PROMIS RESEARCH PROJECT

Publication 6

Robbery and Burglary

A Study of the Characteristics of the Persons Arrested and the Handling of Their Cases in Court

Kristen M. Williams • Judith Lucianovic

INSLAW
Institute for Law and Social Research

or the Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice

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March 1979

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Foreword

For decades, scholars and officers of the law have been asking for the development of longitudinal law enforcement statistics. The traditional horizontal layers of statistics, prepared by the police, by the courts, and by the prisons, lack connection and thus make it impossible to trace the crucial unit, the individual offender, through the system.

Some of our states, notably California, have made pioneering efforts toward that goal, but most of those developments have slowed down, primarily because the data for the all-important dispositions within the court system remained skimpy. Courts, for some reason, are genetically reluctant to keep and publish records of what they do. And since it has always been difficult to link the statistics of the local police departments to the record of the state courts, not to speak of the federal courts, the progress of longitudinal crime statistics has been slow.

Change for the better came, in typical American fashion, through the private initiative of the prosecutors, who more than anybody else needed longitudinal statistics. Since nobody else put it together, they began to produce it themselves. Some 20 jurisdictions now have PROMIS (Prosecutor's Management Information System) and another 60 are in the process of transferring the system.

The system, to be sure, has its limitations: for the time being it has narrow local boundaries, and its data are recorded by the prosecutor, an adversary in the criminal process. The system nevertheless has brought enormous progress to the field, and has even shaken new life into the dormant efforts to establish statewide statistical information systems.

PROMIS has opened new dimensions for the statistical analysis of law enforcement; it has allowed us to see with precision phenomena we have heretofore not seen at all. The present study of persons arrested for robbery and burglary in Washington, D.C., by Kristen Williams and Judith Lucianovic, is a splendid example of such an analytic foray.

This type of analysis is of fundamental importance in a field that, traditionally, produces volumes of undigested statistics and leaves them largely unanalyzed. The situation reflects a gross misallocation of efforts and funds between the gathering of data and their analysis, the latter of which has come over the years more from the universities than from the data-gathering institutions.

In the case of PROMIS, a systematic effort is being made—the present study is a good example—to keep a sensible balance between data gathering and analysis. It is not only good scholarship but also good strategy; if one wants to keep funds flowing for statistical enterprises, one must show how they can be used.

The general shift toward more analysis is a move that cannot be accomplished quickly. We are very good at analyzing complex experimental and statistical designs. But we have only begun to learn and to teach how to analyze relatively simple descriptive statistics in a fashion that brings new insights to the community of scholars and practitioners.

Hans Zeisel
University of Chicago
Law School
Spring 1979

Preface

> The system is judged not by the occasional dramatic case, but by its normal, humdrum operations. In order to ascertain how law functions as a daily instrument of the city's life, a quantitative basis for judgment is essential.
>
> *Criminal Justice in Cleveland,*
> Roscoe Pound and Felix Frankfurter, eds.

Pound and Frankfurter's observation of a half century ago is equally applicable today. Having traced by hand what was happening to some 5,000 felony cases in the Cleveland courts, they found evidence that the real workings of the courts were often quite different from the picture that emerged from media coverage of the "occasional dramatic case." The study revealed, for example, that most felony arrests were being dropped without trial, plea, or plea bargain; that a serious problem of habitual, serious offenders was receiving insufficient attention; and that bail and sentencing practices were badly in need of reform.

This series of reports traces what is happening to felony and serious misdemeanor cases in the District of Columbia Superior Court in the 1970s, based on an analysis of computerized data. Although the data base is both larger (over 100,000 cases) and richer (about 170 facts about each case), the analyses reach conclusions strikingly reminiscent of those made by Pound and Frankfurter, and now largely forgotten. We are relearning the lessons of high case mortality, the habitual or career criminal, and bail and sentencing inequities.

The source of the data used in this series of research reports is a computer-based case management information system known as PROMIS (Prosecutor's Management Information System). Because it is an ongoing system, PROMIS provides, on a continuing basis, the kind of quantitative assessment of court operations that heretofore could only be produced on an *ad hoc* research basis.

The area encompassed by the PROMIS data—the area between the police station and the prison—has long been an area of information blackout in the United States. This data void about the prosecution and court arena, which some observers regard as the criminal justice system's nerve center, has meant that courthouse folklore and the atypical, but easy-to-remember, case have formed much of the basis for criminal justice policymaking.

Funded by the Law Enforcement Assistance Administration, the PROMIS Research Project is demonstrating how automated case management information systems serving prosecution and court agencies can be tapped to provide timely information by which criminal justice policymakers can evaluate the impact of

their decisions. The significance of this demonstration is by no means restricted to the District of Columbia. Other jurisdictions can benefit from the types of insights—and the research methodologies employed to obtain them—described in the reports of the PROMIS Research Project.

There are 17 publications in the series, of which this is Number 6. A noteworthy feature of this series is that it is based primarily on data from a prosecution agency. For those accustomed to hearing the criminal justice system described as consisting, like ancient Gaul, of three parts—police, courts, and corrections—the fact that most of the operations of the system can be assessed using data from an agency usually omitted from the system's description may come as a surprise. We are aware of the dangers of drawing certain inferences from such data; we have also come to appreciate their richness for research purposes.

Obviously, research is not a panacea. Much knowledge about crime must await better understanding of social behavior. And research will never provide the final answers to many of the vexing questions about crime. But, as the President's Commission on Law Enforcement and Administration of Justice observed in 1967: ". . . when research cannot, in itself, provide final answers, it can provide data crucial to making informed policy judgments." (*The Challenge of Crime in a Free Society:* 273.) Such is the purpose of the PROMIS Research Project.

William A. Hamilton
President
Institute for Law and Social Research
Washington, D.C.

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Earl J. Silbert, United States Attorney for the District of Columbia, and members of his staff have cooperated with us throughout the Project, permitting us to examine the operation of their office and helping us to interpret our results. It was their original suggestion that robbery and burglary be given special research attention within the PROMIS Research Project.

We are also indebted to the Honorable Harold H. Greene, who was Chief Judge of the Superior Court Division during the period of this study. Through his cooperation, we were able to obtain information on sentencing decisions and to later assess the meaning of our statistics.

Invaluable assistance was also given by the distinguished members of the Project's National and Local Advisory Committees, in reviewing our research plans, methodology, and findings. The National Advisory Committee includes Curtis Brostron, William A. Cahalan, William H. Erickson, Edith E. Flynn, Paul L. Friedman, Phillip H. Ginsberg, Lester C. Goodchild, Don M. Gottfredson, Willie King, Albert J. Reiss, Jr., Leslie T. Wilkins, Marvin E. Wolfgang, and Hans Zeisel. Hans Zeisel in particular read and commented in detail on early drafts of the study. During the period in which this report was being prepared, Robert A. Shuker, then Chief of the United States Attorney's Office, D.C. Superior Court Division, served as the chairman of the Advisory Committee. The Local Advisory Committee members are Bruce D. Beaudin, William Golightly, Harold H. Greene, J. Patrick Hickey, Burtell Jefferson, Earl J. Silbert, and Irving A. Wallach.

The PROMIS Research Project owes its very existence to the funding of the Law Enforcement Assistance Administration of the Department of Justice. We are especially grateful to Cheryl Martorana, Chief of the Courts Division of LEAA's National Institute of Law Enforcement and Criminal Justice, for her conscientious project guidance; to Al Ash, LEAA, for his enthusiastic support of the PROMIS system, out of which the data analyzed in this study emanated; to Gerald Caplan, former Director of the National Institute, for his leadership and encouragement; and to Charles R. Work, former Deputy Administrator of LEAA, for both his vision and his ardent support of INSLAW's research program.

In addition, a special debt is owed Mark Foster, who read the report in its early stages and provided good advice on how to improve our approach based on his years of experience with the Public Defender Service in the District of Columbia.

Harry Scarr, Administrator, Federal Justice Research Program, Department of Justice, the author of a study of burglary patterns drawn on in this report, also took time to read and comment on the report.

Colleagues at INSLAW who were particularly helpful to us with this report include Kathleen Brosi, Sid Brounstein, Brian Forst, John Gizzarelli, Bill Hamilton, Cynthia Huth, and Jean Shirhall. The report benefited also from the general support of the entire INSLAW staff. As always, the principal investigator must assume final responsibility for any errors in the analysis.

Kristen M. Williams
Principal Investigator

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1

Introduction

Robbery and burglary are two crimes the public is very concerned about. Unlike homicide and assault, which frequently are crimes between persons who knew each other before the offense, a robbery or burglary is unlikely to involve persons who are acquainted. In many sections of the nation's cities, citizens are ever fearful of being robbed on the street or having their homes burglarized. Businesses frequently establish special security procedures in an effort to protect themselves from these two crimes. Costs to the public—physical injury, the dollar value of stolen property, the resulting inconvenience of replacement, and the expense of safeguarding and insuring property against victimization are great, not to mention the hidden costs of fear and alienation within the community.

The expense to the public of administering the criminal justice system is also great. The police expend resources trying to apprehend offenders, the prosecutors and the courts expend yet more resources prosecuting and adjudicating robbery and burglary cases, and correctional institutions must house and supervise convicted offenders. These two crimes, for example, accounted for 16 percent of the adult arrests in Washington, D.C., in 1974.

This report focuses on the crimes of robbery and burglary in the District of Columbia, using three units of analysis: the offense, the defendant, and the court case. Chapter 2 presents data on the *offenses,* describing the aftermath of a victimization by using the criminal incident (which may involve multiple victims and multiple offenders) of robbery or burglary as the unit of analysis. Much of this chapter is concerned with questions citizens might have about what the criminal justice system does when a victim reports a robbery or burglary. The victim's reporting behavior, police apprehension rates, and conviction rates are computed, tracing the crimes from victimization through the conviction of one or more offenders. The processing of codefendants is also examined to see to what extent uniformity of disposition occurs for codefendants arrested for the same incident.

Chapter 3 looks at the robbery or burglary *defendants.* Characteristics of these persons are compared with those of persons arrested for other types of crime. Criminal career patterns of robbery and burglary arrestees are described in terms of the recorded criminal history, probability of recidivism, and other types of crimes for which robbery and burglary defendants are subsequently arrested.

Chapter 4 focuses on how robbery and burglary *cases* are handled by the prosecutor and the court. The attrition of these cases is traced from arrest through final

disposition, and the variables associated with case attrition are identified. Conviction rates (based on conviction on any charge), the most common type of charge reduction, and the sentence imposed are discussed.

In the concluding chapter, the implications for policy are presented based on a synthesis of the findings from the three different analytic perspectives.

2

Robbery and Burglary Offenses: The System's Response

How does the criminal justice system in the District of Columbia respond when an offense of robbery or burglary occurs? This chapter answers that question by describing what happened after robbery and burglary victimizations in the District of Columbia in 1973. The unit of analysis is the offense, or "criminal incident," which may involve one or more offenders and more than one victim.

Our analysis of robbery and burglary offenses begins with an overview of the flow of these incidents through the criminal justice system, from victimization to the conviction of at least one adult defendant. We then describe in more detail the handling of robbery and burglary incidents after an adult arrest is made—the specific charges brought by the police, and prosecution and conviction rates based on various characteristics of the incident. Finally, we examine whether defendants in the same incident are charged similarly and receive the same disposition.

The data for this chapter were derived from four sources: the victimization survey of the District of Columbia, conducted by the Law Enforcement Assistance Administration; the annual reports of the D.C. Metropolitan Police Department; the *Uniform Crime Reports* of the Federal Bureau of Investigation; and PROMIS (Prosecutor's Management Information System) in the District of Columbia. Because the victimization survey data were available only for 1973, the analysis in this chapter focuses on that year.

ATTRITION OF INCIDENTS FROM VICTIMIZATION THROUGH CONVICTION

A citizen whose home is burglarized or who is robbed on the street decides whether the victimization will enter the criminal justice system when he decides whether to report the incident to the police. If he does report the incident, a chain of processing begins that may end at any point along the way from reporting to sentencing of an offender for the crime.

Beginning with all incidents of criminal victimization, we have the following stages in criminal case processing:

- Offenses reported to the police
- Offenses in which at least one arrest was made
- Offenses in which at least one person was prosecuted
- Offenses in which at least one person was convicted
- Offenses in which at least one person was sentenced to incarceration.[1]

The discussion that follows presents a statistical picture of the proportion of incidents that reached each step in this process in 1973. This cannot be done with complete accuracy because of the weaknesses of particular data sources, but reasonable estimates can be made.

Number of Victimizations

First, how many incidents of robbery and burglary take place in the District of Columbia annually? In 1974, LEAA surveyed a sample of Washington, D.C., residents and commercial establishments to determine whether they had been victimized during the previous year, 1973.[2] In such a survey, the results must be inflated to the entire population. In this survey, however, the sample was large and presumably representative, since the respondents were chosen at random. For these reasons, the estimates are likely to be quite close to those that would be obtained through a survey of the entire population.

According to the survey, over 10,100 robbery incidents and 28,300 burglary incidents occurred in Washington, D.C., in 1973 (see Table 1).[3] The estimates in Table 1 are further specified by the type of victim. A robbery victim can be either an individual or a commercial establishment.[4] There were many more personal robberies (7,800) than commercial robberies (2,300), according to the survey. However, an individual was less likely to be robbed than a business or institution. The personal robbery rate was 17 per 1,000 residents age 12 or older, whereas the commercial victimization rate was 88 per 1,000 establishments.

Burglary victims are either households (19,700) or commercial establishments (8,600). As with robberies, the victimization rate was higher for commercial establishments—there were 330 burglary incidents per 1,000 establishments and 75 burglaries per 1,000 households.

Table 1.
Estimated Number of Robbery and Burglary Incidents and Percentage of Respondents Who Said They Reported to the Police
(Washington, D.C., 1973)

Type of Crime	Estimated Number of Incidents	Estimated Percentage of Victimizations Reported to Police
Personal robbery[a]	7,800	63%
Commercial robbery	2,300	90
Household burglary	19,700	57
Commercial burglary	8,600	79

Source: U.S. Department of Justice, Law Enforcement Assistance Administration, *Criminal Victimization Surveys in 13 American Cities* (Washington, D.C.: Government Printing Office, 1975): 245–50.

[a]"Victimizations" are counted by the victim, whereas "incidents" may include several victims. Therefore, the two columns are not strictly comparable for personal robbery. The difference between the number of victimizations and incidents was small, however. For the other crimes shown, "incidents" and "victimizations" are synonymous.

Reporting Rates

What proportion of these robbery and burglary incidents were reported to the police? Table 1 also shows the survey estimates of the percentage of robbery and burglary incidents that were reported to the police. We can gauge the accuracy of the estimates by comparing them with the actual number of offenses reported to the police.[5]

Table 2 compares *Uniform Crime Reports* (UCR) totals for robbery and burglary for 1973 with estimates of reported offenses obtained from the victimization survey.[6] Although it is the personal robbery incidents that create some comparison difficulties (see footnote 5), the survey estimate for reported robbery offenses was closer to the UCR figure than the survey estimate for burglary. Comparing a survey estimate of the number of reported offenses with a complete count of reported offenses poses some difficulties. Sample survey estimates yield a range of values between which one would expect the "true" value to fall. We can derive this range by forming a 95 percent confidence interval[7] around each of the four estimates in Table 1 and then comparing the UCR figures with the figures in that interval. As shown in Table 2, the UCR figure for burglary (11,801) does not fall within the expected interval (14,429–21,617). This strongly suggests that either the victimization survey overcounted the number of burglary incidents or the police undercounted them. The problem seems to lie with household burglaries rather than commercial burglaries. Table 2 shows that the UCR figure for reported commercial burglary offenses falls within the 95 percent confidence interval, whereas the household figure does not. Household burglaries have the lowest

Table 2.
Comparison of Uniform Crime Reports and Victimization Survey Estimates of Robbery and Burglary Offenses Known to the Police (Washington, D.C., 1973)

Type of Crime	Reported Offenses According to: Uniform Crime Reports	Victimization Survey Estimate	95% Confidence Interval Lower Bound	95% Confidence Interval Upper Bound
Robbery[a]	7,171	6,984	5,859	8,109
Burglary	11,801	18,023	14,429	21,617
Household	7,352[b]	11,229	10,352	12,106
Commercial	4,449[b]	6,794	4,077	9,511

Source: Federal Bureau of Investigation, *Uniform Crime Reports* (Washington, D.C., 1973): 224; and U.S. Department of Justice, Law Enforcement Assistance Administration, *Criminal Victimization Surveys in 13 American Cities* (Washington, D.C.: Government Printing Office, 1975): 245, 250–52.

[a]The police and victimization figures for personal robberies are not strictly comparable. Victims who live in the District of Columbia and are robbed outside D.C. are included in the survey figures, but not in police figures. Victims who live outside the District of Columbia and are robbed in D.C. are included in police figures, but not in the survey.

