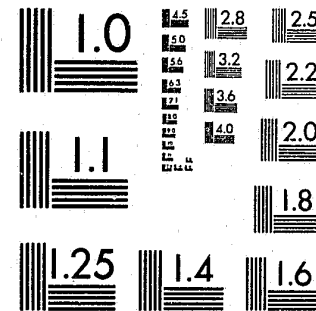


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THE SAN FRANCISCO CAREER CRIMINAL PROGRAM

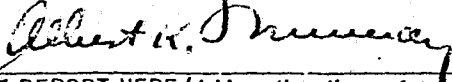
FINAL REPORT  
JULY 1977--APRIL 1980

ARLO SMITH  
DISTRICT ATTORNEY  
CITY AND COUNTY OF SAN FRANCISCO

NCJRS

NOV 4 1980

## ACQUISITIONS

| U. S. DEPARTMENT OF JUSTICE<br>LAW ENFORCEMENT ASSISTANCE ADMINISTRATION            |   | DISCRETIONARY GRANT<br>PROGRESS REPORT |            |
|---|---|--|------------|
| GRANTEE   | LEAA GRANT NO.  | DATE OF REPORT                         | REPORT NO. |
| City and County of San Francisco  | D 3375-2-78   | May 24, 1980                           | Final      |
| IMPLEMENTING SUBGRANTEE   | TYPE OF REPORT  |  |            |
| San Francisco District Attorney   | <input type="checkbox"/> REGULAR <input type="checkbox"/> SPECIAL REQUEST<br><input checked="" type="checkbox"/> FINAL REPORT |  |            |
| SHORT TITLE OF PROJECT  | GRANT AMOUNT  |  |            |
| San Francisco District Attorney   | \$358,851   |  |            |
| REPORT IS SUBMITTED FOR THE PERIOD  | THROUGH   |  |            |
| July 1977   | December 15, 1979   |  |            |
| SIGNATURE OF PROJECT DIRECTOR   | TYPED NAME & TITLE OF PROJECT DIRECTOR  |  |            |
|  | Albert K. Murray<br>Project Director  |  |            |
| COMMENCE REPORT HERE (Add continuation pages if required.)                          |   |  |            |
| RECEIVED BY GRANTEE STATE PLANNING AGENCY (Official)                                |   |  | DATE       |

LEAA FORM 4557/1 (REV. 10-75) REPLACES EDITION OF 1-73 WHICH IS OBSOLETE.

73077

[illegible]

ADMINISTRATIVE STAFF  
CHERYL GIURLANI  
ANNA MARIE REDIGONDA

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ARLO STOTH  
DISTRICT ATTORNEY



RON JACOBSON  
CHIEF ASSISTANT  
DISTRICT ATTORNEY

SAN FRANCISCO

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

I would like to take this opportunity to talk about the Career Criminal Program, a uniquely designed prosecutorial program created by this office in July 1977 through LEAA funding, to identify, convict and commit to State Prison the career robber and burglar--that individual whose full-time job is committing robberies and burglaries in San Francisco.

The Career Criminal Program is based on the hypothesis that a small number of offenders are responsible for a disproportionately large number of crimes in our City. Either through the failure of the Criminal Justice System's efforts to rehabilitate these offenders or their success in eluding prosecution, these career criminals continue to terrorize and victimize our citizens.

Recent studies strongly suggest that when intensive prosecutorial effort is focused on these repeat offenders, resulting in a greater number of State Prison commitments for longer periods of time, this criminal activity can and will be interrupted, along with a concomitant reduction in serious physical injuries and great losses in personal property which all too often accompany these two crimes.

This program, which is about to embark on its third year of operation, has proven to be an extremely effective and successful program. The Unit has maintained an impressive 87% State Prison commitment rate, sending 219 career robbers and burglars to State Prison for an average term of 5.1 years.

Empirical research data suggests that a correlation between intensive criminality of each of these career criminals and their individual impact on the crime rate in San Francisco can be interpreted in economic terms. For these 219 career criminals who have been committed to State Prison for the mean term of 5.1 years we can estimate a monetary savings to the citizens of San Francisco of approximately \$8,606,700, a return of \$24.00 to \$1.00 on the \$358,851 awarded the Program from LEAA for its second year of operation.

It is hoped that the San Francisco Career Criminal Program will continue to be funded through state monies until 1982 when the Career Criminal Legislation expires. Efforts are presently under way to renew the legislation after its expiration

in order to make the California Career Criminal Prosecution Program a permanent component of California's Criminal Justice System.

