

BANNOCK COUNTY SYSTEM RATES STUDY  
BURGLARY AND ROBBERY  
1975

NCJRS

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ACQUISITIONS

Prepared by:  
Idaho Law Enforcement Planning Commission  
Statistical Analysis Center  
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In May 1977, staff of the Statistical Analysis Center (SAC) initiated a study in Bannock County to analyze 1975 burglaries and robberies from arrest to final disposition.

It is anticipated that information obtained from this study, and as used in conjunction with similar studies, will benefit the Law Enforcement Planning Commission (LEPC) in making planning and funding decisions, as well as addressing criminal justice problem identification.

Since the Bannock County Sheriff's Office is the central detaining facility for the County, records were screened at this agency for those offenders arrested for either burglary or robbery during 1975. Further tracking of the individuals involved a records check of the Prosecutor's files and Magistrate and District Court Clerk's files.

Appreciation is expressed to Judge Richard Hammond, Trial Court Administrator; Mr. Garth Pincock, Prosecutor, Bannock County; and to Sheriff Carl Croft for their support and assistance.

### BURGLARY

Sixty-four persons were arrested for burglary offenses during 1975. Illustration I shows the flow from arrest to disposition by input percentages (percentages based on sixty-four arrests), while Illustration II has decision point percentages.

#### Pre-trial Placement

Forty-two persons were released pending the outcome of their cases in court; twenty-eight (43.8%) posted bail; fourteen (21.9%) were released on their own recognizance; and twenty-one people remained in jail.

Data was compiled from the Sheriff's Office regarding the number of days a person was detained. Cumulative time spent in jail prior to disposition of 62 of the 64 cases totaled 1,133 days, or an average of 18.3 days.

#### Outcome Analysis of Cases Prosecuted

The prosecutor initiated action in 56 (87.5%) cases. Four cases (6.3%) were dismissed without prosecution and reasons for the four dismissals are described in Table 1. One case was pending at the time the study was conducted; the defense attorney relied on the grounds of mental disease, and the last recorded entry (January 17, 1977) stated that the police department requested a dismissal based upon that defense.

Thirty-nine of the 56 cases prosecuted resulted in conviction. Fourteen were given probation (8) or probation with combinations of conditions (6).

