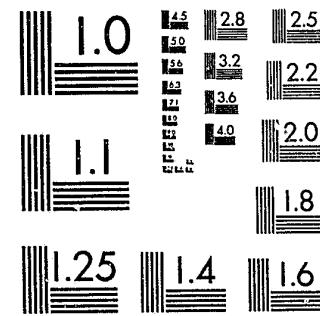


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10/3/84

CALIFORNIA CAREER CRIMINAL PROSECUTION PROGRAM

93412

1982
LEGISLATIVE REPORT
OFFICE OF CRIMINAL JUSTICE PLANNING

STATE OF CALIFORNIA



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December 30, 1982

U.S. Department of Justice
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The Honorable David A. Roberti
President Pro Tempore of the Senate
State Capitol
Sacramento, California 95814

or

The Honorable Willie L. Brown, Jr.
Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Senator Roberti and Speaker Brown:

I am pleased to present this 1982 legislative report on the California Career Criminal Program. This report contains cumulative results covering the period from March 1978 to May 1982. Based upon a detailed analysis of case results during this period, we report with confidence that the Career Criminal Prosecution Program is meeting its basic goal. That goal is to convict and send repeat and multiple offenders to state prison with significant sentences.

Preparation of this report was the responsibility of OCJP's Deputy Director Gregory Harding and members of his staff Sheila Anderson, Chief, Program Assessment and Support Services Section and Thomas Noble, Program Evaluator, with the assistance of Robert Spindler and Joseph Arellano.

Cordially,

DOUGLAS R. CUNNINGHAM
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December 1982

TO: CALIFORNIA LAW ENFORCEMENT

I am pleased to report that those counties which have a Career Criminal Prosecution Unit (CCPU) are, as a result, more actively and effectively taking habitual criminals off the streets of California.

These CCPU's are funded largely by the Career Criminal legislation which I authored as a state senator. That legislation is now law and was designed to help make habitual criminals, those committing a disproportional amount of crimes, believe that continued criminal misconduct is not worth the risk. We wanted to let them know that they faced swift and sure punishment.

Now, from the most recent reports available, I can tell you this:

- More than 92% of the career criminal defendants either pled or were found guilty of at least one charge filed against them.
- Bail releases have further decreased for career criminal defendants, both at the time of preliminary hearing and at trial.
- There continues to be a greater use of enhancements, increased lengths of sentences and fewer dismissals or acquittals than for similar defendants prior to the law taking effect.
- The mean average CCPU prosecutor's caseload continues to be one-third less than that of the estimated general prosecutor's caseload.

Career Criminal Prosecution Unit

Page Two

- Vertical prosecution continues to be the most effective case management technique, producing convictions 94.8% of the time.

In other words, the CCPU's are meeting the objectives set forth in my original legislation. That means prosecutors will be getting more and more of these one-person 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 CCPU's and tougher sentencing laws, we can help restore that right to all citizens who wish to live peaceful, law-abiding lives.

Finally, after my tenure as Attorney General, let me tell you how much I enjoyed the position. During all of my 16 years in the Legislature, I enjoyed an excellent working relationship with law enforcement. That relationship continued through my term as Attorney General. As Governor-Elect, I will continue to support CCPU's. We all worked together in support of the legislation indefinitely extending career criminal prosecution. Working together, I am confident that we can enhance public safety.

Most cordially,

George Deukmejian

TABLE OF CONTENTS

NCJRS
 APR 2 1984
 ACQUISITION

EXECUTIVE SUMMARY	1
I. INTRODUCTION	10
A. Implementation of CCCP Program	11
1. Program Management	11
2. Program Guidelines	12
3. Program Steering Committee	13
4. Program Evaluation	13
B. Purpose and Scope of 1982 Report	14
C. Evaluation Approach	14
D. Data Collection and Sources	17
E. Report Structure	18
II. PROGRAM DESCRIPTION	20
A. Target Offenses and Population	20
B. Program Objectives	22
C. Program Activities	23
D. CCP Program	24
E. Program Funding	27
F. Target Offenses	28
G. Program Staffing	33
H. Case Referral Information	35

	Page
III. ACCOMPLISHMENTS OF THE PROGRAM	36
A. Conviction Rate	37
B. Overall Conviction Rate	37
C. Conviction Rate on the Most Serious Charge	39
D. Convicted Offenders	41
E. Sentencing	42
F. Sentence Disposition	42
G. Incarceration Rate	44
H. Sentence Length	45
I. Cost for Prosecutions and Convictions	46
IV. EFFECTIVENESS OF PROGRAM ACTIVITIES	48
A. Criminal Justice Process	48
B. Vertical Prosecution	54
C. Vertical Prosecution versus Partial and Non-Vertical Prosecution	56
D. Partial Vertical Prosecution	58
E. Prosecution's Workload	60
F. Effect of Pre-trial Release	62
G. Effect of Bail	65
H. Effect of Enhancements	67
I. Effect of Plea Agreements	67
J. Impact on Public Defender/Private Counsel	69

TABLE OF CONTENTS

NCJRS
 APR 2 1984
 ACQUISITION Page

EXECUTIVE SUMMARY 1

I. INTRODUCTION 10

 A. Implementation of CCCP Program 11

 1. Program Management 11

 2. Program Guidelines 12

 3. Program Steering Committee 13

 4. Program Evaluation 13

 B. Purpose and Scope of 1982 Report 14

 C. Evaluation Approach 14

 D. Data Collection and Sources 17

 E. Report Structure 18

II. PROGRAM DESCRIPTION 20

 A. Target Offenses and Population 20

 B. Program Objectives 22

 C. Program Activities 23

 D. CCP Program 24

 E. Program Funding 27

 F. Target Offenses 28

 G. Program Staffing 33

 H. Case Referral Information 35

Page

III. ACCOMPLISHMENTS OF THE PROGRAM 36

 A. Conviction Rate 37

 B. Overall Conviction Rate 37

 C. Conviction Rate on the Most Serious Charge 39

 D. Convicted Offenders 41

 E. Sentencing 42

 F. Sentence Disposition 42

 G. Incarceration Rate 44

 H. Sentence Length 45

 I. Cost for Prosecutions and Convictions 46

IV. EFFECTIVENESS OF PROGRAM ACTIVITIES 48

 A. Criminal Justice Process 48

 B. Vertical Prosecution 54

 C. Vertical Prosecution versus
 Partial and Non-Vertical Prosecution 56

 D. Partial Vertical Prosecution 58

 E. Prosecution's Workload 60

 F. Effect of Pre-trial Release 62

 G. Effect of Bail 65

 H. Effect of Enhancements 67

 I. Effect of Plea Agreements 67

 J. Impact on Public Defender/Private Counsel 69

	Page
V. CAREER CRIMINAL DEFENDANT.	71
A. Sex.	71
B. Ethnicity.	72
C. Age.	73
D. Charging Information	75
E. Type of Career Criminal.	76
F. Defendant's Status at Offense.	78
G. Defendant's Status at Preliminary Hearing.	79
H. Defendant's Status at Trial.	80
I. Target Offenses.	81
VI. PROGRAM RECOMMENDATIONS.	83
APPENDIX A - Senate Bill No. 683, Chapter 1151.	A-1
APPENDIX B - Assembly Bill No. 415, Chapter 42.	B-1
APPENDIX C - Program Guidelines, California Career Criminal Prosecution Program	C-1
APPENDIX D - California Career Criminal Prosecution Program Steering Committee	D-1
APPENDIX E - Evaluation/Legislative Subcommittee of the California Career Criminal Prosecution Program Steering Committee	E-1
APPENDIX F - Project Summaries.	F-1
APPENDIX G - Evaluation Data Form (EDF)	G-1

CALIFORNIA CAREER CRIMINAL PROSECUTION PROGRAM
1982 LEGISLATIVE REPORT

EXECUTIVE SUMMARY

Program Purpose and History

California has established a statewide Career Criminal Prosecution (CCP) Program which is aimed at a select narrowly-defined type of felon who, though found to be few in number, is responsible for a disproportionate amount of crimes being committed throughout California and the rest of the nation. The California program was created on the basis of the successful national approach established by the Law Enforcement Assistance Administration (LEAA). The national program tested the concept of prosecuting ordinary crimes by career burglars, robbers or other offenders with the same technique that had been successfully used in cases like murder, where the crime itself is extraordinary.

By 1977, the career criminal approach had been tested by a number of agencies including the District Attorney of San Diego County and had shown solid results. Career criminals were being successfully convicted and sentenced to state prison. In response, the now Governor-elect George Deukmejian authored Senate Bill 683 and Governor Edmund G. Brown, Jr. signed it into law under Chapter 1151. From March 1978 to the present, the California Career Criminal Prosecution Program has been in operation. Currently, thirteen jurisdictions make up the program. These thirteen jurisdictions represent counties within

the state having populations greater than 400,000 and which constitute a large portion of the criminal justice resources. They are:

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

Program Findings

Spanning nearly four fiscal years of operation, the California Career Criminal Program has demonstrated that it continues to maintain a high degree of accomplishment in most of the mandated measurement areas. It should be noted that the program has also improved upon its past performance in many areas. A synopsis of major program accomplishments follows and is divided into two parts--Summary of Program Accomplishments and Summary of Impact of Program's Activities. The data included in this report covers the time period from July, 1980 to May, 1982. It is compared both with the previously reported data covering CCP program operation from March, 1978 to June, 1980 and to comparison group data from the same jurisdictions.

A. Summary of Program Accomplishments

Objective 1. To increase the conviction rate of the offenders prosecuted as Career Criminals.

The Career Criminal Prosecution Program's conviction rate is 92.8 percent. The previous report to the Legislature showed the program conviction rate to be 91.7 percent. This program achieved a 1.1 percent increase over the previously high program rate. Additionally, this new conviction rate remains higher than the non-program conviction rate

reported in the previous legislative report which was 89.5 percent.

(Page 37)

Objective 2. To increase the conviction rate on the most serious charge.

The Career Criminal Prosecution Program's conviction rate on the most serious charge is 82 percent. Although this rate is higher than the 59.6 percent non-program rate reported in the previous report to the Legislature, it is lower than the figures previously reported. Prior to this report, this program had convicted career criminals on the most serious charge in 84.5 percent of the cases. At this point, the program has done 2.5 percent less convictions on the most serious charge than it had accomplished in the past. (Page 39)

Objective 3. To increase the average sentence length of an offender convicted as a Career Criminal.

The average sentence imposed upon a Career Criminal convicted by this program is 5 years, 8 months which is an increase of 4 months over the previous program average. However, it is a significant 1 year, 2 month increase over the non-program average of 4 years, 6 months reported in the previous report. (Page 45)

Objective 4. To increase the maximum sentence rate for offenders convicted as Career Criminals.

For the program period of July, 1980 - May, 1982, 13 percent of the cases received sentences that were within six months of the maximum sentence recommended by the prosecution. No comparable data was kept on this subject in the previous reports. (Page 67)

Objective 5. To decrease the percentage of Career Criminal Offenders to obtain pre-trial release.

At preliminary hearings, 16 percent of the program's offenders had obtained release from custody. This is a slight improvement over the previous program's proportions. At that time, 17.1 percent of the offenders were not in custody at the preliminary hearings.

At trial, the program has continued to have success at preventing offenders from being released prior to trial. For this program, 23.2 percent of the offenders were not in custody prior to their trials. In the previous report, 26.2 percent of the offenders were reportedly released prior to trial. Therefore, the program has decreased the percent of offenders who obtain pre-trial release.

The validity of this objective may be noted by referring to Figure 5.3 on Page 79 which indicates the status of the Career Criminal defendants prosecuted during this report period at the time of the offense. Over one-third of all career criminal defendants committed the offense under prosecution while on pre-trial release. (Page 79)

B. Summary of Impact of Program's Activities

1. To prosecute Career Criminals using Vertical Prosecution

This program has used vertical prosecution in 32.6 percent of its cases. During the first three years of the program, 34.6 percent of the cases were prosecuted using vertical prosecution.

The predominate case management method being used by this program is partial vertical prosecution which is not as effective as vertical prosecution.*

The most effective case management technique is vertical prosecution because it produces higher conviction rates. Cases prosecuted vertically were convicted 94.8 percent of the time. On the other hand, cases prosecuted using the partial vertical prosecution management technique were convicted at a rate of 91.7 percent. Those cases prosecuted non-vertically were convicted at a rate of 86.2 percent.

A very specific type of partial vertical prosecution management technique approximates the conviction success of vertical prosecution. This technique uses the same deputy at the initial filing and at the trial. In this case, the conviction rate was 94.7 percent which is slightly less than the conviction rate obtained under vertical prosecution. (Page 54)

*Partial vertical prosecution occurs when a career criminal deputy district attorney handles a case at initial filing and preliminary hearing, initial filing and trial, or preliminary hearing and trial.

2. To reduce the prosecutor's workload.

The average caseload for the career criminal prosecution deputy was 11.1 cases. This figure is approximately one-third of the workload reported for the non-program deputies. Within the range of average caseloads reported by each jurisdiction, no correlation could be found between the average caseloads and the conviction rates achieved. (Page 60)

3. To reduce the time to prosecute a career criminal case.

The program has not decreased the amount of time necessary to prosecute a career criminal case. The current program average prosecution time is 145 days. This average is 5 days more than that which was reported in the previous legislative report. The actual rate of increase has declined. In the previous report, the time necessary to prosecute a case rose at a rate of 38 percent from 102 days to 141. This year, the rate of increase is 2.8 percent. (Page 62)

4. Reduce the use of plea agreements.

Prosecution dismissals have decreased. In the Third Annual Report to the Legislature, the prosecution's dismissal rate was 30.4 percent, which was 20.9 percent less than the comparison group. This year, the program prosecution's dismissal rate (29.8 percent) was slightly less.

It was found during this report period that dismissals of the most serious charge do not lead to a prison sentence which is

significantly shorter than a conviction on the most serious charge. The actual difference in the two sentence lengths was five months. (Page 68)

5. Increase the use of enhancements.

Of the cases prosecuted by this program, 78.8 percent also had one or more enhancements charged. The presence of these enhancements has had a significant effect on the career criminal's sentence. In the cases with enhancements, the average sentence length was 6 years, 8 months. For cases without enhancements, the average sentence length was 3 years, 8 months. This represents a significant difference in sentence lengths. (Page 68)

PROGRAM RECOMMENDATIONS

The program recommendations are directed at three parties--the Governor, the California Legislature and the Office of Criminal Justice Planning. The recommendations are based on the findings presented in this report.

A. The Governor and Legislature

1. The California Legislature should continue to appropriate funds to the Career Criminal Prosecution Program.

This program continues to successfully meet the objectives set forth by the Legislature. Since March 1978, this program has prosecuted nearly six thousand career criminals. Approximately 92 percent of these offenders have been convicted and of this group, 90 percent have been incarcerated with an

average state prison term of 5 years, 8 months. All of these findings are significant improvements over the treatment these very serious offenders were receiving prior to the enactment of the program.

B. Office of Criminal Justice Planning

1. OCJP should request an Attorney General's opinion to determine whether partial vertical prosecution is a legitimate case management technique which the program can continue to use.

Currently, the program is not strictly in compliance with the legislative mandate to prosecute career criminal offenders using vertical prosecution. Additionally, it is not strictly complying with the Attorney General's opinion to use unit prosecution. Although vertical prosecution has the best conviction results, partial vertical prosecution also has significantly high conviction rates when compared to non-vertical prosecution.

2. OCJP should conduct a study to determine the effect of the Career Criminal Prosecution Program on the criminal justice system.

OCJP plans to conduct a study which will assess the impact of this program on the Public Defenders' offices to comply with the mandate of AB 415. Also, OCJP needs to update its findings reported in the Third Annual Report to the Legislature on the program's impact on the courts, the police departments, the District Attorneys' offices and the prisons.

3. OCJP should continue to study the impact of prosecutor's caseload on the program's accomplishments such as conviction rates.

During this study it was found that for the range of average caseloads reported by the CCP units, 7 to 15.3, there was no correlation between caseloads and conviction rates. With additional analysis specifically focused in this area, it could be determined whether an ideal caseload level exist to which all CCP units could converge.

I. INTRODUCTION

The California Career Criminal Prosecution Program (CCP) is a direct outgrowth of the National Career Criminal Program initiative that was established by the federal Law Enforcement Assistance Administration (LEAA) in 1974. Targeted prosecution, the essence of the new Career Criminal Prosecutorial efforts, is not a new concept. However, the concentration on repeat or habitual offenders is new and is based on a body of research that has increasingly indicated that a small number of criminals are disproportionately responsible for much of the reported crime. Based on this evidence, LEAA established a national program in the mid-1970's aimed at providing funds to District Attorneys' Offices interested in forming Career Criminal Prosecution Units or Major Violators Units to identify and vigorously prosecute repeat offenders.

The initial reported successes of the National Career Criminal Prosecution concept motivated California Legislative leaders, local prosecutors and law enforcement officials to collaborate in the drafting of state legislation that defined career criminal conduct, and provided funds for selected District Attorneys' Offices. The result of this collaboration was Senate Bill 683 (Chapter 1151, Statutes of 1977) (Appendix A), authored by the Governor-elect George Deukmejian, which was passed by the Legislature and signed by the Governor in September 1977. The statute authorized and established funding for the twelve original CCP projects in the following counties: Alameda, Contra Costa, Fresno, Los Angeles, Orange,

Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Mateo and Santa Clara. In 1979, an additional nine counties were added to the program with the assistance of federal funding. These projects were located in Stanislaus, San Joaquin, Yolo, Santa Barbara, Marin, Solano, Imperial, Placer and Ventura Counties. Due to the elimination of Federal LEAA funds, the current program is comprised of the original twelve projects, plus Ventura County.

The enabling statute was designed to "sunset" January 1, 1982. However, Assembly Bill 415 (Chapter 42, Statutes of 1982) (Appendix B), authored by Assemblyman Goggin, was passed by the Legislature and signed by Governor Brown in February, 1982. This statute reauthorized the CCP Program and deleted any sunset provision.

A. 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's development elements is active participation by local prosecutors, law enforcement executives and state agencies having an interest in this effort.

1. Program Management

The Office of Criminal Justice Planning (OCJP) is responsible for the programmatic coordination of the CCP Program. A program manager is assigned the responsibility for the day-to-day coordination and monitoring of the CCP Program.

Likewise, a program evaluator is assigned to conduct the ongoing evaluation of CCP.

This coordination has been implemented with the cooperation, of two CCP advisory committees--the Career Criminal Prosecution Program Steering Committee and the Evaluation/Legislation Subcommittee. Both committees are comprised of prosecutors, law enforcement officials and county administrative representatives. The Evaluation/Legislation Subcommittee also includes staff to legislative committees and representatives from the Legislative Analyst's Office and the Department of Finance.

The major program management functions carried out by the office include the following tasks: selection of projects, establishment of regulations and guidelines, coordination of techniques, compliance review and information sharing and distribution.

