

✓ SAN FRANCISCO (CA) -

X CAREER CRIMINAL PROGRAM

FINAL REPORT

JULY 1977 - DECEMBER 1978

JOSEPH FREITAS, JR.  
DISTRICT ATTORNEY

CITY AND COUNTY OF SAN FRANCISCO

ANDRE T. LABORDE  
PROJECT DIRECTOR

NCJRS

MAR 26 1979

ACQUISITIONS

56228

**DISTRICT ATTORNEY**

**JOSEPH FREITAS, JR.**  
DISTRICT ATTORNEY



DECEMBER  
12/28/79

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**SAN FRANCISCO**

880 BRYANT STREET, SAN FRANCISCO 94103 TEL. (415) 553-1752

January 12, 1979

Ms. Charlsey Cartwright  
Office of Criminal Justice Planning  
7171 Bowling Drive  
Sacramento, California 95823

Dear Charlsey:

Please find enclosed the Final Report  
of our program which covers the period July 1977  
through December 1978.

If you have any questions, please feel  
free to call me.

Sincerely,

JOSEPH FREITAS, JR.  
District Attorney

BY

*[Signature]*  
Investigator, Career  
Criminal Program

MEO'T:cad

Enclosure

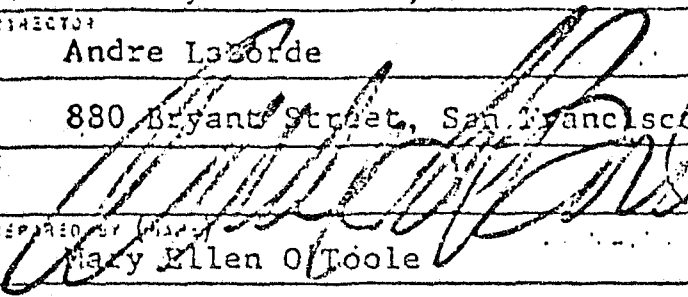
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## PROGRESS REPORT IDENTIFICATION

SS 501 (REV. 8-74)


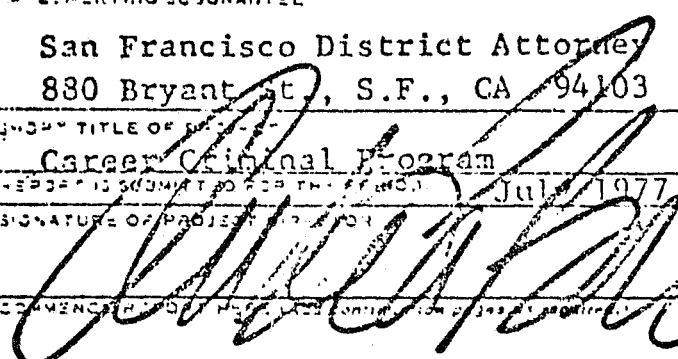
PROJECT TITLE San Francisco Career Criminal Program ✓		PROJECT NUMBER 77-DF-09-0016
SUBMITTEE San Francisco District Attorney		CONTRACT NUMBER D-3375-1-77
ADDRESS 880 Bryant Street, San Francisco, CA 94103		STATE AGENCY/REGION F
PROJECT DIRECTOR Andre LeBorde	PHONE 415-553-1010	REPORT PERIOD July 1977 - Dec. 1978
ADDRESS 880 Bryant Street, San Francisco, CA 94103		DATE OF REPORT January 13, 1979
SIGNATURE 	DATE January 13, 1979	TITLE Project Director
REPORT PREPARED BY Mary Ellen O'Toole	TITLE (RELATIONSHIP TO PROJECT) Investigator	
<input type="checkbox"/> 1ST <input type="checkbox"/> 2ND <input type="checkbox"/> 3RD <input checked="" type="checkbox"/> 4TH AND FINAL <input type="checkbox"/> OTHER		

FOR PROJECTS THAT HAVE RECEIVED CONTRACT EXTENSIONS

## REVIEWERS COMMENTS

REVIEWED AND APPROVED FOR TRANSMISSION TO CSJ

INITIALIZED SIGNATURE	TYPED NAME
FILE	DATE
	PHONE

 <b>U. S. DEPARTMENT OF JUSTICE</b> <b>LAW ENFORCEMENT ASSISTANCE ADMINISTRATION</b>		<b>CATEGORICAL GRANT</b> <b>PROGRESS REPORT</b>	
<b>GRANTEE</b> California Office of Criminal Justice Planning		<b>LEAA GRANT NO.</b> 77-DE-09-0016	<b>DATE OF REPORT</b> Jan. 13, 1979
<b>IMPLEMENTING SUBGRANTEE</b> San Francisco District Attorney 880 Bryant St., S.F., CA 94103		<b>PERIOD NO.</b> Final	
<b>PROJECT TITLE OF GRANT</b> Career Criminal Program		<b>TYPE OF REPORT</b> <input type="checkbox"/> REGULAR <input type="checkbox"/> SPECIAL REQUEST <input checked="" type="checkbox"/> FINAL REPORT	
<b>REPORT IS SUBMITTED FOR THE PERIOD</b> July 1977		<b>GRANT AMOUNT</b> \$329,616	
<b>SIGNATURE OF PROJECT DIRECTOR</b> 		<b>TYPED NAME &amp; TITLE OF PROJECT DIRECTOR</b> Andre LaBorde, Project Director	
<b>COMMENCEMENT DATE OF PROJECT</b> July 1977			
<b>NOTE: No further monies or other benefits may be paid out under this program unless this report is completed and filed as required by existing law and regulations (FMC 74-7; Omnibus Crime Control Act of 1976).</b>			
<b>RECEIVED BY GRANTEE STATE PLANNING AGENCY (Official)</b>			<b>DATE</b>

## I. STATEMENT OF HYPOTHESIS

The hypothesis upon which the San Francisco Career Criminal Program is designed and operates is as follows: A disproportionate number of offenders are responsible for an inordinate number of crimes in the City and County of San Francisco. Because these offenders have either successfully eluded prosecution in the past or have been repeat failures of the Criminal Justice System's efforts towards rehabilitation, these criminals are continuing to plague and victimize the citizens of San Francisco. If specialized, intensive prosecutorial efforts are directed toward the career criminal, resulting in a greater number of State Prison commitments and longer periods of incarceration, criminal activity of the recidivist offender will be interrupted.

