

~~FIRST ANNUAL REPORT OF THE MAJOR OFFENSE BUREAU~~

JULY 1, 1973 - JULY 1, 1974

OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF THE BRONX

* 16705

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I. INTRODUCTION - HISTORY OF MAJOR OFFENSE BUREAU

Commencing in the early 1960's, the Criminal Justice System operating in New York City was inundated with an increase in criminal activity unprecedented in the history of this country. Toward the end of that decade the volume of cases so exceeded the resources allocated to deal with them that the entire system began to reflect an inability to cope with its responsibilities. The dearth of court rooms, judges, prosecutors, defense attorneys for the indigent and ancilliary personnel resulted in the following manifestations of collapse:

(a) Delay and Backlog: Any person arrested and indicted within Bronx County who desired to litigate his case faced a delay of approximately two (2) years.

(b) Recidivism and Public Safety: A natural consequence of the lengthy delays and concomitant pre-trial detention was the potentially dangerous unrest of those detained. The fact that an accused person could remain incarcerated for two years or more without the issue of guilt or innocence having been determined was repugnant to the concept of our democratic system of justice. Consequently, persons with substantial criminal records who were charged with heinous crimes were released on bail or parole pending the disposition of their cases. It was not uncommon for these persons to be re-

arrested and charged with additional crimes while at liberty and subsequently to be released again because of the pressure exerted by the overwhelming backlog facing the courts. Thus, further fuel was added to the scaring fire of criminal activity in New York City.

(c) Ineffective Prosecution: The probability of conviction and the certainty of punishment are among the most effective deterrents to crime. The probability of a conviction after a trial which commenced two years after arrest is greatly diminished by the delay. The memories of witnesses dim with the passage of time. Those witnesses whose memories do remain relatively intact frequently relocate without trace, lose interest or become reluctant to testify after observing the accused at liberty. Delay also serves to destroy the continuity of the case. After two years the case will have passed through the hands of numerous prosecutors. Eventually the matter will be tried by an Assistant District Attorney who will be compelled to reconstruct the entire case before trial. Such a practice is inefficient and wasteful of the limited resources available. As a consequence, trial delay works to the advantage of the defendant. The art of criminal defense work becomes the art of delay.

(d) Dilatory Tactics By Defendants: Unable to deal quickly with pending matters, the system invited delay. Consequently defendants employed methods guaranteed to effectuate the delays which enhanced their chances of avoiding effective prosecution. Motion practice became so voluminous that months

would pass before the simplest of issues was resolved. The request for psychiatric examinations increased in direct proportion to the volume of criminal cases. Predictably a backlog developed in the psychiatric clinics because of their limited resources. A defendant could rely on this stratagem for a two or three month delay. In addition, should the defendant replace his attorney the entire repertoire of delay is available again.

(e) Plea-Bargaining: As previously indicated, the pre-trial delay decreased the probability of conviction. Similarly the sheer volume facing the courts eliminated the certainty of punishment. In order for the system to survive, more than ninety percent of all matters had to be disposed of by plea or dismissal. Experienced defendants used this pressure to their own advantage. All of the available delay factors would be utilized until the "right" plea offer was made available. It was not long before the public at large became distrustful of the concept of plea-bargaining, a process which when operating without the distortions of volume and pressure is a necessary and judicious tool of the criminal justice system.

Faced with these problems and a genuine desire to reverse the tide in favor of effective law enforcement, the Bronx District Attorney directed that steps be taken to implement a dynamic new approach to prosecution.

First, the various Federal jurisdictions where backlog was not a serious problem were examined. It was established

that in these Federal jurisdictions the United States Prosecutor was able to control the size of his caseload by limiting his intake to serious cases. This type of "selective prosecution" was therefore adopted as a necessary part of any new program.

Next, a study of criminal activity in Bronx County indicated that a small percentage of the population was responsible for most of the serious crimes being committed. It was resolved, therefore, that this new program would concentrate on selecting recidivists who commit the most heinous crimes. It became apparent that if those persons who presented the greatest threat to society could be isolated from the system at large and prosecuted quickly and efficiently, then a truly significant impact could be made in the fight against crime in Bronx County.

