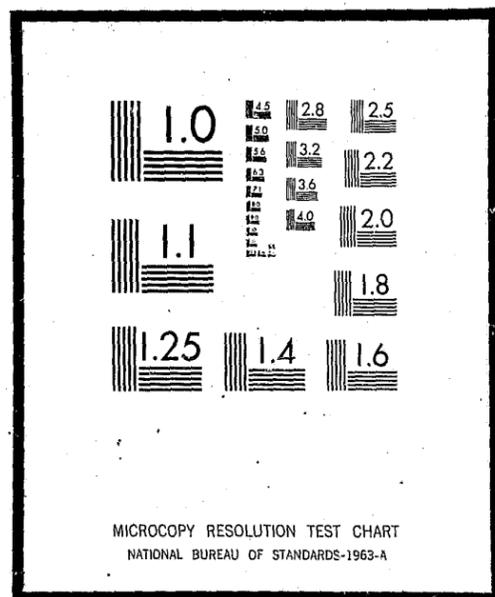


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(6R)
MULTNOMAH COUNTY DISTRICT ATTORNEY
HIGH IMPACT PROJECT

PRELIMINARY EVALUATION REPORT
(No. 1)

PREPARED BY
STATE PLANNING AGENCY
OF THE
OREGON LAW ENFORCEMENT COUNCIL

ROBERT D. HOUSER
ADMINISTRATOR

February, 1975

26542
Evaluation

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We are appreciative of the cooperation and participation of the Multnomah County District Attorney's Impact office staff and the central office's administrative staff and personnel.

Harl Haas, District Attorney

Note to the Reader:

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

SUMMARY OF FINDINGS

1. During the first six months of the project's operation, 39 percent (66 of 169) BID and Robbery I cases considered by the District Attorney's Impact office were declined compared to 47 percent (40 of 85) of the comparison BNID, Burglary II, and Robbery II cases presented to the central office. The difference between the proportion of cases declined by the two offices is not significant. Overall, 42 percent of these offense cases have been declined for prosecution.
2. The most frequent reason given for declining cases by the District Attorney's Impact office was insufficient evidence.
3. The District Attorney's Impact office has declined a significantly lower proportion of Robbery I cases (31%) than the proportion of Robbery II cases considered by the central office (75%).
4. Eight percent of the BID and Robbery I cases were dismissed at the District Attorney's Impact office contrasted to nine percent of the BNID, Burglary II, and Robbery II cases considered by the central office. These proportions are not reliably different.
5. The proportion of Impact offenses (BID, Robbery I, and Theft I) cases declined or dismissed between comparable time periods in 1973 and 1974 are not reliably different.
6. For the combined offenses of Burglary I, Robbery I, and Theft I prosecuted by the project office, 58 percent (66 of 113) of the cases have pled to the original charge contrasted to 24 percent of the comparison cases prosecuted by the central office.

Although 71 percent of the cases prosecuted by the District Attorney's Impact office have either pled to the original charge or were convicted at trial, this falls short of the objective to "maintain an 'original charge' conviction rate of 85 percent".
7. A significantly greater proportion (50%) of the Burglary I and Robbery I cases prosecuted by the Impact office pled guilty to the original charge compared to the proportion (24%) of the BNID, Burglary II, and Robbery II cases prosecuted at the central office.

8. Only three percent (3 of 113) of the cases prosecuted by the Impact office were pled pursuant to bargain compared to 47 percent (21 of 45) of the comparison cases prosecuted by the central office. This difference in proportions is highly significant, as well as being under the stated objective of maintaining a rate of negotiated pleas of less than five percent.

9. Sixty-five percent (34 of 52) of the Burglary in a Dwelling cases prosecuted by the Impact office pled to the original charge compared to seven percent (5 of 68) prosecuted in 1972 and 1973. The difference in proportions is highly significant.

A significant increase in pleas to the original charge for Robbery I cases prosecuted by the Impact office is found when compared to cases prosecuted in 1972 and 1973. In the Impact office, 53 percent (27 of 51) have pled to the original charge contrasted to 10 percent (4 of 41) prosecuted during the previous two-year baseline.

10. Twelve percent of the BID cases handled by the Impact office have been dismissed contrasted to 15 percent of the comparison burglary cases. Although these proportions are not reliably different, the percentage of cases dismissed exceeds the stated objective.

Similar to the burglary offense, the proportion dismissed of the robbery cases prosecuted do not reliably differ between the offices. The Impact office met the objective on the robbery cases prosecuted.

11. The median number of days from arrest to trial period for the cases prosecuted by the Impact office is 51 compared to 50 days for all felony cases tried by the central office. Thus, the objective to maintain equal arrest to trial periods has been achieved.

I. Introduction

In 1971, only 16 percent of the reported burglaries and only 23 percent of the reported robberies in Portland were cleared by arrest. Of the 184 adults arrested and charged for burglary, only 75 percent were convicted, and 58 percent of the 209 persons arrested and charged for robbery were convicted.

Most of these convictions were the result of plea negotiation. In 1971, 80.6 percent of the burglary convictions and 90.2 percent of the robbery convictions were plea negotiated.

Because this practice is believed to reduce the deterrent effects of criminal sanctions, the National Conference on Criminal Justice has recommended its abrogation. According to the National Conference, the conviction of a defendant should depend on the evidence available and disposition should depend on what action would best serve rehabilitative and deterrent needs, not convenience.

The respect for criminal justice institutions is often reduced by the contact that citizens have with them as complainants, witnesses, jurors, or defendants. Expecting to find careful, deliberate proceedings, they are often confronted by a mass production process; with each official spending only a short time on any one case; with the defendant or victims as perplexed bystanders; and with decisions based on expediency.

Furthermore, the fact that opportunities and techniques for bargaining exist can have adverse effects upon attempts to rehabilitate offenders and generally decrease crime rates. If conviction on a charge is to be determined, in great part by skill of the offender in bargaining with the court, then the concept of justice based upon facts and rules of evidence becomes meaningless.

Plea bargaining, condemned by some as expediency and lauded by others as an integral part of the criminal justice system, constitutes a part of this report.

