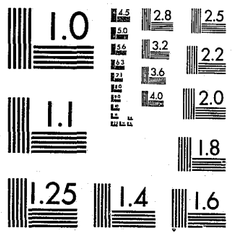
If you have issues viewing or accessing this file contact us at NCJRS.gov.

National Criminal Justice Reference Service

ncjrs

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

Mf-1

80 RY AX. 0057

CAREER CRIMINAL UNIT

NORFOLK DISTRICT ATTORNEY'S OFFICE

FINAL REPORT

TO THE

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

NOVEMBER 1, 1981

RICHARD G. STEARNS
SENIOR PROSECUTOR
& PROJECT DIRECTOR

RECEIVED

NOV 2 1981

CRIMINAL JUSTICE ON
LAW ENFORCEMENT AN
CRIMINAL JUS

Department of Justice
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.

82041

WILLIAM D. DELAHUNT
DISTRICT ATTORNEY
NORFOLK DISTRICT
614 HIGH STREET
DEDHAM, MA 02026

NORFOLK CAREER CRIMINAL UNIT

William D. Delahunt, Norfolk District Attorney

Richard G. Stearns, Senior Prosecutor & Project Director

Thomas E. Norton, Jr., Unit Prosecutor

E. David Levy, Unit Prosecutor

Ruth E. McNiff, Unit Prosecutor

John P. Kivlan, Acting Project Director & Special Unit Prosecutor

A. John Pappalardo, Special Unit Prosecutor

Sheila I. Craven, Project Administrator

Paul Barbadoro, Project Analyst & Screening Officer

Shelia Martin, Victim/Witness Coordinator

Susan M. Pecararo, Project Secretary

Jeanne Benson, Project Secretary

NCJRS
MAR 19 1982
ACQUISITIONS

INTRODUCTION

The Norfolk County Career Criminal Program was established as a Law Enforcement Assistance Administration demonstration project under the direction of Norfolk District Attorney William D. Delahunt in July of 1979. Its principal objectives were to accelerate the prosecution of habitual criminals and to put them in jail. During the Program's two years of existence, its prosecutors disposed of 152 cases involving 166 defendants. One hundred fifty-five or 93.4 percent of these defendants were convicted. One hundred forty-three defendants, or 92.3 percent of those convicted were sentenced to jail or prison. The 166 defendants fully prosecuted averaged 89 days in the Program from acceptance to final disposition.

In July of 1981, the Massachusetts Legislature, contrary to the recommendations of the Governor and the House Ways and Means Committee, declined to appropriate funds for state assumption of the Program as required by the terms of the federal grant. In September of 1981, the Program was abolished and its staff transferred or terminated.

The final report of the Norfolk County Career Criminal Unit follows.

THE NORFOLK CAREER CRIMINAL UNIT

A few often do the work of many. A 1974 study of the Washington, D.C. police force disclosed that less than 6 percent of its officers were responsible for half of the department's felony arrests and convictions, a phenomenon common in many big

city police departments.[1] The criminal justice system has long believed that labor is similarly distributed within the criminal profession. In fact, because of recent work by criminologists, this intuitive belief can be given fairly precise quantification. The findings of Marvin Wolfgang and his associates, for example, suggest that 15 percent of the urban male population between the ages of 14 and 20 are chronic offenders (that is, arrested more than six times) and responsible for 85 percent of serious crime. This conclusion is supported by similar studies done of New York State, Hawaii, and Washington, D.C. arrest statistics.[2]

Why the criminal justice system has not concentrated its forces on this hardcore recidivist population is a question that was rarely asked before the mid-1970's. The failure of courts and prosecutors to focus on the incapacitation of the habitual offender has many explanations, these among them:

(1) Constitutional scruples, most frequently advanced as considerations of due process and equal protection, have deterred the criminal justice system from a program of selective prosecution. Confronted with two persons charged with identical crimes, there is reluctance to prejudge one as the more dangerous. Although recidivism is considered by most judges as an appropriate reason for harsher punishment after an adjudication

[1] Brian E. Forst, Judith Lucianovic, and Sarah J. Cox, What Happened After Arrest? (Washington, D.C.: Institute for Law and Social Research, 1977).

