

TWIN FALLS SYSTEM RATES STUDY

BURGLARY

1975

NCJRS

AUG 14 1978

ACQUISITIONS

Law Enforcement Planning Commission
Statistical Analysis Center
August 31, 1977

55105

TWIN FALLS BURGLARY STUDY

In May of 1977, the SAC Unit of the Idaho LEPC conducted a study of adult burglary arrests in Twin Falls County, one of the five highest burglary arrest counties in Idaho. As a result of manual review of 1975 arrest dockets in the Twin Falls County Sheriff's Office and Twin Falls Police Department, 49 burglary arrests were tallied. Two of these arrests were made for other jurisdictions and the inmates later extradited. These were eliminated from the study. The remaining 47 adults were traced through the Criminal Justice System by means of court docket perusal, prosecutor interviews, and ISCI* reports.

Appreciation is extended to Judge Paul Smith, Twin Falls Police Chief W. F. Barnett, Twin Falls County Sheriff Paul Corder, the Prosecutor and Deputy Prosecutor for Twin Falls County, Ralph Newberg of the Idaho State Correctional Institution, and the many court clerks and secretaries who cooperated with researchers in this effort.

Illustration I depicts the flow of offenders through the Twin Falls Criminal Justice System and identifies the percentage of arrestees whose cases were disposed of at each stage of legal process.

Note that five arrested had no charges filed against them by the prosecutor, thereby releasing them from the system for reasons which could not be identified by records of the court or the prosecutor's office. The remaining 42 were prosecuted and eventually reached a point in the system where a decision of dismissal, acquittal, or conviction was reached. Only these 42 appear in the Twin Falls UCR tabulations for 1975. Illustration II identifies the percentage of persons within each decision point who were relegated to a particular category.

Arrests and Pre-trial Release

Pre-trial release is analyzed in Table 1. Of those prosecuted, 85.7% were male, and 14.3% female. Note that the percentage of females who bonded out while awaiting legal process is greater than for males; the percentages jailed and released on their own recognizance is lower than for males. The total percentage (47.6%) of all adults remanded to jail was precisely equal to the total percentage released -- 47.6%. The pre-trial release status of the remaining 4.8% was not apparent from official records.

Prosecutions

Table 2 outlines the results of prosecution. Following initiation of prosecution, the court determined that in five cases there was no probable cause for binding the defendant over. The prosecutor moved to dismiss eight cases from prosecution. Therefore, 31% of the 42 filings were not further prosecuted.

