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ACQUISITIONS

An Evaluation of the
MULTIPLE OFFENDER
PROJECT

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Dr. Robert Sternhell, Director of Evaluation, of the Mayor's Criminal Justice Coordinating Council in New Orleans shared a draft copy of the findings obtained in a recently completed study of the Career Criminal Bureau in New Orleans.

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EXECUTIVE SUMMARY

The goal of LEAA sponsored career criminal prosecution projects is to reduce crime by means of swift prosecution and incarceration of recidivists. Incapacitation of career criminals and deterrence of others is likely to result in reduction of crime for specific offenses in the future. Career Criminal projects generally strive for more aggressive and speedier prosecution of identified career criminals as evidenced by more thorough investigation, more communication with witnesses, more stringent bail conditions, and revocation of probation and parole.

Florida's Subsequent Offender Statute 775.084 defines habitual criminals and establishes a procedure for prosecution. If the court determines, an enhanced penalty can be imposed on subsequent offenders to protect the public from further criminal activity of the defendant. However, implementation of this statute is expensive, requiring a substantial commitment of time and resources of the prosecutor's office. As a result, the Multiple Offender Project in Jacksonville has received LEAA Part C Action funds and necessary matching funds since mid-1975.

The purpose of conducting this study of the Multiple Offender Project was to provide decisionmakers with information on the effectiveness of the project's efforts in prosecuting identified multiple offenders in Jacksonville. The study's quasi-experimental approach compared prosecution of a random sample of convicted multiple offenders in 1974 before the project's inception with a random sample of convicted multiple offenders in 1977. Follow-up data on recidivism in the 1974 sample during the subsequent three year period was also provided, in addition to elements of process evaluation.

It was found that the project did prosecute identified multiple offenders to the fullest extent of the law, generally without accepting pleas to lesser included offenses. The project's average maximum institutional sentence per convicted multiple offender in the 1977 sample was 5.5 years which exceeded the pre-project sample's average maximum institutional sentence of 3.32 years per identified multiple offender by more than two years. Moreover, 44 percent of the 1974 sample served institutional sentences in the Duval County Correctional Institution compared with 8.9 percent in the 1977 Sample.

It was found that Circuit Court judges rarely concurred with the prosecution's motion to impose enhanced penalties. Only six enhanced penalties were imposed in the sample of 131 identified multiple offenders in the 1977 sample. The enhanced penalty was imposed on one defendant in a court trial and on five defendants in jury trials.

The project's policy of not allowing pleas to lesser included charges protracted the prosecution of multiple offenders by requiring one third to one half more time to process defendants from arrest to conviction than did the office's four felony divisions for burglary, grand larceny/grand theft, and possession charges in 1977.

Follow-up data on the sample of 1974 convicted multiple offenders indicated a considerable amount of recidivism for those released from prison after serving out their sentences. There were 116 felony arrests and 103 misdemeanor arrests attributed to 51 of the 78 offenders in the 1974 sample of convicted multiple offenders. Thirty-six felony cases, attributed to

thirty identified multiple offenders, were filed. It was found that institutional sentences had been imposed on twenty-one of these thirty multiple offenders during the follow-up period of three years; one of these offenders had also been adjudicated guilty in a second case and was awaiting sentencing in the second case; and three of these twenty-one offenders had also received a probationary sentence during the three year follow-up period. Probationary sentences were also imposed on four other offenders in the follow-up sample. Four of the thirty offenders received average maximum sentences of six months in the local correctional institution and sixteen received average maximum sentences of 5.5 years in the state prison. In addition one of these offenders in three cases received sentences totalling five months in the local correctional institution and four years in the State Prison. In addition one of these offenders in three cases received sentences totalling five months in the local correctional institution and four years in the State Prison System. There were no enhanced sentences imposed on multiple offenders in the sample during the three year follow-up period.

It was recommended that the project director reassess project objectives, needs and resources; take steps to improve administration and cost-effectiveness of the project; define the term plea bargaining in the project's grant application; standardize data included in the project's sentence records; and discuss work-saving measures with representatives in the Clerk's Office and Sheriff's Office.

Statistics from the Uniform Crime Reports for 1973-1977 have indicated that the number of reported offenses for burglary and larceny, the two Part I crimes most frequently prosecuted by the Multiple Offender Project, have decreased to pre-project levels or below. Reported burglary offenses have declined from over 13,000 in 1974-1975 to 9,961 in 1977. Reported larceny offenses, which had surged to over 24,000 in 1976, have declined to 20,176 in 1977 which is comparable to the pre-project number of reported larceny offenses of 20,113. Correspondingly, the number of arrests for these two offenses has been steadily increasing. There were 1,985 arrests for burglary in 1977, compared to 1,341 in 1973; and 4,529 arrests for larceny in 1977, compared to 3,730 in 1974. However, adult arrests for these offenses have been decreasing and juvenile arrests have been increasing. There were 2,877 adult arrests for larceny in 1975, 2,622 in 1977; there were 1,120 arrests for burglary in 1975, and 955 in 1977. It seems logical to conjecture that the incarceration of several hundred multiple offenders charged with these offenses over the past three years has been responsible, to some degree, for this reduction in reported burglary and larceny offenses.

The project has earned the respect of knowledgeable persons in the local criminal justice system, according to information provided in interviews. Its competence has been recognized by professionals in the State Attorney's Office in Jacksonville and elsewhere. The State Attorney's Office not only plans to institutionalize the project in the future but also intends to utilize the concept of prioritized prosecution in its other divisions.

INTRODUCTION

A number of studies have revealed that a disproportionate amount of crime is attributed to habitual offenders. One landmark study of 10,000 juveniles, conducted by Marvin Wolfgang and associates a few years ago, tracked the sample's criminal involvement to the age of eighteen. Findings revealed that 6 percent of the youths studied had committed five or more offenses and were responsible for more than half of the reported delinquencies and approximately two-thirds of reported violent crimes attributed to the sample of 10,000 youths.¹ Findings from a more recent LEAA sponsored study of over 45,000 persons arrested for nonfederal felonies or serious misdemeanors in Washington, D.C. during a 56 month period ending September, 1975, revealed that:

"Those prosecuted at least four times during the period constituted 6 percent of persons prosecuted but were defendants in 20 percent of the prosecutions. Regarding persons convicted three or more times during the period studied, they comprised 5 percent of those convicted but 15 percent of the convictions. The apparent conclusion is that a small number of individuals represent a significant portion of the prosecutor's and court's work load, not to mention the disproportionate impact those recidivists have on citizens who are victims of crime." ²

According to staff of the Institute of Law and Social Research which conducted the above noted study of 45,000 persons, "the reduction of future crime is likely to result from the swift prosecution and incarceration of recidivists which would not only incapacitate the defendants but quite possibly deter their like-minded associates at large as well."³ The study noted that the incapacitation effect of taking recidivists out of circulation is apt to cause substantial reduction in the rates of specific crimes.

This, of course, is the goal of the LEAA sponsored habitual or multiple offender prosecution projects scattered across the country. Some of the expected results of a tougher prosecutive stance toward habitual criminals include "reduced preindictment nolle prosequi rates for cases involving recidivists, more intensive

efforts to secure stringent bail conditions and revocation of probation and parole, a speedier handling of these cases, and more intensive preparation of repeaters' cases, such as more thorough investigative work and better communications with witnesses."⁴ Moreover, special prosecutorial projects seek to reduce delay as the case moves through the criminal justice system since delay tends to increase the failure-to-appear rate, the fading of witnesses' memories, and the probability of conviction. The longer a repeat offender is on the street awaiting trial, the more likely he will commit additional criminal offenses.

As habitual criminal projects were initiated around the country, questions were raised by civil libertarians regarding violation of due process rights. A number of cases were filed. The issue was resolved in January 1978 when a sharply divided Supreme Court overturned a ruling by the Sixth U.S. Circuit Court of Appeals to support the use of broad discretionary powers by prosecutors including "reverse plea bargaining", i.e., pressuring criminal defendants with more serious charges or sentences in an attempt to obtain guilty pleas. The court recognized the fact that the plea bargaining process is essential to the functioning of the criminal justice system and, properly administered, can benefit all concerned. Justice Stewart, writing for the majority (Justices Berger, White, Rehnquist, Stevens, and Stewart), stated: "in the give-and-take of plea bargaining there is no such element of punishment or retaliation so long as the accused is free to accept or reject the prosecution's offer."⁵ This ruling, of course, was praised by prosecutors and should put to rest any questions of constitutionality surrounding this issue.

It had been generally known that over one third of the felons incarcerated in the State of Florida's correctional system had been imprisoned at least once before for commission of a prior felony. Florida enacted and revised its Subsequent Offender Statute (775.084) to maximize penalties of recidivistic felony offenders

and habitual misdemeanants in order to prevent their further criminal activity against the community. The act is comprehensive and covers any offense in violation of a law of another state or of the United States that was punishable by death or imprisonment exceeding one year or was equivalent in penalty to a misdemeanor of the first degree; also covered are offenders placed on probation without an adjudication of guilt who commit a subsequent offense during the probationary period.

The act defines a habitual felony offender for whom the court may impose an extended term of imprisonment as a defendant who has committed a "qualified offense," as noted above, and also meets the following criteria:

- a. Previously been convicted of a felony;
- b. Twice previously been convicted of a misdemeanor of the first degree or another qualified offense for which the defendant was convicted after the defendant's 18th birthday;
- c. The felony for which the defendant is to be sentenced was committed within 5 years of the date of the conviction of the last prior felony, misdemeanor, or other qualified offense of which he was convicted, or within 5 years of the defendant's release, on parole or otherwise, from a prison sentence or other commitment imposed as a result of a prior conviction for a felony or other qualified offense, whichever is later;
- d. The defendant has not received a pardon for any felony or other qualified offense that is necessary for the operation of this section; and
- e. A conviction of a felony, misdemeanor, or other qualified offense necessary to the operation of this section has not been set aside in any post-conviction proceeding.

The court may impose an extended term of imprisonment on habitual misdemeanants if:

- a. The defendant has at least twice previously been convicted of the same crime committed at different times after the defendant's 18th birthday;
- b. The misdemeanor for which the defendant is to be sentenced was committed within 2 years of the date of the commission of the last prior crime or within 2 years of the defendant's release, on parole or otherwise, from a prison sentence or other commitment imposed as a result of a prior conviction for a crime, whichever is later;
- c. The defendant has not received a pardon on the ground of innocence for any crime that is necessary for the operation

- of this section; and
- d. A conviction of a crime necessary to the operation of this section has not been set aside in any post-conviction proceeding.

The act delineates the procedure for its utilization. The court shall obtain and consider a presentence investigation prior to imposition of sentence as a habitual offender. It requires that "written notice be served on the defendant and his attorney a sufficient time prior to the entry of a plea or prior to the imposition of sentence to allow the preparation of a submission on behalf of the defendant." Evidence is to be presented in open court with full rights of confrontation, cross examination, and representation by counsel. If the court deems it necessary for the protection of the public from further criminal activity by the defendant, it shall sentence the habitual offender as follows:

"In the case of a felony of the first degree, for life."

"In the case of a felony of the second degree, for a term of years not exceeding 30.

"In the case of a felony of the third degree, for a term of years not exceeding 10.

"In the case of a misdemeanor of the first degree, for a term of years not exceeding 3.

"In the case of a misdemeanor of the second degree, for a term of imprisonment not in excess of 1 year. 6

Although some form of the subsequent offender statute has been in existence for many years, the State Attorney's Office had not been able to provide the additional manpower necessary to identify, investigate, prosecute, and obtain "a preponderance of evidence" of prior convictions of habitual offenders. The procedure is very time-consuming and requires twice the amount of paperwork of a more routine case. This shortcoming was remedied in August, 1975, when LEAA granted an initial grant to establish a separate division to improve the processing and prosecution of habitual or multiple offenders in order to increase the likelihood of conviction and the increased severity of sentence. The project has received continuation funds since that time to work toward its stated purposes which are twofold: "to prosecute the career criminal to the fullest extent of

the law;" and "to use the career criminals as a study group for an impact analysis of the elimination of plea bargaining."

The Multiple Offender Division has concentrated its efforts on adult multiple offenders who conform to the above definition and have committed the following offenses:

- Burglary (conveyance, building, and dwelling);
- Forgery and Uttering;
- Possession of Controlled Substance;
- Receiving Stolen Property;
- Grand Larceny; and
- Repeat Retail Theft Violations, i.e., two or more prior Petit Larceny Convictions.

The project's rationale for focusing on the non-violent crimes is related to the fact that prior to the inception of the project it was thought that defendants who committed crimes against property and other non-violent crimes were less subject to aggressive prosecution and harsher sentences.

In other words, project staff have generally not prosecuted multiple offenders who were charged with capital or life felonies such as murder, rape of a child, robbery with a deadly weapon, burglary with an assault, felony probationary violations, or escape from a correctional facility.

The procedure utilized to identify multiple offenders may be briefly described in this manner. Project attorneys screen all current felony rap sheets which are routinely provided by the Records and Identification Section of the Sheriff's Office. Any past convictions and/or arrests which suggest the offender may be prosecuted in accordance with the Subsequent Offender Statute are circled on the rap sheet to indicate to the project investigator that additional information regarding disposition, conviction, and sentence is required. The investigator then checks with the local Clerk's Office and other appropriate

agencies elsewhere to obtain sufficient evidence to determine if the defendant is a multiple offender. The investigator obtains certified copies of judgments, sentences, fingerprints and other necessary information. He also conducts a pre-trial investigation and locates, informs, and subpoenas witnesses. Project attorneys review evidence thoroughly before filing a Notice to Seek an Enhanced Penalty on those defendants who have been identified as multiple offenders in accordance with Statute 775.084. This written notice must be served on the defendant and his attorney prior to the entry of a plea or prior to the imposition of sentence to allow the preparation of a submission on behalf of the defendant. All evidence is presented in open court with full rights of confrontation, cross-examination, and representation by counsel. According to Statute 775.084, enhanced sentences require a "preponderance of the evidence" and are appealable. The defendant must be fingerprinted for the purpose of positive identification. The decision regarding the imposition of sentence under Statute 775.084 is left with the court. A finding that the imposition of sentence under this section is necessary for the protection of the public from further criminal activity by the defendant results in enhanced sentences as noted earlier on page 4 .

