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IMPROVING EVIDENCE GATHERING
THROUGH POLICE AND
PROSECUTOR COORDINATION

FINAL REPORT

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National Institute of Justice
James K. Stewart
Director

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CHAPTER 1

BACKGROUND ISSUES ON POLICE-PROSECUTOR COORDINATION

INTRODUCTION

David Brinkley once commented that political speeches fall into two general classes: "point with pride" speeches, and "view with alarm" speeches. For over half a century, politicians have been viewing with alarm a phenomenon well known within the criminal justice system, that most felony arrests do not ultimately lead to felony convictions. The 1929 Illinois Crime Survey, after discovering that almost 60 percent of the felony cases in Chicago were finally disposed of by the end of preliminary hearing, states this conclusion:

Either the police have been arresting too many innocent persons or more than half of the work of the police in enforcing the law in serious crimes is thus wiped out in this stage of procedure.¹

More recently, Floyd Feeney and his colleagues, in their 1983 study of the phenomenon, summarize several similar views, reflecting two facts: (1) the basic statistical phenomenon being viewed with alarm has not changed much over time, and (2) the political interpretation has not changed much either.² The interpretation, however, rests on a series of unspoken but erroneous assumptions, and the fact that the underlying assumptions are untrue does much to explain why the statistical picture has not changed much over time.

The statistical phenomenon that felony arrests exceed felony convictions by several orders of magnitude is referred to by such terms as "felony deterioration" or "felony attrition." One famous study cited by Feeney referred to "mortality tables".³ These are all pejorative terms, based on erroneous assumptions and suggesting far greater problems than actually exist.

For example, "deterioration" suggests that something of a definable quality at one point becomes something of a lesser quality at a later point.

But that is not necessarily what happens when a felony arrest does not inexorably lead to a felony conviction. A perfectly valid arrest, based on the constitutional standard that there is probable cause to believe that the person being arrested committed the offense with which he is charged, may not lead to a conviction. A conviction must be based on evidence that convinces the trier of fact beyond reasonable doubt that the defendant committed the offense. Simply to state the two legal standards--"probable cause" for arrest, "beyond reasonable doubt" for conviction--is to show that "deterioration" states the issue upside down. The legal standard is higher at the end than at the beginning. Cases disappear from the system not because they "deteriorate," but because they do not get stronger.

The notion of case "deterioration" also betrays a simplistic notion of the criminal justice system, its components, and their relationship to one another. The participants in the system and the public may perceive that the criminal justice system has certain broadly stated goals--justice, public safety, crime control. But there is a constitutional separation of powers, between the executive branch and the judiciary, of fundamental importance in our political system. At the very least, the separation of powers means that no one institution within our system, and certainly not one person, has the power to arrest, charge, try, and convict a person of a crime. Our legal system has placed a number of hurdles, each slightly higher than the previous one, on the track of prosecution. The first hurdles are in the executive branch, within the responsibility of police and prosecutor, but the last several are in the judicial branch, under the control of the courts. That a case is not strong enough to clear the last hurdle, conviction beyond reasonable doubt, does not mean that the first hurdle, probable cause, should not have been attempted.

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THE DARK FIGURES OF CRIME

If disappearance of cases between arrest and conviction is thought to be a problem, it is insignificant compared to the difference between actual felonies and convictions. With respect to specific crimes, the first step--the commission of the crime itself--is often the last step. Neither crime nor criminal ever enters the criminal justice process.

The universe of crime includes some that are never known to have been committed, some that are known but never reported, some that are reported but never investigated, some that are investigated but lead to no arrest, and some that lead to arrest. Those crimes that lead to arrest are but a subset of the universe of criminal acts, and certain characteristics of reported crime strongly suggest that they are a highly biased sample. For example, the number of reported crimes involving people who were previously know to each other, the so-called "nonstranger" crimes, certainly loom far largest in the sample than in the universe. The reason is obvious. The victim can identify the perpetrator. At least in that respect, the nonstranger crimes are probably more solvable than unreported stranger-to-stranger crimes.

But the nonstranger crimes also contain a high proportion of charges than can be expected to deteriorate. Particularly in family and neighborhood disputes, people use the criminal justice system as an outside weapon in an on-going conflict. The interests they are pursuing are private, not public. And public officials--police, prosecutors, judges--are aware that they are being used for private purposes. They are also aware that private personal relationships are going to continue after the criminal case has been concluded. They take these factors into account as they weigh what disposition will be in the public interest. They rarely use the full set of criminal sanctions available.⁴

Unreported crimes are sometimes referred to as "the dark figures of crime." Survey data have shown distinctive patterns in what gets reported and what does not. Of the 37 million crimes estimated by the National Crime Survey to have occurred in 1983, 35 percent were reported to the police.⁵ These included 48 percent of the violent crimes of rape, robbery, and assault, 26 percent of the personal thefts, and 37 percent of the household crimes. The crimes most likely to be reported are motor vehicle theft (69 percent) and aggravated assault (50 percent). Those least likely to be reported are household larceny (25 percent), personal larceny without contact (26 percent), and pocket picking (29 percent).⁶

In addition to the type of crime, there are several other factors clearly associated with reporting:

- ▣ Completed crimes are more likely to be reported than attempted crimes, especially motor vehicle theft (88 percent to 33 percent) and robbery (63 percent to 35 percent).
- ▣ An injured victim is more likely to report a crime than an uninjured victim, and the greater the injury, the more likely the report.
- ▣ The proportion of reporting increases with the value of property lost or damaged.
- ▣ Demographic characteristics make less difference than the type of crime, though teenagers and persons with less than a high school education are less likely to report. For crimes of violence, female victims are more likely to report than male, blacks more likely than whites.
- ▣ The reason most frequently given for not reporting a crime was that it was not important enough (30 percent) for violent crimes, or that it was a private or personal matter (28 percent).
- ▣ Among reasons for reporting crimes, victims of violent crime wanted to keep it from happening again (31 percent); victims of theft and household crime hoped to recover property (43 percent and 35 percent).
- ▣ Where no economic loss had been suffered, most reports were based on a sense of obligation.⁷

As far as the present study is concerned, perhaps the most significant National Crime Survey findings pertain to how police learn of crime. They discover a very small percentage on their own:

- ▣ Three percent of reported personal crimes are discovered by police. Sixty percent are reported by the victim, 13 percent by another household member, and 22 percent by someone else.
- ▣ Two percent of reported household crimes are detected by police. Eighty-eight percent are reported by members of the household and 10 percent by someone else.⁸

Among other things, what these figures mean is that 97 percent of the time someone else learns of the crime before the police do. Response time studies have shown that the most critical variable in police response time--the length of time between an incident and police arrival on the scene--is the period between the incident and the report to the police. And the person reporting the crime has frequently talked to someone else, as part of deciding what to do, before calling the police. It is safe to generalize that delay in reporting has a significant adverse effect on solving crimes where the perpetrator is unknown to the victim.

The chain of events from commission of a crime, through reporting the crime, investigation, arrest and prosecution, up to conviction, is highly complicated. Most factors involved militate against ultimate conviction. The crimes that worry the public most, stranger-to-stranger violence, are in many respects the hardest to solve. On the other hand, nonstranger crimes, easier to solve because the victim knows the perpetrator, often do not lead to conviction for that very reason. The relationship between the two suggests to the public officials involved that something less than conviction, maybe even as little as arrest and removal from the scene, will satisfy the public interest.

Because of the many factors beyond the control of either police or prosecutors, it may be unreasonable to expect that any improvement in the working relationship between them is going to have a highly visible impact on the overall incidence of crime in our society. But there are improvements in the relationship worth making, and it is to those that this and related studies are directed.

CRIMINAL JUSTICE SYSTEM

The criminal justice system is not a system in the sense that it is controlled and manipulable by a single entity or power for achievement of a stated purpose. It is a system in the sense that there is continuing interaction between different components performing distinct but related functions. In that sense, its activities can be described and can to a considerable degree be predicted. To a lesser degree, it can be changed. The better the description, the better the predictions, and the better the opportunities to produce change.

Police, prosecutors, and courts are distinct entities and components within the criminal justice system, with their own objectives and with their own organizational imperatives. While they may share ultimate goals stated in terms of broad societal values, how these broad goals translate into more specific organizational goals and objectives, and how these in turn translate into daily operations, are quite different. Their responsibilities are quite different, and they operate under different constraints.

Taken across the whole range of police activity, police personnel are far more diverse in training, experience, and responsibility than prosecutors and judges. Police have major non-criminal responsibilities for public safety and public order. The division of labor within a police department will often lead to a distinction between initial arrest and follow-up investigative

responsibilities. That distinction alone would account for the frequently observed fact that a few police officers make most of the felony arrests.⁹

Police departments ordinarily try to limit and control discretion as much as possible. Such control is typically exercised through a paramilitary style of organization, training, an elaborate structure of policy directives, and field supervision. Nevertheless, individual police officers retain perhaps the widest discretion in the criminal justice system. What they see or fail to see, how they choose to interpret what they see, and how they choose to act often determine what enters the criminal justice system to begin with. The only people who screen more crimes out of the process are private citizens who choose not to report them.

In contrast to police, prosecutors have a limited range of responsibilities for which they have been far more intensively trained. They are responsible only for criminal prosecutions, not for broader goals of public order and public safety. Unlike police officers, they are licensed professionals, lawyers. And they must look beyond the original threshold of probable cause to the final hurdle, guilt beyond reasonable doubt. In evaluating cases, prosecutors must consider a more complicated set of factors than did the arresting officers. But this should not be taken to mean that they are in conflict with the officers.

The notion that a felony arrest should lead to a felony conviction, and that if it does not, the case has somehow deteriorated, rests in part on an unspoken assumption of exact or precise retribution that bears little resemblance to reality. Despite the statutory precision of the criminal justice process, despite the legislature's efforts to make the punishment fit the crime, there is little feeling among prosecutors that ours is an exact system of justice. Our system does not have an "eye for an eye, a tooth for a

tooth" exactitude.¹⁰ A sense of "rough justice" is usually shared throughout the local culture of a criminal justice system.¹¹ There is an awareness that bringing a person into the system, subjecting him to the process, discommodates him.¹² Sentencing to time served, or adjournment in contemplation of dismissal,¹³ or suspended sentences are often implicit recognitions that rough justice has already been achieved.

POLICE PERSPECTIVES

We have touched briefly on the organizational imperatives of police departments, and we want to expand those points here. Police goals are broader than those of the criminal justice system alone. In addition to crime reduction and control, they include maintenance of order and public safety. While pursuit of these goals may ultimately fall back on police power to invoke criminal sanctions, the goals themselves are quite distinct from criminal justice goals. Traffic safety and emergency response will ordinarily take a substantial proportion of a police department's resources.

The point is that crime control, as pursued through preventive patrol, crime response, and criminal investigation, is continually being traded off by police administrators against other police responsibilities. In making resource allocation decisions, police commanders often give crime response a lower priority than some other competing responsibility, particularly when circumstances indicate a low probability of immediate apprehension. Priorities at a given time may require that patrol cars remain in service or return to service quickly, deferring response until a criminal investigator is available. In the contemporary bureaucratic model of detectives, a large police department is likely to defer investigation until arrival of the trained criminal investigator.¹⁴

Furthermore, the reasons a police officer, particularly a patrol officer, may make an arrest may be quite remote from the question of whether a felony conviction can be obtained at some later time. Confronted with a situation in which prompt removal of one or several persons from the scene is imperative, an officer may make arrests that he knows will not lead to convictions on the charges he is making. In domestic violence situations, officers must often remove one of the combatants to restore peace, fully aware that, when tempers have cooled, the complaining witnesses will not want to press charges. Or when a derelict is found in a warehouse but the owner is not available to make a trespass complaint, an officer may make a burglary arrest in order to remove the accused from the scene.

Bureaucratic factors--department rules governing official behavior--must also be taken into account. If arresting officers must conduct misdemeanor investigations by themselves but can get assistance from detectives on felony investigations, how will they write up marginal cases? That may in turn depend on the rewards system within the department. Who gets credit for the arrest and of what value is the credit to a career? All these factors govern how arrests may be made and recorded, but they have little to do with convictions in court.

An additional bureaucratic factor creates large statistical differences from department to department without a proportionate relationship either to crimes or convictions. What a police agency chooses to count as an arrest depends to a significant degree on how it seeks to control the exercise of discretion in the field. A policy of full accountability for all police-citizen contacts may lead to a greater number of arrests without much intended or actual impact on later convictions.¹⁵

All of these factors tell us that police arrest statistics must be read with an understanding of what actually takes place in a given police department, as a matter of local policy and local accounting for performance. Impositions of an a priori theory about what arrests should be without reference to local practice is almost certain to lead to error. When the a priori theory itself is wrong, as it is when it assumes that all felony arrests should lead to felony convictions, there is no hope of correct interpretation.

PROSECUTION PERSPECTIVE

Whether a prosecutor sees a case before it has been filed in court by a law enforcement agency is a matter of local practice. Thus, while it is customary to think of prosecutors as screening cases, in many jurisdictions the screening takes place after the case has been initiated.

Because of their responsibilities to the court system within which they operate, prosecutors take a managerial view of cases different from that of the police. They are concerned to a much greater degree with whether cases are going to end in conviction, and, if so, what degree of conviction. Technically speaking, bind-over hearings or preliminary hearings, whatever they may be called within a given jurisdiction, need meet only the probable cause standard required for the original arrest. In a very real sense, their purpose is only to ratify that the arrest met the probable cause standard. But pragmatically, the prosecutor is usually looking forward to a potential trial rather than backward to the arrest. Although there is no standard of proof in criminal law halfway between "probable cause" and "beyond reasonable doubt," prosecutors begin applying something akin to the civil proof standard of "clear, cogent and convincing proof" as soon as they begin to look at a

case. Pragmatically, although not legally, the standard has become higher at the bind-over stage than it was at the arrest.

In making arrests, law enforcement officers must honor the Fourth, Fifth, and Sixth Amendment rights of the accused. The Fourth Amendment sets forth the probable cause standard. The Miranda warning is designed to protect Fifth and Sixth Amendment rights. When prosecutors get the case, one of their first concerns is whether the police in fact honored the suspect's constitutional rights. At this point, they have already begun to view the case as a judge will later view it.

In addition to constitutional considerations, prosecutors must assess the evidence under the rules of evidence and consider its persuasiveness. Is a piece of testimonial evidence hearsay? Has the chain of custody of physical evidence been properly maintained and documented? Will the character or appearance of a necessary witness undermine his credibility before a jury?

The prosecutor's function is not mechanical, although a given prosecutor's handling of a high volume of cases may make it seem so. Much has been written about prosecutorial discretion and how it is exercised in particular contexts. It involves a number of factors: office policy toward certain offenses (e.g., child abuse, marijuana possession), or certain classes of offenders (e.g., career criminals, first offenders); quality of the evidence; trial risk; priority of the case in light of available resources. All such factors play a role in the discretionary decisions of whether and how to prosecute specific cases. The overall situation is never static, with different outcomes for seemingly identical cases at different times.

Two variables are of particular interest in the present study. The first is whether the evidence itself can be improved. This variable is the primary

subject of this and related studies. The second is whether the charges themselves can be changed, which they frequently can.

The whole practice of plea bargaining rests on the prosecutor's flexibility in deciding what charges to bring. Criminal incidents often include several distinct criminal offenses that can be separately charged by the prosecutor. Which and how many charges are filed in most jurisdictions is up to the prosecutor, who chooses on the basis of several factors. The more potential charges there are, the more the prosecutor has to bargain with when negotiating with the defendant. The prosecutor may decide to settle the case without trial by allowing the defendant to plead guilty to fewer than all the charges or to less serious or reduced versions of the charges.

There is considerable debate over what constitutes "overcharging" for the purpose of inducing or even coercing pleas.¹⁶ "Overcharging" comes in two categories, horizontal, in which a broad array of distinct charges is brought against the defendant, or vertical, in which the most serious charges within given categories are brought, even though the offenses could be characterized in less serious forms. We can concede that there is some unjustifiable overcharging, that is, overcharging designed to coerce a defendant into pleading, without greatly altering the point of primary interest in our study. That point is that there are a great many charges that can be and are formally filed for valid reasons that are not finally pushed through to convictions. When an accused person is charged, tried, and convicted for one felony and other felony charges against him are simultaneously dismissed, the statistical picture created is that of "felony deterioration," even though everyone in the law enforcement and prosecution agencies may be perfectly satisfied that the outcome has served the ends of the criminal justice system. It is the

statistical picture, rather than the reality of the situation, that has been viewed with alarm.

BUREAUCRATIC INTERFACES

Thinking of the criminal justice system as a bureaucratic institution, that is, one in which the official functions of the participants are governed by established rules and procedures, we can identify two major bureaucratic interfaces of importance to this study. By this we mean points at which one major component of the system meets and interacts with another major component of the system. The first is the point at which the police turn a criminal case, accused person and all, over to the prosecutor. The second is the point at which the prosecutor presents the case to the court for final disposition.

It is valuable to think of the criminal justice system as a bureaucratic system for several reasons. First, a case and an offender are bureaucratically processed in a very real sense. The police take a number of prescribed steps--filling out forms, compiling documents, getting persons to the right place at the right time--in preparing the case for the prosecutor. Having taken these steps, police officers typically think of themselves as having discharged their responsibility for the case. They are finished with it, and what happens to it next is somebody else's problem.

The next bureaucrat in the sequence, the prosecutor, thinks of cases as beginning, not ending, to be processed from this point on according to the prosecutor's rules. Prosecutors do not think of themselves as having received a finished product that they simply present to the next set of functionaries, the judges. Prosecutors certainly do not consider their discretion and decisionmaking responsibilities as being constrained by policies and procedures of the law enforcement agencies from which they receive cases. Prosecutors exercise discretion and decide how to proceed, implementing the

policies they have developed to meet their own organizational goals and imperatives. Of course, when cases finally reach the courts, the judges feel in no way constrained by the decisions made by the police and prosecutors.

We have briefly sketched the bureaucratic model of the criminal justice system to make several points. There is an inevitable resentment when prosecutors feel free to review, modify, and even reject work that police feel was competent and complete. The natural resentment is somewhat muted by the degree to which police and prosecutors regard themselves as separate entities with distinct responsibilities. Even so, both the resentment and the perception of independence undercut the collaboration that should exist between the two. Police do not give prosecutors quite what they want; prosecutors do not give police the feedback, positive or negative, needed to improve their joint work.

Throughout this chapter, we have pointed out a variety of factors that produce the statistical phenomenon called "felony deterioration" but are not really flaws in the system. But at the interface between police and prosecutor, there are some problems that can be addressed. Because police officers do not always understand what the prosecutor needs, there are cases that could and should have been successfully prosecuted but fail. The problems are sometimes matters of timing, sometimes of substance. Lack of prompt or full follow-up in an investigation may mean that witnesses are not identified and interviewed. Evidence of an element of an offense may not be obtained.

POLICE-PROSECUTOR COORDINATION

To address these issues, the National Institute of Justice has undertaken six projects in ten jurisdictions to assess measures designed to improve case

preparation and coordination between police and prosecutors. The six projects:

- "Improving Evidence Gathering Through Police and Prosecutor Coordination," Research Management Associates, Inc. Sites: Garden Grove, California; Newport News, Virginia; Indianapolis, Indiana.
- "Convicting Guilty Criminals: An Experiment in Police and Prosecutor Coordination," Police Foundation. Site: Baltimore County, Maryland.
- "Improving Evidence Gathering Through a Computer-Assisted Case Intake Program," Georgetown University Institute of Criminology, Law and Procedure. Site: Nashville, Tennessee.
- "How Police and Prosecutor Procedures Affect Case Attrition," Rand Corporation. Site: Los Angeles County, California.
- "Reducing Avoidable Felony Case Attrition," Research Foundation of the State University of New York. Sites: Erie, Monroe, and Onondago Counties, New York.
- "Improving Evidence Gathering Through Police and Prosecutor Coordination," Office of the Snohomish County Prosecutor. Site: Snohomish County, Washington.

Assuming that these projects lead to the desired result, reducing the number of missed opportunities for convictions by improving police-prosecutor cooperation, we must repeat the cautionary theme of this chapter. Because these missed opportunities were only a small part of the universe to begin with, their reduction will not drastically alter the overall statistical picture. Therefore, we should not be surprised when some future crime commission proclaims with great alarm that most felony arrests do not lead to felony convictions.

FOOTNOTES

- 1 Donald M. McIntyre, "A Study of Judicial Dominance of the Charging Process," Journal of Criminal Law, Criminology and Police Science, 1968, 59:463.
- 2 Floyd Feeney, Forrest Dill, and Adrienne Weir, Arrests Without Conviction: How Often They Occur and Why, National Institute of Justice, 1983, 1-6.
- 3 Feeney, 1.
- 4 Vera Institute of Justice, Felony Arrests, rev. ed., 1981, 135.
- 5 Bureau of Justice Statistics, "Reporting Crimes to the Police," 1985, 1.
- 6 Ibid.
- 7 Ibid., 1-2.
- 8 Ibid., 1.
- 9 Brian Forst, et. al., "Arrest Convictability as a Measure of Police Performance," National Institute of Justice, 1982, 23-29, 42.
- 10 "An eye for an eye and a tooth for a tooth" is not a recipe for vengeance, but rather a strict limit on vengeance. "An eye for an eye" is just that, not "five generations of blood feud for an eye," nor "war between the tribes for a tooth."
- 11 Vera Institute of Justice, xvii, 135.
- 12 Solomon Kobrin and Neil Bergman, The Deterrent Effects of Case Disposition Decisions on Specific Felony Crimes, Social Science Research Institute, University of Southern California, 1976.
- 13 Vera Institute of Justice. This is a procedure for suspending imposition of sentence in which it is understood that the original charges will be dismissed if the defendant does not get into further trouble for a specified period of time.
- 14 Jack Kuykendall, "The Municipal Police Detective: An Historical Analysis," Criminology, 1986, 24:175.
- 15 Police Foundation Reports, "The Quality of Police Arrest Statistics," 1984.
- 16 William F. McDonald, Plea Bargaining: Critical Issues and Common Practices, National Institute of Justice, 1985.

CHAPTER 2

FELONY ARREST PROCESSING AND THE STUDY SITES

INTRODUCTION

The National Institute of Justice selected Research Management Associates, Inc. (RMA) to conduct a field experiment on improving evidence gathering through police-prosecutor coordination. The 24-month experiment began in January 1985 and ended in January 1987.

This chapter first presents a brief description of the three study sites that participated in the project: Indianapolis (Marion County), Indiana; Newport News, Virginia; and Garden Grove (Orange County), California.

The chapter then provides an overview of how felony arrests are processed, pointing out certain key details that are specific to each study site.

DESCRIPTION OF STUDY SITES

The selection of the study sites was carefully made. In the proposal stages, the consultants visited each of the sites, after talking to other sites by phone, in order to assess their suitability and willingness to participate. The police chief and prosecutors at all three sites agreed to participate in the test, as indicated by their letters of commitment in the grant application. Some of the advantageous features of conducting the project in these three sites were as follows:

- The sites were geographically representative.
- In terms of size and volume, the sites were representative of large and medium-sized agencies.
- In terms of types of police filing, Indianapolis/Marion County and Garden Grove/Orange County prosecutors screened all police felony arrests, while Newport News police filed directly with court.
- The sites also offered organizational diversity: the Orange County District Attorney's Office served 28 police agencies, of which Garden

Grove was third largest; the Marion County Prosecutor served primarily the Indianapolis police, but also the Sheriff's Office and a few other very small agencies; and the Newport News Commonwealth's Attorney handled only cases for the Newport News police. This diversity in the prosecutors' "clientele" was important in exploring such issues as cooperation and communication.