2. Program Guidelines

The original Program Guidelines were prepared in response to a statutory mandate. Subsequently, the Guidelines have been routinely updated and revised to serve as a foundation for the program. The Guidelines are prepared by OCJP with the assistance and cooperation of the Program Steering Committee and the various operating projects. The intent is to provide a complete record of administrative and statutory guidelines, project funding criteria and levels, roles and responsibili-

ties of OCJP and the projects, definitions of terms and program objectives. The most current Program Guidelines are enclosed as Appendix C.

3. Program Steering Committee

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 Administrator's Office. A roster of committee members is contained in Appendix D. The Committee's role was to assist and advise OCJP in administering the CCP program, and specifically in developing program guidelines and in preparing annual reports to the Legislature detailing program results.

4. Program Evaluation

The enabling and reauthorization legislation gave OCJP the authority to administer this statewide program. Additionally, it required OCJP to prepare annual reports to the Legislature which would describe the program operations and assess the program results. OCJP created an Evaluation Subcommittee (Appendix E) to assist in the preparation of the program evaluation design. This committee consisted of law enforcement officials, county administrators and state government officials. In addition to the Evaluation Subcommittee, OCJP used the services of MetaMetrics, Inc. to assist in the evaluation during the first phase.

B. Purpose and Scope of this Report

In the Third Annual Report to the Legislature, OCJP reported that the success of the program had to be determined within a three year period given the January 1, 1982, "sunset" date. However, with the passage of AB 415 in February, 1982 the sunset clause was repealed which indicated that, at a minimum, the California Legislature has accepted this prosecution program as necessary, effective and viable. It is the purpose of this 1982 report to the Legislature to:

1. determine to what extent the California Career Criminal Prosecution Program has maintained its high level of accomplishments;
2. identify any case management procedures which had an impact on the program's accomplishments; and
3. recommend to OCJP and the Legislature specific action which can be taken to improve the program effectiveness.

C. Evaluation Approach

In the previous reports to the Legislature, OCJP reported that this program was very successful at convicting and sentencing career criminals to state prison. In that report, a four cell analysis was used to determine the program's accomplishment as compared to no program. In those cases, the four cell analysis included the following definition and cell components:

Career Criminal Defendants: There were two groups of career criminal defendants who were studied by OCJP. One group was those defendants who, by legislative definition, would have qualified as career criminals in the past had there been a program. The other group was those defendants prosecuted by the program as career criminals. This group made up cells 1 and 2 in the four cell analysis (see Figure 1).

Non-Career Criminal Defendants: Two groups of non-career criminal defendants were studied by OCJP. First, the defendants who did not meet the definition of career criminals prior to the program were studied. Also, these same type of defendants who did not meet the definition of a career criminal, but were prosecuted by the Career Criminal Units. This group made up cells 3 and 4 in the four cell analysis (see Figure 1).

FIGURE 1
FOUR CELL MODEL

THIRD ANNUAL REPORT TO THE LEGISLATURE

<u>BASELINE CASES</u>	<u>CURRENT CASES</u>
<p>CELL 1</p> <p>Career Criminal Type Defendants</p> <p>Period July, 1977 - March, 1978</p>	<p>CELL 2</p> <p>Career Criminal Defendants Prosecuted by Program</p> <p>Period March, 1978 - June, 1980</p>
<p>CELL 3</p> <p>Non-career criminal</p> <p>Period July, 1977 - March, 1978</p>	<p>CELL 4</p> <p>Non-career criminals prosecuted by program</p> <p>Period March, 1978 - June 1980</p>

This report seeks to determine whether this program continued to prosecute career criminals with the same success reported in the Third Annual Report to the Legislature. To make this assessment, OCJP has changed the comparison groups of the Four Cell Model. In this case, the baseline data is represented by the program accomplishment achieved during the program period from March 1978 through June 1980. It includes both career criminals and non-career criminals prosecuted by the program. In this draft, the term Phase I is used to represent this time period (see Figure 2). The current data is represented as the program accomplishments achieved during the time period from July 1980 through June 1982. It includes both career criminals and non-career criminals prosecuted by the program.

This term Phase II is used in this draft to represent this time period (see Figure 2).

FIGURE 2
FOUR CELL MODEL

<u>BASELINE PHASE I CASES</u>	<u>CURRENT PHASE II CASES</u>
<p>CELL 1</p> <p>Career Criminal Defendants prosecuted by Program</p> <p>Period March 1978 - June 1980</p>	<p>CELL 2</p> <p>Career Criminal Defendants prosecuted by Program</p> <p>Period July 1980 - May 1982</p>
<p>CELL 3</p> <p>Non-Career Criminal Defendants prosecuted by program</p> <p>Period March 1978 - June 1980</p>	<p>CELL 4</p> <p>Non-Career Criminal Defendants prosecuted by program</p> <p>Period July 1980 - May 1982</p>

D. Data Collection and Sources

The evaluation used the concepts of both process and impact measures to define the relationship between realized changes and causal factors within the funded projects. To make these determinations, sufficient process and impact related data had to be collected from each site.

The key process and impact measures were the career criminal defendants prosecuted by the CCP Units and the comparison baseline population prosecuted by the District Attorney's office. Information on these defendants was provided on the

Evaluation Data Form (EDF) (Appendix G), a data collection instrument tracking the disposition of charges. Other impact data (e.g., caseload information) was derived from Quarterly Progress Reports submitted by each of the CCP Units. In addition, case information on non-career criminal defendants was collected and analyzed to better determine the comparative impact of the program.

E. Report Structure

This report is the fourth report to the California Legislature concerning the results and impact of the Career Criminal Prosecution Program. The report's emphasis is on examining the achievements of the program in meeting its objectives as indicated in the enabling legislation and formalized by the CCP Steering Committee and Evaluation/Legislation Subcommittee. To that end, the report covers the following material:

CHAPTER II - PROGRAM DESCRIPTION. This includes a definition of the Career Criminal Prosecution Program. It also identifies the program findings, staffing, and caseload information.

CHAPTER III - PROGRAM ACCOMPLISHMENTS. This is designed to identify the extent of the program's ability to achieve its objectives. The three major areas of discussion are conviction rates, incarceration lengths and pre-trial release.

CHAPTER IV - EFFECTIVENESS OF PROGRAM ACTIVITIES. In this chapter, the report answers the major question, "Which program activity or combination of activities have the most impact on the success of the program?" This Chapter will focus on vertical prosecution, the project staff, the use of plea agreements, effect of bail and the use of enhancements.

CHAPTER V - CAREER CRIMINAL DEFENDANTS. This chapter describes typical career criminal defendants. The description includes characteristics, such as sex, ethnicity and age. It also includes, the type of offenses committed and their criminal justice status at offense, the hearing and at trial.

CHAPTER VI - PROGRAM RECOMMENDATIONS. This includes OCJP recommendations to the Legislature and Program Management as to the future direction of this statewide program.

II. PROGRAM DESCRIPTION

This chapter provides a description of the California Career Criminal Prosecution Program. Although this program was modeled after the LEAA program, many of the details about the program are different. Some of the differences which exist are the target offenses and populations that the California program has chosen. Also the flexibility which is given to the District Attorneys to prosecute cases which present severe problems within their jurisdictions is unique.

A. Target Offenses and Population

The enabling legislation identifies seven target offenses to be prosecuted by this program. They are:*

Arson

Burglary

Health and Safety Codes 11351 or 11352

Grand Theft

Receiving State Property

Robbery

The selection of these seven target offenses was based on two factors. They represent offenses which provide for illicit economic gain. Since the program involved enhanced prosecutorial resources, it was important to target offenses that did not routinely get the type of intensive prosecutorial attention that murder or rape offenses normally attract.

*Effective January 1, 1983, Senate Bill 1904 (Chapter 670) makes lewd or lascivious conduct upon a child a target offense of this program.

Being charged with one of the target offenses does not necessarily qualify the defendant as a career criminal because very specific criteria has been mandated by the legislation. The legislation defines career criminality as:

"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, 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 118a, 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."

Furthermore, the statute allowed each jurisdiction to emphasize one or more of the specified target offenses. This discretion

enabled individual Career Criminal Units to focus on the crimes which present serious problems in the local jurisdiction.

"(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."

B. Program Objectives

Essentially, the objectives of this program can be divided into two categories--increased convictions and increased incarcerations. These two objective categories are basically those that a District Attorney would strive towards in all the prosecutorial units of his office. For convictions, the specific objectives are:

- (1) to increase the conviction rates for career criminals; and
- (2) to increase the career criminal conviction rate on the most serious charges.

The specific incarceration objectives are:

- (1) to increase the average sentence length for convicted career criminals;
- (2) to increase the maximum sentence rate for convicted career criminals; and
- (3) to decrease the percentage of career criminal offenders who obtain pre-trial release.

C. Program Activities

The legislation directed that enhanced and reasonable prosecutorial efforts should be applied to assure that the program objectives are accomplished. The next section will identify the enhanced prosecutorial efforts that the participating jurisdictions would apply to career criminal prosecutions.

The enabling statute mandates that enhanced prosecution efforts and resources shall include, but not be limited to:

- Maintaining vertical prosecution whereby the prosecutor who makes the initial filing or appearances in a career criminal case will perform all subsequent court appearances on that particular case through its conclusion, including the sentencing phase;
- Assigning highly qualified prosecutors and investigators to the Career Criminal Prosecution (CCP) Units; and
- Reducing the caseloads for the prosecutors and investigators assigned to the CCP Units

In addition to the operational activities just mentioned, the legislation mandated some case management policies and procedures.

The mandated policies are:

- a plea of guilty or a trial conviction will be sought for the most serious offense charged;
- all reasonable prosecutorial efforts will be made to resist the pre-trial release of a career criminal defendant.
- all reasonable prosecutorial efforts will be made to reduce the time between arrest and eventual disposition of the charges;
- the CCP Unit shall maintain a no plea bargaining posture

D. CCP Program

As mentioned earlier, there are thirteen Career Criminal Prosecution Units which constitute the statewide Career Criminal Prosecution Program. These thirteen jurisdictions represent counties within the state having populations greater than 400,000, they include:

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

The thirteen counties account for 73.5 percent of all law enforcement personnel in the state, 76.5 percent of all prosecutors, 78.9 percent of all public defenders, and 77.3 percent of all judges within the state (see Table 2.1). Also, the counties accounted for 75.1 percent of the statewide law enforcement expenditures, 80.3 percent of the prosecution expenditures, 81.1 percent of the public defenders expenditures, and 80.6 percent of the court expenditures (see Table 2.2). These thirteen counties also account for 84.6 percent of the total reported crime for 1981 according to the Bureau of Criminal Statistics.

TABLE 2.1

AUTHORIZED FULL-TIME PERSONNEL
1981

COUNTY	POPULATION	LAW ¹ ENFORCE- MENT	PROSE- CUTION ²	PUBLIC ³ DEFENSE	COURTS ⁴	CORREC- TIONS ⁵	TOTAL
Alameda	1,118,200	3,341	389	175	66	472	4,443
Contra Costa	658,800	1,431	217	58	31	379	2,116
Fresno	527,500	1,315	196	55	31	323	1,920
Los Angeles	7,631,800	22,883	2,012	566	438	2,358	28,257
Orange	1,959,300	4,253	426	135	96	630	5,540
Riverside	691,800	1,645	253	69	37	365	2,369
Sacramento	797,000	1,753	296	77	44	400	2,570
San Bernardino	943,500	1,974	271	76	48	362	2,731
San Diego	1,912,600	3,808	419	49	89	1,004	5,369
San Francisco	688,700	2,777	288	106	53	271	3,495
San Mateo	580,700	1,300	142	10	28	247	1,727
Santa Clara	1,306,900	2,687	459	109	60	493	3,808
Ventura	539,100	1,188	198	37	23	194	1,640
COUNTY TOTAL	19,355,900	50,355	5,566	1,522	1,044	7,498	65,985
STATEWIDE TOTAL	24,196,000	69,420	7,184	1,929	1,350	22,424	102,307

Source: California Bureau of Criminal Statistics - 1981 Criminal Justice Profiles

1. Includes sworn and civilian personnel for Police, Sheriff, Highway Patrol and University forces.
2. Includes Attorneys, Investigators, Clerical, and all other personnel.
3. Same as above.
4. Includes Superior, Municipal, and Justice - Judgeship/Auxiliary.
5. Includes Probation Officers and all other personnel.

TABLE 2.2

CRIMINAL JUSTICE EXPENDITURES¹
1981

COUNTY	LAW ENFORCEMENT	PROSECUTION TOTAL	PUBLIC DEFENSE	COURTS	COURT RELATED	CORRECTIONS	TOTAL EXPENDI- TURES
Alameda	101,229	10,001	8,807	14,938	4,832	36,446	176,253
Contra Costa	43,735	6,641	3,289	7,317	4,022	23,542	88,546
Fresno	38,655	6,290	2,042	6,731	1,447	14,416	69,581
Los Angeles	920,548	77,478	26,227	86,886	56,707	189,716	1,357,562
Orange	143,411	13,813	6,040	19,597	9,588	31,864	224,313
Riverside	47,744	7,402	2,039	7,603	3,803	13,698	82,289
Sacramento	54,102	11,520	3,791	10,872	3,629	27,865	111,779
San Bernardino	64,501	7,371	2,612	11,266	5,312	21,338	112,400
San Diego	103,964	12,677	2,394	18,171	9,309	38,968	185,483
San Francisco	109,234	9,026	3,173	14,567	2,685	23,372	162,057
San Mateo	43,144	5,451	1,990	6,765	2,082	20,123	79,555
Santa Clara	93,485	12,168	4,349	14,954	1,484	38,412	164,852
Ventura	39,110	6,612	1,446	4,978	1,157	13,424	66,727
COUNTY TOTAL	1,802,862	196,450	68,199	224,645	106,057	493,184	2,881,397
STATEWIDE TOTAL	2,400,827	232,125	84,066	274,245	131,582	1,240,513	4,363,358

Source: California Bureau of Criminal Statistics - 1981 Criminal Justice Profiles

- ¹Totals have been rounded and are shown in thousands. Expenditures include salaries and employee benefits, services, and supplies.

E. Program Funding

The Career Criminal Prosecution Program has been funded for four State fiscal years. The enabling legislation provided for an initial appropriation of \$1.5 million to sustain the first six months of the program from January 1, 1978 through June 30, 1978. In accordance with the legislation, OCJP requested and received an additional \$3 million in its FY 1978-79 budget and approximately the same amount was requested and received for the FY 1980-81 and 1981-82 budget. Table 2.3 presents summary information on the Career Criminal Prosecution Program funding on an aggregate basis for the four years of program operations.

CAREER CRIMINAL PROJECT FUNDING
BY TYPE AND FISCAL YEAR

FISCAL YEAR	STATE GENERAL FUNDS ALLOCATED	LOCAL CONTRIBUTION	LEAA FUNDS	STATE MATCH FOR LEAA FUNDS
1978/1979	3,177,084	101,398	1,104,631	23,815
1979/1980	3,236,144	253,122	868,096	33,662
1980/1981	3,375,963	420,980	755,709	4,245
1981/1982	3,861,852	557,729	-	-
			296,654 ¹	
TOTAL	13,651,043	1,333,229	3,025,090	61,722

Source: Office of Criminal Justice Planning

¹LEAA Discretionary Grant to San Francisco City and County in operation prior to the implementation of SB 683 (Ch. 1151, 1977 Statutes)

F. Target Offenses

As indicated earlier in this section, the jurisdictions participating in the Career Criminal Prosecution Program were allowed to emphasize, based on the existing level of criminal activity within their counties, one or more of the seven targeted crimes specified in the legislation. As a result, not all the Career Criminal Prosecution Units focused their prosecutorial resources on all seven targeted crimes or on the same combination of these offenses.

The local prosecutors selected target offenses on the basis that "...the incidence of such one or more felonies presents a particularly serious problem in the county." Additionally, CCP Units had to adhere to the case management procedures specified in the Penal Code, particularly the maintenance of a reduced caseload and vertical prosecution of the cases. Due to the volume of cases, larger counties concentrated on "fewer" target offenses in order to comply with the career criminal case management procedures (reduced caseloads).

Most of the larger counties chose to focus their resources on burglaries and robberies. These are serious crimes that do not generally receive special attention in District Attorneys' offices. The medium and smaller counties generally considered a larger number of the target offenses due to the overall lower levels of reported offenses and because focusing on more offenses

still allowed compliance with the mandated career criminal case management procedures.

The target crimes selected by each of the individual Units are as follows:

<u>All Seven Target Offenses</u>	<u>Robbery and Burglary</u>
Sacramento	Los Angeles
Fresno	San Francisco
San Mateo	Alameda
Riverside	Orange
Contra Costa	San Diego
San Bernardino	Santa Clara
	Ventura

Table 2.4 includes information on the seven program targeted offenses and compares them to the specific county target offenses.

