	740	521	387	74.3	309	79.8	219	193	88.1	65	33.7	66	44.6	151	78.2	62.7	49.7
	Robbery	203	141	54	15	27.8	11	73.3	87	87	83.7	43	62.8	19	24.4	67	85.9	45.6	33.4
	Grand Theft	545	412	325	210	64.6	115	73.8	87	73	83.9	19	26.0	35	47.9	54	74.0	51.6	38.3
	G.Theft Auto	296	126	94	63	67.0	47	74.6	32	27	84.4	8	29.5	12	44.4	20	74.1	30.4	22.6
<u>San Diego:</u>	Burglary	2142	1653	950	731	76.9	471	64.4	703	657	93.5	129	19.6	399	60.7	528	83.4	64.8	46.6
	Robbery	862	523	151	78	51.7	47	60.3	372	356	95.7	155	43.5	116	46.6	321	90.2	49.2	44.9
<u>San Francisco:</u>	Burglary	902	770	400	213	53.3	204	95.8	370	334	90.3	102	30.5	205	61.4	307	91.9	60.6	56.7
	Robbery	675	489	198	47	23.7	47	100.0	291	258	88.7	118	45.7	131	50.8	249	95.5	45.2	43.9
<u>San Mateo:</u>	Burglary	607	583	301	157	62.1	131	70.1	282	252	89.4	56	22.2	150	59.5	206	81.7	72.3	55.5
	Robbery	165	130	50	15	30.0	9	60.0	130	125	96.2	75	60.0	35	28.0	110	84.6	75.7	64.3
	Drugs	484	465	272	136	50.0	46	33.8	194	160	82.2	15	10.0	30	50.0	96	64.0	61.2	29.3
	Grand Theft	432	414	323	189	58.5	116	61.4	91	78	85.7	10	12.8	41	52.6	51	65.4	61.8	38.7
	G.Theft Auto	117	106	77	50	64.9	49	98.0	29	20	69.0	8	40.0	11	55.0	19	95.0	59.8	58.1
<u>Santa Clara:</u>	Burglary	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Robbery	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

caseloads average 34.2 cases, the average for CCU prosecutors is 8.2 -- or less than one-fourth the average prosecution caseload. Such a reduction is important to enable the CCU's to implement vertical prosecution required by the legislation (see Section IV.D.3.).

TABLE 10
CASELOAD INFORMATION -- SIX MONTH-INTERVAL

<u>County</u>	<u>No. of Felonies Filed in DA Office</u>	<u>No. of Cases Ref. to CCP</u>	<u>No. of Cases Accepted</u>	<u>Cases Accepted as Per Cent of Total</u>	<u>No. Cases Completed by CCP</u>	<u>Caseload Average CCP Unit</u>	<u>General DA Office Caseload Average</u>
Alameda	2,435	157	58	2.4	24	6.5	40.0
Contra Costa*	507	--	30	5.9	4	6.0	20.0
Fresno**	608	33	28	4.6	6	13.3	24.3
Los Angeles	12,460	131	81	0.7	22	10.2	--
Orange	1,762	111	80	4.5	41	9.6	30.0
Riverside*	590	53	16	2.7	7	5.3	19.7
Sacramento	2,933	92	85	2.9	21	10.0	20.0***
San Bernardino	2,199	100	63	2.9	13	5.5	10.0
San Diego	4,250	72	54	1.3		4.5	20.3
San Francisco	3,139	56	50	1.6	58	7.0	35.0
San Mateo	1,310	115	98	7.5	49	12.0	33.0
Santa Clara	---	--	98	--	--	--	--
Total	34,628	920	741	2.1	245	8.2	34.2

*Only First Quarterly Report Available

**Second Quarterly Report Available

***Final Dep.

IV. FINDINGS AND CONCLUSIONS

This Section of the first annual evaluation report of the California Career Criminal Prosecution Program presents and discusses the results of the program during its first six months of operation. The results are discussed in summary fashion and are not identifiable by the twelve participating jurisdictions. Future reports will provide results separately by jurisdiction.

Section IV is divided into the following subsections:

- Program Objectives;
- Career Criminal Defendant/Case Profile - an analysis of 112 career criminal defendants;
- Qualitative Results of the CCP - program results not captured by the quantifiable evaluation data forms;
- Major CCP Issues - operational issues raised during the first six months of the CCP;
- Conclusions.

A. PROGRAM OBJECTIVES

The members of the CCP Evaluation/Legislative Report Advisory Subcommittee and OCJP staff developed and adopted the twelve program objectives.

- Objective 1: To demonstrate and increase in conviction rates for career criminal offenders prosecuted within CCU's
- Objective 2: To demonstrate a reduction in the amount of time required to prosecute a case

- Objective 3: To demonstrate an increase in the amount of bail for current career criminal defendants as compared with similar cases prosecuted prior to the CCP
- Objective 4: To demonstrate an increase in the length of sentencing and the ratio of maximum sentences in career criminal cases
- Objective 5: To eliminate or reduce the use of plea-bargaining
- Objective 6: To demonstrate an increased use of enhancements
- Objective 7: To demonstrate a higher rate of convictions on the most serious charge
- Objective 8: To demonstrate a reduction in the prosecutor's caseload
- Objective 9: To determine whether vertical prosecution (i.e., the use of one prosecutor per case from arraignment to sentencing) occurs with career criminal cases
- Objective 10: To determine improved "quality" of prosecutorial efforts
- Objective 11: To determine cost factors associated with CCP prosecution offices and conduct a cost effectiveness analysis of the program
- Objective 12: To determine the impact that the program has on the other components of the criminal justice system, specifically corrections, law enforcement and the Public Defenders' Offices

The CCP evaluation reports will use data from the CCP data forms, baseline data, comparative data, monitoring visits and interviews to document the degree to which the CCP is meeting these objectives.

The following subsections of this Section provide the preliminary data indicating early trends of the CCP toward meeting the objectives.

The SUMMARY Section, at the beginning of this report, summarizes much of this data and relates it to the twelve objectives.

B. CAREER CRIMINAL DEFENDANT/CASE PROFILE

As of October 1, 1978, OCJP had received completed career criminal evaluation data forms (EDF's) from eight of the 12 counties involved in the project (see Appendix D for copy of EDF). In accordance with the agreement entered into with MetaMetrics in August, 1978, these EDF's were forwarded to MetaMetrics for preliminary analysis. The following analysis represents a small percentage of the anticipated caseload that will be part of the "current" group data base. In the analysis, the number of data elements will not always equal 112 since some data forms were submitted with incomplete information. The column marked "Relative Frequencies" includes blank or missing information, while the "Adjusted Frequency" gives the percentage of all complete responses. Information for the analysis was derived from the Program Evaluation Data Form completed by the CCU's on each defendant.