*Idaho State Correctional Institution

ILLUSTRATION I
IDAHO CRIMINAL JUSTICE
SYSTEM RATES MODEL
TWIN FALLS COUNTY BURGLARY STUDY 1975

INPUT PERCENTAGES

47
Persons
Arrested

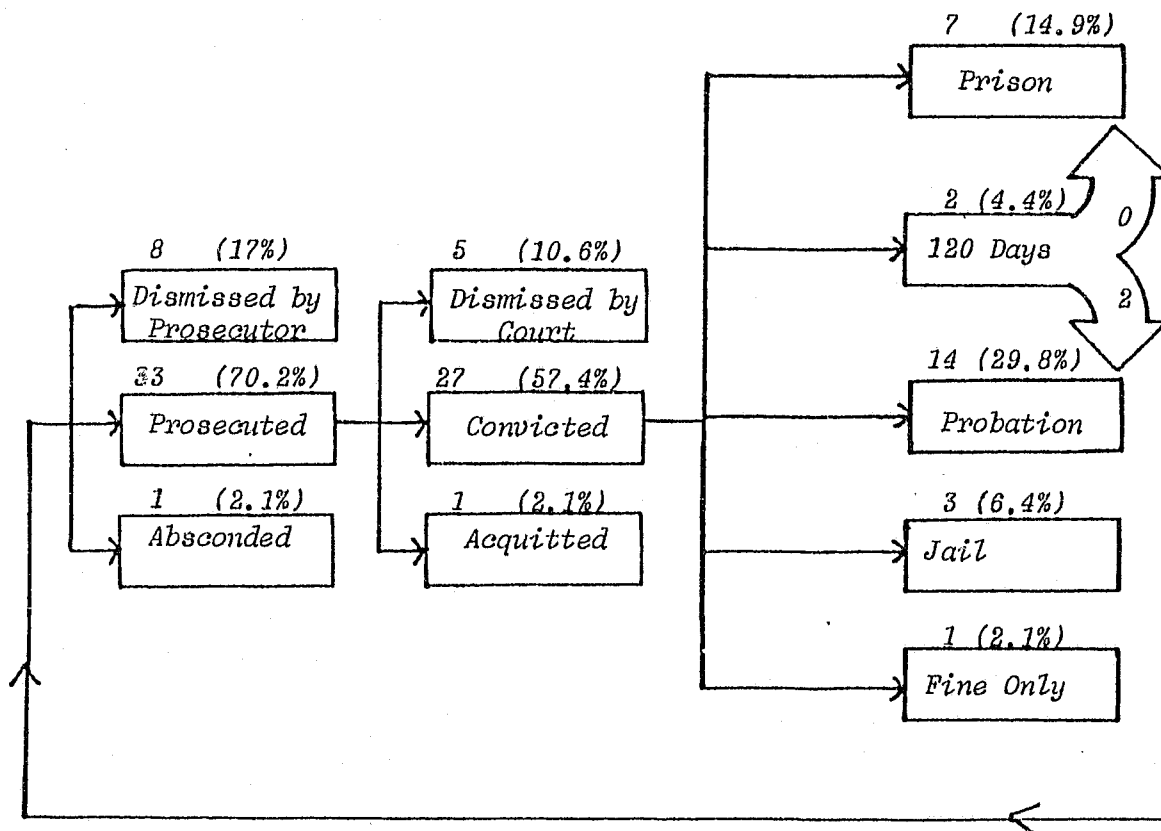
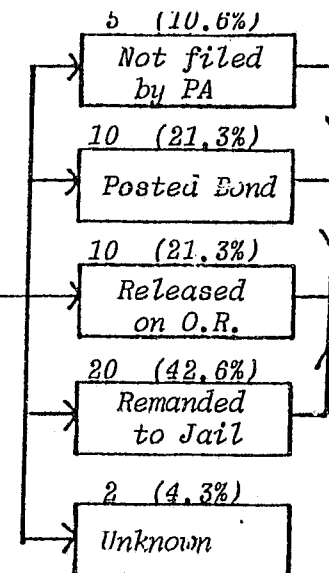


