

ADA COUNTY SYSTEM RATES STUDY
BURGLARY
1975

NCJRS

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ACQUISITIONS

Law Enforcement Planning Commission
Statistical Analysis Center
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ADA COUNTY BURGLARY
SYSTEMS RATE STUDY
1975

In May and June of 1977, the Statistical Analysis Center (SAC) of the Law Enforcement Planning Commission sought to study the flow of adult offenders through the Ada County (and Boise City) Criminal Justice System, through an analysis of adults arrested for burglary in Ada County in 1975. It was felt that the majority of those individuals should have cleared the prosecution phase of the System in that two-year period of time.

Adult burglary arrests from 1975 were extracted from arrest dockets of the Ada County Sheriff's office through manual review. One hundred forty-seven arrestees, representing 17.8% of UCR Statewide reported burglary arrests, were thus identified by name and date of birth. Ada County magistrate court dockets were then searched to ascertain which cases had been filed, what action taken, and which individuals bound over to district court. The same procedure was utilized in district court records and Idaho State Correctional Institution records, thereby tracing these individuals throughout the system.

For their aid and cooperation in this research, appreciation is expressed to Lt. Wright of the Ada County Sheriff's Office; Hazel Hampton of the District Court Clerk's office; Judge Gilmore, Trial Court Administrator; Judge Gerald Schroeder of the District Court; Ralph Newberg of the Idaho State Correctional Institution; David Leroy, Ada County Prosecutor; and Russell Reneaux of the Prosecutor's Major Crime Unit.

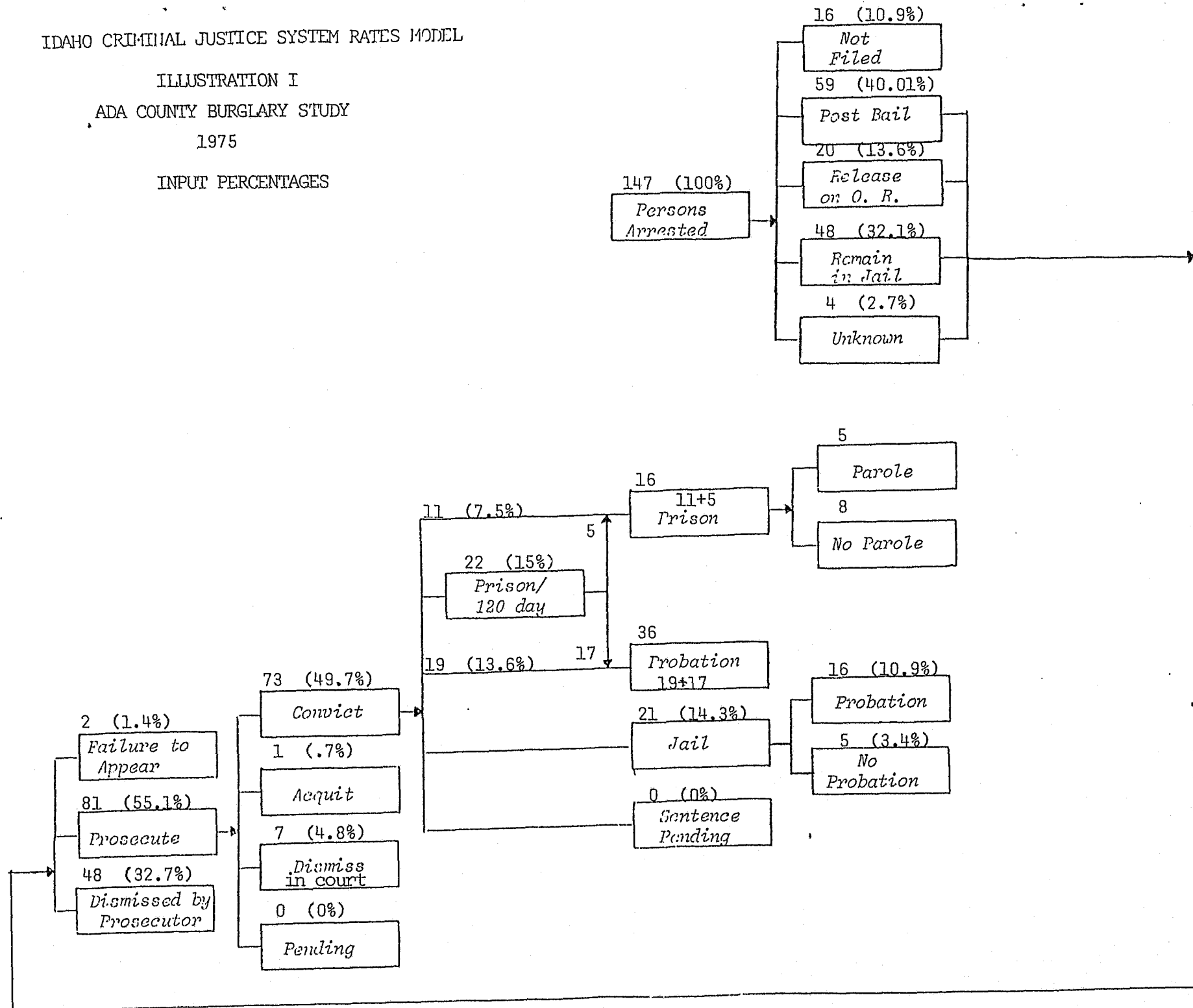
Illustration I depicts the flow of offenders through the Ada County Criminal Justice System and indicates which were relegated to a particular category. Illustration II is the same as Illustration I except the percentages are based on the number entering each branch. For instance, of 147 adults arrested in Ada County for the crime of Burglary, 49.7% were convicted, as shown in Illustration I; these convictions represent 90% of those persons who were prosecuted, as shown in Illustration II.