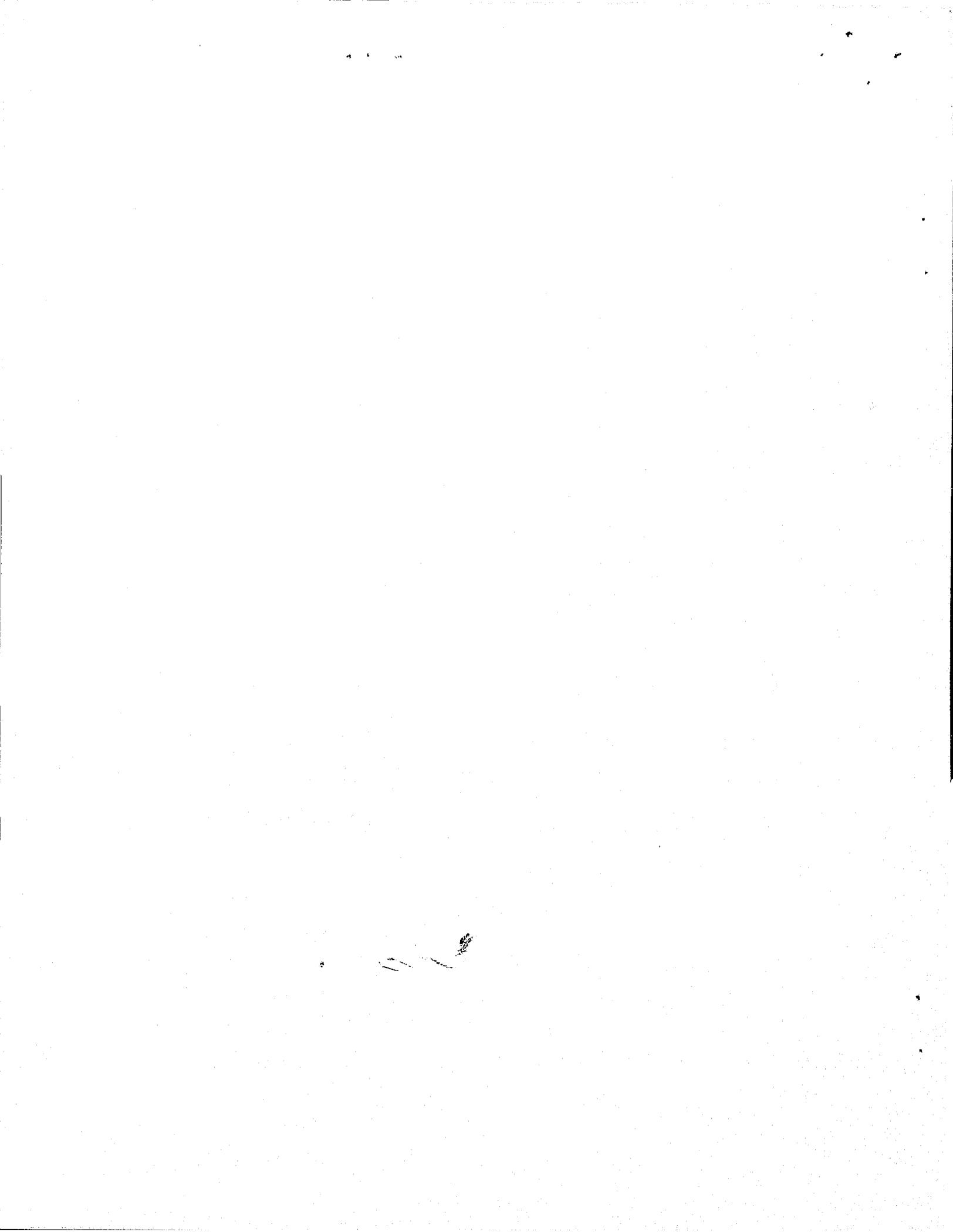


ILLUSTRATION I  
 IDAHO CRIMINAL JUSTICE  
 SYSTEM RATES MODEL

BANNOCK COUNTY  
 BURGLARY  
 1975

Input Percentages

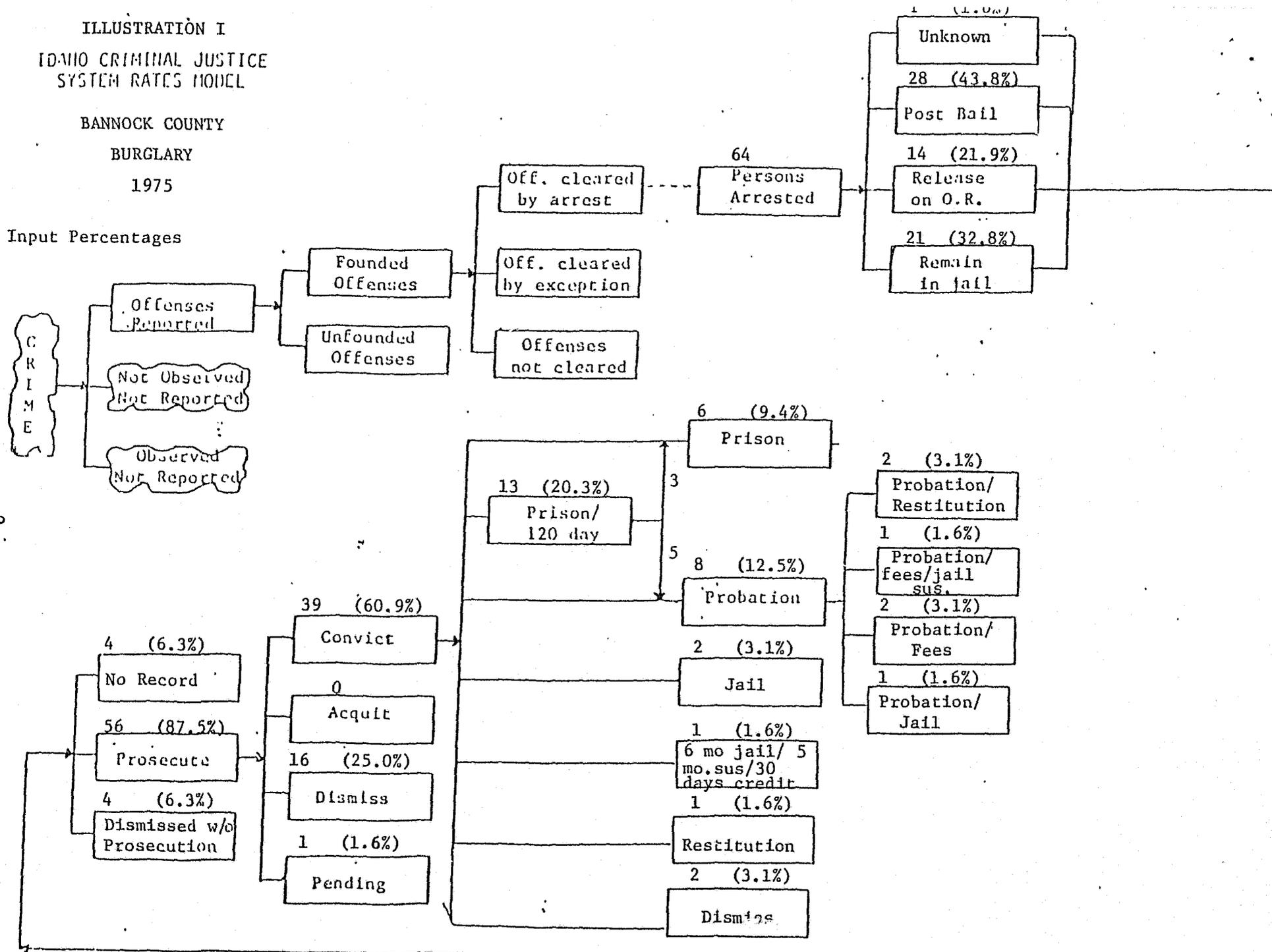


ILLUSTRATION 2  
 IDAHO CRIMINAL JUSTICE  
 SYSTEM RATES MODEL

BANNOCK COUNTY

BURGLARY

1975

Decision Point Percentages

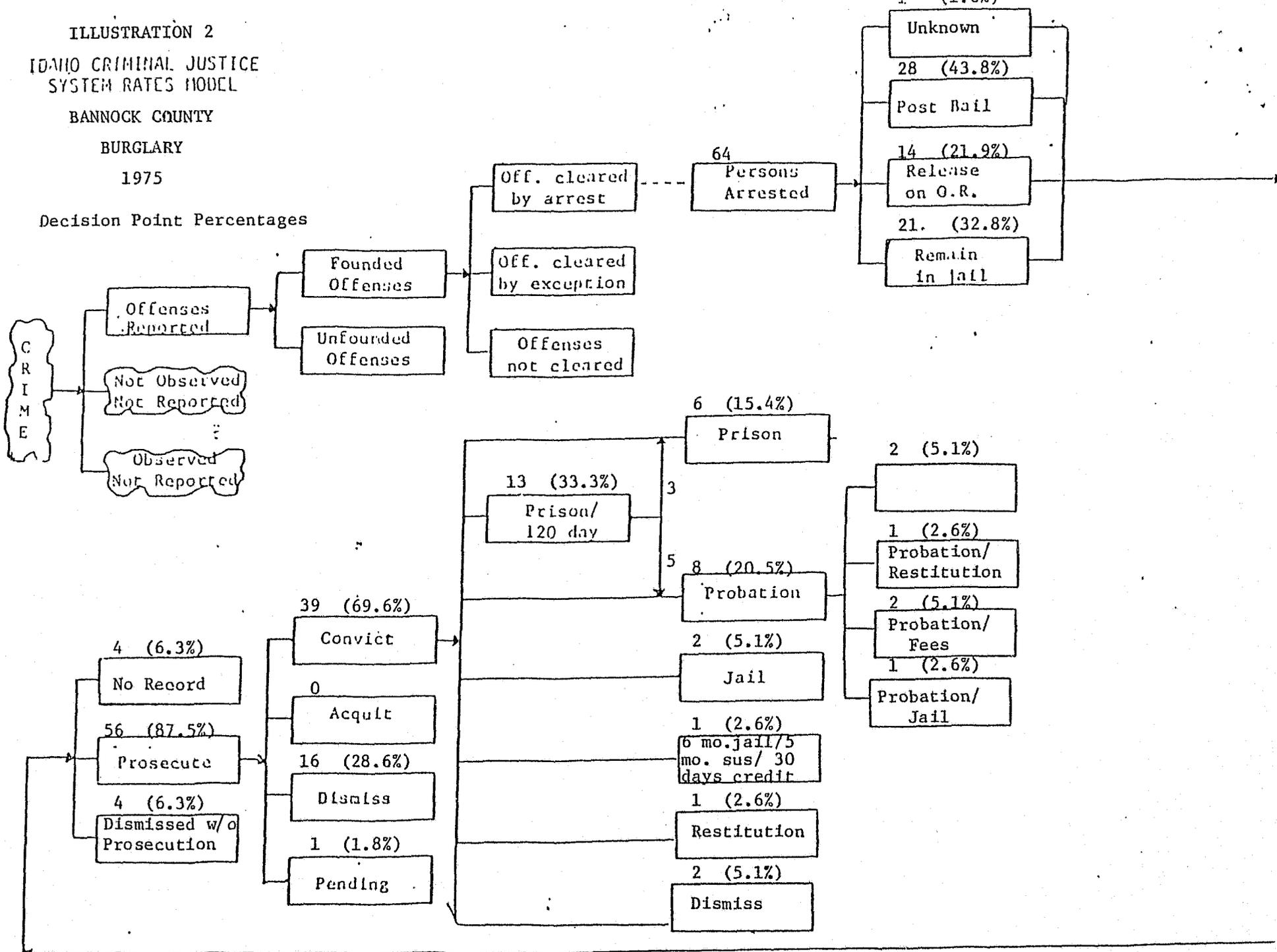


TABLE 1  
BURGLARIES DISMISSED WITHOUT PROSECUTION  
BANNOCK COUNTY  
1975

Number	Reason for Dismissal
1	State's exhibits did not connect defendant with commission of offense.
2	Interests of Justice
1	State's witness not able to testify

Six were sentenced to prison; three for five years; one for five years with credit for time served; one for ten years; and one for 30 months.

Thirteen cases resulted in the individuals being placed on 120-day retained jurisdiction by the court. For those cases in which the results of the evaluation were known, five were placed on probation, and three were waived by the court and prison sentences were imposed.