Exhibit 2-1 shows other comparative figures for the study sites.

EXHIBIT 2-1

CHARACTERISTICS OF SITES

	<u>Garden Grove (Orange County)</u>	<u>Indianapolis (Marion County)</u>	<u>Newport News (Not in a county)</u>
Sworn Police	151	946	231
1984 Reported Part I UCR Offenses	9,446	28,172	7,882
1984 Part I Arrests	1,210	4,940	1,524
	Burglary = 215 Robbery = 129	Burglary = 492 Robbery = 250	Burglary = 249 Robbery = 133
Assistant Prosecutors	16*	58	7
Population	127,600	560,000	144,900
	78.3% White 13.1 Asian 7.6 Hispanic 1.0 Other	78.5% White 20.3 Black 1.2 Other	66.2% White 31.5 Black 2.3 Other

*Number assigned to West End Court, which serves city of Garden Grove (145 attorneys countywide).

OVERVIEW OF FELONY ARREST PROCESSING

Processing felony arrests involves a routine flow of records and movement of individuals through a variety of stages in the criminal justice system. While the general stages are similar in various jurisdictions, each jurisdiction has slightly different procedures and forms.

Arrests

The starting point in the system for this project was a felony arrest. The legal definition of a "felony" in most jurisdictions is any offense in which the punishment established by the legislature exceeds one year of imprisonment.

Police may take an individual into custody for a felony with or without an arrest warrant. Generally, arrest warrants are required except (1) when the arresting officer has probable cause to believe that a felony has been or is being committed by the arrestee; or (2) when a misdemeanor is committed in the presence of the arresting officer. "Probable cause" is an imprecisely defined, yet widely used, legal term in the criminal arrest situation. In *Beck v. Ohio*, 379 U.S. 89 (1964), the Supreme Court stated that police officers have probable cause to make an arrest where

. . . the facts and circumstances within their knowledge and of which they have reasonable trustworthy information are sufficient to warrant a prudent man in believing that the suspect had committed or was committing an offense.

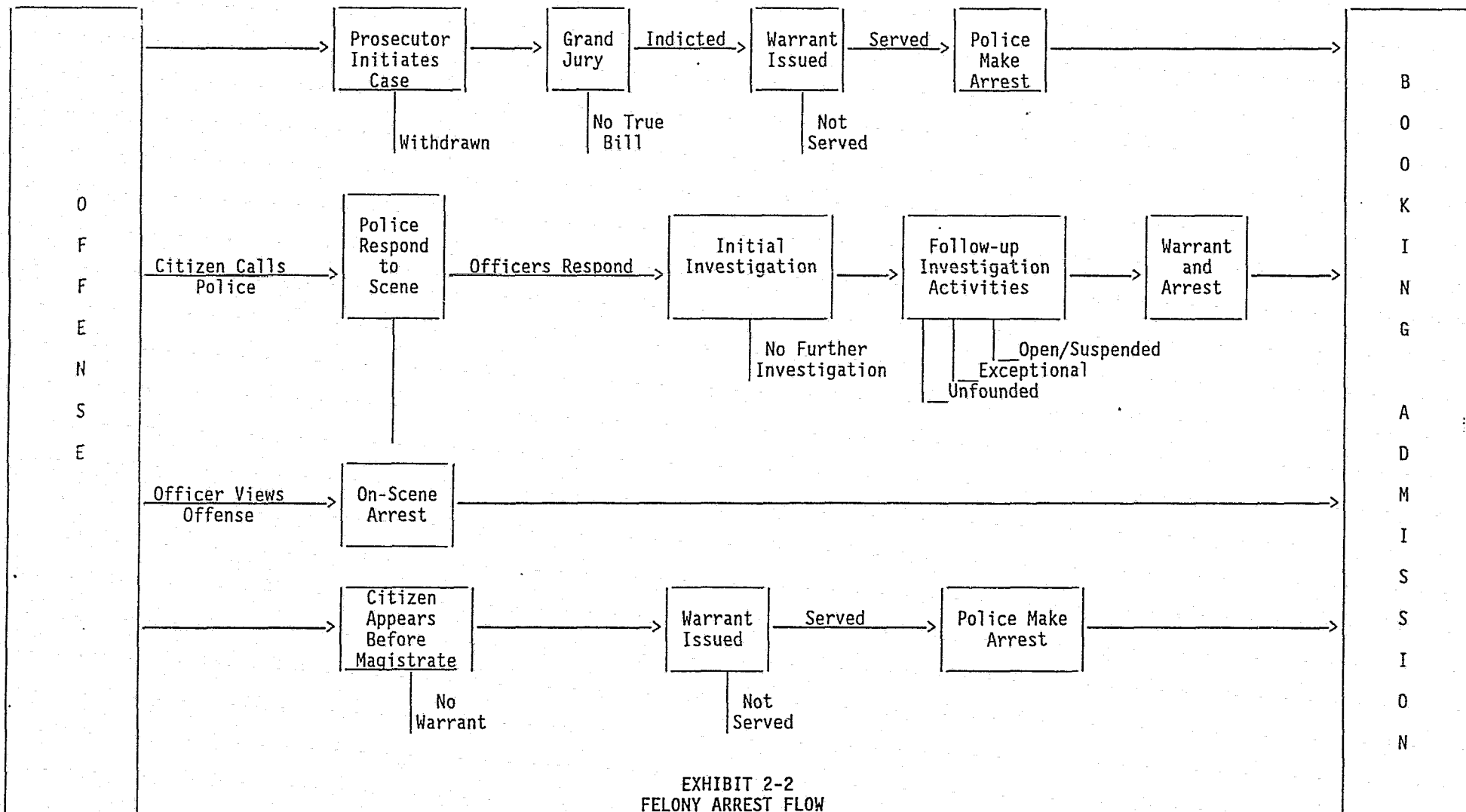
In general during this study, felony arrests occurred in one of four ways, as shown in Exhibit 2-2:

1) Direct indictment by the prosecutor.

The prosecutor presented a case to the Grand Jury. The Grand Jury issued a "true bill." Based on the indictment, a warrant was issued by the court. The warrant was served and the defendant arrested. Such direct indictments were commonly used in major investigations such as cases involving narcotics conspiracies or frauds.

2) Police on-scene arrest.

In these cases, the officer observed the felony offense, arrested the suspect, and took him or her before a magistrate who issued the warrant.



3) Detective warrant arrest.

In the typical case in this category, an officer was dispatched to the scene as a result of a citizen call. The officer found a situation where there was no known suspect, or a known suspect had left the scene. The officer conducted a preliminary investigation, and filed an offense report. Subsequent follow-up investigation produced sufficient evidence to obtain an arrest warrant from the magistrate.

4) Citizen warrant.

In these cases, a citizen went directly to a magistrate, made out a complaint, and requested an arrest warrant without calling the police. If a warrant was issued by the magistrate, the police were required to serve it by arresting the suspect. This situation occurred frequently in Newport News, but rarely in Indianapolis or Garden Grove because of the controls imposed by the Prosecutor's Office. In these two sites, the prosecutors required all citizens to obtain their warrants from the prosecutors' intake screening units.

In general, a felony arrest by a patrol officer occurred because the officer had been dispatched to the scene of the crime or the officer observed the crime while on patrol. For example, an officer on patrol in a certain residential area received a dispatch over the radio that a burglary was just reported. A partial description of a suspect was given. Shortly after receiving this information, the officer saw an individual matching the description walking down the sidewalk with a bulging pillowcase slung over his shoulder. In this scenario, the officer clearly had enough reasonable suspicion to perform an initial stop and question the individual. If further action or answers to questions by the suspect merited, the officer would have enough probable cause to make an arrest.

On the other hand, felony arrests by detectives were generally effected by executing an arrest warrant. The arrest warrant was obtained by the detective after articulating the elements of the offense and probable cause to the prosecutor or a neutral magistrate.

The main difference in non-warrant (on-scene) arrests and warrant arrests was the time for deliberation. In the on-scene example, there was little time to gather evidence and information before making the arrest. In these situations, the decision to arrest was made on the spot. Often, this was necessary to neutralize the risk of the suspect causing harm to the community. After an on-scene arrest, the arrestee had to be taken "forthwith" (in California, "without unnecessary delay") before a magistrate to obtain the arrest warrant. In contrast, the process of obtaining an arrest warrant before the physical arrest allowed more time for evidence gathering and decisionmaking.

In Indianapolis and Garden Grove, the majority of felony arrests were made by patrol officers. Patrol officers in Garden Grove made 75 percent of all felony arrests in 1984. In contrast, most felony arrests in Newport News were made by detectives. In 1984, Newport News detectives made 80 percent of the felony arrests for burglary and robbery, 60 percent for grand larceny, and 65 percent for aggravated assault. In most of these situations, a patrol officer wrote the original offense report and helped gather evidence, but the detective obtained the warrant and executed the arrest.

As mentioned, when an arrest was made without a warrant, the arrestee had to be taken forthwith before a neutral magistrate, and a complaint stating the charges had to be completed. The officer also made out a sworn probable cause affidavit.

The first decision point for release or attrition occurred just after arrest and before the arrestee was taken before the magistrate. The felony arrest attrition stages are diagrammed in Exhibit 2-3. The initial on-scene arrest decision could be reviewed by the police department and the arrestee released because of lack of probable cause. In California, Section 849 (b) of the Penal Code states any peace officer may release from custody, instead of taking before a magistrate, any person arrested without a warrant whenever

He or she is satisfied that there are insufficient grounds for making a criminal complaint against the person arrested.

Release after arrest by the police was rare at all three sites. Most felony arrests were forwarded to the prosecutor or courts.

After the appearance before the magistrate to obtain the arrest warrant, felony arrestees were booked into jail unless they posted bail. In Garden Grove and Indianapolis, the Sheriff's Department assisted in the booking process and managed the jail. In Newport News, the police managed their own short-term detention facility.

Prosecutor Screening

One of the key factors that distinguished Garden Grove and Indianapolis from Newport News was the role of the prosecutor in screening police officers' felony arrest decisions. In Garden Grove and Indianapolis, the actual charging decision was made by the prosecutor's intake screening unit. These deputy prosecutors reviewed police arrests the next day and had authority to reject cases or change charges to other felonies or misdemeanors.

In Newport News, the police filed the charging documents directly with the circuit court. Soon afterward, the defendant made an initial appearance to enter a plea and have counsel appointed if he or she were indigent. The

EXHIBIT 2-3

FELONY ARREST ATTRITION STAGES

Arrest Processing Stages

Exit System

Field or Warrant Arrest

Department Review

File with Prosecutor's
Screening Unit (VA file
with Magistrate)

Initial Appearance
Complaint Filed with Court

Preliminary Hearing
Bound Over for Grand Jury

Grand Jury
Indictment/Prosecutor's
Information

Arraignment

Motions

Plea

Trial (Bench, Jury)

Sentencing

Release Suspect

Reject Case
Pre-trial Diversion
File as Misdemeanor

Not Bound Over
Plea to Misdemeanor

No Indictment

Lesser Felony Offense
than Offense Charged

Acquittal
Guilty of Lesser
Offense than Offense
Charged

prosecutor's office did not screen felony arrest cases until the preliminary hearing, which often occurred three or four weeks after the arrest.

Charging decisions in Indianapolis and Garden Grove were made very quickly by the prosecutors' intake screening units. These decisions were rarely reviewed in any detail by supervisors. The screening prosecutors reviewed documents (offense report, arrest report, probable cause affidavit, suspect's criminal history) and interviewed the detectives, if present.

As noted earlier, the majority of felony arrests in Indianapolis were made by patrol officers; however, they were then turned over to detectives to be processed. The detectives presented these cases in face-to-face meetings with the prosecutor's screening deputies. This allowed an opportunity for the prosecutors to obtain more detail on the facts and evidence. However, sometimes certain facts or evidence could only be provided by the original arresting police officer. The prosecutors could hold these cases for 72 hours.

In Garden Grove, only the most serious felony cases were presented in person by the police to the deputy prosecutors. Typical case presentations were through the documentation only and were handled by the police department's civilian court liaison.

One significant difference in the prosecutor's case screening between Indianapolis and Garden Grove was that Indianapolis had a specialized intake unit staffed by three experienced deputies. In Garden Grove, the West End Office of the District Attorney's Office had only "designated" screening deputies. In practice, any of the deputy prosecutors could review police cases. This allowed the detectives in Garden Grove to do "prosecutor shopping."

Preliminary Hearing

In Garden Grove and Newport News, a preliminary hearing was generally held in the lower court three to four weeks after an arrest. The purpose of the hearing was for the government to establish proof of probable cause for the arrest by presenting a prima facie case. Hearings generally lasted 30 minutes or less.

During the preliminary hearing, the defendant has the right to question the government's witnesses and can present his or her own evidence. The defendant generally did not present evidence, but used the hearings for discovery--to learn more about the strength of the government's case.

In the majority of preliminary hearings, the judge found probable cause and bound the case over to the Grand Jury (in Virginia) or to the superior court (in California). In Virginia, the Grand Jury returned indictments. In California, the prosecutor prepared a criminal information and filed it with the court.

While most preliminary hearings resulted in a probable cause finding, in Newport News many defendants were allowed to enter a guilty plea to misdemeanors prior to the hearings as a result of plea negotiations with the prosecutors.

In Indianapolis, the probable cause hearing was determined ex parte by the criminal court based on a review of the prosecutor's charging documents.

Arraignment

Defendants were formally arraigned in the felony court in order to hear the formal charges against them, enter a formal plea, request a trial by jury or court, and set dates for motions and trial. The felony court in California was the Superior Court; in Virginia, the Circuit Court; and in Indiana, the Criminal Court.

Trial

The trial stage in all three sites was similar. "Vertical prosecution," where one prosecutor handles a case from arraignment through final disposition, was not practiced by the prosecutors' offices, with the exception of sex cases in Indianapolis. In Garden Grove, the supervisory deputy assigned cases to deputies for trial based on workload.

In Indianapolis, trial deputy prosecutors were assigned to one of six criminal courtrooms. Each court was assigned 50 cases in rotation. When the caseload reached 50 in Court I, the next 50 were assigned to Court II. Thus, a court would receive new cases once every six to eight weeks. An average of three trial deputies were assigned to each court. Consequently, a trial deputy could appear before the same judge continuously for years. The only departure from this routine was in sex cases. The prosecutor had a specialized Sex Crimes Unit that handled all sex offenses from screening through trial.

In Newport News, the felony trial deputies were generally specialized in the areas of narcotics, sex offenses, robbery, and burglary, but handled other cases as well.

One unique difference at the trial stage was that Virginia is one of four remaining states in which the jury is the finder of fact and also recommends a sentence. Most judges in the state follow the jury's sentencing recommendations. By law, the judge can lower the sentence, but not raise it. Jury sentencing results in fewer jury trials and more bench trials. Juries typically sentence more severely than the courts.

The trial stage at all three sites included plea negotiations. The trial deputies often sought guilty pleas to reduced charges in order to avoid the time and expense of trial. By obtaining a guilty plea, a case still resulted

in a conviction. By going to trial, the trial deputy risked the possibility of a not guilty verdict.

Trial deputies typically reduced charges or dropped counts (or cases) in exchange for a plea of guilty to at least one felony charge. The deputies also agreed to present specific non-binding sentencing recommendations to the court. It was rare after an arraignment on a felony indictment for the trial deputy to reduce a felony case to a misdemeanor in order to obtain a guilty plea.

In each site, all plea agreements were in writing, and were typically reviewed by supervisors.

CHAPTER 3

OVERVIEW OF THE PROJECT

STUDY ISSUES AND PROJECT OBJECTIVES

It is clear from Chapter 1 on the prior research that, because of cooperation problems between police and prosecutors, there are felony cases that could and should be prosecuted but are not. Problems that may be avoided include matters of timing, lack of prompt or full follow-up in investigations, and failure to obtain evidence of an element of an offense.

This project tested the effectiveness of certain interventions in improving the criminal case information and evidence police provided prosecutors to support criminal arrests. The overall goal was to increase the probability that these felony arrest cases resulted in felony convictions.

In early meetings with the study sites, the following study issues were agreed upon:

- ▣ Felony case attrition was undesirable.
- ▣ Improving cooperation and coordination between the police department and prosecutor's office was important.
- ▣ Police needed to devote more time and attention to the evidence in making felony arrests.

It is interesting to note that none of the three police departments had any knowledge or information on the degree of arrest attrition at the start of the project. All three police chiefs agreed that measuring felony arrest attrition was important; however, prior to the project, none of the departments maintained any data on what happened to felony cases after the police made arrests. Although the police chiefs could articulate the differences between avoidable and unavoidable attrition, they could not quantify the problem or defend themselves against media contentions that all attrition was problematic. The prosecutors had a slightly better

understanding of the arrest picture, but only the Indianapolis prosecutor maintained case attrition statistics through the PROMIS system.

The police chiefs gave several reasons to start keeping track of felony arrest attrition. They believed acceptance of a case by the prosecutor could be a useful measure of the quality of an officer's case preparation; they wanted to reduce the costs and wasted resources associated with arrest attrition; and they were concerned that potentially guilty individuals would go free as a result of avoidable police mistakes.

In the initial stages of the experiment, the on-site project personnel carefully reviewed NIJ's Research Solicitation and RMA's Proposal and agreed on the project objectives.

The Research Solicitation proposed the following study questions:

1. Can *avoidable* or *inappropriate* case attrition be distinguished from *unavoidable* or case attrition?
2. How can case preparation and evidence gathering be improved?
3. What incentives and motivational structures can be created to encourage the use of these procedures?

The Solicitation encouraged projects to adopt an overall goal

to identify and analyze the effects of innovative mechanisms designed to improve the quality of the information provided and evidence gathered in support of felony arrests and thus increase the probability that these arrest cases do not result in dismissals of the charges.

The Solicitation also specified a preference for research programs that would be "relatively easy and inexpensive" for other jurisdictions to implement.

The initial project proposal incorporated these solicitation guidelines. The proposal plan was also geared to the specific needs of the three test sites. In meeting with the sites, the project objectives and program elements

were finalized. Exhibit 3-1 summarizes the key impact and process objectives for the project.

EXHIBIT 3-1

PROJECT OBJECTIVES

IMPACT OBJECTIVES

- To increase the rate of police felony arrests that have a high probability of conviction.
- To identify and pre-screen the felony arrests that have a low probability of conviction.
- To improve the level and quality of communication on felony arrest processing between police and prosecutors.

PROCESS OBJECTIVES

- Develop conviction standards and policies for the police to use in evaluating felony criminal case evidence.
- Train patrol officers, detectives, and evidence collection specialists to improve evidence collection and preparation techniques.
- Develop arrest pre-filing screening procedures by having experienced investigators conduct quality control reviews of felony arrests, improving the "case information package" on arrests forwarded to the prosecutors, and meeting regularly with the prosecutor's screening unit to discuss dispositions.
- Improve the mechanism and detail of feedback on case dispositions between police and prosecutors.

To achieve the Research Solicitation's overall goal of reducing avoidable felony arrest attrition, the project had three specific impact objectives:

- To increase the rate of police felony arrests that have a high probability of conviction.
- To identify and pre-screen the felony arrests that have a low probability of conviction.
- To improve the level and quality of communication on felony arrest processing between police and prosecutors.

The first impact objective restated the Solicitation goal in more positive terms. This objective anticipated improving police procedures and techniques for arrest-related investigations and case preparation. This involved meeting the prosecutors' information needs by providing the police with more training, guidelines, and feedback.

The second impact objective was designed to be analogous to the Managing Criminal Investigations (MCI) concept of developing "solvability factors." The police, in conjunction with the prosecutor, would develop a convictability standards guide. The police would use this guide to pre-screen felony arrest cases before filing with the prosecutor or court. This would help to identify weak cases and screen them out, saving prosecutor and court resources for winable cases. As an accountability check, the prosecutor would be notified of all pre-screened cases. In addition, this pre-screening would serve to identify and label cases that met conviction standards, but where attrition was probably unavoidable.

This proposed police case screening objective was a departure from past practices for each of the three police departments. By following the proposed screening guidelines, the police would be incorporating the prosecutor's objective: to obtain convictions on felony arrests. In the past, the police were reluctant to accept this responsibility for several reasons: (1) they felt their role ended with a legally valid arrest (the arrest met the test of probable cause); (2) the police had no control over prosecutor mistakes or inexperience; and (3) the feedback and communications between the separate agencies was sporadic.

The third impact objective to improve communications between prosecutors and police was related to the third study question raised in the Research Solicitation: what incentives can be created to encourage the use of the

project interventions? The project participants believed that if prosecutor feedback to police were more detailed, candid, and timely, police would be more motivated to pre-screen cases with the prosecutors' criteria for convictability in mind. Police hoped that in exchange for their greater concern for prosecutors' standards, the prosecutors' rigidity would be relaxed somewhat, and they would accept more cases for prosecution. Regular meetings between prosecutors and police on case dispositions were also proposed to improve communications and reinforce mutual objectives.

PROJECT ELEMENTS

The project included several interventions that changed police procedures for processing felony arrest cases prior to filing with the prosecutor or court. The changes required of the prosecutors' offices were minimal. The interventions were implemented in the first six months and continued for the next 12 months to allow for a "pretest/posttest" comparison, as well as "control group/experimental group" comparisons. More will be presented on the research design in Chapter 4.

The changes proposed for the project were based on the preference stated in the solicitation for interventions that would be relatively easy and inexpensive for other jurisdictions to implement. Exhibit 3-1 summarizes the key project elements under "process objectives." Each will be discussed in more detail below.

▣ Develop Felony Arrest Conviction Standards

In conjunction with the prosecutor, each police department was to develop and use conviction standards or guidelines to evaluate felony arrest case evidence. In addition to describing and defining the elements of each felony, the guidelines were to provide common examples of supportable and admissible evidence for each element. The purpose of this exercise for the police

departments was to stress the importance of the department's self-sufficiency in preparing a case for prosecution and obtaining a conviction. If patrol officers and detectives were to accept the objective of being responsible for what happens after arrest, they had to feel a part of the prosecutor's team.

■ Train Personnel in New Conviction Standards

Patrol officers, detectives, and evidence collection specialists were to receive training in the new procedures and techniques based on the arrest conviction standards.

■ Develop and Implement Felony Arrest Pre-filing Screening Procedures

This pre-filing screening was another of the key changes proposed for the test. Experienced detective supervisors were to provide quality control by screening all felony arrests for the experimental groups, ensuring that arrest case preparation met the new conviction standards. The screeners were to analyze the cases and identify insufficiencies in evidence or case preparation. Insufficient cases would then be reassigned to the patrol officer or assigned to a detective for follow-up.

In some cases, the insufficiencies would just be missing information that the officer obtained but failed to document in the incident or arrest report. In other cases, the information might not be available. Cases that lacked essential evidence (for example, the only eyewitness could not identify the suspect from a photospread) might have to be screened out by the police. The prosecutor would be notified of all cases screened by the police.

