

CAREER CRIMINAL PROGRAM

FIRST YEAR REPORT

OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF SAN DIEGO

CAREER CRIMINAL PROGRAM

First Year Report

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CONTENTS

	<u>Page</u>
I. Introduction	1
II. Organizational Structure	6
III. Crime in San Diego - An Overview	7
IV. Career Criminals - Three Examples That Demonstrate The Need For The Program	9
V. Summary of Results	12
Characteristics of the Offenders	12
Sex and Ethnic Group	17
Age	17
Marital and Living Status	18
Employment	18
Known or Suspected Drug Use	19
Prior Criminal Involvement	21
Nature of Cases	25
Bail Status	27
Defendant Disposition	29
Court Processing and Sentencing	31
Appendix A: Career Criminal Program Press Clippings	33
Appendix B: San Diego Police Department and Sheriff's Office - Letters of Commitment to the Program	40

TABLES

	<u>Page</u>
I. Career Criminal Summary.....	13
II. General Offender Characteristics.....	14
Robbery Arrests by Age	17
Employment Status	18
III. Heavy Drug Use	20
IV. Previous Arrests	22
V. Previous Convictions	24
Number of Separate Robberies Committed	25
VI. Types of Crimes Committed	26
VII. Bail Setting	28
VIII. Defendant Final Disposition	30
Types of Sentences Received	31

SAN DIEGO CAREER CRIMINAL PROGRAM

ANNUAL REPORT

7/1/75 - 6/30/76

I. INTRODUCTION

The San Diego County Career Criminal Program came into existence in July, 1975. The main thrust of this program is to concentrate prosecutorial resources on career criminals who commit robberies and robbery-related homicides. As noted in our original application for the LEAA grant, robberies constitute the single most serious crime problem in San Diego County in terms of violence potential. Statistics reflect that robberies increased between 1968 and 1974 by 260%. The increase between 1973 and 1974 was a staggering 40%.

Surveys in the robbery crime area reflected the following: (1) There has been a dramatic increase in armed robberies as compared to strongarm robberies; (2) Robberies have changed to a more serious and dangerous form wherein more guns are being used, victims injured and senior citizens victimized; (3) 25% of robbers have served prior prison terms and approximately 40% have major prior records.

LEAA funding has allowed the San Diego District Attorney's Office to implement and direct a concentrated attack on selected robbery defendants that present county funding does not permit.

Six senior Deputy District Attorneys are assigned to the Career Criminal Program. The Unit's junior attorney has been a Deputy District Attorney since January 1971. Career Criminal Program defendants are processed by this unit from the issuance of a complaint through sentencing. Career Criminal Program deputies personally appear at every hearing involving a Career Criminal defendant. Because of the workload of the District Attorney's Office such concentrated attention cannot be given to non-career criminal defendants.

The main emphasis of this program is to (1) Identify the Career Criminal; (2) Obtain appropriately high bail so that he is incarcerated throughout the Criminal Justice process; (3) Provide the sentencing judge the opportunity to sentence the defendant to the maximum term provided by law for the offense committed; (4) Seek consecutive sentences in those cases where it is appropriate; and (5) To obtain maximum public exposure of the goals and successes of the program so that others might be deterred from such criminal activities.

Robbery defendants who qualify for prosecution by the Career Criminal Program fall into three general categories. The first category includes those defendants who commit three or more robberies which occur at different times and different places. We feel that these individuals, by reason of such continuing illegal conduct, are engaged in the "business" of committing robberies. The second category

includes those defendants who have demonstrated by their past felony conviction record that they cannot benefit from rehabilitative processes. The third category includes those defendants, regardless of their prior record, who have committed such reprehensible and aggravated robberies that the situation demands special treatment. These cases are rare and comprise a low percentage of crimes prosecuted by the Career Criminal Program.

In order to accomplish the foregoing objectives strict guidelines were established for the disposition of career criminal cases. Top felony pleas are required except in unusual cases. In multiple count cases (usually more than three separate criminal transactions) defendants are required to plead guilty to more than one felony count which includes a top felony. Career Criminal Program deputies will not enter into any sentence bargaining in exchange for a plea. Probation officers are contacted by the assigned deputy immediately after a defendant's guilty plea or trial conviction and briefed on the case. Probation officers are encouraged to contact the victim or victims for their input. The assigned deputy appears at the sentencing and advocates consecutive sentences when it is appropriate. A policy has been adopted whereby prison statements are prepared and sent in every case. The purpose of these statements is to provide prosecutorial input regarding the nature of the crime, the nature of the defendant and our views as to the length of incarceration.

At the inception of this program every law enforcement agency in San Diego County was personally contacted. They were informed of the goals and objectives of the Program and were supplied with copies of the criteria used in the selection of defendants for prosecution.

Upon the arrest of a robbery suspect the arresting agency compiles all available information concerning the defendant's background and the crime or crimes he is accused of committing. An initial decision is made by the assigned detective as to whether he will contact the Career Criminal Program for the issuance of the case. If the Career Criminal Program is contacted by the detective, a decision will be made whether to accept or reject. If the detective decides to present the case to one of our general prosecution sections for issuance, the issuance Deputy District Attorney will then review the case and decide whether the Career Criminal Program should be contacted. This provides a safeguard mechanism so that we will be apprised of any case that might fall within our criteria.

If a qualifying case does happen to slip into the general prosecution system, every Deputy District Attorney has been supplied with a copy of our criteria and is instructed to notify the Career Criminal Program if he receives an apparent qualifying case for prosecution. A random sampling of robbery cases processed by the general prosecution section shows that the overwhelming majority of qualifying cases have been processed by the Career Criminal Program.

The judiciary was also informed of the existence of the program and the policy guidelines that were established pertaining to plea bargaining. They have been extremely cooperative.

The San Diego Police Department and the San Diego Sheriff's Office have each provided a detective to work full time as investigators for our unit. This was done at no cost to the Career Criminal Program. These investigators have been committed for the next grant year and copies of the letters of commitment are included in Appendix B.

II. ORGANIZATIONAL STRUCTURE

The Career Criminal Program is comprised of the project director, five senior Deputy District Attorneys, three clerical persons, a research analyst and the two investigators already mentioned. Space has been provided on the fourth floor of the County Courthouse and will be the permanent location of the Major Violator's Unit.

All cases that are accepted by the Major Violator Unit are reviewed initially by the project director or, if he is unavailable, by one of the Grade IV deputies assigned to the Unit. The same procedure is employed with respect to cases rejected by the Unit.

Case dispositions must be approved by the project director with no exceptions. Trial and Probable Cause Hearing continuances must be approved by the project director and the reasons therefore noted in the case file.

The Research Analyst is responsible for the gathering and forwarding of statistics to the National Legal Data Center. He has also been delegated the responsibility of preparing the necessary financial reports.

III. ROBBERY IN SAN DIEGO COUNTY, 1974-75: AN OVERVIEW

In order to determine the effects, if any, that the Career Criminal Program has had on local crime activity, a look at San Diego County both before and after the inception of the Program is necessary.