With this in mind, research began for the purpose of developing an efficient screening system that would alert the District Attorney to the apprehension of a "major offender," a criminal recidivist who has committed another serious crime. Teams of researchers visited the offices of the District Attorneys located in Detroit, Washington, D. C., Brooklyn, and Manhattan where experiments had been conducted in this area. Scores of prosecutors and technical advisors were interviewed in order to lay the foundation for a screening system best equipped to the particular needs of Bronx County.

Finally, after consulting with the various court administrators involved in the criminal justice system concern-

ing the feasibility of the project, a formal application was made to Law Enforcement Assistance Agency for a grant to establish a Major Offense Bureau. In April of 1973 approval was obtained and on July 2, 1973, the Major Offense Bureau began operations. On September 1, 1973, the Appellate Division, First Department, designated two trial parts for the exclusive litigation of Major Offense Bureau cases.

It is the purpose of this report to relate and review the operation and performance of the Major Offense Bureau after its first year of existence and to determine its impact upon both the Criminal Justice System and the community it serves.

II. ORGANIZATION AND POLICY:

Prior to commencing operations on July 2, 1973, a three-month preparation period was completed in which the following organization and policy considerations were developed:

1. Personnel: The Bureau consists of a Bureau Chief, nine (9) experienced Assistant District Attorneys and a support staff of non-legal personnel which consists of one (1) Legal Secretary, one (1) Supervising Clerk, three (3) Senior Clerks, one (1) Clerk, one (1) Detective Investigator, one (1) Process Server, two (2) Senior Typists, and two (2) Trial Preparation Assistants.

2. Selection and Prosecution of Cases: All serious felonies, (except Homicide and Narcotics Cases), are screened at the intake stage of Criminal Court by a trained ranking clerk assigned to the Major Offense Bureau. By applying pre-determined criteria, a ranking score is reached. If a certain ranking figure is attained, the case is held pending review by the Major Offense Bureau Assistant District Attorney on duty. (NOTE: There is a Major Offense Bureau Clerk and a Major Offense Bureau Assistant District Attorney on duty seven (7) days a week, night and day. An electronic signal receiver is carried by the Major Offense Bureau Assistant District Attorney on duty at all times to insure his immediate notification of any case meriting his attention).

To date, 2,076 cases have been manually ranked according to the criteria developed. In addition, extensive research is being conducted in order to further refine this technique. A contract has been made with the National Center for Prosecution Management to develop the most accurate type of screening system. By using as a base, data obtained from those cases already ranked and applying the results of indepth interviews relating to the subjective evaluation of these cases, the Center envisions the development of a system of ranking cases which will serve as a model for future use by prosecutors throughout the entire country. This new system is projected for implementation in October, 1974. In addition, a coordinated effort with the Nation Center for Prosecution Management has resulted in the development and design of a series of trial preparation forms used to insure thoroughness of investigation and complete readiness for trial upon arraignment on the indictment in Supreme Court.

In January, 1974, an agreement was reached with the New York City Police Department, The New York City Housing Authority Police Department, and The New York City Transit Police Department which stipulated that upon the arrest of persons charged with committing a serious crime immediate notification will be made to the Major Offense Bureau in order to enable the earliest participation by an Assistant District Attorney in the investigation and preparation of the case. To date, 1,028 notifications have been made and acted upon.

After reviewing the facts of the case and the criminal record of the defendant, the Assistant District Attorney will decide whether or not to accept the case for prosecution by the Major Offense Bureau. The Assistant District Attorney will direct the drafting of the complaint and personally handle the Criminal Court Arraignment. Arrangements will be made for a presentation to the Grand Jury within twenty-four (24) hours. (NOTE: The average case, not presented by the Major Offense Bureau, takes at least one (1) month to reach the Grand Jury for presentation).

The same Assistant District Attorney will marshal the evidence and present the entire matter to the Grand Jury. Upon indictment, a short date will be set for the arraignment.

The arraignment and every appearance thereafter in the Supreme Court will be handled by the same Assistant District Attorney. A plea offer will be made at the earliest opportunity.