It must be stressed that because of the small size of the sample which does not represent all jurisdictions in the CCP and since these are the first CCP cases, the results are not conclusive but may indicate trends in the program's results. These trends may continue to change through the course of the program. It must also be stressed

that since there are no baseline data on similar defendants, it is not possible to compare these results. Future reports which include baseline data now being collected will compare CCP statistics to determine more accurately whether or not the CCP is meeting its objectives.

1. Demographic Information

The basic demographic information for the current case group is presented in Table 11. Based on complete Evaluation Data Forms, slightly more than 97 percent of the defendants prosecuted to date by the CCU's have been males. This is similar to findings of the national career criminal programs where 96 percent of the defendants are males. Racially, approximately 50 percent of the population was White, 25 percent was Black, 20 percent was Mexican-American, and nearly 3 percent were identified as being of the Native American group.

TABLE 11
DEMOGRAPHIC INFORMATION

	<u>Number of Defendants</u>	<u>Relative Frequency (%)</u>	<u>Adjusted Frequency (%)</u>
<u>Sex</u>			
Male	100	89.3	97.1
Female	3	2.7	2.9
Blank	<u>9</u>	<u>8.0</u>	<u>0.0</u>
Total	112	100.0	100.0
<u>Race</u>			
White	53	47.3	50.4
Black	27	24.1	25.7
Mexican-American	21	18.7	20.0
Native American	3	2.7	2.9
Chinese	1	0.9	1.0
Blank	<u>7</u>	<u>6.3</u>	<u>0.0</u>
Total	112	100.0	100.0

Mean Age: 30.2

The average (mean) age of the population was 30 years of age, with the age being calculated at the time that the Evaluation Data Form (EDF) was completed. By way of comparison, the results of the National Legal Data Center study, funded by LEAA, of 7,000 career criminal defendants prosecuted in 30 jurisdictions showed a mean age of 28.7.

2. Defendant Status

A key feature of the EDF is a built-in monitoring of the defendant's status throughout the adjudication of his case. Table 12 through 14 present the results of the preliminary analysis of the defendant status. Almost 70 percent of these defendants were under some form of supervision within the criminal justice system at the time of the offense(s) for which the CCU was prosecuting them. Of that number, approximately 23 percent were on probationary status when they were apprehended again, and nearly 45 percent were on some form of parole at the time of the offense(s). Two of the defendants were in jail on other charges.

TABLE 12
DEFENDANT STATUS AT TIME OF OFFENSE

Status	Number of Defendants	Relative Frequency (%)	Adjusted Frequency (%)
No Commitment	31	27.7	29.3
Parole ^a	37	33.0	34.9
CYA Parole ^b	--	----	----
Probation	24	21.4	22.6
GRC Parole ^c	11	9.8	10.4
In Prison	2	1.8	1.9
In Other Institution	1	0.9	0.9
Not Reported	<u>6</u>	<u>5.4</u>	<u>0.0</u>
Total	112	100.0	100.0

^aParole from state or federal prison

^bParole from California Youth Authority Institution

^cParole from California Rehabilitation Center

Since the time these EDF's were completed, the form has been revised. It now includes "pretrial release" as an option for coding the defendant's status at time of offense. If defendants are being arrested for new offenses while they are on bail or other pretrial release relating to an earlier crime, evidence of that should be available for the next evaluation report due October 1, 1979.

It should be noted that Table 12 refers to status at the time of "offense" rather than "arrest". Based on previous career criminal evaluations the time of offense and arrest are usually only a few days apart, therefore, there is not likely to be a different status between the two. In those instances where offense and arrest are separated by a considerable length of time, it was decided that status at time of offense was the more relevant.

CCU deputies are expected to work toward discouraging the pretrial release of career criminal defendants. Table 13 indicates that at the time of the preliminary hearing nearly 90 percent of the career criminal defendant population were in custody and only slightly less than 3 percent were out on their own recognizance. The average bail/bond amount for the 112 defendants was approximately \$23,000; however, only 7 percent of the defendant population was out on some bail/bond arrangement.

TABLE 13
DEFENDANT STATUS AT PRELIMINARY HEARING

<u>Status</u>	<u>Number of Defendants</u>	<u>Relative Frequency (%)</u>	<u>Adjusted Frequency (%)</u>
In Custody	95	84.8	88.0
Bail/Bond	7	6.2	6.4
Own Recognizance	3	2.7	2.8
Other	3	2.7	2.8
Not Reported	<u>4</u>	<u>3.6</u>	<u>0.0</u>
Total	112	100.0	100.0

Average Bail/Bond Amount: \$22,800

Although many of the 112 EDF's failed to indicate the status of the defendant at the time of the trial, based on the information received, slightly more than 90 percent of the defendants were in custody at that time. The average bail/bond amount had increased slightly to \$28,700 for those individuals out on bail/bond.

TABLE 14
DEFENDANT STATUS AT TRIAL

<u>Status</u>	<u>Number of Defendants</u>	<u>Relative Frequency (%)</u>	<u>Adjusted Frequency (%)</u>
In Custody	69	61.6	90.8
Bail/Bond	5	4.5	6.6
Own Recognizance	2	1.8	2.6
Other	-	---	----
Not Reported	<u>36</u>	<u>32.1</u>	<u>0.0</u>
Total	112	100.0	100.0

Average Bail/Bond Amount: \$28,700

3. Selection Criteria

The selection criteria for admission into a California Career Criminal Unit is established and defined in SB-683 (Chapter 1151 of 1977 Statutes). The Career Criminal Act (Appendix A) defines the career criminal as an individual who has been arrested for the commission or the attempted commission of one of seven felonies and who has the prerequisite background of prior criminal activity as defined in the legislation. Table 15 indicates the breakdown of the defendants by the seven target felonies. In those cases where a defendant was charged with multiple offenses within the seven identified target felonies, the most serious offense as indicated on the Evaluation Data Form was utilized as the primary felony that warranted his consideration for admission into the program. Two crime categories of the seven, in particular, stand out for the number of defendants that had at least one or more charges. These were burglary and robbery, together accounting for slightly more than 90 percent of the total defendants charged with one of the target felonies. Consequently, it is reasonable to anticipate that a higher proportion of the defendant population will be charged with these two crimes.

TABLE 15
SELECTION CRITERIA - TARGET OFFENSES

Target Offenses	Number of Defendants	Relative Frequency (%)	Adjusted Frequency (%)
Arson	--	--	--
Burglary	51	45.5	47.2
Drugs (11351, 11352)	1	0.9	0.9
Grand Theft	1	0.9	0.9
Grand Theft-Auto	2	1.8	1.9
Receiving Stolen Property	5	4.5	4.6
Robbery	48	42.9	44.5
Not Reported	<u>4</u>	<u>3.5</u>	<u>Missing</u>
Total	112	100.0	100.0

Note:

If a defendant has two or more charges in the target offense group, the most serious charge indicated was used in this analysis.