Two cases were dismissed after the individuals had been convicted. One of these two persons fled the jurisdiction of the United States, and the other case was dismissed as Cassia County was sentencing the individual on a charge in addition to the one for which he was convicted in Bannock County. Cassia County was to consider the accompanying conviction in Bannock County in the sentencing\*.

One person was convicted and was to pay restitution in the amount of \$900. Since he was AWOL from the service, he was transported to California.

Dispositional Outcome by Plea

Table 2 compares the dispositional outcome of the 56 cases prosecuted by plea. Seventeen of the 39 persons convicted who originally pled not guilty changed their pleas to guilty, and seven of these pled guilty to reduced or other charges. All but one of the 16 dismissals pled not guilty.

TABLE 2  
PLEA BY TYPE OF DISPOSITION  
BANNOCK COUNTY  
1975

Type of Disposition	Guilty	Not Guilty	Not Guilty Changed to Guilty
Convictions (39)	22		17
Dismissals (16)*		15	
Pending (1)		1	

\*No plea made by one defendant

\*The person was ultimately given five years probation

Convictions on Reduced or Other Charges

Of the 39 people convicted, 11 were convicted on reduced charges, and two defendants were convicted of other offenses (forgery and grand larceny). Table 3 indicates the reduced charges, by plea, and the resulting sentences.

TABLE 3  
 DEFENDANTS CONVICTED ON REDUCED OR OTHER CHARGES  
 BY PLEA, SENTENCE AND COURT  
 BANNOCK COUNTY  
 BURGLARIES  
 1975

Plea	Reduced or Other Charge	Sentence	Court
Guilty	Malicious Injury to Property	Probation/Restitution	Mag.
Guilty	Petit Larceny	Jail 6 months/5months suspended/30 days	Mag.
Guilty	Receiving Stolen Property	2 years/120 days/Prison	D.C.
Not Guilty to Guilty	Petit Larceny	30 days jail	Mag.
Guilty	Petit Larceny	Probation	Mag.
Not Guilty to Guilty	Receiving Stolen Property	5 years ISP	D.C.
Not Guilty to Guilty	Grand Larceny	Probation	D.C.
Not Guilty to Guilty	Petit Larceny	Probation/fees	D.C.
Not Guilty to Guilty	Receiving Stolen Property	60 days jail	D.C.
Not Guilty to Guilty	Trespassing	Probation	D.C.
Not Guilty to Guilty	Grand Larceny	3 years probation	D.C.
Guilty	Receiving Stolen Property	3 years/120 days	D.C.
Guilty	Forgery	Sentenced Cassia County	D.C.