As previously mentioned in the Introduction, robberies in San Diego have increased by staggering amounts in recent years. The Table on the following page describes the path that reported robberies are taking. Robbery in San Diego increased each year since 1971 until February of this year when the percent change year-to-date compared to previous year-to-date turned downward. The trend has been downward ever since. At the same time other serious felony offenses, such as murder, assault and commercial burglary, have demonstrated the same trends.

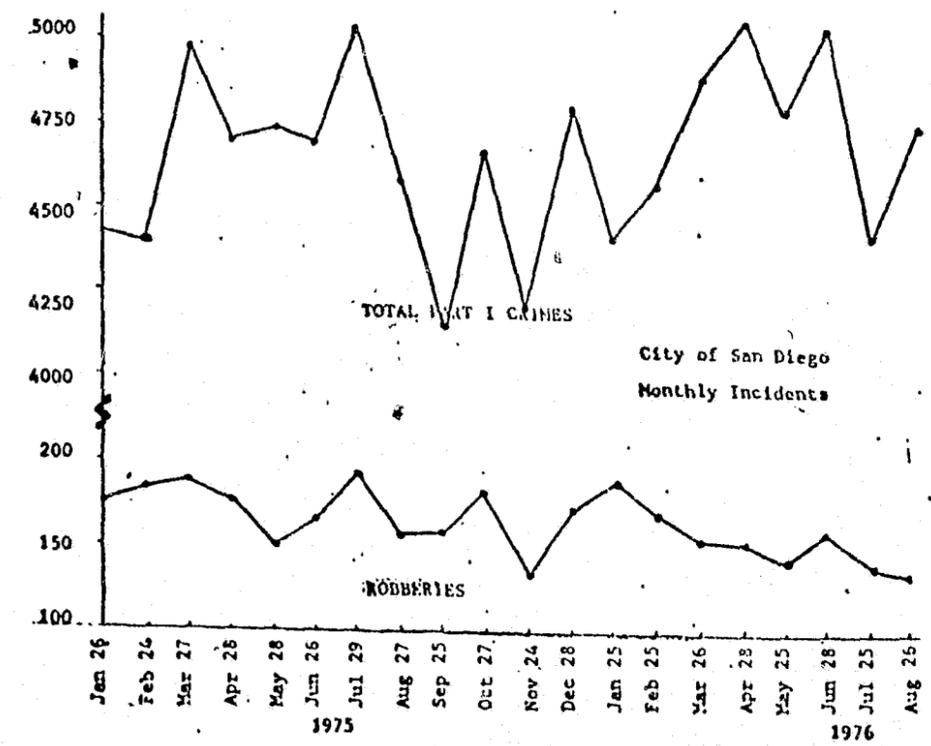
Relating the Career Criminal Program as the cause for the decrease in reported robberies is not yet an obvious association. However, it is encouraging to see the robbery level decrease as the Program gathers experience in prosecuting Career Criminal defendants.

A further study to determine the effects of the Program upon local crime activity will be completed during the Program's second year.

CITY OF SAN DIEGO
ROBBERY INCIDENTS

Percentage change year-to-date compared to previous year-to-date.

<u>Month</u>	<u>% Change</u>	<u>Month</u>	<u>% Change</u>
Jan 1975	Up 6.2	Jan 1976	Up 13.3
Feb	Up 24.2	Feb	Down 0.3
Mar	Up 24.5	Mar	Down 4.9
Apr	Up 28.4	Apr	Down 5.9
May	Up 23.3	May	Down 4.2
Jun	Up 24.7	Jun	Down 5.2
Jul	Up 26.9	Jul	Down 7.3
Aug	Up 23.6	Aug	Down 8.0
Sep	Up 22.0		
Oct	Up 22.9		
Nov	Up 17.6		
Dec	Up 11.9		



IV. CAREER CRIMINALS - Three Examples That Demonstrate
The Need For The Program

[REDACTED]

On April 1, 1976 [REDACTED] was found guilty by jury of Armed Robbery in San Diego. The jury further found that he was armed with a firearm and found him to be a habitual criminal based upon his prior felony convictions.

This defendant was considered a career criminal because of his extensive criminal record which included convictions for Assault with a Deadly Weapon in 1949, Escape in 1951, First Degree Murder in 1957 and Escape in 1968. After that he was paroled in 1973 and within a few months was convicted of two counts of Robbery and Assault with a Deadly Weapon after which he was returned to State Prison. He escaped on June 23, 1975 and on June 23, 1975 committed two more Armed Robberies in San Diego. He attempted to use a credit card belonging to one of the victims in a store in Fresno, California. The store clerk became suspicious and notified store security. While the security guards were questioning him, he disarmed them and broke away. The defendant was subsequently captured after a shoot-out in the parking lot and found his way into the Career Criminal Program.

In April 1976, [REDACTED] was sentenced to life in State Prison.

[REDACTED]

[REDACTED] is a forty year old white male. In May 1976 he was prosecuted by the Career Criminal Program of the San Diego District Attorney's Office. In October 1975 [REDACTED] was charged with two armed robberies which he committed in Santa Barbara County. He was released on bail pending a court hearing of those crimes when he came to San Diego for the purpose of committing yet another robbery. Ultimately, he kidnapped an elderly couple at gunpoint, drove them to a remote area, robbed them and then shot both of them numerous times. He then returned to the couple's residence and stole property valued at about \$10,000. Miraculously, one of the victims survived to identify [REDACTED] as the murderer. [REDACTED] is currently under a death sentence.

[REDACTED] criminal career began in 1954 when he was convicted of desertion from the Army and sentenced to serve two years in a Federal Prison. In 1960 he was convicted of robbery in Los Angeles and sentenced to State Prison for a one year to life term. After serving three years, [REDACTED] was paroled in October 1963. He was returned to prison as a parole violator in March 1965, and was again released on parole in April 1966. In May, 1968, [REDACTED] was convicted of grand theft in San Diego and sentenced to State Prison for a 6 month to 10 year term to be served concurrently with his parole revocation. In June 1971 he was again paroled.

~~XXXXXXXXXX~~

~~XXXX~~, a black male, age 30, was prosecuted by the Career Criminal Program in June 1976, having committed four separate armed robberies between October 1975 and March 1976. In each instance the victims, all restaurant employees, were threatened with a loaded gun and large sums of money were taken.

~~XXXX~~ prior involvement in crime began at age 17 when he was arrested and convicted of robbery and burglary. He spent the next three years on parole from California Youth Authority, where he had spent about five months in confinement. During these three years he was arrested five times for misdemeanors, never once having his parole status revoked. In June 1967, ~~XXXX~~ was convicted of first degree robbery. He was sentenced to ten months in local jail and five years probation. In May 1971, probation was revoked due to his involvement in two separate burglaries. ~~XXXX~~ was ordered to California State Prison. On September 14, 1971, upon his return to the San Diego area, probation was reinstated and extended to September 1974. Less than six months later, ~~XXXX~~ began committing the series of robberies that led to his present jury conviction. He is now awaiting a possible sentence of 30 years to life in State Prison, having already spent most of his adult life on parole, probation, or in prison.