Table 16 presents the breakdown of how the defendant qualified for admission into the unit. In slightly more than 50 percent of the cases, the defendant qualified based solely on his current criminal activities, while in 50 percent of the other cases the prosecution determined the defendant's eligibility into the unit based on their prior criminal history. The finding that 55 of the defendants or 50 percent of the overall population were eligible for program admission based on their current activities suggests that the focus of the CCU's to concentrate on individuals currently involved in

patterns of career criminality is being achieved. Defendants who qualified on the basis of charges of three or more target offenses may also have been convicted within the previous ten years.

TABLE 16
SELECTION CRITERIA

	Number of Defendants	Relative Frequency (%)	Adjusted Frequency (%)
Three or More Target Offenses	55	49.1	50.5
One Conviction in 10 Years	23	20.5	21.1
Two Convictions in 10 Years	31	27.7	28.4
Not Reported	<u>3</u>	<u>2.7</u>	<u>0.0</u>
Total	112	100.0	100.0

4. Charge Information

The EDF provides for a complete listing of all charges placed against the defendant with the resultant dispositions of those charges.

The 112 defendants involved in the current group analysis amassed a total of 473 charges. This averages slightly more than four charges per individual. Table 17 details the breakdown by target offense of these charges.

TABLE 17
CHARGE INFORMATION

	<u>Number</u>	<u>Relative Frequency (% of Total)</u>
Arson	---	---
Burglary	142	30.0
Drugs	1	0.2
Grand Theft	10	2.1
Grand Theft-Auto	4	0.8
Receiving Stolen Property	67	14.2
Robbery	245	51.8
Not Reported ^a	<u>4</u>	<u>0.8</u>
Total	473	100.0

Average charges per defendant: 4.2

^a Four defendants' charge information sections were blank. At a minimum, they were charged with one of the target offenses in order to qualify for the program.

Information provided on the EDF indicates that approximately 162 charges or approximately 34 percent of the charges were dismissed either by the prosecuting deputies or by the court. Table 18 presents a detailed breakdown of the reasons for the dismissals of the charges. Nearly 90 percent were prosecution-related and the remaining 10 percent were the result of court action. In most instances, this was because of insufficient facts or evidence or because there was no substantial sentencing benefit with the charges.

TARIF 18
CHARGE DISPOSITION INFORMATION - DISMISSALS

	<u>Number of Charges</u>	<u>Relative Frequency (% of Total)</u>
<u>Prosecution Dismissals</u>		
Facts/Evidence Problems	34	23.4
No Substantial Sentencing Benefit	80	55.2
Improved Prosecut. Other Cases	--	----
Extraordinary Circumstances	19	13.1
No Reason Given	<u>12</u>	<u>8.3</u>
Total	145	100.0
<u>Court Dismissals</u>		
Motion to Suppress (1538.5)	--	----
Insufficient Evidence/Probable Cause	8	47.0
Insufficient Evidence - Acquittal	2	11.8
Other	<u>7</u>	<u>41.2</u>
Total	17	100.0

Total Charges Dismissed = 162 (89.5% were prosecution-related, 10.5% were court related).

5. Defendant Dispositions

Approximately 76 percent of the defendants had either court appointed attorneys or public defenders as their legal representatives during the preliminary hearings and later court proceedings. Nearly 24 percent retained their own counsel. Table 19 presents information concerning the conviction or acquittal of the defendant on charges

CONTINUED

1 OF 2

filed against him by the CCU. The preliminary results of the CCU's effectiveness in prosecuting is encouraging. Approximately 91 percent of the defendants (102 defendants) either pled or were found guilty of at least one of the charges filed against them. Only 10 defendants or approximately 9 percent of the population had their charges dismissed or were acquitted. Juries were involved in approximately 17 percent of the cases. This would indicate a slightly larger percentage of cases being prosecuted by the CCU's resulting in a jury trial when compared with the normal caseload in the prosecutor's office.

TABLE 19
DEFENDANT DISPOSITION

	<u>Number of Defendants</u>	<u>Percent of Total</u>
<u>GUILTY:</u>		
Pled	81	72.3
Jury	19	17.0
Court	<u>2</u>	<u>1.8</u>
Subtotal	(102)	(91.1)
Dismissed/Acquitted	<u>(10)</u>	<u>(8.9)</u>
Total	112	100.0

As these figures indicate, a large number of the guilty convictions, approximately 4.1, were guilty pleas. In many jurisdictions this has been an unexpected result of the program, undoubtedly helping the CCU's to maintain a lower-than-average length of time from

arrest to disposition. Unfortunately, at this stage, it is not possible to reliably determine from the EDF whether or not these defendants are pleading guilty to the most serious crime charged or to a lesser charge. SB 683, of course, restricts the prosecutor's ability to accept a guilty plea to a charge other than the most serious one alleged. This limitation in the data flow will be corrected soon.

6. Sentencing Information

As Table 20 illustrates, that of the 102 defendants who were found guilty, over 80 percent were sentenced to a prison term. An additional 7 percent were given probation with jail as a condition, while 3 percent were sentenced to California Youth Authority (CYA) and 4 percent were sentenced to California Rehabilitation Center (CRC). The effectiveness of the Career Criminal Unit in obtaining some form of incarceration for convicted defendants is illustrated by the fact that 97 percent of all the defendants convicted by the program were sentenced to one form of incarceration. Only one individual or approximately 1 percent, was sentenced to straight probation without jail as a condition.

TABLE 20
SENTENCE

<u>Sentence</u>	<u>Number of Convictions</u>	<u>Relative Frequency (% of Total)</u>
CYA	3	2.9
CRC	4	3.9
Jail	1	1.0
Probation	1	1.0
Prison	84	82.4
Probation/Jail	7	6.9
Other	1	1.0
Blank	<u>1</u>	<u>1.0</u>
Total	102	100.0

Table 21 presents information concerning the legal maximum sentence involved for the charged offense, the legal maximum for convicted offense, the recommendations made by the prosecution in the case, and the actual prison time given to the convicted defendant in the case. These are averages compiled from the 102 defendants that were convicted by the CCU's during the first six months. On an average, convicted defendants received a sentence of five years, four months, which is less than the maximum possible for the convicted offense (seven years, one month) and was only slightly less than the recommendation made by the prosecution which averaged to six years. There were no life sentences awarded by the courts for defendants convicted of career criminal crimes.

TABLE 21
SENTENCING INFORMATION

	<u>Total</u>	
	<u>Years</u>	<u>Months</u>
Average Legal Maximum for Charged Offense	7	6
Average Legal Maximum for Convicted Offense	7	1
Average Prosecution Recommendation	6	-
Average Prison Incarceration	5	4

Table 22 indicates the enhancements that were utilized by the Career Criminal Prosecution Office in their dealings with the defendant. Approximately 2.7 enhancement charges were placed against each of the 112 defendants.

TABLE 22
ENHANCEMENT INFORMATION

<u>Enhancement</u>	<u>Number</u>	<u>Relative Frequency (% of Total)</u>
667.5a	5	1.6
667.5b	57	18.8
12022.5	188	61.8
12022.7	5	1.6
12022.a	20	6.6
12022.b	26	8.6
Other	<u>3</u>	<u>1.0</u>
Total	304	100.0
Mean + 2.7		

A description of each enhancement listed in Table 22 is given below.