Of those 73 persons convicted following a burglary arrest, 54 (73.9%) were incarcerated: 11 (15.7%) were imprisoned, 22 (30.1%) were held in prison for 120 days or more while the court retained jurisdiction, and 21 (28.8%) were jailed for a period of time ranging from one day to one year. The remaining 19 (26%) were granted probation. These dispositions are explored in greater detail on pages 6 and 7.

IDAHO CRIMINAL JUSTICE SYSTEM RATES MODEL

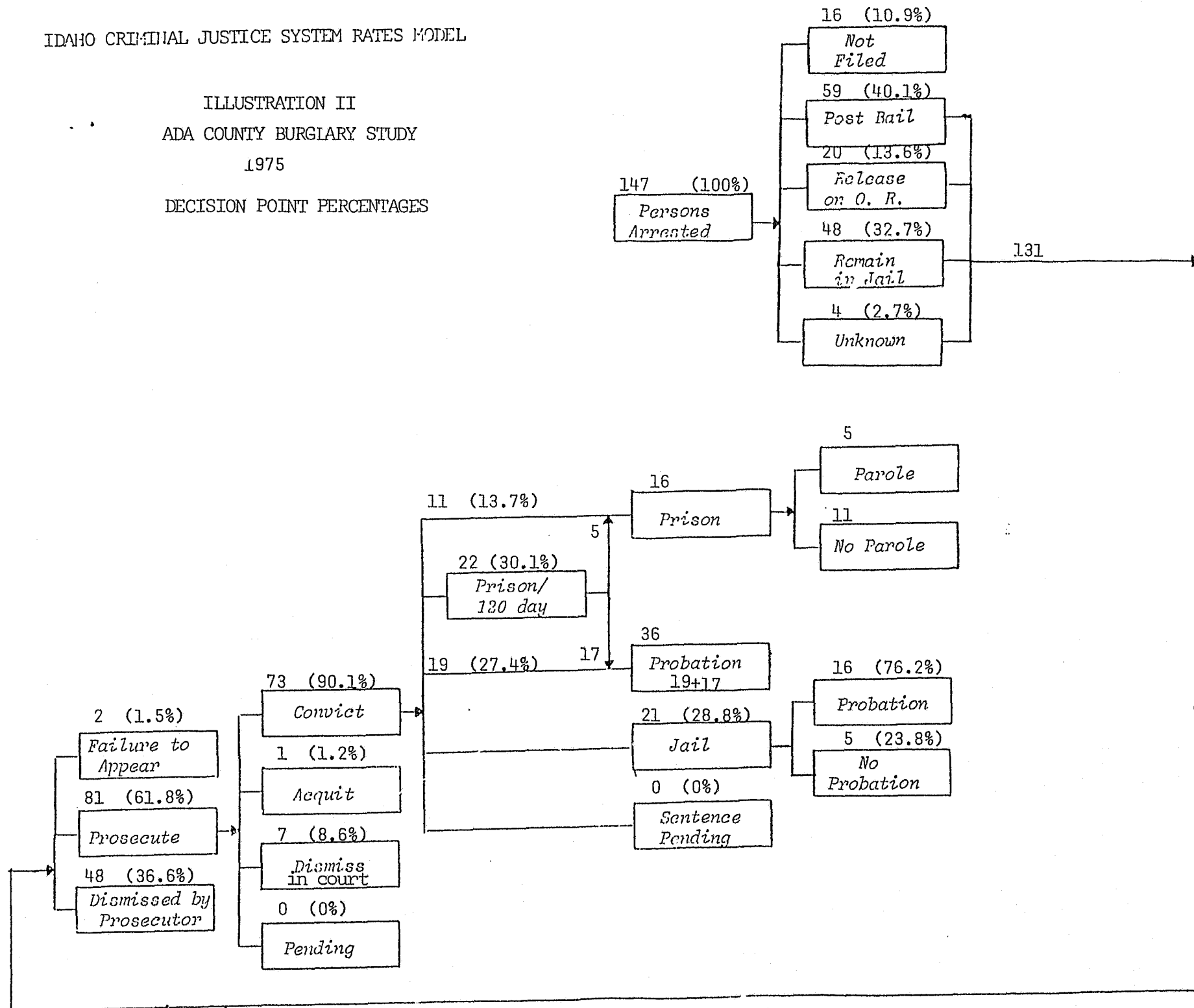
ILLUSTRATION I ADA COUNTY BURGLARY STUDY 1975