METHODOLOGY

A 1975 study conducted by the Office of Criminal Justice Planning identified eighty-one multiple offender convictions and provided baseline data with which to compare data collected on a sample of similar cases prosecuted as multiple offenders by the Multiple Offender Project in 1977. The 1975 study utilized a sample of one hundred cases randomly drawn from each of the four criminal divisions: a total of 400 Code 01 cases (i.e., cases in which the defendant had been adjudicated guilty or in which adjudication of guilt had been withheld.) The sample represented 11 percent of the Office's Code 01 cases. Since some cases yielded more than one defendant, the 1975 study provided information on a total of 453 individuals. Of these, eighty-one convictions were attributed to identified multiple offenders, as defined by the Subsequent Offender Statute.

The 1977 project records revealed that 382 of a total of 450 identified multiple offenders were reported to have been convicted; 40 of 58 multiple offenders were nolle prosequied because they had been convicted in other pending cases and charges against 10 multiple offenders were dismissed. The team drew a random sample of 150 Code 01 cases from the project's sentence records. These cases yielded a total of 131 multiple offender convictions prosecuted by project attorneys and 17 which had been prosecuted by non-project staff. Although the latter were included in the project's sentence records and were said to have been prosecuted in accordance with project guidelines, these multiple offenders were withdrawn from the sample because they had not been prosecuted by project staff.

The purpose of conducting this study of the Multiple Offender Project was to provide decisionmakers with information on the effectiveness of the project's efforts in prosecuting multiple offenders in Jacksonville. The study's quasi-experimental approach, a before and after research design, compared the

data gathered on a 1977 Sample of convicted multiple offenders prosecuted by staff of the Multiple Offender Project with a 1974 Sample of identified convicted multiple offenders who were prosecuted by the State Attorney's Office prior to the inception of the project.

Data on the following objectives for the 1974 and 1977 samples will be aggregated and compared using descriptive statistical techniques in an attempt to assess the processing of multiple offenders by the State Attorney's Office before and after the inception of the Multiple Offender Division. Comparisons will be noted with regard to pertinent literature in the field if indicated.

OBJECTIVE 1: To compare the socio-demographic profile of the 1974 Sample of multiple offenders prosecuted by the State Attorney's Office in Jacksonville, Florida with that of a Sample of multiple offender cases prosecuted in 1977.

MEASUREMENT: Socio-demographic data will be collected from case records in the State Attorney's Office on a random sample of 150 Code 01 cases prosecuted during 1977 including data on race, sex, age, level of education, place of birth and length of residency in Jacksonville, employment status at time of arrest, and legal representation. This data will then be compared with comparable data on eighty-one identified multiple offender convictions prosecuted by the State Attorney's Office in Jacksonville in 1974.

OBJECTIVE 2 To compare the prosecution and sentencing of multiple offenders through the local criminal justice system before and after the inception of the Multiple Offender Division in 1975, utilizing, for comparative purposes, data on a 1974 sample which was collected by staff in the Office of Criminal Justice Planning in Jacksonville and data on the above noted 1977 Sample.

MEASUREMENT: The evaluation team will gather and compare offense and sentencing data from a sample of one hundred and fifty randomly selected Code 01 case files of multiple offenders who were prosecuted by the State Attorney's Office in Jacksonville in 1977 with data reported in a previous study on a sample of multiple offenders prosecuted in 1974. Attention will be directed to obtaining comparative information on frequency and type of offenses committed by multiple offenders and the sentence received for such acts. It is not anticipated that there will be any problem in gaining access to the files since the project is funded primarily by LEAA.

OBJECTIVE 3: To compare plea bargaining policy and the incidence of pleas to reduced charges in the 1974 and the 1977 samples.

MEASUREMENT: The evaluation team will interview, if possible, present and past project staff and review any written policy statements with regard to plea bargaining with identified multiple offenders in the years 1974 and 1977, respectively. In addition, information will be gathered by the evaluation team from records in the State Attorney's Office for individuals in the 1977 sample of those multiple offenders who pleaded guilty as charged; those who pleaded guilty as charged to at least one count (including no contest pleas); those who pleaded guilty to a lesser charge; those who pleaded guilty as charged to one count whose other charges were dropped; and those found guilty by jury or adjudged incompetent to stand trial. This information will be compared with comparable data on the 1974 sample as reported in the 1975 study of multiple offenders.

OBJECTIVE 4: To compare the duration of the two samples in the system from dates of arrest to conviction to sentencing.

MEASUREMENT: The dates of arrest, conviction, and sentencing will be recorded for the 1977 sample and comparison will be made with data on hand for the 1974 sample.

OBJECTIVE 5: To analyze a sample of fifty 1977 multiple offender cases which resulted in disposition by dismissal or nolle prosequi proceedings.

MEASUREMENT: A sample of fifty cases will be selected at random and data will be collected on reasons which led to charges being dropped. (See explanation regarding revision of this objective on page 12.)

OBJECTIVE 6: To assess the internal efficiency of the project in terms of several recognized management indices.

MEASUREMENT: Present and former staff (if readily available) will be interviewed and project records will be reviewed, including past monitoring reports. Internal management-type reports of the State Attorney's Office will be requested, for comparative purposes. Attention will be directed toward issues such as personnel, training, caseload management and efficiency.

OBJECTIVE 7: To gather information on the project's relations with other agencies.

MEASUREMENT: Information will be sought concerning impressions regarding special prosecutorial efforts for multiple offenders from judges and other knowledgeable persons in the Public Defender's Office, and the Sheriff's Office, and the local American Bar Association.

OBJECTIVE 8: To gather follow-up data on the 1974 Sample.

MEASUREMENT: Information will be sought on rearrests, reconvictions, parole violation and other measures of recidivism from the Sheriff's Office, the local Criminal Justice Information System and the Department of Corrections.

There are some differences between the samples which should be noted. The 1974 Sample was not prosecuted in accordance with procedures established by the Subsequent Offender Statute, whereas the 1977 Sample was. This fact was, of course, established initially when a before and after quasi-experimental research design was developed. Although this is the major difference between the samples and accounts for much of the variance, there are some other exceptions which should be noted. Essentially, the two samples included defendants convicted of the same types of offenses. However, each included a few exceptions which were not included in the other sample. For instance, the 1974 Sample included one felon who had been convicted under Chapter 782 of the Florida Statutes of either murder or manslaughter and one for procuring for prostitution. The 1977 Sample lacked these offenses, but included one person who had been convicted of procuring drugs without a prescription.

There are also some historical events which occurred in the interim which may also have accounted for some of the differences between the two samples. One significant change, according to project staff, has been the new felony screening procedures which were implemented in 1975. Under the revised procedures, each attorney in the office files his own cases and assumes responsibility for them through disposition. Previously, the office had maintained a charging and intake division which handled all intake and filing of criminal cases which were then channelled to trial divisions for prosecution. Therefore, more than one attorney would be involved in the handling of cases.

Another related change, which was reported in interviews with officials in the State Attorney's Office, is that more cases were filed by the charging and intake division than are now filed. This is due to the adoption of a more stringent charging threshold. A determination must now be made concerning probable cause and reasonable chance of conviction, in accordance with the revised policy manual of the State Attorney's Office.

These changes in the charging threshold and the revised felony screening procedures are reflected in the total number of felony filings reported by the Clerk's Office for the past four years. There were 5,158 felony filings in 1974; 3,202 in 1975; 2,766 in 1976; and 3,734 in 1977.⁷ The implications of these two changes should be kept in mind when the results are examined.

Another potential difference which had to be considered were variations in the minimum and maximum sentences affecting multiple offenders in 1974 and 1977. According to knowledgeable persons in the State Attorney's Office, the minimum and maximum sentences affecting multiple offenders have remained constant, despite the fact that there have been a number of revisions to the statutes since 1974.

The size of the 1977 Sample is deliberately larger than that of the 1974 Sample in order to provide a better indication of the 1977 total caseload than a smaller sample would have done. Moreover, there was no way of estimating the number of cases which were handled by non-project attorneys. To minimize variations between the two samples, data is presented in percentages as well as numbers for easier comparison. It should be stressed that applied research, such as this study, is geared to providing a considerable amount of descriptive data without the rigor of basic or experimental research.

Three changes occurred which affected the original research design for the

study. Firstly, the team was unaware of the fact that many of the current rap sheets provided by the Sheriff's Office did not contain dispositions of recent arrests. This unanticipated development affected original plans to analyze previous arrest data in more depth.

Secondly, although Objective 5 was added to the design at the suggestion of staff in the State Attorney's Office, further discussions revealed that primary interest centered on nol prossed cases which had not resulted in the defendant's conviction in another case. The team therefore analyzed all such cases; however, the number did not total fifty. Another reason for limiting the sample of nol prossed cases was cost-effectiveness of the study in that the following development was also unanticipated but was important enough to be included in the study.

As a result of discussions with knowledgeable persons in the Sheriff's Office regarding the project's external relations, follow-up information on the subsequent arrests of the 1974 sample was requested. The team obtained rearrest information on the earlier sample in a matter of days because of the excellent and prompt cooperation of personnel in the Sheriff's Office, notably the Records and Identification Section. This follow-up data indicated there had been a considerable amount of reinvolvement by the 1974 sample in the criminal justice system. Contacts were then initiated with the local criminal justice information system to obtain information on the disposition of the subsequent arrests and with the Bureau of Criminal Justice Planning and Assistance to see if it might be possible to obtain information on the dates and types of release which had been granted by the Florida Department of Corrections to multiple offenders in the 1974 sample. It was felt that any follow-up information on the sample would be of great interest to project personnel and would provide baseline information from which to compare

data on follow-up studies of samples in the future. For this reason, Objective 8 was added to the study.

The study does not include some elements which are covered in routine monitorings by staff of the Metropolitan Planning Unit because of time and cost limitations.

Therefore, the major sources of data for the study have been the data provided in the 1975 study; the data collected on the sample of 150 randomly selected Code 01 cases of multiple offenders prosecuted in 1977 to judgment of adjudication of guilt or withheld adjudication; follow-up data on the 1974 Sample provided by the Jacksonville Sheriff's Office, the Department of Corrections, and the local Criminal Justice Information System; and reports and information obtained in interviews with staff and other knowledgeable persons in the State Attorney's Office, the Clerk's Office, the Sheriff's Office, and three of the four Circuit felony judges. Data was collected and collated in the aggregate on a number of indices in order that it might be analyzed and interpreted in the light of information obtained in a review of the literature. Finally, a number of general recommendations were made for the consideration of project staff. These recommendations were made by generalists, not by professionals in criminal law. Nevertheless, it is hoped that the recommendations may point up some areas in which the project may want or need to move in the future in order to become even more effective in its prosecution of multiple offenders.

Implementation Strategy and Dissemination of Report

Evaluation findings and recommendations will be reviewed with the project director to obtain input concerning the accuracy and appropriateness of the study's findings and recommendations. If indicated by the nature and scope of recommendations made, a follow-up study will be conducted within six to nine months after finalization of the study.

Full copies of the report will be distributed to the State Attorney's Office, the project director, and the Bureau of Criminal Justice Planning and Assistance. Copies of the executive summary will be disseminated to the Mayor's Office, the City's Office of Intergovernmental Affairs, and the local Criminal Justice Advisory Council. Full copies will be available upon request.

OBJECTIVE 1: To compare the socio-demographic profile of the 1974 Sample of multiple offenders prosecuted by the State Attorney's Office in Jacksonville, Florida with that of a sample of multiple offender cases prosecuted in 1977.

Tabulation of the project's 1977 sentence records revealed a total of 450 multiple offenders against whom charges had been filed. There had been 382 multiple offenders who were reported to have been convicted (or 85 percent); 58 had been nolle prosequed of whom 40 were reported as No1 Pross #30's, i.e., the conviction in another case resulted in nolle prosequi of charges in the other pending case; and 10 multiple offenders whose charges were reported to have been dismissed. The sentence records also indicated 203 non-multiple offenders had been prosecuted of whom 127, or 63 percent, were reported to have been convicted; 38 non-multiple offenders were nolle prosequed of whom 30 were no1 pross #30's; 37 non-multiple offenders were charged with violation of probation; and one had dismissed charges. It should be noted that project staff provided necessary input to the team in deciphering abbreviations and symbols used in the sentence records to determine the categories in which to place a small number of exceptions who did not conform to general rules provided by project staff.

The sample of 150 Code 01 cases randomly selected from the project's sentence records yielded a total of 148 convicted multiple offenders. However, since seventeen, or 11 percent, had been prosecuted by non-project attorneys, they were eliminated from the sample leaving a sample of 131 which constituted 35 percent of multiple offenders convicted in 1977, according to the project sentence records. A closer look at the seventeen cases eliminated from the sample revealed the following information.

Seven cases had been handled by non-project attorneys because they had expressed special interest in the cases, including two handled by the Special Prosecution Division; five of the cases were considered part of the overload

stemming from the C and N Fencing Operation; the defendants in two of the cases were discovered to be multiple offenders after a considerable amount of preliminary work had already been completed by non-project attorneys; two cases involved life felony charges which are not handled by the project; and one case evidently had been overlooked by project staff.

It is interesting to note that the 1974 sample of multiple offenders was exclusively male whereas the 1977 sample included fifteen females. Blacks constituted 56.8 percent of the 1974 sample and 72 percent of the 1977 sample. Age-wise, the most significant change has been the increase of the 25-34 year old group from 35.8 percent in 1974 to 48 percent in 1977. There has been little fluctuation reflected in data describing the educational background of individuals in both samples. More than half of each sample had not completed high school. The percentages of high school graduates and post-high school trained multiple offenders were similar in both groups: 31 percent of 1974 sample had graduated from high school compared to 33 percent in the 1977 sample. There was a slight gain in the post-high school category in the 1977 sample, 13 percent compared to 9 percent. Information on the above socio-demographic variables for both samples is summarized in Tables 1 through 10, located on pages 19 to 25; although some of the tables are in a different format, they provide comparable information on the samples.

The increase in unemployment in the 1977 sample to 37 percent was significantly higher than the reported 10 percent who were unemployed in the 1974 sample. No doubt this is related to the county's overall unemployment rate and to the fact that offenders generally have a higher rate of unemployment than the general public. Figures from the Florida State Employment Service for 1974 revealed an overall unemployment rate of 5 percent for Duval County: 3.9 percent for whites and 9.1 percent for blacks. In 1977 the overall unemployment rate was 6.8 percent for the county: 5.3 percent for whites and 12.1 percent for blacks.