CAREER CRIMINAL PROGRAM

SUMMARY OF RESULTS

The offenders included in this study consist of those persons prosecuted by the District Attorney's Career Criminal Program during Fiscal Year 1976. All available criminal background, court events and case disposition data were collected for 154 defendants. The purpose of this analysis is to provide information useful in both evaluating the effectiveness of the Career Criminal Program and developing a socio-criminal "profile" of those persons prosecuted by the Program.

The summary in Table I deals with Career Criminal cases disposed of or presently being processed. For all of the characteristics used in the study, data was not always available for each defendant. However, analyses and conclusions can be made because of the significant amount of information that was collected.

Characteristics of the Offenders

The typical Career Criminal offender (Table A) was male (97.4%), single or divorced (67.6%), under age twenty-four (53.6%), and on either parole or probation status (56%). In terms of ethnicity, over half of the offenders were from minority groups. Four out of every five offenders (79%) are unemployed. Almost half (41.2%) were known or suspected drug users at the time of their last offense.

TABLE I

CAREER CRIMINAL SUMMARY

<u>Category</u>	<u>Percent of Total</u>	<u>Avg. Number Previous Arrests</u>	<u>Avg. Number Previous Convictions</u>	<u>(Known/Suspected) Heavy Drug Use</u>	<u>Full or Part-Time Employment</u>
Sex					
Male	97.4%	5.59	4.11	40.5%	19.2%
Female	2.6%	7.67	4.00	100.0%	33.3%
Age					
Under 21	18.3%	2.42	1.78	9.5%	25.0%
21 - 24	35.3%	4.62	2.90	65.7%	21.7%
25 - 29	24.2%	8.70	4.87	60.7%	20.0%
30 - 34	13.1%	6.46	5.51	14.3%	10.0%
Over 34	9.1%	11.80	6.34	25.0%	0.0%
Race					
Anglo	44.4%	5.60	3.93	29.1%	20.8%
Black	34.0%	5.41	4.15	34.5%	11.1%
Spanish Surname	19.6%	5.30	4.54	72.0%	31.8%
Oriental	2.0%	1.00	0.00	100.0%	0.0%
Marital Status					
Married	25.9%	7.28	5.12	59.3%	25.0%
Single, Divorced, or Widowed	67.6%	5.66	4.13	32.3%	21.9%
Co-Habiting	6.5%	4.00	2.50	50.0%	20.0%
Defendant Status					
Pre-Trial	6.4%	4.50	3.00	71.4%	28.6%
Parole	31.2%	7.88	5.68	26.5%	23.5%
Probation	24.8%	5.71	2.76	33.3%	11.1%
Escape	5.5%	2.00	1.20	16.7%	0.0%
None	32.1%	3.93	3.27	40.0%	20.0%

TABLE II

GENERAL CHARACTERISTICS

<u>Category</u>	<u>Number</u>	<u>% of Total</u>
A. <u>Sex</u>		
Male	149	97.4 %
Female	4	2.6
Total	153*	100.0 %
B. <u>Age</u>		
Under 21	28	18.3 %
21 - 24	54	35.3
25 - 29	37	24.2
30 - 34	20	13.1
Over 34	14	9.1
Total	153*	100.0 %
C. <u>Race</u>		
Anglo	68	44.4 %
Black	52	34.0
Spanish Surname	30	19.6
Oriental	3	2.0
Total	153*	100.0 %
D. <u>Marital Status</u>		
Married	36	25.9 %
Single, Divorced or Widowed	94	67.6
Co-Habiting	9	6.5
Total	139*	100.0 %
E. <u>Drug Addiction</u>		
Known or Suspected	47	41.6 %
Non-User	76	58.4
Total	113*	100.0 %

*Totals for each subcategory are not always equal because of the unavailability of necessary information for each defendant. Each analysis, therefore, will include only those defendant statistics where the data was reliable.

TABLE II
GENERAL CHARACTERISTICS

<u>Category</u>		<u>Number</u>	<u>% of Total</u>				
F.	<u>Defendant Status</u>						
	Pre-Trial Release	7	6.4 %				
	Parole	34	31.2				
	Probation	27	24.8				
	Escape	6	5.5				
	None	<u>35</u>	<u>32.1</u>				
	Total	109*	100.0 %				
G.	<u>Employment</u>						
	Full Time	9	8.6 %				
	Part Time	12	11.4				
	Unemployed	83	79.0				
	Non-Worker	1	1.0				
	Student	<u>0</u>	<u>0.0</u>				
	Total	105*	100.0 %				
H.	<u>Armed With Weapon</u>						
	Yes	83	79.0 %				
	No	<u>22</u>	<u>21.0</u>				
	Total	105*	100.0 %				
I.	<u>Race v. Age</u>						
		<u>Under 21</u>	<u>21-24</u>	<u>25-29</u>	<u>30-34</u>	<u>Over 34</u>	<u>Total</u>
	Anglo	13	19	18	10	9	69
	Black	12	19	8	6	2	47
	Spanish Surname	4	10	11	3	1	29
	Oriental	<u>0</u>	<u>2</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>3</u>
	Total	29	50	38	19	12	148*

TABLE II

GENERAL CHARACTERISTICSI. Race v. Age

	<u>Under 21</u>	<u>21-24</u>	<u>25-29</u>	<u>30-34</u>	<u>Over 34</u>	<u>Total</u>
Anglo	13	19	18	10	9	69
Black	12	19	8	6	2	47
Spanish Surname	4	10	11	3	1	29
Oriental	<u>0</u>	<u>2</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>3</u>
Total	29	50	38	19	12	

J. Race v. Employment

	<u>Full Time</u>	<u>Part Time</u>	<u>Unem- ployed</u>	<u>Non- Worker</u>	<u>Student</u>	<u>Total</u>
Anglo	6	5	42	0	0	53
Black	3	0	24	1	0	28
Spanish Surname	0	7	15	0	0	22
Oriental	<u>0</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>0</u>	<u>3</u>
Total	9	12	84	0	0	106*

Sex and Ethnic Group

Table I reflects a profile of selected demographic characteristics of Career Criminals. For example, 97.4% were males, 2.6% females, and Anglos made of 44.4% of the group, the largest ethnic group represented. Blacks and Spanish surnames comprised 34% and 19.6% respectively.

In comparison to the 1970 Census data for San Diego County, the ethnic group distribution is 79.3% Anglo, 12.8% Spanish surname, 4.6% Black, and 3.3% other. The offenders prosecuted by the Career Criminal Program, therefore, underrepresent the Anglo sub-population and overrepresent the Blacks and Spanish surnames.

Age

Offenders prosecuted by this Program are, on average, older than robbery defendants in other U.S. cities. According to the 1974 FBI Uniform Crime Report, 13% of all robbery arrests are age 30 and over. For the San Diego Career Criminal Program, over 22% were age 30 and over. Following is a breakdown of robbery defendants by age:

Age	ROBBERY ARRESTS	
	San Diego Career Criminals	All Other Metropolitan Areas
Under 18	0%	26.0%
18 - 20	18.3%	30.8%
21 - 24	35.3%	20.4%
25 - 29	24.2%	12.3%
30 - 34	13.1%	5.1%
Over 34	9.1%	5.4%
	<u>100.0%</u>	<u>100.0%</u>

The wide age difference for the group, "Under 18," is due to San Diego Career Criminal selection criteria in that previous felony arrests and convictions are usually a necessary requirement for acceptance into the program.