[b]The breakdown of the UCR burglary figure into household and commercial was based on a percentage computed from figures in the *Annual Report of the Metropolitan Police Department,* Washington, D.C., Fiscal Year 1973: 42; Fiscal Year 1974: 42. The percentage was based on the two years of data, since one-half of the 1973 calendar year would be covered in each fiscal year.

reporting rate, as shown in Table 1, which suggests that victims are reluctant to report this crime compared with others. It may be that the actual reporting rate was even lower than that reflected in the survey, but that the persons surveyed felt they *should* report to the police, so they told the interviewer they did. There is some evidence that people report criminal incidents to the police only if they think something can be done.[8] Household burglaries are difficult to solve, because they usually are not detected until sometime after the event, and victims may not report these incidents because they believe it is hopeless.

The purpose of comparing the number of reported offenses with the number of victimizations was to estimate the proportion of offenses that come to the attention of the police. Those figures would be 71 and 42 percent for robbery and burglary, respectively, if UCR figures are compared with the number of victimizations in the survey results; and 69 and 64 percent, respectively, based on survey figures only. The reporting rate for robbery appears to be about 70 percent. The true reporting rate for burglary in the District of Columbia probably falls somewhere between 42 and 64 percent.

Arrest Rates

How often do the police make an arrest in the robbery and burglary incidents of which they are aware? Table 3 shows arrest rates based on local police arrest reports and on arrest data in PROMIS (adjusted to reflect juvenile arrests, which are not recorded in PROMIS).[9] The percentages of robbery and burglary offenses resulting in an arrest (adult or juvenile) are quite close based on the two data sources. For robbery, the arrest rates are 22 percent based on police data and 25 percent based on the PROMIS estimate. For burglary, the figures are 16 and 14 percent, respectively.

Table 3.
Percentage of Reported Criminal Incidents in Which At Least One Arrest Was Made (Washington, D.C., 1973)

Type of Offense	Criminal Incidents in Which At Least One Arrest Was Made	
	Based on Police Clearance by Arrest	Estimated Using PROMIS
Robbery	22%	25%
Burglary	16%	14%

Source: *Annual Report, Metropolitan Police Department,* Washington, D.C., Fiscal Year 1973: 14; and Fiscal Year 1974: 14. Percentages based on two years of data on founded offenses cleared by arrest. Unfounded offenses were not included, nor were clearances not based on arrest. (An "unfounded" offense refers to a situation in which the police have no reason to believe a crime was committed.)

PROMIS arrest data were grouped into criminal incidents. These figures were increased by the ratio between adult and juvenile arrests, based on figures from *Annual Report, Metropolitan Police Department,* Washington, D.C., Fiscal Year 1973: 28; and Fiscal Year 1974: 28. Also added were 45 bank robbery incidents for which an arrest was made that was subsequently handled by the U.S. District Court.

To this point, we have the following estimates of robbery and burglary victimizations, reported offenses, and rates of arrest:

	No. of Incidents	No. Reported		Arrest Rates	
	(Survey)	(Survey)	(UCR)	(MPD)	(PROMIS)
Robbery	10,000	6,984	7,171	22%	25%
Burglary	28,300	18,023	11,801	16%	14%

The remaining steps in tracing the flow of robbery and burglary incidents are to find out how many of the incidents resulted in prosecution and how many in conviction. At this point in the discussion, adult arrests will be separated from those of juveniles, since juvenile offenders, by law, cannot be prosecuted or convicted. In the remainder of this report, only adult arrests will be discussed—those recorded in PROMIS and handled by the Superior Court Division of the U.S. Attorney's Office for the District of Columbia.

Table 4 shows the rates at which incidents brought to the Superior Court (equivalent to a state court of general jurisdiction) resulted in at least one adult being convicted on any charge. A conviction resulted in 34 percent of the robbery incidents cleared by arrest and 43 percent of the burglaries. The rate for robberies is approximately the average for all criminal incidents (32 percent), but that for burglary is substantially higher.

The difference in the conviction rates for the robbery and burglary incidents appears to be accounted for by events that occur after the initial decision of the prosecutor to accept cases at screening. The rates at which robbery and burglary cases are accepted for prosecution at screening, also shown in Table 4, are identical—88 percent, but after screening, a burglary incident more frequently remains in the system and results in a conviction than does a robbery incident.

Figure 1 summarizes the attrition of robbery and burglary incidents from victimization through the conviction of at least one adult defendant. The alternative ways of estimating different percentages, discussed above, were used to obtain maximum and minimum estimates at each stage of the process. The alternative estimates make little difference in terms of the final outcome—the number of crimes resulting in at least one adult conviction. That estimate is 4 percent for robberies and between 1 and 2 percent for burglaries.

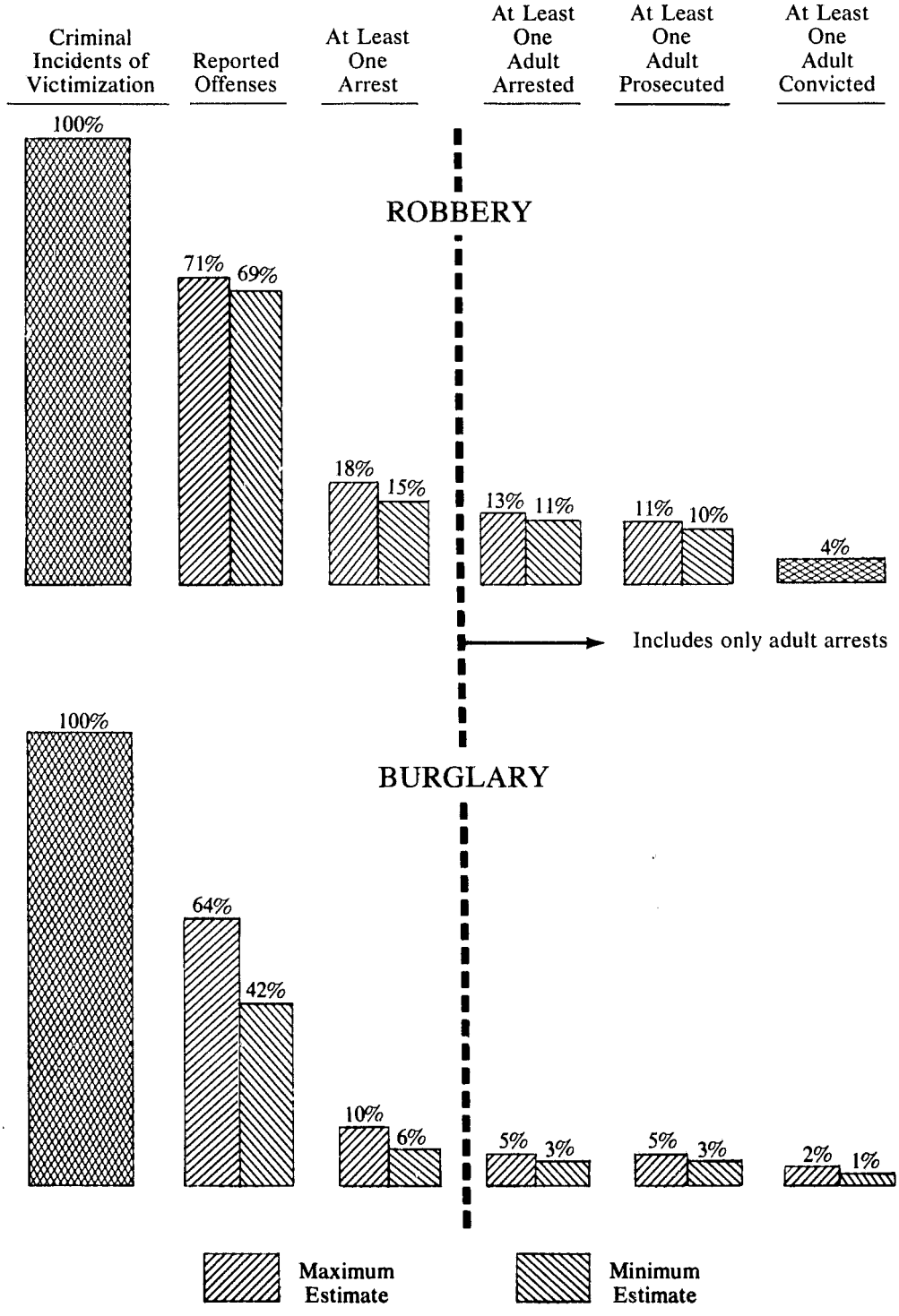
The low percentage of robbery and burglary victimizations that result in a conviction is rather discouraging; the probability that the criminal justice system

Table 4.
Prosecution and Conviction Rates for Robbery and Burglary Incidents (Superior Court, Washington, D.C., 1973)

	Robbery	Burglary
Number of incidents in which at least one arrest was made	1,253	869
Percentage of incidents in which at least one adult case was filed with the court	88%	88%
Percentage of incidents in which at least one adult was convicted	34%	43%

Source: PROMIS.

Figure 1.
Attrition of Robbery and Burglary Incidents from Victimization Through Conviction (Washington, D.C., 1973)



will assign responsibility to an offender for a given crime is quite low. The fact that an offender who commits many crimes may eventually be caught does not alter the way the process appears to the victim of a particular crime.[10]

The next section discusses in more detail what happens to robbery and burglary incidents once an adult arrest is made. We can see from Figure 1 that this happens in 11 to 13 percent of the robbery victimizations and in 3 to 5 percent of the burglary victimizations.

INCIDENTS IN WHICH AN ADULT ARREST WAS MADE

The statistics presented in this section were derived from PROMIS data from the Superior Court Division of the U.S. Attorney's Office.[11] During 1973, the Superior Court Division of the U.S. Attorney's Office handled 13,028 criminal incidents. Robbery and burglary incidents accounted for 2,122, or 16 percent (10 and 6 percent, respectively), of those incidents.[12]

For robbery, three possible charges were recorded in PROMIS in 1973: robbery, assault with intent to rob, and attempted robbery.[13] All of these charges are felonies; robbery and assault with intent to rob carry 15-year maximum sentences, and attempted robbery carries a 3-year maximum penalty. For burglary, there were also three charges: first-degree burglary, second-degree burglary, and attempted burglary. The first two charges are felonies; attempted burglary is a misdemeanor. The distinction between first- and second-degree burglary is whether anyone was in the building during the burglary; if so, the offense becomes first-degree burglary, which carries a 30-year maximum sentence in contrast with 15 years for second-degree burglary.

Table 5 shows the number of robbery and burglary incidents in which an adult arrest was made, classified by the most serious charge brought by the police against any defendant in the incident. In robbery incidents, the police usually

Table 5.
Robbery and Burglary Incidents According to the Most Serious Charge Brought by the Police Against Any Adult Defendant
(Superior Court, Washington, D.C., 1973)

Most Serious Police Charge Against Any Adult Defendant	Personal Robbery	Commercial Robbery	All Robbery
Robbery	88%	89%	88%
Assault with intent to rob	9	9	9
Attempted robbery	3	2	3
Total	100	100	100
	(1,078)	(175)	(1,253)
	Household Burglary	**Commercial Burglary**	**All Burglary**
First-degree burglary	36%	4%	29%
Second-degree burglary	54	89	62
Attempted burglary	10	7	9
Total	100	100	100
	(686)	(183)	(869)

Source: PROMIS.

bring the most serious robbery charge. For burglary incidents, second-degree burglary is brought more frequently than first-degree burglary. This is, of course, true for incidents involving commercial establishments, which seldom meet the statutory criteria for first-degree burglary.

As for the charges resulting in a conviction for at least one defendant, the pattern for burglary appears to be somewhat different from that for robbery (see Table 6). For burglary incidents, the most serious ones—the felonies—are the ones most likely to result in at least one defendant's case being accepted at screening by the prosecutor and the ones most likely to end in conviction. In fact, the conviction rates for the felony burglary incidents are among the highest for any type of criminal incident. As we saw in the previous section, however, few burglary incidents ever result in an arrest. It may be that many of those that do are ones in which the burglar was caught red-handed. In many such cases, if enough evidence was available to make an arrest, enough might be available to secure a conviction.[14]

For robbery incidents, those involving the least serious charge, attempted robbery, were least likely to be accepted for prosecution and least likely to result in at least one adult conviction. However, cases in which assault with intent to rob was the most serious charge were more likely to be prosecuted and to result in conviction than cases in which the most serious charge—robbery—was brought.

Table 7 compares prosecution and conviction rates for commercial incidents with those for noncommercial incidents. For burglary, this distinction makes little difference, although there is a slightly higher conviction rate for commercial burglaries. Both types of burglary incidents have prosecution and conviction rates far

Table 6.
Prosecution and Conviction Rates for Robbery and Burglary Incidents According to Most Serious Charge
(Superior Court, Washington, D.C., 1973)

MOST SERIOUS CHARGE Brought Against Any Defendant In Incident	Number of Incidents in Which At Least One Adult ARREST Was Made	Incident PROSECUTION Rate[a]	Incident CONVICTION Rate[b]
Robbery			
Robbery	1,108	88%	33%
Assault with intent to rob	112	93	50
Attempted robbery	33	79	18
Burglary			
First-degree burglary	252	91	46
Second-degree burglary	535	89	45
Attempted burglary	82	37	27

Source: PROMIS.

[a]Computed as the number of incidents in which at least one adult's case was accepted at screening, divided by the number of incidents in which at least one adult arrest was made.

[b]Computed as the number of incidents in which at least one adult was convicted divided by the number of incidents in which at least one adult arrest was made.

above the average for all incidents. For robbery incidents, however, cases involving commercial victims have a higher conviction rate than those involving personal victims. Virtually all of the commercial robbery incidents were accepted at screening, and 47 percent resulted in at least one conviction. Electronic surveillance equipment installed in commercial establishments, plus the fact that witnesses may be more readily available, may make commercial robbery cases easier to prosecute. A commercial victim may be willing to pay the employee who was robbed while he or she goes to court to testify, whereas a personal robbery victim has to go to court on his own time, with little compensation. (This issue will be explored more thoroughly in Chapter 4.)

Do incidents involving codefendants more frequently result in conviction? The answer is consistently "yes" for robbery and burglary incidents, both commercial and noncommercial, when incident conviction rates are computed based on at least one conviction for any defendant. This finding alone does not tell us whether it is easier to convict at least one person when several have been arrested, or whether codefendants in the same incident are each more likely to be convicted. To resolve this question, conviction rates were computed separately for single defendants and for codefendants.

Figure 2 indicates that defendants in incidents with codefendants are no more likely to be convicted than single defendants. The differences in the rates in the figure are small, and they are in different directions. This means that in terms of criminal incidents, having codefendants increases the chances of convicting *at least one* person. However, if we look at the rates from the defendant's point of view, it seems to matter little whether there are codefendants in terms of an individual's chance of being convicted. This analysis will be expanded in the discussion of court cases in Chapter 4.

Table 7.
Prosecution and Conviction Rates for Robbery and Burglary Incidents
(Superior Court, Washington, D.C., 1973)

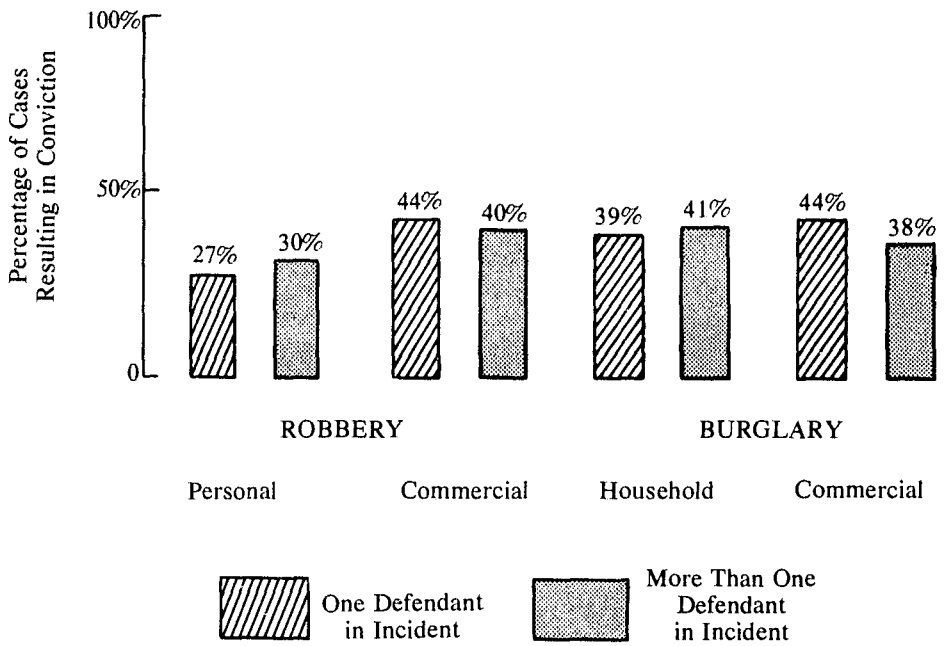
Type of Criminal Incident	Number of Incidents In Which At Least One Adult ARREST Was Made	Incident PROSECUTION Rate[a]	Incident CONVICTION Rate[b]
Robbery	1,253	88%	34%
Personal	1,078	87	32
Commercial	175	97	47
Burglary	869	88	43
Household	686	88	43
Commercial	183	89	46
All criminal incidents	13,028	78	32

Source: PROMIS.