The real change for the police would be shifting responsibility for releasing an in-custody suspect from the prosecutor to the police. Previously at the three sites, all felony arrests, even those thought to be weak by the police, were filed with the prosecutor or court. Such weak cases were usually

disposed of by the prosecutor at a later stage in the court process because a conviction seemed unlikely.

The proposed timing of this pre-filing screening was critical for in-custody patrol arrest cases. In Garden Grove and Indianapolis, police must file cases with the prosecutor and complaints must be issued within 48 hours. In Newport News, felony suspects arrested on probable cause must be brought "forthwith before a magistrate" who examines the officer and issues a warrant. (Virginia Code, Section 19.2-82).

This problem of time has traditionally led police to attempt to convince prosecutors to accept currently insufficient cases "on the come." The police assure the prosecutor that by the time the case comes up for a court hearing all of the necessary evidence will be present. The prosecutor's decision to accept or reject these cases is often based on prior personal relationships, experiences with the officer, and trust, which is often in short supply between agencies with diverse objectives.

For the proposed pre-filing screening, the experienced investigators would attempt to rapidly prepare salvageable cases and weed out unsalvageable cases. Where allowed by law, the police would release in-custody suspects when the evidence was insufficient to reasonably sustain a conviction. In Virginia, this could only be done before a magistrate's warrant had been issued. Thus, the screening would have to be even more timely in Newport News.

In addition to the screening function, the screeners were to meet weekly with the prosecutors (including attorneys in the screening units and trial deputies) to discuss recent case dispositions. These weekly meetings would help each agency continue to understand and support the other's policies. In addition, the meetings would allow each agency to monitor the project activities of the other.

Another important feature of preparing cases and evidence for the prosecutor was the method of case transfer from police to prosecutors. Before the project began, the participating police agencies used such methods as batching cases and sending them with a civilian liaison officer; sending a group of cases with a detective who was *somewhat* familiar with the facts of each case; and sending over the officer who made the case.

The project attempted to improve these cases transfer methods by including in the "case package" provided the prosecutors the most complete set of facts and evidence available. For most cases, the new package would include the field incident report; arrest report; case synopsis, including an evidence checksheet based on the newly developed conviction standards; and defendant criminal history. In addition, the prosecutor would have an opportunity to interview the most appropriate police personnel about the case.

- Develop and Implement Mechanisms for Feedback on Case Dispositions Between Prosecutors and Police.

Case disposition feedback would be the key to evaluating the effectiveness of the project elements, particularly the pre-filing screening. Also, many police administrators believed their officers would never become "conviction-oriented" unless the project institutionalized a mechanism for receiving this feedback. The need for case disposition feedback from the prosecutors has been clearly demonstrated in the research. McDonald (1981) found that the main issues in developing such feedback included the willingness of prosecutors to cooperate and document the reasons for case dispositions, the willingness of prosecutors to be candid and honest, the logistics of distributing feedback to the appropriate people, and timeliness.

One of the more significant details would be development of the case disposition format. To make the feedback a useful tool, an instrument had to be developed that clearly and specifically documented the reasons for case

decisions at each decision point, or attrition point, if the defendant exited the system before conviction (see Exhibit 4-3).

In addition to a clear and specific reason for the disposition, the type of disposition had to be identified. This was an important point made in the Research Solicitation with regard to distinguishing between avoidable and unavoidable felony case attrition. The reasons for disposition had to be sensitive enough to distinguish between cases rejected or dismissed due to prosecutor policies (case too trivial, first-time offenders, resource constraints); cases the prosecutor would have pursued, but did not due to evidentiary problems (and whether or not the evidentiary problems were avoidable or unavoidable, e.g., reluctant witness); cases where the defendant was allowed to plea to a reduced charged due to evidentiary problems; and other reasons.

Another significant issue related to feedback was how the criticism on case attrition was to be conveyed to the arresting officer. The prosecutors were encouraged to provide criticism that was constructive rather than just negative.

IMPLEMENTATION AND PROJECT ACTIVITIES

This section describes how the change strategies were developed and how they were implemented. Exhibit 3-2 summarizes the project activities engaged in by the consultants and the site personnel. The activities related specifically to the key project elements are described in more detail below.

Felony Arrest Investigation Guide

Each of the three police departments developed felony arrest investigation guides or manuals in the third to fourth months of the project. These guides included conviction standards and prosecutor charging policies for all Part I

EXHIBIT 3-2
PROJECT ACTIVITIES

ORIENTATION MEETINGS (Month 1)

- Reaffirmation of commitment of chiefs and prosecutors to project.
- Selection of project administrators in police departments and prosecutors' offices.
- Review of proposal for project and development of revised project plan and timetable.
- Establishment of dates for future meetings.

PLANNING MEETINGS (Months 2-6)

- Monthly meetings between consultant and project staff to review progress of activities and plan for future activities.
- Consultant meetings with other management and operations staff in site agencies to explain and discuss project.
- Internal General Orders and press releases issued by chiefs of police and prosecutors.
- Special meetings between consultant and police case screeners.

TRAINING (Months 5-6)

- Consultant held intensive training sessions with police case screeners.
- Police departments developed handbooks for felony investigations and distributed to *experimental* groups:

Garden Grove -- all Team II patrol officers, sergeants, and detectives (3 days -- classroom)

Newport News -- all South patrol sergeants and lieutenants (2 days -- classroom); all South patrol officers (roll call); all detectives (roll call)

Indianapolis -- all Quadrants III and IV sergeants, lieutenants, and detectives (2 days -- classroom); all Quadrants III and IV patrol officers (roll call)

PRE-IMPLEMENTATION TEST (Months 6-8)

- Conducted 60-day pre-test of implementation procedures and forms.

DATA COLLECTION (Baseline and Implementation Period)

- Diagramed flow of felony arrest processing system and procedures of project.
- Designed data forms for case tracking, monitoring, and feedback on case outcomes.
- Collected historical data to serve as a baseline.
- Collected nearly 12 months of test data during the implementation period.
- Interviewed 150 officers in-person; sampled groups by questionnaire on selected issues.
- Spent nearly 60 days at all three sites interviewing personnel and observing activities.

IMPLEMENTATION

- Implemented full test of project elements using data collection forms for case tracking.

MONITORING (During Implementation Period)

- During test period, consultant visited each site every other month to monitor and review implementation. Conducted interviews and held meetings on project progress and problems.

felonies. The guides also included information and tips on evidence collection.

In developing the guides, the sites relied on several sources of information including the California District Attorney's Association's Charging Guidelines, standardized jury instruction, state criminal codes, police training academy materials, and suggestions from the consultants.

The final publications were spiral-bound and included covers with each department's logo. Sufficient copies were reproduced with NIJ funds to provide each officer in the experimental groups with a copy.

As an example of the quality of the guides, Appendix II contains a copy of the section on burglary from the Newport News Felony Arrest Investigations Guide.

TRAINING

Training for the project was implemented during the fifth and sixth months. The training was conducted on two levels--with the police screeners and with the officers in the experimental groups.

The consultants met with the police screeners at each site and conducted intensive training sessions. These sessions covered conviction standards handbooks, project procedures, use of project forms, and flow of documents and forms.

Training was also delivered to the officers and supervisors in the experimental groups. The consultant worked with the project directors at the sites to develop the training. The training was then delivered by these experienced site personnel. Each trainee received a briefing paper describing the project and a copy of the new investigations handbook. Exhibit 3-2 shows how the training was delivered at each site.

Pre-Filing Screening

To implement pre-filing screening in the police departments, new forms were designed. These forms were used by the detective screeners for felony arrests made by officers and detectives in the experimental groups. The forms were slightly modified for each department to incorporate local terminology (e.g., a "team" area in Garden Grove was a "quadrant" in Indianapolis). Exhibit 4-1 shows a copy of the form for Newport News.

The form served as a quality control check on the initial arrest. It also provided the screening deputy prosecutor with a two-page capsule outline of the case.

The forms were divided into three parts. The first part provided the charges and some background on the defendant. The second part provided some information on the victims. The third part on the second page dealt with the availability of evidence to support a conviction.

The pre-filing screening procedures and forms were pilot-tested for at least two months in each site. Some slight modifications were made during this period.

Case Disposition Feedback

The second major form developed for this project was the prosecutor's Case Screening Form. At the start of this project, the Marion County Prosecutor's Office had been experimenting with a 37-item "reasons checklist" for case disposition. However, there was no intention to provide reasons back to the police on case dispositions. This checklist was abandoned and the new form developed for the project was adopted.

The case disposition forms were also pilot-tested during the pre-implementation period. During this period, the consultants met with most of

the deputy prosecutors at all three sites to provide an orientation to the project and discuss the use of the new forms.

During the pre-implementation period, procedures were implemented for circulating the case disposition forms back to the arresting officers.

Problems in Implementation

During the experimental or post-test phase, some of the interventions were not implemented as fully as possible. Some of the problems that occurred during the test included the following:

- Meetings between the police case screeners and prosecution screeners fell off rapidly after the start of the project and became infrequent. This may have been due to a feeling on the part of the participants that the attrition was historically inevitable, in spite of cooperative efforts.
- Feedback on officer handling of felony arrests was limited during the test. First, the volume of felony arrests per officer was low. This limited the feedback to a few cases per officer during the 12 months of the experiment. Second, if the case was rejected, feedback was immediate. However, if the case was filed and later reduced, feedback took four to six months or more. Also, the face-to-face counseling by supervisors with officers on problem cases did not occur with regularity.
- Prosecutors were reluctant to indicate attrition was avoidable due to officers' faulty arrest procedures or evidence collection. The prosecutors did not want to "get the police officers in trouble."
- The Orange County prosecutors branch serving the Garden Grove Police Department had a complete turnover of prosecutors during the project. An effort was made to orient and train the new staff to the project so that downtime was minimized.
- The time involved in preparing arrest cases for filing with the prosecutors was underestimated. During the project, the police did not have sufficient time between arrest and filing to strengthen weak cases with additional evidence. Moreover, the police were very reluctant to dismiss the charges on an in-custody suspect and refile later. As a result, the police identified weak cases, but sent them to the prosecutors for screening in spite of the shortcomings.
- Police pre-screening of the felony arrest cases did not really change the time, effort, and scrutiny on these cases by the prosecutors' screening units. The prosecutors, during interviews, revealed that they could not depend on the police screeners to make legal evidence and case sufficiency decisions. The prosecutors continually double-

checked all cases by reading the reports and interviewing the officers and detectives, rather than relying on the new arrest tracking forms. As one prosecutor put it, "The form would be great, if we could rely on the police charging decisions."

CHAPTER 4

EVALUATION APPROACH

INTRODUCTION

The evaluation of this test involved assessing the implementation process and analyzing the data related to the outcome of the felony arrest process. Chapter 3 discussed how the change strategies were developed and implemented. It also reviewed some problems encountered when those changes were introduced. This chapter discusses the evaluation design and data analysis process. Chapter 5 presents data on the extent to which the interventions achieved the main objectives of the project.

It is important to point out that throughout this project, RMA staff assumed a *formative* evaluation role. That is, RMA staff provided the sites with technical assistance and consulting services in developing conviction standards, case disposition reason checklists, training materials, and other matters. This role did not interfere with our role as evaluators of the test.

EXPERIMENTAL DESIGN

The experimental design for this test included a comparison of an experimental period, after changes were implemented, to a baseline period. During the baseline period, selected attrition data were collected to identify and document the status quo. The primary measure of the effectiveness of the interventions, however, was a standard experimental group/control group comparison. The experimental design is summarized below:

O_1	X	O_2	Experimental Group
O_3		O_4	Control Group

The notation is as follows:

O_1 represents data collected for 12 months prior to the Test in the Experimental Group.

- X represents the intervention with the Experimental Group.
- O₂ represents data collected during the 12 months subsequent to the intervention in the Experimental Group.
- O₃ represents data collected for 12 months prior to the Test with the Control Group.
- O₄ represents data collected during the 12 months after the Test with the Control Group.

In each of the three sites, the groups were selected by dividing the patrol force as equally as possible in terms of field districts or stations. The final designation of the groups was as follows:

<u>Site</u>	<u>Experimental Groups</u>	<u>Control Groups</u>
Garden Grove	Team II	Teams I and III
Newport News	South Patrol	North Patrol
Indianapolis	Quadrants III and IV	Quadrants I and II

DATA COLLECTION

Arrest Tracking

A variety of data were collected for the felony arrest cases in the sample. Data generated from historical records included information from offense reports, arrest reports, crime scene reports, evidence logs, probable cause affidavits, and police reports prepared for the prosecutor. RMA introduced two new forms for data collection and case tracking--a Felony Arrest Information Form and a Case Disposition Form.

The two-page Felony Arrest Information Form (Exhibit 4-1) was completed by the trained police case screeners for all experimental group cases. This form provided some general information on the characteristics of the offender, victim, and evidence. More important, however, this form (1) allowed the researchers to track all arrest cases through the court system; and (2) forced the screeners to document the existence of key case evidence. The control

EXHIBIT 4-1
NNPD FELONY ARREST INFORMATION

Def Name _____ Complaint No. _____
(Last) (First)

Offense(s)/Charges (A) _____ (B) _____
(C) _____ (D) _____

Offense Date _____ Arrest Date _____ Location of Offense _____ North _____ South

Sex: _____ Male _____ Female Age: _____ No. Defs Charged _____

Race: _____ White _____ Black _____ Hispanic _____ Asian _____ Other _____

Prior Felony Convictions: _____ None _____ One _____ Two _____ Three or More _____ Ur

Def Status at Time of Arrest: _____ On Parole _____ On Probation _____ On Bond _____ N/A _____ Ur

Def Arrested At/Near Scene: _____ Yes ☒ No _____ Unk M.O. Linked to Other Crimes _____ Yes _____ No _____ Un

No. of Witnesses (other than victim) _____

(A) No. Sworn Officers/Det. _____

(B) No. Civilians/Citizens _____

Warrant Obtained by: _____ Police _____ Civilian _____ Priv Sec _____ Other (List) _____

On-Scene Warrantless Arrest _____ Arrest Warrant Obtained Prior to Arrest _____

Case Investigator Name(s) _____

Comp. No. _____

List Rank e.g. Ptl, Det) _____

Screened by: _____

VICTIM INFORMATION (Answer 17-20 by Placing Letter for Victim(s) in Applicable Description)

Victim Name(s): (A) _____ (B) _____

No. of Victims (C) _____ (D) _____

Degree of Injury to Victim(s): _____ Death _____ Serious Injury _____ Moderate Injury _____
_____ Slight Injury _____ No Physical Injury _____

Type of Injury: _____ Gunshot Wound _____ Cutting _____ Broken Bones/Teeth _____
_____ Scratches/Bruises _____ Sexual Molestation _____ Other (List) _____

Degree of Property Loss to Victim/Property Value: _____ Over \$5,000 _____ \$1,000-\$5,000 _____
_____ \$500-\$1,000 _____ \$200-\$500 _____ Under \$200 _____

Victim Resident Status: _____ Resident _____ Commuter, _____ Tourist _____ Student Only _____
_____ Military _____ Other (List) _____

Victim Type: _____ Senior (+65) _____ Juvenile _____ Handicapped _____ Intoxicated _____
_____ Also Involved in Crime _____ Other (List) _____

Victim Relationship to Offender: _____ No Relationship _____ Spouse _____ Ex-Spouse _____
_____ Immediate Family _____ Relative _____ Friend/Acquaintance _____ Unknown _____
_____ Other (List) _____

Will Complainant Assist in Prosecution? _____ Yes _____ No/Why Not _____

Did Police Canvass Area for Witnesses/Evidence? ☐ Yes ☐ Unk ☐ No/Why Not? _____

Physical Evidence Identifiable to Def: ☐ Yes ☐ No (Describe in Detail Below)

Check: ☐ Fingerprints ☐ Shoeprints ☐ Blood ☐ Hair ☐ Clothes
☐ Tools ☐ Car License ☐ Weapon ☐ Other Evid (Describe) _____

Narcotics: Type(s) _____ Quantities _____

Lab Report Attached: ☐ Yes ☐ No ☐ Forthcoming ☐ Not Requested

Chain of Custody Preserved? ☐ Yes ☐ No/Why not? _____

Evid marked for ID? ☐ Yes ☐ No/Why not? _____

Eye-Witness(es) Available/Link Def to Offense:

Check: ☐ Positive/Strong ID of Def ☐ Tentative ID ☐ Weak ID
☐ Other (List) _____

Witness ID Technique: ☐ One-to-One Show-up ☐ Photo Spread ☐ Line-up
☐ Other (List) _____

Have all essential witnesses been interviewed/given statements: ☐ Yes ☐ No/Why not? _____

Witness Knows Defendant: ☐ Yes ☐ No

Are all legal elements of the offense present? ☐ Yes ☐ No

If not, state missing element _____

Is supportable and useable evidence present for each element of the offense? ☐ Yes ☐ No

If not, state problems _____

Confession/Statements by Def Useable (No Miranda Problems): ☐ Yes ☐ No
☐ No Statements; If no, state problem _____

Def Confession/Statement in Writing and Signed? ☐ Yes ☐ No Taped? ☐ Yes ☐ No

Confession/Statement by Co-Def Useable (No Miranda Problem): ☐ Yes ☐ No
☐ No Statements; If no, state problem _____

Co-Def Confession/Statement in Writing and Signed? ☐ Yes ☐ No Taped? ☐ Yes ☐ No

General Comments on Case for Prosecution: _____

group participants completed page one of this form only, and did not comment on the strength of the evidence other than in their regular communications with the prosecutor.

If any essential evidence was missing, the screeners were to recommend additional investigative action on a Case Follow-Up Memo, and forward this to the arresting officer or detective. The action taken was to be documented and the form forwarded with the case package to the prosecutor.

All felony arrest case tracking information was also recorded and maintained on master logs by project site staff. A schematic of the document flow and data collection process prepared by the Garden Grove project staff is included in Exhibit 4-2.

The Case Disposition Form (Exhibit 4-3) was used to track the prosecution of the cases. The main purpose of this form was to obtain an accurate account of the court dispositions of the arrests, the reasons for the dispositions, and the influence of the police investigations on the dispositions.

A memo describing the case flow in Newport News in more detail is included in Appendix II.

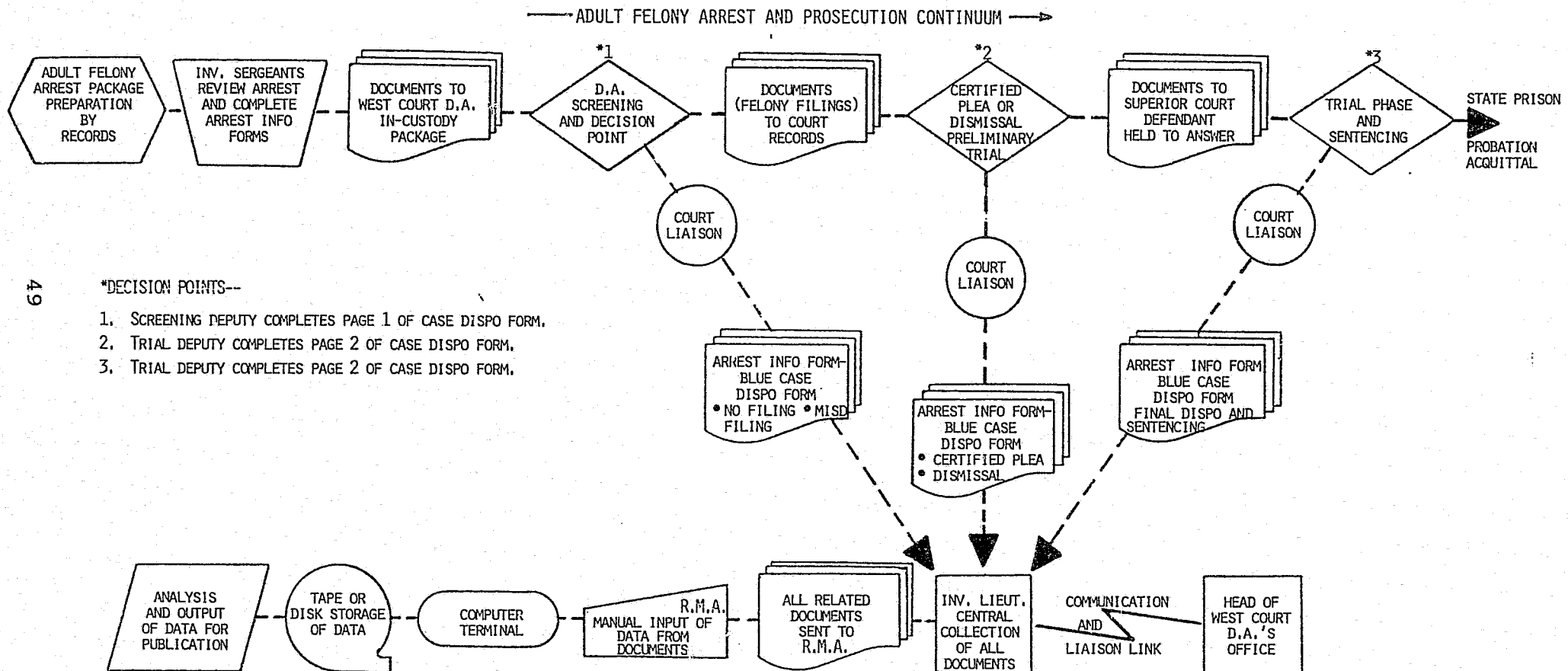
The principal data items collected for analysis during this project are shown in Exhibit 4-4.

Field Interviews and Observations

RMA staff also spent a considerable amount of time at each site during the course of this project. The staff spent a total of at least 60 days at all three sites. During the project period, the staff interviewed over 150 police and prosecutor personnel. The staff also observed numerous field activities including arrest processing, police and prosecutor screening, preliminary hearings, guilty pleas, and trials.

EXHIBIT 4-2

THE DOCUMENT FLOW AND DATA COLLECTION PROCESS FOR "IMPROVING EVIDENCE GATHERING THROUGH POLICE AND PROSECUTOR COORDINATION"



Def Name _____

Docket No. _____

P: Name _____

Judge _____

Det/Officer's Name _____

INSTRUCTIONS: On completion of case, fill out final disposition and sentence information below for top six charges. Provide detailed reasons on other side for any disposition which results in less than a conviction to the Police charges.