667.5a Prior Prison Term - Where one of the new offenses and the prior offense is one of the violent felonies specified...

- 1) Murder
- 2) Mayhem
- 3) Voluntary Manslaughter
- 4) Rape by force, violence, use of a narcotic, or threat of great bodily harm.
- 5) Sodomy by force, violence, duress, menace of threat or great bodily harm.
- 6) Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
- 7) Lewd acts on a child under 14 years of age.
- 8) Any felony punishable by death or imprisonment in the state prison of life.
- 9) Any other felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged or any felony in which the defendant uses a firearm which use has been charged and proved as provided in 12022.5.

667.5b Prior Prison Term - Except where subdivision(a) applies, where the prior or new offense is any felony for which a prison sentence is imposed.

12022.5 Use of a firearm in the commission or attempt commission of a felony.

12022.7 Intent and infliction of great bodily injury.

12022.a Armed with a firearm in the commission or attempted commission of a felony.

12022.b Use of a deadly or dangerous weapon in the commission or attempted commission of a felony.

7. Court Proceedings

One of the objectives of the Career Criminal Program is to speed up the judicial process. Analysis of the current group cases indicates that it took an average of 97.3 days from the time of arrest to final case disposition. Because the baseline data has not been collected from the counties, there is no existing standard by which to compare this result with prior proceedings within those counties. Informal discussions with prosecutors within those counties indicate that this result is very favorable.

Although not a completely reliable comparison, OBTS data would seem to substantiate that this is a lower average. In 1976, the average length of time between arrest and sentencing (not just to disposition) for superior court burglary dispositions was 146.3 days and for robbery dispositions was 148.7. From conversations with CCU staff, it is estimated that the average length of time from disposition to sentencing is four to six weeks. Subtracting six weeks (42 days) -- a high average -- the CCP still averages a shorter length of time.

C. QUALITATIVE CAREER CRIMINAL PROGRAM RESULTS

In addition to the quantifiable data presented earlier, monitoring visits and conversations with CCP staff have indicated other results of the CCP which could not easily be captured by numbers alone. These results include unanticipated findings and subjective impressions by the CCU staff of problems and successes they have encountered so far. As with the numerical data, it is important to realize while reading these results

that the program will change over time, and what is being experienced now may be more or less significant six months or a year from now. Nevertheless, these qualitative aspects to the program may be a more clear and useful indicator of the value of the program at this early stage in its development.

Unless otherwise stated, the following are observations by the evaluators and/or OCJP staff through meetings with CCU's, review of progress reports or from on-site monitoring visits.

1. Vertical Prosecution

As already demonstrated in the LEAA funded National Career Criminal Program findings, vertical prosecution, as required in the legislation, has been demonstrated to be a more effective method of prosecuting offenders than are traditional methods of prosecution. Several CCU staff commented that the Career Criminal Prosecution Program has, for the first time in their career, given them adequate resources and time to prepare better cases. As discussed later, in some units there is a problem maintaining "personal" (vs. "unit") prosecution. However, most of the unit staff would agree that personal vertical prosecution would be ideal and they are motivated to work toward that goal. Vertical prosecution is one of the strengths of the career criminal program which sets it apart from other operations in district attorneys' offices.

2. Improved Morale

The CCU staff appear very enthusiastic about their program. They readily talk about the positive results of vertical prosecution and about working closely with other colleagues. In fact, one of the justifications given for "unit", rather than "personal" vertical prosecution is that the attorneys work closely and have a high level of familiarity for each other's casework. Because the CCU staff are often set apart from the general staff, and have a separate, close identity, an esprit de corps has developed in most CCU's.

3. Improved Relationships with Victims, Witnesses and Other Criminal Justice Agencies

Because the CCP allows smaller caseloads, and because vertical prosecution increases a prosecutor's familiarity with each case, the prosecutors have more time to spend with victims, witnesses and representatives from other criminal justice agencies. More time can be spent preparing victims and witnesses for trials and informing them of the status of the case. In the past, prosecutors have been unable to personally contact representatives in other criminal justice agencies, such as parole agents and probation officers, to get necessary information. Now with more time, they are able to establish personal contacts and rapport with agency staff with whom they previously had little or no contact.

4. Guilty Pleas vs. Trials

When the program first began, the general feeling among the CCU staff was that there would be a large number of trials. In some

counties, however, it has come as a surprise that there have been fewer trials than anticipated. Instead, defendants have been pleading guilty, thus eliminating the need for a trial. Results from other career criminal programs, such as the Michigan Career Criminal Program, indicate that over time, this trend is likely to change. In Michigan, for instance, defense attorneys, realizing that career criminal prosecutors will not plea-bargain, have begun encouraging the use of trials to try every possibility of minimizing their clients' sentence or conviction. In some CCU's in California, too, this is already the case. Defendants realizing that they are not going to be able to plea-bargain will fight for continuances in order to delay trials. However, the majority of the cases to date, (72%), have been resolved with guilty pleas outside of the court room. More data will be available dealing with these trends when the next report is prepared and submitted to the Legislature in late 1979.

5. CCU Initiated Activities

Many of the CCU's have initiated their own activities for maintaining data, management information and for improving their own operation. One project director, for instance, has required the Deputy District Attorneys in his unit to log or record some of the qualitative results from the program. Other CCU's have begun sending victims and witnesses letters and information to better prepare them for trial. Most of the CCU's have developed some kind of internal routing system to record the numbers of cases referred to the CCU and those cases which were, in turn, referred out to other units in their office. Most CCU's have their own screening criteria which is

consistent with SB 683 but is more narrowly defined. As explained elsewhere in this report, most of the CCU's are focusing on fewer than the seven target crimes. In an attempt to objectively restrict the numbers of cases that they would handle, CCU screening criteria impose a more rigorous test than the legislation requires. For example, several CCU's have "point systems" which weigh the nature of the offense, prior record, use of weapons or violence, enhancements, etc. This helps the unit to set its own objectives, to restrict the number of defendants accepted by the unit, and to maintain credibility in court for only prosecuting defendants and cases which are clearly serious in nature.

6. Informal Survey of Accomplishments of CCP

Because of the lack of comparative baseline data at this time against which to compare the results of the program, an informal telephone survey was conducted in November 1978 of CCU staff in the counties of Los Angeles, San Francisco, Alameda, Contra Costa, Orange, San Diego and Sacramento. CCU staff, in most cases project directors, were asked for their impressions as to how well their units were meeting their objectives. Responses were enlightening.

- a. All seven CCU staff agreed that fewer charges were being dismissed in the career criminal cases than in other cases being prosecuted.
- b. Five of the seven believed that there were more guilty pleas than in cases prosecuted outside the CCU. One said that they were experiencing the same number of guilty pleas as before the CCP went into operation.