[a]Computed as the number of incidents in which at least one adult's case was accepted for prosecution divided by the number of incidents in which at least one adult arrest was made.

[b]Computed as the number of incidents in which at least one adult was convicted divided by the number of incidents in which at least one adult arrest was made.

Figure 2.
Conviction Rates for Robbery and Burglary Cases by Whether There Were Codefendants Arrested in the Incident (Superior Court, Washington, D.C., 1973)



TREATMENT OF CODEFENDANTS IN AN INCIDENT

One of the issues in criminal justice is whether persons in similar circumstances are treated equally before the law. A frequent criticism of current practice is that justice is not evenhanded. This criticism is usually leveled against sentencing practices, but it can also be examined in terms of prosecutory discretion.[15] One way of measuring whether persons charged with similar offenses are treated the same is to examine what happens to defendants charged in the same criminal incident. Robbery and burglary incidents are useful for this purpose, because they are among the most likely of all criminal incidents to involve more than one defendant. In this section, we will discuss the frequency with which robbery and burglary incidents involve codefendants, then consider differences in the charges brought against codefendants in the same incident, and finally, evaluate differences in the final dispositions of incidents with codefendants.

The proportion of incidents with codefendants is slightly higher in commercial than noncommercial cases for both robbery and burglary (Table 8). Confronting a business establishment may be seen as more risky, so that a criminal perpetrator would want to have a comrade to help him if trouble developed. This "fear hypothesis" would also explain why codefendants are more likely to be involved in robberies than burglaries. Since a robbery is a face-to-face confrontation, safety may be sought in numbers.

Table 8.
Distribution of Robbery and Burglary Incidents by the Number of Adult Defendants Arrested (Washington, D.C., 1973)

Type of Criminal Incident	Incidents With At Least One Adult Arrest		Number of Adults Arrested			
	Number	Percent	1	2	3	4 or more
Robbery						
Personal	1,078	100%	76%	18%	4%	2%
Commercial	175	100	69	22	7	2
Burglary						
Household	686	100	81	15	3	1
Commercial	183	100	76	18	4	2

Source: PROMIS.

Although the percentage of robbery and burglary incidents involving codefendants is less than 32 percent for any of the categories analyzed, when one adds up all of the defendants involved in those incidents, the numbers are quite high. Table 9 shows the number of incidents involving codefendants and then the corresponding number of arrests. We can now begin to examine whether codefendants in the same incident are treated the same. One question is whether all the defendants were charged with the same type of crime. Table 9 shows that the initial charge brought by the police against each of several defendants in an incident is almost always for the same crime type. For robbery, codefendants were charged with robbery 93 percent of the time in personal robbery incidents and 95 percent of the time in commercial robberies. For burglaries, the figures were somewhat lower—89 and 92 percent for household and commercial burglary, respectively. Four percent of the codefendants in household burglary incidents were charged with robbery.

Even though codefendants in an incident are charged with the same general crime, it is possible that the seriousness of the charge might vary among the defendants. The data indicate that such a scenario is rare in actuality, however. For every type of robbery and burglary incident, except one, the police brought the same charge against each of the codefendants at least 90 percent of the time. The exception was incidents of first-degree burglary; 23 to 25 percent of the codefendants in those incidents had a different charge brought against them.

It might be expected that police charging would be consistent. A more interesting question is whether the final disposition of defendants involved in the same incident is consistent. The conclusion, once again, is that it usually is. Beginning with the decision to accept a case at screening, we found that 90 percent of the time either all the defendants in an incident were prosecuted or they were all declined prosecution, regardless of the number of codefendants. After filing with the court, some differences in dispositions begin to appear, but they are not striking. The proportion of defendants having different dispositions increases with the number of codefendants. If there are only two codefendants, the proportion with different dispositions is 26 percent for robbery and 31 percent for burglary. The proportion rises to 40 percent for robbery and 58 percent for burglary if there are four codefendants. However, because incidents with four codefendants were so rare (8 robberies and 12 burglaries), it would be unwise to draw strong conclusions.

Table 9.
Incidents of Robbery and Burglary Involving Codefendants and the Percentage of Those Arrests In Which the Most Serious Charge Brought by the Police was Robbery or Burglary (Washington, D.C., 1973)

Type of Criminal Incident	Criminal Incidents Involving Codefendants	Total Arrests Made in Criminal Incidents Involving Codefendants	Percentage of Adult Defendants in Multiple-arrest Incidents Charged With		
			Robbery	Burglary	Other or Unknown
Personal robbery	256	605	93%	—	7%
Commercial robbery	54	127	95	—	5
Household burglary	133	304	4	89%	7
Commercial burglary	44	103	—	92	8

Source: PROMIS.

Looking at charging and final dispositions, it appears that incidents tend to be treated as a unit, rather than as a number of separate cases. Hence, justice appears to be evenhanded, at least in terms of treating codefendants in the same incident in the same way.

REDUCING ATTRITION FROM REPORTING TO ARREST

We have seen in this chapter that regardless of the way in which the estimates of attrition were calculated, few robbery and burglary incidents result in an offender being convicted for the crime. The point of greatest attrition was between the reporting of an offense and the arrest of a suspect. Can this gap be reduced? According to the *Uniform Crime Reports,* apprehension rates for robbery and burglary do not seem to vary much over time. This suggests that there is an intrinsic difficulty in making certain types of arrests that cannot be easily overcome. One project that has attempted to study apprehension strategies for increasing robbery and burglary arrests, funded by the Police Foundation, compared two types of police patrol—location-oriented and perpetrator-oriented.[16] The former focused on areas that were the scene of many incidents of robbery and burglary, and the latter focused on known robbery and burglary offenders. The results showed that although the location-oriented patrol had a somewhat higher apprehension rate than the perpetrator-oriented patrol or the regular patrol, neither the location-oriented nor the perpetrator-oriented patrol made on-the-scene arrests at a higher rate than the regular patrols. One conclusion of the study is that since the gains from strategies designed to increase apprehension are modest, careful consideration should be given to whether such programs are worth the extra resources needed to implement them.

Another study, conducted by the Stanford Research Institute (SRI), developed decision models for robbery and burglary.[17] The general hypothesis being investigated was that many robberies and burglaries offer no hope of making an arrest. No matter how much effort is expended on the "hopeless" cases, no one is likely to be arrested. The models developed were designed to permit the police to allocate their resources to cases in which an arrest might be made. This would allow police resources to be used as efficiently as possible. It is unlikely, however,

that using such a "decision rule" would increase the apprehension rate substantially. Indeed, the SRI findings suggest that there is a limit to how high the apprehension rate can become.

Instead of trying to increase the apprehension rate, another approach is to try to prevent robberies and burglaries from occurring in the first place. The effort to reduce crime has been one of the priorities of the Law Enforcement Assistance Administration. One program that has received considerable federal attention has been the "High Impact Anti-Crime Program." Eight cities in the United States (Portland, Denver, Dallas, St. Louis, Cleveland, Newark, Baltimore, and Atlanta) were given funds for specific crime-reduction programs between January 1972 and September 1976. Robbery and burglary were two of the target crimes. According to an LEAA evaluation of the program that compared victimization-survey results in the eight cities before and after the program, the program did not appear to be highly successful.[18] For the four crimes of interest (personal and commercial robbery, household and commercial burglary), there were 32 comparisons in the eight cities. Of these, only seven indicated a decrease that was statistically significant. Attribution of any decreases to the various programs is quite difficult, however, because we cannot determine what the crime rates would have been in the absence of the programs. In addition, many of the anti-crime programs were targeted on a restricted geographic area (e.g., one of a city's four police districts) and were in effect for short periods of time. Such programs may have had an impact in a small area, or for a short time, but would not affect rates for the entire city for four years. Moreover, the reduction in crime that might have occurred as a result of a specific program could reflect a displacement of crime to other areas of the city. Hence, there would be no reduction in the chance of being victimized, but individual citizens or areas covered by the program may have experienced a reduction in their *individual* chances of being victimized.

Programs such as Operation Identification might be able to help citizens protect their property and force the criminal to choose a different target.[19] An earlier study of patterns of burglary in the Washington, D.C., area found that much can be done on an individual basis to reduce victimizations. The study concluded that "the most important recommendation that we make is that all effort be made to encourage the ordinary citizen in the belief that *by a series of simple, straightforward acts*, he can affect the likelihood of his being burglarized."[20]

In the second part of this chapter, we discussed the disposition of incidents once they reached the court. The finding that persons arrested for the same criminal event tend to be treated the same in terms of prosecution is not a startling finding, but it is a reassuring one. Other research has shown considerable variation in sentencing, although not in terms of persons involved in the same incident.[21] In the next chapter, we move from consideration of robbery and burglary incidents to examination of the types of persons who are arrested for these offenses.

Notes

1. Sentencing and incarceration, the final steps in this process, are not included in the discussion of incidents. At the time the criminal-incident data file was created, 1973 sentencing data were not yet available from the D.C. Superior Court. Chapter 4, however, discusses sentencing patterns for 1974 with respect to different kinds of cases.

2. Approximately 10,000 households and 2,000 commercial establishments were surveyed in the District of Columbia in 1974. Detailed information on the design of the survey is available in U.S. Department of Justice, Law Enforcement Assistance Administration, *Criminal Victimization Surveys in 13 American Cities* (Washington, D.C.: Government Printing Office, 1975).

3. There are many potential sources of bias in the estimates. Respondents may not remember what happened in 1973 when questioned later in 1974, or they may think they were victimized in 1973, when it may have been 1972. There are also indications that the characteristics of the respondents may have an effect upon their responses. Moreover, it is difficult to determine whether the persons surveyed gave accurate responses.

4. We recognize that common-law robbery always involves a "personal" victim. The designation of "commercial" or "institutional" robbery applies to those cases in which the person identified as the victim was acting in his capacity of employee-proprietor and was relieved of business property.

5. It is difficult to make such a comparison for personal robbery offenses, however. For personal robbery, 8 percent of the victims interviewed in the survey said the incident occurred outside the District of Columbia, which means the incidents would not be included in figures reported by the D.C. police. On the other hand, some unknown percentage of incidents reported to the D.C. police involved a victim who lived outside the District of Columbia and who would thus have been ineligible to be interviewed for the survey. This problem does not exist when the "victim" is a household or commercial establishment. Nor does a problem exist if the number of personal robbery incidents outside the District of Columbia involving D.C. residents equals the number of incidents within the District that involved non-D.C. residents. Checking such an assumption would require information on the residence of victims who report robberies to the police, which was not available within the time frame of this analysis. The personal robbery victimization estimate, therefore, may be less accurate than the other estimates. (Data on the residence of victims who report crimes to the police are not published by the D.C. Metropolitan Police Department, but they are available in their files and on computer tape.)

6. UCR totals were used, rather than Metropolitan Police Department figures, because the former were based on a calendar year, whereas the police figures are based on a fiscal year.

7. A 95 percent confidence interval gives the range of values between which one would expect the "true" number to fall 95 times out of 100 if repeated random surveys of the same population were taken. The interval is formed by multiplying the sampling error of the survey estimate by 1.96 and then adding and subtracting the product to the survey estimate.

8. This point has been supported empirically in an article by Wesley G. Skogan, "Citizen Reporting of Crime," *Criminology* 13, no. 4 (1976): 548–49.

9. In Washington, D.C., as in most other jurisdictions, juvenile offenders under the age of 18 are handled separately from adult offenders, with the exception of 16 and 17 year olds who are charged with a serious felony. These cases in Washington *may* be handled by the adult system. It is difficult to compare cases handled by the juvenile system and those handled by the adult system because the actual processing and the terminology used to describe the processing are so different. In the juvenile system, for example, a crime is a "delinquent act"; jail is termed a "receiving home"; and the decision whether to prosecute is termed "petitioning." In many cases, there is no determination of guilt or innocence through a trial. Instead, a "consent decree" may be issued upon agreement of the judge, the defense counsel, the juvenile, and his or her parents. The consent decree puts the youth under supervision of the court without a finding of guilt. Even if a trial is held, a delinquent is not found guilty, but rather is "adjudicated delinquent."

10. We suspect that robbers and burglars tend to commit many more crimes than those for which they are arrested. This can be inferred from the data in Chapter 3, which show high rearrest rates for robbery and burglary defendants. If this is so, a large number of robberies and burglaries may be accounted for by apprehending one offender. However, this may do little to satisfy the victim of a particular crime for which no one was apprehended.

11. Arrests that were taken to the U.S. District Court are not included, nor are any juvenile arrests, except as noted in footnote 9.

12. An incident was classified as a robbery if the most serious charge brought against any defendant in the incident was for robbery. Burglaries were classified in the same manner.

13. In 1973, the Superior Court began using a PROMIS code for armed robbery, which carries a maximum sentence of life imprisonment. That charge was not recorded in the PROMIS data, however, until after 1973.

14. Support for this hypothesis is given in Chapter 4. In over half of the burglary cases brought to the U.S. Attorney's Office, an arrest had been made within 30 minutes of the offense.

15. For a discussion of the issue in regard to sentencing, see Marvin Frankel, *Criminal Sentences: Law Without Order* (New York: Hill and Wang, 1973).

16. Tony Pate, Robert A. Bowers, and Ron Parks, "Three Approaches to Criminal Apprehension in Kansas City: An Evaluation Report" (Washington, D.C., Police Foundation, 1976).

17. Bernard Greenberg, Carola V. Elliot, Lois P. Kratt, H. Steven Procter, "Felony Investigation Decision Model—An Analysis of Investigative Elements of Information" (Menlo Park, Calif.: Stanford Research Institute, 1975).

18. U.S. Department of Justice, Law Enforcement Assistance Administration, *Comparison of 1971/72 and 1974/75 Findings* (Washington, D.C.: Government Printing Office, 1976).

19. For example, in Denver, there was no significant change in the crime rate among the target crimes during the evaluation period. However, those police districts in which Operation Identification and/or SCAT (Special Crime Attack Team) programs were operating during the evaluation period showed a decrease in the burglary rate, while the district in which neither program was operating showed an increase. *Denver—High Impact Anti-Crime Program—Operation Identification,* Final Evaluation Report, October 30, 1972–June 30, 1973 (Denver Police Department, 1973).

20. Emphasis in the original. The recommended acts included bolt-locking doors and windows, lighting the exterior of the house, engraving identification numbers on easily pawned or portable items, and keeping a minimum of cash on the premises. See Harry A. Scarr, *An Intensive Study of the Crime in a Metropolitan Area,* Part I of *Patterns of Burglary,* 6 vols. (McLean, Va.: Human Sciences Research, Inc., 1972): 112.

21. PROMIS Research Publication no. 17 explores the range in the distribution of sentences for the same type of offense, for selected charge categories. See Terence Dungworth, *An Empirical Assessment of Sentencing Practices in the Superior Court of the District of Columbia* (INSLAW, forthcoming).

3

The Defendants in Robbery and Burglary Cases: How Are They Different?

Persons arrested for robbery and burglary differ in many respects from other defendants.[1] This chapter identifies those differences in terms of both personal characteristics, such as age, and characteristics of the defendant's criminal history. The probability that a person arrested for robbery or burglary will commit future crimes and the types of crimes committed after a robbery or burglary arrest are examined in detail.

SELECTING A PANEL OF DEFENDANTS TO STUDY

The discussion in this chapter is based on the adult robbery and burglary arrests brought to the Superior Court Division of the U.S. Attorney's Office in the District of Columbia. Unfortunately, data on juvenile arrestees were not available for this analysis; we do know, however, that many robbery and burglary arrests involve juveniles. According to the *Annual Reports* of the Metropolitan Police Department for FY 1972 through FY 1975, the percentage of robbery arrests involving persons under 18 years of age ranged from 27 to 29 percent, and for burglary it ranged from 41 to 47 percent.[2] Most of the arrests of persons under 18 are handled by the juvenile c· · t, although a particularly serious felony arrest may be handled by the adult system.[3] Records on juveniles would be valuable in gaining a comprehensive picture of robbery and burglary, but thus far they have not been made available to researchers in the District of Columbia.

Deciding how to choose a group of adult robbery and burglary defendants to analyze is not a simple problem. If we look at the characteristics of defendants in cases over a period of time, such as a year, many defendants would be included more than once. This is particularly true for robbery and burglary defendants, who are frequently recidivists. To overcome this problem, this analysis uses a defendant-based file developed for a concurrent INSLAW analysis of recidivism.[4]

The recidivism file contains the criminal records of all adults who had one or more arrests in a four-month period from November 1972 through February 1973, a total of 4,703 defendants.[5] This group of persons will hereafter be referred to as the "panel." All the arrests recorded in PROMIS for these persons, from January 1, 1971, to August 31, 1975, are included in the recidivism file.