This table shows by county:

- the number of reported crimes for each target offense
- the relative frequency of each target offense
- the crime rate per 100,000 population
- the total number of adult felony arrests

TABLE 2.4
FREQUENCY OF TARGET CRIMES BY JURISDICTION

County	Number	Relative Frequency	Rate Per 100,000 Population	Adult Felony Arrests
<u>ALAMEDA</u>				
Arson	60,332	100.0	5,395.5	10,809
Burglary (target)	1,108	1.8	99.1	78
Robbery (target)	30,631	50.8	2,739.3	2,649
Grand Theft	5,932	9.8	530.5	1,073
Grand Theft-Auto	15,543	25.8	1,390.0	2,692
Drugs	7,118	11.8	636.6	822
	0	0	0	3,495
<u>CONTRA COSTA</u>				
Arson	26,167	100.0	3,971.9	3,315
Burglary (target)	644	2.5	97.8	11
Robbery (target)	13,104	50.1	1,989.1	962
Grand Theft	1,384	5.3	210.1	225
Grand Theft-Auto	8,431	32.2	1,279.8	719
Drugs	2,604	10.0	395.3	188
	0	0	0	1,210
<u>FRESNO</u>				
Arson	25,658	100.0	4,864.1	3,427
Burglary (target)	543	2.1	102.9	26
Robbery (target)	13,027	50.8	2,469.6	1,048
Grand Theft	1,494	5.8	283.2	403
Grand Theft-Auto	7,759	30.2	1,470.9	994
Drugs	2,835	11.0	537.4	279
	0	0	0	677
<u>LOS ANGELES</u>				
Arson	436,925	100.0	5,725.1	80,067
Burglary (target)	10,188	2.3	133.5	387
Robbery (target)	191,600	43.9	2,510.5	21,596
Grand Theft	49,855	11.4	653.3	10,406
Grand Theft-Auto	105,211	24.1	1,378.6	14,297
Drugs	80,071	18.3	1,049.2	8,703
	0	0	0	24,678
<u>ORANGE</u>				
Arson	75,589	100.0	3,858.0	12,092
Burglary (target)	1,004	1.3	51.2	63
Robbery (target)	42,178	55.8	2,152.7	3,525
Grand Theft	3,616	4.8	184.6	869
Grand Theft-Auto	19,826	26.2	1,011.9	2,560
Drugs	8,965	11.9	457.6	750
	0	0	0	4,325

TABLE 2.4 (continued)
FREQUENCY OF TARGET CRIMES BY JURISDICTION

County	Number	Relative Frequency	Rate Per 100,000 Population	Adult Felony Arrests
<u>RIVERSIDE</u>	32,450	100.0	4,690.7	4,690
Arson	1,076	3.3	155.5	30
Burglary (target)	17,644	54.4	2,550.4	1,223
Robbery (target)	1,435	4.4	207.4	299
Grand Theft (target)	8,506	26.2	1,229.5	1,187
Grand Theft-Auto (target)	3,789	11.7	547.7	482
Drugs	0	0	0	1,469
<u>SACRAMENTO</u>	46,828	100.0	5,875.5	5,104
Arson (target)	574	1.2	72.0	43
Burglary (target)	21,774	46.5	2,732.0	1,571
Robbery (target)	3,266	7.0	409.8	629
Grand Theft (target)	15,630	33.4	1,961.1	1,056
Grand Theft-Auto (target)	5,584	11.9	700.6	432
Drugs	0	0	0	1,373
<u>SAN BERNARDINO</u>	42,768	100.0	4,532.9	6,788
Arson	1,006	2.4	106.6	58
Burglary (target)	23,907	55.9	2,533.9	2,013
Robbery (target)	2,436	5.7	258.2	625
Grand Theft (target)	10,079	23.6	1,068.3	1,582
Grand Theft-Auto (target)	5,340	12.5	566.0	693
Drugs	0	0	0	1,817
<u>SAN DIEGO</u>	73,129	100.0	3,823.5	14,209
Arson	1,130	1.5	59.1	71
Burglary (target)	35,919	49.1	1,878.0	3,667
Robbery (target)	5,206	7.1	272.2	1,359
Grand Theft	18,944	25.9	990.5	2,974
Grand Theft-Auto	11,930	16.3	623.8	1,193
Drugs	0	0	0	4,945
<u>SAN FRANCISCO</u>	42,049	100.0	6,105.6	9,839
Arson	435	1.0	63.2	25
Burglary (target)	17,946	42.7	2,605.8	1,643
Robbery (target)	7,438	17.7	1,080.0	1,132
Grand Theft	9,424	22.4	1,368.4	2,270
Grand Theft-Auto	6,806	16.2	988.2	677
Drugs	0	0	0	4,092

TABLE 2.4 (continued)
FREQUENCY OF TARGET CRIMES BY JURISDICTION

County	Number	Relative Frequency	Rate Per 100,000 Population	Adult Felony Arrests
<u>SAN MATEO</u>	21,200	100.0	3,650.8	2,666
Arson (target)	367	1.7	63.2	23
Burglary (target)	9,180	43.3	1,580.9	665
Robbery (target)	1,034	4.9	178.1	210
Grand Theft (target)	8,011	37.8	1,379.5	736
Grand Theft-Auto (target)	2,608	12.3	449.1	182
Drugs	0	0	0	850
<u>SANTA CLARA</u>	48,787	100.0	3,733.0	7,610
Arson	1,831	3.8	140.1	42
Burglary (target)	25,642	52.6	1,962.0	1,911
Robbery (target)	3,249	6.7	248.6	617
Grand Theft (target)	11,715	24.0	896.4	1,955
Grand Theft-Auto	6,350	13.0	485.9	310
Drugs	0	0	0	2,775
<u>VENTURA</u>	15,033	100.0	2,788.5	2,554
Arson (target)	276	1.8	51.2	16
Burglary (target)	7,661	51.0	1,421.1	749
Robbery (target)	675	4.5	125.2	217
Grand Theft	4,548	30.3	843.6	611
Grand Theft-Auto	1,873	12.5	347.4	209
Drugs	0	0	0	752

Table 2.4 shows that the program's focus on Burglaries is justified because in every jurisdiction it is the most frequently reported crime. However, it also shows that the second most frequently reported crime is grand theft. Robbery's frequency fluctuates between third and fourth among the reported crimes in each jurisdiction. Therefore, from the perspective of crime rates alone, while the jurisdictions are on target by focusing their enhanced presentation methods on burglaries there may be justification for more targeting of grand theft.

G. Program Staffing

Table 2.5 compares the personnel distribution by classification of the Career Criminal Prosecution Program to the District Attorneys Office's personnel distribution. The table shows that this program accounts for nearly 2 percent of all the prosecution personnel in these counties. Additionally, it shows that the distribution of the personnel is significantly different. The county's personnel distribution shows that the largest classification is clerical at nearly 42 percent. Whereas, the program's largest personnel classification is attorneys at 60.2 percent.

Given this program's emphasis, it is appropriate that the largest distribution of personnel be divided amongst the attorney and investigator classification. During this fiscal year, 78.5 percent of the program's personnel were distributed between the two groups. As for the participating counties, 41 percent of their overall personnel were distributed to the attorney and investigator classifications.

TABLE 2.5
PERSONNEL BY JOB CLASSIFICATION

COUNTY	PROSECUTION STAFF					CAREER CRIMINAL PROGRAM ¹				
	ATTOR-NEYS	INVESTIGATORS	CLERICAL	OTHER	TOTAL	ATTOR-NEYS	INVESTIGATORS	CLERICAL	OTHER	TOTAL
Alameda	122	44	148	75	389	4	2	1	0	7
Contra Costa	58	19	90	50	217	3	1	2	1	7
Fresno	53	28	73	42	196	3	2	1	0	6
Los Angeles	580	180	864	388	2,012	13	1	3	0	17
Orange	134	82	156	54	426	4	2	1	0	7
Riverside	70	23	114	46	253	4	2	2	0	8
Sacramento	83	66	128	19	296	6	0	0	0	6
San Bernardino	96	11	107	57	271	4	2	2	0	8
San Diego	136	56	166	61	419	6	1	2	1	10
San Francisco	82	96	104	6	288	5	2	1	1	9
San Mateo	40	15	54	33	142	3.5	0	1	0	4.5
Santa Clara	100	32	250	77	459	3	1	2	0	6
Ventura	59	17	63	59	198	2	2	1	0	5
COUNTY TOTAL	1,613	669	2,317	967	5,566	60.5	18	19	3	100.5

(1) Personnel funded with State Funds.

Source: California Bureau of Criminal Statistics - 1981 Criminal Justice Profile, Office of Criminal Justice Planning.

H. Case Referral Information

During Fiscal Year 1981/82, 2,740 potential career criminal cases were referred to this program for prosecutions. Nearly 52 percent of these criminals were prosecuted by the program. Table 2.6 shows that each jurisdiction accepted a varying proportion of the cases which are referred to them. This occurred because different screening procedures were used in the individual counties. In some counties, law enforcement agencies were the actual reporting or screening source for potential career criminal cases. In other counties, District Attorneys only referred cases to the CCP Units which met the specific selection criteria. Basically the degree to which cases were subjected to a thorough preliminary screening and the average workload of the Units' deputies determine the number of cases which were accepted by the Units.

TABLE 2.6
CASELOAD INFORMATION

Agency	Referred	Accepted	% Accepted
Alameda	350	175	50.0
Contra Costa	114	92	80.7
Fresno	105	81	77.1
Los Angeles*	130	101	77.7
Orange	146	142	97.3
Riverside	920	46	5.0
Sacramento	159	134	84.3
San Bernardino	99	93	93.9
San Diego	107	107	100.0
San Francisco	155	136	87.7
San Mateo	148	125	84.5
Santa Clara	250	142	56.8
Ventura	57	47	82.5
TOTAL	2,740	1,421	51.9

*Central Operations only

III. ACCOMPLISHMENTS OF THE PROGRAM

The underlying premise which led LEAA and subsequently the State of California to create and sustain a Career Criminal Prosecution Program is that small numbers of criminals are disproportionately responsible for much of the reported crime. However, the rise or fall of the reported crime within this State cannot be placed squarely upon the prosecutorial efforts of this program. The major reason is that this program is only one part of the criminal justice system. With a high level of certainty, the fluctuation in reported crime, either positive or negative, is a function of the changes in the entire criminal justice system. In California, several other programs have an impact on the rate of reported crimes. Consequently, these measures will not be used in this report to appraise this program's success.

In this chapter, the objectives of the program will be evaluated to determine to what extent they have been achieved. The two objectives which will be appraised are the program's ability:*

- (1) to increase the conviction rate of the offender prosecuted as career criminals; and
- (2) to increase the incarceration length of the convicted career criminals.

*For individual county results, see Appendix F.

A. Conviction Rate

To evaluate the program success in terms of increasing the conviction rate of career criminals, two types of rates have been observed:

- (1) the overall conviction rate; and
- (2) the conviction rate on the most serious charges.

For this report, overall conviction rate is equivalent to the number of career criminals who are convicted divided by the number of offenders prosecuted by the program. This conviction would include career criminals who are convicted on the most serious charge and on a lesser charge. The conviction rate of the most serious charge is a subset of the overall convictions. It is equivalent to being convicted on the charges which the prosecution determined to have the most potential for punishment.

B. Overall Conviction Rate

The overall conviction rate of this program, which includes all cases prosecuted by the participating jurisdiction from March, 1978 until May, 1982 is 92.8 percent. This conviction rate represents a 1.1 percent increase over the conviction rate of career criminals reported in the Third Annual Report to the Legislature covering March, 1978 through June, 1980 (Phase I).

The time period of July, 1980 to May, 1982 (Phase II) shows that the program experienced a 2.2 percent increase in the over Phase I conviction rate (see Table 3.1). This fact indicates that the

program continues to do well even though the number of cases that are prosecuted continues to increase and in spite of having a high standard of a 91.7 percent conviction rate to compete against. Time will give us the answer as to whether or not a maximum possible conviction rate will be achieved and whether or not a point of diminishing returns will be reached by the program.

TABLE 3.1

Dispositions	Phase I (March 1978-June 1980)		Phase II (July 1980-May 1982)	
	No.	Rate	No.	Rate
Convictions	2,219	91.7	2,515	93.9
Acquittals	33	1.4	11	0.4
Dismissals	169	7.0	150	5.6
Unknown	0	.0	2	0.1
T O T A L	2,421	100.0	2,678	100.0

Table 3.2 illustrates that the CCP Program continues to be successful. This table shows that in addition to the steady increase in conviction rate from Phase I to Phase II, the total program conviction rate continues to be higher than the established baseline figure reported in the Third Annual Report to the Legislature.

TABLE 3.2*

Dispositions	CCP Program		Non-CCP	
	No.	Rate	No.	Rate
Convictions	4,734	92.8	752	89.5
Acquittals	44	0.9	11	1.3
Dismissals	319	6.3	77	9.2
Unknown	2	.0	0	.0
T O T A L	5,099	100.0	840	100.0

C. Conviction Rate on the Most Serious Charge

The conviction rate on the most serious charge for the entire program history is 82.2 percent. This conviction rate represents the frequency that career criminals have been convicted for the most serious charge of all charges filed by the prosecution. As with the overall conviction rate, this frequency is higher than that which was represented by the baseline cases of the Third Annual Report to the Legislature (see Table 3.3).

*CCP program data is equal to the aggregate of Phase I and Phase II time periods. Non-CCP data is equal to the baseline data reported in the Third Annual Report to the Legislature.

TABLE 3.3
MOST SERIOUS CHARGE

Type	CCP Program		Non-CCP	
	No.	Rate	No.	Rate
Conviction to most serious charge among conviction	4,181	88.3	501	66.6
	N = 4,734		N = 752	
Conviction to most serious charge among prosecution	4,181	82.0	501	59.6
	N = 5,099		N = 84	
Plea to most serious charge among plea decisions	3,290	87.7	428	65.5
	N = 3,750		N = 653	

However, as Table 3.4 shows, the general trend of this program to prosecute the career criminal on the most serious charge is on the decline. In fact, the frequency of convictions on the most serious charge showed a 4.7 percent decrease in Phase II as compared to Phase I. Immediately this rate of decrease is not a problem. If the rate of decrease accelerates, then the problem could be significant over time.

TABLE 3.4
MOST SERIOUS CHARGE

Type	Phase I (March 1978-June 1980)		Phase II (July 1980-May 1982)	
	No.	Rate	No.	Rate
Conviction to most serious charge among conviction	2,045 N = 2,219	92.2	2,136 N = 2,515	84.9
Conviction to most serious charge among prosecution	2,045 N = 2,421	84.5	2,136 N = 2,678	79.8
Plea to most serious charge among plea decisions	1,595 N = 1,753	91.0	1,695 N = 1,997	84.9

D. Convicted Offenders

Table 3.5 shows the frequency of the target offense convictions.

It does not distinguish between the most serious charge and a lesser charge. Burglary would be an example. The table does not indicate whether an offender was convicted of first degree or second degree burglary. This table is based on data from Phase II of the program.

TABLE 3.5
CONVICTED OFFENSES

Target Offenses	Number	Convicted	Percent Convicted
Arson	5	4	80.0
Burglary	1,001	960	95.9
Drugs	43	40	93.0
Grand Theft	50	42	84.0
Grand Theft-Auto	16	16	100.0
Recovered Stolen Property	72	66	91.7
Robbery	1,452	1,364	93.9
Others	39	23	59.0
T O T A L	2,678	2,515	93.9

E. Sentencing

The Legislature expected this program, given its enhanced prosecution methods, to be able to obtain success at convicting and incarcerating the career criminals. The previous section illustrated the success that the program had in convicting the career criminal. This section will examine the program's success at incarcerating them. The specific focus of this section is:

- (1) sentence disposition
- (2) incarceration rate
- (3) sentence length

F. Sentence Disposition

This program has had a significant effect on convicted criminals in terms of the type of incarceration into which they were

sentenced. A significant and interesting fact about this program is that less than one-fifth of all convicted offenders will receive a less stringent incarceration than state prison. In fact, 81.7 percent of all convicted career criminals prosecuted by this program have been sentenced to state prison. This is a sharp contrast to the 58.1 percent of the career criminals prosecuted outside of this program (see Table 3.6).

TABLE 3.6
SENTENCE DISPOSITION

Sentence	CCP Program		Non-CCP	
	No.	Percent	No.	Percent
California Youth Authority	175	3.7	33	4.4
California Rehabilitation Center	152	3.2	36	4.8
Prison	3,868	81.7	437	58.1
Jail Probation/	79	1.7	33	4.4
Jail	301	6.4	164	21.8
Probation	114	2.4	40	5.3
Other	45	0.9	3	0.4
Unknown	0	.0	0	.0
T O T A L	4,734	100.0	752	100.0

The current program's state prison frequency represents a 3.2 percent increase over Phase I. The strength of that increase is reflected in the Phase II figure (see Table 3.7). During this period, the program showed a 6.1 percent increase over the

previous period. This indicates that this program has been having a positive influence on the courts in persuading the judiciary to send career criminals to state prison.

TABLE 3.7
SENTENCE DISPOSITION

Sentence	Phase I (March 1978-June 1980)		Phase II (July 1980-May 1982)	
	No.	Percent	No.	Percent
CYA	92	4.2	83	3.3
CRC	80	3.6	72	2.9
Prison	1,741	78.5	2,127	84.6
Jail/ Probation	45	2.0	34	1.4
Jail	167	7.5	134	5.3
Probation	63	2.8	51	2.0
Other	31	1.3	14	0.5
Unknown	0	.0	0	.0
T O T A L	2,219	100.0	2,515	100.0

G. Incarceration Rate

Tables 3.6 and 3.7 showed that the program continued to increase the percentage of convicted criminals who were eventually incarcerated, which includes confinement in CYA, CRC, jail and prison. For the total program, this incarceration rate is 90.3 percent, which was a 2.0 percent increase over the previous figure of 88.2 percent reported in the Third Annual Report to the Legislature. The period of July, 1980 to May, 1982 shows an increase of nearly 4 percent over the previous period. One point that is clear from

this data is that an offender convicted by this program is extremely likely to be incarcerated and most often will be sentenced to state prison.

Table 3.8 illustrates the incarceration rates for conviction and prosecutions. It also shows the state prison rate among convictions as contrasted to state prison rates among prosecutions.

TABLE 3.8
INCARCERATION RATES

Rate	CCP Program						Non-CCP Program	
	Phase I (Mar '78-June '80)		Phase II (July '80-May '82)		Total		Total	
	No.	Relative Frequency	No.	Relative Frequency	No.	Relative Frequency	No.	Relative Frequency
Incarceration Rate Among Convictions	1,958	88.2	2,316	92.1	4,274	90.3	539	71.7
Incarceration Rate Among Prosecutions	1,958	80.9	2,316	86.5	4,274	83.3	539	64.1
State Prison Rate Among Convictions	1,741	78.5	2,127	84.6	3,868	81.7	437	58.1
State Prison Rate Among Prosecutions	1,741	71.9	2,127	79.4	3,868	75.9	437	52.0

H. Sentence Length

A significant number of offenders are being convicted and incarcerated by this program. However, a major objective of this program is to increase the sentence that convicted criminals receive from the courts. Table 3.9A shows that the program has

improved its ability to have offenders' prison terms increased. The data shows that offenders have been sentenced to state prison for 5 years, 8 months as compared to 4 years, 6 months.

TABLE 3.9A
SENTENCE LENGTH

	CCP Program Years/Months	Non-CCP Years/Months	Change Years/Months
Average Prison Term	5/8	4/6	1/2

During Phase II, the program prison term reached 6 years, 1 month. This is a 9-month improvement over Phase I which was 5 years, 4 months (see Table 3.9B).

TABLE 3.9B
SENTENCE LENGTH

	Phase I (Mar '78-June '80)	Phase II (July '80-May '82)	Change
	Years/Months	Years/Months	Years/Months
Average Prison Term	5/4	6/1	0/9

I. Cost for Prosecution and Conviction

The cost to prosecute and convict career criminal cases has gone down. Table 3.10 shows that during FY 1980/81 and 1981/82, the prosecution costs were \$2,637, which is \$250 less than the prior time period.

Table 3.10 also shows a drop in conviction cost. During FY 1980/81 and 1981/82, the cost per conviction was \$2,807. This average cost is \$343 less than the prior period.

Table 3.10
PROGRAM COST

	Fiscal Year 1978/79 & 1979/80	Fiscal Year 1980/81 & 1981/82	Total Program
Cost Per Prosecution	\$ 2,887	\$ 2,637	\$ 2,756
Cost Per Conviction	\$ 3,150	\$ 2,807	\$ 2,968
TOTAL COST	\$6,990,931	\$7,061,850	\$14,052,781

Source: Office of Criminal Justice Planning

IV. EFFECTIVENESS OF PROGRAM ACTIVITIES

In this chapter, the case management procedures which have had a significant impact on the program's overall success will be discussed. Prior to this discussion, a brief review of the criminal justice process will be presented. The specific case management procedures focused upon in this chapter are:

- (1) Vertical Prosecution
- (2) Partially Vertical Prosecution
- (3) Prosecution Workload
- (4) Pre-trial Release
- (5) Bail
- (6) Enhancement
- (7) Plea Agreements

The major question to be answered in this chapter is "To what extent have these case management procedures had an impact on the overall success of this program?" Also in this chapter, the impact that this program has had on Public Defenders' Offices will be discussed.