Reason for Dismissal

Table 4 lists the reasons for the 16 cases being dismissed. The majority were dismissed in the "Interests of Justice," followed by "Insufficient Evidence," with three dismissals.

TABLE 4  
 REASON FOR DISMISSAL AFTER PROSECUTION  
 BANNOCK COUNTY  
 BURGLARIES  
 1975

Number	Reason
3	Insufficient Evidence
10	Interests of Justice
1	Witness unavailable
1	Presently serving 6 years at Idaho State Correctional Institution
1	Had been sentenced to 5 years in federal penitentiary

Time Frames

Table 5 illustrates time frames for both magistrate and district courts from time of arrest to conviction, sentence, and dismissal. The approximate average number of days from conviction to sentence in district court was 71.

TABLE 5  
 TIME FRAMES FROM ARREST TO DISPOSITION  
 AND SENTENCE  
 1975

	<u>Average Number of Days</u>
<u>Magistrate Court</u>	
Arrest to conviction and sentence (N=4)	22.8
Arrest to dismissal (N=4)	62.3
<u>District Court</u>	
Arrest to conviction (N=35)	80.5
Arrest to sentence (N=33)	151.3
Arrest to dismissal (N=16)	138.9
<u>Overall</u>	
Arrest to conviction (N=39)	74.62
Arrest to sentence (N=37)	137.38
Arrest to dismissal (N=20)	123.55