Purpose

The purpose of this report on the District Attorney's project is:

1. To provide information for assessing effectiveness of six months of operations.

2. The degree of success in meeting project goals and objectives.
3. To provide information for determining if proper modifications or redirections are required.

Throughout this report our objective is to describe things as they are. When the data suggests several hypotheses, we examine each to the best of our ability. Although in a few instances we have made value judgments, we have largely refrained from judging how things should be or from attempting to decide which of various policies in force in the different offices is best. These tasks will require considerable dialogue among many members of the legal and political community. This report could be one impetus to such a dialogue.

Approach

The approach used in determining success was a study of conditions before and after project implementation.

In line with the evaluation component of the project, the following quantitative comparisons were made with the results of the project office:

1. Data from similar offenses in 1972 and 1973.
2. A comparison group of concurrent prosecutions in the main office for equivalent categorical offenses.

In using the data, we have found it to be preferable to remove all pending cases for the reason the data would not be meaningful until these cases were complete.

In some cases, the method employed combines the measures obtained from more than one category in order to increase the sample size.

The ensuing pages present the results of the first six months of the District Attorney project. The contribution of this project to the overall Impact program goal of reducing burglary and stranger-to-stranger street crime in Portland by five percent in two years will be addressed in the final project evaluation report.

There are six essential performance measures that must be examined to assess the effectiveness of the D.A. Impact project office. Each has its unique meaning that cannot

be obtained from the others. Taken together, they present a fairly complete picture of prosecution effectiveness.

1. Rejection Rate - the percentage of cases presented by the police for prosecution in which the District Attorney refuses to file.
2. Dismissal Rate - the percentage of the defendants whom the court releases prior to adjudication. The dismissal may occur in district court, failure of the grand jury to indict, or it may result from a motion by the defense or prosecution in circuit court.
3. Plea to Charge Rate - the percentage of the defendants who plead guilty as charged.
4. Negotiated Plea Rate - the percentage of the defendants who plead guilty to any other charge.
5. Trial Conviction Rate - the percentage of cases that go to trial and result in a conviction.
6. Overall Conviction Rate - the percentage of cases which result in guilty pleas to the original charge or a conviction at trial.

II. Project Goals and Objectives

Goals

1. Improve quality of cases coming to trial by providing legal advice and casework assistance to police investigators.
2. Provide swift and appropriate prosecution of target crimes.
3. Reduce negotiated pleas in cases involving specific Impact crimes.

Objectives

1. Maintain an "original charge" conviction rate of 85 percent.
2. Maintain an "original charge" conviction rate of 50 percent higher than the rate for the comparison group of prosecutions of similar offenses.

3. Maintain a rate of negotiated pleas of less than 5 percent.
4. Increase by 50 percent the rate of guilty pleas to the "original charge" over 1972 figures for selected target offenses.
5. Maintain a rate of cases dismissed for insufficient evidence, 50 percent lower than for the comparison group.
6. Maintain an arrest-to-trial period equal to the comparison group.

III. Evaluation Results

- A. Goal I: Improve the quality of cases coming to trial by providing legal advice and casework assistance to police investigators.

Cases Declined - The number of cases declined and/or dismissed for lack of sufficient evidence and inadequate investigation during the recent project period was compared to the comparable time period in 1972-73 (Nov. 1, 1972-June 30, 1973). In addition, information was obtained on a comparison group of concurrent prosecutions in the main D.A. office.

The data on the current Impact and comparison offenses, as well as the 1973 offenses are presented in Tables 1-5.

The comparison of the proportion of burglary in a dwelling cases declined between the 1974 and 1973 figures, 45 percent and 38 percent, respectively, indicates that the difference is not significant (X^2 corrected = .48, 1 df.).

Similarly, the test between the proportions declined between the current burglary cases processed by the D.A.'s Impact office (45%) and the comparison burglary offenses handled by the central office (41%) indicates an insignificant difference (X^2 corrected = .19, 1 df.).

Reviewing the proportion of the Robbery I cases declined between the comparable time periods of 1973 and 1974 (Table 2), we find that the 43 percent declined in 1973 is not reliably different from the 31 percent declined in the D.A.'s Impact office (X^2 corrected = .78, 1 df, NS).

However, the 75 percent of the current comparison Robbery II cases declined is significantly greater than the proportion declined of the Robbery I cases considered by the Impact office (X^2 corrected = 8.91, 1 df, $p < .001$).

Table 3 presents the number of Theft I¹ cases declined by the D.A.'s office for comparable time periods in 1973 and 1974. The Fisher Exact Test indicates that the probability of the observed or a more extreme occurrence is equal to .11. Thus, it can be inferred, that although they have considered more cases of this offense (15 to 7), the proportion of cases declined is not reliably different, 33 percent in 1974 to 71 percent in 1973.

No contrast is provided for this specific offense with the cases handled by the main office because a "comparison" offense is not designated.

Presented in Table 4 are the figures indicating the number of Impact offense cases and the "comparison" offense cases declined during the first eight project months. The number of Theft I cases are not included with the Impact offenses since a comparison offense is not designated.

The figures indicate that 39 percent (66 of 169) of the BID and Robbery I cases considered by the Impact office were declined compared to 47 cases presented to the central office. The difference between the proportion of cases declined by the two offices is not significant (X^2 corrected = 1.18 1 df). Overall, 42 percent of these offense cases have been declined for prosecution by the two offices.

Table 5 presents the specific reasons for declining cases by offenses for comparable time periods (November through June) during 1972-73 and 1973-74.

The most frequent reason given for declining a case by the D.A.'s Impact office for the offense cases of BID, Robbery I, and Theft I was insufficient evidence. Of the total cases declined for these three offenses, 49 percent (35 of 71 cases) were declined for this reason.

1-The D.A.'s Impact project is focussing on Theft I cases that involve fencing operations.

The second most frequent reason for declining cases by the D.A.'s Impact office was due to discretionary refusal to prosecute. This reason was given for 21 percent (15 of 71) of the total cases declined.