A. The Criminal Justice Process

Although the specific structure of the criminal justice system in each participating jurisdiction differs, the general processing of a felony is similar and involves the following procedural steps:

- (1) law enforcement arrests, books and refers a case to the District Attorney for prosecution;
- (2) the District Attorney files formal charges in Municipal Court;

- (3) the offender is arraigned before a judge and a determination of bail or pre-trial release is decided;
- (4) a preliminary hearing is held to determine probable cause for binding the defendant over for trial in the Superior Court unless waived by the defendant;
- (5) the information or indictment which was handed over from the preliminary hearing is filed in the Superior Court;
- (6) an arraignment on the information or indictment is held;
- (7) the District Attorney makes pre-trial motions or special pleadings;
- (8) trial;
- (9) pre-sentence investigation;
- (10) sentencing.

It is apparent from Figure 4.1 (a-c) that a disposition of the charges filed can occur at any point during the progression of the case through the system. The majority of the 1981 arrests led to warrants, indictments and complaints being charged against the offenders. By comparison, 10.3 percent of the arrests were released by the police because of insufficient evidence, exoneration, the victim refused to prosecute or because of a need for further investigation.

Of those arrests which were not released by the police, the prosecutors requested complaints for 81.1 percent of the offenders. At this point less than 20 percent of the complaints were denied by the courts because of a lack of probable cause, the interests of justice, the victim's refusal to prosecute, an illegal search or various other reasons. Of the complaints granted, nearly half were handled as misdemeanor complaints and

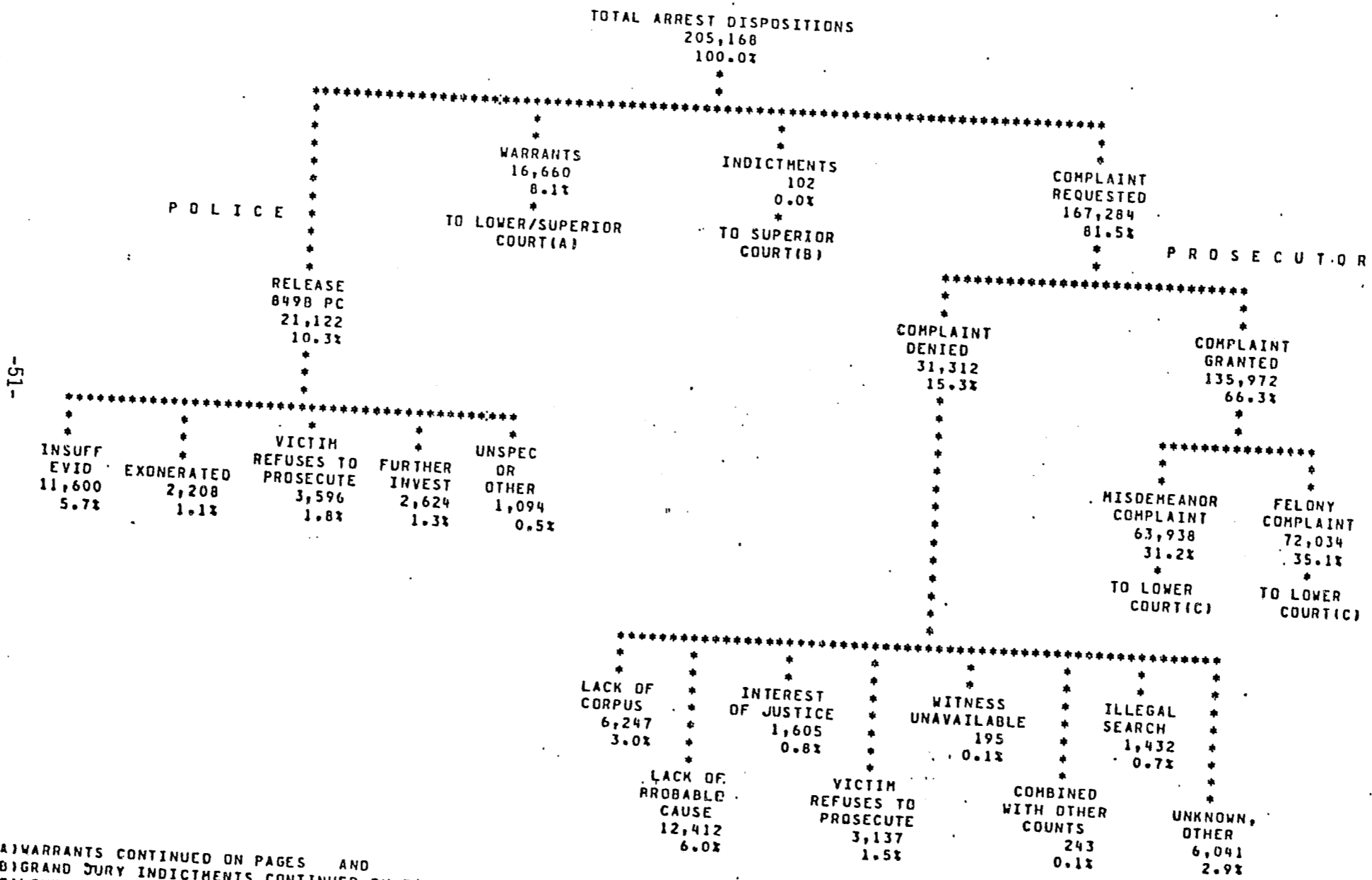
the other half as felony complaints and sent to the lower court for disposition. In addition to complaints, warrants and indictments were also sent to lower courts for disposition.

Fifty-six percent of the lower court complaints are felony, while the remainder are misdemeanor complaints. Of the misdemeanor complaints, nearly 80 percent are convicted while the remainder are dismissed or acquitted. The felony complaints are either sent to the Superior Court, convicted, dismissed or acquitted.

Eighty-nine percent of the cases sent to Superior Court were convicted in 1981. Of this group, nearly 50 percent changed their pleas from "not guilty" to "guilty", 30 percent plead "guilty" and the rest either pleaded "nolo contendere" or were convicted by the jury or the court.

CALIFORNIA DEPARTMENT OF JUSTICE
 DIVISION OF LAW ENFORCEMENT
 BUREAU OF CRIMINAL STATISTICS
 OFFENDER BASED TRANSACTION STATISTICS
 MAY 25, 1982

FIGURE 4.1a
 1981 DISPOSITIONS OF ADULTS ARRESTED ON
 FELONY CHARGES IN CALIFORNIA



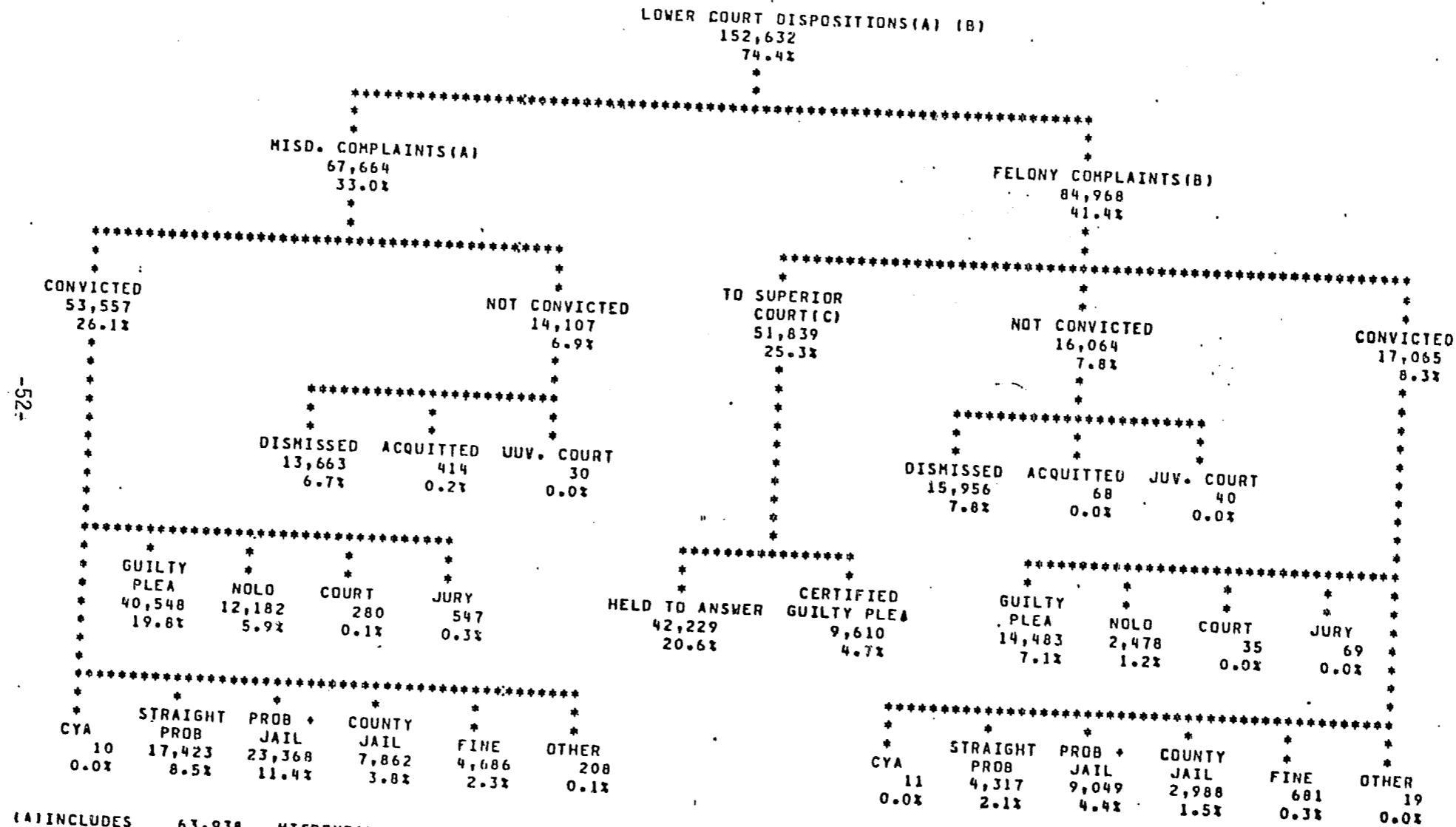
(A) WARRANTS CONTINUED ON PAGES AND
 (B) GRAND JURY INDICTMENTS CONTINUED ON PAGE
 (C) LOWER COURT PROCESSING CONTINUED ON PAGE

-51-

FIGURE 4.1b

CALIFORNIA DEPARTMENT OF JUSTICE
 DIVISION OF LAW ENFORCEMENT
 BUREAU OF CRIMINAL STATISTICS
 OFFENDER BASED TRANSACTION STATISTICS
 MAY 25, 1982

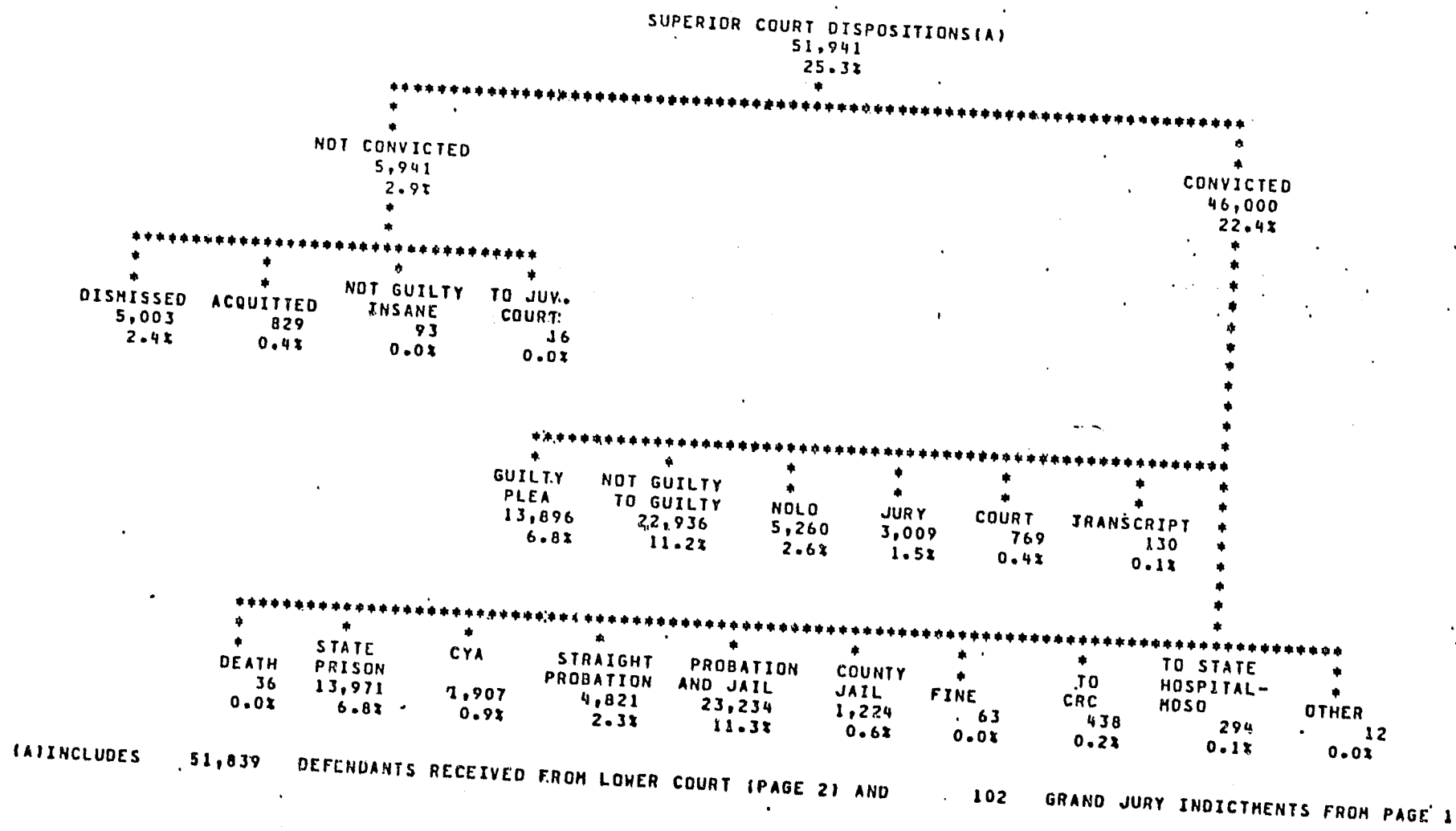
1981 DISPOSITIONS OF ADULTS ARRESTED ON
 FELONY CHARGES IN CALIFORNIA



(A) INCLUDES 63,938 MISDEMEANOR COMPLAINTS GRANTED AND 3,726 MISDEMEANOR WARRANTS FROM PAGE 1
 (B) INCLUDES 72,034 FELONY COMPLAINTS GRANTED AND 12,934 FELONY WARRANTS FROM PAGE 1
 (C) SUPERIOR COURT PROCESSING CONTINUED ON PAGE 3

CALIFORNIA DEPARTMENT OF JUSTICE
 DIVISION OF LAW ENFORCEMENT
 BUREAU OF CRIMINAL STATISTICS
 OFFENDER BASED TRANSACTION STATISTICS
 MAY 25, 1982

FIGURE 4.1c
 1981 DISPOSITIONS OF ADULTS ARRESTED ON
 FELONY CHARGES IN CALIFORNIA



-53-

B. Vertical Prosecution

The legislation mandates that career criminal cases prosecuted by this program be done using vertical prosecutorial representation. In Senate Bill 683, Chapter 1151, this type of representation is defined as a procedure 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. Although vertical prosecution was mandated, OCJP received an Attorney General's opinion which allowed the participating jurisdictions to process their cases with exceptions to the concept of vertical prosecution. However, very explicit limitations were placed into the Attorney General's opinion. Essentially that opinion allowed for unit prosecution.

Unit prosecution, according to the Attorney General's opinion, is a subset of vertical prosecution. With this type of case management, the case is handled by more than one prosecutor throughout the system. However, the limitation is that all the prosecutors must be from a Career Criminal Unit.

In reality, the case management techniques used in this program fall into four categories:

- (1) vertical prosecution
- (2) unit vertical prosecution
- (3) partial vertical prosecution
- (4) non-vertical prosecution

Partial vertical prosecution exists when a Career Criminal deputy handles a case at two of the three stages monitored by OCJP. For example, if a Career Criminal deputy handles a case at the initial filing and at the preliminary hearing then this is partial vertical prosecution. The other combinations of partial vertical prosecution are:

- initial filing and trial
- preliminary hearing and trial

By contrast, non-vertical prosecution exists when a Career Criminal deputy handles a case at only one stage during the entire process.

Three of the stages in the criminal proceedings have the most relevance for the CCP Program. The initial filing, preliminary hearing and final disposition stages were monitored by OCJP to determine the extent to which the program complied with the legislative mandate of vertical representation. Included in the initial filing stage were all activities performed by a deputy district attorney up to and including the initial filing. Included in the preliminary hearing stage were all activities performed by the deputy district attorney including the preliminary hearing. The final disposition included the trial and/or all pre-sentence and sentencing hearings.

In jurisdictions like San Mateo, Alameda and Contra Costa, the initial filing are almost always processed by someone outside of

the CCP unit. As for the program, Career Criminal deputies handled the initial case filing 52.4 percent of the time, the preliminary hearing 77.5 percent and the trial/final disposition stage 90.1 percent.

Since the program only used Career Criminal deputies in 52.4 percent of the initial filing of charges, the program potential to prosecute career criminals with vertical or unit vertical, was limited to that frequency. The actual frequency for vertical prosecutions during this program was 32.6 percent. This frequency represents a 2 percent program drop in the use of vertical prosecution. Conversely, as Table 4.1 indicates, partial vertical and non-vertical percentages are on the rise. The actual increase for partial vertical prosecution is 1.5 percent while the actual rise for non-vertical prosecution is 0.5 percent.

A more vivid picture of this trend is presented when the Phase I data is compared to the Phase II data. In this comparison, vertical prosecution has decreased as a prosecutorial method by 4 percent while partial vertical prosecution shows a 3.1 percent increase and non-vertical prosecution shows a 0.9 percent increase. The drop in vertical representation can be attributed to some degree to the transfer of deputy to and from the CCP units.