Marital Status and Living Status

Approximately 26% (29) of the offenders were married at the time that they entered the Career Criminal Program. Two-thirds, or 67.6%, were single, divorced or widowed. The remaining 6.5% were co-habiting. Almost all offenders listed residences where they were renting, sharing the rent payments, or not paying any rent. A very small proportion were living alone. Sixteen percent were transients to the San Diego area when arrested.

Employment

Within the offender group where employment status could be identified, 79% were unemployed at the time of arrest. Only 20% listed full or part-time employment and one offender (1%) was unavailable for work. It is interesting to note that the unemployment group is not concentrated within any one subcategory. For example, approximately 82% of the heavy drug users were unemployed. When examined by age group, it is the older ages that are usually unemployed:

Age Sub-Category	Employment Status Identified	Number Unemployed	Percent Unemployed
Under 21	12	7	58.3%
21 - 24	25	18	72.0%
25 - 29	20	12	60.0%
30 - 34	10	9	90.0%
Over 34	5	5	100.0%

Known or Suspected Drug Use

Determination of drug use by Career Criminals is based on interview reports from the San Diego County Probation Office. Table III displays the characteristics of those persons determined to be heavy drug users. Overall, 41.6% were heavy users. Of some significance is the high number of Spanish surnames included in this group. Eighteen out of twenty-five, or 72% of the Spanish surnames were heavy drug users, more than twice the percentage of the Anglos or Blacks. Also of interest is the percentage difference between the Single and Married sub-categories. Sixteen out of twenty-seven, or 59% of the married offenders were known drug users compared to seventeen out of fifty-eight, or 29% of the single offenders.

TABLE III
 HEAVY DRUG USE
 (KNOWN OR SUSPECTED)

<u>Category</u>	<u>Number of Users</u>	<u>% of Sub-Category</u>
A. <u>Sex</u>		
Male	45	40.5 %
Female	2	100.0
B. <u>Race</u>		
Anglo .	16	29.1 %
Black	10	34.5
Spanish Surname	18	72.0
Oriental	3	100.0
C. <u>Marital Status</u>		
Married	16	59.3 %
Single	17	29.3
Divorced	4	57.1
Co-Habiting	3	50.0
D. <u>Age</u>		
Under 21	2	9.5 %
21 - 24	23	65.7
25 - 29	17	60.7
30 - 34	2	14.3
Over 34	3	25.0
E. <u>Armed With Weapon</u>		
Yes	30	36.1 %
No	17	77.3

Prior Criminal Involvement

Tables IV and V indicate the prior arrest and conviction records of Career Criminals. Most offenders were previously arrested three to six times (46), a high proportion of them being 21-24 years of age (21), and single, divorced or widowed (27). A surprisingly high percentage of Spanish surnames were arrested three or more times (95%), thirty-six percent having been arrested at least seven times.

Previous convictions by age group reflects the selection criteria for Career Criminals in that the older groups are continued criminal repeaters.

Of some significance is the low average of convictions for the "Under 21" age group. Career Criminal selection criteria considers prior felony convictions when there are two or more. Since those under 21 years of age average .4 felony convictions per offender, it is therefore the seriousness of the instant offense(s) which makes them eligible for the program.

TABLE IV

PREVIOUS ARRESTS

<u>Category</u>	<u>Arrests</u>					<u>Total</u>
	<u>None</u>	<u>1-2</u>	<u>3-6</u>	<u>7-9</u>	<u>10+</u>	
A. <u>Sex</u>						
Male	14	11	45	13	22	105
Female	<u>0</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>3</u>
Total	14	11	46	14	23	108*
B. <u>Age</u>						
Under 21	7	2	7	0	0	16
21 - 24	2	5	21	5	3	36
25 - 29	2	1	9	7	5	24
30 - 34	3	2	3	0	5	13
Over 34	<u>0</u>	<u>0</u>	<u>3</u>	<u>2</u>	<u>6</u>	<u>11</u>
Total	14	10	43	14	19	100*
C. <u>Race</u>						
Anglo	10	6	17	9	10	52
Black	3	4	13	3	6	29
Spanish Surname	1	0	15	2	7	25
Oriental	<u>0</u>	<u>1</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>2</u>
Total	14	11	46	14	23	108*
D. <u>Marital Status</u>						
Married	3	3	8	4	12	30
Single, Divorced or Widowed	10	2	27	10	8	57
Co-Habit- ating	<u>0</u>	<u>1</u>	<u>7</u>	<u>0</u>	<u>0</u>	<u>8</u>
Total	13	6	42	14	20	195*

TABLE IV

E.	<u>Defendant Status</u>	<u>None</u>	<u>1-2</u>	<u>3-6</u>	<u>7-9</u>	<u>10+</u>	<u>Total</u>
	Pre-Trial Release	1	0	3	0	3	7
	Parole	-	1	6	4	13	24
	Probation	-	4	15	3	4	26
	Escape	1	2	3	0	0	6
	None	<u>11</u>	<u>4</u>	<u>8</u>	<u>5</u>	<u>2</u>	<u>30</u>
	Total	13	11	35	12	22	193*

TABLE V

<u>Category</u>	<u>PREVIOUS CONVICTIONS</u>		
	<u>Average No. Misdemeanor Convictions</u>	<u>Average No. Felony Convictions</u>	<u>Average No. Convictions</u>
A. <u>Sex</u>			
Male	2.25	1.86	4.11
Female	3.00	1.00	4.00
B. <u>Age</u>			
Under 21	1.38	0.40	1.78
21 - 24	1.50	1.40	2.90
25 - 29	2.72	2.15	4.87
30 - 34	2.29	3.22	5.51
Over 34	4.17	2.17	6.34
C. <u>Race</u>			
Anglo	2.46	1.47	3.93
Black	1.89	2.26	4.15
Spanish Surname	2.54	2.00	4.54
Oriental	0.00	0.00	0.00
D. <u>Marital Status</u>			
Married	3.18	1.94	5.12
Single, Divorced or Widowed	2.19	1.94	4.13
Co-Habiting	.75	1.75	2.50

Nature of Cases

Of great interest to the Career Criminal Program is the nature of the immediate crime that has brought the offender(s) to the Program's attention. An examination of these crimes shows that many of the defendants are charged with robbery at more than one place. Following is a breakdown of Career Criminal Program defendants' involvement in their instant offenses.

	<u>Number of Separate Robberies Committed</u>					
	<u>1</u>	<u>2</u>	<u>3-4</u>	<u>5-7</u>	<u>More than 7</u>	<u>Total</u>
No. of Offenders	65 (55.5%)	20 (17.2%)	14 (12.1%)	9 (8.1%)	8 (7.1%)	116 (100%)

The Career Criminal Program identifies defendants who have committed three or more separate robberies in the Program's selection criteria. This immediately includes 27.3% of the 116 prosecuted. The commission of one or two robberies is not, in itself, severe enough for selection to the Program. A high proportion of the defendants committing two or less robberies enter the program because of either the amount of violence or potential violence used during the instant offense(s) or the prior record of the defendants themselves. About 41% of all persons entering the program would qualify on their prior record alone. It is the instant robbery offense that makes them eligible.