Robbery and burglary defendants are defined in this analysis as those who had a robbery or burglary arrest as their first arrest during the four-month period. That

arrest will be referred to as the "panel case." There were 498 defendants who had a robbery arrest as their panel case, and 296 defendants who had a burglary arrest as their panel case. If we look to see how many of the defendants in the entire panel group had a robbery or burglary arrest *at any time* during the five-year period, the group nearly doubles in size. Of the 4,703 defendants chosen for the recidivism study, 1,334, or 28 percent, had at least one arrest for robbery or burglary during the five-year period.[6] This is an indication that robbery and burglary defendants are not specialized in terms of the crimes they commit. This point will be discussed later in the chapter.

Let us look now at the personal and criminal history characteristics of the 794 defendants whose panel arrest was for a robbery or burglary, and compare them with the characteristics of the other defendants in the panel.

PERSONAL CHARACTERISTICS

In some ways, the robbery and burglary defendants were markedly different from persons arrested for other crimes. They were younger, more often male, more often black, and less likely to be employed than the other defendants in the panel.

It is not surprising that the ages of the robbery and burglary defendants analyzed were low, since we have already learned that a high proportion of robbery and burglary arrestees are juveniles. The median age of the 4,703 adult defendants at the time of their panel case was 25.5 years; the median age of the robbery defendants was 22.6 years and that of the burglary defendants was 23.9 (Table 10). Robbery arrestees were particularly youthful: 59 percent were between the ages of 18 and 24, and 75 percent were between 18 and 29 years of age. Six percent of the robbery defendants were 15-to-17 year olds whose cases were handled in the adult system.

Table 10.
Age of Robbery and Burglary Defendants at the Time of Their Panel Case (Washington, D.C.)

Age of Adult Defendant at Time of Panel Case[a]	All Defendants	Defendants Arrested in Panel Case for		
		Robbery	Burglary	Other
15 to 17 years	2%	6%	4%	1%
18 to 19 years	14	21	24	12
20 to 24 years	31	38	27	30
25 to 29 years	19	16	17	20
30 to 39 years	18	13	16	19
40 to 49 years	10	4	9	11
50 years or older	6	1	2	7
Total[b]	100% (4,641)	100% (495)	100% (290)	100% (3,856)
Median age	25.5	22.6	23.9	26.5

Source: PROMIS.

[a]Panel case refers to the defendant's first arrest in the period November 1, 1972–February 28, 1973.

[b]Includes only defendants whose age was known.

Although adult burglary defendants had a higher median age than robbery defendants, a slightly larger percentage of burglary defendants were in the 18-to-19 age group (24 percent for burglary and 21 percent for robbery). More burglary defendants were in the older age groups too—11 percent were 40 or older, compared with 5 percent for robbery defendants. These may be "professional" burglars who have been in the business for years.

Black males were disproportionately represented among defendants arrested for robbery or burglary. The proportion of defendants who were black and male was 74 percent for all panel defendants—approximately twice the proportion of black males in the District of Columbia. For robbery and burglary defendants, however, 88 and 85 percent, respectively, were black males.[7] (See Table 11.)

All other combinations of sex and race, with one exception, were underrepresented among the robbery and burglary defendants. The number of females involved in these crimes appears to be very low, particularly for burglary.[8] The only distribution that was at all comparable to the race-sex distribution for other defendants was that for defendants arrested for burglary. The percentage of burglary defendants who were white males—10 percent—was the same as that for other defendants.

Defendants arrested for robbery and burglary were not significantly more likely than other defendants to have either alcohol abuse or drug use indicated by the police officer making the arrest.[9] Both characteristics, however, appeared to be slightly more related to burglary than to robbery (Table 12). This is consistent with prior research.[10]

Whether a defendant has a legal means of employment could be seen as a motivating factor for the two property crimes of robbery and burglary. As shown in Table 13, persons arrested for robbery and burglary were less likely to be employed than other defendants. Considering only those cases in which the defendant's employment status was known at the time of the panel case, one-half of the defendants in all types of cases were unemployed, whereas among the robbery and burglary defendants, 62 and 59 percent were unemployed, respectively. The relationship between employment and crime is not easily understood. Some robbery and burglary defendants may be relying on crime to support themselves.

Table 11.
Race and Sex of Adult Defendants Arrested for Robbery and Burglary (Washington, D.C.)

Type of Adult Defendant	Total		Race and Sex of Defendant					
			Male			Female		
	Number	Percent	White	Black	Unknown	White	Black	Unknown
Arrested for								
Robbery	498	100%	3%	88%	1%	1%	7%	—
Burglary	296	100	10	85	1	—	3	—
Other	3,908	100	10	71	2	2	15	1%
All defendants in panel	4,702[a]	100	9	74	2	2	13	1

Source: PROMIS.

[a]For one defendant in the panel, neither race nor sex was known. Panel case refers to defendant's first arrest in the period November 1, 1972–February 28, 1973.

Table 12.
Indication of Alcohol Abuse or Drug Use for Adult Robbery and Burglary Defendants (Superior Court, Washington, D.C.)

Indication of Alcohol Abuse or Drug Use	All Defendants in Panel	Defendants Arrested in Panel Case for[a]		
		Robbery	Burglary	Other
Percentage of defendants for which				
Alcohol abuse indicated	3%	2%	5%	3%
Drug use indicated	15%	14%	18%	15%
Total	4,703	498	296	3,909

Source: PROMIS.
[a]Panel case refers to defendant's first arrest in the period November 1, 1972–February 28, 1973.

Table 13.
Employment Status of Adult Robbery and Burglary Defendants at Time of Panel Case (Superior Court, Washington, D.C.)

Type of Defendant	Defendant Employed At Time of Panel Case[a]		
	Total[b]	Yes	No
Arrested in panel case for			
Robbery	100% (433)	38%	62%
Burglary	100 (254)	41	59
Other	100 (3,086)	52	48
All defendants in panel	100 (3,773)	50	50

Source: PROMIS.
[a]Panel case refers to defendant's first arrest in the period November 1, 1972–February 28, 1973.
[b]Includes only cases in which employment status was known.

However, the extent to which unemployment leads to crime, as opposed to the extent to which persons who have chosen crime as a career do not seek "legitimate" jobs, is not clear. As we shall see below, defendants arrested for robbery and burglary are frequently recidivists. Their behavior may persist due to economic motives and a lack of attractive alternatives.[11]

CRIMINAL HISTORIES

By whatever measure is used, defendants arrested at least once for robbery or burglary more frequently have criminal histories than do other defendants. Since robbery and burglary defendants are generally under 25 years of age, much of their criminal development may have occurred when they were juveniles; however, as noted earlier, juvenile data were not available for this analysis. Even though the

following statistics are based only on their adult criminal histories, the robbery and burglary defendants stand out from all others in terms of their records.

Table 14 shows a variety of measures of prior criminality and how they differed according to whether the defendant's panel arrest was for robbery, burglary, or some other offense. For every measure shown, the robbery and burglary defendants had higher proportions of repeat offenses than other defendants. They more frequently had prior arrests, prior prosecutions, and prior convictions.

At least one previous arrest for a violent crime was also relatively more common among the robbery and burglary defendants. Not surprisingly, robbery was more closely associated with previous violent crimes than was burglary.

Two other measures of a defendant's criminal history were whether the defendant had used an alias and whether his or her first arrest was for auto theft.[12] According to these measures, shown in Table 15, the robbery and burglary defen-

Table 14.
Criminal Histories of Adult Robbery and Burglary Defendants and All Defendants in the Panel Study
(Washington, D.C.)

Measures of Defendants' Criminal History at Time of Panel Case[a]	All Defendants in Panel	Defendants Arrested in Panel Case for		
		Robbery	Burglary	Other
Percentage of defendants with				
A previous arrest	55%	66%	67%	53%
A previous arrest for a violent crime	30	42	36	28
An arrest in 1971 or 1972	29	37	42	27
A case accepted for prosecution in 1971 or 1972	25	33	35	23
A conviction in 1971 or 1972	11	14	14	10
Number of defendants	4,703	498	296	3,909

Source: PROMIS.
[a]Panel case refers to defendant's first arrest in the period November 1, 1972–February 28, 1973.

Table 15.
Percentage of Defendants Identified as Using an Alias or Having a First Arrest for Auto Theft
(Washington, D.C.)

Measures of Defendants' Criminality	All Defendants in Panel[a]	Defendants Arrested in Panel Case for		
		Robbery	Burglary	Other
Percentage of defendants identified as				
Using an alias	4%	4%	4%	4%
Having a first arrest for auto theft	2%	3%	4%	2%
Number of defendants	4,703	498	296	3,909

Source: PROMIS.
[a]Panel case refers to defendant's first arrest in the period November 1, 1972–February 28, 1973.

dants were no worse than the other defendants in the panel. The percentage using an alias was the same for robbery and burglary defendants as for other defendants. A slightly larger proportion of robbery and burglary defendants had a "first arrest for auto theft," but the difference was small.

Yet another indicator of criminal history is whether the defendant had been rearrested while on release for another offense. Here again, robbery and burglary defendants had worse records than the other panel defendants. Table 16 shows the percentage of defendants on conditional release at the time of their arrest for the panel case.[13] Fifteen percent of both the robbery and burglary defendants were on probation or parole, compared with 8 percent for the others. The proportion rearrested while on bail was higher for robbery defendants (6 percent) than for burglary defendants (3 percent).

PROBABILITY OF RECIDIVISM

Robbery and burglary defendants not only had more serious criminal histories than other defendants, they were also more likely to recidivate than defendants arrested for any other type of crime. This may reflect not only an effect of the crime itself (i.e., robbers and burglars may come to rely on crime to support themselves), but also the fact that robbery and burglary defendants possess characteristics that are associated with recidivism.

Recidivism, a return to crime, can be defined as a rearrest, a reconviction, or a reincarceration. No matter how we defined recidivism in this analysis, robbery and burglary defendants were found to be more likely to return to crime.

Table 17 compares the recidivism of robbery and burglary defendants with the other defendants in the panel analysis, based on whether they were rearrested, reprosecuted,[14] or reconvicted. The magnitude of the differences between robbery and burglary defendants and the other defendants was much greater for rearrest and reprosecution than for reconviction. At least 14 percentage points separate the rearrest and reprosecution rates of robbery and burglary defendants from those of other defendants. For reconviction, there was a difference of only

Table 16.
Percentage of Robbery and Burglary Defendants on Conditional Release at Time of Arrest for Panel Case
(Washington, D.C.)

Whether Defendant on Conditional Release at Time of Arrest for Panel Case[a]	All Defendants in Panel	Defendants Arrested in Panel Case for		
		Robbery	Burglary	Other
Not on conditional release	87%	77%	79%	89%
On conditional release	14	23	21	12
Bail	3	6	3	3
Probation or parole	9	15	15	8
Unknown type	2	2	2	2
All defendants	100% (4,703)	100% (498)	100% (296)	100% (3,909)

Source: PROMIS.
[a]Panel case refers to defendant's first arrest in the period November 1, 1972–February 28, 1973.

Table 17.
Recidivism of Robbery and Burglary Defendants Compared With Those Arrested for All Other Types of Crime
(Washington, D.C.)

Defendants Arrested in Panel Case for[a]	Proportion Rearrested Before August 31, 1975	
Robbery	51%	(498)
Burglary	61	(296)
All other defendants in panel	36	(3,909)
Defendants Prosecuted in Panel Case for	**Proportion with Another Prosecuted Case Before August 31, 1975**	
Robbery	48%	(448)
Burglary	55	(261)
All other defendants whose panel case was accepted for prosecution	34	(2,834)
Defendants Convicted in Panel Case for	**Proportion Reconvicted Before August 31, 1975**	
Robbery	25%	(193)
Burglary	26	(110)
All other defendants convicted in their panel case	22	(1,063)

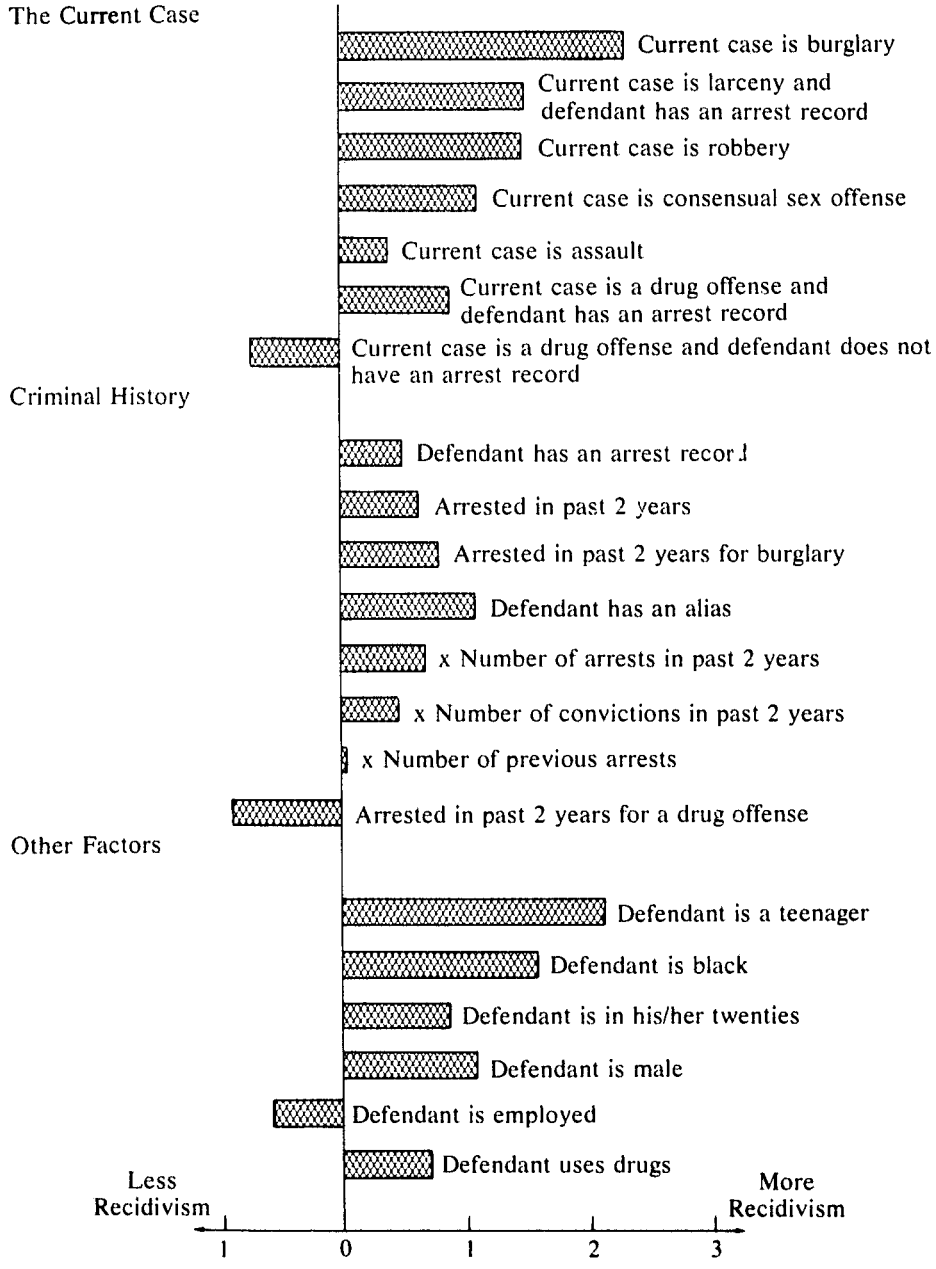
Source: PROMIS.
[a]Panel case refers to defendant's first arrest in the period November 1, 1972–February 28, 1973.

three or four percentage points. Another important pattern evident in the table is that burglary defendants were more recidivistic than robbery defendants, regardless of the definition used.

The percentages in Table 17 do not take into account the amount of opportunity time a defendant had to commit another crime. Defendants in jail or prison have less opportunity to recidivate than those who are on the street. Nor do these results account for other characteristics, such as a large number of previous arrests, which may have led to the high recidivism rates of robbery and burglary defendants. To overcome these difficulties, a multivariate recidivism analysis was performed so that we could look at the effects of many variables and take into account the time a defendant was incarcerated and unable to commit crimes. Whether a defendant was arrested in his panel case for a robbery or burglary was found to have a statistically significant effect, independent of the effect of other variables, in the analysis of rearrest, reprosecution, and reconviction. The finding that robbery and burglary defendants are more frequent recidivists than any other criminal group is presented in greater detail in Publication 10 of this series, cited in the beginning of this chapter. Here, we present the results for the rearrest analysis, but not for reprosecution and reconviction.