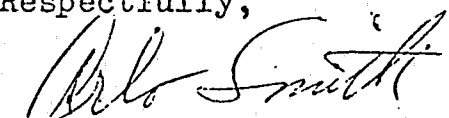
Fiscal restraints imposed by Proposition 13, local budget deficits and the impending fiscal problems threatening our local and state budgets should Proposition 9 pass, all have a significant impact on future funding of the Career Criminal Program throughout the state, and a more immediate impact on San Francisco's 1980-1981 budget.

We are hopeful that our program will be funded in part or whole through state funds supplemented with local monies. At this time we anticipate operating the Unit at full staffing level with no projections for reductions in this staff.

San Francisco is a city comparable to none. It is a way of life, a feeling shared by all of her citizens, a city loved and visited by people from every part of the world. Criminal violence against our citizens and visitors erodes at this way of life--at a culture a heritage our forefathers created and intended.

It is my hope that through the efforts of strong anti-crime programs such as the Career Criminal Program, we will begin to halt this erosion in order to rebuild and maintain the beauty and safety of the city we love.

Respectfully,

  
ARLO SMITH  
District Attorney  
City and County of San Francisco

## PROJECT DIRECTOR'S SELF ASSESSMENT

### Introduction

Since the change in this office's administration in January 1980, I have been the Project Director for the San Francisco Career Criminal Program. Prior to this, I have been a member of this Special Unit since February of 1978. During these periods, I have had the opportunity to observe and assess the impact of this type of program on our criminal justice system as well as its overall value to the City and County of San Francisco.

It is the consensus of the staff of this Unit, as well as the general office, that this type of program is extremely beneficial and necessary to our criminal justice system and to the public we serve.

Through this program we are able to focus the efforts of veteran prosecutorial and investigative personnel on the class of crime and criminal that most directly affects the citizens.

Lower caseloads assure time necessary to carefully and thoroughly prepare our matters for trial and thereby enhance the probability of conviction for the most serious charges in each case. The benefit of full time investigative and clerical staffing is readily apparent. We are able to effect immediate follow-up investigation, and avoid routine steno pool processing of paper which might otherwise tend to get "bogged down" in the general office.

During its two and one-half years of service, the Career Criminal Unit has established an enviable reputation among the local Police Department, Sheriff's Office, the courts, judges, and

Probation Officers. This Unit, through its investigators and prosecutors, is recognized as being tough, experienced, and a thorough unit which handles only the more notorious criminals and serious cases that are brought to the attention of the office. These cases are not subject to plea bargaining or charge reduction.

Despite my wholehearted belief and committed support of the philosophy of career criminal prosecution, there are areas of the program's operation which, I believe, could be modified in order to broaden the impact of the program and increase its overall effectiveness.

#### Juvenile Recidivist Offenders

The incidence of juvenile crime in San Francisco over the last five years continues to be high with still escalating rates for violent crimes including rape, robbery and serious assaults. These are all "high fear" crimes with extraordinary costs to the public in terms of physical injury, and dollar value of stolen property. In addition, the inconvenience of replacement, the expense of safeguarding and insuring life and property against further victimization, and the psychological effects to the victim combine to bring the "real" cost to an immeasurable figure.

At this time, the juvenile justice system in San Francisco does not have the capabilities, either with a manual or a computerized system, to target, identify and classify chronic juvenile offenders. The young recidivist serious offender very often does not receive special attention from the District Attorney or the courts, and his or her case is routinely processed through the system with little awareness that the juvenile is already a career

type criminal. As a result, plea bargaining between the prosecution and the defense frequently occur, and the final disposition and sentence does not reflect the seriousness of the crime or the criminal proclivity of the subject.

Prosecution of career criminals should include those juvenile offenders who would not otherwise receive specialized attention but whose case is serious enough to warrant rigorous prosecution. Such concentration would result in a more just disposition.

#### Organized Crime

The definition of a "career criminal," according to the guideline defined in California Senate Bill 683, includes that individual who has been convicted of a specific number and certain specific types of felonies. This definition is very effective in identifying the more "common" type of career criminal. However, it does not encompass the more sophisticated what collar criminal or the organized crime figure who is known to be actively involved in criminal activity which may have more far-reaching deleterious effects than the comparatively unsophisticated common career criminal. Because these individuals have been skillful enough to minimize their criminal histories, they do not qualify, under the present selection criteria, for career criminal attention.