Court of Final Disposition: _____ GD Ct _____ Cir Ct

Disposition Codes:

- | | |
|-----------------------------------|----------------------------|
| 1 NP by Pros | 8 Guilty as Charged (Jury) |
| 2 Dism by Court (Pretrial) | 9 Guilty/Lesser (Jury) |
| 3 Plea to Police Charge | 10 Acquittal (Jury) |
| 4 Plea/Lesser Charge | 11 Guilty but Mentally Ill |
| 5 Guilty as Charged (Bench Trial) | 12 Other (List) _____ |
| 6 Guilty/Lesser (Bench Trial) | |
| 7 Acquittal (Bench Trial) | |

FINAL DISPOSITION AND SENTENCE

SENTENCE

POLICE CHARGES/CASES	DISP CODE	CONV CHARGES/CASES	POLICE CHARGES/CASE NOS.	EXECUTED TIME	CONC. OR CONSEC.	SUSP TIME	PROB TIME
A)							
B)							
C)							
D)							
E)							
F)							

General Comments on Sentence (e.g. Description of restitution or community service) _____

- | | A | B | C | D | E | F | |
|----|---|---|---|---|---|---|--|
| 01 | | | | | | | Physical evidence insufficient (List & describe details) |
| 02 | | | | | | | Lacking proof on essential element of offense (List & describe details) |
| 03 | | | | | | | Physical evidence not identifiable to Def |
| 04 | | | | | | | Def believed innocent |
| 05 | | | | | | | Lab results inconclusive/Def not linked |
| 06 | | | | | | | No witness/victim identification |
| 07 | | | | | | | Weak witness/victim identification |
| 08 | | | | | | | Private remedy taken (e.g. restitution) |
| 09 | | | | | | | Co-Def/informant testimony with no other corroboration |
| 10 | | | | | | | Suspect description did not match Def |
| 11 | | | | | | | Charges trivial or repetitious in relation to principal charge |
| 12 | | | | | | | Facts do not warrant charges (Explain) |
| 13 | | | | | | | Delay in reporting offense |
| 14 | | | | | | | Complainant/victim unwilling to prosecute |
| 15 | | | | | | | Complainant/victim unavailable/cannot locate |
| 16 | | | | | | | Complainant/victim not credible (Explain) |
| 17 | | | | | | | Essential witness will not cooperate |
| 18 | | | | | | | Essential witness unavailable/cannot locate |
| 19 | | | | | | | Essential witness not credible (Explain) |
| 20 | | | | | | | Witness testimony conflicting/contradictory |
| 21 | | | | | | | Illegal search and seizure (Explain) |
| 22 | | | | | | | Inadmissible confession/statement (Explain) |
| 23 | | | | | | | Def pled guilty to other case |
| 24 | | | | | | | NP charge as part of plea agreement |
| 25 | | | | | | | Def cooperating with police on other cases |
| 26 | | | | | | | Def agreed to testify against co-Def |
| 27 | | | | | | | Def record calls for leniency |
| 28 | | | | | | | Good alibi defense |
| 29 | | | | | | | Exculpatory statement by co-Def |
| 30 | | | | | | | Def merely present at scene/not participant |
| 31 | | | | | | | Def insane |
| 32 | | | | | | | Def under influence of drugs/alcohol |
| 33 | | | | | | | Disposition consistent with prior court decisions |
| 34 | | | | | | | Police request |
| 35 | | | | | | | All necessary evidence present, but nature of case low priority in prosecutor's office |
| 36 | | | | | | | Pros error (Explain) |
| 37 | | | | | | | Drug diversion |
| 38 | | | | | | | Other (Describe) |

CONTINUED DETAILS FROM ABOVE (LIST #).

Above Reasons _____ Unavoidable _____ Avoidable (Explain) _____

General Comments on Police Investigation: _____

EXHIBIT 4-4

PRINCIPAL DATA ITEMS COLLECTED

Case Number
Arrestee's Name
Police Charges
Case Disposition (screening, trial)
Disposition Reasons
Conviction Charges
Sentence
Offense Date
Arrest Date
Offense Location
Arrestee's Sex
Arrestee's Age
Number of Defendants Charged
Arrestee's Race
Arrestee's Prior Arrest History
Arrestee's Status at Time of Arrest (on bond,
probation, etc.)
Number of Witnesses
Arrest by Warrant or On-Scene
Arresting Officers
Investigating Officers
Number of Victims
Injury to Victims
Resident Status of Victim
Degree of Property Loss of Victim
Relationship of Victim to Arrestee
Presence and Type of Physical Evidence
Presence of Confession
Chain of Custody Preserved
Witness Identification Technique
Verification of All Essential Legal Elements

During the implementation stage, a sample of officers in the experimental and control groups were surveyed with a self-administered questionnaire. The questionnaire was designed to elicit responses related to the usefulness of various project components. Questionnaire results are summarized in Chapter 5; the instrument and a full discussion of the findings are presented in Appendix I.

Data Collection Periods

The data collection periods for the various project treatments are shown in Exhibit 4-5. In the post-test period, the data collection was extended as much as possible to capture usable felony cases for the analysis. The timing of the treatment periods turned out to be a problem. In some cases, it took six to nine months to obtain a final disposition on a filed felony case. At the time of the final cut-off date, a large volume of filed felony cases without final dispositions were still in the system. Clearly, many of these filed cases would have been counted as successful felony arrests, not attrited cases.

DATA ANALYSIS

The experimental design was constrained by several factors related to the manner in which the local systems operate and the volume of cases that were generated during the post-test periods.

At the beginning of the project, we anticipated including all felonies in the analysis. It quickly became obvious that the samples for certain felony arrests were too low (e.g., homicide, rape, auto theft) and for others were too high (e.g., all larceny in Indiana is a felony). Thus, the project concentrated on the felony arrests of robbery, burglary, and aggravated assault.

EXHIBIT 4-5

PROJECT TREATMENT PERIODS

<u>Site</u>	<u>Test Period</u>	<u>Dates</u>	<u>Arrest Cases</u>
NN	Baseline	Jan. 1-Dec. 31, 1984	Robbery and Burglary
GG	Baseline	Jan. 1-Dec. 31, 1984	Robbery and Burglary
IN	Baseline	Jan. 1-Dec. 31, 1984	Burglary Only
NN	Pretest	Apr. 1-May 31, 1985	Burglary and Aggravated Assault
GG	Pretest	Apr.15-Jun. 14, 1985	Burglary, Aggravated Assault, and Robbery
IN	Pretest	Jun. 1-Jul. 31, 1985	Burglary and Aggravated Assault
NN	Posttest	Jun. 1, 1985-May 31, 1986	Burglary and Aggravated Assault
GG	Posttest	Jun.15, 1985-Jun.14, 1986	Burglary, Aggravated Assault, and Robbery
IN	Posttest	Aug. 1, 1985-Jul.31, 1986	Burglary and Aggravated Assault
NN	Pretest	Apr.15-Oct. 14, 1985	Robbery
IN	Pretest	May 1-Oct. 31, 1985	Robbery
NN	Posttest	Oct.15, 1985-May 31, 1986	Robbery
IN	Posttest	Nov. 1, 1985-Jul.31, 1986	Robbery

In Indianapolis and Garden Grove, the analysis was restricted to burglaries and robberies because there were insufficient numbers of aggravated assault cases.

Another variation from the experimental design occurred with robbery arrests in Newport News and Indianapolis. At these sites, robbery investigation was treated as a specialization, and patrol officers were minimally involved in most arrests. As a consequence, the focus of study was the robbery detective units. The robbery detective units in both Newport News and Indianapolis did not distinguish between cases from the various patrol districts. Instead, the detectives used a centralized assignment system. It would have been too organizationally disruptive to apply different treatment methods and distinguish between the experimental and control groups. Thus, for these two sites, robbery arrests were compared in a standard pre-test/post-test method. The pre-test period lasted six months, and the post-test 12 months.

Operational Definitions

In all of the analyses presented in the next chapter, each arrested person represents a case. There may be several charges placed against the person as a result of the arrest. However, all cases in the analysis include at least one felony charge--usually burglary or robbery.

A person or case is considered to be adjudicated guilty if one or more of the felony charges result in a conviction disposition. Otherwise the case falls into the attrition category. As described by Feeney (1983), this approach is the "case method" for determining attrition.

For example, consider a case involving multiple charges against a defendant--rape, burglary, and felony assault. If the prosecutor decides to nolle pros the rape and felony assault charges, but obtains a guilty plea on

the burglary charge, attrition has not occurred according to the definition used for this study. This is in contrast to studies that use the arrest charge, rather than the case, as the primary unit for analysis. The same example using the arrest charge as the basis for measuring attrition would have considered the two charges where no convictions were obtained as two instances of attrition.

Attrition can occur under several circumstances. The prosecutor may decide to nolle pros the case. The defendant may decide to plead to a misdemeanor if all felony charges are dropped or reduced. Reductions to misdemeanors may occur at preliminary hearings. Finally, the person may be found guilty of a misdemeanor by the court but not guilty of any felony charges.

The case method was selected based on discussions with the police and prosecutors at the three sites. In general, they believed they were successful with a case if a guilty verdict resulted on any felony charge.

Analytic Strategies and Measures

The overall analytic approach for this evaluation can be summarized as follows. As described at the beginning of this chapter, experimental and control groups were defined at each site. Baseline data for key variables were collected for both the experimental and control groups. After the changes were introduced, data was again collected for comparison with the baseline data. Statistical tests were used to determine whether there were significant differences in the experimental groups as compared to the control groups. Since the test employed a classic quasi-experimental design, the relevant hypotheses were tested by using a standard chi-square test.

Because descriptive data about the cases were also collected, another part of the evaluative analysis used multiple regression to analyze attrition

versus felony conviction differences. The question of interest was whether variables could be identified that could explain the attrition or conviction results. As described in the next chapter, some of the key significant independent variables were the number of witnesses, modus operandi determinations, and whether a usable confession/statement was obtained. In combination, these variables were significant in predicting the final outcome of cases.

Coding of the baseline data was performed by experienced detectives at the three study sites, with training and monitoring for this activity provided by the RMA project director. All post-test data was coded by RMA staff, and each case was reviewed by the project director. Data entry and analysis was accomplished on RMA's in-house microcomputer system using RBase 5000 and SPSS software.

CHAPTER 5

FINDINGS AND CONCLUSIONS

This chapter presents an analysis of the results from the three study sites regarding case attrition.

In the first section, felony case attrition in the post-test period is compared to that in the baseline period. The second section is concerned with the post-test period. It compares case attrition in the experimental groups with attrition in the control groups; discusses the influence of misdemeanor filings or convictions on attrition; and presents an analysis of prosecutor screening decisions.

The third section presents an analysis of felony case dispositions by type of disposition, and explores the reasons for these case outcomes. Included in the discussion are the following issues: How much *avoidable* attrition is present? How does the number of charges per case affect attrition rates? Are there differences in attrition rates between on-scene arrests and arrests with prior warrants? How is attrition affected by the key independent variables?

The third section also includes the results of a special analysis on types of evidence (Garden Grove only); an analysis of attrition rates for cases in which warrants were obtained by citizens (Newport News only); and the results of a special survey of police officers at all three sites.

The final section summarizes the major findings and conclusions that can be drawn on the extent to which the interventions achieved the main objectives of the project.

ATTRITION RATES: COMPARISON OF BASELINE AND POST-TEST PERIODS

Sample Size

The post-test period included 641 burglaries and 231 robberies, for a total of 872 cases. The sample of cases for the baseline period included 469 burglaries and 160 robberies, for a total of 629 cases. Exhibit 5-1 shows the sample of post-test and baseline cases for the three study sites.

It should be noted that in Garden Grove, shoplift burglaries are included in the 176 post-test burglary cases; however, the 104 burglary cases from the baseline period do not include shoplift burglaries. Shoplift burglaries in Garden Grove were charged under Section 459 of the California Penal Code which states that:

Any person who enters any . . . store . . . with intent to commit grand or petit larceny or any felony is guilty of burglary.

EXHIBIT 5-1

SAMPLE SIZE: POST-TEST AND BASELINE CASES

TOTAL CASES

<u>Site</u>	<u>BURGLARY</u>		<u>ROBBERY</u>	
	<u>Post-Test</u>	<u>Baseline</u>	<u>Post-Test</u>	<u>Baseline</u>
Indianapolis	261	163	118	--
Garden Grove	176*	104**	43	61
Newport News	204	202	70	99
	---	---	---	---
TOTALS	641	469	231	160

*Includes shoplift burglary cases

**Includes commercial and residential burglary cases only

Data on robberies in Indianapolis were not available for the baseline period.

In addition to statistics on robberies and burglaries, the researchers were able to collect data in Newport News on 64 aggravated assault cases and 67 grand larceny cases. A special analysis of those cases is presented later in the chapter.

Comparisons between Baseline and Post-test Periods

Exhibit 5-2 shows attrition rates for burglaries and robberies, comparing the baseline period with the post-test period.

For burglary cases, there was no significant improvement in attrition rates in the post-test period compared to the baseline period. The high figure for post-test burglary attrition in Garden Grove (80 percent) reflects the inclusion of shoplift burglaries in the data set. At least 90 percent of cases with shoplift burglary (a felony) as the original police charge were reduced to misdemeanors. Thus, while a high percentage of these cases may have resulted in convictions on misdemeanor charges, they had to be considered attritted cases according to our working definition of attrition.

With regard to robbery cases, Exhibit 5-2 shows that attrition rates in Garden Grove and Newport News improved in the post-test period compared to the baseline period. The differences were statistically significant in Garden Grove, but not in Newport News. However, the Garden Grove results are based on a very small number of cases available for analysis. As noted earlier, baseline data on robberies in Indianapolis were not available.

EXHIBIT 5-2

COMPARISON OF ATTRITION RATES POST-TEST TO BASELINE

BURGLARY

<u>Site</u>	<u>FELONY CONVICTION</u>				<u>ATTRITION</u>			
	<u>Post-Test</u>		<u>Baseline</u>		<u>Post-Test</u>		<u>Baseline</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Indianapolis	117	45.7	72	44.2	139	54.3	91	55.8
Garden Grove	34	20.0	48	46.2	136	80.0*	56	53.8**
Newport News	69	35.6	91	45.0	125	64.4	111	55.0

ROBBERY

<u>Site</u>	<u>FELONY CONVICTION</u>				<u>ATTRITION</u>			
	<u>Post-Test</u>		<u>Baseline</u>		<u>Post-Test</u>		<u>Baseline</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Indianapolis	58	53.7	-	-	50	46.3	-	-
Garden Grove	21	50.0	22	36.1	21	50.0	39	63.9
Newport News	25	38.5	33	33.3	40	61.5	66	66.7

*Includes shoplift burglary cases

**Includes commercial and residential burglary cases only

COMPARISON OF EXPERIMENTAL AND CONTROL GROUPS

A comparison of burglary and robbery attrition rates for the experimental and control groups at each site is shown in Exhibit 5-3 for the post-test period. The analysis showed no significant differences in attrition rates between the experimental and control groups. It must be concluded that project interventions to improve police case packaging and increase police-prosecutor communication did not have a substantial effect on felony case attrition rates.

EXHIBIT 5-3

COMPARISON OF ATTRITION RATES EXPERIMENTAL TO CONTROL GROUPS POST-TEST

BURGLARY

<u>Site</u>	FELONY CONVICTION				ATTRITION			
	<u>N</u>	<u>Exp</u>	<u>%</u>	<u>N</u>	<u>Exp</u>	<u>%</u>	<u>N</u>	<u>Exp</u>
Indianapolis	53	49.1	64	43.2	55	50.9	84	56.8
Garden Grove*	12	20.0	22	20.0	48	80.0	88	80.0
Newport News	44	38.9	25	30.9	69	61.1	56	69.1

ROBBERY

<u>Site</u>	FELONY CONVICTION				ATTRITION			
	<u>N</u>	<u>Exp</u>	<u>%</u>	<u>N</u>	<u>Exp</u>	<u>%</u>	<u>N</u>	<u>Exp</u>
Indianapolis	25	48.1	32	51.6	27	51.9	30	48.4
Garden Grove*	6	66.6	15	45.5	3	33.3	18	54.5
Newport News	18	32.1	7	70.0	38	67.9	3	30.0

*Includes shoplift burglary cases

Exhibit 5-4 shows the results of a special analysis of Garden Grove post-test burglary cases. The analysis compared attrition in commercial and residential burglary cases with attrition in shoplift burglary cases. Of the commercial and residential burglaries, 54.4 percent resulted in attrition (45.6 percent resulted in convictions on felony charges). In contrast, 92.1 percent of the shoplift burglary cases were attrited, with only 7.9 percent resulting in felony convictions.

EXHIBIT 5-4

GARDEN GROVE POST-TEST SHOPLIFT BURGLARY CASES

BURGLARY

	Comm & Res Burglary N=57				Felony Shoplift Burglary N=114			
	<u>Exp</u>	<u>Cntl</u>	<u>Total</u>		<u>Exp</u>	<u>Cntl</u>	<u>Total</u>	
Attrition	15	16	31	54.4%	33	72	105	92.1%
Felony Conviction	9	17	26	45.6%	3	6	9	7.9%

The institutional habits of the police and prosecutors accounted for the high attrition rate with the shoplift burglaries. These cases generally all involved calling a police officer to a store to arrest a shoplifter being held by store security. If the shoplifter possessed evidence demonstrating that he or she entered the store with the intent to steal (for example, concealing a "booster bag"), the police charged the person with a felony under Section 459 of the California Penal Code. However, the prosecutor's office routinely filed these cases as misdemeanors.

The prosecutors freely admitted that many of the cases met the elements of a burglary, but the cases were not significant enough to clog the courts or the jail. During the study, the Orange County Jail was under Federal Court order not to exceed a strict inmate ceiling.

It is interesting to note that most of these shoplift burglary cases were batched by the police and sent over with the civilian court liaison officer for filing with the prosecutor's office without any oral presentation or argument. Thus, the detective also showed little interest in these cases.

*Influence of Misdemeanor Filings
or Convictions on Attrition*

In a practical sense, the definition of attrition used for the analysis does not necessarily imply "failure" to the police and prosecutors involved. Many of the cases classified as attrited (i.e. cases that did not result in a conviction on at least one felony charge) did result in convictions on misdemeanor charges. It is not uncommon for police in some situations to charge a suspect with a felony, fully expecting the charge to be reduced to a misdemeanor at a later stage in the process. Further, the police and prosecutors may be reasonably satisfied that a measure of justice has been done when certain suspects are convicted on misdemeanors and receive at least some punishment.

Exhibit 5-5 shows the percentage of attrited baseline and post-test burglary cases for which misdemeanor filings or convictions were obtained. In Indianapolis and Garden Grove, a higher percentage of cases during the post-test were filed as misdemeanors or resulted in misdemeanor convictions. While not conclusive, these results may be due to the pressure of the police receiving more feedback on the actions of the prosecutors.

EXHIBIT 5-5

**INFLUENCE OF MISDEMEANOR
FILINGS/CONVICTIONS ON ATTRITION**

BURGLARY

<u>Site</u>	<u>ATTRITION</u>		<u>MISD FILINGS/CONV</u>			
	<u>Baseline</u>	<u>Post-Test</u>	<u>Baseline</u>		<u>Post-Test</u>	
	<u>N</u>	<u>N</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Indianapolis	91	139	29	31.9	81	58.3
Garden Grove	56	136	30	53.6	90	66.2
Newport News	111	125	44	39.6	46	36.8

Prosecutor Screening Decisions

One expected outcome of the study was that prosecutors would reject fewer felony cases at screening in the post-test period than in the baseline period. As shown in Exhibit 5-6, the percentage of burglary cases rejected by prosecutors was reduced significantly during the post-test. (Prosecutors do not perform initial case screenings in Newport News; instead, police charges are filed directly with the court). These results, while not conclusive, may also be due to the practice of the police receiving more feedback on the actions of the prosecutors.

EXHIBIT 5-6

CASES REJECTED BY PROSECUTOR AT SCREENING

BURGLARY

	<u>Baseline % of Total</u>	<u>Post-Test % of Total</u>
Indianapolis	38%	19%
Garden Grove	25	8

Exhibit 5-7 presents a comparison of prosecutors' screening decisions to file felony charges with final case dispositions. Experimental and control groups are compared regarding burglary and robbery cases in Indianapolis and Garden Grove.

The exhibit shows that when a prosecutor files a police felony charge, in four of five cases a felony conviction results. However, the differences in attrition rates between experimental and control groups are not significant.

EXHIBIT 5-7

COMPARISON OF SCREENING DECISION TO DISPOSITION WITH GARDEN GROVE AND INDIANAPOLIS BURGLARIES AND ROBBERIES

	Screening Decision to File <u>Felony Charges</u>	FINAL DISPOSITION							
		<u>Felony Conviction</u>				<u>Attrition</u>			
		<u>Exp</u>	<u>Cntl</u>	<u>Exp</u>	<u>Cntl</u>	<u>Exp</u>	<u>Cntl</u>	<u>Exp</u>	<u>Cntl</u>
	<u>N</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Burglary*	176	64	84.2	81	81.0	12	15.8	19	19.0
Robbery	91	29	76.3	44	83.0	9	23.7	9	17.0

*Data from Garden Grove includes commercial and residential burglaries only.

TYPES OF CASE DISPOSITIONS

Exhibit 5-8 compares the case dispositions for aggravated assault and grand larceny to burglary and robbery in Newport News. The data show much higher attrition rates for aggravated assault (95.4 percent) and grand larceny (83.6 percent) than for burglary and robbery; however, the sample sizes for assault, larceny, and robbery were small.

EXHIBIT 5-8

COMPARISON OF DISPOSITIONS OF AGGRAVATED ASSAULT AND GRAND LARCENY TO BURGLARY AND ROBBERY IN NEWPORT NEWS

	<u>Burglary</u> (N=204)	<u>Robbery</u> (N=70)	<u>Agg Assault</u> (N=64)	<u>Grand Larceny</u> (N=67)
<u>Nolle Pros</u> by Prosecutor	28.9%	32.0%	29.7%	37.3%
Dismissed by Court at Preliminary Hearing	9.3	7.1	26.6	17.9
Plea to Misdemeanor	5.4	8.6	4.7	3.0
Reduced at Preliminary Hearing by Court to Misdemeanor	17.6	5.7	28.1	22.4
Convicted of Misdemeanor at Trial	2.0	4.3	6.3	3.0
Acquittal at Trial	1.0	4.3	0.0	0.0
Plea to Felony	29.9	26.6	3.1	11.9
Convicted of Felony at Trial	5.4	11.4	1.5	4.5
Other	.5	0.0	0.0	0.0

One of the major research questions was concerned with determining the degree of *avoidable* felony case attrition that occurred at each study site. Exhibit 5-9 shows the number and percent of burglary and robbery cases in which attrition was considered avoidable by the prosecutors who completed Case Disposition Forms for the project.

The percentage of avoidable attrition is lower than the researchers expected at the start of the study. The results seem to indicate that avoidable attrition was just not a major problem as originally thought. On

the other hand, there is a possibility that the prosecutors who completed the forms did not want to "blame" the arresting police officers for the attrition. Several prosecutors, during interviews, stated that they were reluctant to criticize the police in writing for case deficiencies because they "wanted to maintain good working relationships with the police."

EXHIBIT 5-9

PRESENCE OF AVOIDABLE ATTRITION IN BURGLARY AND ROBBERY CASES

BURGLARY

<u>Site</u>	<u>Total Cases</u>	<u>AVOIDABLE ATTRITION</u>	
		<u>N</u>	<u>%</u>
Indianapolis	261	34	13.0%
Garden Grove	176	14	8.0
Newport News	204	41	20.0

ROBBERY

<u>Site</u>	<u>Total Cases</u>	<u>AVOIDABLE ATTRITION</u>	
		<u>N</u>	<u>%</u>
Indianapolis	118	7	5.9%
Garden Grove	43	9	20.9
Newport News	70	8	11.4

Reasons for Felony Case Attrition

The next two exhibits present the reasons given for attrition dispositions (including both avoidable and unavoidable attrition) at all three sites for burglary (Exhibit 5-10) and robbery (Exhibit 5-11).