C. Vertical Prosecution vs. Partial and Non-Vertical Prosecution
The Third Annual Report to the Legislature proclaimed vertical prosecution to be the keystone prosecutorial method. However,

that report never qualified that proclamation. Since, as we have seen, non-vertical prosecution is the least likely method of case management to be used in this program, one question needs to be answered in order to make the assessment of how dependent this program's success is on vertical prosecution.

TABLE 4.1

VERTICAL PROSECUTION

Type of Prosecution	Phase I (Mar. '78-June '80)		Phase II (July '80-May '82)		Percent Change (b - a)	Total Program	
	No.	Percent (a)	No.	Percent (b)		No.	Percent
Vertical	950	34.6	820	30.6	- 4.0	1,770	32.6
Partial	1,114	40.6	1,169	43.7	+ 3.1	2,283	42.1
- File/Preliminary	202	7.4	312	11.7	+ 4.3	514	9.5
- File/Trial	68	2.4	114	4.3	+ 1.9	182	3.4
- Preliminary/Trial	844	30.8	743	27.7	- 3.1	1,587	29.2
Non-Vertical	680	24.8	689	25.7	+ 0.9	1,369	25.3
T O T A L	2,744	100.0	2,678	100.0	--	5,422	100.0

The question that needs to be answered is whether or not vertical prosecution will yield significantly higher conviction rates when compared to the other case management techniques used in the program. Data to answer this question was available for the July, 1980 to May, 1982 time period. During this period, vertical, partial vertical and non-vertical prosecutions were compared to determine which method would be successful at achieving the highest conviction rate. Also, these methods were tested to

determine whether the observed differences in conviction rates were actual functions of the case management technique or a function of chance.

The results of the test shows that vertical prosecution is the keystone to the program's success. Table 4.2 illustrates this point. The difference between vertical and the total program conviction rate for this period is 0.9 percent. Not only does vertical prosecution have a better conviction rate when compared to the total program conviction rate, but it also does better than the two other case management techniques of partial and non-vertical prosecutions. Vertical prosecution does better than partial vertical by 3.1 percent. It surpasses non-vertical prosecution by 8.6 percent.

TABLE 4.2

CONVICTION BY CASE MANAGEMENT PROCEDURE

	Vertical	Partial	Non-Vertical	Total Program
Conviction Rates	94.8	91.7	86.2	93.9

D. Partial Vertical Prosecution

Over the four-year span of the prosecution program, vertical prosecution has contributed strongly to a high conviction rate; however, it is not the prevalent case management technique used in this program. Table 4.1 showed us that partially vertical prosecution, as a case management process, accounted for 42.1 percent of the program's prosecution. This frequency is 9.5

percent greater than vertical, and 16.8 percent greater than non-vertical prosecutions.

It was mentioned earlier that three types of partial vertical prosecution exist. These types are using a Career Criminal deputy at:

Type 1 - the initial filing and preliminary hearing

Type 2 - the initial filing and the trial

Type 3 - the preliminary hearing and the trial

Table 4.1 showed that 9.5 percent of the prosecutions were handled using Type 1 prosecutions, 3.4 percent of the prosecutions were handled using Type 2 prosecutions, and 29.2 percent of the prosecutions were handled using Type 3 prosecutions. Type 3 prosecutions occur most often because some of the jurisdictions have been organized such that their cases are filed by an office-wide filing deputy. The San Mateo, Alameda and Contra Costa District Attorneys' offices are three that apparently operate in this fashion.

Since the jurisdictions have organized their case management procedures to essentially do partial vertical prosecutions, the question that needs to be answered is, "Which of the three types of prosecution processes leads to the highest conviction rate?" If a method can be found which is significantly better, then the program management has options as to the direction it might require local projects to follow.

The data to answer this question was taken from Phase II because this question was not posed prior to this report. It was found, as Table 4.4 indicates, that differences do exist among the three types of partial vertical strategies. It was also found that the differences are statistically significant. The major point here is that Type 2 partial vertical prosecution is significantly better than Type 3 and Type 1.

This finding has some significance because as noted earlier, the primary mode used in this program was Type 3 prosecutions. However, from this finding, Type 3 prosecutions are 2 percent less effective than Type 2. The implication here is that if the program can reorganize and change to predominately vertical, or a Type 2 partial vertical prosecution strategy, the overall effectiveness of the program would tend to improve. Yet, it should be noted here (see Table 4.3) that none of the three types of partial vertical prosecution are better than vertical prosecution, but Type 2 prosecution gives it the most vigorous challenge.

TABLE 4.3

	Type 1	Type 2	Type 3	Vertical
Conviction Rates	88.1	94.7	92.7	94.8

E. Prosecution's Workload

The legislation mandates that prosecutors under this program should have reduced workloads. Essentially, this requirement stemmed from the premise that career criminal cases need

sufficient time for investigation and preparation. For vertical prosecution to be effective, it required that Deputy District Attorneys be given a reduced caseload when compared to non-career criminal deputies who generally do not use vertical prosecution as a case management technique. When the non-career criminal deputy's workload is used as the benchmark by which to compare the career criminal deputy's caseload, the program has been extremely successful in a caseload which is significantly less than the benchmark.

As caseloads are compared within the program, the average workload per deputy ranged from 7 cases to 15.3 cases. The program's average caseload per deputy was 11.1 cases. Table 4.4 shows that within this range of caseloads the program's success doesn't seem to be hampered as jurisdictions approach the higher end of the case spectrum. It also shows that it is not extremely beneficial to be at the lower end. Analysis did not show that high or low convictions rates were correlated to high or low workloads maintained by the Units.

These facts may indicate that in some instances, increased caseloads may be acceptable if the jurisdiction feels a need to handle more target crimes. It was noted that for many jurisdictions grand theft was a legislatively set target crime that had a high frequency of occurrence, but has not been targeted very frequently by the jurisdictions. This may be a good crime for some jurisdictions to add if increased caseloads are desirable.

TABLE 4.4
AVERAGE CASELOADS BY JURISDICTION

Jurisdictions	Average Caseloads	Conviction Rate
Riverside	7.0	94.4
Fresno	7.5	96.7
San Diego	8.5	96.6
Ventura	9.7	97.6
San Mateo	10.0	95.3
Contra Costa	10.6	97.9
San Francisco	10.7	90.4
Alameda	11.5	81.7
San Bernardino	12.1	90.7
Orange	12.8	96.4
Los Angeles	14.4	94.1
Sacramento	14.5	91.9
Santa Clara	15.3	96.6

F. Effect of Pre-Trial Release

Since this program is based on the premise that a few criminals cause a disproportionate amount of crimes, it follows that this program would seek to prevent career criminal defendants from having a further opportunity to commit crimes. The most effective and reasonable deterrent is to incapacitate these offenders through incarceration. However, given the structure of the criminal justice system, long-term incarceration of offenders must come only after due process has been afforded to the offender.

In this program, by design, the majority of the defendants are repeat offenders. Given this set of circumstances and the program's premise, it is quite understandable that the Legislature would advocate that the program use the available prosecutorial resources to resist the pre-trial release of an offender prosecuted by this program. However, one limitation of this evaluation report is that such subjective feelings cannot be substantiated. To substantiate this belief, data would have had to be collected which stated the extent to which offenders who were released prior to trial committed additional crimes. Unfortunately this type of data was not collected by OCJP.

Another effect of pre-trial release was measured by OCJP. OCJP measured the impact that the release of an offender prior to the preliminary hearing or trial had on the length of time that it took to complete a prosecution. (This test was only done for the defendants prosecuted between July, 1980 and May, 1982). Table 4.5 outlines the findings.

TABLE 4.5
PRE-TRIAL RELEASE

	In Custody (Average Days)	Released (Average Days)	Difference (Average Days)
Preliminary Hearing Only	144	205	61
Trial Only	145	199	54

Table 4.5 indicates that the actual prosecution of a case takes longer when the defendant is released prior to the preliminary

hearing or a trial. This difference is significant at the preliminary hearing since it took 3 months* longer to prosecute a case when the defendant was not in custody. Also, it took nearly 2 months and 11 days longer to prosecute a case when the defendant was not in custody at trial.

More of the story is told when custody is compared at the combination of the preliminary hearing and trial stages. It was found that it took the longest time to prosecute a case when a defendant was released at the preliminary hearing and was in custody during trial. In this instance, it takes nearly 11 months (234 days) to prosecute the case. Whereas, it takes just six months (140 days) to prosecute a case when a defendant is in custody at the preliminary hearing and at the trial.

*Based on an average of 22 working days per month.

Table 4.6 shows that if a homogeneous set of defendants were kept at preliminary hearing and trial, that is, if the defendants were:

- (1) in custody at the preliminary hearing and at the trial or
- (2) released at the preliminary hearing and at the trial it took significantly less time to prosecute the case than the mixture of defendants in custody and released at the two junctures.

TABLE 4.6
PRE-TRIAL RELEASE

Preliminary Hearing	Trial	
	In Custody	Released
In Custody	140 days	213 days
Released	234 days	194 days

G. Effect of Bail

This program continues to be successful at resisting the pre-trial release of defendants accused of committing career criminal targeted offenses. The prosecutorial tool used was effective lobbying of the courts by the District Attorney to set high bail amounts. In the Third Annual Report to the Legislature, the offenders of the program were given an average bail of \$26,100. This figure represented a considerable improvement over the amount reported for the comparison group. The offenders in the comparison group were given an average bail of \$7,880. For the total program, the average bail set has now increased to \$28,517. During the period of July, 1980 - May, 1982, the average bail

amount for this program rose from \$26,100 to \$30,933 which accounts for the overall program improvement.

The real impact of high bail is noticed when it is compared to those defendants who are in custody versus those defendants who were not in custody at the time of trial. During the July, 1980 - May, 1982 program years, 85 percent of the defendants were in custody at the time of trial. Although other factors such as a parole hold can cause a defendant to be in custody, one important factor is the amount of bail which was set. In comparing the amount of bail set for those defendants in custody versus those who were not in custody, it was apparent that those in custody had bail set which was significantly higher than their counterparts. In the former case, the average bail amount was \$35,057. In the latter case, the average bail amount was \$11,904.

Table 4.7 shows how the career criminal bail averages compare to the non-career criminal prosecuted by this program.

TABLE 4.7
EFFECT OF BAIL

Offender Status	Career Criminal	Non-Career Criminal	Difference
In Custody Average Bail	\$35,057	\$27,098	\$7,959
Released Average Bail	\$11,904	\$ 7,421	\$4,483

The program bail policies appear to be consistent for all cases prosecuted by the program. Table 4.7 shows that, in the case of the non-career criminal who must remain in custody at trial, the average bail amount is higher than for the defendants who are released at trial.

H. Effect of Enhancements

In the Third Annual Report to the Legislature, it was reported that enhancements had significant sentencing ramifications. However, the extent of the sentence ramifications was not known. It was found during the Phase II time period that enhancements did have a substantial impact on an offender's sentence. From a sample of 2,091 convicted career criminal cases, the majority of the cases were convicted with enhancements. In fact, 78.8 percent of those convicted were convicted with enhancements. The significant fact is that the sentence length for those offenders convicted with enhancements averaged 6 years, 8 months. For the 21.2 percent that did not have enhancements present in their cases, the average sentence length was 3 years, 8 months. The difference between the two sentences is a substantial 3 years.

I. Effect of Plea Agreement

Examining the disposition of charges for this program revealed that the program had a high measure of success in prosecuting the majority of the charges filed against the offender. During the program history, 22,839 charges have been prosecuted by the participating jurisdictions. In this time span, 63 percent of the

charges have been successfully prosecuted. On the other hand, the prosecution has dismissed only 29.8 percent of the charges. The courts have also dismissed 4.7 percent of the charges filed. Table 4.8 shows the program's progress in the conviction of charges filed against an offender.

TABLE 4.8
CHARGE DISPOSITION INFORMATION

Disposition	Phase I (Mar '78-June '80)		Phase II (July '80-May '82)		Total Program	
	Charges		Charges		Charges	
	No.	Percent	No.	Percent	No.	Percent
Conviction	6,394	62.5	8,016	63.5	14,410	63.1
- Unreduced	6,220	60.8	7,566	59.9	13,786	60.4
- Reduced	174	1.7	231	1.8	405	1.8
- Unknown	--	--	219	1.7	219	0.9
Dismissal	3,595	35.2	4,292	34.0	7,887	34.5
- Prosecution	3,111	30.4	3,701	29.3	6,812	29.8
- Court	484	4.8	591	4.7	1,075	4.7
Acquittal	235	2.3	317	2.5	552	2.4
T O T A L	10,224	99.9	12,625	100.0	22,849	100.0

Prosecution dismissal and the reduced conviction are the two system checkpoints to determine whether or not the program has been engaging in plea agreements. The legislation mandates that:

"The prosecution shall not negotiate an agreement with a career criminal 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..."

Examining the system's checkpoints, it was found that 82 percent of the offenders had been convicted on the most serious charge. Also, 88.3 percent of the convicted offenders were convicted on the most serious charge. It was noted that this trend is on the decline. Additionally, it was found during Phase II that the main reason that an offender was not prosecuted on the most serious charge was because it had been dismissed by the prosecution. Of the dismissals, 75.7 percent were prosecution dismissals, 21.3 percent were court dismissals, and 3 percent were a combination of prosecution and court dismissals.

For a career criminal, the punishment for being convicted on the most serious charge versus a lesser charge was not significantly different. From a sample of 2,091 cases prosecuted during Phase II, it was found that the term for being convicted on the most serious charge was 6 years, 2 months. Whereas, an offender convicted of a lesser charge, because the most serious had been dismissed by the prosecution, was sentenced to 5 years, 9 months. This 5-month difference has been declared not to be substantially different by the prosecuting attorneys. By statute, this is a legitimate reason for dismissing the most serious charge.

J. Impact on Public Defenders/Private Counsel

Assembly Bill 415, which removed the sunset date for this program, requires the Office of Criminal Justice Planning, in cooperation with Public Defender representatives, to prepare a report to the Legislature describing the operation and results of the statewide

program and assessing any and all fiscal and workload burdens imposed by the program upon local court Public Defenders' offices and assigned counsel with recommendations where appropriate.

To meet this mandate, OCJP has completed the following:

- (1) Appointed two Public Defenders to represent the Public Defender's view on the Career Criminal Prosecution Steering Committee;
- (2) Established a Public Defender's Evaluation Committee to produce an evaluation design appropriate in measuring the fiscal and workload impact upon the Public Defender's office.

OCJP plans to start the evaluation process in December, 1982, when the Public Defender's Evaluation Committee will meet, establish the evaluation design, and select the Public Defender's offices to be assessed. In January, 1983, the actual data collection process will start in the Public Defenders' offices which were selected for assessment in December, 1982. The Legislature can expect to receive a preliminary report on this topic from OCJP as part of the 1983 Report to the Legislature in November, 1983.

V. CAREER CRIMINAL DEFENDANT

A. Sex

The likelihood that a woman would be prosecuted by the Career Criminal Prosecution Program is small. For the entire program period, 95.2 percent of the defendants have been male which contrasts sharply to the 3.6 percent females and 1.3 percent "unknown" defendants. This finding has remained consistent over the program history. Table 5.1 shows the program consistency.

TABLE 5.1
SEX

Sex	Phase I (Mar '78-June '80)		Phase II (July '80-May '82)		Total Program	
	No. of Defendants	Percent	No. of Defendants	Percent	No. of Defendants	Percent
Male	2,283	94.3	2,568	96.0	4,851	95.2
Female	86	3.5	95	3.5	181	3.5
Unknown	52	2.2	15	0.5	67	1.3
T O T A L	2,421	100.0	2,678	100.0	5,099	100.0

The disposition of cases for males and females has been different in terms of the length of time that the two groups are sentenced to state prison. For a convicted male career criminal, the average sentence length is 6 years, 1 month. On the other hand, a convicted female's average sentence length is 5 years. It should be noted that the sentencing towards women has been more consistent than for that of a man. In this program, a woman convicted of a career criminal offense can expect to be sentenced from 3 to 7 years. Whereas, a convicted male career criminal could not

speculate with any degree of certainty on his sentence because the majority of the sentences fall between 3 months to nearly 12 years.

B. Ethnicity

Table 5.2 shows the ethnicity of defendants prosecuted by this program. Some changes in the frequency of ethnic background have occurred since the last report to the Legislature. The largest proportion of defendants prosecuted in this program were Black. It appears that while other ethnic groups either remained the same or realized a slight decrease in the proportions prosecuted, the proportion of Blacks prosecuted by this program has shown an increase. For the entire program period, the proportion of Blacks prosecuted by the program increased 3.2 percent, from 38.2 percent to 41.4 percent. During the Phase II period, the Black proportion of the prosecution increased 6.2 percent--from 38.2 percent to 44.4 percent, which accounts for the program-wide increase.

TABLE 5.2
PROSECUTION BY ETHNICITY

Ethnicity	Phase I (Mar '78-June '80)		Phase II (July '80-May '82)		Total Program	
	No. of Defendants	Percent	No. of Defendants	Percent	No. of Defendants	Percent
White	955	39.4	921	34.4	1,876	36.8
Black	923	38.2	1,189	44.4	2,112	41.4
Mexican/ American	426	17.5	472	17.6	898	17.6
Other	59	2.4	62	2.3	121	2.4
Unknown	58	2.4	34	1.3	92	1.8
T O T A L	2,421	100.0	2,678	100.0	5,099	100.0

In terms of incarceration, in state prison, the average length of sentence set for a career criminal is not significantly different for White, Black or Mexican-American defendants. The average sentence length for each of these groups is nearly 6 years. Figure 5.1 shows the prison term in months for each ethnic group.

FIGURE 5.1
PRISON TERM BY ETHNICITY

Ethnicity	Terms in Months
White	72.5
Black	72.7
Mexican/American	72.0

C. Age

The majority of career criminal offenders' ages ranged between 21 and 34 years. Table 5.2 shows that 66.5 percent of the offenders prosecuted during Phase I were between 21 and 34 years of age. It also shows that this percentage increased during Phase II to 68.8 percent. For the entire program period, 67.8 percent of the offenders were between the ages of 21 and 34.

TABLE 5.3

AGE

Age	Phase I (Mar '78-June 80)		Phase II (July '80-May '82)		Total Program	
	No. of Defendants	Percent	No. of Defendants	Percent	No. of Defendants	Percent
Under 18	32	1.3	49	1.8	81	1.6
18 - 20	265	10.9	301	11.2	566	11.1
21 - 24	517	21.4	552	20.6	1,069	21.0
25 - 29	682	28.2	720	26.9	1,402	27.5
30 - 34	413	17.1	571	21.3	984	19.3
35 +	467	19.3	478	17.8	945	18.5
Unknown	45	1.8	7	0.3	52	1.0
T O T A L	2,421	100.0	2,678	100.0	5,099	100.0

It should be noted that Table 5.3 shows that this program has prosecuted juveniles. Apparently, there was a slight increase in the prosecution of juveniles from Phase I to Phase II.