- c. One CCU staff said they were experiencing more trials, in relation to their caseload; three said there were fewer trials but not dramatically fewer; and three said it was about the same.
- d. All seven felt that the conviction rate in the CCU was higher than in cases not prosecuted in the CCU's.
- e. Six felt that there were fewer cases dismissed or acquitted; one said that it was unknown at this point whether there were fewer cases being dismissed or acquitted.
- f. All seven agreed that career criminal defendants were being sentenced to prison more often than noncareer criminal defendants plus they were getting longer sentences.
- g. All seven agreed that there are more enhancements being charged and held in the CCU prosecutions. It was explained that the reason for the increased use of enhancements is that the vertical prosecution is more thorough and therefore cases are prepared more carefully. Also, without plea-bargaining, the enhancements are less likely to be lost.
- h. Six staff felt that the time between arrest and disposition had been shortened by the CCU's. One person felt that it was about the same. Because this person works in a District Attorney's office that has an efficient prosecutorial system and a high rate of convictions normally, he did not expect to see any dramatic changes caused by his CCU in time savings or rate of convictions. Rather, he thought the value of the program and the changes that would be most noticeable were in length of sentences being given to career criminals. Since many of the variables that would cause

a case to be more lengthy are out of the direct control of the prosecutor, in those District Attorneys' offices which are already experiencing high-conviction rates, it would be unreasonable to expect a dramatic increase in the rate of conviction.

- i. Finally, five of the CCU staff felt that the bail/bond amounts given to career criminals had increased; two staff said it was about the same and added that because many of the career criminals are either on parole or probation revocation hold, there is no bail.

Clearly, the CCU staff perceive the results of the program positively. These impressions can help give an indication as to whether or not the program is succeeding in meeting its objectives. Further research will be necessary, however, to provide objective data to confirm these observations and to measure the degree of change caused by the CCP.

D. MAJOR CAREER CRIMINAL PROGRAM ISSUES

In the course of the first six months of the CCP, several issues have risen concerning the implementation of the program and interpretation of the legislation. A Policy and Legislation Subcommittee comprised of the project directors of five of the larger counties' career criminal units was convened to discuss these issues and to formulate recommendations for their resolution. As a result, through careful reading and review of the legislation, members of the Policy and Legislation Subcommittee made recommendations to:

1. monitor these issues over a long period of time before taking any further action;
2. encourage discussion of these issues and formulate subsequent recommendations for their resolution in the second annual report due in late 1979;
3. make a policy statement that to the greatest degree possible these issues be dealt with administratively rather than by amendments to the Career Criminal legislation; and
4. seek an opinion from the Attorney General on the consistency of the policy statement with the Career Criminal statutes.

ISSUES

1. Non-career Criminal Co-Defendants Prosecuted with Career Criminals
 Rough estimates indicate that as much as 15-20 percent of the workload in the Career Criminal Unit may be comprised of the prosecution of non-career criminal co-defendants. These are persons who are charged along with career criminal defendants in the same case, but who do not qualify as career criminals. In all of the CCU's that prosecute non-career criminals along with career criminals, it was found that this practice is advocated by prosecutors for cost and time efficiency. Penal Code 1098 provides that jointly charged defendants shall be tried jointly. There is no reason to deviate from this standard because to do so would impose an undue burden on the criminal justice system, waste millions of taxpayers' dollars, and significantly hamper the effective prosecution of both the career and non-career criminals.

Since the Career Criminal legislation neither prohibits nor authorizes the prosecution of non-career criminal co-defendants, and because this appears to be a more practical approach to prosecution, members of the Policy and Legislation Subcommittee recommended that CCU's should continue to prosecute non-career criminal co-defendants if it appears that the career criminal attorney stands a greater chance of successfully prosecuting a career criminal whose case is linked to that of his or her co-defendant.

2. Noncareer Criminal Co-Defendants Prosecuted Alone

Occasionally after prosecution of a case has begun in which there is a career criminal and a non-career criminal co-defendant, charges against the career criminal will be dropped leaving only the non-career criminal defendant(s). This happens either when the career criminal pleads guilty or when further research shows that the defendant did not actually qualify as a career criminal. Understanding that the CCU's have been established to prosecute only career criminals, the issue of how to proceed on these cases needs to be resolved. It was suggested by the Policy and Legislation Subcommittee, again on the basis of time and cost efficiency, that the District Attorneys' offices use their discretion to determine which action would least jeopardize the successful prosecution of the non-career criminal defendants, yet not conflict with the state's career criminal statutes. The

main consideration in this use of local discretion is the point to which the case has progressed. Obviously, if the case has been through the preliminary hearings and is involved in a superior court action, it would be advantageous for the career criminal unit to continue the prosecution of the non-career criminal defendant. Currently, an opinion from the Attorney General, dealing with Career Criminal Units prosecuting non-career criminal defendants, is being sought.

3. "Personal" vs. "Unit" Vertical Prosecution

Senate Bill 683 clearly requires vertical prosecution of career criminal cases. Section 999d states, in part, that "Enhanced prosecution efforts and resources shall include, but not be limited to: a) "Vertical" prosecutorial representation, whereby the prosecutor who makes the initial filing or appearance in a career-criminal case will perform all subsequent court appearances on that particular case through its conclusion including the sentencing phase." In practice, however, there are difficulties in many of the CCU's with maintaining "personal" vertical prosecutions in which the same prosecutor would follow the case through every process. It is the consensus of the Policy and Legislation Subcommittee that personal vertical prosecution in every case (i.e., the handling of a case from start to finish by one prosecutor) is impossible. Calendaring conflicts, vacations, and the like make it literally impossible for a single deputy to handle every case to completion.

In these cases, the CCU's almost always ensure that they provide "unit" vertical prosecution. Because the CCU staff work so closely together, it is felt that very little effectiveness is lost when one of the CCU colleagues steps in under extraordinary circumstances and carry another CCU prosecutor's case. CCU staff emphasize that the concept of vertical prosecution really is not jeopardized in these situations because of the close working relationship of the CCU prosecutors. Since the legislation so clearly stipulates that personal vertical prosecution shall be used, concern has been voiced over use of unit vertical prosecution. Most, if not all of the prosecutors, however, are convinced of the value of vertical prosecution and, therefore, they are positively biased toward using personal vertical prosecution whenever possible. Unfortunately, they argue, to guarantee personal vertical prosecution in all cases would require more deputies than are presently in the CCU's.

A second issue related to vertical prosecution is the delay some units are experiencing in accepting defendants into the CCU. Most of the District Attorneys' offices do not have information systems and cannot obtain complete criminal history information from the state or FBI on defendants quickly enough to identify career criminal defendants prior to initiation of prosecutorial action. Again, Section 999d stresses that the CCU prosecutor should make the initial filing or appearance in the career criminal case. It is not unusual, however, for the defendant to be brought into the CCU after the initial filing. The CCU staff recognize that

it is in their own best interest to receive these defendants as soon as possible and they are doing everything possible to establish more accurate screening processes within their offices. Nonetheless, this issue will require monitoring to determine the number and percentage of career criminal defendants which are being picked up prior to preliminary hearings or, at the latest, immediately after the preliminary hearings.