[2] These studies and others showing that about 20 percent of the criminal population is responsible for roughly 80 percent of serious felony crime are summarized in Career Criminal Program, Briefing Paper No. 1, Overview of the National Program (Washington, D.C.: Institute for Law and Social Research, undated). See also Charles Silberman, Criminal Violence, Criminal Justice (New York: Random House, 1978) pp. 50-51.

of guilt, there is a widely held conviction that fair play entitles a defendant to the full measure of procedural protection, including the benefits of the system's own inefficiencies. Hesitations notwithstanding, the Career Criminal concept has survived constitutional scrutiny in the few cases which have treated the issue.[3]

(2) The criminal justice system is an innately conservative institution. Like the law it serves, it is animated by precedent and is hierarchically deferential. Innovations which originate at the most immediate level of experience are least likely to be adopted rapidly. The statement that "We have never done it that way before" remains a powerful argument against any kind of change in the legal system.

(3) The system of criminal justice is underfunded and could not allocate its resources more efficiently even were it deemed desirable to do so. Like many states, Massachusetts has attempted to buy criminal justice on the cheap. The too few Superior and District Court judges are compensated at a level commensurate with junior lawyers in middle-grade law firms. Many of our courthouses are indistinguishable from railway stations in their amenities. Prisons and jails are over-crowded, filthy, and devoid of rehabilitative services. Prosecutors and public defenders are paid at a level which seems

[3] See, for example, People v. Peterson, 91 Misc.2d 407, 398 N.E. 2d 24 (1977) (Bronx County, New York); Commonwealth v. Coyne, 372 Mass. 599, 363 N.E.2d 256 (1977) (Suffolk County, Massachusetts).

calculated to relegate public safety and personal liberty to the hands of inexperienced lawyers.[4] (That to a surprising degree this has not happened suggests that the ideal of public service retains some vitality.)

(4) The criminal justice system often overestimates its efficiency and its powers of coercion and redemption. Almost all habitual criminals are eventually caught. On any given offense, for example, a robber has only a 20 percent chance of being arrested. However, by his twenty-first offense the probability of arrest rises to almost 99 percent.[5] Professional criminals, according to one estimate, spend one-quarter to one-third of their criminal careers in jail or prison, while less accomplished criminals may be incarcerated during two-thirds to three-quarters of theirs.[6] This knowledge, that the law, however slow, eventually triumphs, has a tendency to induce complacency with respect to the need for quick retribution. What is too often forgotten are the 20 successful robberies or 30 undetected burglaries which fill the hiatus between the offender's formal encounters with the law. On the other side of the coin, the criminal justice system often overestimates the deterrent or coercive effects of its retributive powers. The hardened offender can gauge his risk of exposure to the criminal justice system by comparing his immediate

[4] A study by the National District Attorney's Association showed that the average assistant prosecutor comes to the job after law school and leaves after two years service to seek a better paying position. Silberman, supra, p. 277.

[5] Ibid., p. 77.

[6] Ibid., p. 88.

situation with a highly predictable pattern of sentencing. The pattern is as follows. Juvenile crime, unless of the magnitude of a life felony, is more or less tolerated by the state. At his seventeenth birthday an offender enters the adult corrections system with a clean slate, thus beginning an escalating gamut of sanctions which runs -- often with several repetitions at each level -- in the following order: continuation of the case without a finding of guilt, probation after a finding of guilt, a suspended sentence to the House of Corrections, a sentence to the House of Corrections, a suspended state prison sentence, and finally, at the conclusion of his career, a substantial and hard-won sentence to state prison. The problem with this progression, aside from its forcelessness as a deterrent, is that it contradicts most of what we know about persons who commit serious crime. FBI statistics indicate that almost one-half of arrests for serious crime involve persons under the age of eighteen; two-thirds involve persons under the age of twenty-two.[7] The typical criminal career, as the statistics suggest, spans the ages of sixteen to twenty-two. At that latter age, most criminals leave or greatly diminish their participation in crime for a variety of reasons, the most important of which appears to be marriage and its socializing effect.[8] Yet the typical

[7] See Career Criminal Program, Briefing Paper No. 5, Recidivism Among Youthful Offenders (Washington, D.C.: Institute for Law and Social Research, undated).

[8] Silberman, supra, p. 67.

sentencing progression employed in our courts often leaves the repeat offenders at large during his most productive years while incarcerating him finally at the age he is most amenable to rehabilitation.