During the time period of July, 1980 through May, 1982, the incarceration lengths have been different for each age group. Generally, the program tended to send younger offenders to prison for a longer period of time. Figure 5.2 shows this tendency.

FIGURE 5.2
PRISON TERMS BY AGE

Age Ranges	Prison Terms Months	Prison Term Years/Months
Under 18	82.6	6/11
18 - 20	80.8	6/8
21 - 24	71.0	5/11
25 - 29	66.4	5/6
30 - 34	71.5	5/11
35 +	67.9	5/8

D. Charging Information

The defendants in this program were prosecuted on a wide range of charges. Nearly 81 percent of the defendants who were prosecuted by this program had between one and six charges filed against them. Also, 66.4 percent of the defendants had charges ranging between one and four charges filed against them. The typical case which was prosecuted by this program involved one charge plus several priors. Table 5.4 shows a slight upward rise in the proportion of cases which have seven or more charges.

TABLE 5.4
CHARGE INFORMATION

Charges	Phase I (Mar '78-June '80)		Phase II (July '80-May '82)		Total Program	
	No. of Defendants	Percent	No. of Defendants	Percent	No. of Defendants	Percent
1- 2	1,041	43.0	1,093	40.8	2,134	41.9
3- 4	593	24.5	655	24.5	1,248	24.5
5- 6	354	14.6	372	13.9	726	14.2
7- 8	166	6.9	207	7.7	373	7.3
9-10	105	4.3	122	4.6	227	4.5
11-12	43	1.8	74	2.8	117	2.3
13-14	36	1.5	40	1.5	767	1.5
15+	83	3.4	113	4.2	196	3.8
Unknown	0	0	2	0.1	2	0
TOTAL	2,421	100.0	2,678	100.0	5,099	100.0

E. Type of Career Criminal

In Chapter II, Program Description, a number of types of career criminals existed based upon several factors. These factors include the number of crimes that were currently charged against the offender and the offender's past criminal history. The two categories of career criminals could be labeled:

- (1) series offender
- (2) non-series offender

For the purpose of this report, series offenders were individuals who committed or attempted to commit three or more separate

targeted offenses not arising out of the same transaction and who did not have any prior qualifying convictions. Whereas a non-series offender was an individual who committed or attempted to commit one or more of the targeted offenses plus had a history of prior qualifying convictions.

From July, 1980 through May, 1982, nearly half of the defendants prosecuted by this program were series offenders. This is significantly higher than the proportion of series offenders which were prosecuted during the first three years of the program. During that time period the proportion of series offenders was 30 percent. Table 5.5 shows the proportion of series offenders by jurisdiction from July, 1980 through May, 1982. During this period, the caseload of certain jurisdictions ranged from 22.9 to 76.6 percent series offenders.

TABLE 5.5
SERIES OFFENDERS

County	Offenders		Percent of Total
	Total	Series	
Alameda	328	75	22.9
Contra Costa	149	79	52.7
Fresno	150	39	26.0
Los Angeles	564	370	65.8
Orange	222	141	63.2
Riverside	72	27	37.5
Sacramento	111	85	76.6
San Bernardino	85	42	50.0
San Diego	235	141	60.0
San Francisco	269	75	27.8
San Mateo	189	48	25.5
Santa Clara	263	163	62.0
Ventura	41	16	38.1
Total Program	2,678	1,301	48.6

The significant point about the series offender lies not only in the large proportion of the program caseload, but also in the length of sentence given to the series offender. The available data shows that a series offender's average sentence length was 7 years, 2 months, while a non-series offender's average sentence was 5 years, 7 months. What this means is that this program has secured harsher sentences for offenders without priors than for those with priors.

F. Defendant's Status at Offense

The majority of defendants were under some form of criminal justice sanction at the time of their offenses. This trend has held true throughout the program's history. During the program period of July, 1980 through May, 1982, 63.4 percent of the defendants were under some form of criminal justice sanction. Of those defendants under some form of sanctions, 56 percent were reported as under pre-trial release.

Figure 5.3 shows the total proportion of offenders' status at the time of the offense. Of the caseload, 2.5 percent were reported as being in prison or in other institutions.

CONTINUED

1 OF 2

FIGURE 5.3
STATUS AT OFFENSE

Status	Percentage of Caseload
No Commitment	36.6
Pre-Trial Release	35.5
Probation	25.4
In Prison	1.2
Other Institutions	1.3

G. Defendant's Status at Preliminary Hearing

It was shown in the preceding chapter that the benefit for having the defendants in custody at the time of preliminary hearings that it saves time in prosecuting the case. The Legislature mandated that this program decrease the proportion of criminals who were granted pre-trial release. As prescribed, the program continues to comply with the legislative mandate. Eighty-four percent of the defendants were in custody at the time of the preliminary hearing. Table 5.5 shows the program frequencies. This frequency represents a 1.1 percent increase over the previous period. During July, 1980 and May, 1982, the in-custody rate for the program increased to 85.1 percent.

TABLE 5.6
PRELIMINARY HEARING

Status	Phase I (Mar '78-June '80)		Phase II (July '80-May '82)		Total Program	
	Number	Percent	Number	Percent	Number	Percent
In Custody	2,006	82.9	2,279	85.1	4,285	84.0
Own Recognizance	79	3.3	77	2.9	156	3.1
Bail	265	10.9	295	11.0	560	11.0
Other	20	0.8	7	0.3	27	0.5
Unknown	51	2.1	20	0.7	71	1.4
T O T A L	2,421	100.0	2,678	100.0	5,099	100.0

H. Defendant's Status at Trial

The in-custody tendency established for the preliminary hearing holds true for the defendant at the final disposition. The majority of them were in custody at the time of trial. During the Phase II time period, this proportion increased 5.8 percent over Phase I. This increase accounts for the improvement realized program-wide. For the total program, 76.8 percent of the defendants were in custody at the time of their trial. Table 5.7 shows the program improvements.

TABLE 5.7
DEFENDANT STATUS AT TRIAL

Status	Phase I (Mar '78-June '80)		Phase II (July 80-May '82)		Total Program	
	Number	Percent	Number	Percent	Number	Percent
In custody	1,786	73.8	2,132	79.6	3,918	76.8
Own Recognizance	82	3.4	62	2.3	144	2.8
Bail	253	10.5	290	10.8	543	10.6
Other	6	0.2	16	0.6	22	0.4
Unknown	294	12.1	178	6.7	472	9.3
T O T A L	2,421	100.0	2,678	100.0	5,099	100.0

I. Target Offenses

As could be predicted, this program prosecuted robberies and burglaries more frequently than any other targeted offenses.

Although minor in terms of frequency, the program also prosecuted defendants in each of the targeted offenses. During this current reporting period of July, 1980 - May, 1982, robberies accounted for 54.2 percent of the prosecution's workload. Armed robberies were included in the statistic. Burglaries accounted for 37.4 percent of all prosecution. First and second degree burglaries were included in that percentage. Table 5.8 shows the frequency for which each target offense was prosecuted by the program.

These offenses represent the most serious crimes charged by the prosecution.

TABLE 5.8
TARGET OFFENSES

Target Offenses	Number	Percent
Arson	5	0.2
Burglary	1,001	37.4
Drugs	43	1.6
Grand Theft	50	1.9
Grand Theft Auto	16	0.6
Receiving Stolen Property	72	2.7
Robbery	1,452	54.2
Other Non-Target	39	1.4
T O T A L	2,678	100.0

VI. PROGRAM RECOMMENDATIONS

The program recommendations are directed at three parties--the Governor, the California Legislature and the Office of Criminal Justice Planning. The recommendations are based on the findings presented in this report.

A. The Governor and California Legislature

1. The California Legislature should continue to appropriate funds to the Career Criminal Prosecution Program.

This program continues to successfully meet the objectives set forth by the Legislature. Since March 1978, this program has prosecuted nearly six thousand career criminals. Approximately 92 percent of these offenders have been convicted and of this group, 90 percent have been incarcerated with an average state prison term of 5 years, 8 months. All of these findings are significant improvements over the treatment these very serious offenders were receiving prior to the enactment of the program.

B. Office of Criminal Justice Planning

1. OCJP should request an Attorney General's Opinion to determine whether partial vertical prosecution is a legitimate case management technique which the program can continue to use.

Currently, the program is not strictly in compliance with the legislative mandate to prosecute career criminal offenders using vertical prosecution. Additionally, it is not strictly complying with an earlier Attorney General's Opinion to use unit prosecution. Although vertical prosecution has the best conviction results, partial vertical prosecution also has

significantly high conviction rates when compared to non-vertical prosecution.

2. OCJP should conduct a study to determine the effect of the Career Criminal Prosecution Program on the criminal justice system.

OCJP plans to conduct a study which will assess the impact of this program on the Public Defenders' offices to comply with the mandate of AB 415. Also, OCJP needs to update its findings reported in the Third Annual Report to the Legislature on the program's impact on the courts, the police departments, the District Attorneys' offices and the prisons.

3. OCJP should continue to study the impact of Prosecutor's caseload on the program's accomplishments such as conviction rates.

During this study it was found that for the range of average caseloads reported by the CCP units, 7 to 15.3, there was no correlation between caseloads and conviction rates. With additional analysis specifically focused in this area, it could be determined whether an ideal caseload level exist to which all CCP units could converge.

APPENDICES

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

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:

Ch. 1151

- 4 -

(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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Assembly Bill No. 415

CHAPTER 42

An act to amend Sections 3411, 3413, 3415, 3416, 3417, 3418, 3419, 3420, 3421, 3422, and 3424 of, to add Chapter 2.3 (commencing with Section 999b) to, and to add and repeal Chapter 2.7 (commencing with Section 1001) of, Title 6 of Part 2 of, the Penal Code, relating to crimes, making an appropriation therefor and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 17, 1982. Filed with Secretary of State February 17, 1982.]

LEGISLATIVE COUNSEL'S DIGEST

AB 415, Goggin. Crimes.

Prior law established a Career Criminal Prosecution Program, whereby the executive director of the Office of Criminal Justice Planning allocated funds to counties in which career criminal prosecution units were established to provide enhanced prosecution procedures for persons under arrest who suffered previous convictions or were charged with multiple offenses, as specified. The provisions were operative only until January 1, 1982, and on such date were repealed.

This bill would reenact the authority for the program, but would delete requirements for specified guidelines and revise provisions for reports relative to the program, revise the list of subject offenses, and revise the policies for the prosecution of career criminal cases.

Prior law provided criteria for local diversion programs as defined. The provisions were repealed January 1, 1982.

The bill would reenact the provisions until January 1, 1985, would apply them to misdemeanors only and would require approval by the prosecutor of the diversion program before any person is diverted.

Existing law provides for a community treatment program for specified mothers and children in the Department of Corrections.

This bill would expand the program to include older children and mothers with longer periods of incarceration, and would make other changes as specified.

The bill would appropriate a specified sum for allocation under the Career Criminal Prosecution Program.

The bill would take effect immediately as an urgency statute.

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:

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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 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. Funds available under this program shall not be subject to review as specified in Section 14780 of the Government Code.

(d) Annually, commencing April 1, 1982, the executive director shall, in cooperation with public defender representatives, prepare a report to the Legislature describing the operation and results of the statewide program and assessing any and all fiscal and workload burdens imposed by the statewide program upon local court public defender offices and assigned counsel with recommendations where appropriate.

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 as defined in Section 211, burglary of the first degree, arson as defined in Section 451, unlawfully causing a fire as defined in Section 452, 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 instrument, 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. (a) 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:

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

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

(3) 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.

(4) 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.

(b) The prosecution shall not negotiate a plea agreement with a defendant in a career criminal prosecution; and Sections 1192.1 to 1192.5, inclusive, shall not apply, nor shall any plea of guilty or nolo contendere authorized by any such section, or any plea of guilty or nolo contendere as a result of any plea agreement be approved by the court in a career criminal prosecution.

(c) For purposes of this section a "plea agreement" means an agreement by the defendant to plead guilty or nolo contendere in exchange for any or all of the following: a dismissal of charges, a reduction in the degree of a charge, a change of a charge to a lesser or different crime, a specific manner or extent of punishment.

(d) This section does not prohibit the reduction of the offense charged or dismissal of counts in the interest of justice when a written declaration by the prosecuting attorney stating the specific factual and legal basis for such reduction or dismissal is presented to the court and the court, in writing, acknowledges acceptance of such declaration. A copy of such declaration and acceptance shall be retained in the case file. The only basis upon which charges may be reduced or counts dismissed by the court shall be in cases where the prosecuting attorney decides that there is insufficient evidence to prove the people's case, the testimony of a material witness cannot be obtained, or a reduction or dismissal would not result in a substantial change in sentence.

In any case in which the court or magistrate grants the prosecuting attorney's motion for a reduction of charges or dismissal of counts because there would be no substantial change in sentence, the court or magistrate shall require the prosecuting attorney to put on the record in open court the following:

(1) The charges filed in the complaint or information and the maximum statutory penalty that could be given if the defendant were convicted of all such charges.

(2) The charges which would be filed against the defendant if the court or magistrate grants the prosecuting attorney's motion and the maximum statutory penalty which can be given for these charges.

(e) This section does not prohibit a plea agreement when there are codefendants, and the prosecuting attorney determines that the information or testimony of the defendant making the agreement is necessary for the conviction of one or more of the other codefendants. The court shall condition its acceptance of the plea

agreement on the defendant giving the information or testimony.

Before the court can accept the plea agreement, the prosecuting attorney shall present a written declaration to the court, specifying the legal and factual reasons for the agreement, and the court shall acknowledge in writing its acceptance of that declaration. A copy of the declaration and acceptance shall be retained in the case file.

999g. The selection criteria set forth in Section 999e shall be adhered to for each career criminal case unless, in the reasonable exercise of prosecutor's discretion, 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. Chapter 2.7 (commencing with Section 1001) is added to Title 6 of Part 2 of the Penal Code, to read:

PROGRAM GUIDELINES
CALIFORNIA CAREER CRIMINAL PROSECUTION PROGRAM

INTRODUCTION

This document contains the program and administrative guidelines and procedures for the California Career Criminal Prosecution (CCP) Program, consistent with California Penal Code Chapter 2.3, commencing with Section 999b. These guidelines and procedures were drafted with the assistance of the Project Supervisors Advisory Committee.

These guidelines set forth the terms and conditions which will govern the award of state grant funds by the Office of Criminal Justice Planning (OCJP), pursuant to statutory authority. These guidelines do not constitute rules, regulations, orders or standards of general application because such rules, regulations, orders or standards would be beyond OCJP's authority.

These guidelines and procedures have been developed in accord with the following principles:

1. Program and administrative guidelines and procedures should be drafted in as clear and simple a fashion as possible.
2. Project selection and fund allocation criterion should focus on target areas offering the most immediate opportunities of impacting upon repeat and habitual offenders.
3. Program and project evaluation should be conducted in a fashion that

will give useful information to:

- a. District Attorneys for management purposes, and
- b. OCJP for preparation of an annual evaluation report for the California Legislature.

I. PROGRAM OBJECTIVE (Section* 999b)

The objective of this program is to support increased efforts by district attorneys' offices to prosecute career criminals through organizational and operational techniques that have been proven to be effective.

II. PROGRAM DESCRIPTION

A. Enhanced Prosecution Efforts (Section 999d)

Career criminal prosecution units receiving funding from California's CCP Program shall concentrate enhanced prosecution efforts and resources upon individuals identified by the selection criteria set forth below in Item C. Enhanced prosecution efforts and resources shall include, but not be limited to:

1. "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;
2. The assignment of highly qualified prosecutors to career criminal cases; and

* All references are to Penal Code sections, unless otherwise noted.

3. The assignment of highly qualified investigators to career criminal cases; and
4. A significant reduction in caseloads for the prosecutors and investigators assigned to career criminal cases.

B. Scope of Vertical Prosecution Efforts

Whenever feasible, the same attorney shall prosecute a career criminal case from its commencement to its conclusion. However, where extraordinary circumstances such as personal illness or scheduling constraints are present, it is permissible for more than one attorney to prosecute a career criminal case. In such instances the unit must have in place a process of coordination and information exchange so that a subsequent prosecutor will be briefed on all significant aspects of the case prior to making a court appearance.

C. Defendants Subject to Career Criminal Prosecution (Section 999e)

An individual shall be the subject of career criminal efforts if he or she is under arrest for the commission or attempted commission of one or more of the following qualifying felonies:

1. robbery,
2. burglary,
3. arson,
4. any unlawful act relating to controlled substances in violation of Section 11351 or 11352 of the Health and Safety Code,
5. receiving stolen property,

6. grand theft,
7. grand theft auto;

and

he or she is either being prosecuted for three or more separate offenses not arising out of the same transaction involving one or more of the felonies listed above;

or

he or she qualifies in at least one of the two categories set forth below:

1. He or she has suffered at least one conviction during the preceding 10 years for any of the following felonies:
 - a. robbery as defined in Section 211,
 - b. burglary of the first degree,
 - c. arson as defined in Section 451,
 - d. unlawfully causing a fire as defined in Section 452,
 - e. forcible rape,
 - f. sodomy or oral copulation committed with force,
 - g. lewd or lascivious conduct committed upon a child,
 - h. kidnapping as defined in Section 209,
 - i. murder.

2. He or she has suffered at least two convictions during the preceding 10 years for any of the following felonies:
 - a. grand theft,
 - b. grand theft auto,
 - c. receiving stolen property,

- d. robbery of a type not defined in Section 211,
- e. burglary of the second degree,
- f. kidnapping as defined in Section 207,
- g. assault with a deadly weapon or instrument,
- h. any unlawful act relating to controlled substances in violation of Health and Safety Code Sections 11351 or 11352.

For the purposes of this program, the 10-year periods specified above do not include any time which the arrested person has served in state prison.

D. Local Targeting of Program (Section 999e[b])

In applying the career criminal selection criteria set forth above in Item C, a district attorney may elect to limit the local CCP efforts to persons arrested for any one or more of the qualifying felonies. This limitation must be based upon crime statistics which demonstrate that the incidence of one or more of such felonies presents a major problem in the county.

E. Prosecutorial Discretion (Section 999g)

The selection criteria set forth above in Item C shall be adhered to for each career criminal case unless, in the reasonable exercise of the prosecutor's discretion, extraordinary circumstances require the departure from such policies in order to promote the general purposes and intent of this program.

When extraordinary circumstances justify the prosecution of a case

which does not meet the standard career criminal selection criteria, the disposition of such a case shall be reported on to OCJP through the completion of a standard Evaluation Data Form.

F. Prosecutorial Considerations in the Exercise of Discretion (Section 999e[c])

In exercising the discretion set forth above in Item E, 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.

G. Policies Governing Career Criminal Cases (Section 999f[a])

Each district attorney's office establishing a career criminal prosecution unit and receiving state support under this program shall adopt and pursue the following policies for career criminal cases:

1. A plea of guilty or a trial conviction will be sought on all the offenses charged in the accusatory pleading against an individual meeting career criminal selection criteria.
2. All reasonable prosecutorial efforts will be made to resist the

pretrial release of a charged defendant meeting career criminal selection criteria.