TABLE VI

TYPES OF CRIMES COMMITTED
BY CAREER CRIMINAL DEFENDANTS
DURING THE INSTANT OFFENSE(S) ONLY

Following is a list of the different criminal acts charged from a sample of 38 Career Criminal defendants:

<u>Crime</u>	<u>Statute</u>	<u>No. of Counts</u>
Robbery	211	86
Use of a deadly Weapon	12022.5	75
Great bodily Injury	213	8
Assault w/ a Deadly weapon	245	7
Kidnapping	207	7
Felon possessing Firearm	12021	6
Burglary	459	3
Receiving stolen Property	496	3
Rape	261	3
Possession of Illegal drugs	11377	2
Murder	187	1
Assault and Battery	242	1
Habitual Criminal	644	1
	TOTAL	203

Bail Status

Career Criminal Program Attorneys assigned to each case are instructed to attend all arraignments and bail reviews. Of the one hundred twenty-one defendants processed thus far, bail set has ranged from \$2,000 to \$200,000. Three defendants have been held without bail. The vast majority, however, due to the nature of the instant crimes involved, have had bail set above \$20,000. As a result, one hundred five defendants have remained in continuous custody since the time of arrest; nine defendants posted bail (ranging from \$3,500 to \$15,000); two have been held in Mental Health centers; three in hospitals, and two remain at large. Table VII describes the bail settings at arraignment and the changes in bail, if any, at bail reviews. Of the twenty-six bail changes, two were increased and twenty-four decreased.

TABLE VII

BAIL SETTING

A. Arraignment

<u>Type of Crime</u>	(Thousand Dollars)					<u>No Bail</u>	<u>Total</u>
	<u>1-5</u>	<u>6-10</u>	<u>11-20</u>	<u>21-50</u>	<u>51+</u>		
Robbery(Multiple Counts)	0	2	2	11	3	0	18
Robbery(Mult. Count w/ Gun Allegation)	3	9	7	30	7	3	59
Robbery(Single Count)	1	3	3	3	1	0	11
Robbery(Single Count w/ Gun Allegation)	<u>7</u>	<u>3</u>	<u>4</u>	<u>15</u>	<u>4</u>	<u>0</u>	<u>33</u>
TOTAL	11	17	16	59	15	3	121

B. Bail Review: (Bail changed)

	FROM (\$,000)					<u>No Bail</u>	<u>Total</u>
	<u>1-5</u>	<u>6-10</u>	<u>11-20</u>	<u>21-50</u>	<u>51+</u>		
1-5	2	3	-	1	-	-	6
6-10	-	-	1	7	-	-	8
11-20	-	-	-	5	-	-	5
TO 21-50	-	-	-	5	1	-	6
51+	-	-	-	-	1	-	1
No Bail	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>0</u>
TOTAL	2	3	1	18	2	0	26

Defendant Disposition

Of the defendants prosecuted by the Career Criminal Program during its first year, one hundred twenty-one have been disposed of. Guilty pleas and jury convictions are the reason for one hundred twelve of these dispositions. Six of the defendants' cases were dismissed and three were found by the Court to be incompetent of defending themselves, resulting in a conviction rate of 96.6% for the Program. A study of the one hundred twelve guilty dispositions reveals a conviction of the most serious felony charges in one hundred nine (97%). Only three of the defendants were allowed to plea to a lesser included felony charge.

The Table on the following page explains the status of each defendant. For the Program, guilty pleas are the reason for 64.5% of the dispositions. Jury and Court convictions make up 28%. Because of the Program's refusal to accept pleas to lesser included offenses, a high proportion of the defendants will plea guilty just prior to trial. While this practice may increase case time (issuance to disposition), it is probably a major reason for the Program's success in receiving pleas to greater numbers of serious felony charges. Only two defendants have been acquitted.

VIII.

CAREER CRIMINAL PROGRAM

Defendant Disposition

During the period 9/1/75 through 6/30/76, 112 cases involving 153 career criminals and 86 co-defendants were either disposed of or are pending in this program. The following is a statistical breakdown of the defendants identified as career criminals.

Plea of Guilty to Top Felony Count	75
Plea of Guilty to Lesser Felony Count	3
Jury Conviction of Top Felony Count	31
Court Conviction of Top Felony Count	3
Jury Acquittals	2
Dismissals (Prior to Trial)	4
Dismissals (During Trial)	1
Defendants Found Not Competent By Court	3
Grand Jury Indictments	(15)
Defendants Not Yet Apprehended	2
Defendants Awaiting Court Processing	<u>29</u>
TOTAL	153

Court Processing and Sentencing

Defendants prosecuted during the first year have received the following sentences: (The minimum and maximum terms are those prescribed by California penal codes.)

<u>Minimum</u>		<u>Maximum</u>	<u>No. of Defendants</u>	<u>% of Total</u>
(1 - 4) Years	to	Life	9	8.9%
(5 - 9) Years	to	Life	7	6.9%
(10 -14)Years	to	Life	51	50.5%
(15 -20)Years	to	Life	15	14.9%
LIFE		--	3	3.0%

Other prescribed terms			4	4.0%
Special sentences (such as psychiatric, medical and drug rehabilitation with prescribed sentence imposed when treatment is completed)			12	11.8%
			<u>101</u>	<u>100.0%</u>

Not included in the chart above are four defendants given terms of local custody as a condition of probation and two defendants given straight probation.

The sentence most often imposed, to date, is 10 years to life. Over 65% of all sentences received thus far, where a minimum and maximum term are prescribed, have ranged from 10 - 20 years to life. Conclusive studies on the sentences received by robbery defendants during the year before the Career Criminal Program began have not been completed. However, a small sampling of those cases did show them to be 5 to 10 years lower in average minimum sentencing than the Career Criminal cases.

Of further interest in sentencing by the Courts is their willingness to impose consecutive terms on Career Criminal offenders for separate offenses. In 22 cases where the choice between consecutive and concurrent sentencing was clearly the courts' determination, 12 sentences included consecutive terms. The minimum time increased in those 12 cases by an average of 7.3 years.

Court processing time for Career Criminal defendants has also been a surprise. When the Program began, it was anticipated that the tough plea-bargaining positions taken by the District Attorney's Office would affect the case disposition time. (Total time from case issuance to disposition). This has not proven true. In cases involving 121 defendants, average disposition time is about 76 days. A sample taken of robbery cases prosecuted in 1974-75 revealed an average disposition time of approximately 86 days. The exact reasons for this decrease in time are not clear. Further, there does not appear to be any correlation between the nature of the cases and their disposition time either before or since the Career Criminal Program began.

Appendix A: Career Criminal Program Press Clippings

Career criminals face hard line

By DON LEARNED

For the career criminal, it is surprisingly easy to stay on the streets.

Getting caught is an inconvenience, but hardly the earth-shattering end to a criminal career that is often depicted in the television police dramas.

Through the legal mechanisms of bail, probation and parole, it is possible for the dedicated criminal to continue his life in crime even after he has been arrested and brought to trial.