If the state and federal governments are going to continue to fund Career Criminal Programs, some consideration should be given to broadening the definition of a "Career Criminal," and expanding the focus of the program to bring this class of offender into the purview of career criminal prosecution.

*These individuals  
are not included  
by other  
initiatives*



### Program Administration

Program administration and management has continuously posed problems for program operation. Programs funded either through the State of California and/or the Federal Government must follow the guidelines and regulations strictly mandated by the respective administrative agencies. In addition, local guidelines and regulations set by the local municipal or county government must be strictly adhered to.

Administrative controls and reporting requirements of these respective agencies often result in conflicts in program design and operation, excessive and duplicitous paper work. Unrealistic and differing project objectives contribute to what sometimes appear to be inconsistent program performance reports.

In order to eliminate the confusion and frustration created by this situation, it is herewith submitted that consideration be given to establishment of an "Area Commission" for the purpose of singular monitoring and evaluation of various programs within a specific geographic local. Such a commission could be comprised of representatives from local, state and the federal government. Such a commission would allow program staff to report directly, establish an on-going liaison and rapport with the commission, reduce the duplication of paperwork, reports, etc., and minimize the conflict in guidelines, regulations and objectives. A commission involved with the program in an on-going, long-range basis would be more attuned to the specific needs and problem areas of each program and would be able to work with each program individually and immediately, eliminating the long delays which result

### CONCLUSION

I am constrained to conclude that the Career Criminal Program, in concept and execution, offers a unique and effective means of dealing with a very real problem. Law enforcement, and more specifically, the local prosecutor, needs such a vehicle to efficiently respond to the impending social crisis that is developing in the wake of increased criminality in our urban areas.

It is my hope that the value and rewards of these programs continue to be recognized and appreciated. All efforts should be made to continue and renew where necessary, funding which will guarantee the success of those who are committed to carry out its objectives.

Respectfully submitted,

*Albert K. Murray*  
ALBERT K. MURRAY  
Project Director  
Career Criminal Unit  
San Francisco District Attorney's  
Office

## I. STATEMENT OF HYPOTHESIS

Research in the area of recidivist criminality suggests that a small group of chronic offenders are disproportionately responsible for a large percent of the violent crime in our cities. Because these offenders have either successfully eluded identification and prosecution in the past, or are repeat failures of the Criminal Justice System's efforts toward rehabilitation, these offenders have continued to terrorize and victimize the public.

Career Criminal theory suggests that if specialized, intensive prosecutorial effort is focused on these repeat offenders, resulting in a greater number of State Prison commitments for longer periods of time, this criminal activity can and will be interrupted, along with a concomitant reduction in serious physical injuries and great losses in personal property which all too often accompany these two crimes.

The basic operating premise of the program is that "...offenders regardless of age, cannot commit crimes while incarcerated. Moreover, they are not likely to be able to make up for lost time after release, if certain identification, apprehension and re-incarceration is high".<sup>1</sup>

It is extremely difficult to accurately measure the total dollar loss as a result of robberies and burglaries in San Francisco and the escalating acts of accompanying violence due to a variety of independent variables: unreliable measures of actual property

loss and damage; the total number of unreported robberies and burglaries; unreliable and limited data presently available on the crime index; the negative correlation between criminal activity and age of the defendant; transient criminal population in San Francisco; interruption of criminal activity due to incarceration for a lesser charge, etc. However, an estimate of these figures can be extrapolated from increasingly well documented research data and sample studies available on the career offender; the number of career criminals committed to State Prison through San Francisco's Career Criminal Program; and, the average length of incarceration. These figures will be presented in the "Evaluation" section of this report.



## II: PROGRAM DESCRIPTION

In July 1977, the San Francisco District Attorney's Office initiated its Career Criminal Program funded through a discretionary grant award from the LEAA, Washington, D.C. Originally, San Francisco's program was designed to be crime-specific concentrating solely on the prosecution of robberies and residential burglaries. The orientation of this program was defined according to the increasing incidence of violence in San Francisco as well as available empirical research data which has documented increasingly well the finding that robbery and burglary, next to homicide and rape, invoke extreme anxiety in the public due to the overall frequency of their occurrence and the possibility of serious injury and loss of personal property which frequently accompany these crimes.

