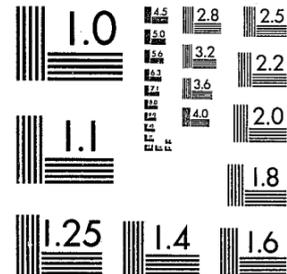


National Criminal Justice Reference Service



This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS-1963-A

Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504.

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U. S. Department of Justice.

National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

5-27-82

BUREAU OF CRIMINAL JUSTICE PLANNING AND ASSISTANCE
FINAL REPORT

Project Number 79 DFAX 0227 Subgrantee Fla. Prosecuting Attorney's Assn.
Project Title Career Criminal Prosecution Program
Name of Person Preparing Report Lucia C. Maxwell Title Research Analyst Date 7/1/81

The Following Format Should Be Utilized in the Preparation of the Final Report:

- I. Project Summary: Summarize (in 200 words or less) the project's goals and the progress made towards meeting these goals.
- II. Project Assessment: Assess the extent to which the project met its stated measurable objectives. Verify and validate with supporting data.
- III. Project Conclusions: What conclusions can be drawn and what recommendations can be made based on these considerations?
- IV. Project Side Effects: Were there any side effects, direct or indirect, that resulted from project activities?
- V. Project By-Products: Include any by-products such as manuals, evaluation instruments, tests, etc. that were generated by project activities.

I. Project Summary

This is the final report of the Florida Statewide Career Criminal Program, which operated during the period of October 1, 1979 - December 31, 1980. Below is an assessment of the extent to which the project met it's stated objectives.

Prosecution of approximately 825 recidivistic felony cases.

The felony cases for approximately 268 defendants were disposed during the grant period, with an additional 226 career criminal defendants awaiting sentencing. This represents sixty percent achievement of our objective, assuming final disposition of all pending cases.

80749

U.S. Department of Justice 80749
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by
Public Domain

LEAA/U.S. Dept. of Justice

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

The number of cases accepted for prosecution during the grant period was affected by the elimination of LEAA funding to the project. LEAA guidelines to career criminal programs advise a slow start-up, to insure stabilization of the unit at a manageable workload. By the time the six local career criminal units in Florida had been established, we had been advised that a cut-off in funds was likely. As soon as elimination of funding became a certainty, the units began to gear down by reducing their acceptance of new cases.

°Daily screening and criminal history check of defendants changed with target crimes.

Early identification of target defendants by the career criminal unit routinely occurred in all localities through daily screening.

°Immediate notification to the arresting agency.

Most of the six local units in our program developed formal or routine procedures for notification to law enforcement of their evaluation of a target case.

°Attendance at first appearance to argue for maximum bond.

Most circuits were able to arrange for the prosecutor present at first appearance to have available information regarding a target defendant's criminal history, with which to argue for maximum bond. However, the problem of serious overcrowding in some local jails results in the judge's inclination to grant bond unless the prosecutor demonstrates that the defendant has committed crimes on bail. This is difficult to substantiate without substantive research and the overwhelming majority

of the Florida career criminal defendants were not on bail at the time they were arrested (80% - 90% each calendar quarter). Even with these obstacles, however, from 82% - 95% (depending on the calendar quarter) of all career criminal defendants prosecuted were in jail at the time of verdict.

°Exercise of vertical prosecution.

Vertical prosecution was maintained in all instances except for first appearances.

°Reduction of dismissals to less than ten percent.

For most calendar quarters, the dismissal rate was approximately 14%, with most dismissals attributed to victim/witness problems. The emphasis on speedy prosecution and reduced case processing times can result in a tendency to file early before witnesses and the victim(s) have been sufficiently interviewed.

°Reduced case-processing times.

Obtaining priority docketing and denial of defense motions for continuances were not effective as means of reducing case-processing times. More effective was the increased time available to career criminal prosecutors with reduced caseloads, and the availability of investigators funded by the program to assist in case preparations.

A comparative evaluation of career criminal and control group cases in the six local units showed that case processing times on a statewide average were reduced by approximately 13%. A substantial reduction was achieved in the times required to obtain a verdict (20%), but the time between verdict and sentencing actually increased for career criminal cases. This

is probably attributed to the increased caseload in the counts generally since the time of the control group cases (which were prosecuted up to five years ago.)