The most frequently occurring reason for declining a case in the main D.A.'s office for the current comparison offenses of BNID, Burglary II, and Robbery II appears in the "other" category. Two-thirds of the cases declined (67%) were rejected and coded in this category.

Cases Dismissed

Table 6 presents the number and percent of Impact and comparison-designated burglary offense cases dismissed during comparable time periods. A comparison of the burglary in a dwelling (BID) cases dismissed in 1973 and 1974 indicates that the percentages are virtually the same, five and six percent, respectively; and do not differ (X^2 corrected = .01, 1 df, N.S.).

Likewise, a comparison between the BID cases dismissed (6%) and the BNID and Burglary II cases dismissed (9%) during the first eight (8) months reveals an insignificant difference (X^2 corrected = .08, 1 df, N.S.).

Similar comparisons were tested for the Robbery I and Robbery II cases dismissed by the D.A.'s office. It is notable that the Impact office has considered a larger number of Robbery I cases during the eight month period compared to the comparable time during 1973-74 cases compared to 28. Although they have dismissed 8 cases (11 percent), this is not significantly different from zero dismissals of 28 cases considered during the previous time period (X^2 corrected = 1.96, 1 df, N.S.).

A contrast between the 1974 Robbery I case dismissals (11%) and the comparison Robbery II cases (12%) handled by the main office reveals no difference (X^2 corrected = .06, 1 df, N.S.).

Only one (1) of 15 Theft I cases considered by the D.A.'s Impact office was dismissed compared to none of seven cases considered the previous year.

Eight percent of the combined Impact offense cases of Burglary in a Dwelling and Robbery I cases considered were dismissed contrasted to nine (9) percent of the BNID, Burglary II, and Robbery II cases considered by the central D.A.'s office (Table 8). Of course, these similar proportions are not reliably different.

Discussion

The tables and analysis of denials and dismissals in the previous section invite several observations. A number of factors may influence the rejection rates. Factors associated with the arresting agencies include changing standards used by the arresting agency and individual officers together with the thoroughness in building a case. Factors associated with the prosecution includes the competence of the individual deputy, the toughness or leniency of filing standards, the degree to which supervision and control over filing standards is actually exercised and the degree to which the D.A.'s office influences the arresting agency's changing standards. In addition, filing standards may be influenced explicitly or implicitly by "second guessing" on the part of the individual deputy as to how individual judges will act.

In reviewing the denial and dismissal rates for the Impact and main D.A.'s office, one finds a slightly lower percentage of cases declined or dismissed for the offenses handled by the D.A.'s Impact office. However, of the six comparisons made between the offices, only one is a reliable difference. The Impact D.A.'s office has declined a significantly lower proportion of Robbery I cases (31%) than the proportion of Robbery II cases considered by the main office (75%).

Reviewing the proportion of Impact offenses (BID, Robbery I, and Theft I) cases declined or dismissed between comparable time periods in 1973 and 1974 reveals that none of the six comparisons are reliably different.

Likewise, the comparison between the offenses considered by the D.A.'s Impact office and those comparison offenses presented to the central office reveal that the 47 percent declined and/or dismissed is not reliably different from the 56 percent rejected by the central office (X^2 corrected = 1.54, 1 df, N.S.).

Generally speaking, these findings are consistent with the views expressed with personnel in both offices of the Multnomah County District Attorney's office.

A key assumption underlying the above discussion is that the rejection decision is not arbitrary; that, in general, the probability of dismissal is greater on the average for those cases rejected than for those filed. There is no sound way of scientifically testing this assumption without taking a sample of rejected cases, filing them, and observing the results; an experiment that hardly seems justified considering the burden it might place on the dependents and the criminal justice system. Most people familiar with court practices would be convinced of the

validity of this assumption by simply comparing the characteristics of a sample of rejected and filed cases.

Objective 1:

The performance measure to maintain an "original charge" conviction rate of 85 percent.

Burglary Cases Prosecuted

The disposition of burglary cases prosecuted during comparable time periods from 1972-74 are presented in Table 9. As can be readily observed, the Burglary in a Dwelling cases prosecuted by the D.A.'s Impact office shows that 65 percent (34 of 52) pleaded to the original charge. This compares to 27 percent (11 of 41) comparison burglary cases prosecuted in the main office. (A test of these are presented under Objective 2 below.)

Overall, we find that 77 percent of the BID cases prosecuted by the Impact office pled to the original charge or went to trial and were found guilty contrasted to 34 percent of the comparison burglary cases prosecuted. These differences in proportions are highly significant (X^2 corrected = 18.51, 1 df, $p < .001$).

Robbery Cases Prosecuted

Table 10 indicates the disposition of robbery cases prosecuted during comparable time periods from 1972-74. Fifty-three (53) percent of the Robbery I cases prosecuted by the Impact office pled to the original charge. Overall, 65 percent either pled to the charge or were found guilty.

Theft I Cases Prosecuted

The disposition of Theft I cases prosecuted during comparable time periods from 1972-74 are presented in Table 11. One observes that 50 percent (5 of 10) pled to the charge and an additional 20 percent were found guilty of the cases prosecuted in the D.A.'s Impact office.

It is interesting to observe the low number of Theft I cases prosecuted in 1972 and 1973; one and two, respectively. One of the three cases went to trial and the defendant(s) was found guilty.

Burglary I, Robbery I, and Theft I Cases Combined

Inspection of the figures in Table 12 indicates that 58 percent (66 of 113) of the cases prosecuted by the D.A.'s Impact office have pled to the original charge. This contrasts with 24 percent which pled to the original charge of the comparison offenses handled by the central District Attorney's office. (A test of these differences is presented under Objective 2 which follows below.)

Overall, 71 percent (80 of 113) of the Impact cases resulted in a conviction through pleading to the original charge or were found guilty at trial. This compares to 31 percent (14 of 45) of the comparison cases handled by the central District Attorney's office. (A test of these differences is presented below as part of Objective 2 presentation.)

Thus, we find that although 71 percent either pled to the original charge or were convicted at trial, this rate falls short of the stated objective to "maintain an 'original charge' conviction rate of 85 percent".