Guidelines for Plea-bargaining were established reflecting the policy of the District Attorney. The offered plea would be determined in each case at a conference between the Assistant District Attorney who investigated and prepared the matter and the Chief of the Bureau. Depending upon various factors the offer will consist of either the top count of the indictment or no less than one count below. To deter waiting until the eve of trial for disposition, the plea offer is made to the defendant at the earliest opportunity and held open for a reasonable period of time. If not accepted within that period of time, the plea offer is withdrawn. Defense

counsel will be invited to partake in an open and candid conference concerning the evidence in the case in order to assist defense counsel in an expeditious preparation for trial and eliminate the need for motion practice. The Assistant District Attorney will waive formal motion papers whenever possible.

The trial will be conducted by the same Assistant District Attorney except where prohibited by law, (e.g. the Assistant District Attorney secured a statement from the defendant and as a witness could not conduct the trial), or prevented by illness.

3. Trial Readiness: Every case is prepared initially in great depth and with a view towards trial. As a consequence, the People are actually ready at the time of Arraignment. No Major Offense Bureau case has ever been adjourned at the request of an Assistant District Attorney, and such a request is not anticipated in the future.

III. STATISTICAL ANALYSIS OF OPERATIONS

In order to report the operations of the Major Offense Bureau in a manner which most closely reflects its achievements and efficiency, a control group was established for comparative purposes. The control group consists of a random selection of cases that conform essentially in time of commencement and degree of severity to those prosecuted by the Major Offense Bureau. The integrity of the comparison has been maintained by determining the selection of the Control Group at the inception of the case, rather than after the review of its final disposition. In addition, the results of City-wide statistics, where available, have been included for the purpose of greater comparison. These figures were obtained from the Management Planning Office of the Office of Court Administration for the Criminal Branch of the Supreme Court, City of New York.

A. CASE LOAD: At the completion of the first year of operation, the Major Offense Bureau had accepted for prosecution 454 defendants named in 309 Indictments. The cases range in diversity and complexity from Attempted Murder of a Police Officer, Armed Robbery, Rape, Sodomy, Felonious Assault and Serious Burglary to Criminal Contempt of a Grand Jury and Bribing a Witness.

B. DISPOSITION OF DEFENDANTS BY CLASSIFICATION

	<u>Major Offense Bureau</u>	<u>Control Group</u>
FELONY:		
Class A:	1	0
B:	168	0
C:	79	17
D:	29	39
E:	11	46
Misdemeanor:	2	6
Dis. by Grand Jury:	0	12
Bench Warrant:	7	25
Acquitted after Trial:	7	1*
Committed to Mattewan:	9	0
Transferred to Fam. Ct.:	3	1**
D.O.R.:	3	1
Abated by death:	1	2

These figures reveal the following pertinent information: Of those prosecuted by the Major Offense Bureau, 290 defendants involving 217 Indictments have been convicted. 201 defendants were convicted of the top count of the Indictment while not one defendant in the Control Group has been convicted of either a Class "A" or Class "B" Felony and only two (2) were convicted of the top count, (Both Class "E" Felonies). A comparison of the level of disposition of the cases within

*Only two cases brought to trial in Control Group.

**One case previously referred to Family Court was returned to Supreme Court for prosecution.

each group indicates that those cases disposed of within the Major Offense Bureau are in excess of two grade levels above those of the dispositions within the Control Group. Thus, application of a numerical scale to each felony level indicates that the average Major Offense Bureau case is disposed of as a Class "B" Felony while the average Control Group case is disposed of at the level of a Class "E" Felony. It is a continuing policy of the Major Offense Bureau to plea-bargain at a level of the top count of the Indictment or one count below. Only in the most unusual of circumstances in which the interest of justice dictate a deviation is a lesser plea accepted.

A further analysis of those cases disposed of by the Major Offense Bureau reflects that the median time span from arrest to final disposition is 74 days. This is a particularly impressive figure when it is considered that the median includes those cases in which substantial delays have occurred due to psychiatric examinations and time consumed in apprehending defendants who have jumped bail. More than 14% of those defendants being prosecuted by the Major Offense Bureau have requested and obtained psychiatric examinations. The average delay caused by said examination is approximately 60 days.