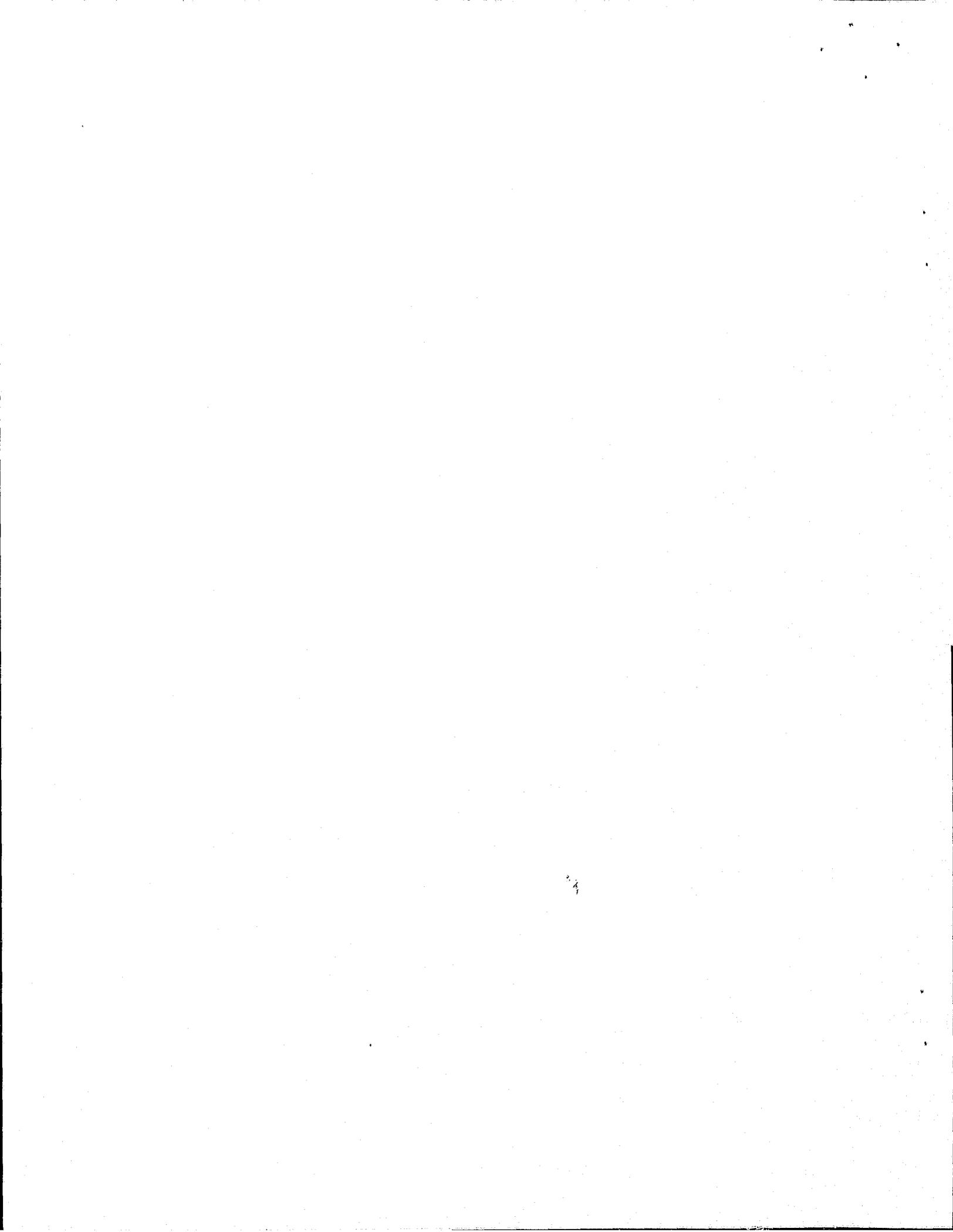


ILLUSTRATION 3

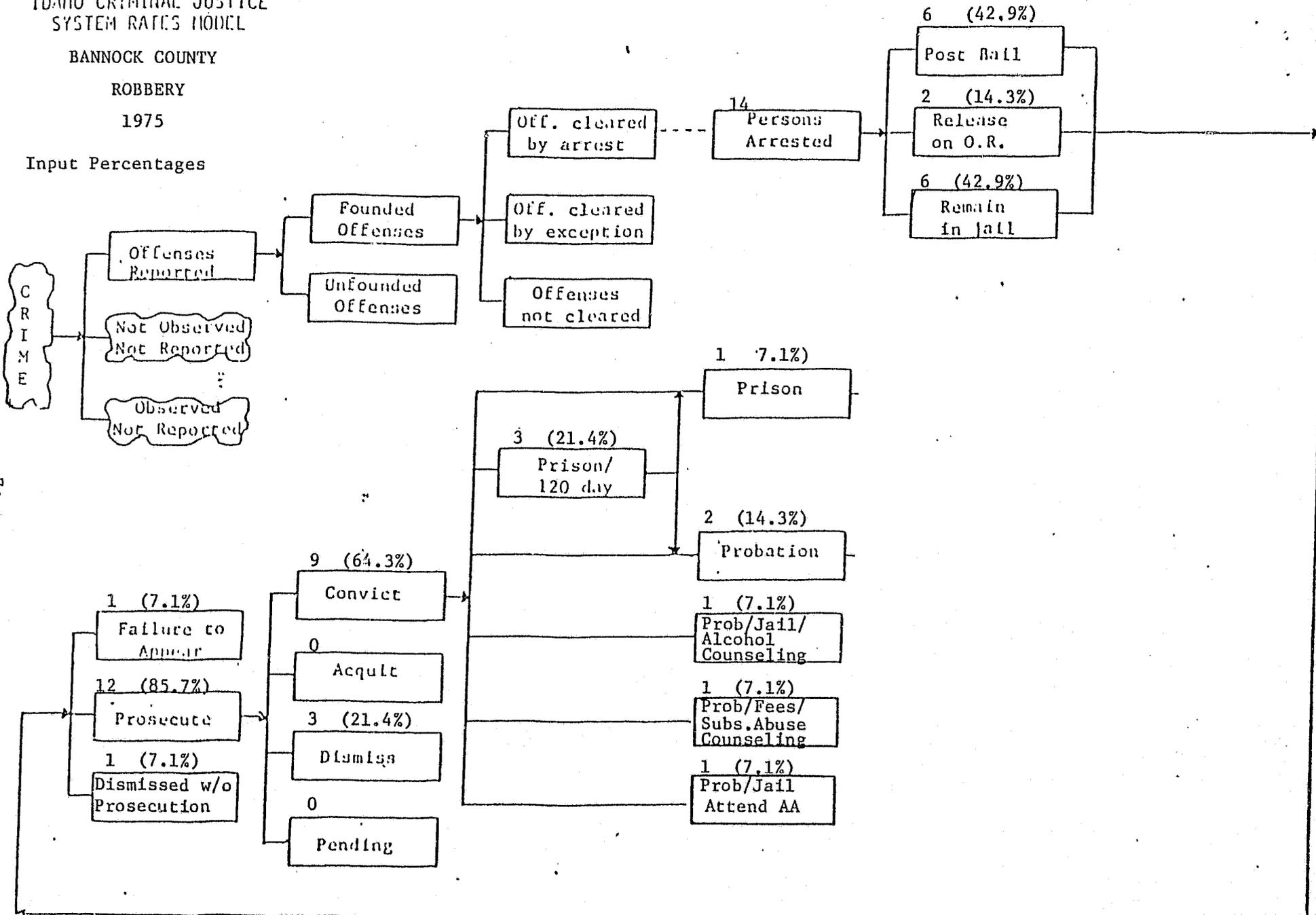
IDAHO CRIMINAL JUSTICE  
SYSTEM RATES MODEL