San Francisco received funding for the continuation of its Program from the LEAA for fiscal years 1977-1978 and 1978-1979 with an augmentation grant award from the State Career Criminal Prosecution Program following the passage of Senate Bill No. 683 by the California State Legislature which created the California Career Criminal Prosecution program. The transition to full state funding in 1979 did not necessitate any basic philosophical or programmatic changes, since the California State Program was an outgrowth of the National Career Criminal Initiative, and paralleled the National Career Criminal Program in its area of emphasis, as well as the defined goals and objectives of the Program.

### A. Program Staff

1. Five veteran prosecutors are presently assigned to the Career Criminal Unit. Despite internal staff changes in the program

during the last three years, priority consideration has been given to maintaining only highly experienced prosecutors in the program.

2. Two Senior Investigators have been assigned exclusively to the Unit since its inception. This male-female investigative team have worked closely with the robbery and burglary detail of the Police Department for the past three years and are responsible for the follow-up and preliminary investigation on all career criminal cases.

3. The Criminal Justice Specialist II is responsible for the fiscal management of the grant as well as the data collection and maintenance of the case tracking system.

4. The Clerk Stenographer is responsible for the clerical support for all grant staff.

5. Law interns have been assigned to the Unit on an irregular basis usually for a three month or one semester period. These interns work closely with unit attorneys in trial preparation, legal research, and other assigned tasks as required.

Intern services are provided on a volunteer basis and require no expenditure of grant funds. Academic credit is awarded the intern by his or her particular academic institution following the successful completion of the internship.

### B. Selection Criteria

Originally, San Francisco's selection criteria was based on a numerical scoring system which evaluated and scored the prior criminal history of each defendant. A weighted numerical score was assigned to specific categories of prior felony and misdemeanor

offenses as well as the defendant's "status" at the time of committing the current offense. A cumulative minimum score of 25 points was required on the selection criteria before a defendant would be considered for career criminal prosecution. As stated earlier, a defendant had to be charged with either a robbery or residential burglary before he/she was screened for prosecution in the CCU.

Under the California Career Criminal Legislation as defined in Chapter 1151 of the 1977 statutes, the selection criteria for career criminal defendants is clearly outlined and must be incorporated into the administrative designs of all jurisdictions who participate in the California Career Criminal Prosecution Program. Accordingly, the new selection criteria was incorporated into our existing selection criteria and eventually superceded the old selection criteria.

According to the State Legislation, an individual "shall be the subject of career criminal prosecution efforts who falls into one of the following three categories".

1. Has suffered at least one conviction during the preceding 10 years for any felony listed below:

- a. robbery by a person armed with a deadly or dangerous weapon
- b. burglary of the first degree
- c. arson as defined in section 447a or 448a
- d. forcible rape
- e. sodomy or oral copulation committed with force
- f. lewd or lascivious conduct committed on a child

g. kidnapping as defined in section 209

h. murder

2. At least two convictions during the preceding 10 years for any felony listed below:

- a. grand theft
- b. grand theft auto
- c. receiving stolen property
- d. robbery (other than that described in the paragraph above)
- e. burglary of the second degree
- f. kidnapping as defined in section 207
- g. assault with a deadly weapon
- h. any unlawful act relating to controlled substances in violation of section 11351 or 11352 of the Health and Welfare Code.

3. A defendant is presently being prosecuted for three or more separate offenses not arising out of the same transaction involving one or more of the target offenses. (Use of this selection criteria requires discretion of CCU Project Director.)

#### C. Program Goals and Objectives

The goals and objectives of San Francisco's Career Criminal Program are presented below. These goals and objectives, defined in our first year grant application to the LEAA and modified in our second year grant application, are consistent with the goals and objectives as defined in the California Career Criminal Legislation which must be incorporated into the administrative design of each Career Criminal Program "funded in part or in whole by the State of California".

1. Impact goals.

- a. To increase the number of recidivist robbers and residential burglars committed to State Prison.
- b. To increase the severity of sentences for career criminal defendants.

2. Performance goals.

- a. To significantly decrease plea-bargaining in the most serious offenses charged in career criminal cases.
- b. To effect an increase in the number of enhancements alleged and found to be true on career criminal convictions.
- c. To maintain a lower case volume for career criminal attorneys as compared to other felony teams in the office.
- d. To increase the amount of bail in career criminal cases compared to similar cases prosecuted by the office.