Overall, processing of career criminal cases required an average of 127 days as compared to 146 days for control group cases.

°Contact with victims/witnesses.

Florida faces the special problem of tourists who become victims or witnesses of a crime, and then return to their home state. Those units with special personnel employed to work with victims and witnesses appeared to gain better cooperation because they were able to devote the time to sustain contact.

°Prompt initiation of investigations.

The assignment of investigators to each career criminal unit permitted rapid investigation and early filing of targeted cases.

°Limiting plea bargaining.

The program achieved substantial success in obtaining pleas to the top charge, particularly after the units' reputations were established. The refusal to plea bargain was very effective.

Acceptance of pleas to a reduced charge occurred in more than five times as many control group cases (22%) as career criminal cases (4%).

°High conviction rate (75% or more).

The Florida program achieved a 96% conviction rate, excluding those cases dismissed or nolle prossed. This compares to a 92% rate for control group cases. This means that there were

insignificant differences in the rates of convictions for cases actually prosecuted. However, the career criminal program maintained this conviction rate while possibly bringing many more "borderline" cases to prosecution. This inference may be drawn from comparing the rate of nolle proseques and court dismissals for the two sets of cases. The proportion of career criminal cases nolle prosequed or dismissed by the court (12%) was less than half that of the control group cases (26%).

This could be interpreted to mean that the reduced caseloads, speedier case processing, and increased investigations which are part of a career criminal program pay off in an increased overall conviction rate. For all cases, the career criminal program achieved an 84% conviction rate as compared to a 68% rate for the control group.

°Contact with parole and probation.

All local units reported excellent cooperation with parole and probation, particularly for defendants who committed a new crime while on bail.

°Requesting maximum sentences and seeking enhanced sentences under the habitual offender statute.

Very few criminal defendants were prosecuted as habitual offenders and received enhanced sentences. This is largely because most units adopted a policy of not requesting enhancements if the defendant pled guilty to the top charge, which was the case for 67% of all defendants prosecuted. This practice could be interpreted as a form of plea bargaining,

but it is difficult to criticize a method which achieves convictions to the lead charge without the necessity of a trial. In only one locality were enhanced sentences requested for approximately half the defendants, with enhanced sentences granted only 30% of the time. Retention of jurisdiction was more likely to be granted (see chart).

The average sentence for career criminal defendants (9.5 years) was more than twice that of control group defendants (4 years). When compared to the maximum years of incarceration permissible legally for the offenses prosecuted, the career criminal sentences represented 56% of the maximum as compared to 41% for the control group sentences.

°Solicitation of victim(s) and witness(es) to be present at sentencing.

There has been very little success in achieving this objective in most circuits. Given the number of victims and witnesses of crimes in Florida who are transients rather than local residents, it is understandable that few would appear for sentencing when their presence is not required.

°Tracking of appellate proceedings with cooperation with the Attorney General's office.

It was difficult to get local offices to identify notices of appeals involving CCU defendants, since these notices are usually filed away with no response required. It appears that contact between the Attorney General's office and the relevant CCU prosecutor with respect to cases handled by the unit has been minimal.

°Submission of information to the Parole Board at all early release hearings.

The state coordinating office developed with the Parole Board staff a process to flag all career criminal defendants scheduled for early release hearings and notify the Career Criminal Program. However, our program did not operate a sufficient time for any early release hearings to be scheduled for career criminals who were incarcerated.

°Enhanced cooperation with law enforcement, the courts, and corrections.

Cooperation between the State Attorney's Office and law enforcement personnel appears to have been enhanced in every circuit by operation of a career criminal program. The court's attitude varied from circuit to circuit depending on a particular judge's orientation. One local career criminal unit surveyed law enforcement, courts, and probation personnel, using a form designed by the state coordinating office (see attached) personnel, to determine their perceptions of the program. Responses were anonymous and envelopes addressed to the state office were provided with the survey. The responses of all personnel surveyed were very positive and supportive of continuing the program.

°Development of press relationships.