ILLUSTRATION II
IDAHO CRIMINAL JUSTICE
SYSTEM RATES STUDY

TWIN FALLS COUNTY BURGLARY STUDY 1975

DECISION POINT PERCENTAGES

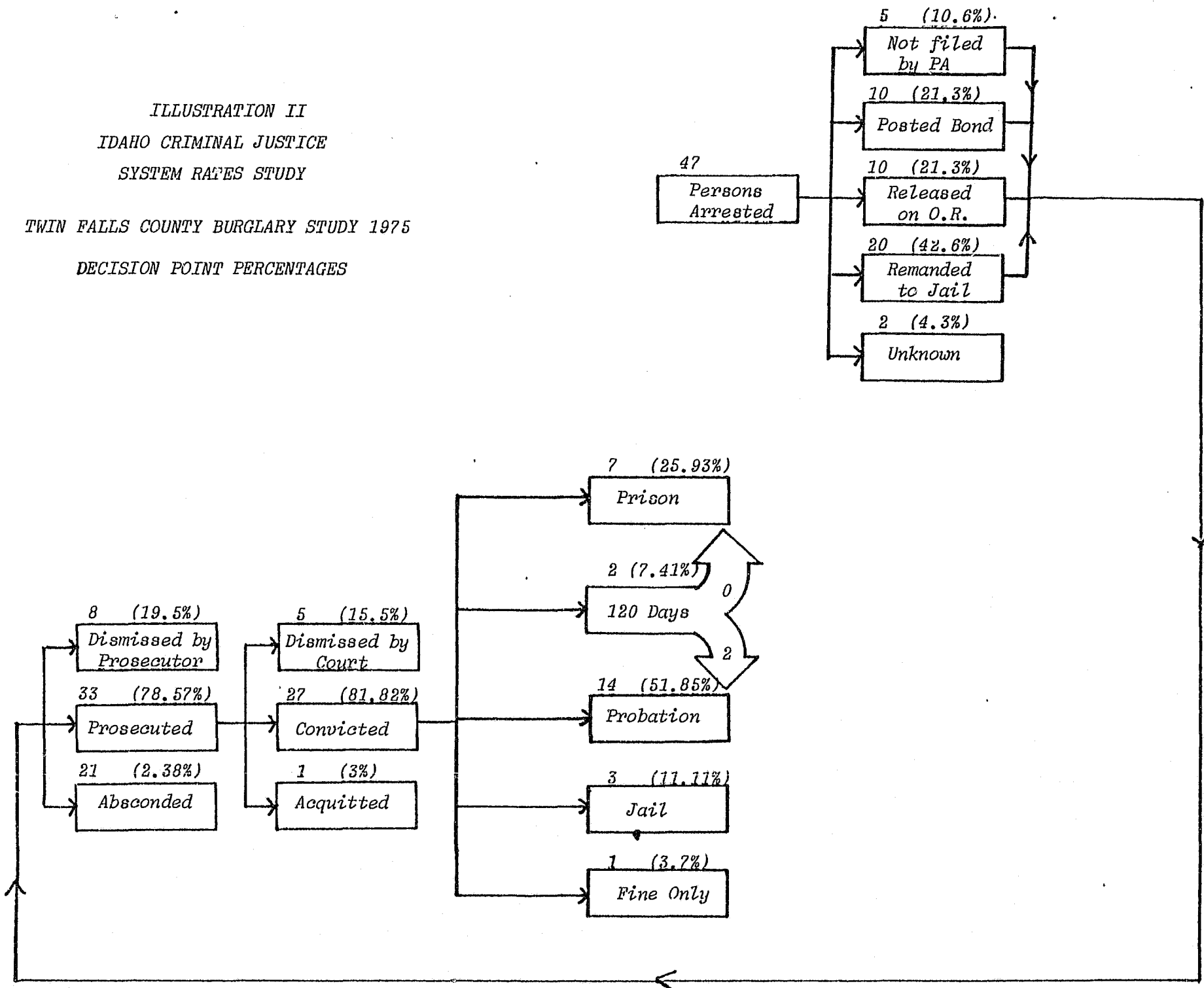


TABLE 1
ARRESTS AND PRE-TRIAL RELEASE BY SEX
TWIN FALLS BURGLARY STUDY
1975

Sex	Arrests		Released on own Recognizance		Posted Bond		Remanded to Jail	
	Freq.	%	Freq.	%	Freq.	%	Freq.	%
Males	36	85.7	9	25% of Males	7	19.4% of Males	18	50% of Males
Females	6	14.3%	1	16.7% of Females	3	50% of Females	2	33.3% of Females
Total	42*	100.0%	10	23.8%	10	23.8%	20	47.6%

*? Unknown - not included on chart = 4.8%

% figured on 42 except for exclusive male/female figures.

TABLE 2
ANALYSIS OF CASES FILED
TWIN FALLS BURGLARY STUDY
1975

Result of Prosecution	Number of Cases Involved	Disposition in Magistrate Court	Disposition in District Court
Defendant absconded	1	0	1
Dismissed in court	5	5	0
Dismissed by P.A.	8	6	2
Acquitted by jury	1	N/A	1
Convicted by jury of burglary	1	N/A	1
P.G. to lesser charge	7	4	3
P.G. to Burglary	19	N/A	19
Total	42 (100%)	15 (35.7%)	27 (64.3%)

Table 3 categorizes, by sex, various dispositions in magistrate or district court. The most outstanding figure is the 83.3% dismissal rate for females. The only female conviction was a verdict reached by a jury. The only other trial resulted in acquittal of a male defendant.