The multivariate analysis of rearrest tested over 50 variables considered as possibly affecting the likelihood of recidivism in an effort to determine which were the best predictors of the frequency and seriousness of a defendant's future contact with the criminal justice system.[15] Figure 3 depicts the final results of that

Figure 3.
Factors Predicting the Seriousness and Frequency of Future Rearrests
(Washington, D.C.)



Source: PROMIS.
Notes: Seriousness measured by the maximum sentence that could be given on the most serious police charge in the case.

This chart is a graphical depiction of the regression results shown in Appendix Table A.1.

analysis, using a weighted index of the number of rearrests as the dependent variable. The analysis identified 21 variables that were associated with the likelihood of serious and frequent rearrests. Whether the panel case was a burglary revealed the largest effect on the likelihood of future crime. Being below the age of 20 had the second largest effect, and whether the panel case was a robbery was found to have the fifth largest effect.

In the previous section, we saw that robbery and burglary defendants were younger, more often black and male, more likely to have a criminal record than other defendants, and more likely to be unemployed. Each of these defendant characteristics is also a predictor of recidivism. Thus, robbery and burglary defendants are an extremely high-risk group.

PATTERNS OF CRIME

This section explores the kinds of crimes for which robbery and burglary defendants are rearrested. The analysis does not control for the time each defendant had "on the street" in the way that the previous section did. Here, we examine what type of rearrest a robbery or burglary defendant had, *if* he was rearrested.

How often are robbery and burglary defendants rearrested for the same type of crime? Table 18 shows that the percentage of robbery defendants who were rearrested at least once for robbery between the time of their panel arrest and August 31, 1975, is slightly higher than the percentage of burglary defendants rearrested for burglary. However, more burglary defendants were rearrested than robbery defendants (61 percent versus 51 percent), which means that a high proportion of burglary defendants had rearrests for crimes other than burglary. Robbery and burglary defendants did not differ much in the probability that they would have a rearrest for the same type of crime. The difference is that more burglary defendants were likely to be rearrested for another type of crime.

We can learn about the other types of crimes robbery and burglary defendants commit by examining the distribution of the first rearrest after the panel case. Table 19 shows the percentages of rearrests for different crimes based on all defendants whose panel case was a robbery or burglary. For most types of rearrest, only one or two percentage points separate the proportion of rearrests after robbery and burglary. The exceptions are for robbery, burglary, larceny, and

Table 18.
Percentage of Robbery and Burglary Defendants Rearrested for Another Robbery or Burglary
(Washington, D.C.)

Type of Arrest in Panel Case[a]	Total		Percentage of Defendants		
	Number	Percent	Not Rearrested Before August 31, 1975	Rearrested At Least Once for Same Crime	Rearrested, But Not for Same Crime
Robbery	498	100%	49%	22%	29%
Burglary	296	100%	39%	20%	41%

Source: PROMIS.

[a]Panel case refers to defendant's first arrest in the period November 1, 1972–February 28, 1973.

Table 19.
Distribution of the Crime Type of the First Rearrest Following a Robbery or Burglary Arrest (Washington, D.C.)

Type of Subsequent Rearrest According to the Most Serious Charge	Defendant Arrested in Panel Case for[a]	
	Robbery	Burglary
No further arrests before August 31, 1975	49%	39%
Subsequent rearrest type		
Violent		
Homicide	1	1
Assault	6	6
Sexual assault	1	2
Robbery	14	9
Property		
Burglary	5	14
Larceny	7	11
Fraud	1	2
Property destruction or arson	—	2
Victimless		
Weapons	4	3
Gambling	—	—
Consensual sex	1	—
Drugs	6	4
Bail violation	3	6
Other	2	2
Total	100% (498)	100% (296)

Source: PROMIS.
[a]Panel case refers to defendant's first arrest in the period November 1, 1972–February 28, 1973.

bail violations. Robbery defendants were rearrested more frequently for robbery than were burglary defendants, while burglary defendants were rearrested more frequently for burglary, larceny, and bail violations. The increased proportions of burglary defendants rearrested for these three crimes exceed the increased proportions of robbery defendants rearrested for robbery by 11. This accounts for the gap of 10 in the proportion of robbery and burglary defendants who were rearrested.

For the most part, the patterns of subsequent arrests after a robbery and after a burglary were similar. For *both* robbery and burglary defendants, over one-half of the rearrests were for robbery, burglary, or larceny.

It does not appear that defendants arrested for robbery and burglary specialize in these crimes. This is consistent with the findings of Wolfgang, Figlio, and Sellin, which indicated that juvenile offenders in Philadelphia were not very specialized in the types of crime for which they were arrested.[16] That study, however, did not look at specific crimes, such as robbery, but rather at more general categories, such as violent crimes. Rand's in-depth study of 49 incarcerated armed robbers also found that most had committed and had been arrested for many different types of offenses over their careers.[17]

An issue that is frequently raised in regard to robbery is whether it should be considered a crime of violence or a crime of theft. The issue has been debated in the criminological literature between Wolfgang and Ferracuti, who see robbery as part of the subculture of violence, and Normandeau, who sees robbery as a property crime.[18] The issue is seldom raised in regard to burglary. In our analysis, the proportions of rearrests for a violent crime other than robbery (homicide, assault, or sexual assault) were very similar, regardless of whether the initial arrest was for robbery or burglary. The data from Washington, D.C., indicate that robbery is primarily a crime of theft, rather than one of violence, in that so many of the robbery defendants who were rearrested were rearrested for robbery or other property crimes. This analysis supports Normandeau's observation after studying robbery in Philadelphia: "It is a general persistence in crime, not a widespread specialization in crimes of violence, which is the main characteristic of robbers, if not of most offenders. And the dominant persistence leans towards crimes against property."[19]

POLICY IMPLICATIONS

The findings in this chapter indicate that persons arrested for robbery and those arrested for burglary have more serious criminal proclivities than those arrested for other types of crime. Even though robbery and burglary defendants are young, they are more likely to have had previous arrests than other defendants, and they are more likely to be rearrested in the future for serious crimes.

In the previous chapter, it was suggested that the criminal justice system's handling of robbery and burglary could be improved by trying to prevent these crimes from occurring or by trying to increase the apprehension rate. The findings of this chapter suggest a third alternative. Since persons arrested for robbery and burglary are very likely to be rearrested in the future, it seems possible that expending more police and prosecutory resources on securing convictions in robbery and burglary cases could have an impact on future crime. In fact, if the persons who are being arrested for robbery and burglary incidents are responsible not only for the crimes for which they are arrested, but also for a large portion of the crimes for which no one is apprehended, the criminal justice system may be doing a more effective job with these crimes than it would appear from the conviction rates presented in Chapter 2.

It is possible that the criminal justice system is actually apprehending a large proportion of the robbery and burglary criminal populations. We can put an upper bound on the average number of additional robberies and burglaries that each defendant would have to commit each year if everyone who committed at least one robbery or burglary had been apprehended during the year. Looking at Figure 1 (Chapter 2), if 6 to 10 percent of the burglary victimizations resulted in at least one arrest, each group of codefendants would have had to have been responsible for 9 to 16 other burglaries, ignoring crime switching, for there to have been a 100 percent clearance of the original victimizations. For robbery, each group of codefendants would have had to have been responsible for 5 to 6 other robberies. If robbery and burglary defendants are responsible for many crimes for which they are not caught, it is important that they be prosecuted to the full extent of the law for the ones for which they are caught. Repetto concluded in his study of residential crime (which included burglary): "If the burglar population is intact . . . relatively small and known to the police through repeated arrests, then responsibility for the 'control' of the criminal behavior of this population would seem to rest more with the courts and correctional system than with the local police departments."[20] This is not to say that the police do not bear a responsibility for securing

evidence that will produce convictions in court, but it would seem that the prosecutor and courts could affect their own work loads, as well as those of the police, by targeting on persons likely to come back again and again. The next chapter discusses how robbery and burglary cases were handled by the prosecutor and court in the District of Columbia in 1974.

Notes

1. It can be assumed that by looking at defendants we can learn something about the persons who commit robberies and burglaries. To the extent that persons who are caught differ from those who are not caught, this assumption will prove misleading. Short of interviewing people to ascertain the crimes they have committed, but for which they have not been arrested, it is difficult to test the assumption.

2. Metropolitan Police Department, *Annual Report* for Fiscal Years 1972, 1973, 1974, 1975 (Washington, D.C.): 30, 28, 28, and 42–43, respectively.

3. According to the *District of Columbia Code*, the U.S. Attorney has the discretion to prosecute as adults those 16 and 17 year olds arrested for murder, forcible rape, armed robbery, first-degree burglary, and assault with the intent to commit any of the above offenses. (Title 16, Section 2301(3)(A).)

4. The recidivism analysis includes a cross section of felony and serious misdemeanor cases brought to the Superior Court Division of the U.S. Attorney's Office. Predicting the seriousness and frequency of a defendant's future contact with the criminal justice system is the primary purpose of the analysis; information on crime-switching among defendants is also presented. The recidivism report presents results for all defendants in the panel. This chapter focuses only on the robbery and burglary defendants. See Kristen M. Williams, *The Scope and Prediction of Recidivism*, PROMIS Research Publication no. 10 (INSLAW, forthcoming).

5. It is assumed that seasonal variation in the types of crime committed is not very pronounced, making the defendants arrested in the chosen four-month period similar to those arrested at other times.

6. Of the 1,334 defendants, 696 were arrested on robbery charges; 441, on burglary charges; and 197 had an arrest for both robbery and burglary.

7. In his book on robbery, John E. Conklin discusses the increase in robbery offenses in the United States during the 1960s and the concomitant increase in the proportion of blacks arrested for this crime. *Robbery and the Criminal Justice System* (Philadelphia: J. B. Lippincott Company, 1972): 30–37. Andre Normandeau also found that blacks were victimized and committed robberies out of proportion to their numbers in Philadelphia and that 95 percent of the offenders were male. "Trends and Patterns in Crimes of Robbery" (Ph.D. dissertation, University of Pennsylvania, 1968): 147–48. J. Bradford Shiley noted in *Portland (OR)—Burglary and Robbery* that 96 percent of the burglars and 90 percent of the robbers in Oregon were male. Blacks comprised 6 percent of the Oregon population but were 28 percent of the burglary arrestees and 62 percent of the robbery arrestees. (Oregon Law Enforcement Council, 1972.)

8. See also Rita J. Simon and Navin Sharma, *The Female Defendant in Washington, D.C.: 1974 and 1975*, PROMIS Research Publication no. 13 (INSLAW, forthcoming).

9. At the time that the police officer presents a case to the prosecutor at screening, the officer fills out a PROMIS Evaluation Worksheet form that asks many questions about the case. One question inquires whether the defendant abuses alcohol, and another asks whether he uses opiates. In order to respond affirmatively, the police officer would probably have to have observed the defendant in an intoxicated state or have observed him selling or using drugs. Thus the figures probably underestimate the true number of defendants who abuse alcohol or use illicit drugs at other times. In addition, the police officers' observations appear to underestimate the number of persons currently using drugs, according to results obtained from Nicholas J. Kozel and Robert L. Dupont, "Criminal Charges and Drug Use: Patterns of Arrestees in the District of Columbia," National Institute of Drug Abuse technical paper, 1977.

10. Several studies have investigated the relationship between drug use and criminality. A study completed in California concluded that "drug use is an attribute of crime rather than a cause" (H. S. Penn, "California Five-Year Follow-up of 1966 Juvenile Burglary-Involved Drug Arrestees," California Department of Justice, 1973). Conklin, in his book on robbery cited in footnote 7, suggests that an addict prefers burglary to robbery, since he is less likely to confront the victim, he is less likely to be identified due to a prior drug arrest, and burglaries allow more time to search for a large amount of money. INSLAW is currently conducting a study of the relationships between drugs and crime for the National Institute on Drug Abuse and LEAA's National Institute of Law Enforcement and Criminal Justice.

11. As reported in *Patterns of Burglary,* cited earlier, the core members of the "Beltway Gang," which operated in the Washington, D.C., area, netted at least $100 a day for about four hours of effort. "Opportunities available to these same men in legitimate employment ranged from $7,800 a year as managers of 7-Eleven Stores, to the lower reaches of government service. Given a low clearance rate for burglary, and the opportunity to convert goods as well as knowledge about criminal technology, the reinforcements offered by legitimate society in the eyes of these men were understandably not terribly competitive." (Harry A. Scarr, *An Intensive Study of the Crime in a Metropolitan Area,* Part I of *Patterns of Burglary,* 6 vols. [McLean Va.: Human Sciences Research, Inc., 1972]: 78.)

12. These items were included on the PROMIS Evaluation Worksheet, since they were found to predict failure on parole for released prisoners in California. As with the items on alcohol abuse and drug use, the arresting officer may not have accurate information on which to base his responses.

13. These figures probably underestimate the true percentages, since this item was not consistently recorded in PROMIS by the prosecutor. It is assumed that the lack of complete reporting would affect the robbery and burglary cases at the same rate as other kinds of cases. This means the percentages can be compared, but should not be taken as absolute measures of those rearrested while on conditional release.

14. "Reprosecuted" means that a defendant's panel case was accepted for prosecution and then a subsequent case was accepted for prosecution before August 31, 1975.

15. For a more technical explanation of the multivariate analysis of recidivism, see Appendix A.

16. Marvin E. Wolfgang, Robert M. Figlio, and Thorsten Sellin, *Delinquency in a Birth Cohort* (Chicago: University of Chicago Press, 1972).

17. Joan Petersilia, Peter W. Greenwood, and Marvin Lavin, *Criminal Careers of Habitual Felons* (Santa Monica: Rand Corporation, 1977).

18. For a discussion of this debate, see Arnold Sagalyn, *The Crime of Robbery in the United States* (Washington, D.C.: Government Printing Office, 1971).

19. Normandeau, "Trends and Patterns in Crimes of Robbery."

20. Thomas A. Repetto, *Residential Crime* (Cambridge, Mass.: Ballinger Publishing Company, 1974): 76.

4

Robbery and Burglary Cases: How Are They Handled by the Prosecutor and the Court?

The focus in this chapter is on how the criminal justice system processes an adult robbery or burglary defendant—from the prosecutor's initial screening of the arrest through sentencing. Chapter 2 presented an overview of the process, touching briefly on the number of incidents for which an adult was prosecuted and the number that resulted in at least one adult defendant being convicted on any charge. This chapter looks at the process in detail: At what stage do cases that do not end in conviction drop out of the system? What specific charges are defendants convicted of, and what sentences do they receive? How often is conviction obtained by way of a plea, rather than a trial by judge or jury? Factors associated with conviction are also examined in an effort to determine the extent to which more convictions could be obtained in robbery and burglary cases.

The data used in this analysis are PROMIS data for the District of Columbia for 1974 and sentencing data obtained from the D.C. Superior Court for the same year, from both automated and manual files. Calendar year 1974 was chosen for analysis in this chapter, because more data were available for that year than for 1973.[1] The unit of analysis is a court case involving one defendant.

ATTRITION FROM ARREST THROUGH CONVICTION

In Chapter 2 we saw that few robbery and burglary victimizations resulted in the perpetrator of the crime being convicted. The point of greatest attrition was between offense reporting and arrest. It would appear that no matter how efficiently the courts handle robbery and burglary cases, it would not make much difference in terms of the overall conviction rate. This would be true were it not for the fact that robbery and burglary defendants are very likely to be repeaters. Hence, robbery and burglary arrests are important cases even apart from their inherently serious nature. A small increase in the number of defendants who are convicted could have a large impact on the number of offenses committed in a later period of time.

We noted earlier that robbery and burglary cases are more likely to result in conviction than other kinds of cases. The conviction rate for all cases cleared by an adult arrest in the District of Columbia in 1974 was 32 percent: 35 percent for robbery, 45 percent for burglary, and only 28 percent for all other offenses. Still, most robbery and burglary cases do not result in conviction. The questions are

how, when, and why do the cases drop out. We shall start with the larger picture and then refine the analysis.

Beginning with robbery cases, which are all felonies,[2] we can see from Figure 4 that 35 percent of the cases resulted in conviction. The figure also indicates that to understand conviction rates, it is important to focus on guilty pleas. This is contrary to a popular image that justice in the United States is determined by the outcome of jury trials. Few cases go to trial—only 7 percent of the robbery cases that were filed in 1974.[3] Of those robbery cases that went to trial, the majority resulted in conviction—75 percent. Even if all the cases that went to trial resulted in conviction, however, it would increase the robbery conviction rate, based on arrests, only from 35 to 38 percent.

As shown in Figure 4, if a case does not result in a conviction, it usually is not because the defendant was acquitted by the judge or by a jury, nor because the grand jury did not return an indictment.[4] Instead, we find that dismissal by the prosecutor, either at screening or before trial, or by a judge who determined that the prosecution could not prove its case, accounted for 70 percent of the robbery arrests that did not end in conviction. Moreover, 85 percent of the dismissals occurred *before* indictment. After indictment, dismissals were not frequent, because indicted cases tend to be the prosecutor's strongest cases. It is not surprising that over 90 percent of the pleas occurred after indictment.