3. Objectives.

- a. To maintain a reciprocal working relationship with the Integrated Criminal Apprehension Program (ICAP) of the SFPD.
- b. To establish a closer liaison with the federally funded victim witness assistance program of this office.
- c. To maintain an effective police-prosecutor working relationship.
- d. To maintain community participation and an awareness of the program's performance.
- e. To maintain prosecutor's participation in probation proceedings.
- f. To maintain the analytical capabilities of the Program.
- g. To maintain vertical case handling of all career criminal cases.

D. Organizational Structure

Staff of the Career Criminal Unit is composed of five Prosecutors, two District Attorney Investigators, one Criminal

Justice Specialist (Grant's Fiscal Officer) and Clerk-Stenographer.

Because one of the Unit's five attorneys serves as Project Director, his caseload remains consistently smaller than the other attorneys in order to allow ample time for administrative responsibilities.

All project staff are physically located on the third floor of San Francisco's Hall of Justice in the District Attorney's Office. Although staff members are not located in consecutive offices, a close proximity to each other allows for easy access and quick communication.

E. Case Referral

Cases are referred to the Unit from two primary sources:

(1) Inspectors of the Robbery and Burglary Details of the San Francisco Police Department; (2) Robbery and Burglary Prosecution teams of the District Attorney's Office.

The majority of career criminal cases are referred by Inspectors from the Robbery or Burglary detail of the San Francisco Police Department to one of the Unit's five deputies for re-booking (formal charging) normally within a 24 hour period following the arrest of the defendant. Over the last two and one-half years, these Inspectors have become so familiar with the selection criteria of the CCU, that they themselves are able to pre-screen career criminal cases for proper expeditious channeling to the CCU.

If a case escapes the immediate attention of the Unit, it is generally referred from either the Robbery or Burglary Prosecution teams of the District Attorney's Office. Cases referred by this method can be referred at any step in the system

although most are referred prior to the Preliminary Hearing.

In June of 1979, our interfacing with San Francisco's ICAP resulted in the design and implementation of a case referral check-system to assure the expeditious channeling of all career criminal cases to the Unit. Robbery and burglary cases are evaluated daily by ICAP staff for possible career criminal status. Simultaneous notification of both the Inspectors Bureau, and the Career Criminal Unit concerning a possible career criminal defendant alerts the Inspector to come directly to one of the Unit's attorneys for a final case evaluation and rebooking as well as the CCP Research Assistant to "flag" the case for screening.

Utilization of ICAP's referral system has not appeared to increase the case load of career criminal deputies, but has insured the referral of most all career criminal cases to the Unit prior to the Preliminary Hearing. This assures strict vertical prosecution of cases throughout their progress through the system, and allows CCP investigators to begin the case investigation at the earliest possible date.

### III. EVALUATION

#### A. Robberies and Burglaries

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

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

From July 1, 1977 through December 31, 1979, the San Francisco Career Criminal Program convicted and committed to State Prison for an average incarceration of 5 years, 219 career criminals. We can estimate a savings to the citizens of the City and County of San Francisco of approximately \$8,606,700. This is a return of 24 to 1 on the total second year LEAA grant award of \$358,851, (\$288,248 in the original grant award and a \$70,603 augmentation grant).

#### B. Crime Rate

It is further asserted that career robbers and burglars commit an average of 50.8 crimes annually.<sup>3</sup> (See table.) In addition to robberies and burglaries, this annual offense rate includes rape, aggravated assault, purse snatching, auto theft, theft over \$50,000, forgery and the sale of illegal drugs.

Consequently, a reduction and/or prevention of serious crimes in San Francisco can be calculated by multiplying the "average annual offense rate" by the 219 career criminals committed to State Prison for an average term of five years. We can therefore estimate a reduction and/or prevention of 55,626 serious crimes in San Francisco.

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

### C. Summary

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

The figures presented above should be viewed as supplementary indices of the Program's performance interpreted in "dollar amount" impact on the community and cost efficiency of the Program, and should be considered simultaneously with the Program's cumulative statistical data in order to generate an accurate and comprehensive overview of this Program's performance.