The employment categories of both studies were basically those used by the Florida State Employment Service, with some modification. Therefore, "Service Occupations" included cooks, maids, dishwashers, waiters, nurses' aides, etc. "Clerical and Sales" included clerks, all types of salespersons; "Skilled and semi-skilled" comprised laborers, carpenters, roofers, mechanics, etc.; "Miscellaneous", in both reports, included retired, housewives, students. Military personnel were counted as "Professional and Managerial." There were only slight fluctuations in percentages between the two samples in the following employment categories: service, clerical, sales, professional/managerial, and miscellaneous; however, the percent of those employed in skilled and semi-skilled positions dropped from 76.5 percent in 1974 to 39 percent in 1977; nevertheless, the skilled and semi-skilled categories continued to register the largest percentage of employed workers in both samples. See Table 4 on page 21.

Legal Representation

The Public Defender's office handled 81.5 percent of multiple offender cases in the 1974 sample compared to 73.3 percent of cases in the 1977 sample. Court-appointed attorneys represented a larger proportion of multiple offenders in the 1977 sample, a total of 9.6 percent, (including those instances which the Public Defender withdrew) compared to 3.7 percent in the 1974 sample of multiple offenders. The percentages of multiple offenders who hired their own attorneys has remained relatively constant: 11.1 percent in the 1974 sample and 12.6 percent in the 1977 sample. For additional information refer to Table 7 on page 23.

Place of Birth and Residency in Jacksonville

Both of the multiple offender samples included a majority of persons born in Jacksonville: 56.8 percent in the 1974 sample and 69.6 percent in the 1977 sample. However, it should be noted that the latter figure may be slightly

skewed due to the fact that prosecution of persons with out-of-town and out-of-state convictions is contingent upon the cooperation of authorities in those areas in sending the necessary documents as well as the quality of the material sent. Also, the project requires proof of two out-of-state prison convictions. Ninety-five percent of the 1974 sample had lived in Jacksonville at least one year which is comparable to the 1977 sample. Seventy-five percent of the 1974 sample and 83.7 percent of the 1977 sample had lived in Jacksonville over ten years. These statistics indicate that the multiple offender population is primarily resident, not transient, thereby affording the project more opportunity for impact.

Bail Status of Multiple Offenders

None of the 1977 sample's multiple offenders were released on recognizance or conditional release and 19 offenders were not granted bail status. Twelve bonds were posted at \$500.00 or less, the majority of bonds, 87, were set at \$501-\$1,000; 29 bonds ranging between \$1,001-\$2,500 were posted; there were eight bonds in excess of \$5,000.00. There were ten bond review motions filed on the 1977 sample of multiple offenders. Bond review motions were filed on two of the six offenders who eventually received enhanced penalties. Nine of the ten motions involved offenders who were later convicted and sentenced to the Florida State Prison for terms ranging from three years to life; one was sentenced to nine months in the Jacksonville Correctional Institution. Eight of the motions affected male offenders, six black and two white; the other two affected a black female and a white female. Information on bail status was unavailable for the 1974 Sample.

According to project personnel, the 1974 Federal Court's Order governing overcrowding in the local jail is the primary factor which limits the office's recommendations for more stringent bail conditions.

TABLE 1

RACE AND SEX OF THE MULTIPLE OFFENDERS IN THE 1974 AND 1977 SAMPLES

In the 1974 sample all the multiple offenders were males; 56.79% were black and 43.21% were white.

	<u>1977</u>							
	<u>MALE</u>	<u>%</u>	<u>FEMALE</u>	<u>%</u>	<u>N/A</u>	<u>%</u>	<u>TOTAL</u>	<u>%</u>
BLACK	84	64.1	10	7.6	-	-	94	71.8
WHITE	33	25.2	3	2.3	-	-	36	27.5
N/A	-	-	-	-	1	.8	1	.8
TOTALS:	117	89.3	13	9.9	1	.8	131	100.1

TABLE 2

COMPARISON OF AGES AT TIME OF ARREST OF MULTIPLE OFFENDERS FOR THE 1974 AND 1977 SAMPLES

	<u>1974</u>					
	<u>BLACK</u>	<u>%</u>	<u>WHITE</u>	<u>%</u>	<u>TOTAL</u>	<u>%</u>
16-17 YEARS	-	-	-	-	-	-
18-19 YEARS	5	10.87	7	20.00	12	14.82
20-24 YEARS	17	36.96	12	34.28	29	35.81
25-29 YEARS	11	23.91	9	25.71	20	24.69
30-34 YEARS	4	8.70	5	14.29	9	11.11
35-39 YEARS	3	6.52	-	-	3	3.70
40-44 YEARS	3	6.52	1	2.86	4	4.94
45-49 YEARS	2	4.35	1	2.86	3	3.70
50-54 YEARS	1	2.17	-	-	1	1.23
55-59 YEARS	-	-	-	-	-	-
OVER 60 YEARS	-	-	-	-	-	-
TOTALS:	46	100.00	35	100.00	81	100.00

	<u>1977</u>											
	<u>BLACK MALE</u>	<u>%</u>	<u>WHITE MALE</u>	<u>%</u>	<u>BLACK FEMALE</u>	<u>%</u>	<u>WHITE FEMALE</u>	<u>%</u>	<u>N/A</u>	<u>%</u>	<u>TOTAL</u>	<u>%</u>
UNDER 18	-	-	-	-	-	-	-	-	-	-	-	-
18-20	12	9.2	8	6.1	1	.8	-	-	-	-	21	16
21-24	24	18.3	12	9.2	1	.8	1	.8	-	-	38	29
25-34	43	32.8	11	8.4	6	4.6	2	1.5	-	-	62	47.3
35+	4	3.1	2	1.5	2	1.5	-	-	-	-	8	6.1
N/A	1	.8	-	-	-	-	-	-	1	.8	2	1.5
TOTALS:	84	64.2	33	25.2	10	7.7	3	2.3	1	.8	131	99.9

TABLE 3

LEVEL OF EDUCATION FOR MULTIPLE OFFENDERS IN THE 1974 AND 1977 SAMPLES

	<u>1974</u>					
	<u>BLACK</u>	<u>%</u>	<u>WHITE</u>	<u>%</u>	<u>TOTAL</u>	<u>%</u>
0-3 YEARS	1	2.17	-	-	1	1.23
4-6 YEARS	-	-	-	-	-	-
7-9 YEARS	7	15.22	9	25.71	16	19.75
10-12 YEARS	36	78.26	21	60.00	57	70.37
13-18 YEARS	2	4.35	5	14.29	7	8.65
TOTALS:	46	100.0%	35	100.0%	81	100.0%

	<u>1977</u>											
	<u>BLACK</u>		<u>WHITE</u>		<u>BLACK</u>		<u>WHITE</u>		<u>N/A</u>		<u>TOTAL</u>	
	<u>MALE</u>	<u>%</u>	<u>MALE</u>	<u>%</u>	<u>FEMALE</u>	<u>%</u>	<u>FEMALE</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
DROPOUTS	42	32.1	22	16.8	4	3.1	-	-	-	-	68	51.9
HIGH SCHOOL	29	22.1	8	6.1	4	3.1	1	.8	-	-	42	32.1
POST HIGH	11	8.4	3	2.3	1	.8	2	1.5	-	-	17	13.0
SCHOOL	2	1.5	-	-	1	.8	-	-	1	.8	4	3.1
N/A												
TOTALS:	84	64.1	33	25.2	10	7.8	3	2.3	1	.8	131	100.1

TABLE 4

EMPLOYMENT STATUS FOR THE 1974 AND 1977 MULTIPLE OFFENDER SAMPLES

	<u>1974</u>					
	<u>BLACK</u>	<u>%</u>	<u>WHITE</u>	<u>%</u>	<u>TOTAL</u>	<u>%</u>
SERVICE	4	8.69	2	5.71	6	7.41
CLERICAL & SALES	-	-	1	2.86	1	1.23
SKILLED & SEMI-SKILLED LABORERS	35	76.09	27	77.15	62	76.54
PROFESSIONAL, MANAGERIAL	-	-	-	-	-	-
UNEMPLOYED	5	10.87	3	8.57	8	9.88
MISCELLANEOUS	2	4.35	2	5.71	4	4.94
TOTALS:	46	100.00	35	100.00	81	100.00

	<u>1977</u>											
	<u>BLACK MALE</u>	<u>%</u>	<u>WHITE MALE</u>	<u>%</u>	<u>BLACK FEMALE</u>	<u>%</u>	<u>WHITE FEMALE</u>	<u>%</u>	<u>N/A</u>	<u>%</u>	<u>TOTAL</u>	<u>%</u>
SERVICE	7	5.3	3	2.3	1	.8	-	-	-	-	11	8.4
CLERICAL & SALES	1	.8	-	-	-	-	1	.8	-	-	2	1.5
SKILLED & SEMI-SKILLED	36	27.5	16	12.2	-	-	-	-	-	-	52	39.7
PROFESSIONAL, MANAGERIAL	2	1.5	1	.8	-	-	1	.8	-	-	4	3.1
UNEMPLOYED	32	24.4	10	7.6	6	4.6	-	-	-	-	48	36.6
MISCELLANEOUS	4	3.1	3	2.3	2	1.5	1	.8	-	-	10	7.6
N/A	2	1.5	-	-	1	.8	-	-	1	.8	4	3.1
TOTALS:	84	64.1	33	25.2	10	7.7	3	2.4	1	.8	131	100.0

TABLE 5

AGE AT FIRST ADULT ARREST FOR THE 1977 MULTIPLE OFFENDER SAMPLE

	<u>BLACK</u> <u>MALE</u>	<u>%</u>	<u>WHITE</u> <u>MALE</u>	<u>%</u>	<u>BLACK</u> <u>FEMALE</u>	<u>%</u>	<u>WHITE</u> <u>FEMALE</u>	<u>%</u>	<u>N/A</u>	<u>%</u>	<u>TOTAL</u>	<u>%</u>
17	16	12.2	7	5.3	2	1.5	1	.8	-	-	26	19.8
18	20	15.3	10	7.6	2	1.5	1	.8	-	-	33	25.2
19-24	24	18.3	10	7.6	3	2.3	1	.8	-	-	38	29.0
25-34	5	3.8	1	.8	2	1.5	-	-	-	-	8	6.1
35+	-	-	-	-	-	-	-	-	-	-	-	-
N/A	19	14.5	5	3.8	1	.8	-	-	1	.8	26	19.8
TOTALS:	84	64.1	33	25.1	10	7.6	3	2.4	1	.8	131	99.9

TABLE 6

PLACE OF BIRTH OF MULTIPLE OFFENDERS IN THE 1974 AND 1977 SAMPLES

	<u>1974</u>											
	<u>BLACK</u>	<u>%</u>	<u>WHITE</u>	<u>%</u>	<u>TOTAL</u>	<u>%</u>						
JACKSONVILLE	31	67.39	15	42.86	46	56.79						
OTHER FLORIDA	1	2.17	1	2.86	2	2.47						
NON-FLORIDA	14	30.43	19	54.28	33	40.74						
TOTALS:	46	99.99	35	100.00	81	100.00						
	<u>1977</u>											
	<u>BLACK</u> <u>MALE</u>	<u>%</u>	<u>WHITE</u> <u>MALE</u>	<u>%</u>	<u>BLACK</u> <u>FEMALE</u>	<u>%</u>	<u>WHITE</u> <u>FEMALE</u>	<u>%</u>	<u>N/A</u>	<u>%</u>	<u>TOTAL</u>	<u>%</u>
JACKSONVILLE	63	48.1	19	14.5	8	6.1	2	1.5	-	-	92	70.2
OTHER FLORIDA	4	3.1	1	.8	1	.8	-	-	-	-	6	4.6
NON-FLORIDA	17	13.0	13	9.9	1	.8	1	.8	-	-	32	24.4
N/A	-	-	-	-	-	-	-	-	1	.8	1	.8
TOTALS:	84	64.2	33	25.2	10	7.7	3	2.3	1	.8	131	100.0

TABLE 7

LEGAL REPRESENTATION OF MULTIPLE OFFENDERS
FOR THE 1974 AND 1977 SAMPLES

	<u>1974</u>					
	<u>BLACK</u>	<u>%</u>	<u>WHITE</u>	<u>%</u>	<u>TOTAL</u>	<u>%</u>
PUBLIC DEFENDER	42	51.9	24	29.6	66	81.5
COURT-APPOINTED	2	2.5	1	1.2	3	3.7
PRIVATE	1	1.2	8	9.9	9	11.1
WAIVED	1	1.2	2	2.5	3	3.7
TOTALS:	46	56.8	35	43.2	81	100.0

	<u>1977</u>											
	<u>BLACK</u>		<u>WHITE</u>		<u>BLACK</u>		<u>WHITE</u>		<u>N/A</u>		<u>TOTAL</u>	<u>%</u>
	<u>MALE</u>	<u>%</u>	<u>MALE</u>	<u>%</u>	<u>FEMALE</u>	<u>%</u>	<u>FEMALE</u>	<u>%</u>	<u>%</u>	<u>%</u>		
PUBLIC DEFENDER	68	51.9	24	18.3	5	3.8	-	-	-	-	97	74.0
COURT APPOINTED	2	1.5	-	-	-	-	-	-	-	-	2	1.5
PRIVATE ATTORNEY	8	6.1	2	1.5	3	2.3	3	2.3	-	-	16	12.2
PD WITHDREW/CT. APPTD.	6	4.6	4	3.1	-	-	-	-	-	-	10	7.6
PD WITHDREW/OWN ATTY.	-	-	-	-	-	-	-	-	-	-	-	-
CT. APPTD. WITHDREW/PD	-	-	-	-	1	.8	-	-	-	-	1	.8
N/A	-	-	3	2.3	1	.8	-	-	1	.8	5	3.8
TOTALS:	84	64.1	33	25.2	10	7.7	3	2.3	1	.8	131	99.9