Discussion

This measure is the one most usually quoted in reference to a prosecutor's performance and does reflect the most comprehensive picture; yet taken by itself it can distort. Selecting only the "best" cases for prosecution can easily inflate the overall original charge conviction rate.

The relatively high plea to the original charge reflects the ability of the D.A.'s Impact office to convince the defendant that there is a high probability of his conviction (risk) or, at least, that there is a high quantity risk factor. However, the high plea to the charge rates may also reflect the defendant's desire to avoid a longer stay in custody, if pleading guilty means an earlier release from custody.

The overall original charge conviction rate in the Impact office exceeds the rate in the main office. However, the tables in this section show that few cases ever actually go to trial. It is also fair to say that the figures show the trial conviction rates to be approximately equivalent in both offices. The percentage of cases that actually go to trial vary from 20 percent in the project office to seven percent in the main office. This characterizes the strict control over plea negotiation policy at the project office. Consequently, for all the felonies taken together, the trial conviction rates in the Impact office are below those of the main office. The differences in these rates may have little to do with performance, and may merely reflect that "weak" cases are negotiated in the office with only the strong cases making it to trial.

The results of this section mark a 71 percent overall conviction rate, short of the 85 percent projected. However, compared with the results of the central office and the prior years, both in conviction rate and total number prosecuted, the data convey a remarkable improvement.

Objective 2: The performance to maintain an "original" charge conviction rate of 50 percent higher than the rate for the comparison group prosecutions.

Burglary

The District Attorney's Impact office accepted for prosecution a total of 52 cases with charges of Burglary I. Thirty-four or 65 percent of the defendants pled guilty to the original charge contrasted to 11 of 41, or 27 percent of the comparison cases of Burglary not in a Dwelling and Burglary II cases.

The chi square test (corrected for continuity) indicates that a significantly greater proportion of the Impact cases pled guilty to the original charge contrasted with the comparison cases (Table 13).

Inspecting percentages without applying a statistical test indicates that the District Attorney's Impact office would have needed to achieve a conviction rate to the original charge of 40.5 to meet the stated objective. The 65 percent of the Burglary I cases pleading to the original charge exceeds the objective by 24.5 percent.

Robbery

Inspecting the robbery cases considered by the District Attorney's Impact and central office, we find that 27 of the 51 Robbery I (53%) pled guilty to the original charge contrasted to 0 of 4 (0%) of the comparison Robbery II cases. Applying Fisher's Exact Probability Test to the values in Table 14 indicates that the probability of these observed proportions is equal to .06. Although this is slightly larger than the .05 level to be considered statistically significant, it can be considered suggestive of a difference in the proportions pleading guilty to the original charge.

Theft I

Five (5) of the ten (10) Theft I cases prosecuted by the District Attorney's Impact office, or 50 percent, pled guilty to the original charge. A comparison between the District Attorney's Impact and central office is not feasible since there is not a comparison offense designated for this category.

Burglary and Robbery Combined

By combining the Burglary I and Robbery I cases considered by the District Attorney's Impact office and the comparison offenses of BNID, Burglary II, and Robbery II cases handled by the main office, we find a significantly greater proportion of the cases handled by the Impact office pled guilty to the original charge. Sixty-one of 103 Impact cases (59%) pled to the original charge compared to 11 of 45 (24%) of the comparison cases. The chi square test (corrected for continuity) computed on the numbers presented in Table 15 provides a chi square value of 13.80, significant beyond the .001 level.

Objective 3: The performance measure to maintain a rate of negotiated pleas of less than 5 percent.

Burglary

The number and percent of burglary cases prosecuted by the District Attorney's office for comparable time periods in 1972-74 are presented in Table 9.

The figures indicate that none of the 52 Burglary in a Dwelling cases prosecuted in the District Attorney's Impact office were pled pursuant to bargain. This contrasts with 64 percent (9 of 14) of the comparison burglary cases prosecuted by the main office. Similar figures for 1972 and 1973 indicate that 89 percent and 78 percent of the Burglary in a Dwelling cases were pled pursuant to bargain.

Robbery

The data relating to this objective for robbery are presented in Table 10. Two of the 51 Robbery I cases (4 percent) were pled pursuant to bargain compared to half (2 of 4) of the comparison Robbery II cases prosecuted in the central office.

Similarly, the figures indicate that 48 and 75 percent of the Robbery I cases were pled pursuant to bargain for the years of 1972 and 1973, respectively. In addition, a much smaller total number of cases were prosecuted by the District Attorney's office during the two preceding time periods.

Theft I

The information relating to this objective for Theft I cases is contained in Table 11. Only one of the ten Theft I cases prosecuted by the District Attorney's Im-

pact office pled pursuant to bargain. As previously indicated, the project does not have an offense that serves as a comparison.

Furthermore, in the previous two years, there were only three cases prosecuted and two of those pled pursuant to bargain.

Burglary, Robbery, and Theft I Combined

By combining the BID, Robbery I, and Theft I cases, one observes that only three percent (3 of 113) of the cases prosecuted by the District Attorney's Impact office were pled pursuant to bargain during the first eight project months (Table 12). This compares to 47 percent (21 of 45) of the comparison BNID, Burglary II, and Robbery II cases prosecuted by the central office.

Chi square (corrected for continuity) test indicates that the difference in proportions of cases pled pursuant to bargain is highly significant (X^2 corrected = 45.04, 1 df, $P < .001$).

Discussion

The project according to the data received has maintained the rate of negotiated pleas of less than the stated objective of five (5) percent. This is greatly reduced from the preceding two years for the same offense changes, 76 and 70 percent for 1973 and 1972, respectively. Additionally, the absolute number of cases prosecuted for these offense charges has risen from 54 in 1972, to 58 in 1973, to 113 during the initial eight months of the project.

It is also observed that the percentage of cases pled pursuant to bargain has also decreased in the central office (47%) for the selected offense cases compared to the figures of 81 percent in 1973 and 73 percent in 1972. These differences can probably be attributed to overall policy directives.

Objective 4: The performance measure to increase by 50 percent the rate of guilty pleas to the "original" charge over 1972 figures for the selected target offenses.