(5) The insulation of the juvenile justice system constitutes an unintended restraint on the ability of criminal justice as a whole to deal with the repeat offender. Juvenile justice is a classic example of good intentions gone sour. Separate treatment of the juvenile offender is a great achievement of child welfare advocates at the turn of the twentieth century. However, as the juvenile court movement became established, it began to treat all delinquents as criminals even though the majority, as is true today, were "stubborn" children -- chronic truants or runaways -- or children who required treatment or services which their families could not provide. Another wave of reform carried the juvenile system to the opposite extreme, treating all young persons as if they were in need of guidance rather than, as is the case with a significant minority, penal correction. Seventeen, the age chosen by the Legislature as demarcating juvenile and adult offenders, has grown increasingly unrealistic as the average age of repeat offenders has declined. Whether because of more rapid maturation or the erosion of social values, young offenders today commit crimes that would have been unthinkable a generation ago. By insulating the juvenile from the more severe correctional sanctions of the

adult system a large segment of the recidivist population is left practically unchecked. Even when the young offender enters the adult system, the practice of sealing or giving little weight to his juvenile record deprives the adult justice system of significant predictive information as to his recidivist and sociopathic tendencies.

THE NORFOLK CAREER CRIMINAL UNIT

The Norfolk County Career Criminal Program was a progeny of the national demonstration project inaugurated in 1974 by the Law Enforcement Assistance Administration at the urging of Attorney-General William Saxbe. Modeled after the District of Columbia Major Violators Unit, the national career criminal program grew from eleven demonstration projects in 1975 to forty-five in 1979, the year in which the Norfolk project was awarded discretionary federal funding.

The design of the Norfolk project was influenced by a number of considerations, some adapted from LEAA's experience with career criminal programs elsewhere, and many from the experience of the Norfolk District Attorney's Office itself. The concept of priority prosecution, for example, had been introduced by District Attorney William Delahunt in 1977. Its manifestation in a formal Career Criminal Program in a large sense represented an evolution

of an existing practice. Prosecutorial specialization was another reform extended by the Program. At the time the Program was created, the Norfolk District Attorney's Office had already set in place special units to prosecute sex offenses, homicides, arson and complex frauds. In formulating the Career Criminal Program, however, some general observations were made about the Massachusetts criminal justice system as a whole:

(1) Because of the bifurcation of the complaint and indictment stages of Massachusetts criminal proceedings, cases tend to be processed for Grand Jury action on the basis of charging information alone. Criminal history makes little contribution to the amount of prosecutory effort allocated to a given case except in those instances in which the arresting officer or the prosecutor responsible for case assignment has prior personal knowledge of the defendant.

(2) Excessive delay prejudices both effective prosecution and the defendant's right to speedy trial. In 1976, the year prior to District Attorney Delahunt's accession, 2,595 felony cases were filed in the Norfolk Superior Court. As a basis for comparison, 197 cases involving violent crimes were randomly selected and traced to disposition. These 197 cases were found to have consumed an average of over 435 days each from arraignment to final adjudication. Because o this delay a number of cases developed evidentiary weaknesses often involving frustrated witnesses who, as their cases dragged out, became reluctant or refused to appear.

Delay also contributed to a dramatic reduction in bails as judges refused to countenance lengthy pre-trial detentions. A significant number of released defendants subsequently defaulted. Finally, the resulting congestion of the trial list appeared to lead judges and district attorneys to plea bargaining as a calendar management device rather than as considered negotiation. A number of reforms introduced by District Attorney Delahunt, notably the introduction of full-time assistant district attorneys, by 1978 had cut the average disposition time in felony cases to approximately 220 days. This average, although impressive by national standards, was believed improvable.

(3) Prolonged delay was also reckoned as a factor undermining public confidence in the criminal justice system. Serious cases in the sample were often postponed eight to twelve times before being reached for trial, usually over the objections of victims and witnesses. In analyzing this problem, it was determined that while continuances could often be explained by witness unavailability or other excusable problems, a number could be attributed to the work load of twenty-five to forty cases assigned to assistant district attorneys.

Cases could not be prepared to a degree where opposition to continuances could be consistently asserted. Excessive case loads also weakened the position of the prosecutor in plea negotiations as the prospect of a prompt trial seldom entered into a defendant's assessment of his jeopardy.