LENGTH OF RESIDENCY IN JACKSONVILLE
FOR THE 1974 AND 1977 MULTIPLE OFFENDER SAMPLES

	<u>1974</u>					
	<u>BLACK</u>	<u>%</u>	<u>WHITE</u>	<u>%</u>	<u>TOTAL</u>	<u>%</u>
1 MO. OR LESS	-	-	1	2.86	1	1.25
MORE THAN 1 MO LESS THAN 1 YR.	1	2.22	2	5.71	3	3.75
1-9 YEARS	5	11.11	11	31.43	16	20.00
10-19 YEARS	5	11.11	7	20.00	12	15.00
20-29 YEARS	26	57.78	13	37.14	39	48.75
30-39 YEARS	7	15.56	1	2.86	8	10.00
40-49 YEARS	1	2.22	-	-	1	1.25
OVER 50 YEARS	-	-	-	-	-	-
TOTALS:	45	100.00	35	100.00	80	100.00

	<u>1977</u>											
	<u>BLACK MALE</u>	<u>%</u>	<u>WHITE MALE</u>	<u>%</u>	<u>BLACK FEMALE</u>	<u>%</u>	<u>WHITE FEMALE</u>	<u>%</u>	<u>N/A</u>	<u>%</u>	<u>TOTAL</u>	<u>%</u>
LESS THAN 1 YEAR	4	3.1	4	3.1	-	-	-	-	-	-	8	6.1
1-9 YEARS	4	3.1	6	4.6	-	-	-	-	-	-	10	7.6
MORE THAN 10 YEARS	75	57.3	23	17.6	10	7.6	3	2.3	-	-	111	84.7
N/A	1	.8	-	-	-	-	-	-	1	.8	2	1.5
TOTALS:	84	64.3	33	25.3	10	7.6	3	2.3	1	.8	131	99.9

TABLE 9

BAIL STATUS FOR THE 1977 MULTIPLE OFFENDER SAMPLE

	<u>BLACK</u> <u>MALE</u>	<u>%</u>	<u>WHITE</u> <u>MALE</u>	<u>%</u>	<u>BLACK</u> <u>FEMALE</u>	<u>%</u>	<u>WHITE</u> <u>FEMALE</u>	<u>%</u>	<u>N/A</u>	<u>%</u>	<u>TOTAL</u> <u>BONDS</u> <u>POSTED</u>	<u>%</u>
00-500	9	5.3	2	1.2	1	.6	-	-	-	-	12	7.1
501-1000	50	29.4	30	17.6	4	2.4	3	1.8	-	-	87	51.2
1001-2500	21	12.4	6	3.5	2	1.2	-	-	-	-	29	17.1
2501-5000	5	2.9	1	.6	5	2.9	1	.6	-	-	12	7.1
MORE THAN 5000	7	4.1	-	-	1	.6	-	-	-	-	8	4.7
ROR/COND. REL.	-	-	-	-	-	-	-	-	-	-	-	-
NO BAIL	12	7.1	6	3.5	1	.6	-	-	-	-	19	11.2
N/A	1	.6	1	.6	-	-	-	-	1	.6	3	1.8
TOTALS:	105	61.8	46	27.0	14	8.3	4	2.4	1	.6	170	100.2

TABLE 10

NUMBER OF BOND REVIEW MOTIONS FILED IN THE 1977 MULTIPLE OFFENDER SAMPLE

	<u>BLACK</u> <u>MALE</u>	<u>%</u>	<u>WHITE</u> <u>MALE</u>	<u>%</u>	<u>BLACK</u> <u>FEMALE</u>	<u>%</u>	<u>WHITE</u> <u>FEMALE</u>	<u>%</u>	<u>N/A</u>	<u>%</u>	<u>TOTAL</u>	<u>%</u>
YES	6	4.6	2	1.5	1	.8	1	.8	-	-	10	7.6
NO	78	59.5	31	23.7	9	6.9	2	1.5	1	.8	121	92.4
TOTALS:	84	64.1	33	25.2	10	7.7	3	2.3	1	.8	131	100.0

OBJECTIVE 2: To compare the prosecution and sentencing of multiple offenders through the local criminal justice system before and after the inception of the Multiple Offender Project in 1975.

Of the 131 multiple offender convictions in 1977, 77 or 58.8 percent had pled guilty as charged on all counts; an additional 44 defendants or 33.6 percent had pled guilty as charged to at least one count and had had other charges dropped or abandoned; 2 or 1.5 percent were noted to have pled guilty to lesser charges; and 8, or 6.1 percent, were found guilty by juries. Since the 1977 sample excluded persons acquitted in jury trials, this rate may appear lower than the project's reported jury trial rate of 12 percent for multiple offenders in 1977. The four criminal divisions averaged a 4 percent rate of jury trials in 1977 which was comparable to the national average of 5 percent, according to knowledgeable persons in the State Attorney's Office.

Within the 1974 sample of 81 convictions of defendants who were identified as multiple offenders, there were 48, or 59.3 percent, who had pled guilty as charged on all counts; 15, or 18.5 percent, who pled guilty as charged on at least one count and had had other charges which were dropped or abandoned; 17, or 21 percent, who pled guilty to lesser charges; and 1, or 1.2 percent, who was found guilty by a jury.

Additional information on pleadings is found in Tables 11a and 11b on page 29. Also, Table 12 on page 30 provides information on frequency of specific offenses in the 1974 and 1977 samples by statute chapters. It is obvious that convictions occurred most frequently for burglary, theft, and narcotic violations, comprising 81 percent of 1977 total multiple offender convictions. Similarly, these types of offenses dominated the 1974 sample as well, accounting for 61 percent of multiple offender convictions in 1974.

Table 14 provides comprehensive information on the 218 counts incurred in the 131 multiple offender convictions which comprise the 1977 sample. Additional information is provided in the following section on plea negotiation. With

regard to sentencing, it is apparent that few multiple offenders prosecuted by project staff were given probation. In the 1977 sample only 9 received probationary sentences: six were drug related offenses; 2 were for petit larceny; and one for burglary which was noted to have been a weak case. Tables 15 and 16 provide additional information on probationary sentences in the 1977 sample. In 1977 fewer multiple offenders were being sent to the local jail and more were being sent to the Florida State Prison and for longer sentences. In 1974, 44 percent were jailed locally compared to 9 percent of the 1977 sample. Tables 17 and 18 provide comparative information on sentencing. It is obvious that offenders prosecuted by project staff are receiving harsher sentences than their counterparts had in 1974. Forty-seven percent of the earlier sample were sentenced to terms in excess of three years in the state prison system whereas 65.9 percent of the later sample received terms exceeding three years.

Table 18 provides comparison between average maximum sentences per count of multiple and non-multiple offenders before and after the inception of the project on the three most prevalent offenses: burglary, grand larceny/grand theft, and possession. It is noteworthy that the average maximum sentences per count imposed on defendants prosecuted by the four felony divisions in 1977 exceeded the average maximum sentences given to both non-multiple offenders and even multiple offenders in the 1974 sample. This would seem to imply that judges in this jurisdiction were dispensing harsher sentences across the board in 1977 than they had been in 1974. It, of course, is obvious that sentences were more punitive for multiple offenders in both samples than for non-multiple offenders, as might be expected.

The project's average maximum sentence per burglary count in the 1977 sample was 4.7 years compared to 3 years for the 1974 multiple offender sample. The average maximum sentences per burglary count for non-multiple offenders were 1.7 years in 1974 and 3.06 years in 1977. Multiple offenders averaged maximum

sentences of 4.28 years per count for grand larceny/grand theft in 1977 compared with 1.9 years for multiple offenders in 1974. Non-multiple offenders received average maximum sentences of 1.9 years and 2.56 years for 1974 and 1977 respectively per grand larceny/grand theft count. The project averaged a maximum sentence of 4.15 years per count for defendants convicted of possession of controlled substances compared to 1.6 years per count for multiple offenders in the 1974 sample as well as 1.9 years and 2.04 years per count for non-multiple offenders in 1974 and 1977, respectively.

The project achieved jail sentences in 78 of 79 instances in 1977 for the combined burglary and grand larceny/grand theft offenses. In addition, 14 of 19 possession counts resulted in jail sentences. Sentence rates for multiple offenders in both samples were significantly higher than for non-multiple offenders. However, the sentence rates for offenders prosecuted by the four felony divisions have also increased. In any case, 94 percent of convictions attained by project staff for these three offenses resulted in institutional sentences, compared to 47.6 percent for the other felony divisions in 1977.

The project routinely files a Motion to Seek an Enhanced Penalty on defendants identified as multiple offenders. However, enhanced penalties are imposed at the discretion of judges. Within the 1977 sample only one enhanced penalty was imposed in a court trial; it was found that five of the eight jury trials resulted in enhanced penalties on seven counts. It is interesting to note that there was concensus among the three felony judges who consented to be interviewed that the normal maximum sentence was considered to be appropriate in most instances for multiple offenders. The judges indicated more willingness to consider enhanced penalties for more violent crimes which are generally not handled by the project. It is obvious that the project has recommended enhanced penalties for all multiple offenders; however, judges have demonstrated reluctance in acting on recommendations.

TABLE 11a

PLEADINGS FOR THE 1974 AND 1977 MULTIPLE OFFENDER SAMPLES

	<u>1974</u>		<u>Found Guilty By Jury</u>	<u>Total</u>
	<u>Pled Guilty As Charged On At Least One Count (Includes No Contest) *</u>	<u>Pled Guilty To A Lesser Charge On At Least One Count *</u>		
BLACK	35 (76.1)	11 (23.9)	- -	46 (100)
WHITE	28 (80.0)	6 (17.1)	1 (2.9)	35 (100)
TOTALS:	63 (77.8)	17 (21.0)	1 (1.2)	81 (100)

	<u>1977</u>		<u>Found Guilty By Jury</u>	<u>Total</u>
	<u>Pled Guilty As Charged On At Least One Count (Includes No Contest)*</u>	<u>Pled Guilty To A Lesser Charge On At Least One Count*</u>		
BLACK	86 (91.5)	2 (2.1)	6 (6.4)	94 (100)
WHITE	34 (94.4)	- -	2 (5.6)	36 (100)
N/A	1 (100.0)	- -	- -	1 (100)
TOTALS:	121 (92.4)	2 (1.5)	8 (6.1)	131 (100)

*Included in these categories are those cases which had charges dropped and/or abandoned.

TABLE 11b

	<u>1974</u>	<u>1977</u>
Pled Guilty As Charged On All Counts (Includes No Contest)	48 (59.3)	77 (58.8)
Pled Guilty To A Lesser Charge (On All Counts)	6 (7.4)	1 (.8)
Found Guilty By A Jury	1 (1.2)	8 (6.1)
Pled Guilty As Charged On At Least One Count And Had Other Charges Which Were Dropped Or Abandoned	15 (18.5)	44 (33.6)
Pled Guilty To A Lesser Charge (On At Least One Count) And Had Other Charges Dropped Or Abandoned	11 (13.6)	1 (.8)
Totals:	81 (100.0)	131 (100.1)

Table 11b breaks down the pleadings found in Table 11a into those cases which also had charges dropped and/or abandoned.

FREQUENCY OF OFFENSE FOR THE 1974 AND 1977 MULTIPLE OFFENDER SAMPLES1974

<u>CHAPTER</u>	<u>CRIME</u>	<u>NUMBER</u>	<u>PERCENTAGE</u>
776	Attempted Felony, Misdemeanor	2	2.30%
782	Murder, Manslaughter	1	1.15%
784	Aggravated Battery, Aggravated Assault	6	6.89%
790	Carrying Concealed Weapon	3	3.45%
794	Rape	1	1.15%
796	Procuring for Prostitution	1	1.15%
810	Breaking & Entering	25	28.73%
811	Theft, Larceny, etc.	7	8.05%
813	Robbery	7	8.05%
814	Theft of Motor Vehicle	7	8.05%
831-2	Forgery, Uttering, Worthless Checks	5	5.74%
843	Resisting Arrest	3	3.45%
893	Narcotic & Drug Law Violations	7	8.05%
944	Escape	12	13.79%
	TOTALS:	87	100.00%

1977

<u>CHAPTER</u>	<u>CRIME</u>	<u>NUMBER</u>	<u>PERCENTAGE</u>
500	Forming Toxic, Harmful or New Drugs	1	.6%
784	Aggravated Battery, Aggravated Assault, Assault, Battery of Law Enforcement Officer	4	2.6%
790	Possession of Firearm by Convicted Felon	7	4.4%
794	Sexual Battery	1	.6%
810	Breaking & Entering, Possession of Burglary Tools	50	31.3%
812	Grand Larceny, Petit Larceny, Robbery, Receiving Stolen Property	53	33.1%
817	Uttering Forged Instrument (Credit Cards)	1	.6%
831	Forgery, Uttering	11	6.9%
832	Worthless Checks	2	1.3%
843	Bail Bond Jumping	3	1.9%
893	Narcotic & Drug Law Violations	25	15.6%
944	Escape	2	1.3%
	TOTALS:	160	100.2%

COMPREHENSIVE INFORMATION ON ALL COUNTS IN THE 1977 MULTIPLE OFFENDER SAMPLE

	Total Counts	Total Counts Adj. Guilty or Adj. Withheld	Avg. Time From Arr. To Conv.	Avg. Length Of Sent.*	Counts Aband.	Counts Dropped	Disp. Of Chrg. N/A	Total Sent. To Prob.	Avg. Time Of Prob.	Count Not Sent
Agg. Assault	2	2	62 Days	4.5 Yrs.	-	-	-	-	-	-
Agg. Battery	2	1	78 Days	5 Yrs.	-	1	-	-	-	-
Bail Bond Jumping	3	3	34.7 Days	3 Yrs.	-	-	-	-	-	-
Battery	2	-	-	-	1	1	-	-	-	-
Battery of L.E. Officer	1	1	N/A	1 Yr.	-	-	-	-	-	-
B & E (Conv.)	9	9	89.2 Days	3.1 Yrs.	-	-	-	-	-	-
B & E (Dwel.)	39	37	81.9 Days	5.1 Yrs.	1	1	-	1	18 Mo.	-
B & E (Unknown)	5	-	-	-	3	-	2	-	-	-
Carrying Con- cealed Firearm	3	-	-	-	2	1	-	-	-	-
Escape	3	2	32.5 Days	2.5 Yrs.	1	-	-	-	-	-
Forgery	5	4	53 Days	No. Sent.	1	-	-	-	-	4
Forgery (Drug)	2	1	63 Days	1 Yr.	1	-	-	-	-	-
Forming Toxic Or New Drugs W/O Pres.	1	1	124 Days	60 Days	-	-	-	-	-	-
Giving False I.D.	1	-	-	-	-	1	-	-	-	-
Grand Larceny	42	33	99.2 Days	4.3 Yrs.	7	2	-	-	-	-
Petit Larceny	8	8	78.4 Days	1.7 Yrs.	-	-	-	2	4 Yrs.	-
Poss. Burglary Tools	12	4	113.5 Days	5.5 Yrs.	5	3	-	-	-	-
Poss. C. S. (Marijuana)	8	6	87.2 Days	1.7 Yrs.	1	1	-	3	4.3 Yrs.	-

* Per Count

(continued on page 32.)