It is suggested that this interruption in criminal activity is likely to result in a reduction in the amount of personal property losses and damages, as well as a concomitant reduction in violence and trauma to the citizens of San Francisco.

Because of the number of unreported robberies and burglaries in San Francisco, compounded with unreliable measures of actual property loss and damage, it will be difficult to postulate the dollar amount decrease in property losses and the number of accompanying acts of violence to the citizens of San Francisco. However, an estimate of these figures will be extrapolated from the research data and

sample studies available on this particular crime index; the number of career criminals committed to State Prison through the Career Criminal Program; and, the average length of incarceration.

## II. INTRODUCTION

After the original grant proposal was submitted to the Law Enforcement Assistance Administration (LEAA), Andre LaBorde, the Project Director, traveled to New York City and familiarized himself with the operations of their Major Offenders Bureau. An additional on-site visit was made to San Diego, where the San Diego Career Criminal Program was discussed at length with Richard Neely, Project Director, and Douglas Quackenbush, Research Assistant. Based upon the information gained through these conferences, and a more adequate understanding of how an effective program might be implemented, San Francisco's District Attorney Joseph Freitas, Jr., agreed that a more concentrated effort on crime with an integral unit would be the most effective way to operate. After discussion with Mr. Charles Hollis, Program Manager, LEAA Career Criminal Programs, this program was instituted in a manner presently maintained by the San Francisco Career Criminal Program. However, upon examining specific crime problems in San Francisco, it was decided that the concentration should not rest on robbery alone but should include residential burglaries as well. As a consequence, the program has prosecuted all robberies and residential burglaries committed by career criminals who meet the criteria described later in the grant.

Grant Application Number 77-DF-09-0016 was awarded by the Law Enforcement Assistance Administration to the San Francisco District Attorney's Office on April 15, 1977.



However, problems beyond our control prevented the commencement of the Career Criminal Program until July 20, 1977.

Matching funds appropriated by the Board of Supervisors were not available until July 1, 1977. Consequently, personnel could not be hired until after this date.

### III. IMPLEMENTATION OF FIRST YEAR MILESTONES

During its first year of operation, the San Francisco Career Criminal Program developed a comprehensive administrative plan to include the following:

- A. The organization of the program's staff;
- B. The establishment of a liaison with other agencies within the Criminal Justice System;
- C. The coordination of on-site visits and training workshops with the staff of the National Legal Data Center, The Law Enforcement Assistance Administration and the California Office of Criminal Justice Planning;
- D. The acquisition of office equipment and supplies.

#### A. Organization Of Staff

The Career Criminal Program's staff consists of the following persons:

1. Prosecutors: (Head attorney, Civil Service classification 8182; Principal attorney, classification 8180)

Andre LaBorde - Project Director and Head Attorney

George Beckwith - Principal Attorney

Alfred Chiantelli - Head Attorney

Jerald Eisenberg\*- Principal Attorney

Lenard Louie - Head Attorney

2. Investigators: (classification 8146)

James Knight

Mary Ellen O'Toole

3. Staff Assistant: (classification 9738)

Paula Taubman

4. Research Assistant:\*\* (classification 1802)

Cheryl Giurlani

5. Stenographer:\*\*\* (classification 1444)

Carla Dalberg

6. Process Server: (volunteer)

Bruce Rosenberg

7. Law Intern: (volunteer)

Craig Diamond

\* Deputy District Attorney, Jerald Eisenberg, a veteran Principal Attorney was appointed to the Career Criminal Team on March 29, 1978, to replace Deputy District Attorney Hugh Levine, who was promoted to Head Attorney for the Robbery Assault Team of this office. Mr. Eisenberg was formerly the Supervising Deputy of the Juvenile Court's division of the District Attorney's Office.

\*\* Ms. Giurlani was hired on December 21, 1978, to fill the Research Assistant position which was vacated when Elizabeth Laubacher terminated her employment on November 8, 1978.

\*\*\* Ms. Dalberg was hired to fill the Legal Stenographer's position on October 11, 1978, which was vacated when Ms. Elaine Cohen resigned for another position on January 6, 1978.

## B. Liaisons Within The Criminal Justice System

### 1. Court System

Because of the efficient system of case management already established in the San Francisco Court System, it has not been necessary to seek priority docketing for career criminal cases.

After the preliminary hearing in the Municipal Court, an Information is filed by the District Attorney's Office and the charges are scheduled for arraignment in the Master Calendar Department of the Superior Court. All probation revocations, pre-trial motions, conferences, and trials are assigned to satellite courts. The average time from arraignment in the Master Calendar Department to trial is approximately 35 days.

### 2. San Francisco Police Department

Prosecuting only robberies and burglaries, the Career Criminal Program has established and maintained a close working relationship with the Inspectors of the Robbery and Burglary Details of the San Francisco Police Department.

a. Because of their growing familiarity with the program, and their confidence with its effectiveness, a significantly greater number of career criminal cases are brought immediately to the Career Criminal Unit for rebooking

(charging) by the Inspector. Each case is then thoroughly investigated and prepared for court through the cooperative efforts of the Police Inspectors and the Career Criminal Investigators.

b. During the past year the Attorney General, and consequently the local US Attorney, has turned over to local prosecutors the investigation and prosecution of robberies committed in banks. Because it appears that a large proportion of bank robbers have extensive criminal histories, the Career Criminal Unit is becoming involved in a significant number of bank robberies.

Since bank robberies are initially investigated by the FBI, the coordination between federal agencies and the Bureau of Inspectors of the Robbery Detail, and the Prosecutor's office has been necessary. The transition and coordination of efforts between these agencies has been effected very quickly.