4. Increased Number of Target Offenses

Most of the Career Criminal Units have expressed an interest in adding to the number of target offenses referred to in SB 683. During conversations and monitoring visits to the CCU's, project directors have often complained that there were cases they have had to turn away in which serious, repeat offenders did not qualify as career criminals under this program. When asked which crime categories they would most like to see added to the list of target crimes, the responses have been: rape, assault with a deadly weapon, assault resulting in great bodily injury, and murder. Some jurisdictions have special prosecutorial units which would handle major crimes such as rape or murder. There appears to be a difference of opinion between CCU's operating in offices with other such special units and those operating in counties where special units do not exist as to whether or not the list of target offenses needs to be expanded. The CCP legislation emphasized property crimes more than crimes against persons, but the CCU staff are often more concerned about the habitual violator who also engages in violent crime against persons. Repeat rapists, for instance, would not be eligible to be prosecuted in the CCU

unless they had also committed burglary, robbery or one of the other target crimes. Because it appears to be a constraining factor on the CCU's, some unit leaders have suggested that consideration be given to enlarging the number of target crimes to include some or all of the above-mentioned offenses.

A few of the CCU's have mentioned that the prior criminal history required in the selection criteria of the legislation is too limiting. They recommend that the list of prior offenses be enlarged. Other CCU's, however, do not find the list of priors a constraint. It was the decision of the Policy and Legislation Subcommittee that these issues be monitored for a period of time and that the results and recommendations of this monitoring be enumerated in the second annual report.

5. Offender Criminal Histories

Many of the CCU's are concerned that they are unable to get timely background record sheets on the offenders they are screening for the career criminal program. Basically, there appear to be four sources from which they can obtain background information on offenders. The first source is their own records which may be kept according to their own past involvement with an offender, but these do not necessarily contain any information on prosecutions by other jurisdictions. These records, then, may be insufficient to show that a particular offender has the past record to qualify for the career criminal program. The second source is from contacts with other criminal justice agencies in other jurisdictions. This is generally not thorough or reliable enough to be a practical means

of gathering all needed background information. The third source is from the California State Department of Justice. Most CCU investigative staff have reported that they sometimes have difficulty obtaining timely returns on requests they make for "rap sheets". In order to assess whether or not an offender should be included in the career criminal unit, CCU's need a response time of approximately 24 hours. Beyond that, the CCU's run the risk of not recognizing a career criminal in time to participate in the early stages of investigation and prosecution. This helps to create the problem described above in which vertical prosecution is jeopardized because of insufficient background information. The fourth source of criminal history information is the FBI. Here again, the units report significant time delays in receiving responses to their requests for information. This issue of background criminal information is a critical one to the success of the CCP and more consideration will be given to it in the Second Annual Report due in late 1979.

6. Prosecution of Juvenile Offenders

The issue has been raised as to whether or not juvenile offenders may be prosecuted by CCU's. According to Section 999e(a), "An individual shall be subject of Career Criminal Prosecution efforts who...". The statutory language does not limit the application of the Act to adult offenders only. Therefore, a juvenile who is "being prosecuted for three or more separate offenses not arising out of the same transaction and involving one or more of the target offenses", could be prosecuted in a CCU. However, in qualifying a juvenile

offender for prosecution by the CCU, any past juvenile records cannot be utilized since juvenile petitions are "sustained" or "admitted" and such actions are not recognized as convictions. The Policy and Legislation Subcommittee recommended investigating new programs aimed at the youthful habitual criminal. The Subcommittee also recommended that an opinion of whether a juvenile may be prosecuted by CCU's be obtained from the Attorney General.

7. Grand Theft-Auto

Grand Theft-Auto is one of the seven target offenses. Several CCU's posed the question as to whether the legislature in referring to Grand Theft-Auto meant to include 10851 CVC as well as 487PC. The Grand Theft-Auto referred to in the legislation has been interpreted to refer only to Section 487 of the Penal Code requiring that the owner is "permanently" deprived of the vehicle, as distinguished from Section 10851 of the California Vehicle Code which specifies that the owner need only be "temporarily" deprived of the use of the vehicle. The Policy and Legislation Subcommittee recommended an opinion from the Attorney General be obtained to clarify the legislative intent in this section.

8. Most Serious Offense Charged

While Penal Code Section 999f(a) states that a plea or trial conviction should be sought on the most serious offense charged, on a practical level it seems better to some to pursue several lesser offenses if the combined sentence will exceed that for the most serious crime charged. For example, kidnapping for robbery carries a

life sentence, but in some jurisdictions is seldom imposed. Instead defendants may be sentenced and eligible for parole in approximately seven years. On the other hand, if a defendant is simultaneously charged with several counts of burglary, the defendant could be imprisoned much longer if sentences and enhancements are imposed consecutively. Therefore, although the legislation emphasizes the most serious offense charged, it is the length of sentence which is significant and which reflects the spirit of the law. The CCU's are sometimes able to get longer sentences through combined charges than through the most serious crime charged.

Section 999f(a) and other guidelines in Section 999f are followed by CCU staff except when prosecutorial discretion must be exercised in determining when to forcefully oppose the defendant's pretrial release. Certain offenders are virtually assured of pretrial release, since courts are generally obligated to grant bail in all but capital offenses. It is the opinion of the members of the Policy and Legislation Subcommittee that Section 999f provides the necessary prosecutorial discretion in dealing with this issue.

9. Impact of Proposition 13

According to CCU representatives interviewed, there have been many anticipated and real effects of Proposition 13 (California's Property Tax Limitation Initiative) on the staffing and budgets of District

Attorneys' offices and consequently on the Career Criminal program. It appears that all District Attorneys' offices contacted in the survey had experienced some budget cuts, staffing cutbacks, or hiring freezes. The existence of the Career Criminal program helped in this regard, according to prosecutors contacted in those jurisdictions participating in the program, by maintaining the service of experienced and most qualified prosecution staff.

10. Possible Conflict with County Justice Subvention Program--AB 90

A specific issue related to local funding pressures is what many prosecutors see as a conflict between the purposes of Senate Bill 683 and those of the County Justice System Subvention Program (AB 90, 1978). Under AB 90, an important form of state assistance to county criminal justice agencies may be jeopardized if a county exceeds a specified rate of commitments, calculated under Section 1812 of the Welfare and Institutions Code, to the Department of Corrections and the California Youth Authority. OCJP is currently meeting the Youth Authority officials, who administer AB 90, to determine the best means of avoiding conflict between one funding system, designed to serve as an incentive to local efforts to send repeat offenders to prison, and another funding system, designed to support local alternatives to state-level incarceration.