Some circuits developed positive press relationships and received continuous coverage of career criminal cases, while others did not. Generally, press coverage of the State Attorney's Office was enhanced by the operation of a career criminal program.

°Establishment of a recordkeeping system.

A comparison of career criminal and control group cases was completed in each participant's circuits. A copy of the evaluation design and instructions, and charts summarizing the results, are enclosed.

°Maintenance of a statewide coordinations office.

The maintenance of a statewide coordinating office to provide direction in program policy, to offer technical assistance in program operations, to provide federal/state liaison, and to maintain program records was an essential component of our program in Florida. Operation of the coordinating office significantly contributed to the project's success.

Florida Statewide Career Criminal Project:

Program Results at Quarterly Intervals

October 1, 1979 - December 31, 1980

	# New Defendants	New Intakes as % of All Screened	% New Defendants on Bail	# Defendants/Charges Disposed	% Dismissed	Mean # Days Arrest to Disposition	Conviction Rate	Trial Rate	% Guilty Top Charge	% Defendants in Jail at Verdict	Incarceration Rate	Average Sentence	% Defendants Convicted as Repeat Offenders	Average # Prior Felony Convictions	Total Defendants Accepted/ Disposed to Date	# Attorneys
1/ 1st Qtr.	193	12%	11%	15/27	13%	75	N/A	N/A	86%	95%	85%	15yrs.	0	4	193/15	14
2nd 2nd Qtr.	125	7%	20%	81/161	14%	115	81%	35%	95%	84%	98%	11yrs.	4.5%	2.4	318/95	13
3rd 3rd Qtr.	133	8%	11%	109/330	14%	136	82%	31%	97%	83%	89%	13yrs.	2%	2.19	451/207	14
4th 4th Qtr.	43	4%	0	61/229	10%	136 das	84%	25%	98%	85%	98%	13yrs.	2%	1.98	494/268	10 ^{2/}

^{1/} No defendants were disposed during the first quarter of program operations.

^{2/} Based on data from 4 of 6 local circuits.

CAREER CRIMINAL CASES

LEAD CHARGE

Circuit	Number Defendants	Number Burglary	Number Robbery	Number Sexual Battery	Number Assault	Number Homicide	Number Other
1	77	44	26	1	3	1	2
2	16	7	2	1	4	2	0
7	20	16	1	1	1	1	0
9	40	19	7	4	3	7	0
17	39	19	16	0	2	0	2
18	110	69	23	6	3	3	6
Total	302	174	75	13	16	14	10
Percent of Total		58%	25%	4%	5%	5%	3%

CONTROL GROUP CASES

LEAD CHARGE

Circuit	Number Defendants	Number Burglary	Number Robbery	Number Sexual Battery	Number Assault	Number Homicide	Number Other
1	63	41	19	2	0	1	0
2	71	49	3	3	13	3	0
7	29	19	7	2	1	0	0
9	55	33	9	9	1	3	0
17	17	9	5	0	3	0	0
18	39	21	4	2	7	3	2
Total	274	172	47	18	25	10	2
Percent of Total		63%	17%	7%	9%	3%	1%

CAREER CRIMINAL CASES

CASE OUTCOME

Circuit	Number Defendants	Number PGTC	Number PGRC	Number JTC	Number JRC	Number ACQ	Number NP	Number CD	Number a/w
1	40	28	0	11	0	0	1	0	0
2	16	4	5	1	1	1	4	0	0
7	20	16	0	4	0	0	0	0	0
9	40	24	3	7	0	1	4	1	0
17	39	22	0	6	0	2	9	0	0
18	89	51	1	21	1	4	5	5	1
Total	244	145	9	50	2	8	23	6	1
Percent of Total		59%	4%	21%	1%	3%	9%	2.5%	.5%

CONTROL GROUP CASES

CASE OUTCOME

<u>Circuit</u>	<u>Number Defendants</u>	<u>Number PGTC</u>	<u>Number PGRC</u>	<u>Number JTC</u>	<u>Number JRC</u>	<u>Number ACQ</u>	<u>Number NP</u>	<u>Number CD</u>	<u>Number a/w</u>
1	63	35	6	6	0	2	8	3	3
2	71	10	34	5	2	0	19	1	0
7	29	11	7	0	0	2	8	1	0
9	55	30	8	0	0	3	6	8	0
17	17	9	0	4	1	1	2	0	0
18	39	12	5	2	0	4	8	7	1
Total	274	107	60	17	3	12	51	20	4
Percent of Total		39%	22%	6%	1%	4%	19%	7%	2%