INPUT PERCENTAGES



IDAHO CRIMINAL JUSTICE SYSTEM RATES MODEL

ILLUSTRATION II
ADA COUNTY BURGLARY STUDY
1975
DECISION POINT PERCENTAGES



Pre-trial Release

Pre-trial release figures in Table 1 show that 62.2% of all known pre-trial placements resulted in the release of the defendant while awaiting legal process. Forty-six and one half percent of known placements were released on bond and 15.7% on their own recognizance.* The remaining 37.8% were remanded to the Ada County Jail in lieu of bond. One individual released on bond and one released to the Job Corps absconded and failed to appear for further legal process.

TABLE 1
PRE-TRIAL RELEASE
ADA COUNTY BURGLARY STUDY
1975

Sex	Released on OR		Bond		Remanded		Unknown		Total	
	#	%	#	%	#	%	#	%	#	%
Male	19	15.3	54	43.5	47	37.9	4	3.2	124	100.0
Female	1	14.3	5	71.4	1	14.3	0	0	7	100.0
Total	20	15.3	59	45.0	48	36.6	4	3.1	131	100.0

It is interesting to note that, on the average, 45% of all defendants posted bond, but 71.4% of all females and 43.5% of all males posted bond. The number of females is small, however, which can tend to distort percentage comparisons.

The custody status of four individuals was not apparent from official files, and custody consideration for 16 individuals never took place because the State declined to file charges, thus never introducing them to the legal system. Those 16 cases were therefore disregarded in Table 1 and those tables which follow. An analysis of these excluded cases is found on page 9.

Legal Counsel

At the time of disposition, 67.2% of the defendants studied were represented by an appointed public defender. Table 2 describes the frequency of appointed counsel, privately retained counsel, and self-representations.

TABLE 2
STATUS OF LEGAL COUNSEL
ADA COUNTY BURGLARY STUDY

Representation	#	%
Private counsel	25	19.1
Public defender appointed	88	67.2
Self or no legal counsel	5	3.8
Not apparent from files	13	9.9
Total	131	100.0

*one individual was released to the custody of his parents

Six defendants changed from private to appointed counsel or vice versa between the time of initial arraignment in magistrate court and sentencing. Two dismissed private counsel to have a public defender appointed; four changed from public defender to privately retained counsel.

A search of files gave no indication of the type of defense attorney involved in thirteen of the cases studied.

Table 3 analyzes disposition by sex. In considering Table 3 data, note that females accounted for 4.8% of adults arrested, 5.5% of those convicted, and 5.5% of dismissals in Ada County. Males accounted for 95.2% of all arrests, 94.5% of those convicted, and 94.5% of all dismissals.