(4) Finally, it was felt that cases could be strengthened by sustained coordination between prosecutors and police and between prosecutors at the District and Superior Court levels. A serious offender is most likely to be charged first in the District Court. Without effective screening, a number of cases which merit Grand Jury action may be disposed of erroneously in the District Court or delayed inordinately. By the time a case reaches the Superior Court, the opportunity to develop supplementary investigation may be lost.

With these considerations in mind, District Attorney Delahunt in January of 1979 requested funds from the Law Enforcement Assistance Administration to organize a Norfolk County Career Criminal Program. On June 20, 1979 LEAA allocated $232,650 for the project under Title I of the Omnibus Crime Control and Safe Streets Act of 1968. LEAA authorized a one year demonstration project commencing July 1, 1979. Norfolk Assistant District Attorney Richard Stearns was named Senior Prosecutor and Project Director and Ms. Sheila Craven of the District Attorney's staff was appointed as Administrator. By September 4, 1979 office space had been located at 280 Bridge

Street in Dedham, the seat of the Norfolk Superior Court, record keeping procedures were established and additional staff was hired. Perhaps most important, a series of intensive briefings on the purposes of the Program had been completed with police departments and district court prosecutors. On September 4, 1979 the Program began formally accepting cases.

To address the considerations which underlay the Program a number of principles and standards were written into the Program's charter and adhered to throughout the project's history. Chief among them were these:

(1) The Program would be conducted by experienced prosecutors who would require no additional training to bring the Program to its full level of effectiveness. Aside from Mr. Stearns, the Program's prosecutors included Assistant District Attorneys Thomas Norton, Ruth McNiff and E. David Levy as well as John Kivlan, who served as Acting Project Director for eight months, and Assistant Attorney General A. John Pappalardo, who prosecuted specially assigned cases. Among them, these six prosecutors shared over thirty years experience as criminal trial lawyers.

(2) The Program would prosecute only serious felonies designated as target crimes. In selecting target crimes emphasis was placed on crimes of violence and on crimes common to repeat offenders. The crimes targeted were robbery, burglary, breaking and entering, kidnapping, and aggravated assault. Rape and

other sexual crimes were not included in the Program's charter as they were already within the jurisdiction of a special unit created by the District Attorney. Homicide was rejected as a unit offense for several reasons. Most important, it is not ordinarily a crime involving repeat offenders. Also, because of the gravity of the punishment involved, there is an understandable reluctance on the part of the courts to enforce accelerated prosecution. In the second year of the Program's operation, the list of target crimes was expanded to include escape and prison related offenses committed by inmates who were within eighteen months of parole. It should be noted that five state correctional institutions are located in Norfolk County including the two principal prisons for adult male inmates, Walpole and Norfolk.

(3) The Program would prosecute only repeat offenders. To insure that defendants accepted for concentrated prosecution fit the category of habitual criminals, a criminal history guideline was developed to determine minimum requirements for eligibility. To qualify as a Program defendant, the targeted criminal was required to meet one of three standards: (1) at least one prior conviction for the target crime; or (2) three prior convictions for felony crimes not on the target list; or (3) two prior untargeted felony convictions plus a pending target felony charge at the time the target crime is committed. In screening defendants for eligibility juvenile records were to be given the same weight as adult convictions.

(4) Cases in which a defendant appeared to qualify for Program prosecution would be screened immediately after the filing of charges in the District Court, and if accepted, referred to the next available Grand Jury, unless the assigned prosecutor determined that a preliminary hearing was desirable from the government's point of view. To promote confidence in the screening process, and to encourage a maximum number of referrals, cases would not be rejected by the Program on grounds of evidentiary weakness.

(5) Cases once accepted and assigned would be prosecuted vertically. While ideally this would mean the actual presence of the assigned prosecutor at each stage of the proceeding -- District Court arraignment, review of bail petitions, preliminary hearings, Grand Jury presentation, motion hearings, trial, and appeal -- at a minimum the assigned prosecutor would make every critical decision in the process, including the amount of bail to be requested, the charges to be presented, further investigation to be conducted, and the recommendation to be made upon a plea of guilty or a conviction at trial.

(6) In each case the Program would designate the most serious offense as the lead charge. This charge, although not other less serious charges brought against the same defendant, would be immune to plea bargaining. The defendant would either plead guilty to the lead charge or be tried under its terms. In no circumstances would a lead charge be reduced to a lesser offense in exchange for a plea.