From this analysis, robbery cases in the District of Columbia appear to be handled in the following way. Twenty percent of the cases are screened out immediately by the prosecutor. If the case is accepted for prosecution, the defendant will probably wait to see if an indictment is returned by the grand jury. If so, he or she can try to negotiate a plea bargain. If an indictment is not obtained, the prosecutor will usually dismiss the case. Part of the reason for this pattern is that the U.S. Attorney's Office for the District of Columbia had a policy in 1974 of accepting only pleas to felony charges in robbery cases. The statistics presented here indicate that robbery defendants tend to pursue a rational policy. They are inclined to plead guilty only after indictment. Because the case is likely to be dismissed if it is not indicted, it is in the defendant's interest to wait and see what happens. If there is an indictment and the case goes to trial, the defendant has only one chance in four of being found not guilty. Hence, if indicted and truly guilty, he might as well plead guilty.

Figure 4.
Attrition of Robbery Cases from Arrest Through Final Disposition (Superior Court, Washington, D.C., 1974)

1,790 Robbery Arrests

65% → 100% (1,162) Not Convicted

21%	Rejected at screening
69%	Dismissed by judge or prosecutor
1%	Grand jury ignoramus
5%	Not guilty at trial
4%	Other

35% → 100% (628) Convictions

26%	Guilty at trial
74%	Guilty plea

Source: PROMIS.
Note: Includes cases with a final disposition at the time of the analysis.

Figure 5 presents the same type of analysis for the 1974 burglary cases. There is one major difference, however: burglary cases can be felonies or misdemeanors (attempted burglary). Eight percent of the burglary arrests were charged as misdemeanors.

The arrests in which the most serious charge was attempted burglary resulted in a conviction only 23 percent of the time, half the conviction rate for the felony burglary cases. The pattern of disposition for these attempted burglaries was somewhat different from that for robberies. Many of the same principles appear to be operating, but in reverse. The proportion of convictions at trial as opposed to by plea was high—42 percent. One explanation, perhaps, is the fact that a defendant has approximately a fifty-fifty chance of being found not guilty at a trial for attempted burglary. He may reason that it makes little sense to plead guilty unless the evidence against him is overwhelming.

For first- and second-degree burglaries, the conviction rate was quite high—almost half of the arrests resulted in conviction. Here, the pattern of obtaining convictions was quite similar to that for robbery: the convictions were largely by plea rather than by trial. From the previous discussion, one would expect that the probability of being found guilty at trial would be high. This is indeed what happened: two-thirds of the cases going to trial resulted in a conviction. Of the dismissals that did occur in the felony burglary cases, over 85 percent were before indictment.

To what extent are the preindictment dismissals of felony robbery and burglary cases inevitable? To what extent could more convictions be obtained, even if to a lesser charge? To address these questions, we turn to an analysis of the variables associated with conviction.

FACTORS INFLUENCING CONVICTION

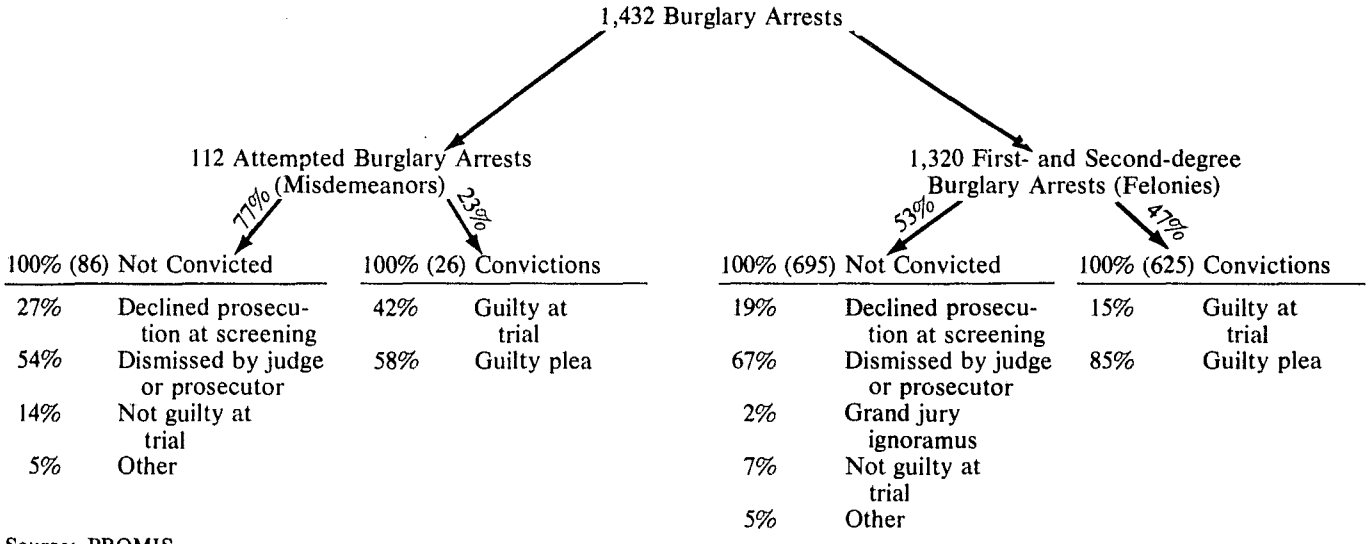
For the most part, robbery and burglary cases appear to be similar in terms of the impact that various case characteristics have on the probability of conviction. The characteristics, rather than the crimes, will be discussed in regard to each type of case. The results discussed below are from the analyses of felony cases only. They include the 1,320 closed first- and second-degree burglary cases, shown in Figure 5, and the 1,790 closed robbery cases, shown in Figure 4. Differences in conviction rates will be discussed, as well as an analysis of conviction that controlled for the effects of many factors simultaneously. Readers interested in the details of that analysis should consult Appendix B.

Characteristics of the Defendant

We learned in Chapter 3 that robbery and burglary defendants were more likely than other defendants to be rearrested, and that particular characteristics, such as criminal history, were found to increase the frequency and seriousness of future arrests. If the prosecutor could identify and were targeting on persons likely to recidivate in the future, we would expect that the factors predicting recidivism would also predict conviction. This hypothesis was tested by examining whether characteristics of the defendant influenced conviction.

Perhaps the most important predictor of rearrest is a criminal record. The two indicators of prior criminal activity that were available for this analysis were whether the defendant had an arrest record and whether he was on conditional release at the time of the robbery or burglary arrest. For both robbery and burglary cases in 1974, 60 percent of the defendants had an arrest record.[5] The difference in the conviction rates for those with and without an arrest record, however, was only a few percentage points for each of the two crimes. After other

Figure 5.
Attrition of Burglary Cases from Arrest Through Conviction
(Superior Court, Washington, D.C., 1974)



Source: PROMIS.
Note: Includes cases with a final disposition at the time of the analysis.

characteristics of the case were controlled for in the multiple regression analysis, the defendant's arrest record was found to have no significant effect on the probability of conviction. Whether the defendant was on conditional release was also tested to determine if it had a significant effect upon conviction. When conditional release was entered separately and when the defendant's arrest record was entered separately in the regression analysis, neither variable had any impact upon the probability of conviction.[6] This indicates that robbery and burglary cases, as a group, were more likely than other cases to result in conviction, but the defendant's arrest record did not increase that likelihood.

In our earlier analysis, defendants who were employed were found to be less likely to be rearrested. In the analysis of conviction, a significant effect was obtained if the arrested person was employed—in robbery cases, but not in burglary cases. For robbery cases, employed arrestees were less likely to be convicted. The analysis suggests a small effect, as shown in Appendix B, but it was in the direction one would expect if the prosecutor were concentrating on those more likely to be rearrested.

Another variable that was a significant predictor of conviction for robbery, but not burglary, was opiate use. As with employment status, the effect on conviction appeared relatively small, but it was in the expected direction. Defendants who used opiates showed up as more likely to be convicted.

The effects of alcohol abuse and age on conviction were found to be interrelated. For both robbery and burglary cases, older defendants were found to be more likely to abuse alcohol. Thus, we have the same problem of a possible confounding of the results as with previous arrests and conditional release. For burglary, however, defendant's age was a more powerful predictor of conviction than alcohol abuse. Older defendants, who appear less likely to be rearrested, also appear less likely to be convicted. For robbery, the results were more complicated. As with burglary, older robbery defendants were found to be less likely to be convicted. However, when an alcohol abuse variable was entered in the analysis and a defendant age variable taken out, alcohol abuse was a more important predictor than age, both in terms of statistical significance and the magnitude of the effect. It appears, at least in robbery cases, that one explanation for the fact that cases of older defendants are dropped at a higher rate is that they frequently involve defendants who are alcoholics.

In sum, defendant characteristics had little impact on the probability of conviction in burglary cases. Only the age of the defendant was a significant predictor of conviction. For robbery, the following characteristics were significant: age, opiate use, employment, and alcohol abuse. In all instances, the defendants who were more likely to be convicted were those who were more likely to recidivate. However, one of the most important predictors of recidivism—a criminal record—appeared to have no impact on conviction.

Characteristics of the Offense

A number of characteristics of the robbery and burglary cases are actually characteristics of the offense itself. The variables considered were: whether there were codefendants, whether the victim was a business or institution, whether a firearm was involved, the seriousness of the offense, and whether the victim and defendant were strangers.

A finding discussed in Chapter 2 was that an incident involving more than one defendant more often resulted in at least one conviction than one with a sole defendant. Looking at the cases, rather than the incidents, however, no clear-cut pattern emerged. The individual defendant was not more frequently convicted if

there were codefendants than if there were not. A simple comparison of cases in 1974 on the basis of whether codefendants were involved reveals that conviction rates were somewhat higher if there were codefendants in burglary cases, and somewhat lower if there were codefendants in robbery cases. The more rigorous analysis, however, showed that the difference for burglary cases disappears when the effects of other factors are controlled for. For robbery, the application of this analysis produced a small negative effect on the likelihood of conviction if there were codefendants in the case.

Another distinction noted in Chapter 2 was that between crimes against persons or households and crimes against businesses or commercial establishments. If we look at the conviction rates for cases of commercial robbery and burglary, we find that they are higher than those for cases in which the victim is an individual or household. For robbery, the difference was large. While the conviction rate for arrests involving personal robbery, 34 percent, is higher than for offenses other than robbery, the rate is 40 percent for arrests involving robberies of commercial establishments. The difference in conviction rates for commercial and household burglary was only a percentage point and was not statistically significant. When other factors were controlled for in the multiple regression analysis, however, whether the victim was a business did not have a significant effect on conviction for either robbery or burglary. This suggests that it is characteristics of the commercial robbery cases other than the fact that the victim was a commercial institution that caused these cases to end more often in conviction. Looking at the correlations between whether a robbery case was commercial and other factors, it seems that certain characteristics found to lead to conviction are associated with these cases. In particular, commercial robbery cases were more likely to have more witnesses. This supports the observation of prosecutors that when a business is robbed, the employee is more likely to be able to get time off from his job to go to the court to testify. Moreover, the additional people who may be present during a business robbery can also serve as witnesses. The improvement in witness cooperation and availability seems to be one of the reasons why commercial robbery cases have higher conviction rates than personal robbery cases. For burglary, there is less need to search for reasons why no significant effect emerged in the regression analysis, since the difference in conviction rates was so small.

For this analysis, the seriousness of the cases was measured by the Sellin-Wolfgang Index.[7] This index of crime seriousness is computed by assigning points to various elements of the offense, such as whether anyone was assaulted, the amount of money taken, and so on. One element of the score is whether a firearm was involved in the offense.[8] Different results were obtained for robbery than for burglary. For robbery cases, offense seriousness appeared to decrease the chance of conviction, as did the use of a firearm. Since possession of a firearm is highly associated with seriousness, each variable was entered separately in the multiple regression analysis to see which had the more important impact. For robbery cases, seriousness of the offense was a better negative predictor of conviction than the distinction between robbery with a firearm and robbery without one.[9] It is not clear why the more serious robbery cases are less likely to end in conviction. The magnitude of the effect is not large, however.

For burglary cases, the opposite was true: both seriousness and possession of a firearm seemed to increase the chance of conviction. Whether a weapon was involved in the offense had a larger (and more statistically significant) impact upon conviction than did case seriousness. Few burglary cases involved a firearm—only 7 percent of the cases in this analysis. Perhaps burglary cases with a firearm are so very serious, compared with other burglary cases, that they receive the special prosecutory attention that frequently leads to conviction.

The last characteristic of the offense to be discussed is that of the relationship between the victim and the defendant. Few robbery and burglary cases involved victims and defendants who knew each other. Robbery victims knew the defendant in only 14 percent of the cases, and burglary victims knew the defendant in 24 percent of the cases. A consistent finding from the PROMIS Research Project and other studies is that cases are more likely to be dropped, frequently because of witness problems, when the victim and the defendant are not strangers.[10] For both robbery and burglary arrests, cases were significantly more likely to result in conviction if the victim and defendant were strangers, but the effect was larger for burglary cases.

Characteristics of the Case

Three characteristics of the case against the defendant that influence conviction have been extensively discussed in another report in the PROMIS Research series: the number of witnesses, whether property or other tangible evidence was recovered, and the time between the offense and the arrest.[11] To the extent that more witnesses are obtained and more evidence recovered, it appears that conviction rates are higher.

The number of witnesses was a very important determinant of conviction in this analysis. Robbery cases without any witnesses (other than the victim) resulted in conviction in only 12 out of every 100 cases. In the regression analysis of robbery, the number of witnesses was the most important variable; it had the largest impact and with the greatest statistical significance, of any of the variables tested in the analysis. Each additional witness was found to increase the likelihood of conviction. For burglary, witnesses were also important, but the greatest distinction appeared to be between cases that had at least one witness and those that had none (other than investigating police officers).

Whether property or other tangible evidence was recovered was vital to both robbery and burglary cases. For robbery cases, the conviction rate was only 27 percent when tangible evidence was not recovered, and 44 percent when it was. For burglary cases, the conviction rate was 40 percent without tangible evidence being recovered and 54 percent if it was. Whether property or other tangible evidence was recovered was also highly significant in the regression analyses for both offenses.

The time between the offense and the arrest appears also to affect the probability of conviction in both robbery and burglary cases. However, the percentage of cases that result in conviction does not steadily rise or fall as the length of time increases (Table 20). For robbery, if the defendant was arrested in 30 minutes, the conviction rate was higher than if the arrest occurred after that point. The same was true for burglary. For this reason, we broke the time between the offense and the arrest at 30 minutes in the regression analysis. This new variable was found to be important. For robbery, the effect was slightly stronger and more highly significant than for burglary. The fact that an arrest is made quickly probably has an effect on conviction because of the increased likelihood that important elements of the case can be established more readily if the evidence is fresh. The fact that the apprehension-time variable was significant, even after controlling for the number of witnesses and whether evidence was recovered, suggests that there are additional factors, unmeasured in this analysis, which improve the quality of cases in which the arrest is made shortly after the offense is committed.

Table 20.
Conviction Rates According to the Time Between the Offense and the Arrest for Robbery and Burglary
(Superior Court, Washington, D.C., 1974)

Time Between the Offense and the Arrest	Conviction Rates	
	Robbery	Burglary
All cases	35%	47%
	(1,790)	(1,320)
Same time	37	53
	(158)	(208)
Within 30 minutes	42	50
	(629)	(489)
30 minutes to 24 hours	32	46
	(299)	(224)
24 hours to 1 week	35	39
	(188)	(145)
1 week to 1 month	30	38
	(260)	(138)
1 month or more	27	48
	(256)	(116)

Source: PROMIS.

MOST SERIOUS CHARGES ON WHICH DEFENDANTS ARE CONVICTED

We have been analyzing conviction rates in the previous two sections based on whether the defendant was convicted of *any* charge. Many times the charges on which a defendant is found guilty are less serious than the charges brought originally by the police or prosecutor. Under the law, a defendant's sentence must correspond to the charges on which he is convicted, regardless of the initial charges. It is instructive, therefore, to look at the extent to which the initial charges are altered by the time of conviction. The reduction in charge could occur as early as the time of initial case screening. After screening, charge reduction might be the result of a plea bargain. We have seen that pleas account for a high proportion of the convictions. Charge reduction could also result from the fact-finding process at trial.