EXHIBIT 5-10

REASONS FOR ATTRITION DISPOSITIONS

BURGLARY

<u>Primary Reason</u>	<u>Indianapolis (N=139)</u>	<u>Garden Grove (N=136)*</u>	<u>Newport News (N=125)</u>
Lacking Proof on Essential Element	53.3%	18.8%	23.4%
Complt/Victim Unwill- ing to Coop/Doesn't Come to Court	18.0	3.0	22.6
Facts do not Warrant Charges	5.7	17.3	0.0
Def Record Minimal/ Good Alibi	5.7	3.0	12.1
Complt/Victim Not Credible	3.8	2.5	6.5
Private Remedy (restitution)	0.0	0.0	4.8
All Necessary Evid Present, Nature of Case Not Worth Handling as Felony in Overcrowded Courts	0.0	28.6	2.4
All Necessary Evid Present, but Nature of Case Low Priority in Pros Office	0.0	21.8	0.0
Other Reasons	13.5	4.9	28.2
	----- 100.0%	----- 100.0%	----- 100.0%

*Includes shoplift burglary cases

EXHIBIT 5-11

REASONS FOR ATTRITION DISPOSITIONS

ROBBERY

<u>Primary Reason</u>	<u>Indianapolis (N=50)</u>	<u>Garden Grove (N=20)</u>	<u>Newport News (N=40)</u>
Lacking Proof on Essential Element	15.4%	40.0%	2.4%
Complainant/Victim Unwilling to Cooperate/ Doesn't Come to Court	18.0	5.0	42.8
Complainant/Victim Not Credible	28.2	30.0	11.9
Defendant Record Minimal/ Good Alibi/Merely Present at Scene	15.4	0.0	9.6
Poor Suspect Identification	0.0	10.0	4.8
Physical Evidence Insuff.	0.0	10.0	0.0
Facts do not Warrant Charges	5.1	5.0	0.0
Other Reasons	17.9	0.0	28.5
	----- 100.0%	----- 100.0%	----- 100.0%

The data used in Exhibits 5-10 and 5-11 represent attrited cases only; no reasons were given for cases resulting in successful felony convictions.

When a case was rejected at screening, the reason was provided by the screening deputy prosecutor. When a case was filed as a felony but later resulted in attrition, the reason was given by the trial deputy prosecutor.

For attrited burglary cases, the most significant reason given in Indianapolis (53.3 percent of attrited burglaries) and Newport News (23.4

percent) was "lacking proof on an essential element of the case." This reason was also significant for burglary attrition in Garden Grove (18.8 percent). A review of the documentation for these cases showed that lack of proof usually referred to a lack of intent to break in and steal, rather than a lack of physical evidence.

For example, the below description, excerpted from one of the sample burglary cases, is taken from an officer's complaint affidavit:

On September 7, 1985 approximately 1420 hours received radio run to Indianapolis public school number 16, 1402 West Market Street. In regards of a break in alarm. Upon arrival this officer found the entry had been gained by breaking off a piece of ply wood that covered a window which was located on the east side of the building. As this officer entered the building I heard subjects running in the hallway. The subjects were attempting to flee out of the window from which the entry was gained and were apprehended at that time. Several chairs were stacked by the open window which this officer believed that subjects intended to take. The apprehended subjects, person #1 and person #3, were arrested for burglary. After arresting person #2, a plastic bag containing suspected marijuana was found during the search. Photos of the scene were taken.

This case was reduced at screening by the prosecutor to a misdemeanor charge of trespassing. The reason given by the prosecutor was that there was no evidence of intent to commit a felony. A key fact was that the school was vacant, and there was very little property of value in the building. The arresting officer could not prove that anything of value was moved by the suspects with the intent to steal the property.

Another significant reason for burglary case attrition in Newport News (22.6 percent) and Indianapolis (18 percent) was "complainant or victim was unwilling to cooperate, or did not come to court."

The lack of complainant cooperation is a common problem that plagues all police agencies. The complainant wants an immediate order maintenance

problem solved by the police, or wants to gain a measure of revenge against someone who stole property from them. However, once the police have arrested the suspect, the complainant no longer wants to be involved. The complainant's objective of "hassling" the suspect has been accomplished.

This problem was anticipated, and arresting officers at all three sites asked complainants if they were going to follow through with prosecution after the arrest. This added measure was apparently not effective in reducing the attrition due to lack of complainant cooperation.

When interpreting the data on Garden Grove, shoplift burglaries must be considered. In Garden Grove, but not in the other sites, a significant percentage (28.6 percent) of burglary cases were attrited because "all necessary evidence was present, but the nature of the case was not worth handling as a felony in overcrowded courts." Similarly, 21.8 percent of Garden Grove burglary cases, but no cases at the other sites, were attrited because "the nature of the case was a low priority in the prosecutor's office." All Garden Grove shoplift burglaries fell into one of these two categories.

As shown in Exhibit 5-11, one of the primary reasons given for attrition in robbery cases in Indianapolis (28.2 percent), Garden Grove (30 percent) and to a lesser extent, Newport News (11.9 percent) was "complainant or victim not credible." A careful review of these cases revealed that a majority involved complainant/victims who were prostitutes or homosexuals.

This finding tends to support a "victim social disability theory" of case prosecution. That is, prosecutors are reluctant to bring to trial cases involving victims whose lifestyles or behavior patterns fall outside

society's "mainstream." Prostitutes and homosexuals would be included in this group of "socially disabled" victims, as would victims with criminal records; victims with histories of alcoholism, drug abuse, or mental illness; and possibly victims who are homeless, whether or not they have mental health or substance abuse problems. The theory does not presume prejudice on the part of prosecutors against these victims. Rather, it proposes that prosecutors are reluctant to bring these cases to trial, even when there is sufficient evidence, because they believe a jury would not find the victims believable.

An analysis was also done on reasons for felony case attrition in Newport News for aggravated assaults and grand larcenies. The primary reason for both aggravated assault (37.3 percent) and grand larceny (39.7 percent) case attrition was "complainant/victim unwilling to cooperate or did not come to court." Another significant reason was that a "private remedy" -- restitution -- had been agreed upon. This accounted for 13.2 percent of attrition in grand larceny cases and 10.2 percent in aggravated assault cases.

As shown in Exhibit 5-12, the reasons given for *avoidable* case attrition did not differ substantially from the reasons for attrition in general. For both burglary and robbery, "lacking proof" (most frequently, lacking proof of intent), was the primary reason given. This was followed by problems associated with victims' lack of cooperation and, for 29.2 percent of the robberies, lack of victim credibility.

EXHIBIT 5-12

REASONS FOR AVOIDABLE ATTRITION DISPOSITIONS

<u>Primary Reason</u>	ALL SITES COMBINED	
	BURGLARY (N=89)	ROBBERY (N=24)
Lacking Proof on Essential Element	41.6%	33.3%
Complt/Victim Unwilling to Coop/Doesn't Come to Court	18.0	12.5
Facts do not Warrant Charges	9.0	8.3
Def Record Minimal/Good Alibi/ Merely Present at Scene	12.4	4.2
Complainant/Victim Not Credible	3.4	29.2
Other Reasons	15.6	12.5
	----- 100.0%	----- 100.0%

A special analysis was done on the relationship between the number of charges per case and attrition. The results for the three study sites are shown in Exhibits 5-13 through 5-15.

Additional charges (most commonly, grand theft) were filed in almost 65 percent of the burglary cases in Indianapolis, 61 percent of those in Newport News and 39 percent of the Garden Grove cases. At all three sites, burglary attrition rates improved significantly as the number of charges increased.

Fewer robbery cases had additional charges (34 percent in Indianapolis, 58 percent in Newport News and 56 percent in Garden Grove). The sample of robbery cases was too small to produce significant results regarding the effect of additional charges on attrition.

EXHIBIT 5-13

NUMBER OF CHARGES AND ATTRITION INDIANAPOLIS POST-TEST

	BURGLARY		
	1	2	3 or More
	<u>Charge</u>	<u>Charges</u>	<u>Charges</u>
Attrition	62	64	15
	66.7%	48.1%	42.9%
Felony Conviction	31	69	20
	33.3%	51.9%	57.1%

Chi Square = 9.61**

	ROBBERY		
	1	2	3 or More
	<u>Charge</u>	<u>Charges</u>	<u>Charges</u>
Attrition	35	19	3
	48.6%	55.9%	25.0%
Felony Conviction	37	15	9
	51.4%	44.1%	75.0%

Chi Square = 3.39

** = Significant at the .05 level

EXHIBIT 5-14

NUMBER OF CHARGES AND ATTRITION GARDEN GROVE POST-TEST

	BURGLARY		
	1	2	3 or More
	<u>Charge</u>	<u>Charges</u>	<u>Charges</u>
Attrition	89	41	10
	83.2%	83.7%	50.0%
Felony Conviction	18	8	10
	16.8%	16.3%	50.0%

Chi Square = 12.11***

	ROBBERY		
	1	2	3 or More
	<u>Charge</u>	<u>Charges</u>	<u>Charges</u>
Attrition	10	6	5
	52.6%	42.9%	50.0%
Felony Conviction	9	8	5
	47.4%	57.1%	50.0%

Chi Square = 0.32

*** = Significant at the .01 level

EXHIBIT 5-15

NUMBER OF CHARGES AND ATTRITION NEWPORT NEWS POST-TEST

BURGLARY

	<u>1</u> <u>Charge</u>	<u>2</u> <u>Charges</u>	<u>3 or More</u> <u>Charges</u>
Attrition	50 63.3%	73 66.4%	2 13.3%
Felony Conviction	29 36.7%	37 33.6%	13 86.7%

Chi Square = 15.9***

ROBBERY

	<u>1</u> <u>Charge</u>	<u>2</u> <u>Charges</u>	<u>3 or More</u> <u>Charges</u>
Attrition	25 86.2%	10 38.5%	7 46.7%
Felony Conviction	4 13.8%	16 61.5%	8 53.3%

Chi Square = 14.4***

*** = Significant at the .01 level

Another special analysis of the data on felony case attrition compared warrant arrests with on-scene arrests. These data were available only for burglaries and robberies in Indianapolis. (The total number of cases does not equal the sample size because of missing data.)

The analysis was based on the theory that when detectives obtain arrest warrants, they have had more time to reflect on the merits of their cases; their prior investigative efforts should produce cases more likely to result in convictions than the cases resulting from on-scene arrests by patrol officers.

As Exhibit 5-16 shows, the data did not support this theory. Although there was a trend toward a higher rate of burglary convictions when prior arrest warrants were obtained, the difference was not statistically significant; and prior warrants did not improve robbery conviction rates.

EXHIBIT 5-16

COMPARISON OF WARRANT ARREST AND ON-SCENE ARREST IN INDIANAPOLIS

BURGLARY

	<u>Warrantless/ In-Custody Arrest</u>	<u>Prior Arrest Warrant Requested</u>
Attrition	114 56.7%	25 47.2%
Felony Conviction	87 43.3%	28 52.8%

Chi Square = 1.18

ROBBERY

	<u>Warrantless/ In-Custody Arrest</u>	<u>Prior Arrest Warrant Requested</u>
Attrition	33 44.0%	22 59.5%
Felony Conviction	42 56.0%	15 40.5%

Chi Square = 1.79

Effect of Key Variables on Felony Case Attrition

A detailed analysis was conducted of the cases in the experimental and control groups in Indianapolis to determine the relationship between several case characteristics and the final disposition of attrition versus

felony conviction. From this chi-square analysis, the following variables were found to be significant:

Burglary Cases

- ▣ Number of Citizen Witnesses
- ▣ Confession/Statement by Defendant Useable
- ▣ Number of Sworn Officer Witnesses

Robbery Cases

- ▣ Confession/Statement by Defendant Useable
- ▣ Witness Knows Defendant
- ▣ Modus Operandi Linked to Other Crimes

Exhibits 5-17 and 5-18 show the specific chi-square results. As an example, consider the first variable, Number of Citizen Witnesses, shown in Exhibit 5-17 on Indianapolis burglary dispositions. The results show that a guilty disposition is more likely as the number of witnesses increases. In cases having only one witness, 62 percent resulted in attrition. Conversely, in cases with three or more witnesses, the attrition rate was 43.2 percent.

Exhibit 5-18 on Indianapolis robbery dispositions shows that whether a witness knows a defendant has an inverse effect on the attrition versus guilty disposition. The attrition rate was about 74 percent when the witness knew the defendant, as compared to an attrition rate under 40 percent when the witness did not know the defendant. This result may reflect the unwillingness of victims to press charges against acquaintances.

Regression models were developed for the burglary and robbery cases using the significant variables shown in Exhibit 5-17 and 5-18. In these regressions, the dependent variable was the attrition/felony conviction variable and the independent variables were from the exhibits.

EXHIBIT 5-17

SIGNIFICANT VARIABLES RELATING BURGLARY AND CASE DISPOSITIONS

INDIANAPOLIS POST-TEST

Number of Citizen Witnesses

	<u>1</u>	<u>2</u>	<u>3 or More</u>	<u>Total</u>
Attrition	103 62.0%	20 35.7%	16 43.2%	139
Felony Conviction	63 38.0%	36 64.3%	21 56.8%	120

Chi-Square = 13.56***

Missing Observations = 2

Confession/Statement by Defendant Useable

	<u>No</u>	<u>Yes</u>	<u>Total</u>
Attrition	109 61.6%	25 35.2%	134
Felony Conviction	68 38.4%	46 64.8%	114

Chi Square = 13.15***

Missing Observations = 13

Number of Sworn Officer Witnesses

	<u>1</u>	<u>2</u>	<u>3 or More</u>	<u>Total</u>
Attrition	43 65.2%	59 59.6%	37 39.4%	139
Felony Conviction	23 34.8%	40 40.4%	57 60.6%	120

Chi Square = 12.64***

Missing Observations = 2

*** = Significant at the .01 level

EXHIBIT 5-18

SIGNIFICANT VARIABLES RELATING ROBBERIES AND CASE DISPOSITIONS

INDIANAPOLIS POST-TEST

Confession/Statement by Defendant Useable

	<u>No</u>	<u>Yes</u>	<u>Total</u>
Attrition	37 53.6%	17 41.5%	54
Felony Conviction	32 46.4%	24 58.5%	56

Chi Square = 1.07**

Missing Observations = 8

Witness Knows Defendant

	<u>No</u>	<u>Yes</u>	<u>Total</u>
Attrition	30 38.5%	26 74.3%	56
Felony Conviction	48 61.5%	9 25.7%	57

Chi Square = 11.01***

Missing Observations = 5

Modus Operandi Linked to Other Crimes

	<u>No</u>	<u>Yes</u>	<u>Total</u>
Attrition	14 66.7%	11 29.7%	25
Felony Conviction	7 33.3%	26 70.3%	27

Chi Square = 6.03**

Missing Observations = 60

** = Significant at the .05 level
*** = Significant at the .01 level

The regression results are shown in Exhibit 5-19. This exhibit shows that with burglary cases, all three variables combine to be significantly related to the attrition/felony conviction disposition. With robbery cases, all the variables are again significant.

EXHIBIT 5-19

MULTIPLE REGRESSION RESULTS INDIANAPOLIS EXPERIMENTAL GROUP

BURGLARY		
<u>Variable</u>	<u>Coefficient</u>	<u>Standard Error</u>
Number of Citizen Witnesses	.11***	.04
Confession/Statement Useable	.24***	.07
Number of Sworn Officer Witnesses	.09**	.04
Constant	.03	.10

Adjusted R^2 = .10
F Value = 9.96***

ROBBERY		
<u>Variable</u>	<u>Coefficient</u>	<u>Standard Error</u>
Witness Knows Defendant	-.37**	.14
Confession/Statement Useable	.27**	.12
Modus Operandi	.26*	.13
Constant	.39	.13

Adjusted R^2 = .22
F Value = 5.84***

* = Significant at the .10 level
** = Significant at the .05 level
*** = Significant at the .01 level

Exhibits 5-20 and 5-21 show the chi-square results for five key variables related to the attrition/guilty disposition in burglary and robbery cases in Newport News. The variables found to be significant were as follows:

- Modus Operandi Linked to Other Crimes (Burglary Only)
- Confession/Statement by Defendant Useable
- Total Number of Witnesses
- Physical Evidence Identification to Defendant
- Witness Knows Defendant

In Exhibit 5-20, for example, the linking of a modus operandi to other crimes was particularly significant in burglary cases. Felony convictions were made in almost 73 percent of the cases in which a link was made, as compared to a conviction rate of only 25 percent when no link was made.

EXHIBIT 5-20

SIGNIFICANT VARIABLES RELATING BURGLARY AND CASE DISPOSITION

NEWPORT NEWS POST-TEST

Modus Operandi Linked to Other Crimes (MO)

	<u>No</u>	<u>Yes</u>	<u>Total</u>
Attrition	60 75.0%	13 27.1%	73
Felony Conviction	20 25.0%	35 72.9%	55

Chi Square = 26.19***

Missing Observations = 76

Confession/Statement by Defendant Useable

	<u>No</u>	<u>Yes</u>	<u>Total</u>
Attrition	51 70.8%	58 50.4%	109
Felony Conviction	21 29.2%	57 49.6%	78

Chi Square = 10.4**

Missing Observations = 17

EXHIBIT 5-20 (Cont'd)

Total Number of Witnesses (Other than Victim)

	<u>1</u>	<u>2</u>	<u>3 or More</u>	<u>Total</u>
Attrition	24 92.3%	37 56.1%	55 54.5%	116
Felony Conviction	2 7.7%	29 43.9%	46 45.5%	77

Chi Square = 13.16***

Missing Observations = 11

Physical Evidence Identification to Defendant

	<u>No</u>	<u>Yes</u>	<u>Total</u>
Attrition	53 74.6%	54 49.1%	107
Felony Conviction	18 25.4%	56 50.9%	74

Chi Square = 10.63***

Missing Observations = 23

Witness Knows Defendant

	<u>No</u>	<u>Yes</u>	<u>Total</u>
Attrition	43 51.2%	65 68.4%	108
Felony Conviction	41 48.8%	30 31.6%	71

Chi Square = 4.83**

Missing Observations = 25

* = Significant at the .10 level
 ** = Significant at the .05 level
 *** = Significant at the .01 level

EXHIBIT 5-21

SIGNIFICANT VARIABLES RELATING ROBBERY AND CASE DISPOSITION

NEWPORT NEWS EXPERIMENTAL GROUP

Confession/Statement by Defendant Useable

	<u>No</u>	<u>Yes</u>	<u>Total</u>
Attrition	26 66.7%	13 46.4%	39
Felony Conviction	13 33.3%	15 53.6%	28

Chi Square = 6.82*

Missing Observations = 3

Total Number of Witnesses (Other than Defendant)

	<u>1</u>	<u>2</u>	<u>3 or More</u>	<u>Total</u>
Attrition	13 76.4%	15 75.0%	12 38.7%	40
Felony Conviction	4 23.6%	5 25.0%	19 61.3%	28

Chi Square = 15.00***

Missing Observations = 2

Physical Evidence Identification to Defendant

	<u>No</u>	<u>Yes</u>	<u>Total</u>
Attrition	34 69.4%	5 27.8%	39
Felony Conviction	15 30.6%	13 72.2%	28

Chi Square = 7.74***

Missing Observations = 3

Witness Knows Defendant

	<u>No</u>	<u>Yes</u>	<u>Total</u>
Attrition	16 44.4%	19 82.6%	35
Felony Conviction	20 55.6%	4 17.4%	24

Chi Square = 6.96***

Missing Observations = 11

* = Significant at the .10 level
 ** = Significant at the .05 level
 *** = Significant at the .01 level

Exhibit 5-22 shows the results of the multiple regression models for burglary and robbery using these independent variables. With burglary cases, the MO and Confession/Statement Useable variables, but not the other three variables, were found to be significant in the model. With robbery cases, the most significant variables are whether the witness knew the defendant and whether physical evidence was identified to the defendant.

Because the number of guilty cases was low in Garden Grove, no analysis was possible on relating key independent variables to the attrition/felony conviction outcome.

EXHIBIT 5-22

MULTIPLE REGRESSION RESULTS NEWPORT NEWS EXPERIMENTAL GROUP

<u>Variable</u>	<u>Burglary</u>		<u>Robbery</u>	
	<u>Coefficient</u>	<u>Standard Error</u>	<u>Coefficient</u>	<u>Standard Error</u>
Modus Operandi	.37***	.09	N/A	N/A
Confession/Statement Useable	.15*	.08	.08	.13
Total Number of Witnesses	.07	.07	.05	.08
Physical Evid. ID to Def.	.13	.09	.37**	.16
Witness Knows Defendant	-.05	.08	-.23*	.13
Constant	-.03	.17		

Adjusted R^2 = .23
F Value = 7.7***

Adjusted R^2 = .22
F Value = 5.19***

* = Significant at the .10 level
** = Significant at the .05 level
*** = Significant at the .01 level

Physical Evidence

A special data collection effort was made in Garden Grove on the 87 cases in which physical evidence was linked to the defendant. Fifty of these were

burglary cases and 37 were robbery cases. One of the items of interest was the number of cases in which more than one type of evidence was collected. These distributions for burglaries and robberies are shown below:

<u>Items of Physical Evidence</u>	<u>Number of Cases</u>	
	<u>Burglary</u>	<u>Robbery</u>
1	22	9
2	15	12
3	6	0
4	4	10
5	3	6

In total, 101 items of physical evidence were collected on the 50 burglary cases, and 103 items on the 37 robbery cases.

Exhibit 5-23 provides a summary of the items of physical evidence for burglary and robbery, and is based on cases in which certain types of evidence were checked into the property and evidence room. With burglary cases, the most frequent type of physical evidence is money, followed by tools and clothes. With robbery cases, weapons are the most frequent type of physical evidence, followed by money and clothes. The analysis was done for Garden Grove only, where physical evidence was present in less than half of the burglary cases.

EXHIBIT 5-23

PHYSICAL EVIDENCE IN GARDEN GROVE

<u>Type of Evidence</u>	<u>Burglary Cases</u>	<u>Robbery Cases</u>
Money	23	19
Clothes	16	20
Tools	17	1
Weapons	2	22
Fingerprints	5	1
Bullets	2	8
Blood	4	4
Papers/Documents	6	3
Narc Paraph.	6	4
Car License	3	5
Shoeprints	2	0
Hair	0	1
Misc. Other	15	15

Civilian Warrants

Exhibit 5-24 compares attrition and felony convictions for cases in which civilians obtained magistrates' warrants in Newport News. Cases analyzed include burglaries, robberies, aggravated assaults, and grand thefts. In Newport News, a citizen may obtain a warrant from a magistrate without police or prosecutor intervention; this situation does not exist in Indianapolis and Garden Grove.

As the exhibit shows, a high percentage of arrest warrants obtained by citizens result in attrition (from 86 percent of burglaries to almost 96 percent of robberies).

EXHIBIT 5-24

WARRANTS OBTAINED BY CIVILIANS IN NEWPORT NEWS

	<u>Burglary</u>		<u>Robbery</u>		<u>Aggravated Assault</u>		<u>Grand Theft</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Attrition	37	86.0	23	95.8	46	93.9	35	92.1
Felony Conviction	6	14.0	1	4.2	3	6.1	3	7.9

Survey of Officers

The evaluators administered a brief questionnaire to police officers in both the experimental and control groups at all three sites. The questionnaires were distributed six months into the project implementation period. A total of 351 officers responded. A full discussion of the results is included in Appendix I.