A clear indication of the relationship between the speed and the quality of disposition is evidenced by the fact that over 70% of the cases handled by the Major Offense Bureau have reached disposition as against 30% of those cases in the Control Group. Thus, the superior quality of disposition in the Major Offense Bureau cases may be attributed to the fact

that these cases are handled in a uniform manner, and brought to a speedy disposition by highly experience personnel.

Ninety-seven (97%) percent of all cases prosecuted by the Major Offense Bureau resulted in conviction. For the same period the conviction rate for the City of New York was 73%.

C. TRIALS

Beginning in September of 1973, two trial parts in the Supreme Court were designated as Major Offense Bureau Trial Parts. Within the next 9 months, 62 cases involving 87 defendants were brought to trial. During the course of these trials, 48 defendants pleaded guilty to the charges. Of those remaining, 29 were found guilty, 7 were acquitted, 2 were granted a mistrial as a result of a jury disagreement* and one was in the process of trial at the time of this report.

Thus, the conviction rate of those defendants brought to trial is in excess of 90%.

By way of comparison, in the very same period only two (2) defendants in the Control Group were brought to trial. Of these two, one was acquitted and one was convicted of a charge two counts below the top count.

*One defendant was subsequently retried and found guilty on all counts and the other plead guilty to the entire indictment prior to re-trial.

D. SENTENCES:

The following defendants prosecuted by the Major Offense Bureau have received the designated sentences:

	<u>MAXIMUM</u>	<u>MINIMUM IMPOSED*</u>
JAMES LEE	Life**	15 years
JERRY HUGHES	25 years	12 1/2
SYLVESTER SCOTT	25	12 1/2
EDWARD SWITZER	25	12 1/2
WILLIAM MUMIT	25	12 1/2
CHARLES DaFORNO	25	8 1/3
DAVID WOFFARD	25	8 1/3
JAMES TAYLOR	21	7
PETER FERDICO	20	6 2/3
RONALD MASTROVINCENZO	18	6
MICHAEL HILTON	18	6
WILLIS SAMPLE	15	7 1/2
FELIX CASTRO	15	7 1/2
JAMES CAMPBELL	15	7 1/2
LAWRENCE BROOKS	15	7 1/2
CARLOS MERCADO	15	5
JOHN GREEN	15	5
SEGUNDO MATOS	15	5
ALBERT ROSS	15	5
CARMELO QUINONES	15	5
JOSE RODRIGUEZ	15	5
FELIX CORTEZ	15	5
WILLIAM DOWDEL	15	5
JEFFREY COHEN	15	5
JOHN WORKMAN	15	5
MICHAEL STRONG	15	5
WILLIAM MC DANIEL	15	5
JOSE ARANO	15	3
SAMMY STARKS	15	0
HOWARD JOHNSON	15	0
EDDIE COLLINS	14	7
MAURICE MATHEWS	13	6 1/2
EUGENE McCLURE	13 1/2	4 1/2
WILLIAM CAMPBELL	12	6
ULYSSES NIXON	12	6
JOHN CRAWFORD	12	6
ALFONSO BIVINES	12	6
RICHARD CHRISTE	12	6

*Period of Incarceration that must be completed prior to eligibility for parole.