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

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

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

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

|            | Percent of Prisoners<br>Committed for<br>This Crime | Percent of Prisoners<br>Active in This<br>Crime | Average Annual<br>Commission Rate<br>For Actives |
|------------|---|---|--|
| Homicide   | 9   | 9   | .27  |
| Rape       | 3   | 8   | 1.35   |
| Robbery    | 34  | 37  | 4.61   |
| Assault    | 7   | 59  | 4.47   |
| Drug Sales | 10  | 48  | 155.0  |
| Burglary   | 13  | 58  | 15.29  |
| Auto Theft | 4   | 32  | 5.25   |
| Forgery    | 4   | 40  | 5.56   |
| Cons       | -   | 63  | 9.45   |

Table 2

ESTIMATED LOSS OF  
ROBBERIES AND BURGLARIES

| ROBBERY                             |           |       |       |       |
|-------------------------------------|-----------|-------|-------|-------|
| Total                               | 399,674   | -9.8  | 100.0 | 338   |
| Highway                             | 188,626   | -10.8 | 47.2  | 221   |
| Commercial house                    | 60,322    | -14.0 | 15.1  | 545   |
| Gas or service station              | 20,396    | +2.0  | 5.1   | 206   |
| Chain Store                         | 24,027    | -11.8 | 6.0   | 356   |
| Residence                           | 47,677    | -7.0  | 11.9  | 458   |
| Bank                                | 3,816     | -7.2  | 1.0   | 3,190 |
| Miscellaneous                       | 54,810    | -6.7  | 13.7  | 224   |
| BURGLARY—BREAKING OR ENTERING       |           |       |       |       |
| Total                               | 2,912,050 | -6.1  | 100.0 | 449   |
| Residence (dwelling):               |           |       |       |       |
| Night                               | 650,701   | -7.4  | 22.3  | 452   |
| Day                                 | 723,447   | -2.0  | 24.8  | 501   |
| Unknown                             | 464,858   | -18.7 | 16.0  | 524   |
| Nonresidence (store, office, etc.): |           |       |       |       |
| Night                               | 672,638   | +6.6  | 23.1  | 341   |
| Day                                 | 142,647   | +3.3  | 4.9   | 363   |
| Unknown                             | 257,759   | -7.6  | 8.9   | 483   |

Table 3



Table 16  
AVERAGE ANNUAL OFFENSE RATE

| Offender Type    | Juvenile<br>Period | Young Adult<br>Period | Adult<br>Period | Entire<br>Career |
|------------------|--------------------|-----------------------|-----------------|------------------|
| Violent Offenses |                    |                       |                 |                  |
| Intensive        | 1.5                | 5.2                   | 7.4             | 4.5              |
| Intermittent     | .9                 | .5                    | 1.2             | .8               |
| Safety Offenses  |                    |                       |                 |                  |
| Intensive        | 26.3               | 11.8                  | 9.3             | 15.8             |
| Intermittent     | 2.9                | 2.2                   | 1.3             | 2.0              |
| Nondrug Offenses |                    |                       |                 |                  |
| Intensive        | 51.4               | 26.1                  | 10.9            | 30.7             |
| Intermittent     | 8.5                | 4.5                   | 3.0             | 4.6              |
| All Offenses     |                    |                       |                 |                  |
| Intensive        | 74.8               | 48.2                  | 22.6            | 50.8             |
| Intermittent     | 8.5                | 5.1                   | 4.0             | 5.2              |

Table 4

#### IV. STATISTICAL EVALUATION

The statistical charts that follow in this section are designed to illustrate the San Francisco Career Criminal Unit's prosecutorial performance, and to compare this performance to the DA's general office, and CCP units throughout California and the country. (Comparative data is provided by META METRICS and INSLAW.

From July 1977 through April 1980, the Career Criminal Unit has accepted 359 career criminal defendants and 57 non-career criminal co-defendants for prosecution. Table I presents the current status of these cases, (i.e. disposed, inactive, or active), as of April 1980.

Three hundred fifty-three career criminal and non-career criminal co-defendants were disposed during the period of July 1977 through April 1980. Table II presents a breakdown by sex of these defendants.

Three hundred twenty-two career criminal defendants and non-career criminal co-defendants were disposed by means of jury trial, court trial, or guilty plea, from July 1977 through April 1980. Table III presents a breakdown of these defendants by each disposition type.

From July 1977 through April 1980, 242 career criminal defendants and 20 non-career criminal co-defendants have been sentenced to state prison. Table IV presents a breakdown of all sentence types for the total 308 career criminal and non-career criminal defendants convicted during this period .

The operative design of the Career Criminal Unit is different from that of the general District Attorney's Office. Table V is an outline of the many characteristics which distinguish the Career Criminal Program from the general District Attorney's Office.