Consequently, the Career Criminal Unit is becoming more and more involved in the investigative stage of serious robberies and robbers. Working with Inspectors at the initial stages has proved very effective in solidifying the identification; arrest; seizure of evidence and coordination of witnesses, resulting in cases better prepared for court.

The following are several examples which are indicative of the mutual cooperation existing between the Career Criminal Unit and the Inspectors of the Robbery Detail.

2a. On April 25, 1978, a notorious San Francisco bar robber, who terrorized neighborhood bars for over one year, was arrested following his 49th robbery. The afternoon of the arrest, a major city newspaper ran a headline story on the robber's arrest featuring his photograph. Inclusion of the defendant's photograph could have invalidated a lineup scheduled for the next morning. However, through the efforts of the Career Criminal staff and the Inspectors of the Robbery Detail, more than 35 victims and witnesses were contacted and a successful line-up was executed that same evening.

2b. In a mutual cooperative effort to investigate a career criminal robbery case, Paul Ryan of the San Francisco Police Department, Robbery Detail and Mary Ellen O'Toole, Investigator with the Career Criminal Unit, traveled to British Columbia to interview a witness and secure information crucial to the case.

3. Acquisition of Criminal History Information From Outside Agencies

Timely and accurate criminal history information on each career criminal is critical. Law enforcement agencies (the Federal Bureau of Investigation; the California Bureau of Information, Sacramento; and the Identification Bureau of the San Francisco Police Department) have been cooperative and expedient in supplying criminal history information upon the request of the Career Criminal Investigators and Prosecutors of the unit.

### C. Coordination of On-Site Visits and Training Workshops

During the first grant year, several on-site visits, as well as training workshops with the staff of the National Legal Data Center, the Law Enforcement Assistance Administration, California's Office of Criminal Justice Planning and the Mayor's Criminal Justice Council in San Francisco were held to provide technical assistance to both the prosecutorial and administrative staff of the Career Criminal Program. The focal point of these conferences and workshops was the overall design, development, implementation and operation of the program, as well as an orientation to the specialized data collection system. A conclusive list of workshops attended by Career Criminal staff is outlined below.

#### September 8-9, 1977

An introductory workshop was held in San Francisco with the Career Criminal Staff and members of the National Legal Data Center. This orientation workshop provided an opportunity to identify and assess relevant issues and problems of the newly developed San Francisco Career Criminal Program.

#### September 9, 1977

Mary Ellen O'Toole, Investigator with the Career Criminal Unit and staff from NLDC discussed the development of a comprehensive data collection system to be utilized by the San Francisco Program in order to track, collect and analyze case data in an organized, and valid manner.

October 5-7, 1977

Project Director Andre LaBorde, Career Criminal Attorney Alfred Chiantelli, and former Career Criminal Attorney Hugh Levine attended the "Northwest Regional Career Criminal Program Conference" held in Portland, Oregon.

October 24-26, 1977

Elizabeth Laubacher, former Research Assistant for the Career Criminal Program attended a two-day workshop at the National Legal Data Center in Thousand Oaks, California. The focus of the workshop was specialized data collection training and coding of the case Data Forms.

March 6-7, 1978

Elizabeth Laubacher attended a data collection workshop in Memphis, Tennessee. This training workshop was held for Career Criminal Data Collectors in order to present the "Revised Statistical gathering process" required by LEAA.

June 7-9, 1978

Career Criminal Attorneys Andre LaBorde and Lenard Louie attended the LEAA National Career Criminal Conference in Washington, D.C.

July 13, 1978

Paula Taubman and Mary Ellen O'Toole attended a half-day workshop at the Mayor's Criminal Justice Council in San Francisco concerning guidelines on State and Federal grant administration and regulations.



July 30, 1978

Andre LaBorde and Mary Ellen O'Toole attended an all day Career Criminal Workshop sponsored by the California Office of Criminal Justice Planning regarding the California Career Criminal Program.

D. Acquisition of Equipment

All equipment requested in the first year grant budget has been received. In addition to the items originally requested in the grant budget, an approval was requested and received for the purchase of one camera, one lens and two automobiles. All of which have been received. All equipment purchased with first year grant funds is being utilized during the second year of operation.

The following items of equipment were purchased during the first year:

- 9 Executive desks
- 1 Secretarial desk
- 9 Executive posture chairs
- 1 Secretarial posture chair
- 2 Automobiles
- 1 35 MM camera, wide angle lens and flash attachment
- 1 Table
- 2 File cabinets
- 2 Typewriters
- 1 Electronic calculator
- 2 Transcribers/cassette recorders
- 3 Police radios for use in investigative vehicles.

#### IV. STATEMENT OF PROGRAM'S GOALS

Because the original impact goals, objectives and milestones as outlined in the initial grant application did not seem to adequately reflect the quality and success of the San Francisco Career Criminal Program, a revision of these goals, objectives and milestones was made and presented in the second year grant application to the Law Enforcement Assistance Administration.

Revised Impact Goals, Performance Goals and Objectives of the San Francisco Career Criminal, along with a cumulative status of each is presented below.

##### A. Impact Goals of the San Francisco Career Criminal Program

1. To Increase the Number of Recidivist Robbers and Residential Burglars Committed to State Prison

Since the inception of the Program 128 career criminals and non-career criminal co-defendants have been sentenced to State Prison.

2. To Increase the Severity of Sentences for Career Criminals

The average length of a prison sentence for a career criminal defendant is 6 years.

B. Performance Goals of the San Francisco Career Criminal Program

1. To Significantly Decrease Plea-Bargaining in the Most Serious Offenses Charged in Career Criminal Cases

Consistent with the policies of the Career Criminal Program there have been no charge reductions on career criminal cases.

Seventeen cases have been dismissed during the past year. (For a breakdown of dismissal explanations, refer to Table 1.)