Concern over this facet of justice has been expressed recently by Dist. Atty. Ed Miller and by the county grand jury.

ITEM: In October 1975, Jay Ervne Love had been arrested for two Santa Barbara robberies and was out on bail awaiting a preliminary hearing when he kidnaped an elderly San Diego couple and put a handful of bullets through their heads. The wife died; the husband lived and Love received a death penalty conviction to cap a 22-year crime career.

ITEM: In September 1975, Mario Reyno Gonzalez had already pleaded guilty to a robbery charge and was out of jail awaiting sentencing when he held up a liquor store and was arrested again. In criminal jargon, it was "a free ride." He was already headed for prison and was unlikely to earn more than another sentence concurrent with the first one.

ITEM: In October 1973, Dale Joaquin Jennings had been out on parole less than five months after serving 15 years of a life murder term when he began a one-man crime wave of robbery, escape, assault and auto theft in three California counties. He was later convicted as San Diego's first habitual criminal in six years.

The catch-word in these cases is "career criminal" — defined by Deputy Dist. Atty. Richard J. Neely as "a guy who is in the business of crime . . . a guy who makes his living out of crime."

Neely ought to know. He is the head of a special Major Violators Unit of the district attorney's office whose job it is to identify career criminals and get them off the streets.

The unit, composed of six trial attorneys, a research analyst, three secretary-clerks and three investigators, was established a year ago under a \$250,000 federal grant. It recently won funding of \$287,000 for a second year, which began July 1.

"We were one of 12 cities funded to try a new approach," Neely said. "What we chose to do here was concentrate on one crime area, armed robberies, because of its potential for violence."

With a tough, high-bail or no-bail position, with more investigation to put together a "virtually indefensible" case, and with a push for longer prison sentences, the unit is focused on turning repeater criminals into repeater inmates.

Becoming one of the unit's subjects is like qualifying for a local all-star crime team. Past accomplishment is important.

Committing three or more robberies will do it. Another criteria is having been convicted of past felonies, having gone through the criminal justice system's rehabilitation efforts and then emerging to commit more crimes.

"If he goes to prison and comes out and commits another crime, in this case armed robbery, then he is a clear danger to society and he has to be put away for as long as we can put him away," Neely said.

So far, the unit has had impressive results in doing just that.

In its first year, it handled 115 defendants identified as career criminals, with 23 still involved in trial stages.

Of 93 defendants prosecuted, 89 have been convicted of the top charge against them, three were convicted of lesser charges, and one was acquitted.

The average sentence following conviction has been 10-years-to-life.

This is better than average, but just how much better, no one knows.

Part of the overall federal project involves plugging the numbers into a national crime computer to find out how the results compare with past periods. The computer project is just getting started and results won't be out until later this year.

"We know from experience we are getting more defendants held without bail," Neely said. "We know we are getting a high conviction rate. We know we are getting long sentences. But we are trying to stay away from what looks good in statistics."

"What we are doing is based on the defendant's record and getting what the case deserves."

In a criminal justice system that is often overwhelmed by number of cases, this isn't always easy to do.

A recent grand jury report urged an investigation of California Adult Authority policies on parole, noting that a number of defendants with previous records were on parole when they committed new crimes.

"It became obvious to the jury that too high a number of repeaters were being turned loose on society to again murder, kidnap and rape," the report said.

The Jennings' case illustrates what the Major Violators Unit is doing about that.

Jennings began his crime career at the top — with a first degree murder conviction in 1957 and a life sentence. He was paroled on May 19, 1973.

Then:
— October 1973: (five months later) . . . commits robbery in San Diego, convicted and sent back to prison.

— June 20, 1975 . . . San Diego . . . robs optical company.

— June 25, 1975 . . . Fresno . . . while using credit card stolen in San Diego robbery, pulls gun on suspicious security guard and commandeers an escape car at gunpoint.

Brought to trial, Jennings pleaded guilty to escape in San Bernardino. In Fresno, he pleaded guilty to assault. He was given sentences to run concurrent with earlier sentences.

But in San Diego, Neely's unit was not content to simply try Jennings on the robbery charge and tack on a few more years. With its smaller case load it could push harder.

Instead, the unit chose to try him as a habitual criminal under a penal code section that is little-used because it is difficult to convince judges and juries a defendant is, indeed, unlikely to ever reform.

It requires that a defendant be separately tried and convicted of two or three felonies from a special list. Jennings had convictions of murder, robbery and felony escape.

"Both San Bernardino and Fresno had the same option," Neely said. "We chose to go for it, pursued it, and won."

Jennings was convicted as a habitual criminal and received a 20-year-to-life sentence without possibility of parole for 12 years.

"We got him more time than he would have had otherwise," Neely said.

The unit also takes the position of no "plea bargaining."

"I would define plea bargaining as giving up something of substance in order to gain a plea," Neely said. "We don't do that here. We're trial-oriented and we're not diluted by case load to the point where we have to give up anything."

Yet a surprising thing has been happening.

In the cases prosecuted, nearly three-fourths of the defendants have pleaded guilty to the top charge against them.

For example, in one "open and shut" case, the defense attorney offered to plead his client to charges bringing a 15-year-to-life sentence. The DA unit said no, holding out for charges bringing a 20-year-to-life sentence. On the day the trial was to begin, the defendant pleaded guilty to the top charges.

"The reason why I think they do this," Neely said, "is that they realize we are not going to yield and they want to limit the exposure of their client."

San Diego Evening Tribune
Thursday, July 29, 1976

OVER

D.A. Aims At Armed Robbers

D.A. Takes Aim At Armed Robbers.

By HENRY FUENTES
Staff Writer, The San Diego Union

Earlier this year an inmate in the county jail, describing his plight in a letter to a girl friend, lamented that, "It was just a bad time to take a fall, that's all."

The prisoner, referring to himself as "a guinea pig for the federal government," was the victim of a new federally financed prosecution unit of the district attorney's Office. The unit, dubbed the Major Violators Unit, has taken aim at cases involving armed robbery, cited as the most serious crime problem in the area.

"The concrete effect we've had is that we're putting these people away for a long time, and they're going away for as long as the law prescribes," said Deputy Dist. Atty. Richard Neely, supervising attorney and one of six senior deputy district attorneys assigned to the unit.

Statistics on the unit's first year of operation support Neely's claims. Since July 1, 1975, unit according to research analyst Doug Quackenbush, the unit has processed 97 cases, with the most common sentence handed down being 10 years to life in state prison.

But a more dramatic gauge of the unit's effectiveness is reflected in the statistic that it has only received one acquittal in the 97 cases (involving 116 defendants). In addition, only three defendants have been allowed to plead guilty to less than the major charges.

Neely explained that the unit directs its prosecution arsenal at the so-called "career criminal," typified by two types of individuals.

In the first category he includes those "Individuals who are in the business of committing robberies." For definitive purposes, these persons are characterized as having been charged with committing at least three robberies.

Also a target of the unit are persons who have demonstrated that they cannot benefit by "traditional rehabilitative processes," including defendants who have prior robbery convictions.