Burglary in a Dwelling

Although the stated objective is worded for the comparison with the 1972 data we have combined the 1972 and 1973 figures to compare with the 1974 project results.

As previously discussed, 65 percent (34 of 52) pled guilty to the original charge of the cases prosecuted in the District Attorney's Impact office compared to seven percent (5 of 68) prosecuted in 1972 and 1973 (Table 9). This difference in proportions is highly significant when tested by chi square (Table 16).

The data for this offense in 1972 indicated that two of 28 cases prosecuted (seven percent) pled to the original charge, while three of 40 cases (eight percent) pled to the original charge in 1973.

A literal interpretation of the objective would indicate that the District Attorney's Impact office would have met the objective if 10.5 percent of the BID cases had pled to the original charge.

Robbery

A highly significant increase in pleas to the original charge for the Robbery I cases prosecuted by the District Attorney's Impact office is also found when compared to the proportion of the cases handled in 1972 and 1973. Fifty-three (53) percent of the cases have pled to the original charge in 1974 compared to only 10 percent prosecuted in 1972 and 1973 (Table 17).

For the specific years, 0 of 16 cases pled to the original charge in 1973, while 4 of 25 (16 percent) pled to the original charge during the comparable time period in 1972.

Theft 1

Although there is not a statistically significant difference in the proportion of cases pleading to the original charge in 1974 compared to the two baseline years of 1972 and 1973, it is observed that five of the ten cases (50 percent) prosecuted by the Impact office pled to the original charge compared to none of the three (0 percent) cases prosecuted in the two previous years (Table 18). There was only one (1) case in 1972 and two (2) cases prosecuted in 1973 on this offense.

Objective 5: The performance measure to maintain a rate of cases dismissed for insufficient evidence 50 percent lower than for the comparison offenses.

Burglary

Six of the 52 (12 percent) Burglary in a Dwelling cases handled by the District Attorney's Impact office have

been dismissed contrasted to six of 41 (15 percent) BNID and Burglary II comparison cases. The proportions dismissed of the cases prosecuted do not significantly differ as portrayed in Table 19.

According to the stated objective, it would require that the percentage of cases dismissed by the Impact office would have been only 7.5 percent to attain one-half the percentage rate for the comparison cases.

Robbery

Eight of the 51 Robbery I cases prosecuted by the District Attorney's Impact office were dismissed compared to two (2) of four (4) Robbery II cases serving as the comparison offense. Similar to the burglary offense, the proportions dismissed of the cases prosecuted do not significantly differ (Table 20). Chi square corrected for continuity computed on the numbers result in a value of 1.08 with one degree of freedom. Fisher's Exact Probability Test provides the probability of .15 of observing this occurrence or of an even more extreme occurrence.

By inspecting percentages, one observes that 16 percent of the Robbery I cases were dismissed compared to 50 percent of the Robbery II cases. Thus, according to the stated objective, the District Attorney's Impact office attained the objective in reference to the robbery cases handled, as 16 percent is less than the 25 percent criteria (criteria derived from objective of 50 percent lower than for the comparison cases).

The reader is cautioned that a literal interpretation of the figures indicates that the objective was attained. Conversely, the application of statistical tests indicate that the proportion of cases dismissed do not differ significantly.

Objective 6: Maintain an arrest to trial period equal to the comparison offense cases.

The mean and median number of days from arrest to trial period for the two offices are presented in Table 21. Because of the inadequate sample size of comparison cases that went to trial, the central office figures reflect the arrest to trial period for all felony cases tried.

The figures indicate that based on the median (the mid-point of the distribution) there is virtually no difference in the number of days; 51 days in the Impact office compared to 50 days for the central office. However, the mean number of days for the Impact office exceeds the central office by thirteen days.

TABLE 1

BURGLARY IN DWELLING (IMPACT) AND BNID AND
BURGLARY II (COMPARISON) CASES DECLINED BY
DISTRICT ATTORNEY'S OFFICE FOR COMPARABLE TIME
PERIODS IN 1972-73 AND 1973-74¹

	BID (Impact)			BNID (Comparison) - Burglary II					
	Total No. Considered	Number Declined	% ²	Total No. Considered	Number Declined	% ²	Total No. Considered	Number Declined	% ²
1973	65	25	38	14	0	0	41	10	24
1974	95	43	45	32	18	56	37	10	27

¹The eight months from November through the following June.

²Percent declined of total number considered for specific offense and time period; e.g. 25 of 68 equals 38 percent.

TABLE 2

ROBBERY I (IMPACT) AND ROBBERY II (COMPARISON) CASES
DECLINED BY DISTRICT ATTORNEY'S OFFICE FOR COMPARABLE TIME
PERIODS IN 1972-73 AND 1973-74¹

	Robbery I (Impact)			Robbery II (Comparison)		
	Total No. Considered	Number Declined	% ²	Total No. Considered	Number Declined	% ²
1973	28	12	43	13	5	38
1974	74	23	31	16	12	75

¹Eight months time period from November through the following June.

²Percent declined of total number considered for specific offense and time period.

TABLE 3

THEFT I CASES DECLINED BY DISTRICT ATTORNEY'S OFFICE FOR
COMPARABLE TIME PERIODS IN 1972-73 AND 1973-74¹

	Theft I (Impact)		
	Total No. Considered	Number Declined	% Declined
1973	7	5	71
1974	15	5	33

¹Eight months time period from November through the following June.