2. To Effect an Increase in the Number of Enhancements Alleged and Found to be True on Career Criminal Convictions

During the past year, 346 enhancements have been alleged and found to be true on 92 convicted career criminals. (These enhancements include gun allegations, as well as weapon allegations, priors and great bodily injury.)

3. To Maintain a Lower Case Volume for Career Criminal Attorneys as Compared to Other Felony Teams in the Office

The average caseload during the past year per Career Criminal Attorney is 14 cases as compared with approximately 37 cases per regular staff Attorney.

4. To Increase the Amount of Bail on Career Criminal Cases as Compared to Similar Cases Prosecuted by This Office

The mean bail calculated on 62 career robbers is \$20,000 compared with \$5,000 bail adopted and recommended for a robbery charge in the Felony Bail Schedule for the Superior and Municipal Courts of San Francisco.

The mean bail calculated on 40 career robbers is \$7,000 compared with the \$5,000 recommended bail by the Felony Bail Schedule.\*

\* Bail amounts were not available on 32 career robbers and burglars and were consequently not included in the calculations to determine the average.

All of the Bail amounts included were set at the time of the Preliminary Hearing in Municipal Court.

C. Revised Objectives of the San Francisco Career Criminal Program

1. To Maintain a Reciprocal Working Relationship With the Integrated Criminal Apprehension Program of the San Francisco Police Department

Meetings were held on an irregular basis throughout the year with Mr. Raymond Galvin, Director of San Francisco's ICAP, Andre LaBorde, Director of the Career Criminal Program and their administrative staffs. These meetings addressed the integration and cooperation of these two programs toward mutual efforts to target and prosecute the career criminal, as well as any correlative interests, concerns and problems which might result.

On June 5, 1978, a program was proposed which would complement the efforts of both programs to target and prosecute the career criminal. ICAP is planning to implement and maintain a career criminal information file which will include identifying information on career robbers and burglars. Pursuant to meetings between ICAP and the Career Criminal Program, the parameters of ICAP's files have been designed to coincide with the selection criteria employed by the Career Criminal Program.

Following the arrest of a robber or burglar, the defendant's rap sheet will be closely evaluated by a member of the ICAP staff to determine if he meets the criteria of a career criminal. Once this fact has been established both the Investigative Detail of the Police Department as well as the Career Criminal Unit of the District Attorney's Office

will be notified.

It is anticipated that this program will be implemented in early February, and meetings between ICAP and Career Criminal staff will be held to monitor the program, and provide feedback and/or recommendations as necessary.

A fund of information has been maintained on career criminals by the Career Criminal Unit during its first year of operation. This information is available to ICAP's staff to provide any baseline data for their career criminal information file.

Following the disposition of each career criminal case, the file is available to ICAP's analyst in order to extract any pertinent information or statistics for their files.

3. To Establish a Closer Liaison With the Federally Funded Victim Witness Assistance Program

During the past year, the Career Criminal Program has utilized the services of the Victim Witness Assistance program both in case preparation and supplying special services for victims of violent crimes.

a. During the week-long Preliminary Hearing of a 48 count armed robbery case, the Victim-Witness Assistance Program, both staff and volunteers, provided invaluable assistance in the coordination of more than 45 victims and witnesses prior to their testifying in court.

b. The staff of the Victim Witness Assistance Program, in conjunction with the Career Criminal Program, assisted the victim of a robbery and burglary, along with her two small children in finding temporary housing, preparing for re-location

and locating other social service agencies in the City which could meet additional personal needs of the family.

c. On August 15, 1978, Ms. Nancy Walker was appointed Executive Director of the Victim Witness Assistance Program. Since her appointment, Ms. Walker has initiated several new programs including a witness waiting room located on the first floor of the Hall of Justice. This room will provide comfortable accommodations for prosecution witnesses who are waiting to testify.

3. To Maintain an Effective Police Prosecutor Working Relationships

Refer to page 7

4. The Following Efforts Have Been Made to Increase Community Participation

a. October 6, 1977

"Career Criminals" Going Back To Jail, an article appearing in the San Francisco Chronicle, served as an introduction of the San Francisco Career Criminal Program to the community, and highlighted the Program's success during its first three months of operation.

b. January 6, 1978

District Attorney Joseph Freitas, Jr. was interviewed by Time Magazine regarding the San Francisco Career Criminal Program and its projected impact on the community. The article, "Stopping Crime as a Career: Major Violators Program Blocks the Revolving Door" appeared in Time January 30, 1978.

c. April 1, 1978

Andre LaBorde was interviewed for radio on the concepts and philosophy of the Career Criminal Program. This interview was taped and broadcast by regional FM stations in California.

d. July 26, 1978

An in-depth story on the San Francisco Career Criminal Program was featured in the Examiner - one of San Francisco's major daily newspapers. This story concerned the goals and objectives of the Program as well as the philosophy of the Career Criminal concept; the Program's impact on the community; personnel and summaries on several of the major cases handled by the Program.

e. October 11, 1978

Since the hiring of a Stenographer for the Unit, efforts are made to notify victims, witnesses and police personnel who have participated in career criminal cases as to the status of their case. Letters are normally sent by the respective Career Criminal Attorney following the final disposition of each case.

f. September 9, 1978

Joseph Freitas, Jr., San Francisco District Attorney and Andre LaBorde, Chief of the San Francisco Career Criminal Unit were part of a delegation of elected District Attorneys invited to participate in a National exchange delegation with the Prosecutor's Office of the Soviet Union. The purpose of the trip was an introduction to the Soviet Union's Criminal Justice System and included meetings with the



Procurator General (Attorney General) as well as Regional Attorneys General, local prosecutors and members of the various ministries and courts.

g. December 15, 1978

Initial plans are being developed for a brief television expose on the San Francisco Career Criminal Program. San Francisco District Attorney Joseph Freitas, Jr. and Project Director Andre LaBorde will be interviewed for television regarding the Career Criminal Program; its concepts, philosophy and impact on the community. The interview will appear on a local San Francisco station during the first part of the year.