TABLE 3
DISPOSITIONS BY SEX
ADA COUNTY BURGLARY STUDY
1975

MAGISTRATE COURT										DISTRICT COURT					
Sex	Abscond- ed	Dismissed	Convicted of Lesser Charge		Dismissed	Acquitted		Convicted of Lesser Charge		Convicted of Burglary		Total			
M	1.6% 2	21 16.9%	11	8.9%	31	25.0%	1	.8%	10	8.1%	48	38.7%	124	100%	
F	0	2 28.6%	2	28.6%	1	14.3%	0	.0%	1	14.3%	1	14.3%	7	100%	
	1.5% 2	23 17.6%	13	9.9%	32	24.4%	1	.8%	11	8.4%	49	37.4%	131	100%	

Convictions

It is evident from Table 4 that the majority of convictions -- 90.4% -- were obtained through entry of a plea of guilty by the defendant. Fifty-five and seven tenths percent (57.5%) of those individuals convicted pled guilty to the original charge of burglary, 32.9% pled guilty to a lesser offense, and 9.6% were convicted by a jury of the original charge.

Eight trials were held resulting in one acquittal and seven convictions of burglary.

Among 42 pleas of guilty to the original charge of burglary, 11 involved a reduction in the charge from first degree burglary (15-year maximum sentence) to second degree burglary (5-year maximum sentence), but a burglary conviction was still effected.

TABLE 4
METHODS OF CONVICTIONS
ADA COUNTY BURGLARY STUDY
1975

Method of Conviction	Frequency	% of Convictions	% of Prosecuted	% of Arrests
Convicted of burglary by jury	7	9.6	8.6	4.8
Pled guilty to burglary	42	57.5	51.9	28.6
Pled guilty to other felony	8	11.0	9.9	5.4
Pled guilty to misdemeanor	16	21.9	19.8	10.9
Total	73	100.0 of 73	90.2 of 81	49.7 of 147

Sentencing

A specific examination of sentencing alternatives chosen by the judges appears in Table 5, page 7.

Thirteen persons were sentenced in magistrate court and 60 in district court following prosecution on burglary charges. Of 19 persons granted straight probation, 12 (63.2%) had been convicted of burglary, four (21.1%) convicted of some other felony, and three (15.8%) of a misdemeanor. Of those 16 individuals granted probation with some jail time, however, eight (50%) had been convicted of a misdemeanor, six (37.5%) of the original burglary charges and two (12.5%) of some other felony (both grand larceny). Of those five individuals granted no probation and sentenced only to serve jail time (from 2 to 30 days), all had pled guilty to the misdemeanor charges of petit larceny.

While 84.2% of all simple probations were the result of a felony conviction, only 50% of the probation/jail sentences and 38.1% of all combined types of jail sentences were the result of felony convictions. This appears to be a function of the difference in sentencing practices in magistrate and district courts. District courts granted 18 out of 19 simple probations, while magistrate courts imposed 12 out of 32 jail sentences. When considering only the Probation and Jail category, however, district and magistrate courts granted eight and nine respectively. The simple jail sentences weight these figures somewhat - magistrate court imposed all five jail sentences. Jail is the most punitive sentence available to the magistrate, and all sentences to prison or 120 days are dealt by district court judges only.

Twenty-two individuals (30.1% of sentences) were sentenced to the Idaho State Correctional Institution while the court retained jurisdiction for from 120 to 180 days. Seventeen were released on probation at the end of that time, while five were assigned to complete their sentence in prison. Three of those five are still in residence at ISCI and two were paroled after serving an average of 18 months in prison.

Of 11 persons initially sentenced to prison following conviction, ten had been convicted of the original charge and one of another felony. Eight are still in residence at ISCI. Three others were released on parole after serving an average prison term of 12.7 months.