BANNOCK COUNTY

ROBBERY

1975

Input Percentages



Of the 39 cases, 35 were convicted in district court. Twenty-seven presentence investigations were ordered, six presentences were waived and two defendants had no presentence investigation reports ordered prior to sentencing.

### ROBBERY

Fourteen people were arrested for robbery in Bannock County during 1975. Illustration III shows the flow of offenders from arrest to final disposition and sentence.

#### Pre-trial Placement

Eight people were released from jail prior to the dispositional outcome of their cases, six posted bail, and two were released on their own recognizance. Six people remained in jail pending the disposition of their cases. Cumulative jail time prior to disposition of the 14 cases was 272 days, or an average of 19.4 days.

#### Outcome Analysis of Cases Prosecuted

Prosecution was initiated against 12 of the 14 people arrested. One person posted bail and failed to appear for his preliminary hearing in magistrate court. His bond was forfeited and the case was ultimately dismissed after a bench warrant had been outstanding for approximately 11 months. After an initial arrest for robbery and possession of controlled substance (two counts), one individual was prosecuted on the substance abuse charges and the robbery charge was dropped\*.

Nine people (64.3%) were convicted and sentenced in district court. One was sentenced to the State Correctional Institution, while three were given 120/180 day retained jurisdiction by the court. Of these people, three obtained probation after the evaluation period. Two individuals received direct probation, and three were given probation with additional conditions imposed which included either alcohol or substance abuse counseling.

#### Reason for Dismissal

Table 6 describes the reason for three dismissals after prosecution had been initiated.

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\*Individual ultimately received two years probation and was fined \$150 on the conviction of possession (one count).

TABLE 6  
DISMISSAL BY REASON  
BANNOCK COUNTY  
ROBBERY  
1975

Number	Reason
1	Witness unavailable
1	Defendant killed in auto accident
1	State prosecuted on charge of murder (initially filed along with robbery charge). Defendant ultimately received life imprisonment.

Dispositional Outcome by Plea

The following table illustrates the plea and disposition for the twelve people prosecuted for robbery. Nine defendants were convicted, while three were dismissed.

TABLE 7  
PLEA BY DISPOSITION  
BANNOCK COUNTY  
ROBBERY  
1975

Disposition	Guilty	Not Guilty to Guilty
Convicted (9)	6	2
Dismissed (3)	1	2

\* Found guilty by jury trial.

Conviction on Reduced Charge

Two people were convicted on reduced charges, as shown in Table 8, after changing their plea from not guilty to guilty. Two years probation was imposed on both defendants.