The Program in Operation

1. Intake of Cases

In its two year existence, the Career Criminal Unit accepted 165 cases involving 180 defendants. One hundred fifty-two cases and 166 defendants had been fully prosecuted by the date upon which the Unit was disbanded (that is, a sentence had been imposed or a negotiated plea scheduled for a date certain). Of the remaining 13 cases, 10, involving 11 defendants, had either been filed pending apprehension or were awaiting rendition. Three defendants were transferred on November 1, 1981 to the regular Superior Court trial list. Thus, despite the unexpected dissolution of the Unit, 98 percent of its 165 prosecutable cases were concluded.

2. Target Crimes

The following chart shows cases accepted by lead (non-negotiable) charge. Burglary is defined according to the common law definition, that is the breaking and entering of a dwelling at night for purposes of committing a felony. Other breakings of a home or commercial building are listed under the statutory definition "breaking and entering". Aggravated assault refers to assaults or assaults and batteries in which a weapon was used.

Lead Charge	Number	Percent of Total
Armed Robbery	39	24
Unarmed Robbery	14	9

Lead Charge	Number	Percent of Total
Burglary	13	8
Breaking and Entering-		
Night	38	23
Day	30	18
Aggravated Assault	20	12
Kidnapping	1	--
Escape	6	4
Other	4	2

Note: The "other" crimes accepted were receiving stolen property cases in which evidence indicated that the "receiver" was not a fence but the burglar himself. These cases were charged as receivings for evidentiary reasons. Cases involving actual fences are normally prosecuted by the Norfolk White Collar Crime Unit. The burglary statistic is understated as in a number of cases District Courts referred breaking and entering complaints to the Grand Jury which could have been charged as burglaries. In practical terms, where a B & E nighttime charge involved a home, the ultimate sentence imposed was approximately the same as would have been imposed had the burglary statute been utilized.

3. Case Screening by Quarter

	Q.1	Q.2	Q.3	Q.4	Q.5	Q.6	Q.7	Q.8
Cases Submitted	9	22	23	23	17	30	30	25
Cases Accepted	6	15	21	23	16	30	30	25
Cases Rejected	3	7	2	0	1	0	0	0

Comment: The number of rejected cases declined as police and district court prosecutors became familiar with the Unit's guidelines, or adopted the practice of discussing the eligibility of a defendant informally with the Unit's screening officer prior to making a formal submission.

4. Target Criminals

A. Prior Felony Convictions.

Total Defendants	Total Convictions Prior Felonies	Average Defendant
180	1,011	5.6

B. Social Characteristics.

	Number	Percent/Total
1. Sex		
Male	176	98
Female	4	2

	Number	Percent/Total
2. Race		
White	94	52
Black	54	30
Hispanic	32	18
Other	0	--
3. Age		
16 and under	1	1
17 - 21	49	27
21 - 29	88	49
30 - 39	37	21
40 - 49	3	2
50 and over	1	1
4. Residence		
Norfolk County	89	49
Other Massachusetts	88	49
Other States	3	2

Note: Six persons were tried twice by the Unit, after a default or escape and the commission of new crimes. These persons are convicted twice in the statistics. Although 12 defaulted defendants were arrested while committing an additional crime, only five of these arrests were in Norfolk County. The remaining were tried or have cases pending in other counties or states.

Comment: The fact that 139 or approximately 78 percent of Unit defendants were under the age of 30 is consistent with the studies cited earlier which indicate that the typical habitual offender is a young male between the ages of 16 and 22. The median age of Unit defendants would have been lower were it not the Massachusetts practice to try persons under the age of 17 in the juvenile court. Although the Unit sought transfer of juveniles to the adult court for trial in two cases, the requests were denied. Transfer requests are rarely granted; consequently, the Unit only rarely accepted juvenile defendants.

5. Conviction Rate

	Number	Percent/Total
Defendants Found Guilty	155	93.4
Defendants Acquitted	3	1.8
Dismissed by Court	1	.6
Dismissed by Prosecution	7	4.2

Comment: Dismissals were requested by Unit prosecutors in 5 cases involving 7 defendants. In all of these cases, the reason for dismissal was the refusal of the victim to testify in court. The one case in which the court ordered a dismissal involved a defective search warrant and the subsequent suppression of all evidence against the defendant.