It is also significant that the majority of magistrate court dispositions (73.3% of its 15 dispositions) were dismissals and the majority of district court dispositions (76.9% of its 26 dispositions) were convictions on the original charge of burglary.

TABLE 3
ANALYSIS OF DISPOSITIONS BY SEX
TWIN FALLS BURGLARY STUDY
1975

Sex	Magistrate Court				District Court						Totals			
	Dismissed		Reduced Conviction		Dismissed		Reduced Conviction		Original Conviction				Acquitted	
Males	6	17.1%	4	11.4%	2	5.7%	3	8.6%	19	54.3%	1	2.9%	35	100%
Females	5	83.3%	0	0%	0	0%	0	0%	1	16.7%	0	.0%	6	100%
Total	11	26.8%	4	9.8%	2	4.9%	3	7.3%	20	48.8%	1	2.4%	41	100%

In the SAC six-area study of burglary in Idaho, it was found that an average of 29.9% of 1975 cases were handled at the magistrate level and 70.1% at the district court level. By comparison, Twin Falls magistrates handled a larger percentage of the caseload (36.6%) than district courts did (63.4%). Furthermore, Twin Falls magistrate courts were responsible for a higher proportion of dismissals than other magistrates courts in the six-area study. Twin Falls magistrates dismissed 11 of the 13 dismissals in Twin Falls County.

Twin Falls Magistrate Judge Paul Smith noted that Twin Falls judges, prosecutors, and public defenders observe an unofficial policy of cooperation in screening cases prior to reaching the district court level, and notes in numerous files indicated that court and counsel had conferred on cases prior to appointed court hearings. It is perhaps because of this policy that 19 (73.1% of all defendants bound over to district court) pled guilty upon the occasion of their first district court hearing. Eighteen of the 19 pled guilty to burglary, one to receiving stolen property. Three others originally entered not guilty pleas, but later changed their pleas to guilty: one to burglary, one to a lesser felony, and one to a misdemeanor. Four individuals originally pled guilty to reduced misdemeanor charges in magistrate court. These convictions are detailed in Table 4 on the following page.

TABLE 4
CONVICTIONS
TWIN FALLS BURGLARY STUDY

Method of Conviction	1975 Frequency	% of 27 Convictions	% of 49 Arrests
Convicted by jury	1	3.7	2.1
Pled guilty to burglary	19	70.4	40.4
Pled guilty to other felony	2	7.5	4.4
Pled guilty to misdemeanor	5	18.5	10.6
Totals	27	100.1	57.4

Sentencing

Table 5 explores sentencing alternatives employed by both magistrate and district court judges in this study. Twelve defendants, or 44.4% of those convicted, were incarcerated in jail or prison. These incarcerations represent 25.5% of the persons arrested.

Both defendants assigned to the ISCI under the court's 120-day retained jurisdiction option were released on probation at the end of that time. Of the seven individuals sentenced to prison, five are still inmates of that facility. Two have been paroled after serving 16 and 20 months, respectively, in prison.

Fourteen defendants, or 51.9% of those convicted, were granted probation. They represent 29.8% of all arrests. The one individual upon whom the court imposed only a fine represents the remaining 3.6% of those convicted.

In 38.3% of all arrests, the case was either dismissed or the State declined prosecution. Table 7 outlines the reasons these defendants were excused from prosecution. Note that 10 of 13 dismissals (77%) resulted from evidentiary deficiencies.

Time Frames

Cases moved from arrest to disposition in an average of 99.3 days. Cases disposed of in magistrate court required an average of 53.3 days, while those disposed of in district court took an average of 125.8 days. Table 6 details time frames by disposition, and Chart I shows overall average days for moving through each phase of the system.