From January 1979 through December 1979, the Career Criminal Unit maintained a state prison commitment rate that was 52 percentage points higher than that of the general San Francisco District Attorney's Office. Table VI presents comparative statistics for the San Francisco general District Attorney's Office and the Career Criminal Unit, based on disposition and sentence type.

Compared to the Meta Metric's baseline data, implementation of the Career Criminal Program has resulted in a 39.4 percent higher rate of state prison commitment. Table VII presents the baseline data collected by Meta Metrics during the statewide evaluation of the California Career Criminal Program, and data for career criminal defendants prosecuted from July 1978 through June 1979. The baseline data represents cases of defendants who would have qualified for CCP prosecution if the program had been in effect. Current data represents the Unit's actual performance from July 1978 through June 1979.

The average quarterly caseload per San Francisco career criminal attorney is one-third of that for the general San Francisco District Attorney's Office during the period of July 1978 through June 1979. Table VII presents the average quarterly

caseload for each career criminal jurisdiction in California, as well as that of the general District Attorney's Office in each jurisdiction.

The average pending caseload per San Francisco career criminal attorney is two times greater than the composite CCP average reported by INSLAW for the six month period of July 1, 1979 through December 31, 1979. Table IX compares the pending caseload average of the San Francisco Career Criminal Program with the composite CCP caseload average reported in the INSLAW QSSR Evaluation for reporting quarters July 1979 through September 1979 and October 1979 through December 1979.

## V. ASSESSMENT: PROGRAM OBJECTIVES

During our first two years of operation, we have successfully met and maintained the program's objectives. The following is a brief synopsis of the status of each career criminal objective.

### a. Liaison with ICAP

Third-year LEAA funds for the San Francisco Police Department's ICAP Program were not renewed and, on March 31, 1980, the ICAP Program was temporarily dissolved pending an appeal by the Chief. However, the basic concepts and objectives of the ICAP Program, specifically as it interfaces with the Career Criminal Program, will be assumed by the Police Department's Crime Analysis Unit. The Crime Analysis Unit has worked as a component of ICAP for the past two years, and now, under the direction of Sergeant Farrell, we have been assured that the reciprocal working relationship with the CCP Unit will continue to be a priority of the Crime Analysis Program.

On a daily basis, robbery and burglary cases are screened by ICAP staff, using the CCP selection criteria. If it is determined that a case could qualify for career criminal prosecution, the investigating police officer from the Robbery or Burglary Detail is alerted to bring the case to one of the Unit's five attorneys for rebooking and final screening.

At the same time, ICAP notifies the Unit's research assistant as to the existence of the case so that, should the

inspector neglect to bring it to the Unit, she can locate the case and evaluate it for immediate referral into the unit.

On a bi-monthly basis, the Research Assistant provides feedback to ICAP concerning those cases accepted into the Unit and the reason for the rejection of all other cases.

### b. Liaison with the Victim-Witness Assistance Program

Over the last two years, this program has established a strong personal rapport with the permanent staff of the victim-witness assistance program. Our on-going liaison with this program operates on a case-by-case as needed basis as it is impossible to project and anticipate the needs and problems of every witness and victim of career criminal cases.

### c. Liaison with Police Department

Unit attorneys and investigators continue to work with the Police Department, both patrol and investigative officers, on all career criminal cases, including preliminary and follow-up investigation, trial preparation and other areas as needed.

Unit attorneys have been available to the Police Department, more specifically, the Police Academy, for lectures, discussions and practical training for recruits and advanced officers, regarding various legal issues, as well as the special needs of the Career Criminal Program.

### d. Community Participation

News releases on exceptional career criminal cases have been provided to the media upon request.

The District Attorney, Project Director and other staff members have been available to public groups and organizations to discuss the Career Criminal Program, its goals, objectives and its worthwhileness to the community.

e. Prosecutor's Participation in Probation Proceedings

Career Criminal attorneys screen all pre-sentence probation reports on career criminal defendants. Supplementary material is provided by the Unit's attorneys if the report is deficient or inaccurate. Meetings with probation officers are held on an irregular, as needed basis.

f. Analytical Capabilities of the Unit

The research assistant closely monitors each career criminal case as it progresses through the system.