3. 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.
4. 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.

H. Limitations on Plea Agreements (Section 999f[b])

The prosecution shall not negotiate a plea agreement with a defendant in a career criminal prosecution. Sections 1192.1 to 1192.5, inclusive, shall not apply in a career criminal prosecution. The court in a career criminal prosecution may not approve any plea of guilty or nolo contendere authorized by Section 1192; nor may a court approve any plea of guilty or nolo contendere resulting from a plea agreement in a career criminal prosecution.

I. "Plea Agreement" Defined (Section 999f[c])

For the purposes of this program, a "plea agreement" is defined as an agreement by the defendant to plead guilty or nolo contendere in exchange for any or all of the following:

1. a dismissal of charges,

2. a reduction in the degree of charge,
3. a change of a charge to a lesser or different crime,
4. the granting of a specific manner or extent of punishment.

J. Allowable Reductions or Dismissals (Section 999f[d])

An offense charged may be reduced or counts dismissed in the interests of justice when a written declaration by the prosecuting attorney is presented to the court and the court acknowledges, in writing, the acceptance of such declaration. A copy of this declaration and the court's acceptance must be retained in the prosecuting attorney's case file.

The court may reduce a charge or charges or dismiss counts only when the prosecuting attorney determines that:

1. there is not sufficient evidence to prove the people's case; or
2. the testimony of a material witness is not obtainable; or
3. a reduction or dismissal would not result in a substantial change in the defendant's sentence.

K. Facts Required to be on Record Upon a Charge Reduction or Dismissal of Counts (Section 999f[d])

Where the court or magistrate grants the prosecuting attorney's motion for a reduction of charges or dismissal of counts because there would be no substantial change in sentence upon conviction, the prosecuting attorney

shall be required to put on the record in open court the following:

1. The charges originally filed in the complaint or information and the maximum statutory penalty that could be given if the defendant were convicted of all such charges, and
2. The charges which are to be filed following granting of the motion and the maximum statutory penalty or penalties which may follow from conviction on these charges.

L. Plea Agreement for a Codefendant (Section 999f[e])

A plea agreement may be entered into where there are codefendants in a career criminal case and the prosecuting attorney determines that the information or testimony of the codefendant making the agreement is necessary to secure the conviction of one or more of the other codefendants. The court's acceptance of this agreement shall be conditioned upon the defendant's actual provision of the information or testimony.

Prerequisite to the court's acceptance of such an agreement, the prosecuting attorney shall present a written declaration to the court, specifying the legal and factual bases for the agreement and the court shall acknowledge in writing its acceptance of the declaration. A copy of the declaration and acceptance shall be retained in the prosecuting attorney's case file.

M. Scope of Authority to Enter Into a Plea Agreement (Section 999f[e])

A plea agreement, as defined in Item K above, may be entered into where any of the following factual situations apply to the codefendants in a career

criminal case:

1. All of the codefendants meet the career criminal prosecution selection criteria (as set forth above in Item C) and the prosecuting attorney determines that the information or testimony of one career criminal defendant is necessary to secure the conviction of one or more of the other career criminal codefendants.
2. Only some of the codefendants are career criminals and the prosecuting attorney concludes that the information or testimony of a non-career criminal codefendant is necessary to secure the conviction of one or more of the codefendants who are career criminals.

N. Plea Agreement Form Elements (Section 999f [d] and [e]).

The written declaration utilized by the prosecuting attorney, when a charged offense is reduced or counts are dismissed against a career criminal defendant or career criminal codefendant, must contain the following elements:

- o A form heading indicating that this is a district attorney's or prosecutor's declaration filed pursuant to Penal Code Section 999f.
- o Spaces for indicating the title of the case (People vs.) and the court's case number and/or district attorney's case file number.

- o A statement that the District Attorney declares that a reduction/dismissal of counts/allegations is appropriate or in the interests of justice because of one of four stated reasons (the appropriate reason should be designated):

- o Insufficient evidence; or
- o Testimony of a material witness cannot be obtained; or
- o No substantial change in sentence would result; or
- o The defendant is to testify against a codefendant.

- o Where the fourth reason, above, is applicable the form must contain a space or lines in which the prosecuting attorney sets forth the legal and factual reasons justifying the plea agreement with a codefendant.

- o A space for signature by the prosecutor.

- o A space indicating that the declaration is accepted by the Judge of the (appropriate) Court.

These are the minimum elements which must be contained in a form drafted so as to meet the requirements of Penal Code Section 999f. Sample forms are herein included in Appendix I. However, each career criminal unit or district attorney's office is free to add to or embellish such a form in any way.

O. Prohibition on Characterization of Defendant (Section 999h)

The characterization of a defendant as a "career criminal", as defined in Item C, above may not be communicated to the trier of fact.

P. Policy on Prosecuting Noncareer Criminal Co-Defendants in a Joint Trial

When, in accord with Penal Code Section 1098, it is appropriate that both career criminals and noncareer criminals be jointly prosecuted, the career criminal unit may prosecute all of the defendants in such a joint trial. In addition, if circumstances warrant the dismissal of charges against the career criminal defendant or defendants prior to or during trial, the career criminal unit may continue to prosecute the noncareer criminal defendant or defendants if to do otherwise would jeopardize the prospects for a successful or effective prosecution.

Q. Policy on Prosecuting Cases Erroneously Assigned to Career Criminal Units

When it is determined that a defendant prosecuted by the career criminal unit does not meet the career criminal case selection criteria, but substantial unit resources have been invested in the prosecution, the unit may continue the prosecution of the case if the relinquishment of the case would jeopardize the prospects for a successful or effective prosecution.

R. Prohibition on the Prosecution of Juvenile Offenders

Juvenile offenders may not be the subjects of prosecution by career criminal units. This prohibition applies both to the prosecution of juvenile offenders in the juvenile courts and to the prosecution in the adult criminal courts of juveniles found unfit for the juvenile court system.

III. ADMINISTRATIVE GUIDELINES

A. Project Selection Criteria

County population size will continue to serve as the main criterion for determining recipients of CCP program funding. Other criteria (i.e., demonstrated cooperation with law enforcement; willingness to contribute local funds) may also be utilized by OCJP should funds for additional project sites become available.

Because state funds are currently limited, program support will be limited to the thirteen projects participating in the CCP program as of January 1, 1980. Should supplementary federal funds become available, or should a significant increase in state support occur, then additional project sites may compete for funding through a competitive application process.

Counties with project sites receiving state support under this program must supply a matching county contribution. At a minimum this contribution must equal 11.1 percent of the project's operating budget.

B. Project Support Maximums

Support for projects will be limited to the amounts set forth below as determined by the CCP Program Steering Committee:

<u>County Population</u>	<u>Funding Maximum</u>
- 2 million or more	\$ 900,000
- More than 1 million but less than 2 million	275,000

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_____ COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF _____

THE PEOPLE OF THE STATE OF CALIFORNIA,)
) No. _____
Plaintiff,) DA# _____
)
vs.)
) DISTRICT ATTORNEY'S
) DECLARATION (PENAL CODE
) § 999f)
Defendant(s))

The District Attorney of _____
County hereby declares that a reduction or dismissal of Count(s) _____

- is appropriate under Penal Code §999f because of:
- Insufficient Evidence to prove the People's case, or
 - The testimony of a material witness cannot be obtained, or
 - It would not result in a substantial change in sentence, or
 - Defendant's testimony is necessary for the conviction of a co-defendant based on the reasons that:

Dated: _____ DEPUTY DISTRICT ATTORNEY

The Declaration is accepted

Dated: _____ JUDGE OF THE _____ COURT

DECLARATION BY PROSECUTOR
(Penal Code Section 999(f))

PEOPLE vs. _____ CASE NO. _____

The District Attorney of the County of _____ declares
that a reduction/dismissal of counts/allegations _____ is in
the interest of justice because:

- Insufficient evidence .
- Testimony of material witness cannot be obtained
- No substantial changes in sentence
- * Defendant to testify against codefendant

*

DEPUTY DISTRICT ATTORNEY DATE

DECLARATION ACCEPTED:

JUDGE OF THE COURT DATE

APPENDIX D

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APPENDIX E

EVALUATION/LEGISLATIVE SUBCOMMITTEE OF THE
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A P P E N D I X F

PROJECT SUMMARIES

This Appendix compares each county's accomplishments from the period of March, 1978 through June, 1980 to those accomplished from July, 1980 through May, 1982. The data represents the EDFs received by OCJP in time for the final computer run. Therefore, this data may or may not agree with the county's records of cases submitted to OCJP.

In addition, the conviction rates may be higher in those counties that submitted Evaluation Data Forms for informations dismissed pursuant to the career criminal's convictions in the case involving the major offense.

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TABLE A1
DISPOSITION INFORMATION
ALAMEDA COUNTY

	Number	PRIOR		Number	CURRENT		Percent Change (1 & 2)
		Relative Frequency (1)	Relative Frequency (Subset)		Relative Frequency (2)	Relative Frequency (Subset)	
Career Criminals	194	100	--	328	100	--	--
<u>Convictions</u>	164	84.5	100	268	81.7	100	-2.8
Plea	142	73.2	86.6	231	70.4	86.2	-2.8
Jury	20	10.3	12.2	28	8.5	10.4	-1.8
Court	2	1.0	1.2	2	0.6	0.8	-0.4
Unknown	0	0	0	7	2.2	2.6	+2.2
<u>Acquittal</u>	2	1.0	100	0	0.0	0.0	-1.0
<u>Dismissal</u>	28	14.5	100	60	18.3	100	+3.8
Prosecution	23	11.9	82.1	56	17.1	93.3	+5.2
Court	4	2.1	14.3	3	0.9	5.0	-1.2
Both	1	0.5	3.6	1	0.3	1.7	-0.2
<u>Unknown</u>	0	0	0	0	0.0	0.0	0.0
Conviction Rate		84.5			81.7		-2.8
Trial Rate		12.3			9.1		-3.2

TABLE A2
DISPOSITION INFORMATION
ALAMEDA COUNTY

TYPE OF COMMITMENT	PRIOR		CURRENT			Percent Change in Frequency	
	Number	Relative Frequency	Number	Relative Frequency			
PRISON	141	85.9	224	83.6		-2.3	
CPC	5	3.1	5	1.9		-1.2	
CYA	0	0.0	2	0.7		0.7	
JAIL	3	1.8	2	0.7		-1.1	
JAIL & PROBATION	5	3.1	13	4.9		1.8	
PROBATION	10	6.1	5	1.9		-4.2	
OTHER	0	0.0	0	0.0		0.0	
UNKNOWN	0	0.0	17	6.3		6.3	
TOTAL CONVICTED	164	100.0	268	100.0		--	
INCARCERATION RATE		90.8		91.8		1.0	
SENTENCE LENGTH	YRS/MONTH	LIFE	DEATH	YRS/MONTH	LIFE	DEATH	CHANGE IN SENTENCE YRS/MONTH
	4/0	0	0	4/2	4	0	0/2

(1) includes 15 of the 17 unknown commitments

TABLE A1
DISPOSITION INFORMATION
CONTRA COSTA COUNTY

	Number	PRIOR		Number	CURRENT		Percent Change (1 & 2)
		Relative Frequency (1)	Relative Frequency (Subset)		Relative Frequency (2)	Relative Frequency (Subset)	
Career Criminals	224	100	--	149	100	--	
<u>Convictions</u>	215	96.0	100	146	97.9	100	1.9
Plea	175	78.1	81.4	104	69.8	71.2	-8.3
Jury	37	16.5	17.2	33	22.1	22.6	5.6
Court	3	1.4	1.4	9	6.0	6.2	4.6
Unknown	0	0	0	0	0.0	0.0	0.0
<u>Acquittal</u>	0	0.0	0	1	0.7	100	+0.7
<u>Dismissal</u>	9	4.0	100	2	1.4	100	-2.6
Prosecution	4	1.8	44	1	0.7	50.0	-1.1
Court	5	2.2	56	1	0.7	50.0	-1.5
Both	0	0.0	0	0	0.0	0.0	0.0
<u>Unknown</u>	0	0	0	0	0.0	0	0.0
Conviction Rate		96.0			97.9		1.9
Trial Rate		17.0			28.9		11.0

F-5

TABLE A2
DISPOSITION INFORMATION
CONTRA COSTA COUNTY

TYPE OF COMMITMENT	PRIOR		CURRENT				
	Number	Relative Frequency	Number	Relative Frequency	Percent Change in Frequency		
PRISON	147	68.4	112	76.7	8.3		
CRC	17	7.9	12	8.2	0.3		
CYA	14	6.5	8	5.5	-1.0		
JAIL	10	4.7	0	0.0	-4.7		
JAIL & PROBATION	20	9.3	9	6.2	-3.1		
PROBATION	2	0.9	1	0.7	-0.2		
OTHER	5	2.3	0	0.0	2.3		
UNKNOWN	0	0.0	4	2.7	2.7		
TOTAL CONVICTED	215	100.0	146	100.0			
INCARCERATION RATE		87.5		92.5	5.0		
SENTENCE LENGTH	YRS/MONTH	LIFE	DEATH	YRS/MONTH	LIFE	DEATH	CHANGE IN SENTENCE YRS/MONTH
	4/6	0	1	5/8	1	0	1/2

(1) includes 3 of the 4 unknown commitments

TABLE A1
DISPOSITION INFORMATION
FRESNO COUNTY

	PRIOR			CURRENT			Percent Change (1 & 2)
	Number	Relative Frequency (1)	Relative Frequency (Subset)	Number	Relative Frequency (2)	Relative Frequency (Subset)	
Career Criminals	107	100	--	150	100	--	
<u>Convictions</u>	150	80.7	100	145	96.7	100	16.0
Plea	101	51.3	63.5	91	60.7	62.8	9.4
Jury	56	28.4	35.2	52	34.7	35.9	6.3
Court	?	1.0	1.3	0	0.0	0.0	- 1.0
Unknown	0	0	0	2	1.3	1.3	+ 1.3
<u>Acquittal</u>	2	1.0	100	0	0.0	0.0	0.0
<u>Dismissal</u>	36	18.3	100	5	3.3	100	-15.0
Prosecution	25	12.7	69.4	4	2.7	80.0	-10.0
Court	10	5.1	27.8	0	0.0	0.0	- 5.1
Both	1	0.5	2.8	1	0.6	20.4	0.1
<u>Unknown</u>	0	0	0	0	0.0	0.0	0.0
Conviction Rate		80.7			96.7		16.0
Trial Rate		30.4			34.7		4.3

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TABLE A2
DISPOSITION INFORMATION
FRESNO COUNTY

TYPE OF COMMITMENT	PRIOR		CURRENT			Percent Change in Frequency	
	Number	Relative Frequency	Number	Relative Frequency			
PRISON:	135	84.9	123	84.8		-0.1	
CRC	6	3.8	3	2.1		-1.7	
CYA	2	1.2	1	0.7		-0.5	
JAIL	5	3.2	5	3.5		0.3	
JAIL & PROBATION	7	4.4	2	1.4		-3.0	
PROBATION	2	1.2	6	4.0		2.8	
OTHER	2	1.2	0	0.0		-1.2	
UNKNOWN	0	0.0	5	3.5		3.5	
TOTAL CONVICTED	159	99.9	145	100.0			
INCARCERATION RATE		93.1		94.6		1.5	
						CHANGE IN SENTENCE YRS/MONTH	
SENTENCE LENGTH	YRS/MONTH	LIFE	DEATH	YRS/MONTH	LIFE	DEATH	
	F/7	2	0	5/5	0	0	-0/2

(1) includes 5 of the 5 unknown commitments

TABLE A1
DISPOSITION INFORMATION
LOS ANGELES COUNTY

	PRIOR			CURRENT			Percent Change (1 & 2)
	Number	Relative Frequency (1)	Relative Frequency (Subset)	Number	Relative Frequency (2)	Relative Frequency (Subset)	
Career Criminals	253	100	--	546	100	--	
<u>Convictions</u>	220	87.0	100	531	94.1	100	7.1
Plea	171	67.6	77.7	415	73.6	78.2	6.0
Jury	42	16.6	19.1	96	17.0	18.1	0.4
Court	7	2.8	3.2	17	3.0	3.2	0.2
Unknown	0	0	0	3	0.5	0.5	0.5
<u>Acquittal</u>	3	1.2	100	5	0.9	100	-0.3
<u>Dismissal</u>	30	11.8	100	27	4.9	100	-6.9
Prosecution	12	4.7	40	10	1.8	37.0	-2.9
Court	18	7.1	60	15	2.7	55.6	-4.4
Both	0	0.0	0	2	0.4	7.4	+0.4
<u>Unknown</u>	0	0	0	1	0.1	100	0.2
Conviction Rate		87			94.1		
Trial Rate		20			20.9		

F-9

TABLE A2
DISPOSITION INFORMATION
LOS ANGELES COUNTY

TYPE OF COMMITMENT	PRIOR			CURRENT			Percent Change in Frequency	
	Number	Relative Frequency		Number	Relative Frequency			
PRISON	182	82.7		446	84.0		+1.3	
CRC	1	0.5		9	1.7		1.2	
CYA	17	7.7		30	5.7		-2.0	
JAIL	8	3.6		4	0.8		-2.8	
JAIL & PROBATION	10	4.5		9	1.7		-2.8	
PROBATION	1	0.5		9	1.7		1.2	
OTHER	1	0.5		2	0.3		-0.2	
UNKNOWN	0	0		22	4.1		+4.1	
TOTAL CONVICTED	220	100.0		531	100.0			
INCARCERATION RATE		94.5			96.2		1.3	
		YRS/MONTH	LIFE	DEATH	YRS/MONTH	LIFE	DEATH	CHANGE IN SENTENCE YRS/MONTH
SENTENCE LENGTH		6/4	10	1	7/7	32	3	1/3

(1) includes 21 of the 22 unknown commitments

TABLE A1
DISPOSITION INFORMATION
ORANGE COUNTY

	PRIOR			CURRENT			Percent Change (1 & 2)
	Number	Relative Frequency (1)	Relative Frequency (Subset)	Number	Relative Frequency (2)	Relative Frequency (Subset)	
Career Criminals	209	100	--	222	100	--	--
<u>Convictions</u>	206	98.6	100	214	96.4	100	-2.1
F-11 Plea	151	72.3	73.3	167	75.2	78.0	2.9
Jury	50	23.9	24.3	46	20.7	21.5	-3.2
Court	5	2.4	2.4	0	0.0	0.0	-2.4
Unknown	0	0	0	1	0.5	0.5	0.5
<u>Acquittal</u>	0	0.0	0.0	1	0.5	100	0.5
<u>Dismissal</u>	3	1.4	100	7	3.1	100	+1.7
Prosecution	0	0.0	0.0	4	1.8	57.1	1.8
Court	1	0.5	33.3	3	1.3	42.9	0.8
Both	2	0.9	66.7	0	0.0	0.0	-0.9
<u>Unknown</u>	0	0	0	0	0.0	0.0	0.0
Conviction Rate		98.6			96.4		-2.2
Trial Rate		26.3			21.2		-5.1