	Total Counts	Total Counts	Avg. Time From Arr. To. Conv.	Avg. Length Of Sent.	Counts Aband.	Counts Dropped	Disp. Chrg. To N/A	Total Of Sent. Prob.	Avg. Time Of Prob.	Counts Not Sent.
Poss. C. S. Non-Marijuana	22	14	140.1 Days	3.8 Yrs.	5	2	1	2	5 Yrs.	1
Poss. F.A. By Convicted Felon	9	7	94 Days	9.4 Yrs.	1	1	-	-	-	-
Prowling	1	-	-	-	-	1	-	-	-	-
Receiving Stolen Prop.	8	5	132.4 Days	4.2 Yrs.	1	2	-	-	-	-
Receiving Stolen Prop. (Unknown)	5	1	169 Days	5 Yrs.	-	4	-	-	-	-
Resisting Merchant W/Violence	2	-	-	-	-	2	-	-	-	-
Robbery W/Firearm	1	1	119 Days	7 Yrs.	-	-	-	-	-	-
Robbery W/Weapon	1	1	50 Days	30 Yrs.	-	-	-	-	-	-
Robbery Strongarm	4	4	71.3 Days	7.3 Yrs.	-	-	-	-	-	-
Sale Controlled Sub. (Marijuana)	1	1	212 Days	2.5 Yrs.	-	-	-	-	-	-
Sale Controlled Sub. (Non Marijuana)	5	4	166.8 Days	10 Yrs.	1	-	-	1	15 Yrs.	-
Sexual Battery	1	1	155 Days	Life	-	-	-	-	-	-
Trespassing	1	-	-	-	-	1	-	-	-	-
Uttering	6	6	99.3 Days	2 Yrs.	-	-	-	-	-	1
Uttering (Credit Card)	1	1	37 Days	4.5 Yrs.	-	-	-	-	-	-
Worthless Checks	2	2	47.5 Days	1.5 Yrs.	-	-	-	-	-	-
TOTALS:	218	160			31	24	3	9		6

*Includes institutional, probationary, and "no sentences" categories. "No sentence" refers to counts for which a specific sentence was not imposed, not to defendants who were not sentenced. Life sentence was not included in average maximum sentence.

TABLE 14

CHARGE, SEX AND RACE OF 1977
MULTIPLE OFFENDER SAMPLE'S PROBATIONARY SENTENCES

	<u>BLACK MALE</u>	<u>WHITE MALE</u>	<u>BLACK FEMALE</u>	<u>WHITE FEMALE</u>	<u>TOTAL</u>
POSSESSION OF CONTROLLED SUBSTANCE: OTHER THAN CANNIBAS (893.13(A))	-	1	-	1	2
POSSESSION OF CONTROLLED SUBSTANCE: CANNIBAS (893.131)	1	2	-	-	3
PETIT LARCENY (812.021(3))	-	1	1	-	2
BURGLARY (DWELLING) (810.02(3))	1	-	-	-	1
ATTEMPTING TO OBTAIN OR ACQUIRE CONTROLLED SUB- STANCE BY FRAUD (893.13(3)(A))	-	-	1	-	1
TOTALS:	2	4	2	1	9

TABLE 15

PROBATIONARY SENTENCES FOR THE 1977 MULTIPLE OFFENDER SAMPLE

	<u>SENTENCES</u>	<u>PERCENTS</u>
18 MONTHS	1	11.1%
3 YEARS	2	22.2%
5 YEARS	5	55.6%
15 YEARS	1	11.1%
TOTALS:	9	100.0%



TABLE 16

NUMBER OF COUNTS FOR SPECIFIC OFFENSES BEFORE AND AFTER
THE INCEPTION OF THE MULTIPLE OFFENDER PROJECT
WHICH RESULTED IN PROBATIONARY SENTENCES

	BURGLARY		GRAND LARCENY & GRAND THEFT		POSSESSION OF CONTROLLED SUB.	
	Total Counts Re- sulting In Pro- bationary And Institutional Sentences	Total Counts Resulting In Probationary Sentences	Total Counts Re- sulting In Pro- bationary And Institutional Sentences	Total Counts Resulting In Probationary Sentences	Total Counts Re- sulting In Pro- bationary And Institutional Sentences	Total Counts Resulting In Probationary Sentences
MO SAMPLE 1977	46	1 (2%)	33	-	19	5 (26%)
COMBINED TOTALS OF FOUR FELONY DIVISIONS - 1977	322	133 (41%)	282	146 (52%)	291	185 (64%)
MO SAMPLE 1974 PRE-PROJECT	25	-	8	-	4	-
NON-MO SAMPLE 1974	48	27 (56%)	28	22 (79%)	56	47 (84%)

MULTIPLE OFFENDER SENTENCING AND INSTITUTION
OF INCARCERATION FOR THE 1974 AND 1977 SAMPLES

Jacksonville Correctional Institution

	<u>1974 Sentences</u>	<u>1977 Sentences</u>
0-6 MONTHS	18 (22.2)	5 (3.4)
7-12 MONTHS	17 (21.0)	7 (4.8)
MORE THAN 12 MONTHS	1 (1.2)	1 (.7)

Florida State Prison

	<u>1974 Sentence</u>	<u>1977 Sentence</u>
1-3 YEARS	24 (29.6)	45 (31.0)
3 YRS. & 1 DAY-5 YRS.	12 (14.8)	66 (45.5)
5 YRS. & 1 DAY-10 YRS.	5 (6.2)	13 (9.0)
MORE THAN 10 YEARS	4 (4.9)	8 (5.5)
TOTALS:	81 (99.9)	145 (99.9)

The 1977 Multiple Offender Sample yielded 154 sentences: 13 sentenced to the Duval County Jail, 132 sentenced to the Florida State Prison and 9 were probationary sentences.

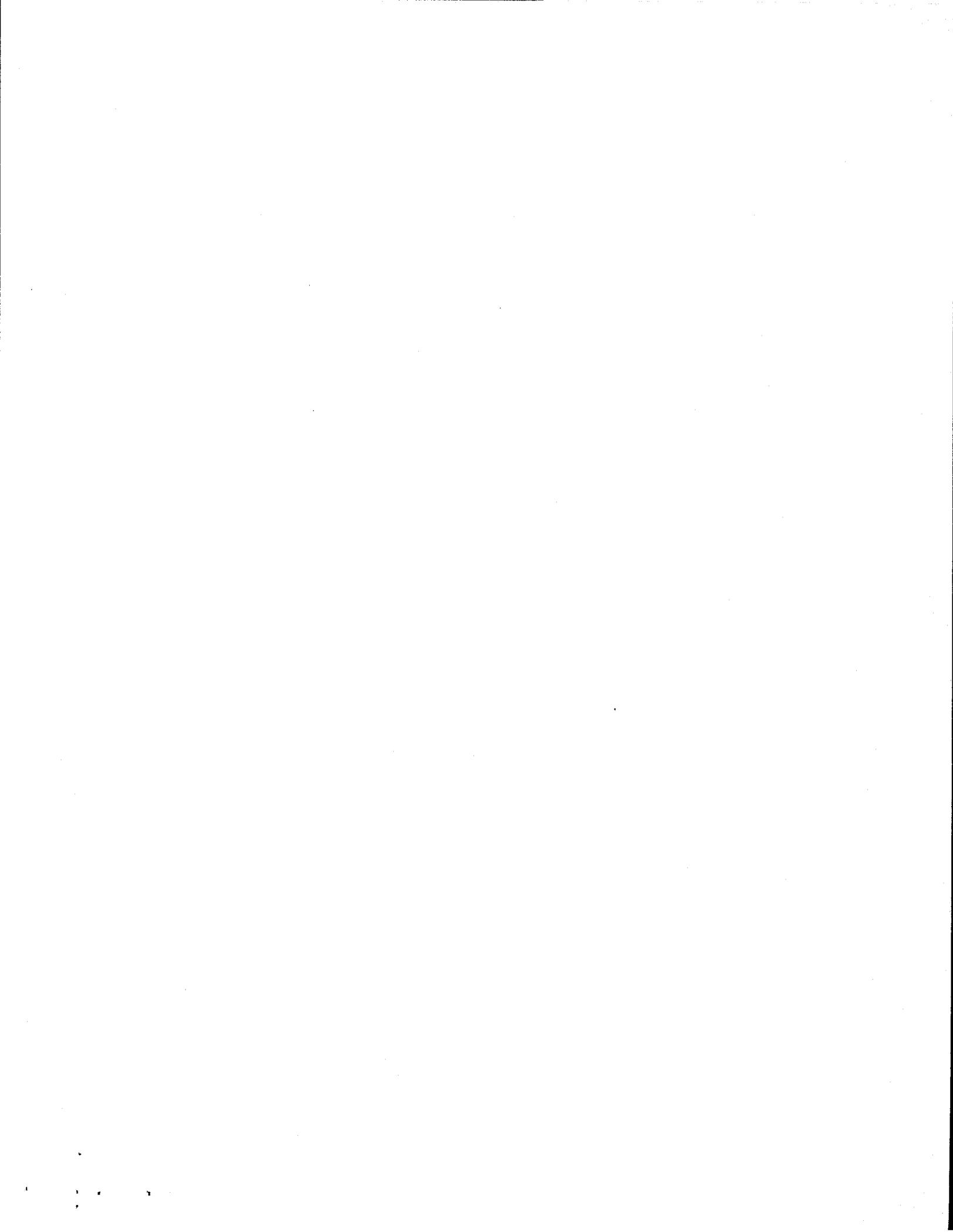


TABLE 18

NUMBER OF COUNTS FOR SPECIFIC OFFENSES
BEFORE AND AFTER THE INCEPTION OF THE
MULTIPLE OFFENDER PROJECT AND AVERAGE MAXIMUM INSTITUTIONAL SENTENCE*

	BURGLARY			GRAND LARCENY & GRAND THEFT			POSSESSION OF CONTROLLED SUB.		
	<u>Tot. Cts. Resulting In Prob. & Instit. Sentences</u>	<u>Tot. Cts. Resulting In Instit. Sentences</u>	<u>Avg. Max. Sentence</u>	<u>Tot. Cts. Resulting In Prob. & Instit. Sentences</u>	<u>Tot. Cts. Resulting In Instit. Sentences</u>	<u>Avg. Max. Sentence</u>	<u>Tot. Cts. Resulting In Prob. & Instit. Sentences</u>	<u>Tot. Cts. Resulting In Instit. Sentences</u>	<u>Avg. Max. Sentence</u>
MO SAMPLE 1977	46	45 (98%)	4.7 Yrs.	33	33 (100%)	4.3 Yrs.	19	14 (74%)	4.2 Yrs.
36 COMBINED TOTALS OF FOUR FELONY DIVISIONS	322	189 (59%)	3.1 Yrs.	282	136 (48%)	2.6 Yrs.	291	106 (36%)	2 Yrs.
MO SAMPLE 1974 PRE-PROJECT	25	25 (100%)	3 Yrs.	8	8 (100%)	1.9 Yrs.	4	4 (100%)	1.6 Yrs.
NON MO SAMPLE 1974	48	21 (44%)	1.7 Yrs.	28	6 (21%)	1.9 Yrs.	56	9 (16%)	1.9 Yrs.

*Sentences for the specific offenses represent the average maximum sentences per count and include institutional sentences to both the Duval County Jail and the State Prison System. These sentences do not include probationary, life, or death sentences.

OBJECTIVE 3: To compare plea bargaining policy and the incidence of pleas to reduced charges in the 1974 and 1977 samples.

In the volume entitled, Report on Courts, the National Advisory Commission on Criminal Justice Standards and Goals discussed the negotiated plea.

It noted that in many courts more than 90 percent of criminal convictions are based upon the defendant's own plea of guilty and not on verdicts by judges or juries. The Commission noted several types of plea negotiations, the majority of which are related to lesser or different charges or sentence recommendations by the prosecutor to the judge. In return, the defendant waives his constitutional rights designed to protect him against unjustified conviction.⁸ The following four definitions of plea negotiation or plea bargaining stress the major elements involved in the bargaining process in which each side endeavors to secure the best arrangement possible.

The Florida Rules of Criminal Procedures in Rule 3.171 entitled "Plea Discussions and Agreements", states that prosecuting attorneys may engage in discussions with a defense counsel or with a defendant who is without counsel. In return for a plea of guilty or nolo contendere, the prosecutor may:

- 1) Abandon other charges;
- 2) Make a recommendation or agree not to oppose the defendant's request for a particular sentence, although such actions are not binding upon the trial judge; or
- 3) After consulting with victims and other interested parties, agree to a specific sentence and so advise the trial judge during the course of the plea discussion. 9

This definition does not include a reference to acceptance of pleas to lesser charges per se. However, the following three definitions do. The Dictionary of Criminal Justice Data Terminology defines plea bargaining as:

"The exchange of prosecutorial and/or judicial concessions, commonly a lesser charge, the dismissal of other pending charges, a recommendation by the prosecutor for a reduced sentence, or a combination thereof, in return for a plea of guilty." 10

The Florida Standards and Goals defines plea negotiations as

"Discussions between the prosecutor of the defendant and the

defendant's counsel concerning the possibility of the defendant pleading guilty to a lesser offense than the original charge or pleading guilty to the original charge with the promise of a lesser sentence than normally imposed." 11

The most recent policy manual of the State Attorney's Office defines plea bargaining as:

"The accepting of a plea to one or more charges and dismissing one or more other pending charges against the same individual, or accepting a plea to an offense included in the original charge which reduces the maximum penalty to which the defendant may be exposed." 12

The grant applications for the Multiple Offender Project have each included a measurable objective of eliminating plea bargaining with identified multiple offenders but have not defined plea bargaining. However, as noted above in the definition from the office's policy manual and the other three definitions, measurement of this objective ideally should focus on abandoned and dropped charges, pleas to or convictions of lesser charges, and recommendations for sentence reduction. But, since the team did not have access to official court records of individuals in the samples, there was no uniform information available on plea negotiations, especially with regard to sentence recommendations. Occasionally, a prosecutor would make a note on the inside cover of the case file if plea negotiation has occurred but this was not considered sufficient for the purpose of the study. Nor was it considered sufficient merely to accept comments made by two representative defense attorneys or those judges who had affirmed in interviews that plea negotiations affecting multiple offenders by means of reduction in charges or recommended sentence caps are transacted at times. Measurement of this objective, therefore, will focus on data collected on pleadings for the 1974 and 1977 samples and by the State Attorney's Office. In addition, information is provided on the number of abandoned and dropped charges for the 1977 sample, comparable information is not available for the 1974 sample, however.