TABLE 5
SENTENCING AND CONVICTIONS
TWIN FALLS BURGLARY STUDY

(F)= Felony
(M)= Misdemeanor

1975

Conviction	Frequency	Sentence	Imposed in Magistrate Ct.	Imposed in District Ct.
Burglary (F)	9)		N/A	9
Receiving Stolen Prop.(F)	1)	14	N/A	1
Accessory to Burglary (F)	1)	Probations	N/A	1
Petit Larceny (M)	3)		3	0
	<u>14</u>)		<u>3</u>	<u>11</u>
Burglary (F)	2	Probation w/90 days jail time.	N/A	2
Trespassing (M)	1	Jail only (10 days)	0	1
Petit Larceny (M)	1	Fine Only	1	0
Burglary (F)	2	120 days followed by probation	N/A	2
Burglary (F)	7	Prison	N/A	7
GRAND TOTALS	<u>27</u>		<u>4</u>	<u>23</u>

TABLE 6
AVERAGE TIME FRAMES: ARREST TO DISPOSITION
TWIN FALLS SYSTEM RATE STUDY
BURGLARY

1975

Average Days for Process	Process	Arrest to Initial Arraignment	Initial Arr't. to District Court Arr't.	Last Arr't. to Disposition In M.C. In D.C.
124.9	Conviction	3.2	43.7	91.8 83.3
381	Dismissal	1.2	19	35.9 23
204	Acquittal	2	81.00	N/A 121

CHART I
AVERAGE TIME FRAMES: ARREST TO DISPOSITION
TWIN FALLS SYSTEM RATE STUDY
BURGLARY
1975

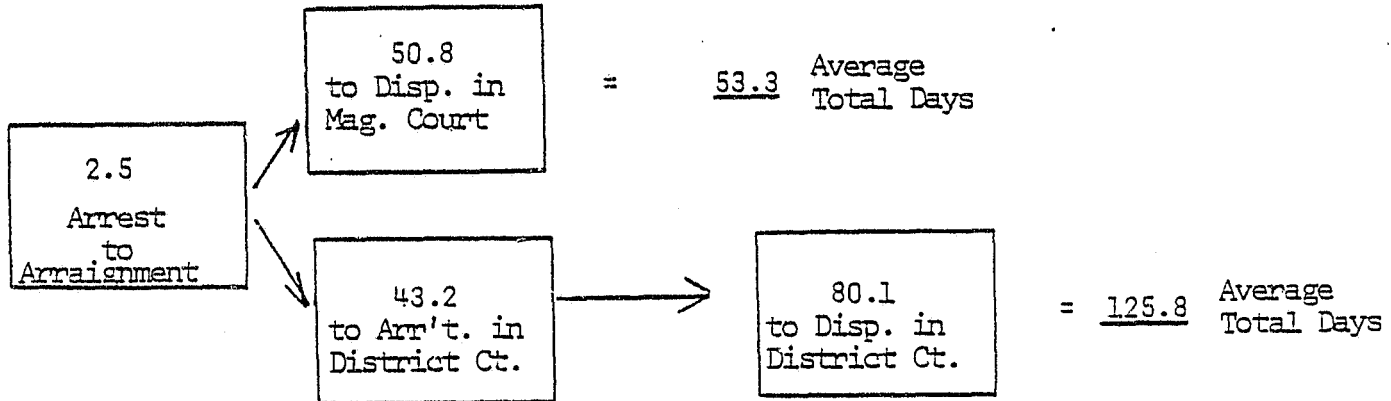


TABLE 7
BASES FOR DISMISSAL
TWIN FALLS BURGLARY STUDY
1975

Basis for Dismissal	Frequency	% of Dismissals	% of Arrests
Prosecution dismissed - "Insufficient Evidence"	5	38.5	10.6
Prosecution dismissed with credit for 9 days T/S	1	7.7	2.1
Prosecution economic dismissal for plea of guilty to	2	15.4	4.3
Court found no probable cause	5	38.5	10.6
Total dismissals	13	100.0%	27.7%
Total not filed (reasons unknown)	5	N/A	10.6%
Total not prosecuted	18		38.3%

END