



**U. S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION**

FEB 27 1978 DISCRETIONARY GRANT

PROGRESS REPORT

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|--|---|---------------------------|-----------------|
| ANTEE SPA Michigan | LEAA GRANT NO. 20102-3D77 <i>17DF-01-2016</i> | DATE OF REPORT 2/23/78 | REPORT NO. 2 |
| IMPLEMENTING SUBGRANTEE Wayne County Prosecutor's Office 1441 St. Antoine, Detroit, MI. 48226 | TYPE OF REPORT <input type="checkbox"/> REGULAR <input checked="" type="checkbox"/> FINAL REPORT <i>3/1/78</i> | | |
| SHORT TITLE OF PROJECT (PROSECUTOR'S REPEAT OFFENDERS BUREAU | GRANT AMOUNT \$140,731 | | |
| REPORT IS SUBMITTED FOR THE PERIOD 8-1-77 | THROUGH 11-30-77 | | |
| SIGNATURE OF PROJECT DIRECTOR | TYPED NAME & TITLE OF PROJECT DIRECTOR Dominick R. Carnovale Chief Ass't Prosecuting Attorney | | |

COMMENCE REPORT HERE (Add continuation pages as required.)

(SEE ATTACHED)

**APPROVED
FOR TRANSMISSION TO
OCJP**

FEB 23 1978

**DETROIT-WAYNE CO. CJS
COORDINATING COUNCIL**

BY: *A. James*

NCJRS

2/23/78

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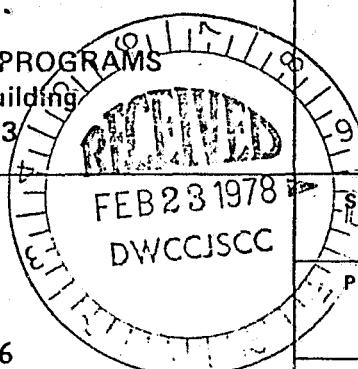
DATE

SO205

STATE OF MICHIGA
OFFICE OF CRIMINAL JUSTICE PROGRAMS
Second Floor, Lewis Cass Building
Lansing, Michigan 48913

FORM 131

SUBGRANT
FINAL EVALUATION REPORT



SUBGRANTEE (name & address)

Wayne County
Prosecutor's Office
1441 St. Antoine
Detroit, Michigan 48226

SUBGRANT AMOUNT
\$140,731

CONTROL NUMBER
OCJP 20102-3D77
LEAA 77DF 05 0016

PROJECT NAME
Prosecutor's Repeat Offenders Bureau

PERIOD OF FUNDING
8-1-77 - 11-30-77

FEDERAL FUNDS EXPENDED

INSTRUCTIONS

The final evaluation report is due 60 days after the termination of the subgrant. Please submit two copies of the report (using this form as a cover sheet) and structure it according to the following format:

Abstract: Restate the goals originally set forth in the project. A goal is a desired result based on current knowledge and values. It is timeless in the sense that as its achievement approaches, it tends to be restated at a higher level of aspiration or a new goal is projected. If the goals of your project have changed since implementation describe them in this abstract.

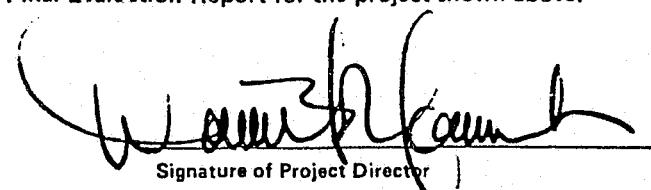
Achievement: This section should reflect activity of the fourth (4th) quarter of the project period, and project achievement in relation to the goals as stated in the abstract. If goals were not achieved, state the reasons. It is important that failures as well as successes be objectively reported. If the project has achieved or exceeded its goals, specifically state the method used. Quantitative documentation (e.g. reduction in crime statistics, number of clients enrolled, man hours expended, cost analyses, recidivism rate comparisons, etc.) should be utilized whenever possible. Be specific, but do not submit irrelevant material or voluminous statistics that you have not analyzed.