Statistics were collected by the State Attorney's Office for the four criminal divisions and the Multiple Offender Division although there is no breakdown for

the latter concerning multiple or non-multiple offenders. Nevertheless, it was reported in 1977 that the combined four felony divisions had a total of 178 defendants, or 10 percent, of 1786 defendants who pled to or were convicted of lesser charges. Likewise, it was reported in 1977 that the Multiple Offender Division had 36 or 10.5 percent of 341 multiple and non-multiple offenders who pled to or were convicted of lesser charges. Since the 1977 sample of multiple offenders revealed only two defendants who pleaded guilty to lesser charges, it would appear that the project's non-multiple offender constituency may account for the majority of pleas/convictions to lesser charges; the measurable objectives do not indicate that plea bargaining will be eliminated for non-multiple offenders. According to office statistics for 1976, there were no recorded pleas to lesser charges for the multiple offender project in 365 instances whereas the other four criminal divisions reported 216 of 1699 defendants, or 12.7 percent, had pled guilty or had been convicted of lesser charges.

A closer look at pleadings of multiple offenders in the two samples indicated there were reported instances where the defendants had pled guilty to lesser charges or had had other charges dropped or abandoned. Table 12 provides comparable information on the 1974 and 1977 samples with regard to pleadings. The 1974 and 1977 samples were found to be nearly identical in the proportion of those who had pled guilty or nolo contendere as charged on all counts: 59.3 percent and 58.8 percent, respectively. One third of defendants in the 1977 sample had pled guilty as charged on at least one count and had other charges which were dropped or abandoned, compared to 18.5 percent in the 1974 sample. Another difference was noted. The 1974 sample had 21 percent who had pled guilty to lesser charges of which 13.6 percent also had other charges dropped or abandoned. But, the 1977 sample contained only two defendants who pled guilty to lesser charges, one of whom also had other charges dropped or abandoned. Almost one fourth of the

total 218 charges against the 1977 sample of multiple offenders were noted to have eventually been dropped or abandoned: notations by attorneys indicated 31, or 14 percent had been abandoned and 24, or 11 percent had been dropped. The dropping of charges may or may not reduce the maximum sentence to which a defendant may be exposed.

The project evidently has strict standards concerning allowance of pleas to lesser charges with regard to multiple offenders but is less restrictive concerning abandoned or dropped charges for multiple offenders. However, the project's guidelines require that the defendant must plead guilty to the highest offense charged in instances where other charges were dropped or abandoned.

It is obvious that the project has had a stated goal of not engaging in plea bargaining agreements; however, project staff may reduce charges in cases in which the original charges are unprovable. Certainly, the attorneys are ultimately responsible for upholding the laws of the state and for seeing that the rights of victims and defendants are protected. A shorter sentence or conviction to reduced charges is deemed preferable to nol prossing although at times prosecutors may nol pross and refile on lesser charges.

To obtain more definitive information on plea bargaining of multiple offenders prosecuted by the project, it is recommended that the term be defined in future grant applications and that some proviso be included to indicate under what circumstances reduced charges and/or sentences will be entertained. Case summary forms detailing the type of plea negotiation agreed to with a multiple offender should be completed by the project attorney involved in the agreement and filed together by grant period for easy reference. A duplicate could also be placed in the case file.

TABLE 19

NUMBER OF COUNTS PLED TO OR CONVICTED OF LESSER CHARGE
FOR SPECIFIC OFFENSES BEFORE AND AFTER
THE INCEPTION OF THE MULTIPLE OFFENDER PROJECT

	<u>BURGLARY</u>		<u>GRAND LARCENY & GRAND THEFT</u>		<u>POSSESSION OF CONTROLLED SUB.</u>	
	<u>Total # Of Counts</u>	<u># and % Of Counts Pled/Convicted of Lesser Offenses</u>	<u>Total # Of Counts</u>	<u># and % Of Counts Pled/Convicted of Lesser Offenses</u>	<u>Total # Of Counts</u>	<u># and % Of Counts Pled/Convicted of Lesser Offenses</u>
MO SAMPLE 1977	46	1 (2 %)	-	-	-	-
COMBINED TOTALS OF FOUR FELONY DIVISIONS - 1977	323	37 (12%)	282	17 (6 %)	301	25 (8 %)
41 MO SAMPLE 1974 PRE-PROJECT	29	17 (59%)	9	1 (11%)	-	-
NON MO SAMPLE 1974	48	5 (10%)	-	-	56	6 (11%)

The percentages reflect the ratio of counts which yielded a plea or conviction to a lesser charge to the total number of counts for these specific offenses.

OBJECTIVE 4: To compare the duration of the two samples in the system from dates of arrest to conviction to sentencing.

The average number of days from arrest to plea or conviction for 81 multiple offender dispositions in 1974 was 41.47 days compared to 43.38 for the 372 non-multiple offenders. Both of these 1974 figures were considerably lower than the average number of days in the 1977 sample and for the combined four felony divisions: 94.9 days and 66.8 days, respectively. It should be noted that the 1977 statistics for non-multiple offenders are inclusive of all cases resulting in plea or conviction for the four felony divisions, whereas the other three figures represent the average times of three samples. However, these were the only measures available to assess changes in duration before and after the project.

Multiple offenders and non-multiple offenders were processed more expeditiously in 1974 than in 1977 even though there were more felony filings in 1974. However, prosecutors frequently engaged in sentence negotiations in 1974 whereas the 1975 policy manual does not endorse this practice. To analyze the processing time more carefully, data on three specific offenses with the most number of counts was collated and is presented in Table 20 . The figures for the samples are, of course, more susceptible to the fluctuation of extremes.

In 1974 identified multiple offenders charged with burglary were processed from arrest to plea or conviction in an average of 41 days compared to 85.5 days in 1977. Non-multiple offenders charged with burglary were processed in an average of 49 days in 1974 compared to 63 days in 1977. Multiple offenders charged with Grand Larceny/Grand Theft in 1974 were processed from arrest to plea or conviction in 30.6 days on the average compared to 99.9 days in 1977. Non-multiple offenders charged with this offense were processed in 45.3 days in 1974 and 60.3 days in 1977, on the average. Undoubtedly, the four jury trials which included burglary offenses and the five jury trials for Grand Larceny/Grand Theft inflated these figures;

the average number of days from arrest to conviction for the above noted jury trials averaged 119 days, ranging from 81 days to 177 days. However, the data for the 1974 sample, the 1977 data from the other four divisions, and the data cited from twenty-two other cities with career criminal programs also included jury trials. Since a more detailed breakdown was not available for these other groups, it was not possible to control for this variable. However, there were no jury trials to inflate processing time for possession offenses, nevertheless, the time required to prosecute from arrest to plea or conviction for possession charges in 1977 exceeded those for the other two offenses in 1974 and in 1977 for both multiple offenders and non-multiple offenders. Multiple offenders required an average of 65.4 days in 1974 and 113.7 days in 1977. Non-multiple offenders averaged 48.9 days in 1974 and 72.8 days in 1977 for prosecution of possession charges.

In any case, the data on the three specific offenses seems to indicate that the project required one-third to one-half more time to process multiple offenders charged with burglary, grand larceny/grand theft, and possession of a controlled substance than did the other four felony divisions in 1977. But, the project's times for prosecuting multiple offenders charged with burglary and grand larceny were considerably lower than the median time of 103 days from arrest to disposition which was representative of twenty-two career criminal programs throughout the nation, according to Charles Hollis, III, of the Office of Criminal Justice Programs at LEAA in 1977. The median number of days for the Major Offense Bureau in the Bronx was 97 days, a sharp reduction over the median of 400 days required for other bureaus.¹³ Prosecution of career criminals in New Orleans was reported to be even more expeditious. The mean number of days required by the Career Criminal Bureau to prosecute from arrest to judicial disposition (i.e., determination of guilt or innocence) was 73 days for burglary; 56 days for theft;¹⁴ and 64 days for possession.

The rationale for speedier handling of multiple offender cases is related to the fact that court delay affords opportunities for the offender who is awaiting trial to commit additional offenses: it also increases the failure to appear rate and may weaken the testimony or the resolve to testify of victims or witnesses which reduces the possibility of conviction.

With regard to sentencing 33, or 41.77 percent, of the 1974 sample were reported to have been sentenced in less than one month; 29, or 36.71 percent, were sentenced within one to two months; and 17, or 21.52 percent, required more than two months for sentencing. Sentencing has been expedited considerably. Within the 1977 sample 92, or 70.2 percent, were sentenced on the date convicted; an additional 13 percent were sentenced in less than one month; 19, or 14.5 percent, were sentenced within one to two months; and 3, or 2.3 percent required more than two months.

The Fourth Judicial Circuit processes cases expeditiously, well within the limits established by the Speedy Trial provisions.

AVERAGE NUMBER OF DAYS FROM ARREST TO PLEA OR CONVICTION
FOR SPECIFIC OFFENSES BEFORE AND AFTER
THE INCEPTION OF THE MULTIPLE OFFENDER PROJECT

	<u>BURGLARY *</u>	<u>GRAND LARCENY/ GRAND THEFT</u>	<u>POSSESSION OF CONTROLLED SUBSTANCE **</u>
MO SAMPLE 1977	85.5 Days (46 Counts)	99.9 Days (33 Counts)	113.7 Days (20 Counts)
COMBINED TOTALS OF FOUR FELONY DIV. 1977	62.7 Days (323 Counts)	60.3 Days (282 Counts)	72.8 Days (301 Counts)
MO SAMPLE 1974 PRE-PROJECT	41.1 Days (29 Counts)	30.6 Days (9 Counts)	65.4 Days (5 Counts)
NON MO SAMPLE 1974	48.9 Days (48 Counts)	46.3 Days (28 Counts)	48.9 Days (56 Counts)

*Includes building, dwelling and conveyance.

**Includes various types of controlled substances.

OBJECTIVE 5: To analyze a sample of all multiple offender cases which resulted in disposition by dismissal or nolle prosequi Code 04 in 1977.

The revised 1975 State Attorney's Office Manual specifies that a nol pross explanation must be provided in all instances if a charge is dropped. The team found that explanations were provided for all multiple offender nol prosses in the sample. The 1977 sentence records revealed a total of 58 multiple offenders, or 13 percent, whose charges had been nolle prosequied of a total of 450 multiple offender prosecutions that year. As noted in the Methodology Section on page 12, further discussions with staff in the State Attorney's Office revealed primary interest centered on seventeen nol prossed Code 04 cases in which all counts were nolle prossed or dropped. *

The two nolle prosses which were handled by non-project staff were due to insufficient evidence: in one instance the defendant was cleared in a line-up; in the other, the victim and witness left Jacksonville.

The other fifteen Code 04 cases nol prossed were handled by the project staff. The reasons for the nol prosses may be summarized in this manner: five for insufficient evidence, six because the victim could not be located; three due to problems encountered in identification of defendants; one because of an insufficient search warrant. Five of these included two counts; the others had single counts. Therefore, it was found there were twenty-one Code 04 nol prossed counts against multiple offenders in 1977 by project staff. Seven of the multiple offenders whose charges were nolle prossed were white males; six were black males; and one black female had two nol prossed cases. Offenses most frequently Code 04 nol prossed were burglary and drug related offenses.

When comparing the project's rate of people Code 04 and Code 17/30 nol prosses to the number of persons filed as felons and those of the four combined

*One case was nol prossed because the defendant died.

criminal divisions, it was found that in 1977 the project attained rates of 4 percent and 8.9 percent, respectively, which were quite comparable to 5.4 percent and 8.9 percent, respectively, for the combined criminal divisions.

The 1977 sentence records revealed that charges against six multiple offenders prosecuted by project attorneys were dismissed by the court for legal reasons. One case had two counts dismissed. The others had single counts dismissed; two of these also had counts which were dropped. The reasons for the seven dismissed charges listed were as follows: three were classified as Motion to Dismiss (C)(4); two as not in possession/negative drug analysis; one because it was not prosecuted for 180 days; and one was simply noted "judge's decision". Within this dismissed subgroup, there were also three counts which were dropped. Four of these defendants were black males, one a black female, and one a white male. Three of the multiple offenders prosecuted by non-project attorneys also resulted in dismissals; all three were reported as Motion to Dismiss (C)(4); two were white males and one was a black male.

The nineteen defendants prosecuted by project attorneys whose charges were dismissed or Code 04 not processed were found to have been in the system between 26 and 418 days; the mean was 117.4 days; the median and the mode were both 88 days.

OBJECTIVE 6: To assess the internal efficiency of the project in terms of several recognized management indices.

In April, 1977, the project's staff consisted of three attorneys, two secretaries and one investigator. Two of the attorneys each handled two separate circuit criminal divisions and one attorney handled third time repeat shoplifters in all four of the divisions. Interviews with staff reinforced the findings of previous monitoring reports which concluded that staff were knowledgeable of grant objectives and familiar with their work. With regard to training, it was noted in a previous monitoring report and affirmed in recent staff interviews that secretaries received instruction from other secretaries in the office; and attorneys received training from the project manager, although all attorneys had had prior experience in other divisions of the State Attorney's Office before joining the project. The staff concurred that the strengths of the project are related to identifying multiple offenders for special treatment. The project provides manpower to enable prosecutors to obtain background information on multiple offenders, to devote more prosecutorial effort to building stronger cases, and to exert pressure with regard to pleas.