Some key findings from the survey of officers are highlighted below:

- ▣ The majority of officers surveyed in both experimental and control groups said they believed it was helpful to have felony arrests carefully screened in the police department before they were filed with the prosecutor.

- Newport News and Garden Grove experimental group officers felt they had a much better understanding of the types of evidence prosecutors require than did control group officers at those sites.
- The officers at all three sites supported high standards for measuring the quality of arrests. More than three-fourths of the Indianapolis respondents and approximately 60 percent or more of those in Garden Grove and Newport News felt "defendant convicted on same charge as used by police for arrest" was a valid measure of arrest quality.
- In Newport News, 81 percent of the experimental group, but only 59 percent of the control group reported police-prosecutor cooperation was adequate or very adequate.
- More than 87 percent of all respondents considered physical evidence important or very important in obtaining convictions on felony arrests. Other factors rated high by approximately 70 percent or more of all respondents were eyewitness identification and victim cooperation.
- A low percentage of respondents in both experimental and control groups reported receiving frequent feedback from the prosecutors on case dispositions.
- Approximately three-fourths of the respondents reported that when they did receive feedback on case dispositions, the information was helpful.
- One-half to three-fourths of the respondents reported that prosecutor feedback included reasons for case dispositions at least occasionally. Garden Grove and Newport News experimental groups were more frequently informed of reasons for dispositions than the control groups at those sites, while in Indianapolis there was no appreciable difference between experimental and control groups.

SUMMARY OF KEY FINDINGS AND POLICY RECOMMENDATIONS

The data did not confirm two of the major hypotheses in the study. First, the data did not show that *avoidable* felony arrest attrition was truly a problem. Secondly, the data showed that physical evidence was not a critical factor in avoidable felony arrest attrition.

While the police and prosecutors were able to identify avoidable attrition, it did not represent a high volume of the total case attrition. Simply put, the prosecutors considered most of the attrition to be unavoidable

in spite of police case investigations. On the other hand, some of the prosecutors were reluctant to document their criticisms of the police handling of felony arrest cases.

Contrary to the original theory of the researchers, physical evidence played a minor role in felony case attrition. Most cases attrited due to reasons other than physical evidence.

The project did show that the prosecutors' felony screening units were responsive to police review of their work: rejections were reduced and more cases were filed as misdemeanors.

The results were mixed on improving the level and quality of communication on felony arrest processing between police and prosecutors. The study showed that the procedures for improving communication could be readily implemented. The police were able to (1) keep track of the outcome of felony arrests in the prosecutors office; and (2) have the prosecutors provide feedback to the arresting officers on case outcome. However, as indicated at the close of Chapter 3, there were some problems in the implementation of these changes.

The final study outcome resulted from three major reasons: (1) historically different objectives between the police and prosecutors; (2) institutional inertia; and (3) the short time period between felony arrest and filing with the prosecutors.

The organizational differences between the police and prosecutors could not be overcome in a two-year study. The traditionally wide gulf between the objectives of the police and the prosecutors remained during this project.

The main objectives of the police in making a felony arrest continued to focus on solving the immediate problem in the field, irrespective of the later disposition of the case. When faced with an immediate order maintenance problem, the police had to solve the problem, which typically meant making an

arrest. For example, one of the cases in the study sample included the below complaint affidavit charging the suspect with burglary:

I observed a subject acting suspiciously, appeared to be a lookout, walking up and down the street, appeared to have shaken a door. Further investigation observed a large broken window. Subject was immediately apprehended. It was determined apparently that nothing was stolen, although there were a few items moved in the bank. Subject had no permission to be on the premises. Forced entry had been gained by kicking in a large front door.

To solve the immediate problem, the police arrested this subject on probable cause for burglary. The prosecutor's screening unit filed this case as a criminal mischief.

While the researchers wanted the police to consider convictability (guilt beyond a reasonable doubt) as the arrest criteria, during the immediacy of the field situation, the police continued to rely on the probable cause standard taught in the academy.

The secondary objective of the police, which was always present in arrest situations, was efficiency -- do not spend too much time on routine cases. Such pressure did not afford the luxury of elaborate investigations related to routine felony arrests.

On the other hand, the prosecutor's screening units had more time to reflect and deliberate on the legal sufficiency of the felony arrests. The objective of the prosecutors was to "make the right decision." This often meant only accepting convictable cases.

The members of the prosecutors' screening units were also reluctant throughout the study to have the police make screening decisions. They did not want to lose control over these decisions. Having all felony arrests presented for screening kept the prosecutors informed on who was being arrested, and served as a check-and-balance on the actions of the police.

Institutional inertia could not be changed significantly during the course of the project. This inertia was related to the tendency of the police to arrest the suspect on a felony charge to solve an order maintenance problem when they clearly knew that the prosecutors would not file the case as a felony. This tendency was encouraged by several factors:

1. Criminal codes facilitate felony arrests over misdemeanor arrests. Police in nearly all states can arrest on probable cause for a felony without a warrant. To arrest for a misdemeanor without a warrant, the police must have observed the offense. For example, in the winter, if the police find a homeless person in a vacant building and find evidence of forced entry, to solve the immediate order maintenance problem they can arrest on probable cause for a burglary. To arrest this suspect for misdemeanor trespassing, the police would have to locate the owner of the building to determine if the suspect was allowed to enter the premises. This lower standard of effort for felonies encourages police to arrest for a felony when the facts may indicate a misdemeanor.

2. If patrol officers make a misdemeanor arrest, they are responsible for all the paperwork and the prosecution of the case. If the officers make a felony arrest, the paperwork and prosecution will be handled by a detective. The assistance of the detective is a source of support and protection against inexperience and mistakes.

3. In the bureaucratic scheme of things, officers receive more "points" with their supervisors for making felony arrests than for misdemeanors arrests.

4. Many officers perceive a hierarchical pattern to charge reduction in the criminal justice system. They feel most charges will be reduced automatically by the prosecutors. Thus, they overcharge with a felony,

expecting the result to be a plea to a misdemeanor. If the original charge is a misdemeanor, the concern is that the suspect will escape conviction altogether.

Finally, the study found that the time period between felony arrest and filing with the prosecutor's office is too short for any extensive evidence gathering to strengthen weak cases. For example, if witnesses' names and addresses are not verified at the scene by checking their drivers' licenses, these critical aspects of evidence may be forever lost. Detectives who file the cases with the prosecutor's office often have difficulty locating the arresting officers for follow-up information not contained in the arrest report.

Some future policy recommendations include the following:

- Implementing such changes and improvements in communications and coordination between police agencies and prosecutors' offices is not a "quick fix." Because of the diverse nature of the organizational structures and objectives, a program of planned change could take five years or more. The expectations for change must also be realistic. The arrest attrition rate may be reduced gradually, but the changes will not be dramatic. For reasons stated above and in Chapter 1, a certain amount of attrition will always exist.

- Feedback on arrest outcome from the prosecutors to the police should be advanced and continued. The officers interviewed during the course of this study found such information to be helpful. However, the information should be more candid and specific on how the arresting officer can improve (for example, details of evidence, report writing, etc.). The feedback must also be more immediate. For this reason, it should be automated. In addition,

because of the low volume of felony arrests per patrol officer, the feedback should be expanded to misdemeanor arrests.

■ In order to institutionalize the objective of having the police use some degree of convictability as an arrest criteria, a new definition of a "successful" felony arrest should be built into police performance evaluation practices. It seems unfair, as stated in Chapter 1, to hold the arresting officer to an immediate standard of guilt beyond a reasonable doubt. However, most officers interviewed and responding to the survey felt that a successful felony arrest could be defined as acceptance by the prosecutor's screening unit as a felony. Thus, rejected cases, or cases filed as misdemeanors, would not be credited to the police as good felony arrests. However, police felony arrests that were filed as felonies, even if trial deputies later reduced the cases to misdemeanors, would be credited as successful felony arrests for performance evaluation purposes.

APPENDIX I

SURVEY OF OFFICERS

SURVEY OF OFFICERS

INTRODUCTION

The perceptions of the police officers involved in field research can provide important information on the impact of an experiment. For this project, the evaluators distributed a brief self-administered questionnaire to officers in both the experimental and control groups at all three study sites. The questionnaires were pre-tested for face validity. A detailed breakdown of the questionnaire results is included at the end of this Appendix.

Six months into the project implementation period, the questionnaires were distributed to officers at role call and returned anonymously by mail in a pre-stamped envelope. The instrument included one open-ended question asking for information on types of situations that lead to difficulties in obtaining felony convictions; and 12 questions asking officers to rate various project components. The key areas of interest were as follows:

- ▣ Usefulness of the project training and handbook;
- ▣ Helpfulness of police felony case screening;
- ▣ Agreement/disagreement with certain standards for measuring quality of arrest;
- ▣ Police understanding of evidence prosecutors need to obtain convictions;
- ▣ Degree of cooperation between police and prosecutors;
- ▣ Importance of various items in helping the police obtain felony convictions;
- ▣ Frequency with which legally adequate cases are not fully prosecuted;
- ▣ Frequency of police/prosecutor consultations before plea agreements are reached;
- ▣ Helpfulness and frequency of information received from prosecutor regarding case disposition.

A total of 351 officers responded to the questionnaire, including 165 in control groups, and 186 in experimental groups. The response rate was about 65 percent for all three sites. Officers in the control groups were not given training or handbooks, and did not answer the two questions pertaining to these topics; however, they responded to all other questions. The exhibit that follows shows the number of respondents in each group by study site.

EXHIBIT 1
QUESTIONNAIRE RESPONDENTS
BY STUDY SITE

	<u>Study Site</u>		
<u>Number of Respondents</u>	<u>Indianapolis</u>	<u>Newport News</u>	<u>Garden Grove</u>
Experimental Group	126	47	13
Control Group	<u>109</u>	<u>27</u>	<u>29</u>
TOTALS	235	74	42

SURVEY RESULTS

Usefulness of Training and Handbook

The first question asked officers to rate the usefulness of the special training they received on evidence and police handling of felony arrests. The second question asked about the usefulness of the project handbook, which covered the same topics. The five-point scale provided for responses ranged from "very useful" to "not useful at all."

In Indianapolis, 39 percent of officers in the experimental group indicated the training was useful, compared to 9 percent who said it was not. Similarly, about 39 percent considered the handbook useful, while about 6 percent did not.

About 74 percent of the Newport News respondents reported the training was useful and 58 percent felt the handbook was useful. The percentage of negative responses was the same as in Indianapolis, with only about 9 percent indicating the training was not very useful, and 6 percent reporting the handbook was not very useful.

In Garden Grove, 77 percent of the respondents felt both the training and handbook were useful; however, negative opinions ran somewhat higher than at the other two sites. Twenty-three percent of Garden Grove officers reported the training was not very useful; and 23 percent said the handbook was not very useful (15 percent) or not useful at all (8 percent).

Among experimental group respondents in Indianapolis, nearly 52 percent said they did not receive training, and 53 percent did not receive handbooks. In contrast, all experimental group members in Garden Grove indicated they received training and handbooks; and in Newport News, 17 percent did not receive training and 36 percent did not receive handbooks.

The training process in Indianapolis was different from that in the other two sites. In Garden Grove and Newport News, project staff provided training directly to the officers involved in the experimental group. In Indianapolis, a "train the trainers" approach was used. Apparently, a percentage of Indianapolis officers who were trained by project staff did not, in turn, provide in-depth training to other experimental group officers. Although most officer-trainers provided a brief orientation to the project at roll-call, it is possible that those who were in attendance did not perceive this orientation as in-service training.

Helpfulness of Police Felony Case Screening

The third question asked officers how helpful it was to have felony arrests carefully screened in the police department before the cases were presented for filing with the prosecutor.

Although the majority of respondents at all three sites reported that screening was helpful, officers in Garden Grove and Newport News apparently had a higher degree of appreciation for this process.

In Indianapolis, 64 percent of the control group and 52 percent of the experimental group reported that screening was helpful or very helpful. Ten percent of the experimental group and about 6 percent of the control group said it was not very helpful; and only 6 percent of the experimental group and 4 percent of the control group considered felony case screening not helpful at all. Nearly one-third of the experimental group and one-fourth of the control group reported they were not sure.

Among experimental respondents in Newport News, 81 percent reported that screening was helpful (51 percent) or very helpful (30 percent). About 70 percent of the control group also considered it helpful (37 percent) or very helpful (33 percent). No respondents in either group said case screening was not helpful at all; and only about 2 percent of the experimental group and 4 percent of the control group considered it not very helpful.

Similarly, 85 percent of the Garden Grove experimental group and 83 percent of the control group reported that felony case screening by police was helpful or very helpful. No one indicated it was not helpful at all, and only 8 percent of the experimental group in Garden Grove considered it not very helpful.

Standards for Measuring the Quality of Arrests

The fourth survey question asked officers to indicate how they felt about two possible standards for measuring the quality of a police arrest. Officers marked their responses on a four-point scale ranging from strongly agree to strongly disagree. The two standards they considered were:

- A. Prosecutor filed same charge as used by police for arrest.
- B. Defendant convicted on same charge as used by police for arrest.

The responses are summarized in the exhibit that follows. Respondents in Newport News considered only standard B. This is because the prosecutor does not perform an initial filing or screening function in the state of Virginia.

EXHIBIT 2

AGREEMENT WITH STANDARDS FOR QUALITY ARRESTS

Percentage Agreeing with Standard

<u>Proposed Standard</u>	<u>Indianapolis</u>		<u>Newport News</u>		<u>Garden Grove</u>	
	<u>Exp.</u>	<u>Cont.</u>	<u>Exp.</u>	<u>Cont.</u>	<u>Exp.</u>	<u>Cont.</u>
A. Prosecutor <u>filed</u> same charge	83%	84%	N/A	N/A	54%	72%
B. Defendant <u>convicted</u> on same charge	78	76	64	59	70	69

As shown in the exhibit, there were few differences of opinion between the experimental and control groups in Indianapolis and Newport News. In Garden Grove, officers in the control group placed a somewhat higher degree of importance on standard A (prosecutor filed the same charge as used by police for arrest) than did officers in the experimental group.

Police Understanding of Evidence Needed

The fifth survey question asked respondents to rate their understanding and knowledge of the types of evidence that prosecutors require to obtain convictions on felony offenses. Officers rated their knowledge on a five-point scale ranging from very adequate to very inadequate. The exhibit that follows summarizes the responses to this question.

EXHIBIT 3

POLICE UNDERSTANDING OF EVIDENCE NEEDED BY PROSECUTOR

Percentage Rating Knowledge Adequate or Very Adequate

<u>Study Site</u>	<u>Experimental</u>	<u>Control</u>
Indianapolis	86%	92%
Newport News	92	74
Garden Grove	92	69

Experimental group officers in Newport News and Garden Grove reported a much greater understanding of the types of evidence prosecutors require for felony convictions than did officers in the control groups. In Indianapolis, while the vast majority of officers expressed a high degree of confidence in their understanding, there was very little difference between control and experimental groups.

No respondent at any site reported having a very inadequate understanding of the types of evidence needed, and less than 4 percent felt their understanding was inadequate. However, a considerable percentage of control group respondents in Newport News (22 percent) and Garden Grove (28 percent) said they were unsure.

Degree of Police Prosecutor Cooperation

The sixth survey question asked officers to rate the degree of cooperation that existed between the prosecutor's office and police. Respondents used a five-point scale ranging from very adequate to very inadequate. The exhibit that follows summarizes experimental and control group responses to this question.

EXHIBIT 4

DEGREE OF COOPERATION BETWEEN PROSECUTOR'S OFFICE AND POLICE OFFICERS

<u>Study Site</u>	<u>Percentage Rating Cooperation Adequate or Very Adequate</u>	
	<u>Experimental</u>	<u>Control</u>
Indianapolis	77%	84%
Newport News	81	59
Garden Grove	31	38

More than three-fourths of the officers in Indianapolis felt the degree of cooperation between the prosecutor's office and police was adequate, with nearly one-fourth reporting that cooperation was very adequate; however, there were few differences between the responses of the Indianapolis experimental and control groups on this question.

The survey results in Newport News showed the most dramatic difference between experimental and control group officers, with only 59 percent of those in the control group reporting adequate cooperation, compared to 81 percent of the officers in the experimental group.

In Garden Grove, only 31 percent in the experimental group and 38 percent in the control group felt cooperation was adequate. About one-third (30 percent) of the experimental group was unsure, and 39 percent reported

inadequate cooperation. Similarly, about one-fourth of the control group was unsure, and 38 percent said cooperation was inadequate.

Items Important for Obtaining Felony Convictions

In the seventh question, officers were asked to rate the importance of the following items in helping the police obtain convictions of felony arrests: physical evidence, victim credibility, victim cooperation, defendant's record, defendant's statement, and eyewitness identification. Respondents used a four-point scale to rate each item as very, somewhat, rarely, or not at all important. The exhibit that follows shows the percentage of experimental and control group respondents at each site who rated these items very important.

In Indianapolis, there were few differences between experimental and control group responses. The largest difference of opinion was with regard to the value of the defendant's statement, rated very important by 42 percent of the experimental group, compared to 32 percent of the control group. Clearly, Indianapolis respondents considered physical evidence and eyewitness identification the most important items.

The responses of the Newport News control and experimental groups were similar regarding physical evidence, defendant's record, and defendant's statement. The greatest difference concerned victim cooperation, rated very important by 82 percent of the control group, but only 57 percent of the experimental group. Eyewitness identification was also considerably more important to the control group (85 percent) than the experimental group (70 percent), while victim credibility was of somewhat greater value to experimental group officers. As in Indianapolis and Garden Grove, physical evidence was the most important item for all respondents.

EXHIBIT 5

ITEMS IMPORTANT FOR
OBTAINING CONVICTIONS ON
FELONY ARRESTS

<u>Item</u>	<u>Percentage Rating Item</u> <u>Very Important</u>					
	<u>Indianapolis</u>		<u>Newport News</u>		<u>Garden Grove</u>	
	<u>Exper.</u>	<u>Control</u>	<u>Exper.</u>	<u>Control</u>	<u>Exper.</u>	<u>Control</u>
Physical Evidence	88%	87%	89%	96%	92%	97%
Victim Credibility	63	57	53	44	69	32
Victim Cooperation	77	73	57	82	77	79
Defendant's Record	30	27	23	22	46	21
Defendant's Statement	42	32	57	56	46	51
Eyewitness ID	80	77	70	85	69	79

In Garden Grove, the experimental group considered victim credibility much more important than did the control group, with 69 percent of experimental compared to 32 percent of control officers rating this item very important. The value of the defendant's record was also more important to experimental than control officers. In addition, defendant's record emerged as a much more valuable item to Garden Grove experimental officers (rated very important by 46 percent) than to experimental officers in Indianapolis (very important to 30 percent) or Newport News (23 percent). More than 34 percent of Newport News experimental officers and 23 percent of Indianapolis experimental officers rated defendant's record as rarely or not at all important.

Legally Adequate Cases Not Fully Prosecuted

The eighth question asked officers how often in the past year they felt they had felony arrest cases that were legally adequate but the prosecutor's office had dismissed them or reduced the charges to misdemeanors.

The percentage of respondents who felt this situation occurred very often or frequently was quite low in both Indianapolis and Newport News. Further, although the control groups might be expected to have a somewhat greater problem with dismissals and charge reductions, this was not the case. In Indianapolis, 27 percent of the experimental group but only 17 percent of the control group felt dismissals or reductions occurred very often or frequently. Similarly, 19 percent of the Newport News experimental group, but only 4 percent of the control group felt this occurred very often or frequently.

In Garden Grove, the percentage of officers who felt legally adequate felony cases were very often or frequently dismissed or reduced to misdemeanors was much higher than at the other sites. This was true for both the control (42 percent) and experimental (46 percent) groups in Garden Grove.

Consultations on Plea Agreements

Respondents were asked how frequently they were consulted by the prosecutor on felony arrests before a plea agreement was reached with the defendant.

In Indianapolis, there were few differences between the responses of the control and experimental group on this question. Thirty-seven percent of the control and 33 percent of the experimental officers said they were always or often consulted. Twenty-eight percent of control and 25 percent of experimental officers reported they were occasionally consulted. A somewhat lower percentage of control group officers (36 percent) than experimental

officers (42 percent) indicated they were rarely or never consulted before the prosecutor reached a plea agreement with a defendant.

As shown in the exhibit that follows, responses in Newport News and Garden Grove suggest completely different relationships with the prosecutor on the matter of consultations before plea agreements.

EXHIBIT 6

CONSULTATIONS ON PLEA AGREEMENTS IN NEWPORT NEWS AND GARDEN GROVE

<u>Frequency of Consultations</u>	<u>Newport News</u>		<u>Garden Grove</u>	
	<u>Exper.</u>	<u>Control</u>	<u>Exper.</u>	<u>Control</u>
Always	9%	19%	--	--
Often	17	66	--	--
Occasionally	16	8	8	10
Rarely	45	7	19	50
Never	13	--	73	40

As shown in the exhibit, 58 percent of the Newport News experimental group, compared to only 7 percent of the control group reported rarely or never consulting with the prosecutor on felony arrests before plea agreements. Two thirds of the control group officers said they consulted often with the prosecutor, and an additional 19 percent reported always having these consultations.

In Garden Grove, 92 percent of the experimental and 90 percent of control officers reported rarely or never consulting with the prosecutor on felony cases before plea agreements were reached.

In these three sites, but particularly in Newport News and Garden Grove, the detectives had more contact with the prosecutors during plea stages than arresting patrol officers.

Information about Case Dispositions

Three questions on the survey were related to the information police received from the prosecutor's office on case dispositions. The first of these asked respondents to indicate how frequently they received information about the final dispositions of the felony arrests they made.

In Indianapolis, officers reported receiving this information more frequently than at the other two study sites. For example, about 38 percent of Indianapolis experimental officers reported rarely or never receiving this information, compared to 68 percent in Newport News and 77 percent in Garden Grove. There were few differences in the responses of experimental and control groups in Indianapolis on this question.

The exhibit that follows shows the percentage of officers at the three sites who indicated they always or often received information on felony arrest dispositions.

EXHIBIT 7

FREQUENCY OF INFORMATION RECEIVED FROM PROSECUTOR ON FELONY ARREST DISPOSITIONS

<u>Study Site</u>	<u>Percentage Reporting Always or Often Receiving Information</u>	
	<u>Experimental</u>	<u>Control</u>
Indianapolis	27%	29%
Newport News	11	15
Garden Grove	8	3

The next question about case dispositions asked officers how helpful this disposition information was in improving how they investigate and prepare felony arrests for prosecution. The majority of officers at all three sites

reported the information was at least somewhat helpful, as shown in the exhibit that follows.

EXHIBIT 8

HELPLEFULNESS OF ARREST DISPOSITION INFORMATION

Percentage Reporting Information Was Very or Somewhat Helpful

<u>Study Site</u>	<u>Experimental</u>	<u>Control</u>
Indianapolis	72%	74%
Newport News	71	85
Garden Grove	76	66

Officers were also asked if the arrest disposition information from the prosecutor's office included the reasons for the disposition. The exhibit that follows shows the responses to this question.