TABLE 4

IMPACT OFFENSES (BID & ROBBERY I) AND
COMPARISON OFFENSES (BNID, BURGLARY II AND ROBBERY II) CASES
DECLINED BY DISTRICT ATTORNEY'S OFFICE FOR NOVEMBER, 1973-JUNE, 1974 PERIOD

	Impact Offenses BID & Robbery I		Comparison Offenses BNID, Burg. II, & Robbery II		
	No.	%	No.	%	
No. of Cases Declined	66	39%	40	47%	106
No. of Cases "Other" Handling	103	61%	45	33%	148
Total No. Considered	169	100%	85	100%	254

TABLE 5
REASON FOR DECLINING CASES BY OFFENSE FOR COMPARABLE TIME PERIODS
(8 MONTHS FROM NOVEMBER THROUGH JUNE)

Reason for Case Declined	Burglary in a Dwelling		Burglary Not in a Dwelling		Burglar II		Robber I		Robbery II		Theft I	
	1972-73	1973-74	1972-73	1973-74	1972-73	1973-74	1972-73	1973-74	1972-73	1973-74	1972-73	1973-74
1-No Reason	No											
	%											
2-Insufficient Evidence	No	19	25	4	7	3	7	5	3	3	4	5
	%*	29	26	12	17	8	25	7	23	19	57	33
3-No Corpus of Crime	No	1	2									
	%	2	2									
4-Discretionary Refusal to Prosecute	No	2	10		1	1	1	5	1			
	%	3	11		2	3	4	7	8			
5-Indispensable Party's Refusal to Prosecute	No	3	3		1		2	4	1	2	1	
	%	5	3		2		7	5	8	12	14	
6-Search and Seizure	No.											
	%											
7-Unlawful Arrest	No.				1							
	%				2							
8-Superseded by a New Case	No.											
	%											
9-Transfer to Another Jurisdiction	No.		1				1	9				
	%		1				4	12				
10-Restitution Made	No.											
	%											
- t er	No.		2	14		6	1			7		
	%		2	44		16	4			44		
TOTAL DECLINED	No.	25	43	0	18	10	10	12	23	5	12	5
	%*	38	45	0	56	24	27	43	31	38	75	33
TOTAL CONSIDERED	No.	65	95	14	32	41	37	28	74	13	16	15

*Percent of Total Number Considered for specific offense and year, e.g. 19 of 65 equals 29 percent.
**The sum of the above percentages in column may not be equal due to rounding.

TABLE 6

BURGLARY IN DWELLING (IMPACT) AND BNID AND BURGLARY II (COMPARISON)
 CASES DISMISSED BY DISTRICT ATTORNEY'S OFFICE FOR COMPARABLE TIME
 PERIODS IN 1972-73 AND 1973-74¹

	BID (Impact)			BNID (Comparison) - Burglary II					
	Total No. Considered	Number Dismissed	% ²	Total No. Considered	Number Dismissed	%	Considered	Number Dismissed	%
1973	65	3	5	14	0	0	41	2	5
1974	95	6	6	32	1	3	37	5	14

¹The eight months from November through June.

²Percent dismissed of total number considered for specific offense and time period; e.g. 3 of 65 equals five percent.

TABLE 7

ROBBERY I (IMPACT) AND ROBBERY II (COMPARISON) CASES
 DISMISSED BY DISTRICT ATTORNEY'S OFFICE FOR COMPARABLE
 PERIODS IN 1972-73 AND 1973-74

	Robbery I (Impact)			Robbery II (Comparison)		
	Total No. Considered	Number Dismissed	%	Total No. Considered	Number Dismissed	%
1973	28	0	0	13	0	0
1974	74	8	11	16	2	12

TABLE 8

IMPACT OFFENSES (BID & ROBBERY I)
 AND COMPARISON OFFENSES (BNID, BURGLARY II, AND ROBBERY II) CASES
 DISMISSED FOR NOVEMBER 1973-JUNE, 1974

	Impact Offenses BID & Robbery I		Comparison Offenses BNID, Burglary II, & Robbery II		
No. Cases Dismissed	14	8%	8	9%	22
No. Cases "Other" Handling	155	92%	77	91%	232
Total No. Considered	169	100%	85	100%	254

TABLE 9

DISPOSITION OF BURGLARY OFFENSE CASES PROSECUTED

FOR COMPARABLE TIME PERIODS¹ IN 1972-1974

	1974 (Impact) (Comparison)						1973						1972					
	BID		BNID		Burglary II		BID		BNID		Burglary II		BID		BNID		Burglary II	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Cases Tried																		
a) Found Guilty	6	12	0	-	3	11	3	8	1	7	1	3	0	-	1	7	2	6
b) Found NGI	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-
c) Found Not Guilty	1	2	0	-	0	-	0	-	0	-	1	3	0	-	0	-	0	-
Pled to Charge	34	65	4	29	7	26	3	8	2	14	2	6	2	7	0	-	10	32
Pled Pursuant to Bargain	0	-	9	64	10	37	31	78	11	79	25	81	25	89	13	87	19	61
Subtotal:																		
Found Guilty or Pled to Charge ²	40	77	4	29	10	37	6	15	3	21	3	10	2	7	1	7	12	38
TOTAL CASES PROSECUTED	52		14		27		40		14		31		28		15		31	

¹Eight months from November through the following June.²Percentages may not equal sum of above for the two dispositions due to rounding errors.

TABLE 10

DISPOSITION OF ROBBERY OFFENSE CASES PROSECUTED

FOR COMPARABLE TIME PERIODS¹ IN 1972-74

	1974				1973				1972			
	(Impact) Robbery I		(Comparison) Robbery II		Robbery I		Robbery II		Robbery I		Robbery II	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Cases Tried												
a) Found Guilty	6	12	0	-	4	25	1	12	7	28	1	11
b) Found NGI	3	6	0	-	0	-	0	-	0	-	0	-
c) Found Not Guilty	4	8	0	-	0	-	0	-	1	4	0	-
Pled to Charge	27	53	0	-	0	-	0	-	4	16	0	-
Pled Pursuant to Bargain	2	4	2	50	12	75	7	88	12	48	8	89
Subtotal:												
Found Guilty or Pled to Charge ²	33	65	0	-	4	25	1	12	11	44	1	11
TOTAL CASES PROSECUTED	51		4		16		8		25		9	

¹Eight months from November through the following June.²Percentages may not equal sum of above for the two dispositions due to rounding errors.