There was also consensus among previous and present staff that rapport between professional and support staff has continued to be good despite the fact that support staff have had heavy workloads. Access to the Division's recently acquired MAG CARD has reduced the workload of the two secretaries serving the project. It was reported that project staff are hard working and conscientious. Professional staff regularly work overtime; support staff may work overtime if the workload dictates. Professional staff considered their caseloads

to be comparable to those of staff in other divisions. The project's special processing of multiple offenders is time-consuming. Paper work is at least double that of routine cases. There have been ongoing problems in obtaining the necessary information from out-of-town jurisdictions concerning proof of prior convictions, according to staff. This may cause some multiple offenders to slip through the system.

The project's data collection system is comprised of sentence records which are maintained by project attorneys and the docket log which is maintained by project attorneys and secretaries. In addition, the jail provides a master list of all felony arrests against which the project double checks its records. The secretaries also obtain a computer printout of the case calendar and mark it for the attorneys.

Every working day the Records and Identification Section of the Sheriff's Office provides rap sheets to project staff for all persons who have been arrested for felonies since the conclusion of the previous workday. These rap sheets are logged in by project secretaries. A check is then made against a master book-in sheet from the booking desk at the jail to guarantee that rap sheets for all felonies were, in fact, received. Project attorneys all participate in screening on a daily basis to identify potential multiple offenders. Rap sheets with inadequate dispositions are filed in the office until an updated rap sheet is received from the F.B.I. in Washington, D.C., generally within three weeks. Attorneys then screen the updated rap sheets. The local Clerk's Office and those in out-of-town jurisdictions are contacted by the investigator to document and verify that defendants meet the criteria, in

accordance with Florida Statute 775.084. The investigator also conducts pre-trial investigations as well as locates, contacts, informs and subpoenas witnesses and victims. The office routinely sends letters to victims regarding the final disposition of cases.

A review of previous monitoring reports indicates that the project has been considered fully staffed and operational for over two years. Fiscal and progress reports were noted to have been submitted as required. There has been compliance with special and general conditions placed on the subgrant at the time of grant awards. Personnel practices were noted to have been in accordance with policies of the Personnel Department of the City of Jacksonville; and the project's payroll records and fiscal procedures have also been subject to city policy and regulation. The monitoring report of July 1976 noted that a third attorney had been added to handle prosecution of third time shoplifters. As a result of recommendations made in January 1976, the measurable objective of prosecuting alleged multiple offenders was initially reduced from 1200 to 600 and a further reduction to 500 was requested in June, 1977. The following explanations have been offered by the project director and others to account for this:

- 1) The number of felony filings has decreased significantly due to revised felony intake procedures, instituted in 1975, which modified earlier projections for the project;
- 2) The city's adult crime rate has declined since the project was implemented;
- 3) Fewer multiple offenders are being arrested which may be attributed in part to the fact that the project has had some effect in deterring crime; since several hundred multiple offenders have been prosecuted and sentenced to prison

The monitoring report of February, 1978, indicated 71 persons had been identified as multiple offenders during the previous quarter. This number may indicate an atypically low quarter or that the project is still having difficulty meeting its measurable objectives. In an effort to increase the

number of multiple offenders prosecuted, project attorneys began prosecuting identified multiple offenders charged with escape and possession of a firearm by convicted felons in April, 1978.

A review of data for this study revealed that the State Attorney's Office has been subsidizing project supplies and the salary of one secretary for administrative reasons. In addition, non-project staff handled seventeen, or 11 percent, of the total 148 convicted multiple offenders which the 1977 sample yielded because the project was overloaded with cases involved with the "C and N" fencing operation. According to grants management personnel, the LEAA guidelines permit implementing agencies to augment the efforts of project staff in attaining objectives. However, guidelines require staff of LEAA supported projects to devote time commensurate to the proportion of time subsidized by the grant to grant-related activities. Forty-five of the past fifty-five payrolls have included three attorney's salaries. However, Attorneys A and B handled 94 percent of the multiple offenders in the 1977 sample; Attorneys C, D, and E, who alternated to fill the third slot for portions of 1977, handled 6 percent of the sample's convicted multiple offenders, the third time shoplifters; these attorneys were employed full-time by the project.

Attorneys who have handled repeat petit larcenies have been required daily to review all of the numerous petit larceny arrests in order to identify repeat petit larceny offenders. They have also coordinated the prosecution of repeat offenders with attorneys in County Court to see that misdemeanor cases were not pressed prior to refileing as felony cases in Circuit Court. Investigating and obtaining adequate documentation of prior misdemeanant petit larceny convictions has proven to be time-consuming for these attorneys. Nevertheless, attorneys who have held this position in the past have indicated in interviews that they

have also prosecuted non-project cases. Although this may have been done in reciprocation for other assistance provided by the State Attorneys Office, attention needs to be focused on this practice and LEAA guidelines. A current assessment of project needs and resources should be made by the Project Director to determine if budgetary and staffing changes are necessary to improve the project's administration and increase its cost-effectiveness. In two previous grant periods the project has not utilized allocated funds as effectively as it might have since more than \$20,000 was noted to have been undrawn and reverted to LEAA. The project should make every effort to utilize as effectively as possible all funds allocated for prosecuting of identified multiple offenders. These matters should be discussed with grant administration staff of the Office of Criminal Justice Planning.

OBJECTIVE 7: To gather information on the project's relations with other agencies.

In order to obtain information on the project's external relations, interviews were scheduled with the following persons: three of the Circuit Court Felony Judges; the Chief of the Police Services Division; the Supervisor of the Identification and Records Section; the Court Liaison Officer of the Sheriff's Office; the Chief Assistant Public Defender; and the Chairman of the Criminal Law Section of the Jacksonville Bar Association.

There was concensus among interviewees that the project generally has had a beneficial effect on the local criminal justice system. Two respondents explained that defense attorneys have had to compensate for the project's additional resources because of awareness that clients may serve more time if convicted. The publicized position against plea negotiation has not resulted in a backlog of jury trials, but the representative from the Public Defender's Office noted that the hardening of the attitudes of prosecutors and defendants often results in protraction of the process.

Although the project is required to treat identified multiple offenders uniformly, in accordance with the objective criteria outlined in the subsequent offender statute, respondents expressed concern about uniform treatment of multiple offenders, especially multiple offenders who may have been rehabilitated but are later arrested on an unrelated charge, such as a self defense situation, and are subject to an enhanced penalty because they meet the criteria established by the Statute. This point of view was also raised by members of the judiciary who stated they felt the Notice to Seek an Enhanced Penalty was unwarranted in some cases and urged more discretion on the part of the project attorneys. For this reason, judges stated they must carefully consider mitigating circumstances since they are charged with the responsibility of protecting both the State and the defendant. Judges indicated they frequently did not issue enhanced penalties

because the normal maximum penalty was considered to be sufficient in most instances. One judge noted the State Attorney's Office generally had been "very fair with defendants"; another felt the project "has a purpose but needs firm guidelines."

As a result of information provided on the project's external relations, two problems have come to light. Representatives of the Sheriff's Office and the Clerk's Office indicated that assistance provided by their offices to the Multiple Offender Project has resulted in a serious drain on manpower in the two offices. In the case of the Clerk's Office, one staffmember works an estimated five hours a day gathering information on verification of previous convictions. Much of this work is done manually because some rap sheets do not indicate dispositions and there is not sufficient money to buy the computer space needed to store the information indefinitely. It was noted that follow-up could be expedited if the State Attorney's Office provided the case numbers of previous dispositions in question. A year ago the project implemented a recommendation made by the Clerk's Office to request certified copies of judgment and sentence for defendants whose cases were actually going to trial rather than for all multiple offender defendants. This measure has helped to reduce the workload for the Clerk's Office.

In the case of the Identification and Records Section of the Sheriff's Office, the commitment of personnel is even heavier. Although the Sheriff's Office was initially involved in planning for the project, the workload has grown from one person per shift to two persons per shift. Although it is true that the Sheriff's Office formerly provided arrest data and rap sheets to the various felony divisions, this information is now funnelled through the Multiple Offender Project which then distributes the rap sheets to the other divisions of the office. The Sheriff's Office has developed and maintained a process to copy all booking-in information to check off each felony and retail theft for the Multiple Offender Project. In order to reduce workload for the Sheriff's Office, the project implemented a recom-

mentation made by that office to keep multiple offender rapsheets on file for at least six months. The suggestion was recently made in the course of this study that the project should keep such rapsheets on file indefinitely. Updated information will, of course, be provided as indicated by the Sheriff's Office.

It should be stressed that respondents from the Clerk's Office and the Sheriff's Office were favorable to the project but were also realistic about their own budgetary restrictions and manpower problems.

OBJECTIVE 8: To gather follow-up data on the 1974 sample.

Follow-up data on the 78 individuals who comprised the 1974 sample of 81 multiple offender convictions revealed there had been a total of 219 arrests attributed to individuals identified as multiple offenders in 1974 during the three year period following the 1974 convictions. There were 116 arrests for felonies and 103 for misdemeanors.

Table 21 provides information on the distribution of the 219 arrests attributed to the 1974 sample. The 219 arrests were actually attributed to 51 of the original 78 offenders in the 1974 sample which averages 4.3 arrests per arrested offender. Twenty-nine offenders were arrested between one and three times; twelve were arrested 4 to 6 times each; six had between 7 and 10 arrests; three had 11 to 15 arrests each; and one had 26 arrests.

The 219 arrests resulted in 36 felony and 78 misdemeanor filings, or a total of 114 cases. Fifty, or 23 percent of the arrests were not filed on; at least 35 of these were felony arrests. Thirty-four of the 78 multiple offenders to whom the 81 convictions were attributed in 1974 had no subsequent cases filed during the three year follow-up period. Of course, many of these were still serving time on their 1974 sentences. Thirty-six of the individuals identified as multiple offenders in 1974 had one to three cases filed; six had four to six cases filed; one had between seven and ten cases filed; and one had over ten cases filed since 1974. The average number of cases filed for the forty-four multiple offenders who had subsequent cases filed during the follow-up period of three years was 2.6 cases. Time did not permit an indepth analysis of the misdemeanor cases. However, the 36 felony cases filed during the three year follow-up period were attributed to thirty of the multiple offenders in the 1974 sample of 78 multiple offenders. It was found that institutional sentences had been imposed on 21 of the 30 multiple offenders in the follow-up sample: one of these offenders had also been adjudicated guilty in a second case and was

awaiting sentencing in that case; and three of these offenders had also received probationary sentences during the follow-up period. In addition, probationary sentences were also imposed on four other offenders. Charges against two offenders in the follow-up sample were found to have been not prosessed; one case had also been dismissed; the sole charge in one case had been dropped; and one offender who had been adjudicated guilty was still awaiting sentencing. Tables 23 and 24 on page 61 summarize this information on the follow-up sample.

A review of data on the original 1974 sentences received by the multiple offenders in the follow-up sample revealed that 17, or 57 percent, were sentenced to the Jacksonville Correctional Institution for an average of 1.1 years and 13, or 43 percent, to the State Prison System for an average of 2.4 years. During the three year follow-up period it was found that four of the 30 offenders were subsequently sentenced to serve average maximum sentences of six months in the Duval County Jail; 16 received average maximum sentences of 5.5 years in the state prison. One offender received institutional sentences in the Duval County Jail and the State Prison. Table 24 provides more detailed information on the disposition of charges attributed to these thirty recidivistic multiple offenders in 1974 and during the follow-up period. A higher percentage of changes resulted in sentencing in 1974.

Of the 36 cases involving thirty recidivistic felons in the 1974 sample of identified multiple offenders, eighteen cases involving seventeen defendants were prosecuted by project attorneys. Institutional sentences were imposed in twelve of these eighteen cases: ten defendants received institutional sentences with an average maximum of 7.98 years to be served in the State Prison System; and two received institutional sentences with an average maximum of four months to be served in the Jacksonville Correctional Institution. There were no enhanced penalties imposed. The remaining six cases involved two probationary

sentences, two nol prosses, one dismissed case, and one deferred sentence.

Institutional sentences were imposed in thirteen of the eighteen cases in the follow-up period which were prosecuted by non-project attorneys: nine defendants received institutional sentences, with an average maximum of 5.12 years, to be served in the State Prison; and four received institutional sentences, with an average maximum of 5 months to be served in the local correctional institution. Probationary sentences were imposed in three cases; one case was pending; and the charges in the remaining case were dropped.

A closer look at the eighteen cases, involving identified multiple offenders from the 1974 sample which were not prosecuted by project attorneys, revealed that eight of the cases predated the project's inception and/or the revision of the Subsequent Offender Statute and could not have been prosecuted in accordance with project guidelines. Moreover, three of the cases included escape charges and one a violation of probation, charges which had not been routinely prosecuted by the project because these charges generally exposed the offender to harsher penalties. One case involved charges which were eventually dropped. Therefore, there were five cases, involving burglary, grand larceny, forgery, and conspiracy to commit a felony, which might have been prosecuted as multiple offenders by project staff. It is interesting to note that all of these defendants were long-term residents of Jacksonville except one defendant who had been identified as an out-of-state resident in 1974; problems may have been encountered in obtaining documentation of prior out-of-town convictions in this case. One of the defendants in another of the cases in point was eventually prosecuted as a multiple offender in another case, which leaves three defendants who conceivably might have been prosecuted as multiple offenders by project staff but were prosecuted routinely by non-project attorneys instead, due perhaps to their special interest in these cases.