"If he goes to prison and comes out and commits another one (armed robbery) then he's a clear danger to society and he has to be put away for as long as we can put him away," said Neely, who said career criminals generally are in their mid 20s.

The key to the unit's success can in large measure be attributed to the reduction of plea bargaining.

"That's part of the reason the sentences are heavy," said Dist. Atty. Ed Miller. "Plea bargaining, for all practical purposes, has been eliminated."

Miller said the primary purpose of the unit is to "effectively defour the commission of robberies." He said this can be achieved by securing lengthy sentences for career criminals, and through publication of the sentences in the local media.

The combination, according to Miller, is working. He cited statistics which show that from Jan. 1 to June 18 the number of reported robberies in the city have decreased 5.2 per cent compared to the same period last year.

He said this compared to a yearly increase of "anywhere from 15 to 20 per cent in San Diego for the last five years."

But attorney E. Stanley Conant, executive director of Defenders, Inc., a group of state trial defense attorneys, said credit for any reported decrease in robberies should be shared by the various local law enforcement agencies.

"I dare say that the number of trials have gone up more than 5.2 per cent, so where's the savings," said Conant, who added that he has not noticed any "impact in any direction" since the unit's inception.

Miller, however, said the most significant surprise after a year has been the number of defendants who have pleaded guilty to the major charges without seeking a trial. He said many of these defendants were burdened with cases which he termed "virtually indefensible" because of the special attention the unit gives to them.

According to Quackenbush, a "significant" number of cases handled by the unit are drug related.

But despite the fact that many of the defendants being prosecuted are drug addicts, the unit's attorneys, nevertheless, are pushing for the maximum sentences. Before the unit came into existence, convicted drug addicts were often sentenced to lighter terms at the California Rehabilitation Center in Corona.

Deputy Dist. Atty. Charles Nickel, one of the attorneys assigned to the unit, argues that armed robbery is no serious a crime and as such requires commitment to state prison.

And the word apparently is getting around. In his letter from the County Jail, the prisoner bemoaned to his girl friend that, "Now I'm going to tell you something that's even colder. Forget about CRC (California Rehabilitation Center) . . ."

Although the special unit is concentrating on armed robberies, the possibility of expanding to include other serious offenses, like burglary, has been discussed. But the prospects, according to Miller, are remote.

Miller said such expansion would require more deputy district attorneys as well as an addition to the work load. He said he was against any "dilution of efforts" because his attorneys now have "all the work they can handle."

San Diego, one of 12 cities participating in the grant program, is assisted by the city police and county Sheriff's Department in its processing of the unit's case load. While the federal government supplies the major portion of the grant (about \$285,000), the county also provides some financing.

And the unit seemingly has left its mark. "At least from that one letter, we know that people over there in the jail know about us," said Neely.

San Diego Union Tribune
July, 1976

CAREER CRIMINALS

D.A. takes aim on repeaters

CONTINUED FROM PAGE B-1

"They don't want us taking the guy through the trial and showing all the horrendous things the guy has done and maybe getting the judge incensed enough to write a prison statement" (a recommendation to the parole board on length of imprisonment.)

Neely said much of the success the unit has had in getting criminals off the streets simply has to do with the increased attention given the case.

Says Miller: "I think historically these cases were not given enough special attention and were handled in the same manner as other criminal offenses. These people moved through the criminal justice system without enough scrutiny."

As one prosecutor noted: "Sometimes you have to hit the judge over the head with a two-by-four to get his attention."

For example, in a case of a few years ago, one defendant was on probation for two prior felonies and out on bail on four other felonies when he took advantage of a weekend break in a theft trial to pull off a \$100,000-plus robbery — finally receiving prison time after more than 10 years of broken field running through the criminal justice system.

"The purpose of the Major Violators Unit is to concentrate on convicting persons who have made a career of committing robberies and to obtain maximum sentences for these individuals," Miller said.

"The theory is that a combination of maximum publicity (particularly on lengths of sentences), together with communication within the criminal subculture, will act as an effective deterrent."

And, tentatively, it may be happening, Miller said.

In the City of San Diego, the robbery rate has increased from 15% to 20% each year. From 1968 to 1973, robberies went up 230%. From 1973 to 1974, they increased 39%.

However during the first six months of this year robberies in San Diego have dropped 5.2%.

"I don't know how many robbers read newspapers, but we are trying to get the word out that this is a punishment-oriented program," Neely said. "We are trying to discourage them."

One focus is discouraging drug addicts by pushing for maximum prison sentences instead of the traditionally lighter terms at the California Rehabilitation Center (CRC) in Corona.

"Ten years ago, addicts were involved in more passive crimes against property. Ten years ago, it was unheard of for a guy to go out and commit 15 robberies. Now it's common," Neely said.

"I want these people to understand that if they decide to go out and commit a crime and use a gun, they are going to be punished like anyone else. They are not going to get special treatment because they are sick."

One sign the subculture is getting the message came in a letter from a jail inmate to his girl friend. He noted:

"You can forget about CRC . . .

"The D.A. that I have is from a special unit within the District Attorney's office and . . . they take only heavy cases, like mine . . . They don't have to accept pressure from anyone.

"So I'm a guinea pig for the federal government! It was just a bad time to take a fall, that's all."

CRIME STATISTICS

'Terror' On Rise In County

By BILL OTT

Staff Writer, The San Diego Union

The hour: Late night, almost closing time, Aug. 8, 1975.

Place: An OceanSide steak house.

Scene: A few remaining customers dining in a relaxed atmosphere, the restaurant staff on duty. There is a tinkle of utensils and glasses, laughter. . .

Then the air of cordiality exploded into terror as three men wearing ski masks and bearing sawed-off shotguns burst into the room.

Deputy Dist. Atty. Frank Sexton said the customers were forced to lie face-down while their wallets and jewelry were taken. The register was looted.

And when the masked men left, they took with them an attractive waitress.

Sexton said she was later raped, then abandoned in an outlying area.

An incident of terror. . .

'Terror Is On The Rise'

There were other similar incidents throughout San Diego County last year. More are taking place this year, and, according to statistics from Dist. Atty. Edwin L. Miller's office, the terror is on the rise.

Statistics tell the story.

The number of murders reported countywide in 1975 was 115, up 3.6 per cent from the 111 reported in 1974.

The number of robberies reported in 1975, 3,416, up 13.9 per cent from 2,998 in 1974.

The number of rape cases in 1975, 513, up 22.7 per cent from 418 in 1974.

Aggravated assault in 1975, 2,834, up 13.5 per cent from 2,498 in 1974.

Burglaries reported in 1975, 30,255, up 18.6 per cent from 25,507 in 1974.

Larcenies in 1975, 57,146, up 9.5 per cent from 52,195 in 1974.

Auto thefts in 1975, 8,577, up 9.6 per cent from 7,829 in 1974.

Now take the City of San Diego, the largest political entity in the county. Here, the number of homicides reported in 1975 was up 4.5 per cent over those reported in 1974; robberies reported were up 11 per cent over 1974; rapes reported were up 10.1 per cent over 1974, and burglaries, up 15.5 per cent.