TABLE 5
ANALYSIS OF CONVICTIONS AND SENTENCES IMPOSED
ADA COUNTY BURGLARY STUDY
1975

Conviction	Cases Involved	M	F	Imposed by Magistrate Judge	Imposed by District Judge
PROBATION = 19					
Burglary (F)	12	11	1	0	12
Accessory to burglary (F)	1	0	1	0	1
Rec. stolen prop. (3F)(1M)	4	4	0	0	4
Petit larceny (M)	1	1	0	0	1
Attempted trespassing (M)	1	1	0	1	0
	19	17	2	1	18
PROBATION AND JAIL = 16					
Burglary (F)	6	6	0	0	6
Grand larceny (F)	2	2	0	0	2
Forcible entry (M)	1	1	0	1	0
Tampering w/motor vehicle w/o owner's consent (M)	1	1	0	0	1
Petit larceny (M)	6	5	1	6	0
	16	15	1	7	9
JAIL ONLY = 5					
Petit larceny (M)	5	3	1	5	0
	5	3	1	5	0
120 DAYS = 22					
Burglary (F)	21	21	0		21
Attempted grand larceny (F)	1	1	0		1
	22	22			22
PRISON = 11					
Burglary (F)	10	10	0		10
Rec. stolen prop. (F)	1	1	1		1
	11	11	1		11
GRAND TOTAL	73	69	4	13	60

Cases Not Prosecuted

Of 147 persons arrested, the prosecutor declined to proceed on 16 and later moved for the dismissal of 48 more. The court dismissed an additional seven, for a total of 71 persons (48.3%) not prosecuted. These cases are detailed in Tables 6 and 7.

Dismissals

The prosecution moved for 27 dismissals on the grounds that the defendant was being otherwise prosecuted and the defendant was therefore not entirely excused from the Criminal Justice System. These "economic dismissals" constituted 49.1% of all dismissals or 38% of all non-prosecuted cases.

The remaining 50.9% of dismissals resulted in excusal of 28 defendants from prosecution. In three of these cases (5.5%), the court granted the defense attorney's motion to dismiss on grounds that the prosecution had committed technical violations.

In 18 of these cases (32.7% of dismissals), either the court or prosecutor determined that there was not sufficient evidence upon which to prosecute the defendant for burglary (see Table 5). In three of these cases, the defendants were instead charged with rape, which was determined to be the appropriate charge.

Six cases, or 10.9%, were dismissed upon the prosecutor's motion that dismissal was in the interests of justice, and there was no information available for one case.

TABLE 6
CASES DISMISSED
ADA COUNTY BURGLARY STUDY
1975

Order of Frequency	Category	Frequency	% of Not Prosecuted	% of Arrests
1	Economic dismissals	27	38.0	18.4
2	Declined prosecution	16	22.5	10.9
3	Insufficient of lost evidence	14	19.7	10.0
4	Court dismissals	7	9.9	4.8
5	Interests of justice	6	8.5	4.1
6	Unknown	1	1.4	.7
Total		71	100.0	48.9 of Arrests

Cases Not Filed

Table 7 gives the specific reasons for the State's decision not to file charges in 16 cases. As with dismissals, certain cases were not prosecuted because other legal action was being taken. In three cases, the prosecutor determined that burglary was not the appropriate charge upon which to proceed. In five cases, it is known that one or more other charges were filed upon the defendant, but it is not known whether there were economic reasons for the prosecutor's decision not to proceed with these charges. It is known, however, that these eight defendants (50% of Not Filed category) were not entirely excused from the Criminal Justice System.

No further information was available for the remaining eight individuals in this category.

TABLE 7
ANALYSIS OF CASES NOT FILED BY PROSECUTOR
ADA COUNTY BURGLARY STUDY

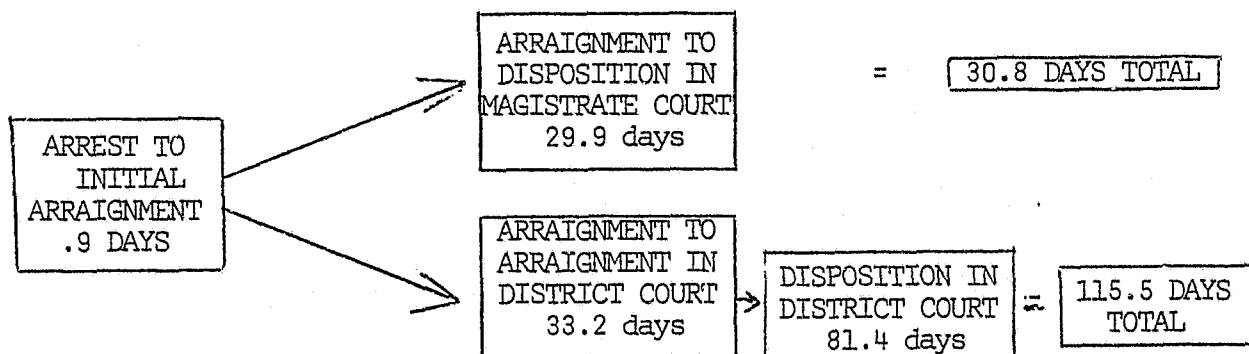
Reason		1975		% of Not Filed	% of Not Prosecuted
Prosecutor determined that crime was actually rape.	2			12.5	2.8
Prosecutor determined that crime was actually grand larceny.	1			6.3	1.4
Other charges filed; no other information available.	5			31.3	7.0
Defendant discharged with credit granted for time already served in jail.	1			6.3	1.4
Released by judge with warning.	1			6.3	1.4
No further information	6			37.5	8.5
Total		16		100.0	22.5