TABLE 21

NUMBER OF ARRESTS IN FOLLOW-UP SAMPLE

<u># Of Arrests</u>	<u># Of Offenders</u>	<u>Percentage</u>
No Arrests	27	34.6
1-3 Arrests	29	37.2
4-6 Arrests	12	15.4
7-10 Arrests	6	7.7
11-15 Arrests	3	3.8
16-20 Arrests	-	-
More Than 20 Arrests	<u>1</u>	<u>1.3</u>
TOTALS:	78	100.0

COMPARISON OF SENTENCES FOR FELONY OFFENSES
OF 30 RECIDIVISTIC MULTIPLE OFFENDERS
IN 1974 AND DURING THREE YEAR FOLLOW-UP PERIOD

Felony Offenses	<u>3 Yr. Follow-Up Period</u>		
	<u>Institutional Sentences In 1974</u>	<u>Institutional Sentences</u>	<u>Probationary Sentences</u>
Assault & Battery	2	2	-
Auto Theft	2	-	1
Breaking & Entering	10	6	1
Carrying Concealed Firearm	2	-	-
Conspiracy to Commit Felony	-	1	-
Escape	4	2	1
Forgery, Uttering	2	3	-
Grand Larceny	2	4	-
Malicious Mischief	1	-	-
Petit Larceny (Third Offense)	-	1	-
Possession Controlled Sub.	3	1	3
Possession of Firearm	-	1	-
Possession of Firearm by Convicted Felon	-	1	-
Procuring to Commit Prostitution	1	-	-
Receiving Stolen Property	3	2	-
Resisting Arrest	2	-	-
Removing Unstamped Cigarettes	-	1	-
Robbery	-	2	-
Sale Controlled Substance	-	1	-
Trespassing	-	1	-
Violation of Probation	-	2	3
TOTALS:	34	31	9

No probationary sentences in 1974 Multiple Offender Sample.

TABLE 23

COMPARISON OF JAIL SENTENCES FOR MULTIPLE OFFENDER FOLLOW-UP SAMPLE
CONVICTED OF FELONIES IN 1974 AND DURING THREE YEAR FOLLOW-UP

Number of Sentences To Jacksonville Correctional Institution

<u>Length Of Sentence</u>	<u>1974</u>	<u>3 Yr. Follow-Up</u>
0-6 Months	5 (16.7%)	5 (17.2%)
7-12 Months	11 (36.7%)	1 (3.4%)
More Than 12 Months	1 (3.3%)	- (-)

Number Of Sentences To State Prison

<u>Length Of Sentence</u>	<u>1974</u>	<u>3 Yr. Follow-Up</u>
Less Than 1 Year	1 (3.3%)	1 (3.4%)
1-3 Years	9 (30.0%)	5 (17.2%)
3 Yr. & 1 Day-5 Yrs.	3 (10.0%)	12 (41.4%)
5 Yrs. & 1 Day-10 Yrs.	-	3 (10.3%)
More Than 10 Years	-	2 (6.9%)
TOTAL NUMBER OF SENTENCES:	30 (100.0%)	29 (99.8%)

TABLE 24

DISPOSITION OF FELONY COUNTS IN 1974 AND THREE YEAR
FOLLOW-UP PERIOD FOR RECIDIVISTIC MULTIPLE OFFENDERS

<u>Disposition of Counts</u>	<u>1974</u>	<u>3 Yr. Follow-Up</u>
Adjudicated Guilty	34 (65.4%)	31 (53.4%)
Adjudication Withheld	-	9 (15.5%)
Dropped	4 (7.7%)	1 (1.7%)
Abandoned	14 (26.9%)	13 (22.4%)
Nolle Prosequi	-	2 (3.4%)
Dismissed	-	2 (3.4%)
TOTAL COUNTS:	52 (100.0%)	58 (99.8%)

SUMMARY OF FINDINGS

- Statistics from the Uniform Crime Reports for 1973-1977 have indicated that the number of reported offenses for burglary and larceny, the two Part I crimes most frequently prosecuted by the Multiple Offender Project, have decreased to pre-project levels or below. Burglary offenses have declined from over 13,000 in 1974-1975 to 9,961 in 1977. Larceny offenses, which had surged to over 24,000 in 1976, have declined to 20,176 in 1977 which is comparable to the pre-project number of reported larceny offenses of 20,113. Correspondingly, the number of arrests for these two offenses has been steadily increasing. There were 1,985 arrests for burglary in 1977, compared to 1,341 in 1973; and 4,529 arrests for larceny in 1977, compared to 3,730 in 1974. However, adult arrests for these offenses have been decreasing and juvenile arrests have been increasing. There were 2,877 adult arrests for larceny in 1975, 2,622 in 1977, and 1,120 arrests for burglary in 1975, and 955 in 1977. It seems logical to conjecture that the incarceration of several hundred multiple offenders charged with these offenses over the past three years has been responsible, to some degree, for this reduction in reported burglary and larceny offenses. The statistics on larceny and burglary in Jacksonville for the years 1974-1977 are summarized in Table 25 on page 66.
- An analysis of data on sentencing of identified multiple offenders revealed that prior to the project's inception, multiple offenders were receiving shorter institutional sentences and nearly half were served in the local correctional institution. In fact, only 8.9 percent of the institutional sentences in the 1977 sample were served in the local correctional institution compared to 44 percent in 1974. The project's average maximum institutional sentence per convicted multiple offender in the 1977 sample was 5.5 years which exceeded the pre-project average maximum institutional sentence of 3.32 years per identified multiple offender in the 1974 sample by more than two years. In order to analyze sentencing variation more adequately, sentencing data on the project's three most prevalent offenses was obtained. It was found that the project's average maximum institutional sentence per burglary count in the 1977 sample was 4.7 years compared to 3 years for the 1974 multiple offender sample. The average maximum sentences per burglary count for non-multiple offenders were 1.7 years in 1974 and 3.06 years in 1977. Multiple offenders averaged maximum institutional sentences of 4.28 years per grand larceny/grand theft count in 1977 compared with 1.9 years for multiple offenders in 1974; non-multiple offenders received average maximum institutional sentences per count of 1.9 years and 2.56 years for 1974 and 1977, respectively. The project averaged a maximum institutional sentence of 4.15 years per count for defendants convicted of possession of controlled substances compared to 1.6 years for multiple offenders in the 1974 sample and 1.9 years and 2.04 years for non-multiple offenders in 1974 and 1977, respectively. Sentences in 1974 were affected by the lower charging threshold utilized by the State Attorney's Office at that time.
- It was noted that Circuit Court judges rarely acted on the project's motion to

impose enhanced penalties on identified multiple offenders in the 1977 sample. Only six enhanced penalties were granted; five of these defendants were tried by juries.

- Data from the 1977 sample revealed that the project had averaged 85.5 days from date of arrest to plea or conviction for burglary offenses; 99.9 days for grand larceny/grand theft, and 113.7 days for possession of controlled substances. Project processing times were one third to one half longer than processing times for the four felony divisions for these offenses in 1977. Processing time for identified multiple offenders convicted of these three offenses in the 1974 sample was much shorter: 41.1 days for burglary, 30.6 days for grand larceny/grand theft, and 65.4 days for possession of controlled substances. The processing times for non-multiple offenders in the 1974 sample for the above three offenses were 48.9 days for burglary; 46.3 days for grand larceny/grand theft and 48.9 days for possession of controlled substances.
- The project's grant applications have not included a definition of the term plea bargaining. If one accepts the project's operationalized definition of limited plea bargaining, the disallowing of pleas or convictions to lesser charges, one would likely conclude that the project had attained its objective. However, if one refers to the definition included in the current office policy manual which also refers to the dismissing of one or more pending charges, one might question the attainment of this objective since one third of the 1977 multiple offenders had pled guilty as charged to the highest count charged and had had other charges dropped or abandoned, compared to 18.5 percent in the 1974 sample. Representative judges and defense attorneys indicated in interviews that they considered that the project permitted a limited amount of plea bargaining. Discussions with the project director during the course of the evaluation revealed that the following definition is the definition the project would like to add to its grant application:

"Plea bargaining is making a specific sentence recommendation in return for a plea of guilty or allowing a plea to lesser included offenses when the original charge was provable."

- Project directors for the Multiple Offender Project have generally carried a full caseload in addition to time-consuming administrative responsibilities. Although project reports have generally been submitted on time, the project has sustained a loss of more than \$20,000 in undrawn funds in two prior grant periods. The project has also encountered administrative difficulties which may have resulted partially from the generosity of the implementing agency which has provided some supplies and staff assistance to the project; in return one of the project's attorneys has been handling some non-project cases. The project receives a considerable amount of unremunerated assistance from the Clerk's Office and the Sheriff's Office. Both of these units were involved in planning for the project, and are favorably impressed with its accomplishments. They are concerned, however, about ongoing manpower expenditures for the project.

- Follow-up data on the sample of 1974 convicted multiple offenders indicated a considerable amount of recidivism. There were 219 arrests, 116 felonies and 103 misdemeanors, attributed to 51 of the original 78 offenders who accounted for 81 multiple offender convictions in 1974. The 51 arrested offenders averaged 4.3 arrests during the three year period. The range was one to twenty-six arrests. The 219 arrests resulted in 36 felony and 78 misdemeanor filings, or a total of 114 cases. Fifty or 23 percent of the 219 arrests were not filed on. The thirty-six felony cases, attributed to 30 identified multiple offenders, constituted the follow-up sample for this study. It was found that institutional sentences had been imposed on 21 of 30 multiple offenders during the follow-up period of three years; one of these offenders had also been adjudicated guilty in a second case and was awaiting sentencing in that case; and three of these multiple offenders had also received a probationary sentence during the three year follow-up period. In addition, probationary sentences were imposed on four other offenders. Charges against two offenders in the follow-up sample had been not pressed; one case had been dismissed; the sole charge in one case had been dropped; and one offender who had been adjudicated guilty was awaiting sentencing. During the three year follow-up period it was found that four of the 30 offenders were subsequently sentenced to serve average maximum sentences of six months in the local correctional institution, and 16 received average maximum sentences of 5.5 years in the state prison. One offender received institutional sentences in the local correctional institution and the state prison. Half or eighteen of the thirty-six felony cases for the thirty multiple offenders in the follow-up sample were prosecuted by attorneys of the Multiple Offender Project. Eight of these cases predated the project's inception and the majority of the other ten cases were handled by non-project attorneys because they had interest in specific cases. No enhanced penalties were imposed during the follow-up period.
- The project has earned the respect of knowledgeable persons in the local criminal justice system, according to information provided in interviews. Its competence has been recognized by professionals in the State Attorney's Office in Jacksonville and elsewhere. The State Attorney's Office not only plans to institutionalize the project in the future but also intends to utilize the concept of prioritized prosecution in its other divisions.

RECOMMENDATIONS

- The project should define the term plea bargaining in its grant application, especially if its operationalized definition varies from that in the policy manual of the State Attorney's Office. It would be well to define limitations on plea bargaining, perhaps quantifying its use by limiting plea bargaining to no more than 5 percent of multiple offenders prosecuted by the project. For those multiple offenders who have plea bargained, the project attorneys should complete case summary sheets which explain the terms of the bargain and the reasons why plea bargaining was necessary. A copy of the case summary sheet should be filed in the case file and a copy should also be kept in a separate grant file for reference purposes.
- Steps should be taken to standardize information included in the project's sentence records. A column should be included to check if a Motion To Seek an Enhanced Penalty was filed. Project secretaries might be trained to maintain the sentence records.
- The Annual Statistics provided by the project for comparison with other felony divisions would be more descriptive if information was presented separately for non-multiple offenders and multiple offenders.
- The project director should take this opportunity to analyze the data provided by the study and reassess project objectives, needs, and resources in accordance with LEAA requirements. Steps should be taken to improve the administration of the grant and to increase its cost-effectiveness. One of the secretaries should meet with personnel in the City's Purchasing and General Accounting Departments to obtain information on City purchasing procedures. An effort should be made to establish an appropriate job classification for the project secretarial positions with the City's Personnel Office. If indicated, necessary grant revisions should be submitted to reflect proposed changes. The project director should monitor grant spending and request extensions several months prior to termination of the grant to utilize grant funds more effectively. If necessary, a part-time administrative aide may need to be hired to relieve the present project director of some of these necessary tasks since he also carries a heavy caseload of multiple offender cases in addition to administrative responsibilities.
- Any procedure which might result in the speedier identification and handling of multiple offender cases should be considered by project staff.
- The project director should meet periodically with representatives in the Clerk's Office and the Sheriff's Office to discuss measures the project might take to reduce or alleviate the heavy workloads in these offices. He should also acknowledge their efforts as indispensable to the project.

TABLE 25

FIVE YEAR COMPARISON OF STATISTICS ON BURGLARY AND LARCENY

	<u>YEAR</u>	<u>JUVENILE & ADULT ARRESTS REPORTED BY JAX SHERIFF'S OFFICE</u>		<u>JUVENILE & ADULT REPORTED OFFENSES UNIFORM CRIME REPORT</u>
		<u>Juvenile</u>	<u>Adult</u>	
BREAKING & ENTERING - Burglary	1974	480	367	13,476
	1975	456	1120	13,805
	1976	484	1000	11,691
	1977	1031	955	9,961
LARCENY - (Except Motor Vehicle)	1974	856	1140	20,113
	1975	1048	2877	23,652
	1976	1612	2944	24,227
	1977	1913	2622	20,176

REFERENCES

1. Curbing the Repeat Offender (Washington, D.C.: National Institute of Law Enforcement and Criminal Justice, 1977), p. 8.
2. Ibid, pp. 8-9.
3. Ibid, p. 12.
4. Ibid, p. 14.
5. Florida Times Union, January 19, 1978, A-10. See also Supreme Court Reporter for Synopsis of Bordenkircher v Hayes: 98 S. Ct. 663 (1978).
6. As noted in Florida Statute 775.084.
7. The 1977 figure has been adjusted to conform with the definition of a "case" used in 1974-1976.
8. The National Advisory Commission on Criminal Justice Standards and Goals Report on Courts (Washington, D.C.: Government Printing Office), p. 42.
9. Florida Rules of Criminal Procedure (Tallahassee: Florida Bar Association, 1977), pp. 29-30.
10. Dictionary of Criminal Justice Data Terminology: (Washington, D.C.: Law Enforcement Assistance Administration, 1976), p. 70.
11. Standards and Goals for Florida's Criminal Justice System (Tallahassee: Bureau of Criminal Justice Planning and Assistance, 1976), p. 254.
12. Ed Austin, State Attorney's Office Manual (Fourth Judicial Circuit, State of Florida: 1975), p. 12.
13. The Major Offense Bureau: Bronx County District Attorney's Office, New York, (Washington, D.C.: National Institute of Law Enforcement and Criminal Justice, 1976), p. 5.
14. An Experiment in Prosecution: The Evaluation of the Career Criminal Bureau in New Orleans (Draft Copy of Report) (New Orleans: Mayor's Criminal Justice Coordinating Council, 1978) p. 43.



END