TABLE A2
DISPOSITION INFORMATION
ORANGE COUNTY

TYPE OF COMMITMENT	PRIOR		CURRENT			Percent Change in Frequency	
	Number	Relative Frequency	Number	Relative Frequency			
F-12 PRISON	195	94.6	200	93.5		-1.1	
CRC	0	0.0	1	0.5		0.5	
CYA	3	1.5	5	2.3		0.8	
JAIL	0	0.0	3	1.4		1.4	
JAIL & PROBATION	8	3.9	4	1.9		-2.0	
PROBATION	0	0.0	0	0.0		0.0	
OTHER	0	0.0	0	0.0		0.0	
UNKNOWN	0	0.0	1	0.5		0.5	
TOTAL CONVICTED	206	100.0	214	100.0			
INCARCERATION RATE		96.1		98.2		2.1	
						CHANGE IN SENTENCE YRS/MONTH	
SENTENCE LENGTH	YRS/MONTH	LIFE	DEATH	YRS/MONTH	LIFE	DEATH	
	7/4	2	0	7/1	5	1	0/3

(1) includes 1 of the 1 unknown commitments

TABLE A1
DISPOSITION INFORMATION
RIVERSIDE COUNTY

	Number	PRIOR		Number	CURRENT		Percent Change (1 & 2)
		Relative Frequency (1)	Relative Frequency (Subset)		Relative Frequency (2)	Relative Frequency (Subset)	
Career Criminals	146	100	--	72	100	--	--
<u>Convictions</u>	141	96.5	100	68	94.4	100	-2.1
Plea	106	72.6	75.2	53	73.6	77.9	1.0
Jury	31	21.2	22.0	14	19.4	20.6	-1.8
Court	4	2.7	2.8	1	1.4	1.5	-1.3
Unknown	0	0	0	0	0.0	0.0	0.0
<u>Acquittal</u>	1	0.7	100	0	0.0	0.0	-0.0
<u>Dismissal</u>	4	2.7	100	4	5.6	100	2.9
Prosecution	1	0.6	25	2	2.8	50.0	2.2
Court	3	2.1	75	2	2.8	50.0	0.7
Both	0	0.0	0	0	0.0	0.0	0.0
<u>Unknown</u>	0	0	0	0	0.0	0.0	0.0
Conviction Rate		96.5			94.4		-2.1
Trial Rate		23.9			20.8		-3.1

F-13

TABLE A2
DISPOSITION INFORMATION
RIVERSIDE COUNTY

TYPE OF COMMITMENT	PRIOR		CURRENT			Percent Change in Frequency	
	Number	Relative Frequency	Number	Relative Frequency			
PRISON	121	85.8	58	85.3		-0.5	
CRC	5	3.5	3	4.4		+0.9	
CYA	5	3.5	0	0.0		-3.5	
JAIL	1	0.7	0	0.0		-0.7	
JAIL & PROBATION	5	3.5	2	2.9		-0.6	
PROBATION	4	2.8	0	0.0		-2.8	
OTHER	0	0.0	0	0.0		0.0	
UNKNOWN	0	0	5	7.4		+7.4	
TOTAL CONVICTED	141	99.9	68	100.0			
INCARCERATION RATE		93.5		95.6		2.1	
						CHANGE IN SENTENCE YRS/MONTH	
SENTENCE LENGTH	YRS/MONTH	LIFE	DEATH	YRS/MONTH	LIFE	DEATH	
	4/10	5	0	6/0	2	1	1/2

(1) includes 4 of the 5 unknown commitments

TABLE A1
DISPOSITION INFORMATION
SACRAMENTO COUNTY

	Number	PRIOR		Number	CURRENT		Percent Change (1 & 2)
		Relative Frequency (1)	Relative Frequency (Subset)		Relative Frequency (2)	Relative Frequency (Subset)	
Career Criminals	173	100	--	111	100	--	--
<u>Convictions</u>	159	91.9	100	102	91.9	100	0.0
Plea	120	69.4	75.5	75	67.6	73.5	-1.8
Jury	39	22.5	24.5	24	21.6	23.5	-0.9
Court	0	0.0	0.0	2	1.8	2.0	1.8
Unknown	0	0	0	0	0.0	1.0	0.9
<u>Acquittal</u>	0	0.0	0	0	0.0	0	-0.0
<u>Dismissal</u>	14	8.1	100	9	8.1	100	0.0
Prosecution	12	6.9	85.8	8	7.2	88.9	0.3
Court	1	0.6	7.1	1	0.9	11.1	0.3
Both	1	0.6	7.1	0	0.0	0.0	-0.6
<u>Unknown</u>	0	0	0	0	0.0	0	0.0
Conviction Rate		91.9			91.9		0.0
Trial Rate		22.5			24.3		1.0

F115

TABLE A2
DISPOSITION INFORMATION
SACRAMENTO COUNTY

TYPE OF COMMITMENT	PRIOR			CURRENT			Percent Change in Frequency
	Number	Relative Frequency		Number	Relative Frequency		
PRISON	106	66.7		75	73.5		+6.8
CRC	7	4.4		5	4.9		+0.5
CYA	11	6.9		10	9.8		+2.9
JAIL	5	3.1		1	1.0		-2.1
JAIL & PROBATION	15	9.4		4	3.9		-5.5
PROBATION	15	9.4		7	6.9		-2.5
OTHER	0	0.0		0	0.0		0.0
UNKNOWN	0	0		0	0.0		0.0
TOTAL CONVICTED	159	99.9		102	100.0		
INCARCERATION RATE		81.1			89.2		7.1
SENTENCE LENGTH	YRS/MONTH	LIFE	DEATH	YRS/MONTH	LIFE	DEATH	CHANGE IN SENTENCE YRS/MONTH
	7/6	2	0	9/4	0	0	1/8

F-16
916

TABLE A1
DISPOSITION INFORMATION
SAN BERNARDINO COUNTY

	Number	PRIOR Relative Frequency (1)	Relative Frequency (Subset)	Number	CURRENT Relative Frequency (2)	Relative Frequency (Subset)	Percent Change (1 & 2)
Career Criminals	124	100	--	85	100	--	--
<u>Convictions</u>	113	91.1	100	77	90.7	100	- 0.4
Plea	90	72.6	70.7	53	62.4	68.8	-10.2
Jury	23	18.5	20.3	22	25.9	28.6	7.4
Court	0	0.0	0.0	0	0.0	0.0	0.0
Unknown	0	0	0	2	2.4	2.6	2.4
<u>Acquittal</u>	3	2.4	100	0	0.0	0.0	-2.4
<u>Dismissal</u>	8	6.5	100	8	9.3	100	2.9
Prosecution	6	4.9	75	7	8.2	87.5	-3.3
Court	2	1.6	25	1	1.1	12.5	-0.4
Both	0	0.0	0	0	0.0	0.0	0.0
<u>Unknown</u>	0	0	0	0	0.0	0.0	0.0
Conviction Rate		91.1			90.7		-0.4
Trial Rate		20.0			25.9		5.0

F-17

TABLE A2
DISPOSITION INFORMATION
SAN BERNARDINO COUNTY

TYPE OF COMMITMENT	PRIOR		CURRENT			Percent Change in Frequency	
	Number	Relative Frequency	Number	Relative Frequency			
PRISON	100	88.5	61	79.2		-9.3	
CRC	0	0.0	0	0.0		0.0	
CYA	7	6.2	1	1.3		-4.9	
JAIL	1	0.8	1	1.3		0.5	
JAIL & PROBATION	3	2.7	2	2.6		-0.1	
PROBATION	0	0.0	4	5.2		5.2	
OTHER	2	1.8	1	1.3		-0.5	
UNKNOWN	0	0	7	9.1		9.1	
TOTAL CONVICTED	113	100.0	77	100.0			
INCARCERATION RATE		95.5		89.6		-5.9	
						CHANGE IN SENTENCE YRS/MONTH	
SENTENCE LENGTH	YRS/MONTH	LIFE	DEATH	YRS/MONTH	LIFE	DEATH	
	5/4	2	2	6/1	2	3	0/9

(1) includes 6 of the 7 unknown commitments

TABLE A1
DISPOSITION INFORMATION
SAN DIEGO COUNTY

	Number	PRIOR		Number	CURRENT		Percent Change (1 & 2)
		Relative Frequency (1)	Relative Frequency (Subset)		Relative Frequency (2)	Relative Frequency (Subset)	
Career Criminals	200	100	--	235	100	--	--
<u>Convictions</u>	197	98.5	100	227	96.6	100	-1.9
Plea	163	81.5	82.7	184	78.3	81.1	-3.2
Jury	33	16.5	16.8	41	17.4	18.1	+0.9
Court	1	0.5	0.5	2	0.9	0.8	+0.4
Unknown	0	0	0	0	0.0	0.0	0.0
<u>Acquittal</u>	1	0.5	100	0	0.0	0.0	-0.5
<u>Dismissal</u>	2	1.0	100	8	3.4	100	+2.4
Prosecution	0	0.0	0	7	3.0	87.5	+3.0
Court	2	1.0	100	1	0.4	12.5	-0.6
Both	0	0.0	0	0	0.0	0.0	0.0
<u>Unknown</u>	0	0	0	0	0.0	0	0.0
Conviction Rate		98.5			96.6		-1.9
Trial Rate		17.5			18.3		+0.8

F-19

TABLE A2
DISPOSITION INFORMATION
SAN DIEGO COUNTY

TYPE OF COMMITMENT	PRIOR			CURRENT			Percent Change in Frequency
	Number	Relative Frequency		Number	Relative Frequency		
PRISON	182	92.4		200	88.1		-4.3
CRC	2	1.0		3	1.3		+0.3
CYA	6	3.1		3	1.3		-0.5
JAIL	1	0.5		0	0.0		
JAIL & PROBATION	5	2.5		10	4.4		1.9
PROBATION	0	0.0		4	1.8		1.8
OTHER	1	0.5		2	0.9		0.4
UNKNOWN	0	0		5	2.2		2.2
TOTAL CONVICTED	197	100.0		227	100.0		
INCARCERATION RATE		95.5			92.9		-2.6
SENTENCE LENGTH	YRS/MONTH	LIFE	DEATH	YRS/MONTH	LIFE	DEATH	CHANGE IN SENTENCE YRS/MONTH
	6/7	0	0	7/3	6	0	1/4

(1) includes 5 of the 5 unknown commitments

TABLE A1
DISPOSITION INFORMATION
SAN FRANCISCO COUNTY

	Number	PRIOR Relative Frequency (1)	Relative Frequency (Subset)	Number	CURRENT Relative Frequency (2)	Relative Frequency (Subset)	Percent Change (1 & 2)
Career Criminals	283	100	--	269	100	--	
<u>Convictions</u>	230	84.5	100	243	90.4	100	5.9
Plea	170	63.3	74.0	210	78.1	86.4	14.8
Jury	50	20.9	24.7	32	11.9	13.2	-9.0
Court	1	0.4	0.4	1	0.4	0.4	0.0
Unknown	0	0	0	0	0.0	0.0	0.0
<u>Acquittal</u>	20	7.1	100	3	1.0	100	-6.1
<u>Dismissal</u>	24	8.5	100	22	8.2	100	-0.3
Prosecution	21	7.4	87.5	15	5.6	68.2	-1.8
Court	3	1.1	12.5	7	2.6	31.8	+1.5
Both	0	0.0	0	0	0.0	0.0	0.0
<u>Unknown</u>	0	0	0	1	0.4	100	+0.4
Conviction Rate		84.5			90.4		5.9
Trial Rate		28.4			13.3		-15.1

TABLE A2
DISPOSITION INFORMATION
SAN FRANCISCO COUNTY

TYPE OF COMMITMENT	PRIOP		CURRENT			Percent Change in Frequency	
	Number	Relative Frequency	Number	Relative Frequency			
PRISON	198	82.9	206	84.8	+1.9		
CRC	3	1.2	3	1.2	0.0		
CYA	2	0.8	3	1.2	+0.4		
JAIL	1	0.4	1	0.4	0.0		
JAIL & PROBATION	23	9.6	19	7.8	-1.8		
PROBATION	2	0.8	5	2.1	1.3		
OTHER	10	4.2	5	2.1	-2.1		
UNKNOWN	0	0.0	1	0.4	+0.4		
TOTAL CONVICTED	239	100.0	243	100.0			
INCARCERATION RATE		85.3		88.0			
					CHANGE IN SENTENCE YRS/MONTH		
SENTENCE LENGTH	YRS/MONTH	LIFE	DEATH	YRS/MONTH	LIFE	DEATH	
	5/2	0	0	4/4	0	0	-0/10

(1) includes 1 of the 1 unknown committments

TABLE A1
DISPOSITION INFORMATION
SAN MATEO COUNTY

	Number	PRIOR		Number	CURRENT		Percent Change (1 & 2)
		Relative Frequency (1)	Relative Frequency (Subset)		Relative Frequency (2)	Relative Frequency (Subset)	
Career Criminals				189	100	--	--
<u>Convictions</u>				180	95.3	100	--
Plea				160	84.7	88.9	--
Jury				19	10.1	10.6	--
Court				1	0.5	0.5	--
Unknown				0	0.0	0.0	--
<u>Acquittal</u>				1	0.5	100	--
<u>Dismissal</u>				7	3.7	100	--
Prosecution				5	2.6	71.4	--
Court				2	1.1	28.6	--
Both				0	0.0	0.0	--
<u>Unknown</u>				1	0.5	100	--
Conviction Rate					95.3		
Trial Rate					11.1		

F-23

TABLE A2
DISPOSITION INFORMATION
SAN MATEO COUNTY

TYPE OF COMMITMENT	PRIOR		CURRENT			Percent Change in Frequency	
	Number	Relative Frequency	Number	Relative Frequency			
PRISON			127	70.6		--	
CRC			12	6.7		--	
CYA			3	1.7		--	
JAIL			11	6.1		--	
JAIL & PROBATION			18	10.0		--	
PROBATION			4	2.2		--	
OTHER			1	0.5		--	
UNKNOWN			4	2.2		--	
TOTAL CONVICTED			180	100.0			
INCARCERATION RATE				86.7		1.3	
						CHANGE IN SENTENCE YRS/MONTH	
SENTENCE LENGTH	YRS/MONTH	LIFE	DEATH	YRS/MONTH	LIFE	DEATH	
				4/1	5	0	

(1) includes 3 of 4 unknown commitments

TABLE A1
DISPOSITION INFORMATION
SANTA CLARA COUNTY

	Number	PRIOR		Number	CURRENT		Percent Change (1 & 2)
		Relative Frequency (1)	Relative Frequency (Subset)		Relative Frequency (2)	Relative Frequency (Subset)	
Career Criminals	182	100	--	263	100	--	--
<u>Convictions</u>	177	97.3	100	254	96.6	100	-0.7
Plea	151	83.0	85.3	226	85.9	89.0	2.9
Jury	22	12.1	12.4	27	10.3	10.6	-1.8
Court	4	2.2	2.3	1	0.4	0.4	-1.8
Unknown	0	0	0	0	0.0	0.0	0.0
<u>Acquittal</u>	0	0.0	0	0	0.0	0.0	0.0
<u>Dismissal</u>	5	2.7	100	9	3.4	100	+0.7
Prosecution	3	1.6	60	7	2.6	77.8	+1.0
Court	2	1.1	40	1	0.4	11.1	-0.7
Both	0	0.0	0	1	0.4	11.1	+0.4
<u>Unknown</u>	0	0	0	0	0.0	0.0	0.0
Conviction Rate		97.3			96.6		-0.7
Trial Rate		14.3			10.6		-3.7

F-25

TABLE A2
DISPOSITION INFORMATION
SANTA CLARA COUNTY

TYPE OF COMMITMENT	PRIOR		CURRENT				
	Number	Relative Frequency	Number	Relative Frequency	Percent Change in Frequency		
PRISON	137	77.4	183	72.1	-5.3		
CRC	7	4.0	12	4.7	0.7		
CYA	14	7.9	13	5.1	-4.8		
JAIL	4	2.3	3	1.2	-1.1		
JAIL & PROBATION	11	6.2	35	13.8	7.6		
PROBATION	2	1.1	2	0.7	-0.4		
OTHER	2	1.1	1	0.4	-0.7		
UNKNOWN	0	0	5	2.0	2.0		
TOTAL CONVICTED	177	100.0	254	100.0			
INCARCERATION RATE		91.6		84.7	-6.9		
					CHANGE IN SENTENCE YRS/MONTH		
SENTENCE LENGTH	YRS/MONTH	LIFE	DEATH	YRS/MONTH	LIFE	DEATH	
	4/11	1	0	4/11	0	0	0/0

(1) includes 4 of the 5 unknown commitments

TABLE A1
DISPOSITION INFORMATION
VENTURA COUNTY

	Number	PRIOR		Number	CURRENT		Percent Change (1 & 2)
		Relative Frequency (1)	Relative Frequency (Subset)		Relative Frequency (2)	Relative Frequency (Subset)	
Career Criminals		N/A		41	100	--	--
<u>Convictions</u>		N/A		40	97.6	100	--
Plea		N/A		27	65.9	67.5	--
Jury		N/A		8	19.5	20.0	--
Court		N/A		4	9.8	10.0	--
Unknown		N/A		1	2.4	2.5	--
<u>Acquittal</u>		N/A		0	0.0	0.0	--
<u>Dismissal</u>		N/A		1	2.4	100	--
Prosecution		N/A		1	2.4	100	--
Court		N/A		0	0.0	0	--
Both		N/A		0	0.0	0	--
<u>Unknown</u>		N/A		0	0.0	0	--
Conviction Rate		N/A			97.6		N/A
Trial Rate		N/A			29.3		

F-27

TABLE A2
DISPOSITION INFORMATION
VENTURA COUNTY

TYPE OF COMMITMENT	PRIOR			CURRENT			Percent Change in Frequency	
	Number	Relative Frequency		Number	Relative Frequency			
PRISON		N/A		37	92.5		--	
CRC		N/A		0	0.0		--	
CYA		N/A		0	0.0		--	
JAIL		N/A		1	2.5		--	
JAIL & PROBATION		N/A		0	0.0		--	
PROBATION		N/A		1	2.5		--	
OTHER		N/A		1	2.5		--	
UNKNOWN		N/A		0	0.0		--	
TOTAL CONVICTED		N/A		40	100.0			
INCARCERATION RATE		N/A			95.0			
							CHANGE IN SENTENCE YRS/MONTH	
SENTENCE LENGTH		YRS/MONTH	LIFE	DEATH	YRS/MONTH	LIFE	DEATH	
			N/A		5/11	1	0	N/A

F-28

END