In Indianapolis, nearly one-third of experimental (32 percent) and control (29 percent) officers reported often or always being informed of reasons for their felony case dispositions, and about two-thirds said they were informed at least occasionally. As the exhibit shows, there were only slight differences between the responses of experimental and control officers.

EXHIBIT 9

FREQUENCY WITH WHICH DISPOSITION INFORMATION INCLUDES REASONS

<u>Frequency</u>	<u>Indianapolis</u>		<u>Newport News</u>		<u>Garden Grove</u>	
	<u>Exper.</u>	<u>Control</u>	<u>Exper.</u>	<u>Control</u>	<u>Exper.</u>	<u>Control</u>
Always	10%	7%	4%	4%	8%	--
Often	22	22	15	11	31	31
Occasionally	38	41	59	40	30	21
Rarely	20	17	19	19	8	24
Never	10	13	3	26	23	24

In Newport News, the most significant disparity between control and experimental responses was with regard to officers who reported they were never informed of the reasons for dispositions on felony cases: 26 percent of control officers, compared to only 3 percent of experimental officers, indicated they were never informed. Also, a higher percentage of experimental (59 percent) than control (40 percent) group members reported being informed of case dispositions occasionally.

Nearly half (48 percent) of the Garden Grove control group reported they were rarely or never informed of the reasons for their felony case dispositions, compared to 31 percent of the experimental group; and 69 percent of experimental but only 52 percent of control officers reported being at least occasionally informed.

Situations Leading to Difficulty in Obtaining Felony Convictions

The final, open-ended question asked officers to list the types of situations, circumstances, and offenses that lead to difficulty in obtaining convictions on felony arrests. The exhibit below lists the most prominent responses given by control and experimental group officers at the three study sites.

EXHIBIT 10

SITUATIONS LEADING TO DIFFICULTIES OBTAINING FELONY CONVICTIONS

<u>Indianapolis</u> N = 52 Exper. 53 Control	<u>Newport News</u> N = 11 Exper. 11 Control	<u>Garden Grove</u> N = 9 Exper. 21 Control
Lack of prosecutor cooperation and communication	Victim/witness lack of cooperation	Having shoplifting considered a burglary
Victim/witness lack of cooperation	Weapons offenses	Prosecutor lack of cooperation
Weapons offenses	Lack of physical evidence	Victim/witness lack of cooperation
Lack of physical evidence		

INDIANAPOLIS

Experimental Group - 126

Control Group - 109

POLICE - PROSECUTOR COOPERATION QUESTIONNAIRE

This questionnaire is part of a study for the National Institute of Justice being conducted in the Indianapolis Police Department. The study involves cooperation and communication between the police and prosecutors in investigating and preparing felony cases for prosecution. Please take a few minutes to complete both sides of this form and return it to the Quadrant Detective Lieutenant.

1. How useful was the special training on evidence and the police handling of felony arrests which was provided to officers in the past six months (please circle your answer)?

very useful		useful		did not receive		not very useful		not useful at all	
E	C	E	C	E	C	E	C	E	C
4.8%	-	34.1%	-	51.6%	-	4%	-	4.8%	-

2. How useful was the special handbook on evidence and the police handling of felony arrests which was disseminated to officers in the past six months (please circle your answer)?

very useful		useful		did not receive		not very useful		not useful at all	
E	C	E	C	E	C	E	C	E	C
6.3%	-	35%	-	53.2%	-	2.4%	-	4%	-

3. How helpful is it to have felony arrests carefully screened in the police department before they are presented for filing with the prosecutor (please circle your answer)?

very helpful		helpful		not sure		not very helpful		not helpful at all	
E	C	E	C	E	C	E	C	E	C
10.3%	23%	42%	41.3%	31.8%	26%	10%	6.4%	6.3%	3.7%

4. Listed below are two standards for measuring the quality of a police arrest. Please indicate how you feel about them by circling your answer for each of these standards.

- (A) Prosecutor filed the same charge as used by the police for arrest (i.e. - police arrest for felony and prosecutor files as a felony).

strongly agree		agree		disagree		strongly disagree	
E	C	E	C	E	C	E	C
23.8%	24.8%	59%	59%	11.9%	14.7%	4.8%	.9%

(B) Defendant convicted on same charge as used by the police for arrest.

strongly agree		agree		disagree		strongly disagree	
E	C	E	C	E	C	E	C
27%	25.7%	51%	50%	17%	21%	5%	2.7%

5. How do you rate your understanding and knowledge of the types of evidence that prosecutors require to obtain convictions on felony offenses (please circle your answer)?

very adequate		adequate		unsure		inadequate		very inadequate	
E	C	E	C	E	C	E	C	E	C
19.8%	28%	66%	64.2%	12%	5.5%	.8%	1.8%	.8%	-

6. How do you rate the degree of cooperation that exists between the prosecutor's office and police officers (please circle your answer)?

very adequate		adequate		unsure		inadequate		very inadequate	
E	C	E	C	E	C	E	C	E	C
24%	22%	53.2%	61.5%	11.1%	3.7%	10%	11%	2.4%	.9%

7. How important or valuable are the following items in helping the police obtain convictions of felony arrests (please circle your answer for each item)?

	Very Important		Somewhat Important		Rarely Important		Not at All Important	
	E	C	E	C	E	C	E	C
Physical Evid.	88.1	87.2	11	11	.8	2		
Victim Credibility	63	56.9	36.4	41.3	.8	1.8	2	
Victim Coop.	77	73.4	21	26.6	2.4			
Defendant's Record	30.2	26.6	47.1	45	17	24.8	6	3
Defendant's Statement	42.1	32	45.1	57	11.9	8.3	.8	2.7
Eyewitness ID	80.2	77.1	18	21.1	2	2		
Other (specify)	4	8.3		1.8				

8. How often in the past year have you felt your felony arrest cases have been legally adequate and the prosecutor's office has dismissed the cases or reduced the charges to misdemeanors (please circle your answer)?

very often		frequently		occasionally		rarely		never	
E	C	E	C	E	C	E	C	E	C
2.3%	2.7%	24%	13.8%	38%	52%	25.4%	21.1%	11.1%	10.1%

9. How frequently are you consulted by the prosecutor on your felony arrests before a plea agreement is reached with the defendant (please circle your answer)?

always		often		occasionally		rarely		never	
E	C	E	C	E	C	E	C	E	C
8.7%	7.3%	24%	29.4%	25%	28%	31.8%	24.8%	11.1%	11%

10. How frequently do you receive information from the prosecutor's office about the final dispositions of the felony arrests which you have made (please circle your answer)?

always		often		occasionally		rarely		never	
E	C	E	C	E	C	E	C	E	C
5.6%	5.5%	21.4%	23%	35%	32%	28%	30.3%	10.3%	9.2%

11. How helpful is this arrest disposition information in improving how you investigate and prepare felony arrests for prosecution (please circle your answer)?

very helpful		somewhat helpful		rarely helpful		not at all helpful	
E	C	E	C	E	C	E	C
20%	22%	52%	52%	21.4%	21.1%	7.1%	5%

12. Does this arrest disposition information from the prosecutor's office include the reasons for the disposition (please circle your answer)?

always		often		occasionally		rarely		never	
E	C	E	C	E	C	E	C	E	C
10.3%	7.3%	22.2%	22%	38%	41%	20%	17.4%	10%	12.8%

13. In your experience, what types of situations, circumstances, and offenses lead to difficulty in obtaining convictions on felony arrests (please be specific)?

Most Popular Responses

Percent Who Gave Responses

E	C
41.3%	48.6%

Order of Prominence:

1. Prosecutor -- lack of cooperation & communication
2. Victim/witnesses lack of cooperation
3. Weapon offenses
4. Lack of physical evidence

NEWPORT NEWS

Experimental Group - 47

Control Group - 27

POLICE - PROSECUTOR COOPERATION QUESTIONNAIRE

This questionnaire is part of a study for the National Institute of Justice being conducted in the Newport News Police Department. The study involves cooperation and communication between the police and prosecutors in investigating and preparing felony cases for prosecution. Please take a few minutes to complete both sides of this form and return it to the Patrol Captain.

1. How useful was the special training on evidence and the police handling of felony arrests which was provided to officers in the past six months (please circle your answer.)?

very useful		useful		did not receive		not very useful		not useful at all	
E	C	E	C	E	C	E	C	E	C
12.7%	-	61%	-	17%	-	8.5%	-	-	-

2. How useful was the special handbook on evidence and the police handling of felony arrests which was disseminated to officers in the past six months (please circle your answer)?

very useful		useful		did not receive		not very useful		not useful at all	
E	C	E	C	E	C	E	C	E	C
17%	-	41%	-	36.1%	-	6.4%	-	-	-

3. How helpful is it to have felony arrests carefully screened in the police department before they are presented for filing with the prosecutor (please circle your answer)?

very helpful		helpful		not sure		not very helpful		not helpful at all	
E	C	E	C	E	C	E	C	E	C
29.8%	33.3%	51.1%	37%	17%	26%	2.1%	3.7%	-	-

4. Listed below is a proposed standard for measuring the quality of a police arrest. Please indicate how you feel about it by circling your answer.

Defendant convicted on same charge as used by the police for arrest (i.e. - police arrest for felony and defendant convicted of a felony).

strongly agree		agree		disagree		strongly disagree	
E	C	E	C	E	C	E	C
26%	37%	38.3%	22.2%	32%	30%	4.3%	11.1%

5. How do you rate your understanding and knowledge of the types of evidence that prosecutors require to obtain convictions on felony offenses (please circle your answer)?

very adequate		adequate		unsure		inadequate		very inadequate	
E	C	E	C	E	C	E	C	E	C
28%	8%	64%	66%	6.4%	22.2%	2%	3.7%	-	-

6. How do you rate the degree of cooperation that exists between the prosecutor's office and police officers (please circle your answer)?

very adequate		adequate		unsure		inadequate		very inadequate	
E	C	E	C	E	C	E	C	E	C
19.1%	7.4%	62%	51.9%	4.3%	14.9%	10.7%	18.5%	4.3%	7.4%

7. How important or valuable are the following items in helping the police obtain convictions of felony arrests (please circle your answer for each item)?

	Very Important		Somewhat Important		Rarely Important		Not at All Important	
	E	C	E	C	E	C	E	C
Physical Evid.	89.4	96.3	11	3.7				
Victim Credibility	53.2	44	38.3	37	9	19		
Victim Coop.	57.4	81.5	42.6	14.9		3		
Defendant's Record	23.4	22.2	42.6	48.2	30	25	4.3	5
Def. Statement	57.4	55.5	34	44.4	9			
Eyewitness ID	70.2	85.2	26	14.9	4.3			
Other (specify)	8.5		8.5					

8. How often in the past year have you felt your felony arrest cases have been legally adequate and the prosecutor's office has dismissed the cases or reduced the charges to misdemeanors (please circle your answer)?

very often		frequently		occasionally		rarely		never	
E	C	E	C	E	C	E	C	E	C
8.5%	-	10.7%	3.7%	38%	29%	19.1%	37%	23.4%	30%

9. How frequently are you consulted by the prosecutor on your felony arrests before a plea agreement is reached with the defendant (please circle your answer)?

always		often		occasionally		rarely		never	
E	C	E	C	E	C	E	C	E	C
8.5%	18.5%	17%	66%	16%	8%	44.7%	7.4%	12.7%	0

10. How frequently do you receive information from the prosecutor's office about the final dispositions of the felony arrests which you have made (please circle your answer)?

always		often		occasionally		rarely		never	
E	C	E	C	E	C	E	C	E	C
4.3%	3.7%	6.4%	11.1%	22%	22.2%	27.7%	37%	40.4%	26%

11. How helpful is this arrest disposition information in improving how you investigate and prepare felony arrests for prosecution (please circle your answer)?

very helpful		somewhat helpful		rarely helpful		not at all helpful	
E	C	E	C	E	C	E	C
27.7%	18.5%	43%	66%	23.4%	8%	6.4%	7.4%

12. Does this arrest disposition information from the prosecutor's office include the reasons for the disposition (please circle your answer)?

always		often		occasionally		rarely		never	
E	C	E	C	E	C	E	C	E	C
4.3%	3.7%	15%	11.1%	59%	40%	19.1%	18.5%	3.4%	26%

13. In your experience, what types of situations, circumstances, and offenses lead to difficulty in obtaining convictions on felony arrests (please be specific)?

Most Popular Responses

Percent Who Gave Responses

E	C
23.4%	40.7%

Order of Prominence:

1. Victim/witnesses lack of cooperation
2. Weapon offenses
3. Lack of physical evidence

GARDEN GROVE

Experimental Group - 13

Control Group - 29

POLICE - PROSECUTOR COOPERATION QUESTIONNAIRE

This questionnaire is part of a study for the National Institute of Justice being conducted in the Garden Grove Police Department. The study involves cooperation and communication between the police and prosecutors in investigating and preparing felony cases for prosecution. Please take a few minutes to complete both sides of this form and return it to the Team Commander.

1. How useful was the special training on evidence and the police handling of felony arrests which was provided to officers in the past six months (please circle your answer)?

very useful		useful		did not receive		not very useful		not useful at all	
E	C	E	C	E	C	E	C	E	C
15.4%	-	61.6%	-	-	-	23%	-	-	-

2. How useful was the special handbook on evidence and the police handling of felony arrests which was disseminated to officers in the past six months (please circle your answer)?

very useful		useful		did not receive		not very useful		not useful at all	
E	C	E	C	E	C	E	C	E	C
15.4%	-	61.5%	-	-	-	15.4%	-	7.7%	-

3. How helpful is it to have felony arrests carefully screened in the police department before they are presented for filing with the prosecutor (please circle your answer)?

very helpful		helpful		not sure		not very helpful		not helpful at all	
E	C	E	C	E	C	E	C	E	C
15.4%	41.4%	69.2%	41.4%	7.7%	17.2%	7.7%	-	-	-

4. Listed below are two standards for measuring the quality of a police arrest. Please indicate how you feel about them by circling your answer for each of these standards.

- (A) Prosecutor filed the same charge as used by the police for arrest (i.e. - police arrest for felony and prosecutor files as a felony).

strongly agree		agree		disagree		strongly disagree	
E	C	E	C	E	C	E	C
31%	21%	22.8%	51.2%	46.2%	24.4%	-	3.4%

(B) Defendant convicted on same charge as used by the police for arrest.

strongly agree		agree		disagree		strongly disagree	
E	C	E	C	E	C	E	C
39%	27.2%	31%	41.4%	22.3%	28%	7.7%	3.4%

5. How do you rate your understanding and knowledge of the types of evidence that prosecutors require to obtain convictions on felony offenses (please circle your answer)?

very adequate		adequate		unsure		inadequate		very inadequate	
E	C	E	C	E	C	E	C	E	C
31%	17.2%	61.3%	51.7%	7.7%	27.7%	-	3.4%	-	-

6. How do you rate the degree of cooperation that exists between the prosecutor's office and police officers (please circle your answer)?

very adequate		adequate		unsure		inadequate		very inadequate	
E	C	E	C	E	C	E	C	E	C
-	3.4%	31%	35%	30.3%	24.1%	31%	34.1%	7.7%	3.4%

7. How important or valuable are the following items in helping the police obtain convictions of felony arrests (please circle your answer for each item)?

	Very Important		Somewhat Important		Rarely Important		Not at All Important	
	E	C	E	C	E	C	E	C
Physical Evid.	92.3	97	7.7	3.4				
Victim Credibility	69.2	31.7	31	68.3				
Victim Coop.	77	79.3	23	21				
Defendant's Record	46.2	21	31	51	15.4	28		7.7
Defendant's Statement	46	51.2	31	35	23	14		
Eyewitness ID	69.2	79.3	31	21				
Other (specify)		7.7						

8. How often in the past year have you felt your felony arrest cases have been legally adequate and the prosecutor's office has dismissed the cases or reduced the charges to misdemeanors (please circle your answer)?

very often		frequently		occasionally		rarely		never	
E	C	E	C	E	C	E	C	E	C
23%	7%	23%	35%	31%	45%	23%	10.3%	-	3.4%

9. How frequently are you consulted by the prosecutor on your felony arrests before a plea agreement is reached with the defendant (please circle your answer)?

always		often		occasionally		rarely		never	
E	C	E	C	E	C	E	C	E	C
-	-	-	-	7.7%	10.3%	19%	50%	73%	40%

10. How frequently do you receive information from the prosecutor's office about the final dispositions of the felony arrests which you have made (please circle your answer)?

always		often		occasionally		rarely		never	
E	C	E	C	E	C	E	C	E	C
7.7%	-	-	3.4%	15.4%	11%	23%	44.8%	53.8%	41.4%

11. How helpful is this arrest disposition information in improving how you investigate and prepare felony arrests for prosecution (please circle your answer)?

very helpful		somewhat helpful		rarely helpful		not at all helpful	
E	C	E	C	E	C	E	C
46.2%	28%	31%	37.9%	7.7%	28%	15.4%	7%

12. Does this arrest disposition information from the prosecutor's office include the reasons for the disposition (please circle your answer)?

always		often		occasionally		rarely		never	
E	C	E	C	E	C	E	C	E	C
7.7%	-	31%	31%	30%	21%	7.7%	24.1%	23%	24%

13. In your experience, what types of situations, circumstances, and offenses lead to difficulty in obtaining convictions on felony arrests (please be specific)?

Most Popular Responses

Percent Who Gave Responses

Order of Prominence:

E	C
69.2%	72.4%

1. Having shoplifting considered a burglary
2. Prosecutor lack of cooperation
3. Victim/witnesses lack of cooperation

APPENDIX II

NEWPORT NEWS FELONY ARREST
INVESTIGATIONS GUIDE, BURGLARY SECTION

MEMORANDUM DESCRIBING CASE FLOW
FOR POLICE-PROSECUTOR PROJECT,
NEWPORT NEWS POLICE DEPARTMENT

BURGLARY

I. TYPES OF BURGLARIES

A. BURGLARY - 18,2-89

1. CODE DEFINITION

IF ANY PERSON BREAK AND ENTER THE DWELLING HOUSE OF ANOTHER IN THE NIGHTTIME WITH THE INTENT TO COMMIT A FELONY OR ANY LARCENY THEREIN, HE SHALL BE GUILTY OF BURGLARY....

2. CLASS AND PUNISHMENT

A. CLASS 3 FELONY.

B. PUNISHABLE BY 5-20 YEARS IN THE PENITENTIARY.

C. HOWEVER, IF SUCH PERSON WAS ARMED WITH A DEADLY WEAPON AT THE TIME OF SUCH ENTRY, HE SHALL BE GUILTY OF A CLASS 2 FELONY.

D. IF ARMED, PUNISHABLE BY 5 YEARS TO LIFE IN THE PENITENTIARY.

EXAMPLE:

JOHN LEFT HIS HOUSE ABOUT 2200 HOURS AND WENT TO A PARTY. WHEN HE WAS GONE, MICHAEL, WHO HE DID NOT KNOW, PUSHED OPEN HIS REAR WINDOW AND ENTERED. ONCE INSIDE MICHAEL STOLE JOHN'S STEREO RECEIVER WHICH WAS VALUED AT \$300.00 AND DEPARTED THE RESIDENCE. MICHAEL WAS LATER ARRESTED WITH THE PROPERTY AND CHARGED WITH BURGLARY UNDER THE ABOVE CODE, AND GRAND LARCENY.

NOTE: THE INVESTIGATION MUST ESTABLISH THE INTENT AFTER ENTRY WAS GAINED FOR THIS PARTICULAR CODE.

B. ENTERING DWELLING HOUSE, ETC., WITH INTENT TO COMMIT

MURDER, RAPE OR ROBBERY - 19.2-90

1. CODE DEFINITION

IF ANY PERSON IN THE NIGHTTIME ENTER WITHOUT BREAKING OR IN THE DAYTIME BREAK AND ENTER A DWELLING HOUSE OR AN outhouse adjoining thereto and occupied therewith or in the NIGHTTIME ENTER WITHOUT BREAKING OR BREAK AND ENTER EITHER IN THE DAYTIME OR NIGHTTIME ANY OFFICE, SHOP, STOREHOUSE, WAREHOUSE, BANKING HOUSE, OR OTHER HOUSE OR ANY SHIP, VESSEL OR RIVER CRAFT OR ANY RAILROAD CAR, OR ANY AUTOMOBILE, TRUCK OR TRAILER, IF SUCH AUTOMOBILE, TRUCK OR TRAILER IS USED AS A DWELLING OR PLACE OF HUMAN HABITATION, WITH INTENT TO COMMIT MURDER, RAPE OR ROBBERY, HE SHALL BE DEEMED GUILTY OF STATUTORY BURGLARY....

2. CLASS AND PUNISHMENT

- A. CLASS 3 FELONY.
- B. PUNISHABLE BY 5-20 YEARS IN THE PENITENTIARY.
- C. HOWEVER, IF SUCH PERSON WAS ARMED WITH A DEADLY WEAPON AT THE TIME OF SUCH ENTRY, HE SHALL BE GUILTY OF A CLASS 2 FELONY.
- D. IF ARMED, PUNISHABLE BY 5 YEARS TO LIFE IN THE PENITENTIARY.

EXAMPLE:

SALLY WAS HOME SLEEPING WHEN SHE HEARD A NOISE IN HER BEDROOM. WHEN SHE AWOKE, MICHAEL WAS STANDING OVER HER COMPLETELY NAKED WITH AN ERECTION. HE TOLD HER NOT TO SCREAM AND SHE WOULDN'T BE HURT. AT THE SAME TIME HE STARTED PULLING OFF HER NIGHTGOWN. SHE SCREAMED AND MICHAEL FLED THE RESIDENCE. IT WAS LATER FOUND THAT ENTRY WAS GAINED BY FORCING OPEN A REAR DOOR. MICHAEL WAS LATER IDENTIFIED AND ARRESTED. HE WAS CHARGED WITH BURGLARY UNDER THE ABOVE CODE, AND ALSO WITH ATTEMPT RAPE. ELEMENTS OF THE ATTEMPT RAPE WOULD BE RULED ON BY THE

TRIAL COURT.

NOTE: THIS CODE COVERS THE NIGHTTIME ENTRY WITHOUT ANY BREAKING, AS WELL AS THE DAYTIME ENTRY WITH EITHER BREAKING OR CONSTRUCTIVE ENTRY. IN ADDITION, THE SPECIFIC INTENT TO COMMIT MURDER, RAPE OR ROBBERY MUST BE ESTABLISHED, HOWEVER, IT IS NOT NECESSARY TO COMPLETE THE ACTUAL CRIMINAL ACT THEREIN.

C. ENTERING DWELLING HOUSE, ETC., WITH INTENT TO COMMIT LARCENY OR OTHER FELONY - 18.2-91

1. CODE DEFINITION

IF ANY PERSON DO ANY OF THE ACTS MENTIONED IN 18.2-90 WITH INTENT TO COMMIT LARCENY, OR ANY FELONY OTHER THAN MURDER, RAPE OR ROBBERY, HE SHALL BE DEEMED GUILTY OF STATUTORY BURGLARY....

2. CLASS AND PUNISHMENT

A. UNCLASSIFIED FELONY.

B. PUNISHABLE BY CONFINEMENT IN A PENITENTIARY FOR NOT LESS THAN ONE (1) OR MORE THAN TWENTY (2) YEARS, OR AT THE DISCRETION OF THE JURY, OR JUDGE SITTING WITHOUT A JURY, BE CONFINED IN JAIL FOR A PERIOD NOT EXCEEDING TWELVE (12) MONTHS OR FINED NOT MORE THAN \$1,000.00, EITHER OR BOTH.