5. To Increase Participation in Probation Proceedings

During the first year of operation, the Career Criminal Program has successfully improved cooperation with the Probation Department. This has been accomplished through personal contact among the Career Criminal Attorneys and Investigators, and the staff of the Probation Department on a case by case basis. As Career Criminal Attorneys review probation reports, they provide feedback to probation officers about the deficiencies contained in the reports; provide supplementary material for inclusion in the report; and detail reasons for sentence choice necessitated by the recent legislative change from indeterminate to determinate sentences. This has enabled the Career Criminal Program to participate more actively in the sentencing decisions regarding

career criminal defendants, and has resulted in longer sentences for defendants prosecuted through this program.

Deputy District Attorney, Alfred Chiantelli, a Head Attorney with the Career Criminal Unit, accepted an invitation to speak to the staff of the San Francisco Probation Department on sentencing information, the need for an exchange of information between Departments and the concepts and philosophies of the Career Criminal Program and its effect on sentences for Career Criminal defendants.

6. To Improve the Analytical Capability of the Career Criminal Program

One of the most immediate priorities of the San Francisco Career Criminal Program was the development and implementation of a functional detailed in-house data collection, and case management system. Design of the "case docketing" system was completed by the second month of operation, and has been subject to several revisions in order to meet the expanding needs of the Program.

To facilitate accurate tracking of cases, print-outs are provided through an Automated Filing System which is located in this office. These printouts, which are run on a daily basis, provide information relevant to the Court Management System and provide pertinent information on the criminal history of each career criminal defendant; court proceedings; case dispositions and attorney caseload.

Monthly summaries of Crime Index Offenses are received on a regular basis from the Intergrated Criminal Apprehension Program of the San Francisco Police Department.

Utilization of LEAA's statistical reports has been incorporated into the data collection design of the Career Criminal Program. The monitoring and collecting of case information along with the QSSR has provided the program with more meaningful and accurate case data on a regular basis.

Ms. Cheryl Giurlani accepted the position as Research Assistant for the Career Criminal Program after Ms. Elizabeth Laubacher terminated her employment with the Unit on November 8, 1978. As the full time data collector for the Program, Ms. Giurlani will be responsible for monitoring each career criminal case as it progresses through the criminal justice system, as well as updating, collecting and analyzing pertinent case information for completion of LEAA's Quarterly Statistical Summary Report and the California Evaluation Data Forms.

7. To Maintain Vertical Case Handling of All Career Criminal Cases

Under the direction of Project Director Andre LaBorde, Career Criminal cases continue to be handled in a vertical fashion. Upon acceptance into the Program, each case is assigned to one of the Unit's attorneys by the Project Director. However, if that attorney is unable to represent the unit at each proceeding because of other court commitments, Mr. LaBorde is notified and another Career Criminal Attorney, who is familiar with the case, is assigned.

#### D. Cumulative Results

##### Case Dispositions

Since the inception of the Career Criminal Program in July 1977, 185 defendants have been accepted into the Unit and 159 cases have reached a final disposition.

One hundred thirty-four defendants have been convicted to the charges as filed in the Information: forty-five defendants have received jury trials with 87 per cent of these defendants being convicted by the jury. Ninety-five defendants entered guilty pleas to their charges. Throughout the past year the San Francisco Career Criminal Program has maintained a 95 per cent State Prison commitment rate.

(See Table 1.)

# CUMULATIVE STATISTICAL SUMMARY OF DEFENDANT

JULY 1977 - DECEMBER 1978

	<u>TOTAL</u>	<u>PERCENTAGE</u>
Number of Defendants ACCEPTED by the Career Criminal Program*	185	
ACTIVE Cases	26	15%
CLOSED Cases	159	85%
Number of Defendants CONVICTED		
- Guilty Plea	95	67%
- Jury Convictions	39	27%
- Probation Revocations	<u>0</u>	<u>0</u>
	TOTAL 134	94%
Number of Jury ACQUITTALS	6	6%
Number of Jury TRIALS	45	32%
Number of Guilty Pleas	95	68%
Number of Defendants DISMISSED		
- Victim Unavailable	15	
- Defendant's Alibi Verified	2	
- Defendant's On Probation	1	
- Motion to Suppress Evidence Granted	<u>1</u>	
	TOTAL 19	11%
State Prison Commitments**	128	95%
County Jail Commitments	8	5%
Robberies***	158	
Burglaries***	76	

Table 1

\* Information in this table includes data on both the Career Criminal and the Non-Career Criminal Co-Defendant.

\*\* Includes: two defendants sentenced to CRC - the California Rehabilitation Center, an institution for the rehabilitation of persons addicted to narcotics, administered under the Department of Corrections; and, one defendant who plead guilty, found not guilty by reason of insanity, declared not restored to sanity, and sent to Atascadero, an institution for the criminally insane under the auspices of the Department of Corrections.

\*\*\* Whereas a defendant may plead guilty to or be convicted of more than one charge, the above charges represent the total number of charges having reached a final disposition which were admitted or found to be true.

## V. PUBLICITY

April 9, 1977 - San Francisco Chronicle - "Security Man Charged In Deak & Co. Robbery"

Anthony Yokley, charged with the robbery and kidnapping of the manager of Deak & Co., a currency exchange company here in San Francisco, was successfully prosecuted by Career Criminal Attorney Alfred Chiantelli and subsequently sentenced to State Prison.

April 12, 1977 - San Francisco Chronicle - "Vice Raid That Was No Surprise"

Encounter parlors in the North Beach area of the city, which are owned and operated by Ronald London were raided by San Francisco Vice Officers in an effort to seize London's business records.

This raid marked the beginning of a more than year-long investigation and prosecution of the North Beach encounter studio owner, culminating in a successful prosecution by Career Criminal Attorney, Alfred Chiantelli.