**Adjudged a Persistent Felon Offender and Sentenced as Class "A" Felon.

D. SENTENCES (Continuation):

	<u>MAXIMUM</u>	<u>MINIMUM IMPOSED</u>
JAMES WILLIAMS	12 years	4 years
RUPEN NIEVES	12	4
ANGELIO LORENZI	12	4
VICTOR MOOREHOUSE	10	5
MICHAEL DELANCEY	10	5
ZACHARY ORTIZ	10	5
LEE ADAMS	10	3 1/3
GREGORY BILLUPS	10	3 1/3
RONALD DOWNS	10	3 1/3
ALFONSO GADDY	10	3 1/3
JOSE NIEVES	10	3 1/3
DAVID YOUNG	10	3 1/3
CHARLES JONES	10	3 1/3
ODO WILKINSON	10	3 1/3
JOHN TAYLOR	10	3 1/3
ROBIN MOODY	10	3 1/3
LEONARD REALE	10	3 1/3
STEPHEN WILKINS	10	3 1/3
ARMANDO MARRERO	10	3 1/3
CRAIG DANIEL	10	0
JOHN HEDGEPEETH	10	0
ELMER KRANENBERG	10	0
WILLIAM WINDLEY	10	0
CARLOS AYALA	10	0
PHILIP DONAHUE	10	0
DEREK SARAUF	10	0
MARIO HERRARA	10	0
ENRIQUE CUILLEN-HEVERTZ	10	0
CARLOS MORALES	10	0
LARRY PHELPS	10	0
JOHNNY GWYNN	10	0
PAUL GLADDEN	10	0
CAROLIE LAVORE	9	3
BOYSTIE LEWIS	9	3
ADOLPHUS JAMES	9	3
LEROY POWE	9	3
THEODORE SMALLS	9	0
SOLOMON WELLS	8	4
RYLAND GIBSON	8	4
JAMES JOHNSON	8	2 2/3
AMOS TAYLOR	8	2 1/2
ANTHONY CRISCENTI	8	0
HENRY BROWN	8	0
JEROME GARLAND	7	3 1/2
ROBERT DUNNE	7	3 1/2
CLARENCE FARRELL	7	3 1/2
JOHN WENGEL	7	2 1/3

D. SENTENCES (Continuation):

	<u>MAXIMUM</u>	<u>MINIMUM IMPOSED</u>
THOMAS SMITH	7 years	2 1/3 years
NOEL MERCED	7	2 1/3
HECTOR MOLINA	7	2 1/3
TERRY MYERS	7	2 1/3
MICHEL PEREZ	7	2 1/3
STANLEY MILLER	7	2 1/3
EDDIE FELICIANO	7	2 1/3
CARLOS MURPHY	7	2 1/3
THOMAS SMITH	7	2 1/3
RAYMOND CASANAS	7	0
ANTHONY BELLUOMO	7	0
CYRIL CLARK	7	0
ANGEL RIVERA	6	3
JUAN PEREZ	6	3
ANGEL RIVERA	6	3
MAURICE LOCKWOOD	6	2
BENJAMIN SEEGARS	6	2
ROBERT GIRDY	5	2 1/2
RUSSELL ASHTON	5	0
KENNETH POPE	5	0
MANUEL ORTERO	5	0
RAPHAEL MAISONET	5	0
FRANK ROSA	5	0
THOMAS DERHAM	5	0
EDMOND CASEY	5	0
FRED SCUDIERS	5	0
RALPH CAPUTO	4	2
DENNIS JACKSON	4	0
WILLIAM JACKSON	4	0
RAMIREZ JESUS	4	0
MICHAEL BLANCHARD	4	0
UVELIO NEGRON	4	0
HENRY JOHNSON	3	0
ANTHONY TABACCO	3	0
ANNA LUISA COLON	3	0
RUBIN GARCIA		Reformatory (4 years)
GEORGE MERCADO		Reformatory (4 years)
HECTOR LUIS MARTINEZ		Reformatory (4 years)
CANDELA RIVERA		Reformatory (4 years)
RAPHAEL SOTELO		Reformatory (4 years)
JOSE MARIN		Reformatory (4 years)
ALFRED WHITTAKER		Reformatory (4 years)
JULIO MARTINEZ		Reformatory (4 years)
GREGORIO DELGADO		Probation (5 years)
RAFAEL PEREZ		Probation (5 years)
OBIE HOLLOWAY		Probation (5 years)
MICHAEL KAVANAUGH		Probation (5 years)
BELFORD WHITTED		Probation (5 years)
ANTHONY LaTEMPA		Probation (5 years)
FRANK MARTINA		Probation (5 years)

The following defendants prosecuted within the Control Group have received the following sentences:

	<u>MAXIMUM</u>	<u>MINIMUM IMPOSED</u>
BENJAMIN MAYS	9 years	3 years
STEVEN HAYNES	9	3
JAMES SNUGG	9	0
REGGIE MACK	8 1/2	2 5/6
ROBERT MARTINEZ	8	4
RUBIN RODRIGUEZ	7 1/2	0
ROBERT SIMMONS	7	0
THOMAS SANDERS	6	3
CARL BROWN	6	3
RAYMOND ESCUTEL	6	2
JOHN THOMAS	6	2
CLEMENTE COLON	5	2 1/2
WILLIAM HERNANDEZ	5	2 1/2
PEDRO ROSADO	5	1 2/3
GEORGE CRUZ	5	0
CURTIS BOLDON	5	0
HARRISON GREEN	4	2
TEXIDOR CATALINO	4	0
FRANCISCO SANTIAGO	4	0
LEROY HUBBART	4	0
DONALD LARDEN	4	0
TEXIDOR CATALINO	4	0
JULIO ROSA	4	0
EUGENIO HERNANDEZ	4	0
MANUEL RODRIGUEZ	3	1 1/2
JOSE LOPEZ	3	1 1/2
RICKY JONES	3	1 1/2
MIGUEL OGARTE	3	0
GEORGE COOKE	3	0
MIGUEL BOBE	3	0
JOSE CABAN	3	0
FRANCISCO ALBA	3	0
JOSE ROSADO	3	0
MARVIN ROUSSELL	3	0
CURTIS LLOYD	3	0
CHARLES COLEMAN	3	0
VAN JOHNSON	3	0
RONALD MILLER	1	0
JOSE COLON	1	0
ALLAN BRUCE	1	0
BRYANT DENNIS	1	0
RONALD MILLER	1	0
NECTOR ROMAN	1	0
JESUS DIAZ		Reformatory (4 years)
MELVIN HOLDER		Reformatory (4 years)
FREDERICK FRANKLIN		Reformatory (4 years)

D. SENTENCES: (Group Control - Continuation)

	<u>MAXIMUM</u>	<u>MINIMUM IMPOSED</u>
ROMAN INECTOR		Reformatory
MELVIN HOLDER		Reformatory
STEVEN McCRAY		Reformatory
HERBERT JOHNSON		Probation (5 years)
FLOYD RICKS		Probation (5 years)
VINCENT CAPRIOLA		Probation (5 years)
JULIUS LUNES		Probation (5 years)
STEVE REID		Probation (5 years)
JAMES WILLIAMS		Probation (5 years)
RAMISO LUCIANO		Probation (5 years)
GEORGE GONZALES		Probation (5 years)
ROBERT SMITH		Probation (5 years)
WILLIAM MASSEY		Probation (5 years)
ANTONIO RODRIGUEZ		Probation (5 years)
OREN MULLER		Probation (5 years)
RICHARD CRAWFORD		Probation (5 years)
JOHN CAMERON		Probation (5 years)
FRANCISO COLON		Probation (5 years)
ANGEL RODRIGUEZ		Probation (5 years)
FLOYD RICKS		Probation (5 years)
RICHARD WEISS		Probation (5 years)
ARTHUR MOOSER		Probation (5 years)
LAWRENCE TAYLOR		Probation (5 years)
ABRAHAM PEREZ		Probation (5 years)
RALPH McClAM		Probation (5 years)
ANTONIO RODRIGUEZ		Probation (3 years)
PAUL REVELS	Drug Abuse Control	Commission
NORMAN CLARK	Drug Abuse Control	Commission
MICHAEL LaVALLO		\$100 Fine
DENNIS SANDERS	Unconditioned	Discharge

A comparison of the sentences imposed upon those defendants prosecuted by the Major Offense Bureau and those defendants prosecuted within the Control Group reflects that the average sentence imposed is substantially different. 95% of those defendants prosecuted by the Major Offense Bureau received a sentence of incarceration as opposed to 66% of those prosecuted within the Control Group. The defendants prosecuted by the Major Offense Bureau received an average sentence of 9.6 years whereas those prosecuted in the Control Group received an average sentence of

2.5 years. The Court imposed a minimum sentence in 62% of the Major Offense Bureau cases but did so in only 21% of the Control Group cases. The average minimum sentence imposed in Major Offense Bureau cases was 3.0 years in contrast to an average of less than .5 years in the Control Group. Thus, the minimum sentence imposed upon a defendant prosecuted by the Major Offense Bureau exceeded the maximum imposed on those prosecuted in the Control Group.