6. Conviction to Lead Charge

	Number	Percent/Total
Plead to Lead Charge	135	81.3
Plead to Reduced Charge	3	1.8
Found Guilty at Trial of Lead Charge	15	9.0
Found Guilty at Trial of Reduced Charge	2	1.2
Acquitted at Trial	3	1.8
Dismissed by Judge	1	.6
Dismissed by Prosecution	7	4.2

7. Trial Rate

	Number	Percent/Total
Defendants Disposed	166	--
Defendants Disposed by Trial	20	12.0
Defendants Disposed by Plea	138	83.1
Defendants Dispoed by Dismissal	8	4.8

8. Incarceration Rate

Defendants Convicted	155	--
Defendants Convicted for Whom Incarceration Recommended	146	94.2
Defendants Incarcerated	143	92.3

9. Incarceration By Institution

	Number	Percent/Total
Walpole State Prison	53	37
Concord State Prison	40	28
House of Corrections	43	30
Bridgewater	5	3
Department of Youth Services Secure Facility	2	1

10. Sentencing Range

Offense	Average Sentence	Institution
Armed Robbery	6 to 8 years	Walpole
Unarmed Robbery	10 years	Concord
Burglary	5½ to 6 years	Walpole
Breaking & Entering (nighttime)	4 to 5 years	Walpole

Offense	Average Sentence	Institution
Breaking & Entering (daytime)	3½ years	House
Aggravated Assault	2 years	House
Escape	2 years	Walpole

Comment: Each of the above institutions is governed by a different policy in terms of parole eligibility. A person sentenced to Walpole State Prison, for example, will serve a minimum of two-thirds of his sentence if the crime involves violence or if he has been previously sentenced to state prison. The great majority of persons prosecuted by the Program who were sentenced to Walpole fell into one or both of these categories. A person sentenced to Concord State Prison ordinarily serves six months for each increment of less than six years in his sentence and an additional six months if he has been previously incarcerated in any institution. A person sentenced to a House of Correction is ordinarily eligible for parole after completing half of his sentence. Parole eligibility and actual release, of course, do not always coincide. In especially serious cases, the Program made it a practice to file objections to release at the minimum parole date.

The sentences indicated are "typical" in that they reflect a composite of the sentences actually imposed for the crime indicated. As a rule, recommendations of Unit prosecutors were generally higher by two to three years; recommendations of defense counsel were generally considerably lower or opposed to incarceration. Because the sentences are composite, they do not necessarily reflect any given case. Actual sentences imposed in armed robbery cases, for example, ranged from probation in one case to an 18 to 20 year sentence to Walpole in another. Similarly, breaking and entering sentences ranged from terms in the House of Corrections to lengthy Walpole incarcerations. Sentencing tended to be influenced by the length of a defendant's prior record, his convictions for crimes of violence, whether a weapon was used to commit the crime, and by the presence or absence of mitigating factors. These considerations seemed to operate mutually on both judges and prosecutors.

The Unit did not follow a prescribed set of recommendations in dealing with target crimes. With the exception of insistence on incarceration, the sentence recommendation was left to the discretion of the assigned prosecutor. The Unit did develop a set of presumptive guidelines with respect to target crimes. These were formulated in terms of the actual time a defendant would serve if the recommended sentence were imposed. These guidelines were as follows:

Armed Robbery	5 years (actually served)
Unarmed Robbery	2½ years (actually served)
Burglary (victim present in home)	4 years (actually served)
Burglary (home unoccupied)	3 years (actually served)
Breaking & Entering (home)	2½ years (actually served)
Breaking & Entering (building)	2 years (actually served)

Assault crimes, it was felt, include variables (prior relationship between victim and defendant, the nature of the weapon used, injury if any to victim, etc.) which make a presumptive sentence impossible to develop.

As the composite of sentences suggest, the typical sentence imposed approximated the presumptive sentence which the Unit developed. The one exception proved to be unarmed robbery (often purse snatchings) in which sentences given were usually lower than those sought.

11. Accelerated Prosecution: Acceptance to Disposition.

Defendants Disposed:	166
Total Days Used:	14,797
Average per Defendant:	89.1

12. Bail and Default Rate.

	Number	Number Defaulted	Number Apprehended	Apprehended in New Crime	At-Large 11-1-81
Defendants Held or Released on Cash Bail	154	6	4	4	2
Defendants Released on Personal Recognizance	43	21	14	8	7

Note: Figures do not total 180 as defendants who were apprehended after an initial default were almost always held on bail or toher process. Defendants apprehended and held in othr states are not included in the bail figures.