Time Frames

The average time from initial arrest to disposition was 94.9 days, as shown in Chart A. In all cases, there was an average of one day between arrest and initial arraignment in magistrate court. Thereafter, it took an average of 29.9 days to dispose of cases in magistrate court, or 33.2 days to bind a defendant over to district court. After entry into district court, an average of 81.4 days were required for final disposition.

CHART A
TIME FRAME - ARREST TO DISPOSITION
ADA COUNTY BURGLARY STUDY
1975

(AVERAGE DAYS)



Time frames from arrest to disposition varied depending upon which judge presided at the time of disposition in a case. Table 8 outlines the average time span of cases disposed of by both magistrate and district court judges. It is important to note the number of cases drawn by each judge, as small numbers can greatly distort apparent differences from judge to judge.

TABLE 8
AVERAGE TIME FRAME, ARRAIGNMENT TO DISPOSITION
BY JUDGE
BASED ON 1975 BURGLARY CASES

District Court Judges:

<u>Judge A</u>	<u>Total Average Days:</u>	<u>51.17</u>
Average time to dismissal by prosecuting attorney	29.5	(2 cases)
Average time to sentencing	40.33	(9 cases)
Average time to acquittal	192	(1 case)
Total	12	cases
<u>Judge B</u>	<u>Total Average Days:</u>	<u>71.09</u>
Average time to dismissal by prosecuting attorney	73.43	(7 cases)
Average time to sentencing	70.07	(15 cases)
Average time to dismissal by judge	70	(1 case)
Total	23	cases
<u>Judge C</u>	<u>Total Average Days:</u>	<u>98.66</u>
Average time to dismissal by prosecuting attorney	135.83	(12 cases)
Average time to sentencing	77.83	(17 cases)
Average time to dismissal by judge	7	(1 case)
Total	30	cases
<u>Judge D</u>	<u>Total Average Days:</u>	<u>96.36</u>
Average time to dismissal by prosecuting attorney	86	(7 cases)
Average time to sentencing	101.2	(15 cases)
Total	22	cases
<u>Judge E</u>	<u>Total Average Days:</u>	<u>47.67</u>
Average time to sentencing	47.67	(3 cases)

Magistrate Court Judges:

<u>Judge A</u>	<u>Total Average Days:</u>	<u>35.88</u>
Average time to dismissal by prosecuting attorney	51	(5 cases)
Average time to sentencing	10.67	(3 cases)
Total	8	cases
<u>Judge B</u>	<u>Total Average Days:</u>	<u>91</u>
Average time to dismissal by prosecuting attorney	91	(1 case)
<u>Judge C</u>	<u>Total Average Days:</u>	<u>75</u>
Average time to dismissal by prosecuting attorney	224	(1 case)
Average time to sentencing	37.75	(4 cases)
Total	5	cases
<u>Judge D</u>	<u>Total Average Days:</u>	<u>34.89</u>
Average time to dismissal by prosecuting attorney	14.33	(3 cases)
Average time to sentencing	46.2	(5 cases)
Average time to no probable cause dismissal by judge	40	(1 case)
Total	9	cases
<u>Judge E</u>	<u>Total Average Days:</u>	<u>23.5</u>
Average time to dismissal by prosecuting attorney	24.14	(7 cases)
Average time to sentencing	19	(1 case)
Total	8	cases

END