June 14-15, 1977 - San Francisco Chronicle - "Murder on the Muni for \$5.77" and "If you drive a bus, you take a chance every night"

Gary Maxey, was sentenced to State Prison for the robbery and murder of an early morning rider on one of the City's Municipal Busses. Lenard Louie, Career Criminal Attorney

coordinated the successful investigation and prosecution of this case.

September 16, 1977 - San Francisco Chronicle - "Robber Sentenced in S.F. Gold Heist"

Anthony Yokley was sentenced to State Prison today after his role in the robbery and kidnapping of the manager of one of San Francisco's currency exchange companys.

September 16, 1977 - San Francisco Chronicle - "5.77 killer awaits term for bus murder"

Gary Maxey was sentenced to State Prison after being found guilty of robbery - motivated murder of a passenger on a local Municipal Bus.

October 6, 1977 - San Francisco Examiner - "'Career criminals' going back to jail" and October 6, 1977 - San Francisco Chronicle - "Attack on Habitual Robbers a Success"

These are the first two articles which announced the inception of the San Francisco Career Criminal Program, explained the need for such a program in the community, as well as the concept and philosophy of the nation-wide Career Criminal Program.

October 13, 1977 - San Francisco Chronicle - "Police Raid Encounter Parlors Here"

The raid on the encounter parlors of one of the city's most renowned encounter parlor entrepreneurs, eventually lead to the successful prosecution of Mr. Ronald London by Career Criminal Attorney Alfred Chiantelli.



January 30, 1978 - Time Magazine - "Stopping Crime as a Career; Major Violators program blocks the revolving door"

San Francisco District Attorney, Joseph Freitas, Jr. was interviewed by Time Magazine concerning the operation and philosophy of the San Francisco Career Criminal Program, along with its overall impact on the community. While this article does not make specific reference to this program, Mr. Freitas was able to provide background information for its development.

February 9, 1978 - San Francisco Chronicle - "S.F. Crime Down 19%"

This news release, issued through the office of the Chief of Police, San Francisco Police Department, describes the overall reduction of crime in San Francisco, highlighting robberies and burglaries which showed a 5.7% and 3.6% decrease respectively for January, 1978, as compared with crime statistics for the same period last year.

April 10, 1978 - San Francisco Chronicle - "Motorist Hurt In Getaway Car Chase"

Two fleeing robbery suspects crashed into a motorist and his passenger at a high rate of speed. Due to the severity of his injuries, the motorist lay in a coma until his death several weeks later. Career Criminal Attorney Lenard Louie coordinated the successful prosecution of both defendants.

April 14, 1978 - San Francisco Examiner - "Nudie boss ran brothels, jury told"

Mr. Ronald London, encounter parlor entrepreneur, was charged with operating houses of prostitution and inducing young women into acts of prostitution along with alleged acts of conspiracy to commit grand-theft against patrons to the encounter studios.

April 18, 1978 - San Francisco Chronicle - "Encounter Parlor Man's Trial Opens"

The first of more than 20 witnesses testified in the Ronald London case.

(On July 28, 1978, Mr. Ronald London was convicted of 11 counts of pimping, pandering and grand-theft.)

April 25, 1978 - San Francisco Examiner - "Brown Bag Bandit bagged" and April 26, 1978 - San Francisco Chronicle - "Suspect in 'Brown Bag' Bandit Case Arrested"

A notorious bar robber who, for more than one year, terrorized more than 48 bars throughout San Francisco, was arrested following his 49th robbery. The forty year old defendant was self-nicknamed the "Brown Bag Bandit" because in almost all of the robberies he ordered the stolen money placed into a brown paper bag which he would bring with him to the robbery. Later the same day, this case was referred to and subsequently successfully prosecuted by Andre LaBorde of the Career Criminal Unit.

(On July 24th, Mr. John Forslund plead guilty to all of the counts of robbery.)

July 26, 1978 - San Francisco Chronicle - "Encounter Parlor Owner Convicted"

After a 15 week trial, encounter parlor owner Ronald London was convicted of 11 felony counts of pimping, pandering and conspiracy.

July 26, 1978 - San Francisco Examiner - "When crime's a career, promotions stop here"

An in-depth story on the San Francisco Career Criminal Program was featured in the Examiner. This story focused on the goals and objectives of the Program as well as the philosophy of the Career Criminal concept; the Program's impact on the community; Program personnel and summaries on several of the major cases prosecuted by the Program.

August 9, 1978 - San Francisco Chronicle - "S.F. Holdup Foiled —35 Hostages Freed"

A husband and wife team attempted to rob a branch of the Bank of America. When their efforts were thwarted, 29 year old Bertrand Washington took all of the banks 35 occupants hostage. (During the trial, both defendants plead guilty to the charges and were sentenced to State Prison in November.)

August 22, 1978 - San Francisco Chronicle - "Brown Bag Bandit Gets 15-Year Sentence" & "Brown Bag Bandit enters guilty plea"

San Francisco's notorious "Brown Bag Bandit" who terrorized neighborhood bars in San Francisco's Mission District for more than one year, was sentenced to 15 years in State Prison after pleading guilty to 44 counts of armed robbery.

August 23, 1978 - San Francisco Examiner and Chronicle - "Encounter King Gets Big Sentence" and "Nude Parlor Owner Gets Big Sentence"

Ronald London was sentenced today to up to ten years in State Prison. (Mr. London was sentenced under California's Indeterminate Sentencing Law.)

August 1978 - San Francisco Examiner - "Encounter czar's police connections"

An interview with District Attorney Joseph Freitas, Jr. and Career Criminal Attorney Alfred Chiantelli discusses the conviction of Encounter Parlor Entrepreneur Ronald London.

September 19, 1978 - San Francisco Chronicle - "S.F. Cop Killer Held in Robbery"

Career Criminal Attorney Alfred Chiantelli successfully prosecuted Edgar Allen, Jr. for the robbery of a local Savings and Loan Association.