CAREER CRIMINAL CASES

CASE PROCESSING TIMES

Average Number of Days

Circuit	Total # of Days	Arrest to Filing	Filing to Verdict	Verdict to Sentencing	Number of Defendants
1	115.04 112.21	15.71	73.70	25.63	33
2	130.89 111.63	7.19	62.06	61.64	16
7	131.50 140.39	8.80	87.60	35.10	20
9	139.12 120.72	12.96	117.63	9.8	40
17	118.64 125.38	14.38	101.08	5.26	39
18	89.16	6.03	52.15	67.20	70
Average of Products	127 113	11	82	34	36

CAREER CRIMINAL CASES

SENTENCING STATISTICS

Circuits	Number Defendants	*Legal Maximum Years Incarceration	*Actual Years Incar. Received	Percent of Maximum Years Received	Average Sentence
1	33	22.5	14	62%	14.3
2	16	18.2	4.7	26%	4.7
7	19	15.8	14.1	89%	14.1
9	39	16.9	11.24	67%	11.2
17	39	17.4	5.8	33%	5.8
18	110	14.9	8.7	58%	8.7

*Averages

CAREER CRIMINAL CASES

SENTENCING STATISTICS continued

Circuit Number	Ratio of Years Suspended to Years Incarceration	Ratio of Years Probation Given to Years Incarceration
1	0	1:57
2	0	1:8
7	0	0
9	1:36	1:36
17	0	1:5
18	0	1:33

CAREER CRIMINAL CASES

SENTENCING STATISTICS continued

Circuit	Percent Enhanced Sentence Requested	*Percent Enhanced Sentence Given	Percent Retention of Jurisdiction Requested	*Percent Retention of Jurisdiction Given
1	21%	14%	27%	33%
2	0	0	12%	100%
7	5%	0%	26%	0%
9	51%	3%	13%	3%
17	5%	100%	0	0
18	19%	45%	12%	86%

*Percent of that requested.

CONTROL GROUP CASES

CASE PROCESSING TIMES

Average Number of Days

Circuit	Total # of Days	Arrest to Filing	Filing to Verdict	Verdict to Sentencing	Number of Defendants
1	151.62 147.70	21.83	112.14	17.65	63
2	141.28 129.40	14.66	84.44	42.18	71
7	168.24 154.0	24.67	105.3	38.27	55
9	206.78 204.5	20.55	156.09	30.14	22
17	103.07 102.47	9.47	83.35	10.25	17
18	107.04	6.38	51.45 31.45	49.21 19.21	24
Average of Products	146	16 18	99 97	31 26	42

CONTROL GROUP CASES

SENTENCING STATISTICS

Circuit	Number of Defendants	*Legal Maximum Years Incarceration	*Actual Years Incar. Received	Percent of Maximum Years Received	Average Sentence
1	62	16.6	4.4	27%	4.4
2	71	9.8	4.8	49%	4.8
7	20	5.0	4.3	86%	4.3
9	54	16.9	3.57	22%	3.6
17	17	9.1	4.2	47%	4.2
18	38	4.5	2.3	51%	2.3

*Averages

CONTROL GROUP CASES

SENTENCING STATISTICS continued

Circuit.	Ratio of Years Suspended to Years Incarceration	Ratio of Years Probation Given to Years Incarceration
1	1:8	1:3
2	1:4	1:2
7	N/I	N/I
9	N/I	N/I
17	0	1:7
18	0	1:5

N/I = No Information.

CONTROL GROUP CASES

SENTENCING STATISTICS continued

Circuit	Percent Enhanced Sentence Requested	Percent Enhanced Sentence Given	Percent Retention of Jurisdiction Requested	Percent Retention of Jurisdiction Given
	THIS INFORMATION NOT AVAILABLE ON CONTROL CASES			

END