Tables 21 and 22 show the convicted charges for cases in 1974 in which the most serious police charge was robbery or burglary. For robbery cases, we see the effects of the prosecutor's policy, mentioned earlier, of accepting only pleas to a felony. Looking at Table 21, it appears that the best bargain the defendants usually can obtain is a reduction in the number of counts of robbery rather than a reduction to a misdemeanor. Seventy-three percent of the robbery cases that resulted in a conviction resulted in a conviction on a robbery charge. Thirteen percent of the convictions were for another type of felony charge, such as assault with a dangerous weapon. In a small proportion of cases—12 percent—the charge was reduced to a misdemeanor. This may reflect an objective on the part of the prosecutor to maximize felony convictions in robbery cases at the possible expense of achieving more convictions on other than a felony. There are several possible charge reductions in robbery cases because robbery involves both a threat of force and loss of property. If one of the elements of the case cannot be established, perhaps the other can. Some reductions to simple assault and weapons offenses are shown in Table 21, but it is not clear from this analysis whether more convictions could be

Table 21.
Distribution of Convicted Cases with a Most Serious Police Charge of Robbery by the Most Serious Charge for Which Convicted
(Superior Court, Washington, D.C., 1974)

Most Serious Convicted Charge	Percentage Distribution
Felony	
Robbery	73%
Other	13
Misdemeanor	
Simple assault	3
Weapons offense	2
Other	7
Unknown	1
All convictions in 1974 in which most serious police charge was robbery	100% (628)

Source: D.C. Superior Court

Table 22.
Distribution of Convicted Cases with a Most Serious Police Charge of Burglary by the Most Serious Charge for Which Convicted
(Superior Court, Washington, D.C., 1974)

	Burglary Most Serious Police Charge Brought		
Most Serious Convicted Charge	First-degree Burglary	Second-degree Burglary	Attempted Burglary
Felony			
First-degree burglary	20%	—	—
Second-degree burglary	14	37%	4%
Robbery	23	—	—
Other	19	27	—
Misdemeanor			
Attempted burglary	3	7	73
Unlawful entry	7	10	12
Other	12	17	12
Unknown	2	1	—
All convictions in 1974	100% (152)	100% (473)	100% (26)

Source: D.C. Superior Court.

obtained by offering more reductions to assault or weapons charges. If the evidence to prove robbery is not available, other charges may be equally difficult to establish.

The pattern of charge reduction for burglary was very different from that for robbery. Burglary has more of a gradation in the charges that can be brought, ranging from most serious to least serious as follows: first-degree burglary, second-degree burglary, attempted first-degree burglary, attempted second-degree burglary, and unlawful entry. The more serious the initial police charge, the more chance there is for charge reduction. Table 22 shows the distribution of convicted charges by whether the initial police charge was first-degree burglary, second-degree burglary, or attempted burglary.

Burglary cases that were initially brought as felonies were reduced to misdemeanors by conviction more frequently than were robbery cases. However, the percentage of misdemeanor convictions was not large. Cases brought initially as first-degree burglary that resulted in a conviction were reduced to a misdemeanor 22 percent of the time, while cases brought as second-degree burglary that resulted in conviction were reduced to a misdemeanor 34 percent of the time. For both first-degree and second-degree burglary, misdemeanor pleas to larceny, destruction of property, and receiving stolen goods were common.

Cases initially brought as first-degree burglary had a higher proportion of convictions for a felony than did cases brought as second-degree burglary. Moreover, the distribution of the types of felony convictions differed considerably. Cases of first-degree burglary brought by the police resulted in a conviction for the same charge in only 20 percent of the cases. Another 14 percent resulted in a second-degree burglary conviction. Cases in which there was a first-degree burglary charge and a robbery charge were classified as first-degree burglaries, because first-degree burglary carries a longer maximum sentence.[12] This explains the fact that convictions for robbery accounted for 23 percent of the convictions in cases with an initial most serious charge of first-degree burglary.

For cases brought as second-degree burglary, 37 percent of the convictions were for that charge. Another 27 percent of the convictions were for other felony charges, most commonly grand larceny and receiving stolen goods.

Turning to burglary cases brought originally as misdemeanors, there were only 26 convictions to analyze. One of the 26 convictions was for a second-degree burglary charge, apparently the result of initial undercharging by the police, but the remainder were misdemeanor convictions. Surprisingly, relatively few attempted burglary charges, which carry a one-year maximum sentence, were reduced to unlawful entry, which carries only a six-month maximum sentence. Seventy-three percent of the convictions were for attempted burglary.

SENTENCING OF OFFENDERS

Information on sentences was obtained by merging data from court records with data from PROMIS. This yielded information on all but 6 percent of the convicted robbery and burglary offenders in 1974, as shown in Tables 23 and 24.

Defendants with a most serious police charge of robbery were found to be more likely to be sentenced to incarceration than defendants with a most serious police charge of burglary. (Any sentence other than probation, suspended, fine, or Federal Youth Corrections Act A means the defendant will spend some time in jail or prison.) This is to be expected, in part because burglary, as defined in this study, is sometimes a misdemeanor charge (see Figure 5). After excluding cases in which the sentence was unknown, 62 percent of the convicted robbers were sentenced to a period of incarceration, as compared with 50 percent of the convicted burglars.

Table 23.
Distribution of Sentences for Robbery Defendants According to Most Serious Convicted Charge
(Superior Court, Washington, D.C., 1974)

Sentence	All Convicted Cases in Which Most Serious Police Charge Was Robbery	Most Serious Convicted Charge				
		Felony		Misdemeanor		
		Robbery	Other	Simple Assault	Weapons Offense	Other
Probation, suspended or fine	30%	27%	28%	74%	33%	50%
Federal Youth Corrections Act						
A	8	9	1	—	25	12
B and C	20	21	20	11	—	19
Under 1 year minimum	7	6	7	11	—	14
1 to 4 year minimum[a]	25	25	40	5	42	5
5 year or more minimum	10	12	4	—	—	—
All convictions in 1974[b]	100% (589)	100% (434)	100% (82)	100% (19)	100% (12)	100% (42)

Source: PROMIS and D.C. Superior Court.
[a]For misdemeanors, all cases in this category received a sentence of exactly one year.
[b]Excludes cases in which the sentence was unknown.

Robbery offenders more often received Federal Youth Corrections Act (FYCA) sentences than burglary offenders (28 percent for the former and 23 percent for the latter). Both groups of offenders are relatively young, as discussed in Chapter 3, so it would seem that both groups would be eligible for FYCA sentences. The difference is accounted for not so much by the less serious FYCA "A" sentences, but by the more serious FYCA "B" and "C" sentences. The FYCA A sentences are equivalent to probation, whereas the FYCA B and C sentences involve an indeterminate minimum but determinate maximum period of incarceration.

The crucial difference in the sentencing of robbery and burglary defendants appears to be whether they are convicted of a felony or a misdemeanor. Those convicted of a felony received some period of incarceration in approximately two-thirds of the cases. There was only a small difference in the percentage incarcerated depending on whether the convicted felony charge was robbery. Those charged initially with robbery and convicted of robbery were slightly less likely to be incarcerated than those charged with robbery and convicted of other types of felony charges. For convictions on a misdemeanor charge in robbery cases, the differences were greater. Those convicted of weapons offenses were most likely to be incarcerated; 42 percent were sentenced to a term of a year, the maximum penalty allowed by statute. In contrast, those convicted of simple assault or another misdemeanor received a sentence of one year in only 5 percent of the cases.

For those convicted in burglary cases, sentencing patterns differed greatly, depending on whether the conviction was for a felony or misdemeanor. The percentage incarcerated on felony convictions was 58, compared with 37 percent for

Table 24.
Distribution of Sentences for Burglary Defendants According to Most Serious Convicted Charge (Superior Court, Washington, D.C., 1974)

Sentence	All Convicted Cases in Which Most Serious Police Charge Was Burglary	Most Serious Convicted Charge						
		Felony				Misdemeanor		
		First-degree Burglary	Second-degree Burglary	Robbery	Other	Attempted Burglary	Unlawful Entry	All Others
Probation, suspended or fine	43%	14%	32%	15%	47%	51%	66%	55%
Federal Youth Corrections Act								
A	7	21	7	0	6	4	5	8
B and C	16	14	23	18	16	14	9	10
Under 1 year minimum	9	—	5	6	5	16	17	17
1 to 4 year minimum[a]	21	11	29	41	24	16	3	10
5 year or more minimum	5	39	4	21	2	—	—	—
All convictions in 1974[b]	100% (602)	100% (28)	100% (182)	100% (34)	100% (148)	100% (51)	100% (58)	100% (101)

Source: D.C. Superior Court.
[a]For misdemeanors, all cases in this category received a sentence of exactly one year.
[b]Excludes cases in which the sentence was unknown.

misdemeanor cases. The percentage receiving serious sentences declined with the seriousness of the charge on which the conviction was based. For 39 percent of those convicted of first-degree burglary, the minimum sentence was five years. A higher proportion of burglary defendants received this sentence than robbery defendants. Those defendants convicted for robbery who were initially charged with burglary were more likely to be incarcerated than defendants convicted of robbery who were initially charged with robbery. This is not surprising, since a case involving both robbery and burglary charges tends to be more serious.

IMPLICATIONS FOR CASE HANDLING

Our findings indicate that robbery and burglary cases are more successfully prosecuted by the criminal justice system, once an adult arrest is made, than other crimes. The conviction rate for the robbery and burglary cases in our analyses was higher than for other types of cases, and the rate of incarceration was higher than for all other cases, once a conviction was obtained. At the same time, the fact that 65 percent of the adult robbery arrests in the District of Columbia in 1974 and 53 percent of the adult burglary arrests did *not* end in conviction suggests that there may be room for improvement.[13]

In 1974, the U.S. Attorney's Office for the District of Columbia had a policy of not reducing robbery cases to a misdemeanor in order to obtain a plea. This policy resulted in a high plea rate after indictment on a robbery charge, but very few pleas before indictment. The prosecutor's office seems to prefer accepting pleas only to robbery charges, rather than trying to induce more pleas through a greater plea bargain offer. This same policy seems to be operating in regard to first- and second-degree burglary, although to a lesser extent.

Possibly, conviction rates could be increased without accepting more pleas to reduced charges through better case preparation by police and prosecutor. Our analysis of factors that influence conviction in robbery and burglary cases showed that the likelihood of conviction increased with each additional witness in the case. The amount of time between the offense and arrest appears also to have an impact on the probability of conviction, particularly if the arrest was made within 30 minutes of the offense. Whether property or other tangible evidence was recovered was found to be highly significant for both robbery and burglary offenses. Extra attention by the police to gathering fingerprints, articles of clothing, and other evidence at the crime scene might further increase the likelihood of conviction. It was not within the scope of this analysis to ascertain how much improvement could be made in conviction rates as a result of better case preparation, but the experience of "Operation Doorstop" in the District of Columbia suggests a framework for making improved case preparation part of an overall effort to increase conviction rates among serious, repeat offenders.

In August 1976, the Metropolitan Police Department and the U.S. Attorney's Office for the District of Columbia launched Operation Doorstop, a career criminal program under which a special cadre of experienced prosecutors and police investigators take charge immediately after the arrest in cases of repeat, violent offenders in order to maximize the probability of conviction. The program targets on repeat offenders with previous convictions for a violent crime who are currently charged with a violent crime. This includes robbery, but not burglary.

Once selected for Operation Doorstop, a case receives intensive investigation and preparation, including additional police work, if needed, to prevent the loss or destruction of important evidence; proceedings to terminate the release status of defendants on probation or parole at the time of the current arrest; and efforts to detain the defendant prior to trial for the current arrest.

Our preliminary analysis of PROMIS data suggests that the program is achieving its objectives. In the last quarter of 1976, 98 defendants were selected for Operation Doorstop. As of mid-April 1977, 67 cases had reached final disposition, 62—or 93 percent—of which ended in conviction. This contrasts with a conviction rate of 41 percent for all felony arrests disposed of during that period.

Some 30 jurisdictions throughout the country have federally funded career criminal programs.[14] The selection criteria for these programs seem to fall into three major categories. Some target on repeat offenders charged with specific violent crimes (e.g., murder, rape, robbery, aggravated assault)—often in conjunction with a specified number of previous felony charges or convictions; others target on offenders who commit felony crimes while on probation or parole or while pending trial or appeal of another felony; and still others use a point system based on the defendant's criminal history, the victim, the crime, and the weight of the evidence.

To the extent that these programs do not include both robbery and burglary offenders, they may be missing an opportunity to seek conviction of persons who are known to be highly recidivistic. More than other variables reflecting aspects of the defendant's criminal history, whether the defendant was arrested for a burglary or a robbery was found in our analysis to be highly associated with the likelihood of recidivism. Moreover, the kinds of extra attention expended on career criminal cases, such as securing tangible evidence and locating witnesses and sustaining their cooperation with the prosecutor, as noted above, were found to have a major influence on the likelihood of conviction in robbery and burglary cases. Given the deep public concern about robbery and burglary, and the high recidivism potential of these offenders, such a strategy seems to be a most appropriate response.

Notes

1. Although the analysis in this chapter is based on 1974 data, the pattern of disposition varies only slightly from that for 1973, presented in Chapter 2. This is true, despite the fact that the number of arrests increased from one year to the next. Overall conviction rates remained about the same.

2. The same definition of a robbery case is applied as in Chapter 2. A case was classified as a robbery if the most serious police charge was robbery, assault with intent to rob, or attempted robbery.

3. The Superior Court of the District of Columbia has a higher rate of jury trials than most urban jurisdictions. Comparable figures for all felonies in other jurisdictions in the first half of 1977 are: Indianapolis, 29 percent; New Orleans, 21 percent; Detroit, 14 percent; Los Angeles, 13 percent; and Rhode Island, 3 percent. Kathleen B. Brosi, *A Cross-city Comparison of Felony Case Processing* (INSLAW, 1979).

4. When the grand jury refuses to return an indictment on the defendant, it is known as a "grand jury ignoramus." When this happens (a) new evidence may be gathered and the case presented again to the grand jury, (b) the case may be reduced to a misdemeanor, or (c) the case is simply dropped.

5. This figure is close to the figures for the robbery and burglary defendants we tracked in Chapter 3—two-thirds of those defendants had at least one arrest prior to their panel arrest.

6. It is important to test separately the effect of each of two variables that are highly correlated in a multiple regression analysis. Including both variables will frequently lead to both showing a nonsignificant effect. For a discussion of these difficulties, see Ronald J. Wonnacott and Thomas H. Wonnacott, *Econometrics* (New York: Wiley, 1970): 257–58.

7. Thorsten Sellin and Marvin E. Wolfgang, *The Measurement of Delinquency* (New York: Wiley, 1964).

8. The method used for determining whether a firearm was involved in the case was based on a question from the PROMIS Evaluation Worksheet. There may be some error in the data in both directions, however—some cases that involved a firearm may not have been included, and some cases that did not involve a firearm may have been included.

9. See also the discussion of robbery and burglary in Philip J. Cook and Daniel Nagin, *Does the Weapon Matter? An Evaluation of a Weapons Emphasis Policy in the Prosecution of Violent Offenders*, PROMIS Research Publication no. 8 (INSLAW, forthcoming).

10. Kristen M. Williams, *The Role of the Victim in the Prosecution of Violent Crimes*, PROMIS Research Publication no. 12 (INSLAW, 1979); Brian Forst, Judith Lucianovic, and Sarah J. Cox, *What Happens After Arrest? A Court Perspective of Police Operations in the District of Columbia*, PROMIS Research Publication no. 4 (INSLAW, 1977); and *Felony Arrests: Their Prosecution and Disposition in New York City's Courts* (New York: Vera Institute of Justice, 1977).

11. See *What Happens After Arrest?*, particularly Chapter 3.

12. First-degree burglary carries a minimum sentence of 5 years and a maximum sentence of 30 years, whereas robbery carries a minimum sentence of 2 years and a maximum sentence of 15 years. Therefore, if a case involved both charges, it would have been classified as a first-degree burglary. If it had been possible to distinguish between robbery and armed robbery in the data for this analysis, this pattern would have been different, since armed robbery carries a maximum sentence of life imprisonment.

13. However, it may be that the opportunity for increasing conviction rates is severely limited by constitutional safeguards that result in some offenders being let go free in order to ensure that one innocent person is not convicted.

14. "Overview of the Comprehensive Career Criminal Program," draft briefing paper (INSLAW, 1979).

5

Conclusions

Robbery and burglary constitute a major problem for the public and the criminal justice system. For the public, they are an ever-present danger—an estimated 38,000 robbery and burglary victimizations took place in the District of Columbia in 1973. The costs of private protection against these offenses and the fear they produce are enormous by any standard. For the criminal justice system, robbery and burglary make up a sizable portion of the work load—37 percent of the offenses reported to the Metropolitan Police Department (1973) and 16 percent of the prosecutor's adult case load (1974).

The criminal justice system's handling of robbery and burglary incidents may leave some room for improvement. Less than 5 percent of the 1973 robbery and burglary victimizations resulted in at least one adult conviction. The point at which the greatest attrition occurs is between the offense and the arrest. Only 25 percent of the reported robberies and 15 percent of the reported burglaries were cleared by arrest. If an arrest is made, the chances of conviction are higher for burglary than robbery; 35 percent of the robbery arrests and 45 percent of the burglary arrests resulted in conviction.