Relevant information on each case and defendant has been provided to both the Sacramento office of Criminal Justice Planning and the LEAA via quarterly progress reports, state monthly evaluation data forms and the federal quarterly statistical summary reports.

g. Vertical Case Handling

A strict vertical case handling policy for all career criminal cases has been enforced since the program's inception. If the assigned prosecutor cannot make a particular court proceeding, that case is assigned by the Project Director to another unit attorney to assure, at best, a unit vertical case handling policy.

VI. ACTIVITIES: 1978 - 1979

During our second year of operation, staff of the Career Criminal Unit were involved in a variety of program-related activities, focused primarily on specialized training sessions and workshops for the prosecutorial, investigative and support levels of the Program.

Former District Attorney Joseph Freitas, Jr. and Project Director Andre LaBorde were instrumental in the lobbying efforts to pass California Senate Bill 683 creating the California Career Criminal Prosecution Program which is now funding, in part or whole, 21 Career Criminal Program throughout California, including San Francisco's program.

During our second year, the Career Criminal Arson Program was implemented and its success and recognition ultimately resulted in the creation of an independent Arson Task Force of the San Francisco Fire Department. This dichotomous program, investigative and prosecutorial, is presently in full operation funded through an LEAA grant.

To inaugurate our second year of funding, a major San Francisco newspaper, the Examiner, presented a feature story of the Career Criminal Program, its philosophy, goals and objectives. This type of publicity seemed to activate the public's interest in this unique program and generated inquiries and requests for additional information and statistics from various sections of the public, both business and government, as well as other jurisdictions with similar programs.

Finally, during our second year, San Francisco actively participated in Meta Metrics's evaluation efforts of the California Career Criminal Prosecution Program. Because San Francisco's Program has been in operation longer than the majority of the state's programs, we were able to serve as a model to newer jurisdictions who were just establishing their programs.

Our involvement in this evaluation effort will continue until its completion in the Fall of 1981 when Meta Metric's final report will be submitted to the California State Legislature.

## VII FISCAL

The San Francisco Career Criminal Program received \$288,248 from the Law Enforcement Assistance Administration for its second year of operation. Local match was in the amount of \$32,028. On October 31, 1979, the Program received an augmentation grant of \$70,603 from LEAA, increasing the total project amount from \$288,248 to \$358,851, and increasing the local match from \$32,028 to \$39,873.

Originally, the expiration date for this second year grant was August 15, 1979. With receipt of the augmentation grant, the expiration date was subsequently extended to December 15, 1979.

Cumulative monthly expenditures from September 1978 through April 1980 are as follows (201 forms for each month are attached): See Appendices Section

|           |      |          |
|-----------|------|----------|
| September | 1978 | \$33,377 |
| October   | "    | 22,815   |
| November  | "    | 23,221   |
| December  | "    | 11,095   |
| January   | 1979 | 35,450   |
| February  | "    | 25,687   |
| March     | "    | 24,213   |
| April     | "    | 24,028   |
| May       | "    | 23,504   |
| June      | "    | 34,719   |
| July      | "    | 15,122   |
| August    | "    | 559      |
| September | "    | 275      |
| October   | "    | 15,285   |
| November  | "    | 12,990   |
| December  | "    | 22,812   |
| January   | 1980 | 959      |
| February  | "    | 3,090    |
| March     | "    | 39,877   |
| April     | "    | 2,184    |

## VIII. REVISIONS

### Budgetary

Throughout the duration of the grant period, eight grant award modifications were submitted and approved. Each of these modifications, generally fall into one of the following categories:

1. Requests for extensions of the grant period and liquidation period;
2. Transfers from one budget category to another in order to cover unanticipated expenses;
3. Clarification of grant expiration date;
4. Use of funds for out of state travel; and
5. Reclassification and replacement of grant personnel.

The following changes were made among budget categories:

| <u>Category</u>    | <u>Initial<br/>Budget</u> | <u>Final<br/>Budget</u> | <u>Net Change</u> |
|--------------------|---------------------------|-------------------------|-------------------|
| Personal Services  | \$243,048                 | \$302,813               | + \$59,765        |
| Employee Benefits  | 38,836                    | 57,765                  | + 18,929          |
| Travel             | 11,400                    | 7,792                   | - 3,608           |
| Operating Expenses | 26,992                    | 30,354                  | + 3,362           |

(Copies of grant award modifications are attached.)  
SEE Appendices Section

### Programmatic

No programmatic revisions were requested throughout the duration of the grant period.

# END