TABLE 11

DISPOSITION OF THEFT I OFFENSE CASES PROSECUTED
FOR COMPARABLE TIME PERIODS¹ IN 1972-74

	1974		1973		1972	
	(Impact) Theft I		Theft I		Theft I	
	No.	%	No.	%	No.	%
Cases Tried						
a) Found Guilty	2	20	1	50	0	-
b) Found NGI	1	10	0	-	0	-
c) Found Not Guilty	0	-	0	-	0	-
Pled to Charge	5	50	0	-	0	-
Pled Pursuant to Bargain	1	10	1	50	1	100
Subtotal: Found Guilty or Pled to Charge	7	70	1	50	0	-
TOTAL CASES PROSECUTED	10		2		1	

¹Eight months from November through the following June.

TABLE 12

DISPOSITION OF BURGLARY, ROBBERY, AND THEFT I CASES PROSECUTED
FOR COMPARABLE TIME PERIODS¹ IN 1972-1974

	1974				1973				1972			
	Burglary I.D. Robbery I Theft I		Burglary N.I.D. Burglary II Robbery II		Burglary I.D. Robbery I Theft I		Burglary N.I.D. Burglary II Robbery II		Burglary I.D. Robbery I Theft I		Burglary N.I.D. Burglary II Robbery II	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Cases Tried												
a) Found Guilty	14	12	3	7	8	14	3	6	7	13	4	7
b) Found NGI	4	4	0	-	0	-	0	-	0	-	0	-
c) Found Not Guilty	5	4	0	-	0	-	1	2	1	2	0	-
Pled to Charge	66	58	11	24	3	5	4	8	6	11	10	18
Pled Pursuant to Bargain	3	3	21	47	44	76	43	81	38	70	40	73
Subtotal: Found Guilty or Pled to Charge ²	80	71	14	31	11	19	7	13	13	24	14	25
TOTAL CASES PROSECUTED	113		45		58		53		54		55	

¹Eight months from November through the following June.

²Percentages may not equal sum for the two dispositions due to rounding.

TABLE 13

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

	Burglary I (Impact)	BNID & Burglary II (Comparison)
Charge	34	11
Other*	18	30
Total	52	41

chi-squared = 12.15, 1 df, p < .001

*Other Dispositions include: pled pursuant to bargain; cases dismissed;
 and cases tried and found guilty or not guilty.

TABLE 14

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

	Robbery I (Impact)	Robbery II (Comparison)
Plea to Original Charge	27	0
Other Dispositions*	24	4
Total Cases Prosecuted	51	4

Fisher Exact Probability Test = .06

*Other Dispositions include: pled pursuant to bargain, cases dismissed;
 not true billed; and cases tried and found guilty or not guilty.

TABLE 15

IMPACT (BURGLARY I & ROBBERY I) AND
COMPARISON (BNID, BURGLARY II & ROBBERY II)

CASES BY DISPOSITION

	Burglary I and Robbery I	BNID, Burglary II, and Robbery II
Plea to Original Charge	61	11
Other Dispositions*	42	34
Total Cases Prosecuted	103	45

χ^2 corrected = 13.80 P < .001 1 df

*Other Dispositions include: pled pursuant to bargain, cases dismissed;
not true billed; and cases tried and found guilty or not guilty.

TABLE 16

COMPARISON OF BURGLARY IN DWELLING CASES
PLEAING TO ORIGINAL CHARGE IN 1974 WITH TWO YEARS BASELINE

	1974 (Impact Office)	1972 & 1973
Plea to Original Charge	34	5
Other Dispositions*	18	63
Total Cases Prosecuted	52	68

χ^2 corrected = 42.63, 1 df, p < .001

*Other Dispositions include: pled pursuant to bargain; case dismissed; not
true billed; and cases tried and found guilty/not guilty.

TABLE 17

COMPARISON OF ROBBERY I CASES PLEAING TO ORIGINAL CHARGE
IN 1974 WITH TWO YEARS BASELINE

	1974	1972 & 1973
Plea to Original Charge	27	4
Other Dispositions*	24	37
Total Cases Prosecuted	51	41

χ^2 corrected = 17.09 1 df, $p < .001$

*Other Dispositions include: pled pursuant to bargain; case dismissed; not true billed; and cases tried and found guilty/not guilty.

TABLE 18

COMPARISON OF THEFT I CASES PLEAING TO ORIGINAL CHARGE
IN 1974 (IMPACT) WITH TWO YEARS BASELINE (1972-73)

	1974 (Impact)	1972 & 1973 (Baseline)
Plea to Original Charge	5	0
Other Dispositions*	5	3
Total Cases Prosecuted	10	3

Fisher's Exact Probability Test $p = .20$ NS

*Other Dispositions include: pled pursuant to bargain; case dismissed; not true billed; and cases tried and found guilty or not guilty.

TABLE 19

COMPARISON OF BID (IMPACT) AND BNID AND
BURGLARY II (COMPARISON) CASES DISMISSED TO TOTAL CASES PROSECUTED

	BID	BNID & Burglary II
Dismissed	6	6
Other Dispositions*	46	35
Total Cases Prosecuted	52	41

x^2 corrected = .02 NS

*Other Dispositions include: pled pursuant to bargain; case dismissed; not true billed; and cases tried and found guilty or not guilty.

TABLE 20

COMPARISON OF ROBBERY I (IMPACT) AND ROBBERY II (COMPARISON)
CASES DISMISSED TO TOTAL CASES PROSECUTED

	Robbery I (Impact)	Robbery II (Comparison)
Dismissed	8	2
Other Dispositions*	43	2
Total Cases Prosecuted	51	4

x^2 corrected = 1.08 1 df NS

Fisher's Exact Probability Test = .15

*Other Dispositions include: Pled to charge; pled pursuant to bargain; not true billed; and cases tried and found guilty or not guilty.

APPENDIX A

Multnomah County Criminal Justice System

The Police

The two largest arresting agencies in Multnomah County that seek felony complaints from the District Attorney are the Portland Police Bureau and the Multnomah County Sheriff's Department.

The Courts

For felonies, the District Court handles the initial arraignment and preliminary hearing. The Circuit Court handles pleas, motions, and trials.

The District Attorney

The Multnomah County District Attorney is the focal point of this study. The largest prosecutor's office in the state, it employs 45 Deputy District Attorneys, and covers 564,652 residents of Multnomah County.