The fact that few robbery and burglary offenders are held legally accountable for their acts is somewhat modified by our finding that these offenders are highly recidivistic. The analysis of characteristics of a panel of robbery and burglary arrestees tracked over a five-year period revealed that the persons charged with robbery and burglary were more likely than other defendants to have a criminal history and they were more likely to be highly recidivistic in the future. By whatever measure used in the analysis, robbery and burglary defendants had more serious criminal histories than did the other defendants tracked; more than two-thirds of the robbery and burglary defendants had at least one previous adult arrest, and almost one-fourth were on some form of conditional release at the time of their panel arrest. When examining recidivism after the panel case, we found that 51 percent of the persons arrested for robbery and 61 percent of those arrested for burglary had at least one more arrest between the time of their panel arrest (November 1972 through February 1973) and August 31, 1975. During the same period, 25 percent had another conviction after a conviction in the panel case.

A number of other factors that were found to be associated with the likelihood of recidivism were also characteristic of the robbery and burglary defendants. Young, unemployed males who have serious criminal records are likely to be recidivists. Robbery and burglary defendants are younger, more often male, and

less likely to be employed than persons arrested for other felonies and serious misdemeanors.

Although they are highly recidivistic, robbery and burglary offenders do not seem to specialize in these crimes. Subsequent arrests cover a broad spectrum of offenses, although robbery defendants do seem to be subsequently involved in relatively more robbery offenses, and burglary defendants seem to be subsequently involved in more burglary offenses.

Although most robbery and burglary incidents are not cleared by the arrest and conviction of the perpetrator of the crime, it is difficult to tell the extent to which those persons who are apprehended and charged with the commission of a robbery or burglary are responsible for other crimes for which they were not arrested. There is a preponderance of evidence that many robbery and burglary defendants are repeat offenders. Hence, the successful prosecution of the crimes for which offenders are apprehended might reduce future crime rates—including the rates for crimes other than robbery and burglary.

With this in mind, it is useful to consider the factors that lead to successful prosecution. Three characteristics of the case against the defendant were found to be important determinants of conviction. For robbery, the most important variable in the analysis of conviction was the number of witnesses. Each additional witness appeared to increase the likelihood of conviction. For burglary, witnesses were also important, but the greatest distinction appeared to be between having one witness and having no lay witnesses. This emphasizes the need for police and prosecutors to handle witnesses effectively.

Recovery of property or other tangible evidence helped conviction in both robbery and burglary cases. In addition, arrests made within 30 minutes of the offense also had a greater likelihood of conviction; however, the effect was slightly stronger and more highly significant for robbery than for burglary.

Certain characteristics of the defendant, the criminal offense, and the case against the arrested person were found to influence the likelihood of conviction in robbery and burglary cases in our analysis. Characteristics of the defendant were more frequently predictors of conviction for robbery than for burglary. In burglary cases, only the age of the arrestee was a significant predictor of conviction—younger defendants were more likely to be convicted than older defendants. For robbery, youth was also a significant predictor; in addition, defendants were more likely to be convicted if they used drugs, did *not* abuse alcohol, or if they were unemployed. These factors are ones that increase the likelihood of recidivism. Therefore, convicting the robbery and burglary defendants most likely to recidivate could have an impact on future crime.

As for the characteristics of the offense itself, the seriousness of the offense, whether there were codefendants, and whether the victim and defendant knew each other before the crime were found to lessen the probability of conviction for robbery cases. For burglary, whether a firearm was involved and whether the victim and defendant were strangers were the offense characteristics associated with a higher probability of conviction.

Robbery and burglary are serious crimes. Their frequency, moreover, produces further social ills, such as fear and the resulting emigration from urban centers, and nurtures the belief that crime pays. It seems within the means of our society to alter the picture of these crimes presented in this report. Perhaps some of the information presented here can be useful in determining how we can better handle the crimes of robbery and burglary in the future.

APPENDIXES

A

Multivariate Analysis of the Probability of Recidivism

The results of the analysis of recidivism among defendants in robbery and burglary cases, presented in Chapter 3 of this report, are part of a larger analysis of recidivism conducted by INSLAW as part of its PROMIS Research Project.[1] The purpose of the recidivism analysis is to determine which defendant characteristics are the best predictors of the frequency and seriousness of a defendant's future contact with the criminal justice system, based on information available at the screening of a case. Future contact was defined in three ways: rearrest, reprosecution, and reconviction. In this report, only the results for rearrest are presented, although panel cases of robbery or burglary were both also significant predictors of the seriousness and frequency of reprosecution and reconviction. Panel case refers to the defendant's first arrest in the period November 1, 1972 - February 28, 1973.

THE DEPENDENT VARIABLE

Construction of dependent variables to measure both the frequency and seriousness of recidivism involved a number of procedures. First, each arrest subsequent to the defendant's panel arrest was weighted for seriousness by two methods. One method used was the Sellin-Wolfgang Index for each offense, which is a measure of crime seriousness based on characteristics of the event, such as the number of persons injured, the number hospitalized, and the amount of property taken. The second measure was the maximum sentence that could be given for the most serious charge initially brought by the police. Because maximum sentence and the Sellin-Wolfgang Index produced the same results, only the results using maximum sentence for weighting rearrests are presented.

Measuring the frequency of recidivistic events involved obtaining information on when defendants were incarcerated, so that recidivism could be adjusted by the opportunity time to recidivate. This required knowing whether defendants were incarcerated prior to trial in any of their cases, and whether they were incarcerated after conviction. Pretrial incarceration data on 3,387 cases were obtained from a manual search of court records. Sentences for the defendants who were convicted in any of their cases were assembled by using a computer tape obtained from the Superior Court and from a manual search of court files. Defendants sentenced to a period of incarceration were assumed to have served their minimum sentence. Thus, the opportunity time a defendant had to be rearrested was computed by subtracting his days of incarceration, both before and after

conviction, from the total time between his panel arrest and August 31, 1975. The preliminary dependent variable was:

$$\frac{\sum_{i=1}^{n} S_i}{T - J - P}$$

where,

S_i = the seriousness of each subsequent arrest
T = the time in years from the panel arrest to August 31, 1975
J = the total time in years the defendant spent in jail awaiting trial before August 31, 1975
P = the total time in years that the defendant was incarcerated following conviction and before August 31, 1975
n = the number of subsequent rearrests.

Further refinements were made in this variable. In order to distinguish between defendants who had a long time "on the street" (i.e., not incarcerated) without having a rearrest from those who only had a short time on the street without a rearrest, a small constant (.001) was added to the numerator. Thus, if one defendant had 900 days to be rearrested, his score would be .0004, while a person who had a week would have a score of .0521. The values of the constants were chosen so that persons who were rearrested would have larger scores than those who were not rearrested. In order to keep from dividing by "0," if the defendant was in jail or prison from arrest until August 31, 1975, a small constant (.01) was also added to the denominator. We now have:

$$\frac{\sum_{i=1}^{n} S_i + .001}{T - J - P + .01}$$

This produced a scalar variable. Some defendant scores were extremely high using this formula. Taking the natural logarithm of the dependent variable produced a much better fit. We have as a final formula:

$$\ln \left[\frac{\sum_{i=1}^{n} S_i + .001}{T - J - P + .01} \right]$$

This appears to be a very complicated index of recidivism. One might wonder whether the results are robust if the formula is changed slightly. In fact, this formula was merely an attempt to put each defendant on a continuum from the least to the most seriously recidivistic. Other dependent variables were used in the preliminary analysis with much the same results as those shown in the final results in the text. Just using the number of rearrests, without even weighting each rearrest for seriousness, showed most of the same variables as being significant, including robbery and burglary, although a lower proportion of variance was explained. The analysis was also performed by eliminating defendants who had no "time on the street," and thus dispensing with the need to add a constant to the denominator. This also made little difference in the results.

INDEPENDENT VARIABLES

Many variables were considered as possibly affecting recidivism. These are listed below, although not many of them appear in the final equation. In addition, many interaction terms were tested, and some variables, such as defendant age, were coded in various ways.

Defendant Characteristics

- Defendant age
- Defendant race
- Defendant sex
- Whether defendant is a resident of the District of Columbia
- Whether defendant has resided at least five years in the District of Columbia
- Whether defendant is known to use opiates, or whether drugs were recovered at the scene of the arrest
- Whether defendant abuses alcohol
- Whether defendant is employed
- Whether defendant has never been employed
- Whether defendant has been employed for six months or less

Criminal History

- Number of previous arrests
- Number of arrests for crimes against persons
- Whether defendant was on probation or parole at time of panel case
- Whether defendant was on bail at time of panel case
- Number of arrests in the past two years
- Whether defendant has an arrest record
- Whether defendant has been arrested in past five years
- Number of convictions in 1971 and 1972
- Number of cases accepted for prosecution in 1971 and 1972
- Whether defendant uses an alias
- Whether defendant's first arrest was for auto theft
- Whether defendant was arrested in the past two years
- Whether defendant had a previous arrest for a crime of violence
- Whether defendant was arrested for homicide in the past two years
- Whether defendant was arrested for assault in the past two years
- Whether defendant was arrested for sexual assault in the past two years
- Whether defendant was arrested for robbery in the past two years
- Whether defendant was arrested for burglary or unlawful entry in the past two years
- Whether defendant was arrested for larceny in the past two years
- Whether defendant was arrested for fraud in the past two years
- Whether defendant was arrested for arson or property destruction in the past two years
- Whether defendant was arrested for weapon possession offense (gun) in the past two years
- Whether defendant was arrested for weapon possession offense (other) in the past two years
- Whether defendant was arrested for gambling in the past two years
- Whether defendant was arrested for consensual sex offense (prostitution) in the past two years

- Whether defendant was arrested for drug offense in the past two years
- Whether defendant was arrested for bail violation in the past two years
- The seriousness of panel case (Sellin-Wolfgang Index)
- The seriousness of panel case (maximum sentence)
- Whether panel case was a felony
- Whether victim and defendant were in the same family
- Whether victim and defendant were friends
- Whether victim and defendant were strangers
- Whether panel case was a homicide
- Whether panel case was an assault
- Whether panel case was a sexual assault
- Whether panel case was a robbery
- Whether panel case was a burglary
- Whether panel case was larceny
- Whether panel case was arson or property destruction
- Whether panel case was fraud
- Whether panel case was weapon possession offense (gun)
- Whether panel case was weapon possession offense (other)
- Whether panel case was gambling
- Whether panel case was drugs
- Whether panel case was a consensual sex offense
- Whether panel case was bail violation

The analysis proceeded in several stages. First, all of the independent variables were entered in a regression equation. Those showing little predictive power were eliminated. Next, many interaction terms were entered in the equation; several new variables turned out to have significant effects. Since many of the variables were highly correlated, especially the criminal history variables, there were severe problems of multicolinearity. Some variables were interchangeable for this reason. Variables that do not appear in the final equation are not necessarily unimportant in predicting recidivism; rather, other variables produced a better fit.

Table A.1 shows the final regression results with 21 variables in the equation. The R^2 for the equation is .209. This can be interpreted to mean that 20.9 percent of the variance in recidivism can be explained by the 21 variables, all of which are available to the prosecutor at screening. The other 79.1 percent is attributed to factors that were not measured—including perhaps psychological attributes, family background, and so on.

Table A.1.
Regression Results on the Probability of the Seriousness and Frequency of Rearrest for All Defendants
(Superior Court, Washington, D.C.)

Independent Variables	Estimated B	Significance Level
Defendant is a teenager	2.0185	<.001
Current case is burglary	2.2243	<.001
Defendant is black	1.5135	<.001
Current case is robbery	1.4625	<.001
Current case is larceny and defendant has arrest record	1.4831	<.001
Defendant is in his/her twenties	.8170	<.001
Defendant is male	1.0489	<.001
Number of arrests in past 2 years	.6516	<.001
Number of previous arrests	.0559	<.001
Defendant is employed	−.5927	<.001
Defendant uses drugs	.6358	<.001
Defendant has an alias	1.0507	<.001
Arrested for a drug offense in past 2 years	−.8940	<.01
Current case is a consensual sex offense	1.1068	<.01
Defendant has an arrest record	.5036	<.01
Current case is a drug offense and defendant has an arrest record	.8595	<.01
Current case is a drug offense and defendant does not have an arrest record	−.7253	<.01
Arrested in past 2 years for burglary	.7867	<.05
Arrested in past 2 years	.6086	<.05
Current case is an assault	.3943	<.05
Number of convictions in past 2 years	.4326	<.05

Note: N = 4,703
Intercept = −8.5413
Multiple R^2 = .209
Seriousness measured by the maximum sentence that could be given for the most serious police charge in the case.

Note

1. See Kristen M. Williams, *Scope and Prediction of Recidivism,* PROMIS Research Publication no. 10 (INSLAW, forthcoming).

B

Multivariate Analysis of the Probability of Conviction

Many factors were considered in an effort to determine which ones were most closely associated with conviction in robbery and burglary cases. The multivariate technique used was multiple regression. Whether the defendant was convicted or not was the dependent variable.

The results of a multiple regression analysis with a dichotomous dependent variable can be most closely interpreted as giving predicted probabilities between "0" and "1" that an event will occur. In this instance, it is the probability that a case with given characteristics will result in conviction. Each variable in the equation has a coefficient ("B" in the following tables) that either adds or subtracts a fractional amount to the probability of conviction.

Multiple regression analysis with a dichotomous dependent variable can be problematic for several reasons. First, the sum of the effects of all the coefficients for a given empirical case may be higher than "1" or lower than "0." Another problem is that the standard errors of the coefficients are unstable. The coefficients are unbiased, but when computing whether they are significant or not by dividing them by their standard errors, the results might not be stable. However, there are fewer problems when the event being predicted has a probability of occurrence in the neighborhood of .5. Since the conviction rate for burglary is 47 percent and that for robbery is 35 percent, the problems described above are less likely to occur.

The following independent variables were tested to see whether they affected conviction.

Characteristics of the Defendant

- Age in years
- Whether defendant has an arrest record
- Whether defendant uses opiates
- Whether defendant abuses alcohol
- Whether defendant is employed
- Whether defendant is on conditional release at the time of arrest

Characteristics of the Incident

- Seriousness of the crime (Sellin-Wolfgang Index)
- Whether there were codefendants

- Whether there was a firearm used during the offense
- Whether victim was a business or institution
- Whether victim and defendant were strangers

Characteristics of the Case

- Whether property or evidence was recovered
- Number of witnesses
- Time from offense to arrest

The analysis was begun by including all of these variables in the equation. Some variables were found to be highly correlated with each other (age and alcohol abuse, seriousness and whether there was a firearm, age and previous arrests). The two variables in each of these pairs were tested separately in the equation, in order to determine whether problems of multicolinearity were preventing the coefficients from achieving significance. Variables were eliminated through the process of testing many alternative specifications until the results shown in Tables B.1 and B.2 were obtained.

The tables give information necessary to predict the probability of a conviction for a given case. As an example, suppose we have a burglary case with the following characteristics: there are two witnesses; property or other evidence was recovered; no weapon was used; the defendant was 20 years old; the victim knew the offender; and the time from the offense to arrest was 40 minutes or more. The

Table B.1.
Regression Results on the Probability of Conviction in Robbery Cases (Superior Court, Washington, D.C., 1974)

Independent Variables	Estimated B	Significance Level
1 witness	.2591	<.001
2 witnesses	.3074	<.001
3 witnesses	.3159	<.001
4 witnesses	.3469	<.001
5 or more witnesses	.4546	<.001
Codefendants in case	−.0435	<.06
Case seriousness (Sellin-Wolfgang Index)	−.0040	<.05
Defendant abuses alcohol	−.1743	<.05
Stranger-to-stranger	.0725	<.05
Time from offense to arrest 30 minutes or less	−.0852	<.01
Property or evidence recovered	.1453	<.001
Defendant is employed	−.0600	<.05
Defendant uses opiates	.0733	<.08

Note: N = 1,790
Intercept = .0820
Multiple R^2 = .108
Includes only cases that were closed at the time of the analysis.

Table B.2.
Regression Results on the Probability of Conviction in Burglary Cases (Superior Court, Washington, D.C., 1974)

Independent Variables	Estimated B	Significance Level
1 witness	.2455	<.001
2 witnesses	.2269	<.001
3 witnesses	.2338	<.001
4 or more witnesses	.2467	<.001
Property or evidence recovered	.1150	<.001
Firearm used during offense	.2666	<.001
Defendant's age	−.0059	<.001
Stranger-to-stranger	.1013	<.01
Time from offense to arrest 30 minutes or more	−.0581	<.05

Note: N = 1,320
Intercept = .3040
Multiple R^2 = .092
Includes only cases that were closed at the time of analysis and that were originally brought as either a first- or second-degree burglary.

probability of conviction would be 47 percent. This is obtained by summing the Bs for this particular case and adding this sum to the intercept.

The R^2 given on the table usually is interpreted as the percentage of variance in the dependent variable that is explained by the independent variables included in the equation. When the dependent variable is dichotomous, the R^2 tends to be much lower than when the dependent variable is an interval or ratio measure. The R^2s in the two tables are not that low when viewed from this perspective.

END