Evaluation: You are required to evaluate the impact of your project on the criminal justice system. This can be done by the use of impact indicators. An impact indicator is a measure of the effect your project has on the environment or individual. For example, an impact indicator might be the effect your activity has on recidivism; the effect it has on improving the efficiency of any segment of the criminal justice system; the effect your project has on crime statistics; or its effect on community attitudes toward the criminal justice system. You can develop your own impact indicators which expand on the foregoing and give validity to your evaluation. If possible, this evaluation should be supported by statistical data.

Technology Transfer Potential: If your project and its results have potential to be used by other similar agencies, state the way you feel it could be used, by whom, and the benefits other agencies could derive by implementing it.

CERTIFICATION

Submitted herewith is the sub-grantee's Final Evaluation Report for the project shown above.


Signature of Project Director

Date

2/22/78

DOMINICK R. CARNOVALE, Chief Assistant
Type name and title Prosecuting Attorney

CC: RPU
LPU

NB/75

I. ABSTRACT

The goal of the Wayne County Prosecutor's Repeat Offenders Bureau (PROB) during the period of the third and last sequential federal grant has been to continue the successful program of reducing the rate of serious crime in the Wayne County community by focusing prosecutorial resources in order to exceed the normal capability of swiftly, efficiently and effectively identifying, convicting and incarcerating career criminals.

II. ACHIEVEMENT

In order to achieve a success rate in excess of that of the Wayne County Prosecutor's Office in general, PROB uses certain different methods of prosecution. It applies these methods to unusually active criminals who together account for a disproportionately large volume of crime. These criminals are selected by the application of specific case-intake criteria. Because of their terrible impact upon the quality of life in the community, burglars, robbers, rapists and murderers have been made PROB's targets. Such defendants are accepted for special handling by PROB if they meet these criteria:

- 1) Three (3) prior felony convictions or attempts to commit felonies of any type exclusive of the case now being investigated, or
- 2) Three (3) pending felonies or attempts to commit felonies of any type exclusive of the case now being investigated, or

3) Any combination of 1 and 2, e.g. two prior felony convictions plus one pending felony exclusive of the case now being investigated.

4) The case being investigated should be in at least one of four categories of crime:

- a) Murder,
- b) Robbery (Armed and Unarmed),
- c) Breaking and Entering
- d) Assaults (including but not limited to criminal sexual conduct).

5) Additional consideration will be given to those suspects who are on parole, probation or bond (trial or appeal) when the case being reviewed arises.

6) A limited number of cases can be accepted in instances where there is a lengthy criminal history but the case being investigated is not in one of four crime categories listed above. For example, if the proposed defendant has six prior felony convictions and is now to be charged with CCW, he or she could be considered for prosecution by PROB.

Those cases which meet the intake criteria are brought to the attention of PROB by the detective in charge of each case.

To guard against career criminals slipping through the system without PROB involvement in the case, several measures were instituted to identify cases beyond the investigative stage. First, all assistant prosecutors involved in the screening process at the warrant stage have been made aware of the PROB criteria. When a case comes to their attention which may fit the criteria, it is

immediately brought to the attention of a PROB attorney for review. If accepted, the PROB attorney recommends the warrant and retains the case for all proceedings.

Secondly, the attorneys who handle preliminary examinations are also aware of the criteria. If a case slips through the police department and the warrant assistant without being identified as a PROB case, the examination assistant will refer it to PROB for review. It will then be assigned to a PROB attorney for trial.

The same is true at the pretrial stage. Very few cases have made it through to this stage before being identified as possible PROB cases.

In addition to these safeguards, the daily reports for all those arraigned on felony warrants are reviewed on a daily basis. By examining these reports PROB is able to correlate extensive criminal records with crime category. It is safe to say that the procedures set up by PROB guarantee that a suspect who fits the PROB criteria will be identified and prosecuted by PROB.

Once PROB has undertaken the responsibility for a case, various methods are used to insure a greater likelihood of conviction and lengthy incarceration. The most essential difference from the operation of the prosecutor's office in general is the use of the vertical rather than the horizontal approach to case handling. In other words, rather than having a case move from one prosecutor to another as it proceeds through the various stages of the criminal process, one prosecutor handles each case from start to finish.

While the horizontal or modular approach is necessary in any major metropolitan area and results in the just disposition of most cases, certain cases develop crucial problems when they are handled in this way. If the case is a relatively insignificant one, perhaps the loss can be absorbed. However, if the case involves a highly active career criminal, the ramifications are extremely serious. The PROB approach, most simply stated, assures that in such cases these problems do not arise. Consequently, if a case can be won, it will be won.