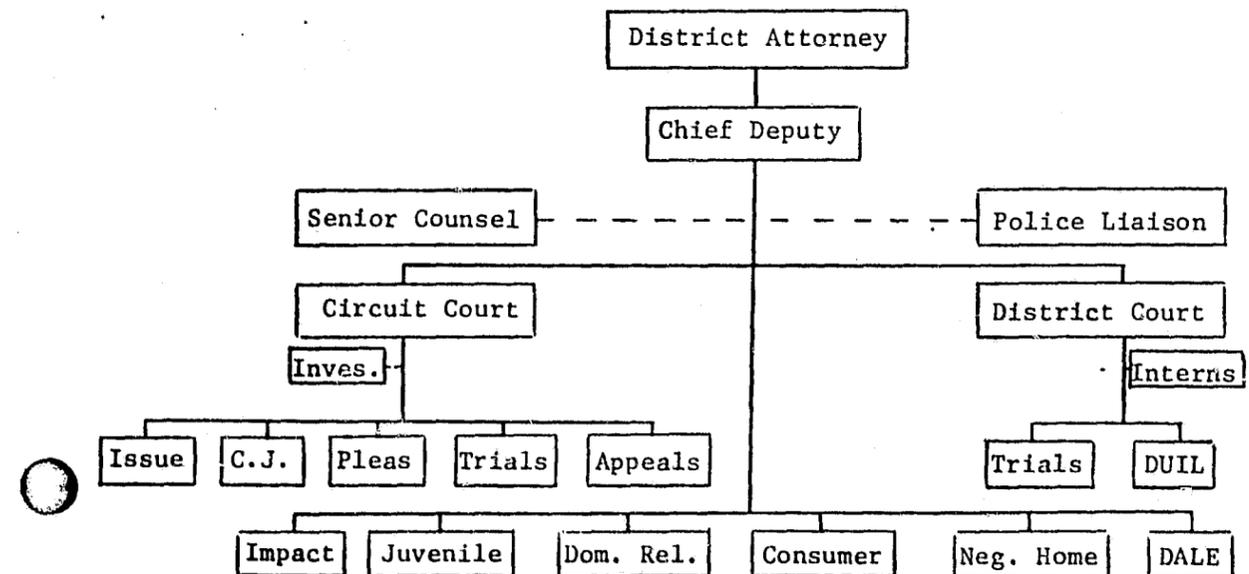
As shown in Figure I, the staff is organized to carry out a wide range of responsibilities. In this study, we concentrate exclusively on the work of the Impact Unit whose sole responsibility is prosecuting Robbery I, Burglary I, and Theft by receiving cases. These are the more serious and most frequent Impact offenses.

TABLE 21

NUMBER OF DAYS FROM ARREST TO TRIAL FOR CASES PROSECUTED BY IMPACT AND CENTRAL OFFICE

	D.A.'s Impact Office	D.A.'s Central Office
Mean	69	54
Median	51	50

FIGURE I



A primary difference between the operation of this project and the daily operation of the District Attorney's office is the total follow-through concept of processing cases. The prosecutor has the responsibility for trying those cases he issues except where they must be divided to provide equitable caseloads. From the point of issuance at the sentencing hearing, the prosecutor has total responsibility for his case. In the main office (to handle the large number of cases) deputies are divided into specialized units: Complaints Issuance, Grand Jury, Pleas, and Trial Units.

The System at Work

Arrest

The entry point into the system for most defendants is by police arrest. After a felony arrest is made and the arrestee is booked, any subsequent investigation is usually handled by the department's detectives.

Issuing a Complaint

Within 48 hours after an arrest, the police must obtain a complaint from the District Attorney or release the defendant. In most cases the police officer seeking an evaluation of a case will be the investigating officer assigned to the case.

When the police officer arrives at the appropriate unit, he is told which deputy to see; and sometimes the police can seek out a specific individual.

The deputy handling the case reviews the police reports, the defendant's prior record, and talks with the officer about the case. If he thinks the case should be filed, he fills out a formal complaint and the case proceeds. Otherwise he can reject it out-right, or suggest that some further investigation be performed and the case be resubmitted for filing.

Most felony arrests are rejected for lack of evidence connecting the defendant to the crime or indicating that a crime was committed or because the offense is not serious enough to warrant felony prosecution.

When he is deciding whether or not to file a case, the deputy does not apply some absolute standard. Most deputies would agree that careful consideration is given to the chance of winning the case in court.

Arraignment and Preliminary Hearing

The defendant's first encounter with the court system comes at his initial arraignment in District Court where he is brought before a judge who informs him of his constitutional rights. At this hearing, the defendant can apply for bail or for release on his own recognizance.

At the preliminary hearing stage, the deputy assigned to the court prepares to present a fairly complete case. The preliminary hearing can then result in the defendant being bound over for the Grand Jury, reduction of the charge to a misdemeanor, or dismissal of the case.

Circuit Court Arraignment and Trial

At this arraignment the defendant is assigned counsel if he has none; has the "information" read to him; is given a copy of the preliminary transcript; is again advised of his rights and is asked to plead.

Cases reaching the Circuit Court can be terminated with one of four types of disposition: diversion, dismissal, guilty, or acquittal.

Guilty or acquittal dispositions are obtained by four different methods: plea, submission on the transcript of the preliminary hearing, court trial, or jury trial.

When plea bargaining occurs, the considerations the defendant receives in return for his guilty plea might include any of the following:

- To drop some counts.
- To accept a plea to a lesser included offense.
- To not file prior convictions.
- To omit allegedly habitual offender pleading.
- To recommend against consecutive sentencing.
- To recommend against prison time.
- Plea to charge for dismissal of a separate case.
- Plea to a separate case for dismissal of this charge.
- Plea to a different charge.
- To recommend commitment to a particular institution.
- To refrain from opposing probation at the probation and sentencing hearing.

Probation and Sentencing Hearing

The final step in adjudication for the guilty defendant is a probation and sentencing hearing, scheduled after his guilt is determined. A probation and sentencing report is prepared to assist the judge. Whether the defendant is permitted to be at large or is held in custody is left to the judge's discretion.

END