E. CONCLUSIONS AND RECOMMENDATIONS

1. Conclusions

As already stated in this report, it is too early at this point in the program to provide thorough enough data to demonstrate the impact of the CCP on the prosecution of career criminals. Rather, this report provides some process analyses and data against which to compare future findings.

Future reports - The Interim Report due in May 1979 and the remaining two Annual Evaluation Reports - will include comparisons of baseline and program data which will help establish causal connections between program activities and changes in prosecutorial results. An analysis of a sample of Public Defenders' offices will also be made to establish what, if any, effect the CCP is having on their workload and defense procedures. The impact of the program on other portions of the criminal justice system will also be looked at.

Despite its limitations, this report does provide preliminary indications of trends in the program. Caution must be taken in drawing strong conclusions of these findings because the data analyzed from the EDF's (Section IV.B.) is a small sample and CCU staff were not completely familiar with the data forms and because early trends may change over time.

From the data provided in Sections III and IV, preliminary results indicate that the CCP is operating and prosecuting career criminal defendants successfully. It appears that the intended results of the legislation were being met during the first six months

of the program. The following is a list of some of the apparent, general results of the CCP:

- increased conviction rates;
- increased length of sentencing;
- reduced use of plea bargaining;
- increased use of enhancement charges;
- reduced prosecutor caseload;
- increased use of vertical prosecution;
- high morale and enthusiasm for the CCP;
- improved relationships with victims, witnesses and other criminal justice agencies.

2. Recommendations

Based on the issues and results discussed in this chapter, several recommendations can be made for the continued coordination and implementation of the CCP.

- a. Major CCP Issues - The major issues highlighted in this Section should continue to be monitored closely and reported on again in the next annual report. Recommendations for the resolution of these issues should be made at that time.
- b. CCP Objectives - Prior to the writing of the Second Annual Report, the present twelve CCP objectives should be revised. Some

of the objectives appear less relevant at this time and some CCP accomplishments are not related to the present objectives. All changes in these objectives will be fully documented and explained in the next evaluation report.

- c. Communication Among CCU's - More communication among various participants in the CCP and other career criminal programs should be encouraged. Workshops and possibly a state CCP newsletter are ways in which this communication could be facilitated.

A P P E N D I C E S

Senate Bill No. 683

CHAPTER 1151

An act to add and repeal Chapter 2.3 (commencing with Section 999b) to Title 6 of Part 2 of the Penal Code, relating to career criminals, and making an appropriation therefor.

[Approved by Governor September 29, 1977. Filed with Secretary of State September 29, 1977.]

LEGISLATIVE COUNSEL'S DIGEST

SB 683, Deukmejian. Career criminals.

Existing law contains various provisions relating to the prosecution and sentencing of persons with prior felony convictions.

This bill would add provisions permitting prosecutors in each county to establish Career Criminal Prosecution Programs whereby enhanced prosecution procedures would apply to persons under arrest who have suffered previous convictions or are charged with multiple offenses, as specified.

The bill would appropriate \$1,500,000 for such purposes.

The provisions of the bill would remain operative only until January 1, 1982, and on such date would be repealed.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.3 (commencing with Section 999b) is added to Title 6 of Part 2 of the Penal Code, to read:

CHAPTER 2.3. CAREER CRIMINALS

999b. The Legislature hereby finds a substantial and disproportionate amount of serious crime is committed against the people of California by a relatively small number of multiple and repeat felony offenders, commonly known as career criminals. In enacting this chapter, the Legislature intends to support increased efforts by district attorneys' offices to prosecute career criminals through organizational and operational techniques that have been proven effective in selected counties in this and other states.

999c. (a) There is hereby established in the Office of Criminal Justice Planning a program of financial and technical assistance for district attorneys' offices, designated the California Career Criminal Prosecution Program. All funds appropriated to the Office of Criminal Justice Planning for the purposes of this chapter shall be administered and disbursed by the executive director of such office in consultation with the California Council on Criminal Justice, and shall to the greatest extent feasible be coordinated or consolidated

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with federal funds that may be made available for these purposes.

(b) The executive director is authorized to allocate and award funds to counties in which career criminal prosecution units are established in substantial compliance with the policies and criteria set forth below in Sections 999d, 999e, 999f, and 999g.

(c) Such allocation and award of funds shall be made upon application executed by the county's district attorney and approved by its board of supervisors. Funds disbursed under this chapter shall not supplant local funds that would, in the absence of the California Career Criminal Prosecution Program, be made available to support the prosecution of felony cases.

(d) On or before April 1, 1978, and in consultation with the Attorney General, the executive director shall prepare and issue written program and administrative guidelines and procedures for the California Career Criminal Prosecution Program, consistent with this chapter. In addition to all other formal requirements that may apply to the enactment of such guidelines and procedures, a complete and final draft of them shall be submitted on or before March 1, 1978, to the chairpersons of the Criminal Justice Committee of the Assembly and the Judiciary Committee of the Senate of the California Legislature.

(e) Annually, commencing October 1, 1978, the executive director shall prepare a report to the Legislature describing in detail the operation of the statewide program and the results obtained of career criminal prosecution units of district attorneys' offices receiving funds under this chapter and under comparable federally-financed awards.

999d. Career criminal prosecution units receiving funds under this chapter shall concentrate enhanced prosecution efforts and resources upon individuals identified under selection criteria set forth in Section 999e. Enhanced prosecution efforts and resources shall include, but not be limited to:

(a) "Vertical" prosecutorial representation, whereby the prosecutor who makes the initial filing or appearance in a career criminal case will perform all subsequent court appearances on that particular case through its conclusion, including the sentencing phase;

(b) Assignment of highly qualified investigators and prosecutors to career criminal cases; and

(c) Significant reduction of caseloads for investigators and prosecutors assigned to career criminal cases.

999e. (a) An individual shall be the subject of career criminal prosecution efforts who is under arrest for the commission or attempted commission of one or more of the following felonies: robbery, burglary, arson, any unlawful act relating to controlled substances in violation of Section 11351 or 11352 of the Health and Safety Code, receiving stolen property, grand theft and grand theft auto; and who is either being prosecuted for three or more separate

offenses not arising out of the same transaction involving one or more of such felonies, or has suffered at least one conviction during the preceding 10 years for any felony listed in paragraph (1) of this subdivision, or at least two convictions during the preceding 10 years for any felony listed in paragraph (2) of this subdivision:

(1) Robbery by a person armed with a deadly or dangerous weapon, burglary of the first degree, arson as defined in Section 447a or 448a, forcible rape, sodomy or oral copulation committed with force, lewd or lascivious conduct committed upon a child, kidnapping as defined in Section 209, or murder.

(2) Grand theft, grand theft auto, receiving stolen property, robbery other than that described in paragraph (1) above, burglary of the second degree, kidnapping as defined in Section 207, assault with a deadly weapon, or any unlawful act relating to controlled substances in violation of Section 11351 or 11352 of the Health and Safety Code.

For purposes of this chapter, the 10-year periods specified in this section shall be exclusive of any time which the arrested person has served in state prison.