Rate Of Increase Dips

Miller said robbery has continuously escalated 20 per cent countywide in each of the last four years, but 1975 showed a decline in the rate of increase, down to 11 per cent in the city and down to 13.9 per cent in the county.

Yet, the increase does continue.

Miller, however, said he likes to think that recent creation of his major violators unit has contributed to the depressed amount of increase in robberies. The unit handles only robbery cases and goes for stiff sentences for repeat violators.

Judges have responded, handing out sentences to repeat violators ranging anywhere from 10 years to life to 20 years to life.

With the number of burglaries reported up 18.6 per cent countywide last year, and up 15.5 per cent in the City of San Diego, there may be a need for a task force approach to burglaries, Miller said. A final decision has not been reached, but if such an approach is taken, it would be similar to the major violators unit, which concentrates on robbery cases.

Assistant Dist. Atty. William Kennedy said the majority of the 30,255 burglaries reported countywide in 1975 are daytime burglaries.

'Sophisticated Burglars'

This may, he said, be attributed to some sophistication on the part of those who make burglary a career. A daytime burglary is a second-degree offense, carrying a sentence of from one to 10 years. A nighttime residential burglary is first-degree, with a 5-to-life penalty.

While crimes against property historically go up during periods of economic slump, Miller says that a large number of burglaries can be attributed to narcotics users, particularly heroin. They have an expensive habit to support.

Miller believes the same holds true for a large number of individuals deeply involved in robbery.

Meanwhile, as San Diego County continues to grow, so does the crime rate.

San Diego Union
February 15, 1976

VISTA PRESS
AUG 22 1976

Target: 'career criminals'

By JOHN HOWARD
Staff Writer

SAN DIEGO — The heat's on. A special federally-funded program designed to identify and speedily prosecute "career criminals" in San Diego is moving into its second year and law enforcement officials say the program has been highly effective in combating area crime.

With an annual budget of \$290,000, the Career Criminal Program (CCP) anti-crime project zeros in on robberies and robbery-related homicides performed by persons who have exhibited a history of violent

crimes.

"We have set up a group in the district attorney's office called the Major Violations Unit," Frank Sexton, a senior deputy district attorney said. "There are six attorneys—deputy district attorneys in the unit including representatives from both the sheriff's office and San Diego Police Department.

"We don't get all of the persons accused of robberies and homicides in this unit, just those who have made the 'all-star team'. It takes a total of 12 points for a person to be considered a 'career criminal'.

The points are computed on the basis of prior armed robberies or related crimes. Grand theft, for example, might be worth two or three points," Sexton said.

Sexton also said that persons accused of committing multiple felonies during the commission of a major crime (armed robbery, for example) are also treated as career criminals. Consequently, one of the first CCP cases in the county was the "skl-mask bandit" episode which occurred last year in North County.

"One of the great advantages of this program is that we can follow through each case from beginning to end ourselves because the case load is lower than with the regular criminals. Also, we know about everyone's cases, and when we have calendar problems we can usually fill in for each other."

"This program in San Diego is unique in the country," Doug Quackenbush, a research analyst for CCP said Friday. "We are robbery specific—we didn't try to bite off a lot more than we could chew.

"These people are not identified to the judge as career criminals," said Quackenbush, "but the judges probably know who they are because only the most experienced deputy district attorneys take part in the CCP prosecutions."

He added that the "career criminal" is a term coined by the district attorney office and not an official term. Sexton said that a difference must be drawn between the "career criminal"

and the "habitual criminal," which is defined according to state statute.

Seventeen other cities throughout the country have instituted the CCP program, but the results have been subject to differing interpretations. In some areas, the project has been attacked for denying defendants their constitutional rights by identifying persons as career criminals to the judges which, it is argued, precludes the defendants from obtaining a fair trial.

In Ohio, for example, court dockets are stamped with
(Cont. on Page 12, Col 4)

Career criminals

(Cont. from Page 1)

special marks to identify the particular defendant as a career criminal.

With such a system, according to Franklin County Public Defender James Kura, the traditional presumption of innocence until proven guilty becomes meaningless.

No court dockets can be similarly marked in California, according to Quackenbush,

because state statutes prohibit pre-identification of defendants' court records.

During the 1975-76 fiscal year—the first year of the program in San Diego—the Major Violations Unit processed 153 career criminals in 116 separate cases. The program is funded annually through a special grant set up by the Law Enforcement Assistance Administration.

'Repeaters' hit by DA program

By JOHN HOWARD

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Appendix B: San Diego Police Department and Sheriff's
Office - Letters of Commitment to the Program



THE CITY OF

SAN DIEGO

POLICE DEPARTMENT • 801 WEST MARKET STREET • SAN DIEGO • CALIFORNIA 92101
(714) 236-6566

OFFICE OF THE
CHIEF OF POLICE

November 28, 1975

IN REPLYING
PLEASE GIVE
OUR REF. NO.

15.11

Edwin L. Miller, Jr.
District Attorney
County of San Diego
220 W. Broadway
San Diego, California 92101

Dear Ed:

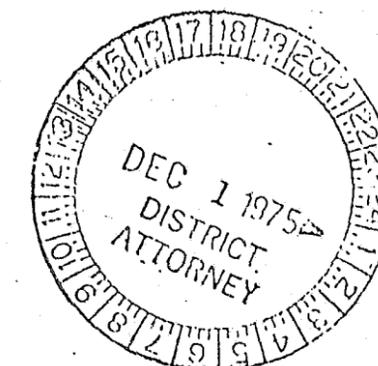
I will be happy to keep Officer ~~XXXXXX~~ assigned to the Career Criminal Program, as you requested.

We share in the concern and interest of the community in removing such criminals from our streets.

If there is anything else I can do, please do not hesitate to call upon me.

Sincerely,

W. B. KOLENDER
Acting Chief of Police



SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

POST OFFICE BOX 2991
SAN DIEGO, CALIFORNIA 92112



JOHN F. DUFFY, Sheriff

January 8, 1976

DONALD R. OLIVER, Undersheriff

Edwin L. Miller, Jr.
District Attorney
County Courthouse
San Diego, Ca 92101

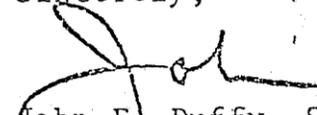
Dear Ed:

In response to your inquiry as to whether we will continue to assign a detective to your Career Criminal Program during FY 1976-77, I am pleased to advise you that we think highly of the program and will continue to assign one detective to participate.

I have personally interviewed Deputy [REDACTED], who is currently assigned there and have received a first-hand report on the success of the program to date. You are to be congratulated for this step forward in removing from society those individuals who have chosen to make a career of violent crime.

Please be assured of our continued cooperation in all matters of mutual concern.

Sincerely,


John F. Duffy, Sheriff

JFD/nlm

cc: Inspector Warren Kanagy
Deputy Joe Cellucci

Station
Escondido
CA 92021
3007

Vista Station
325 South Melrose
Vista, CA 92083
724-2104

- 42 - Lemon Grove Station
7859 Broadway
Lemon Grove, CA 92045
236-2902

Encinitas Station
143 "D" Street
Encinitas, CA 92024
753-5591

END

7/2/1951