September 25, 1978 - San Francisco Examiner - "2 with a 'bomb' fail in Brinks holdup" and September 26, 1978 - San Francisco Chronicle - "Brink's Guard Thwarts Robbery"

James Crawford, who attempted the robbery of a Brinks armored truck, was successfully prosecuted by Career Criminal Attorney Alfred Chiantelli. Mr. Crawford plead guilty to the top charge and will be sentenced in January.

December 3, 1978 - San Francisco Chronicle - "Robbers knife three in bar"

Prosecution of the robber and attempted murderer of three employees of a local bar is being handled by Career Criminal Project Director Andre LaBorde.

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## VI. ACTIVITIES

July 20, 1977

The San Francisco Career Criminal Program began operation.

July 1977

The criteria which was to be utilized in the selection of Career Criminal defendants was designed and approved by the Project Director.

To help assure State Prison convictions for all career criminal cases the following policies were established:

1. Apply all enhancement statutes which are relevant and object to any dismissal of these by the Court.
2. Adhere to a No Plea-Bargaining policy.

July through August 1977

Informal meetings were held with all judges to discuss the philosophy and concepts of the Career Criminal Program.

August through September 1977

Police Inspectors from both the Robbery and Burglary Details, were provided a memorandum describing the San Francisco Career Criminal Program's selection criteria. Meetings between the Project Director and the Inspectors were held to explain the Program's goals and objectives as well as provide them with a working definition of a career

criminal. During these meetings the importance of a strong liaison between the Police Department and the District Attorney's Office was stressed in order to assure the success of the program.

October 21, 1977

A grant adjustment delineating the selection criteria and defining the evaluation design for the Career Criminal Program was submitted to the Law Enforcement Assistance Administration and the Office of Criminal Justice Planning. Compliance to these revisions began during the first quarter's reporting period and preceeded formal notification of these revisions to Grant Application No. 77-DF-09-0016.

January 6, 1978

District Attorney Joseph Freitas, Jr., was interviewed by Time Magazine regarding the San Francisco Career Criminal Program and its projected impact on the community. The article, "Stopping Crime as a Career: Major Violators program blocks the revolving door" appeared in Time, January 30, 1978.

March 1, 1978

The San Francisco Career Criminal Program submitted application for \$32,962 in state monies from the California Office of Criminal Justice Planning. This money, made available through a Career Criminal Prosecution Bill (SB 683, Chapter 1151), requires no county match and is



available to the City upon application by this office. The money is presently being raised to supplement and enhance the Career Criminal Program.

March 22, 1978

A meeting was held with Mr. Raymond Galvin, Director of the San Francisco Integrated Criminal Apprehension Program (ICAP) and Andre LaBorde, Director of the Career Criminal Program, and their administrative staffs. This meeting addressed future interfacing of the two programs, and the development of a "working definition" of the career criminal for the implementation and utilization of a career criminal analysis modality by ICAP.

April 1, 1978

Andre LaBorde, Project Director of the Career Criminal Program, was interviewed for radio on the concepts and philosophy of the Career Criminal Program. This interview was taped and broadcast by regional FM stations in California.

May 1, 1978

The San Francisco Career Criminal Program submitted its application to LEAA for second-year funding of the program.

May 22, 1978

The resolution "authorizing the District Attorney to file application for an accept grant funds for a Career Criminal Program from the California Office of Criminal

Justice Planning" was approved by the local Board of Supervisors and subsequently signed by the Mayor on May 26, 1978.

June 3, 1978

A meeting was held with the administrative staffs of the Integrated Criminal Apprehension Program and the Career Criminal Program to propose and discuss integration of these two programs during our second year of operation.

June 5, 1978

A meeting was held with Mr. Raymond Galvin, ICAP Director, and Mr. Andre LaBorde, along with their administrative staffs to finalize the proposed integration and cooperation between ICAP and CCP during the upcoming year.

June 12, 1978

The Resolution "authorizing the San Francisco District Attorney to file re-application for and accept grant funds for the Career Criminal Program from LEAA" was approved by the local Board of Supervisors and subsequently signed by the Mayor on June 16.

July 27, 1978

Andre LaBorde attended a meeting of the Evaluation Subcommittee to interview prospective bidders for the evaluation of the California Career Criminal Program.

August 21, 1978

Joseph Freitas, Jr., San Francisco District Attorney, received an LEAA News Release announcing the award of \$288,248 to San Francisco, to expand its career criminal project, now in its second year.

August 31, 1978

Mr. Joel Phillips, associate of Meta Metrics, Inc., Washington D.C., met with the administrative staff of the Career Criminal Program to discuss the prospective statewide evaluation of the California Career Criminal Program.

September 9, 1978

Joseph Freitas, Jr., and Andre LaBorde, Chief of the Career Criminal Unit, left with the national delegation of District Attorneys to visit the Soviet Union.

Ongoing Involvement with California Career Criminal Programs

Joseph Freitas, Jr., District Attorney of San Francisco is the acting chairman of the State Subcommittee to develop guidelines for the evaluation of the success of the California Career Criminal Program, funded through the California Office of Criminal Justice Planning.

Joseph Freitas, Jr., and Andre LaBorde assisted in the development of a statistical summary sheet which will be used in the collection of data and monitoring of program success by California Career Criminal Programs.

## VII. FISCAL

The first year grant award was in the amount of \$296,654 from LEAA with a match of \$32,962 from the City and County of San Francisco for a total grant award of \$329,616.

On July 1, 1978, San Francisco changed to a computerized accounting system which has resulted in numerous delays in processing fiscal transactions and in updating the totals for the last fiscal year and present year expenditures.

In order for the City to record all outstanding encumbrances, they have requested that we seek a further extension of the liquidation period to April 13, 1979, during which time it is expected that these encumbrances will be paid.

The Controller's Office of the City and County of San Francisco has not yet provided information on expenditures through December 31, 1978. The November 1978 Monthly Report of Expenditures shows cumulative expenditures in the amount of \$324,346.03. A copy of the November 1978 Monthly Report of Expenditures is attached.