(b) In applying the career criminal selection criteria set forth above, a district attorney may elect to limit career criminal prosecution efforts to persons arrested for any one or more of the felonies listed in subdivision (a) of this section if crime statistics demonstrate that the incidence of such one or more felonies presents a particularly serious problem in the county.

(c) In exercising the prosecutorial discretion granted by Section 999g, the district attorney shall consider the following: (1) the character, background, and prior criminal background of the defendant; and (2) the number and the seriousness of the offenses currently charged against the defendant.

999f Subject to reasonable prosecutorial discretion, each district attorney's office establishing a career criminal prosecution unit and receiving state support under this chapter shall adopt and pursue the following policies for career criminal cases:

(a) A plea of guilty or a trial conviction will be sought on the most serious offense charged in the accusatory pleading against an individual meeting career criminal selection criteria.

(b) All reasonable prosecutorial efforts will be made to resist the pretrial release of a charged defendant meeting career criminal selection criteria.

(c) All reasonable prosecutorial efforts will be made to persuade the court to impose the most severe authorized sentence upon a person convicted after prosecution as a career criminal.

(d) All reasonable prosecutorial efforts will be made to reduce the time between arrest and disposition of charge against an individual meeting career criminal selection criteria.

(e) The prosecution shall not negotiate an agreement with a career criminal:

(1) That permits the defendant to plead guilty or nolo contendere to an offense lesser in degree or in kind than the most serious offense charged in the information or indictment;

(2) That the prosecution shall not oppose the defendant's request for a particular sentence if below the maximum; or

(3) That a specific sentence is the appropriate disposition of the case if below the maximum.

999g. The selection criteria set forth in Section 999e and the policies of Section 999f shall be adhered to for each career criminal case unless, in the reasonable exercise of prosecutor's discretion, one or more of the following circumstances are found to apply to a particular case:

(a) The facts or available evidence do not warrant prosecution on the most serious offense charged.

(b) Prosecution of the most serious offense charged, if successful, would not add to the severity of the maximum sentence otherwise applicable to the case.

(c) Departure from such policies with respect to a particular career criminal defendant would substantially improve the likelihood of successful prosecution of one or more other felony cases.

(d) Extraordinary circumstances require the departure from such policies in order to promote the general purposes and intent of this chapter.

999h. The characterization of a defendant as a "career criminal" as defined by this chapter may not be communicated to the trier of fact.

SEC. 2. The sum of one million five hundred thousand dollars (\$1,500,000) is hereby appropriated from the General Fund to the Office of Criminal Justice Planning without regard to fiscal years for costs of administration of this act and for allocation by the Office of Criminal Justice Planning to district attorneys' offices and the Attorney General for the purposes of this act. It is the intent of the Legislature that any additional funding shall be requested in the annual Budget Act.

SEC. 3. This act shall remain operative only until January 1, 1982, and on such date is repealed.

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CALIFORNIA CAREER CRIMINAL PROSECUTION PROGRAM EVALUATION DATA FORM (Rev. 9/78)
DEFENDANT DATA
DEFENDANT STATUS
AT OFFENSE (Check)
AT PRELIMINARY/GRAND JURY (Check)
AT TRIAL (Check)
CRIMES
ENHANCEMENTS
CAREER CRIMINAL PROSECUTION INFORMATION
SELECTION
INFORMATION
DISPOSITION INFORMATION
SENTENCE INFORMATION
PROSECUTION
DEFENSE (Check)

CALIFORNIA CARCER CRIMINAL PROSECUTION PROGRAM

APPENDIX E

QUARTERLY PROGRESS REPORT
(6/78)

Grantee		Contract Number	
Address		County	
Project Director	Phone	Report Period	
Address		Date of Report	
Signature	Date	Title	
Report Prepared by (Name)		Title (Relationship to Project)	
<input type="checkbox"/> 1st	<input type="checkbox"/> 2nd	<input type="checkbox"/> 3rd	<input type="checkbox"/> 4th and Final <input type="checkbox"/> Other *
For Projects That Have Received Contract Extensions			

REVIEWERS COMMENTS
(OCJP)

OFFICE OF CRIMINAL JUSTICE PLANNING
VALUATION UNIT
171 BOWLING DRIVE, SACRAMENTO, CA. 95823
(916) 445-7894

INSTRUCTIONS FOR COMPLETING PROGRESS REPORT

NOTE: After completing the Progress Report, fill out the top section of the front page of this form. Submit three copies of the Progress Report to the OCJP Valuation Unit and one copy to the CCCJ Regional Planning Unit in your area.

Narrative: Attach a brief description of the implementation of the project during this report period. Also include data and comments on the following subject areas:

I. SUMMARY OF ACTIVITIES FOR REPORT PERIOD

- A. Activities: briefly discuss Unit's activities during this quarter.
- B. Personnel: 1) Number and type (e.g. deputy, investigator) of positions budgeted for; 2) Number and type of position currently filled; 3) If there are vacancies, please explain.
- C. CCP Unit's Quarterly Status

(1)	1st Mo.	2nd Mo.	3rd Mo.	Total
Month (e.g. May, June)	_____	_____	_____	_____
Number of CCU Prosecutions in process from preceding month/quarter	_____	_____	_____	_____
Number of felony complaints filed in entire DA's office	_____	_____	_____	_____
Number of felony cases referred to CCJ	_____	_____	_____	_____
Number of felony cases accepted by CCU	_____	_____	_____	_____
Number of CCU prosecutions completed during the month	_____	_____	_____	_____

- (2) Indicate the main target crime categories used for those prosecutions initiated during this quarter (one target offense per prosecution).

No. Prosecutions Initiated	arson	burglary	11351 grand theft	g'theft auto	stolen prop.	robbery
	11352	11352	11352	11352	11352	11352
Qualifying CC Criteria (Indicate number of defendants qualifying under each.)	3 Separate Target Offenses	_____	One Prior Conviction	_____	Two prior Convictions	_____

- (3) Average caseload this quarter:
 - a) CCP Unit _____ (Number of prosecutions initiated + number of CCP deputies)
 - b) Outside of CCP Unit _____

- D. Special Requirements (See Standard Grant Award Conditions.)
 - 1. Security and Privacy - Describe the status of procedures initiated to assure compliance with the Security and Privacy Clause of the Crime Control Act of 1973 (42 USC, Section 3771) where applicable.
 - 2. Equal Employment Program - Describe the status of the equal employment program in terms of compliance with the Fair Employment Practices Addendum (STD. Form 3/4/65).
- E. Implementation Problems: Discuss any programmatic problems to date, e.g. delays in project hiring or implementation. Discuss the anticipated impact these problems will have on the total program's effectiveness and how the problems are expected to be resolved.

II. REQUESTED REVISIONS

- A. Programmatic: Discuss the nature and justification for the requested revision.
- B. Budgetary: Discuss the nature and justification for the requested revision (Note: This is not the official procedure for making such a revision request.)

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END