Comment: The relationship between release on personal recognizance and subsequent non-appearance at court is difficult to ignore. As the table shows, 49 percent of those who were not required to post a cash bail did not appear. Equally disturbing, eight of the fourteen eventually apprehended were arrested during the commission of a subsequent crime.

13. Cases by Department of Origin.

Quincy	27
Brookline	15
Milton	13
Braintree	12
Walpole	12
Weymouth	11
Wellesley	10
Westwood	9
Dedham	8
Stoughton	8
Dover	7
Randolph	6
Canton	5
Needham	5
Holbrook	3
Cohasset	2
Franklin	2
Medfield	2
Norwood	2
Sharon	2
Foxboro	1
Millis	1
Norfolk	1

Comment: The proportion of cases contributed by each participating department corresponds roughly with the contribution of the affected community to the total Norfolk County crime rate. The fact that twenty-three of the County's twenty-seven local departments participated at one time or another in the Program suggests that the policy of affirmative coordination betwen police and the Program was effective.

COST AND ADMINISTRATION

The Program was initially funded by a $232,650 grant of LEAA discretionary funds matched by a $25,850 state appropriation. In January of 1980, the Commonwealth of Massachusetts in a change of state policy, assessed the federal contribution with a 24.07 percent administrative surcharge. Despite the unanticipated surcharge, the Program was able to end the year with a surplus of $18,900. which was returned to the federal goverment. In July of 1980, the Program was among the few demonstration projects awarded a second year of federal funding. The second year federal award came to $217,200 matched by a state grant of $51,700. From this grant, the Program met its operational expenses, paid the state a 28.87 percent surcharge on the federal grant and finished the year with a surplus of $14,667. The surplus was used to finance an additional month of the Program's operation after its termination by the Legislature. Considering the surcharges, the Program operated for two years at a negative cost to the state. With all expenses accounted for, including surcharges, the cost of the Program per defendant accepted came to approximately $2,850, a figure which does not compare unfavorably with the cost of non-Program Superior Court prosecutions.

The Program benefitted from the services of an exceptionally capable corps of administrators and supporting personnel. Ms. Sheila Craven served ably throughout the oife of the project as office manager and financial administrator. Mr. Paul Barbadoro served as case screener, analyst, and court liaison officer. The figures compiled in this report are the product of his meticulous record-keeping. Ms. Susan Pecararo and Ms. Jeanne Benson assisted the Program in coping with its secretarial requirements.

Special mention must also be made of the Program's Victim/Witness liaison. As the role was developed by Ms. Shelia Martin, the Victim/Witness Coordinator assisted scores of witnesses and victims of violent crime, helping them prepare for court testimony, scheduling their appearances and arranging counseling and other services where appropriate. Her work with witnesses proved immeasurably valuable to the Program's prosecutors who were benefitted by her assistance in preparing cases for trial. Ms. Martin also prepared and published several booklets explaining the organization of the courts and the meaning of legal terms to lay witnesses called to testify in Program cases.

Everyone who worked in the Program owes a special debt of gratitude to the hundreds of police officers who accepted the Program's challenge and contributed extra effort, often at their own time and expense, to additional investigation and trial preparation. Without the dedication of these officers, and the support of their departments, the Program could not have succeeded to the extent it did.

Finally, the Program would not have succeeded without the vigorous and consistent support of District Attorney William Delahunt and the prosecutors and administrative staff of the Norfolk District Attorney's Office. Their contribution to the Program's effectiveness and enthusiastic support for its goals meant as much in the long run to the Program's success as the work of those who directly participated.

While the Legislature did not see fit to continue the Career Criminal Program in Norfolk County, several general conclusions nonetheless seem warranted. First, the concept itself works. The habitual criminal can be identified, expeditiously prosecuted, and incapacited. Second, the concept appears to work as well in a largely suburban setting as it has worked in major urban areas. Third, the concept can be managed without extraordinary cost or loss of prosecutorial productivity. The Norfolk experiment, we believe, is an endorsement of the Program generally. To other prosecutor's offices interested in the concept, it is hoped that this report will provide encouragement. For the Norfolk office, it is hoped that this report will not only encourage a continuation of the practice of priority prosecution but also provide a basis for reinstitution of a formal Career Criminal Program in the next fiscal year.

END