During the grant year, Approved Grant Award Modifications have permitted the internal transfer of funds among categories based upon the needs of the program.

A total of 19 grant award modifications have been submitted and approved. These modifications generally fall into four categories:

1. Requests for extension of the grant period and liquidation period.
2. Requests to utilize funds for purchase of equipment not included in the original grant budget.
3. Transfers from category to category to cover unanticipated expenses.
4. Use of funds for specific purposes not outlined in the original grant budget, such as travel to Washington for LEAA conference and payment of lost wages to witnesses.

A total of \$24,300 has been changed among categories as follows:

<u>CATEGORY</u>	<u>INITIAL BUDGET</u>	<u>FINAL BUDGET</u>	<u>NET CHANGE</u>
Personal Services	\$243,044	\$234,444	\$- 8,600
Employee Benefits	\$ 24,584	\$ 38,184	\$+13,600
Travel	\$ 7,018	\$ 9,018	\$+ 2,000
Operating Expenses	\$ 40,959	\$ 25,259	\$-15,700
Equipment	\$ 14,011	\$ 22,711	\$+ 8,700

<sup>1</sup> P.W. Greenwood, J. Chaiken, J. Petersilia and M. Peterson, The Rand Habitual Offender Project: A Summary Of Research Findings To Date, National Institute of Law Enforcement & Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, 1978.

<sup>2</sup> Federal Bureau of Investigation, Crime in the United States, 1976, Uniform Crime Reports.

<sup>3</sup> J. Petersilia et al., Criminal Career of Habitual Felons, (Santa Monica: Rand Corporation, 1977).

## VIII. EVALUATION

### A. Robberies and Burglaries

It is estimated that the "average annual offense rate" for the intensive or career criminal robber and burglar is 20 crimes.<sup>1</sup> The average value of property loss to the victim of a career robber or burglar is \$393.00.<sup>2</sup> (See tables 2 and 3)

An estimate of the annual average dollar amount loss to the citizens of San Francisco as a result of each career robber and burglar can be calculated by multiplying the crime rate by the average loss per offense; the number of career criminals committed to State Prison; and the average incarceration period.

During the first seventeen months of operation, the San Francisco Career Criminal Program convicted and committed to State Prison for an average incarceration of 6 years, 117 career criminals. We can estimate a savings to the citizens of the City and County of San Francisco of approximately \$5,517,720. This is a return of 19 to 1 on the \$296,654 awarded the Program for its first year of operation.

### B. Crime Rate

It is further asserted that career robbers and burglars commit an average of 50.8 crimes annually.<sup>3</sup> (See table 4) In addition to robberies and burglaries, this annual offense rate includes rape, aggravated assault, purse snatching,

auto theft, theft over \$50.00, forgery and the sale of illegal drugs. Consequently, a reduction and/or prevention of serious crimes in San Francisco can be calculated by multiplying the "average annual offense rate" by the 117 career criminals committed to State Prison for an average term of six years. We can therefore estimate a reduction and/or prevention of 35,662 serious crimes in San Francisco.

The reduction of psychological trauma to the victims of these violent crimes cannot be measured in monetary terms.

### C. Summary

It is extremely difficult to accurately measure the total dollar loss of robberies and burglaries and the accompanying acts of violence due to the variety of independent variables: the number of unreported robberies and burglaries; unreliable and limited data presently available on this crime index; the disproportionate decrease in criminal activity with age increase; transient criminal population; interruption of criminal activity due to incarceration for a lesser charge, etc.

The figures presented above should be viewed as supplementary indices of the Program's performance interpreted in "dollar amount" impact on the community and cost efficiency of the Program. They should be simultaneously considered with the additional statistical data representative of this Program's success.



Estimated Commitment Offense, Prevalence,  
and Offense Rates for a Cohort of  
Incoming Prisoners

	Percent of Prisoners Committed for This Crime	Percent of Prisoners Active in This Crime	Average Annual Commission Rate For Actives
Homicide	9	9	.27
Rape	3	8	1.35
Robbery	34	37	4.61
Assault	7	59	4.47
Drug Sales	10	48	155.0
Burglary	13	58	15.29
Auto Theft	4	32	5.23
Forgery	4	40	5.55
Cons	-	63	9.45

Table 2

# ESTIMATED LOSS OF ROBBERIES AND BURGLARIES

ROBBERY				
Total.....	399,474	-9.8	100.0	333
Highway.....	188,623	-10.3	47.2	221
Commercial house.....	60,322	-14.0	15.1	343
Gas or service station.....	30,756	+2.0	5.1	206
Chain Store.....	21,627	-11.8	6.0	353
Residence.....	47,677	-7.0	11.9	433
Bank.....	3,515	-7.2	1.0	3,190
Miscellaneous.....	54,810	-6.7	13.7	224
BURGLARY—BREAKING OR ENTERING				
Total.....	2,912,050	-6.1	100.0	449
Residence (dwelling):				
Night.....	650,701	-7.4	22.3	432
Day.....	723,447	-2.0	24.8	301
Unknown.....	464,558	-18.7	16.0	524
Non-residence (store, office, etc.):				
Night.....	672,423	+6	23.1	341
Day.....	142,647	+3	4.9	363
Unknown.....	237,759	-7.6	8.0	483

Table 3

# AVERAGE ANNUAL OFFENSE RATE

Offender Type	Juvenile Period	Young Adult Period	Adult Period	Entire Career
Violent Offenses				
Intensive	1.5	5.2	7.4	4.5
Intermittent	.9	.5	1.2	.8
Safety Offenses				
Intensive	26.3	11.8	9.3	15.8
Intermittent	2.9	2.2	1.3	2.0
Nondrug Offenses				
Intensive	51.4	26.1	10.9	30.7
Intermittent	8.5	4.5	3.0	4.6
All Offenses				
Intensive	74.8	43.2	22.6	50.8
Intermittent	8.5	5.1	4.0	5.2

Table 4