E. PENDING CASES

An examination of the status of pending cases both in the Major Offense Bureau and in the Control Group must be analyzed under the following conditions:

A substantial number of Major Offense Bureau cases are awaiting sentence. The sentencing of a defendant is a unique aspect of criminal justice in which the speed of disposition is totally within the control of the Court and its allied services.

Secondly, the rules of the First Judicial Department of the Supreme Court of the State of New York prohibit the trial of a case within thirty days of arraignment without the defendant's consent.

Thus, under the speediest of circumstances, the first five weeks of every case must be considered its period of gestation.

Lastly, it is apparent that within the orderly context of prosecution established by the Major Offense Bureau, absolutely

no case is merely rushed through the system. Fairness requires that an accused be afforded a reasonable time to prepare his defense. Attorneys must be given the time to handle other clients and affairs. Illness, death and overwork are human frailties that must be expected. As long as the "delay" factors involved are limited to the above, the integrity of the system remains intact.

STATUS OF PENDING CASES - MATURITY:

	<u>M.O.B.</u>	<u>CONTROL GROUP</u>
Less than 14 days	13	27
Over 14 days	22	22
Over 28 days	13	12
Over 42 days	10	10
Over 56 days	4	15
Over 70 days	7	7
Over 84 days	23	116

F. LEGAL REPRESENTATION OF MAJOR OFFENSE BUREAU DEFENDANTS.

While the change of counsel remains one of the major delay factors in disposing of cases, the present status of representation for the 454 defendants being prosecuted by the Major Offense Bureau is as follows:

Legal Aid Society:	186
Appellate Division Counsel (18B):	175
Privately Retained Counsel:	93

IV. CONCLUSIONS

The preceding sections of this report have dealt with the most tangible forms of analysis. Following a brief history of the events which lead up to the formation of the Major Offense Bureau, a statistical analysis was presented. These statistical results and comparisons reflected a truly remarkable performance by the Bureau during its relatively brief existence. Remarkable as they may be, however, their recitation reflects only part of the impact that the Bureau has had on the Criminal Justice System and the Community it serves.

(a) Impact Within the Criminal Justice System

Earlier in this report, there was a discussion concerning the various ills manifested in the Criminal Justice System. The decline in the ability to properly deal with the problems presented had a particularly devastating effect on those who served the system itself. Interminable delays and ineffective prosecution of serious crimes were accepted as unchangeable conditions to be endured. It is not surprising therefore that the inception of the Major Offense Bureau was met with skepticism and resistance. Many felt that the articulated goals of the Bureau were at best a ruse for attracting federal funding. However, the passage of time brought a remarkable change of attitude. Immediately upon the designation of a trial part for the disposition of

Major Offense Bureau cases the court was stunned by the immediate commencement of a case only two months old. A quick conviction followed. From that point until the present time the two parts have been used exclusively for Major Offense cases without a single day lost to inactivity.

There is now a renewed hope within the Court system that reflects the fact that the task can be accomplished if given the necessary means. The Courts were not the only institution affected. The Grand Jury on more than one occasion expressed its particular satisfaction at determining a matter that had occurred within the last 24 hours. The Judiciary, long harassed by defendants because of the endless delays prior to trial, could now offer to any Major Offense Bureau defendant a trial at the earliest opportunity. Law enforcement agencies, long the haven for cynics, have a renewed confidence in the handling of major crimes.