TABLE 8  
 CONVICTION ON REDUCED CHARGES  
 BY PLEA AND SENTENCE  
 BANNOCK COUNTY  
 ROBBERY  
 1975

Plea	Reduced Charge	Sentence
Not guilty to guilty	Grand Larceny	2 years probation
Not guilty to guilty	Grand Larceny	2 years probation

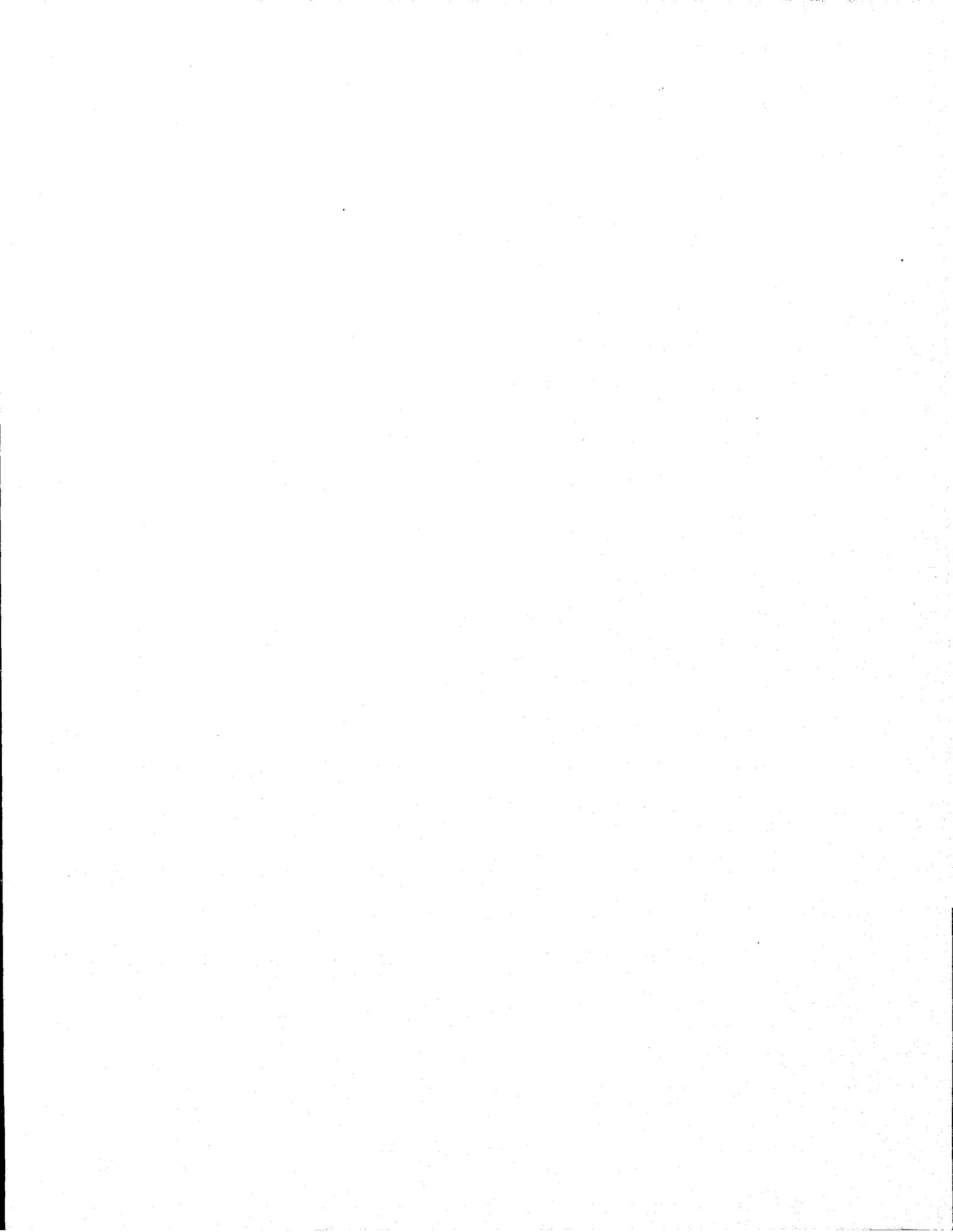
Time Frames

The average number of days from arrest to disposition and sentence is shown on Table 9. The average number of days from arrest to conviction was similar for robbery and burglary, but the sentencing time frame was even greater for robbery than for burglary.

TABLE 9  
 TIME FRAMES BY DISPOSITION AND SERVICE  
 BANNOCK COUNTY  
 ROBBERY  
 1975

<u>Arrest to Disposition and Sentence</u>	<u>Average Number of Days</u>
Arrest to conviction	74.0
Arrest to sentence	155.7
Arrest to dismissal	92.7

Of the nine people convicted, seven had presentences ordered, while two people waived the report.



**END**