C. HOWEVER, IF SUCH PERSON WAS ARMED WITH A DEADLY WEAPON AT THE TIME OF SUCH ENTRY HE SHALL BE GUILTY OF A CLASS 2 FELONY.

D. IF ARMED, PUNISHABLE BY 5 YEARS TO LIFE IN THE PENITENTIARY.

EXAMPLES:

MR. JOHN ADAMS CLOSED HIS BUSINESS KNOWN AS JOHN'S BODY SHOP AT APPROXIMATELY 2300 HOURS. SOMETIME AFTER CLOSING, MICHAEL ENTERED HIS BUSINESS BY BREAKING OUT A SIDE WINDOW. ONCE INSIDE HE STOLE ABOUT \$800.00 WORTH OF ASSORTED TOOLS. MICHAEL WAS LATER ARRESTED FOR THIS BUSINESS BURGLARY. HE WAS CHARGED WITH BURGLARY UNDER THE ABOVE CODE, AND ALSO WITH GRAND LARCENY.

THE REVEREND JOHN LOCKED UP THE FIRST BAPTIST CHURCH ABOUT 0900 HOURS AND DEPARTED. SOMETIME AFTER THE BUILDING WAS SECURED, MICHAEL CLIMBED ONTO THE ROOF AND REMOVED AN AIR VENT TO GAIN ENTRY. ONCE INSIDE HE STOLE ABOUT \$75.00 IN CASH FROM A FRONT OFFICE. MICHAEL WAS LATER ARRESTED FOR THIS CHURCH BURGLARY. HE WAS CHARGED WITH BURGLARY UNDER THE ABOVE CODE, AND ALSO THE LARCENY.

NOTE: THIS CODE COVERS ANY ACTS MENTIONED WITHIN (18.2-90) WITH THE EXCEPTION OF MURDER, RAPE OR ROBBERY. HOWEVER, THE INTENT TO COMMIT LARCENY OR ANOTHER FELONY MUST BE ESTABLISHED. I.E., A CHURCH IS BROKEN INTO DURING THE DAYTIME AND PROPERTY IN EXCESS OF \$200.00 IS STOLEN. IN THAT CASE YOU HAVE ESTABLISHED A CHARGE OF GRAND LARCENY.

D. BREAKING AND ENTERING HOUSE WITH INTENT TO COMMIT ASSAULT OR OTHER MISDEMEANOR - 18.2-92

1. CODE DEFINITION

IF ANY PERSON BREAK AND ENTER A DWELLING HOUSE WHILE SAID DWELLING IS OCCUPIED, EITHER IN THE DAY OR NIGHTTIME, WITH THE INTENT TO COMMIT ASSAULT OR ANY OTHER MISDEMEANOR EXCEPT TRESPASS....

2. CLASS AND PUNISHMENT

A. CLASS 6 FELONY.

B. PUNISHABLE BY A TERM OF IMPRISONMENT OF NOT LESS THAN ONE (1) YEAR NOR MORE THAN FIVE (5) YEARS, OR AT THE DISCRETION OF THE JURY OR THE COURT TRYING THE CASE WITHOUT A JURY, CONFINEMENT IN JAIL FOR NOT MORE THAN TWELVE (12) MONTHS AND A

FINE OF NOT MORE THAN \$1,000.00, EITHER OR BOTH.

- C. HOWEVER, THAT IF SUCH PERSON WAS ARMED WITH A DEADLY WEAPON AT THE TIME OF SUCH ENTRY, HE SHALL BE GUILTY OF A CLASS 2 FELONY.
- D. IF ARMED, PUNISHABLE BY FIVE (5) YEARS TO LIFE IN THE PENITENTIARY.

EXAMPLE:

SALLY WAS HOME FEEDING HER BABY WHEN THE REAR DOOR FLUNG OPEN. HER OLD BOYFRIEND MICHAEL ENTERED WITHOUT HER PERMISSION AND STRUCK THE VICTIM SEVERAL TIMES IN THE FACE. THEY EXCHANGED SOME WORDS AND MICHAEL DEPARTED THE RESIDENCE. SALLY LATER OBTAINED WARRANTS FOR HIS ARREST. HE WAS CHARGED WITH BURGLARY UNDER THE ABOVE CODE, AND ALSO WITH ASSAULT & BATTERY.

NOTE: THIS CODE COVERS THE BREAKING AND ENTERING OF AN OCCUPIED DWELLING, EITHER IN THE DAYTIME OR NIGHTTIME TO COMMIT THE ACT OF ASSAULT OR ANY OTHER MISDEMEANOR, EXCEPT TRESPASSING.

II. ELEMENTS OF OFFENSE

A. DAYTIME ENTRANCE

IF THE BURGLARY OCCURRED DURING THE DAYLIGHT HOURS, IT IS NECESSARY TO ESTABLISH THAT AN ACTUAL BREAKING OCCURRED INVOLVING THE USE OF FORCE, NO MATTER HOW SLIGHT.

EXAMPLE:

IF A VICTIM LEAVES A DOOR/WINDOW PARTIALLY OPEN, AND IT IS NECESSARY FOR THE SUSPECT TO FURTHER OPEN THE DOOR/WINDOW, NO MATTER HOW SLIGHT, THE ELEMENT OF BREAKING HAS OCCURRED.

B. NIGHTTIME ENTRANCE

IF THE BURGLARY OCCURRED DURING THE HOURS OF DARKNESS, IT IS NOT NECESSARY TO ESTABLISH THAT AN ACTUAL BREAKING OCCURRED, ONLY THAT ENTRY WAS GAINED.

C. CONSTRUCTIVE BREAKING

IT IS POSSIBLE TO GAIN ENTRY INTO A PREMISE WITH OR WITHOUT FORCE, BY MEANS OF THREATS, FRAUD, OR CONSPIRACY WHICH WILL ALSO ESTABLISH THE NECESSARY BREAKING ELEMENT.

D. WITHOUT PERMISSION OF OWNER

IT IS ESSENTIAL THAT THE INVESTIGATION ESTABLISH THAT THE INDIVIDUAL WHO COMMITTED THE OFFENSE DID NOT HAVE PERMISSION FROM THE OWNER OF THE PREMISE TO ENTER, OR TO COMMIT ANY OTHER CRIMINAL OFFENSE THEREIN.

E. INTENT CONSTITUTES AN ESSENTIAL PART OF THE CRIME

THE SPECIFIC INTENTION OF THE SUSPECT, ONCE INSIDE, HAS TO BE ESTABLISHED IN ORDER TO CONSTITUTE THE CRIME OF BURGLARY. HOWEVER, THE INTENT CAN ALMOST ALWAYS BE ESTABLISHED BY CIRCUMSTANTIAL EVIDENCE LOCATED AT THE CRIME SCENE. I.E., IF A SUSPECT WAS APPREHENDED INSIDE A RESIDENCE AND HE TOLD YOU HE WAS TIRED AND JUST WANTED TO SLEEP, IF YOU CHECKED THE INTERIOR OF THE RESIDENCE AND FOUND SEVERAL DRESSER DRAWERS OPEN, THE INTENT TO STEAL HAS BEEN ESTABLISHED.

III. ALTERNATIVE CHARGES

IF THE ELEMENTS OF PROOF CANNOT BE MET FOR BURGLARY, THE FOLLOWING CHARGES MAY BE CONSIDERED.

A. ATTEMPT BURGLARY - 18.2-26

WHEN ALL THE ELEMENTS ARE NOT MET, OR THE ACT ITSELF IS INCOMPLETE.

B. ATTEMPT GRAND LARCENY - 18.2-26

WHEN THE ACT OF REMOVAL HAS NOT BEEN COMPLETED, BUT THE

INTENTION TO STEAL SPECIFIC PROPERTY WAS PRESENT. THE VALUE OF THE PROPERTY MUST BE IN EXCESS OF \$200.00.

C. ATTEMPT LARCENY - 18.2-27

WHEN THE ACT OF REMOVAL HAS NOT BEEN COMPLETED, BUT THE INTENTION TO STEAL SPECIFIC PROPERTY WAS PRESENT. THE VALUE OF THE PROPERTY MUST BE LESS THAN \$200.00.

D. POSSESSION OF BURGLARIOUS TOOLS, ETC. - 18.2-94

IF A PERSON IS APPREHENDED AND IT IS FOUND THAT HE POSSESSES TOOLS, IMPLEMENTS OF ARTICLES WHICH COULD BE USED TO COMMIT A BURGLARY. HOWEVER, ALL CIRCUMSTANCES INVOLVING THE SUSPECT'S LOCATION AND TIME OF DAY/NIGHT SHOULD BE CONSIDERED PRIOR TO PLACING THIS CHARGE.

EXAMPLES:

OFFICERS WERE DISPATCHED TO HINES MIDDLE SCHOOL IN REFERENCE TO A BURGLARY IN PROGRESS CALL. UPON THEIR ARRIVAL THEY LOCATED MICHAEL AT THE REAR OF THE SCHOOL ATTEMPTING TO FORCE OPEN A WINDOW WITH A CROWBAR AND SCREWDRIVER. THE BUILDING WAS CHECKED AND IT WAS DETERMINED THAT ENTRY WAS NOT GAINED; HOWEVER, THERE WERE SIGNS OF FORCE ON THE WINDOW. FURTHER, A PAIR OF GLOVES WAS FOUND IN THE SUSPECT'S BACK POCKET. MICHAEL WAS ARRESTED AND CHARGED WITH ATTEMPT BURGLARY AND POSSESSION OF BURGLARIOUS TOOLS.

OFFICERS WERE DISPATCHED TO HINES MIDDLE SCHOOL IN REFERENCE TO A BURGLARY IN PROGRESS CALL. UPON THEIR ARRIVAL THEY FOUND A REAR WINDOW BROKEN OUT AND OPEN. THEY SECURED THE EXTERIOR OF THE BUILDING AND STARTED A SEARCH OF THE SCHOOL. AS THEY WERE SEARCHING THE INTERIOR, THEY APPREHENDED MICHAEL BY A LOCKED REAR DOOR ATTEMPTING TO FLEE THE BUILDING. HE HAD IN HIS POSSESSION A COLOR TELEVISION SET BELONGING TO THE SCHOOL. MICHAEL WAS ARRESTED AND CHARGED WITH BURGLARY AND ATTEMPT GRAND LARCENY. THE VALUE OF THE PROPERTY DETERMINES EITHER THE CHARGE OF ATTEMPT GRAND LARCENY OR ATTEMPT LARCENY.

IV. SOME ADDITIONAL CHARGES COMMONLY ASSOCIATED WITH BURGLARY

A. POSSESSION OF AN ELECTRICAL APPLIANCE WITH THE SERIAL NUMBER REMOVED OR ALTERED - 18.2-215

- B. POSSESSION OF STOLEN PROPERTY (FELONY OR MISDEMEANOR)
DEPENDANT ON VALUE - 18.2-108
- C. TRESPASSING - 18.2-19
- D. DESTROYING PROPERTY - 18.2-137
- E. POSSESSION OF BURGLARIOUS TOOLS - 18.2-94

V. PHYSICAL EVIDENCE COMMON TO BURGLARY

WHEN THE OFFICER WILL ACTUALLY PROCESS THE CRIME SCENE OR COLLECT EVIDENCE HIMSELF, THE FOLLOWING PRECAUTIONS SHOULD BE NOTED.

PRIOR TO TOUCHING, MOVING, ALTERING OR COLLECTING ANY PHYSICAL EVIDENCE, A RECORD SHOULD BE MADE OF ITS EXACT POSITION AND CONDITION. THE RECORD CONSISTS OF EITHER PHOTOGRAPHS, MEASUREMENTS AND SKETCHES, ALONG WITH DESCRIPTIVE NOTES. THE FOLLOWING ARE JUST SOME TYPES OF EVIDENCE ASSOCIATED WITH BURGLARY. (SEE LAST CHAPTER IN REFERENCE TO COLLECTING AND PACKAGING OF THE FOLLOWING ITEMS AS NOTED BY THE SECTION NUMBER IN PARENTHESIS.)

- A. BLOOD (1.1)
- B. CIGARETTE BUTTS (3.)
- C. CLOTHING (3.)
- D. FABRICS (3.)
- E. FINGERPRINTS (4.)
- F. FOOTPRINTS (9.1)
- G. GLASS (7.)

BLOOD SHOULD BE TAKEN FOR LATER LAB TESTING. REMEMBER IF A SUSPECT IS APPREHENDED, YOU SHOULD RECEIVE HIS ORAL CONSENT TO SEIZE THE CLOTHING. IF ORAL CONSENT ISN'T GIVEN, IT IS RECOMMENDED THAT YOU OBTAIN A SEARCH WARRANT FOR THE ITEMS TO BE COMPARED.

5. FOOT OR TIRE IMPRESSIONS AT THE CRIME SCENE. EXTREME PRECAUTION SHOULD BE USED SO AS NOT TO DESTROY ANY EVIDENCE PRIOR TO COLLECTION.
6. TYPE OF PROPERTY STOLEN AND EXACT LOCATION STOLEN FROM WITHIN THE PREMISE.

B. EVIDENCE OF PRIMARY CONCERN OBTAINED THROUGH VICTIM/WITNESS STATEMENTS

1. PHYSICAL DESCRIPTION. FOR BEST DESCRIPTION POSSIBLE, USE SECTIONS 141-166 (PERSON'S DESCRIPTION), AND SECTION 54 (CLOTHING DESCRIPTION) OF THE OFFENSE/INCIDENT REPORT, AS A GUIDE WHEN OBTAINING STATEMENTS.
2. M.O. SECTIONS 174-184 OF THE OFFENSE/INCIDENT REPORT MAY OFFER SOME SUGGESTIONS ON QUESTIONS REFERRING TO M.O. IN ADDITION, PARTICULAR ATTENTION SHOULD BE GIVEN TO:
 - A. NEIGHBORHOOD CANVASS.
 - B. PRIOR ACQUAINTANCE OR OBSERVATION OF POSSIBLE SUSPECT.
 - C. LENGTH OF TIME THE SUSPECT WAS OBSERVED, AND BY WHOM.
 - D. POINT OF ENTRY/EXIT AS OBSERVED.
 - E. DISTANCE, CONDITIONS OF LIGHTING, POSITION OF

WITNESS RELATIVE TO SUSPECT (RELATIVE TO ABILITY TO OBSERVE).

- F. TERMINATION STAGE - ROUTE OF ESCAPE, ON FOOT OR GETAWAY VEHICLE,
- G. LOCATION OF RECOVERED PROPERTY FROM BURGLARY AND DISTANCE FROM CRIME SCENE ALONG WITH PATH OF TRAVEL.

C. SUSPECT IDENTIFICATION METHODS

1. SHOWUPS - If a SUSPECT MATCHING THE DESCRIPTION IS LOCATED WITHIN A REASONABLE PERIOD OF TIME NEAR THE SCENE, OR REASONABLY CLOSE IF VEHICLE IS USED, SUSPECT MAY BE BROUGHT BACK TO THE SCENE FOR IDENTIFICATION BY WITNESS/VICTIM.
2. PHOTOSPREADS - SUSPECT'S PHOTO MUST BE PLACED AMONG A MINIMUM OF SIX (6) PHOTOS DEPICTING SIMILAR LOOKING SUSPECTS. PHOTOS SHOULD BE OF SAME TYPE, WITH NO MARKINGS (I.E., STAPLE HOLES, ETC.). SPREADS SHOULD BE SHOWN TO VICTIM OR WITNESSES INDIVIDUALLY, NOT ALLOWING CONSULTATION BETWEEN THEM. HAVE THEM INITIAL, DATE AND NOTE TIME ON SELECTED PHOTO, AND THEN COMPLETE PHOTOSPREAD REPORT. BE CAREFUL NOT TO SAY ANYTHING TO SWAY THE WITNESS. ADMONITION TO BE GIVEN IS AS FOLLOWS: "I HAVE A GROUP OF PHOTOS I WOULD LIKE FOR YOU TO VIEW CAREFULLY TO SEE IF THE SUSPECT IN YOUR CASE IS POSSIBLY IN THERE. YOU MUST MAKE UP YOUR OWN MIND AND NOT BE INFLUENCED BY OTHER WITNESSES. WHEN YOU HAVE COMPLETED VIEWING ALL THE PHOTOS, PLEASE TELL ME WHETHER OR NOT YOU CAN MAKE AN IDENTIFICATION."
3. PHYSICAL LINEUPS - WHEN IDENTIFICATION THROUGH A PHOTOSPREAD OR THE 324 FILE IS QUESTIONABLE OR WITNESS IS UNSURE BUT THINKS THEY HAVE THE RIGHT

SUSPECT, A PHYSICAL LINEUP MAY RESULT IN A MORE POSITIVE IDENTIFICATION. THIS IS A DAYTIME FUNCTION AND MUST BE ARRANGED THROUGH THE NEWPORT NEWS JAIL. JAIL HAS ESTABLISHED PROCEDURES WHICH ARE WITHIN THE LEGAL ASPECTS.

4. IF NO SUSPECT IS DEVELOPED, CONSIDER HAVING THE VICTIM VIEW THE PROPER CATEGORY OF THE 324 FILE.
5. 324 FILE - THIS FILE IS LOCATED IN THE MAJOR CRIMES UNIT AND ACCESS MAY BE GAINED BY OBTAINING THE KEY FROM THE INFORMATION DESK. CATEGORIES ARE EXPLAINED BY A CHART HANGING OVER THE FILE. ANOTHER FILE OF KNOWN ROBBERY SUSPECTS IS LOCATED TO THE LEFT OF THE 324 FILE.
6. IF ALL OTHER MEANS OF IDENTIFICATION FAIL, YOU MIGHT ATTEMPT HAVING THE VICTIM/WITNESS COMPILE A COMPOSITE DRAWING OF THE SUSPECT. HOWEVER, A COMPOSITE CAN ONLY BE MADE IF YOU HAVE A VERY GOOD DESCRIPTIVE WITNESS. FURTHER, THE COMPOSITE ISN'T USED FOR IDENTIFICATION OF A SUSPECT, BUT IT IS USED FOR THE ELIMINATION OF SUSPECTS. CONTACT EITHER THE MAJOR CRIMES LIEUTENANT OR THE PROPERTY CRIMES LIEUTENANT FOR THE LISTING OF COMPOSITE DRAWING OPERATORS.

MEMORANDUM DESCRIBING CASE FLOW
FOR POLICE-PROSECUTOR PROJECT,
NEWPORT NEWS POLICE DEPARTMENT

June 1985

CASE FLOW
FOR NIJ PROJECT

1. Offense Sheets are submitted to Information Desk by Patrol/Investigators. Patrol Grand Juries are also submitted to Desk. Grand Juries by Investigators are submitted to respective Squad Sergeants.
2. Offense Sheets are dispersed to Central Records and Crime Analysis for recording and numbering. Offense Sheets are sent to respective Squad Sergeants for assignment to either Patrol or Investigations. Grand Juries are picked up at the Information Desk by Juanita Dixon. She will submit all Grand Juries involving Burglary, Grand Larceny and Grand Larceny Auto to Lieutenant James, and all Grand Juries involving Maiming, Robbery, Hit & Run and Manslaughter to Sergeant Storms, both of whom are primary screeners. Alternate screeners are Sergeants Wickline and King, and Detective Wescott.
3. Beginning June 15, 1985 screeners will complete Page 1 and 2 of the case tracking sheets on all Grand Juries involving Burglary, Grand Larceny, Grand Larceny Auto, Hit & Run, Manslaughter and Maiming cases investigated by the South (Experimental Group) Patrol Officers/Investigators. Information omitted from Case Tracking Sheet plus needed additional follow-up will be noted on a Case Memo Sheet to be forwarded to the Investigating Officer for completion. Page 1 only of the Case Tracking Sheet will be completed on all North (Control Group) Patrol cases and all Robberies whether North or South.

(Grand Juries not involved will be reproduced and distributed by respective squad secretaries. Ms. Dixon will reproduce and distribute all Patrol cases not included in the NIJ Project.)

The screeners will attach the Case Tracking Sheets and Case Follow-up Memo to the front of the Grand Juries, and submit them to Ms. Dixon. Ms. Dixon will reproduce and distribute only those Grand Juries which have completed the screening cycle. Chanda Todd will reproduce all Grand Juries for Property and Juanita all for Persons. This can be recognized by the screeners initials in the upper right hand corner of the Grand Jury Report. The Case Tracking Sheets of completed South Cases (Experimental) will be copied. One copy will be included in the Grand Jury Report for the Commonwealth's Attorney along with the Case Follow-up Memo. The other copies are to be filed in the NIJ file and held for RMA. Case Tracking Sheets on North Cases (Control Group) and on all robberies will not be copied for the Grand Jury Report. They will be filed in the NIJ file held for RMA. Ms. Dixon will forward to the investigating officer those Grand Juries (South Cases-Experimental Group) being screened for the first time with Pages 1 & 2 of Case Tracking Sheet and Case Follow-up Memo Sheet for further follow-up. Patrol cases will go through Wanda Cherry for distribution (Secretary for Captain Boyd).

4. The Investigating Officer will complete the investigation as per the instructions on the Case Memo Sheet filled out by the screener, and fill in information left blank on Case Tracking Sheet. Upon completion, the investigating Patrol Officer will resubmit the Grand Jury Report to the

Information Desk or the Detective will resubmit the case to his/her Squad Sergeant. When screening cycle has been completed the case is initialled, reproduced and distributed as per instructions under #3.

5. The Commonwealth's Attorney's Office will review the (Experimental Group) cases within 10 days of receiving them. The Case Tracking Sheets and memos will be in the case files. If further follow-up is required, this may be accomplished by contacting the appropriate screener. The screener will forward a memo to the investigating officer, via Captain Boyd's office in the case of Patrol, or via the appropriate Squad Sergeant in the case of Investigations Division cases. The Detective/Patrol Officer will complete the assignment and notate this on the Case Memo Sheets, and return to the screener via the Information Desk for Patrol or the Squad Sergeant for Investigations. The screeners will return them to the Commonwealth's Attorney by placing them in the Commonwealth's Attorney's box.
6. Upon final disposition, the Commonwealth's Attorney will complete and forward to the appropriate case screener, a Final Disposition Sheet, noting the case dispositions and the reasons for the disposition, i.e., plea agreement, nolle prossed, etc. Officers will return case files back to appropriate filing location. Patrol cases completed in court will be left at the Information Desk in the box marked "Completed Court Cases" which will be located near where the court slips are turned in.

The screener will review the disposition sheets and forward them to the appropriate supervisor of the investigating officer. (Prior to forwarding, a copy will be made by Ms. Dixon, who will file it in the NIJ file.) If the dismissal or reduction in charges was avoidable:

Patrol - face to face counseling session with Watch Lieutenant and Sergeant to correct and explain error. A copy of Disposition Sheet will be retained in officer's file.

Investigator - face to face counseling with Squad Sergeant to correct and explain error.

Unavoidable:

Officer reviews sheet and gives it back to Sergeant to file in officer's file.

Disposition Sheets will be matched with corresponding case files by Detective Wescott at the end of each month, and held for RMA.

APPENDIX III

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