"Turnstile justice" was being reversed. Police officers are now aware that any serious matter that they investigate will result in the highest quality prosecution to be found anywhere in this country. Recently, the Bronx Robbery Squad reported that the incidence of Supermarket Robberies had declined on an average from 30 per month to less than five. This result is directly attributable to the combined efforts of that Squad and the Major Offense Bureau since that particular crime is extremely serious in nature and the perpetrators are most frequently highly recidivist. Lastly, the Major Offense Bureau has had a particularly significant impact on the defense

Bar. Initially skeptical, they challenged the Bureau to support its claim of speedy trials and limited plea bargaining. Today, the prevailing attitude is to openly recommend to their clients the early acceptance of the plea offer rather than face trial. Thus speed and quality of disposition are brought about within a system that once viewed such a result as virtually impossible.

(b) Impact Upon the Community

Of a far more serious nature was the total lack of confidence in the Criminal Justice System that developed within the community. Not only was there a noticeable fear to move about the local environs but also evident was a reluctance to report the occurrence of crimes or the fact that a criminal act had been witnessed. In addition, the widespread publicity attended to the deplorable conditions of the local detention facilities led to a public outcry for a speeding up of this process. The performance of the Major Offense Bureau has made considerable inroads in this area. Widely circulated reports of a 97% conviction rate, trials being held well within 90 days and the reduction of plea bargaining to a minimum have been largely responsible for this change to public confidence and optimism. The following reports reflect the renewed public support:

(1) On September 15, 1973 the lead editorial of the New York Daily News praised the Bureau's first conviction as proof that speedy trials are possible when the "money, manpower and organization are available". The editorial called for a further expansion of this program.

(2) On October 21, 1973 a feature article appeared on the front page of the Living Section of the Sunday News which reported in considerable detail the performance and achievements of the Major Offense Bureau after its first three months of existence.

(3) On November 1, 1973 national media coverage was given to the conviction by the Major Offense Bureau of one Arca White. His conviction of Attempted Murder was the first of a member of the notorious Black Liberation Army.

(4) On January 5, 1974 WNBC-TV televised an editorial praising the speed and efficiency of the Major Offense Bureau. It concluded that all District Attorneys should have a similar program and if they did not, it was suggested that "the Legislature should make the programs mandatory".

(5) On January 10, 1974 District Attorney Merola announced his widely praised "full disclosure" rule for all cases pending in Bronx County. Subsequently, other District Attorneys have adopted this innovative program. Full disclosure was piloted and experimented within the previous six months by the Major Offense Bureau.

(6) On January 31, 1974 the prestigious New York Law Journal published an article which reflected on the first six months of activity of the Major Offense Bureau and emphasized the high conviction rate for serious crimes, the speedy disposition of cases and efficiency achieved by having one Assistant District Attorney on a case from its inception to conclusion.

(7) On March 24, 1974 United Press International distributed for national circulation a feature story which analyzed the operation of the Major Offense Bureau and the impact of its success upon the prosecution of serious crimes. As a consequence of this article, numerous inquiries from law enforcement agencies throughout the country were received requesting information and assistance concerning the establishment of similar units in their own jurisdictions.

(8) On April 7, 1974 a feature article appeared in the New York News Magazine, also receiving national circulation, which dealt with the investigation and prosecution by the Major Offense Bureau of a particularly unusual and vicious crime. The article underscored the unique capacity of the Major Offense Bureau system to deal effectively with difficult prosecutions.

(9) On June 27, 1974 the Major Offense Bureau utilized a sentencing procedure that had been virtually unused for decades and obtained a sentence of life imprisonment for a mugger who had spent most of his life engaged in the commission of violent crimes. By having this defendant declared a "persistent felony offender" he was sentenced as a Class "A" felon and received life imprisonment.

(10) Recently, editorials have appeared in The Parkchester News and also in The City News praising the Major Offense Bureau after its first year of operation.

In addition, scores of cases handled by the Major Offense Bureau have been reported throughout the media indicating the speed of disposition and the severity of sentence. It is reasonable to assume that the future operation of the Bureau will result in commensurate progress that will further enhance the confidence and optimism developed to date.

In conclusion, the success enjoyed during the first year of operation by the Major Offense Bureau proves clearly and undeniably that the Criminal Justice System can and does work when supplied with the sufficient assets and organized in a meaningful and efficient manner. This fact has been dramatically proved by the performance of the Major Offense Bureau of the Bronx County District Attorney's Office.

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