Some of the practical effects of the PROB approach are these. There is a specific place where the buck stops - the desk of the PROB attorney. He is responsible. Where each of several prosecutors has a hand on a case, there is an occasional breakdown of responsibility. Action to remedy a problem may be put off for the next man until by the time the last man receives the file, it may be too late to act.

The PROB attorney can more closely oversee the police contribution to the case by seeing that the investigation continues beyond the minimum necessary to present a case to the jury, by ascertaining what more can be done to martial additional evidence to make a case most persuasive, and by seeing that it is done, and that it is done legally so that the evidence will be admissible at trial.

The PROB attorney also has the opportunity to get to know the witnesses better. He can therefore establish a better rapport, can more thoroughly scrutinize the witness' memory for additional persuasive details, can better prepare the witness for the courtroom, and can know better how to handle the witness in the courtroom.

The PROB prosecutor has more time and greater familiarity with the case to more thoroughly anticipate and prepare for the legal issues in the case. Consequently, fewer cases are lost on motions.

The practical impact of these factors upon the conduct of the trial by the PROB prosecutor is obviously quite powerful. As a result, the trial conviction rate among PROB prosecutors is substantially higher than that of other prosecutors in the office. During the period of this third grant, PROB won convictions in 76% of its trials compared with approximately 55% for the rest of the office. For the entire life of the project, the comparison is approximately 60% for the rest of the office and almost 90% for PROB.

These figures have added significance because almost one-third of PROB's cases go to trial whereas otherwise only slightly more than 10% are tried. There are two primary reasons for this. First, the PROB defendant, as a marked recidivist, knows he faces more prison time if convicted. Second, PROB will not reduce the charge in order to get the defendant to plead guilty.

The PROB attorney unlike the usual prosecutor also has the time to play an advocate's role in the sentence proceeding. He submits a written recommendation prior to sentence and argues orally in support of the recommendation at the time of sentence. The results are quite positive. Only a fraction of 1% of PROB's defendants have received probation. Many have received life terms and the rest average approximately 12 to more than 20 years. The mean sentence of armed robbers convicted by PROB in a certain period was 15 years compared with 3 years for the entire State of Michigan for the same period.

PROB also employs Michigan's Habitual Criminal Act which gives the sentencing court the discretion to enhance otherwise statutorily limited sentences. In the first year of the project, PROB increased the rate of usage of the Habitual Act by fifty-six hundred percent (5600%). Now, during the third grant period, the escalated first year rate has been increased again by half.

During the period of the third grant, PROB has continued to employ these methods. The four-month period from August 1 to November 30, 1977, saw the intake of 149 cases and the disposition of 173. Of these dispositions, 152 were by conviction, 13 were by acquittal, and 8 were by dismissal for an overall conviction rate of 88%. The overall rate for the life of the project approached 98%.

require total state prep

These 152 convictions reflect 111 guilty pleas, 98 to the original charge and 13 to another charge, and 41 guilty verdicts, 8 by judge and 33 by jury, 28 to the original charge and 13 to a reduced charge.

These figures indicate a trial conviction rate of 76% and an overall as charged conviction rate of 83% both of which remain substantially above those of the Wayne County Prosecutor's Office in general, 55% and 65% respectively. The life of the project shows a trial conviction rate of almost 90% and an as charged conviction rate of about 93%.

Also during the period, 11 supplementary informations were filed to institute Habitual Criminal Act prosecutions and appellate proceedings were commenced in 122 of PROB's cases.

III. EVALUATION

The first impact of the PROB method of prosecution is upon the specific cases prosecuted in the program. The statistics mentioned above demonstrate the effectiveness of the approach.

The operation of PROB beside having a direct, concrete impact upon the cases handled, also has a strong influence upon the people involved which in turn contributes to a spiraling effect of benefits to the whole system.

The witnesses, because they deal with one very well-prepared prosecutor who knows everything about the case, have a more positive view of the Criminal Justice System. They are therefore less cynical and more likely to get involved and stay involved in the process.

The morale of the police officers and detectives rises in direct proportion to the increased interest and concern that they see in "their" prosecutor. Their work product reflects this.

The defendants, who are learning and have learned about PROB and what it can do have displayed in many cases an ill-concealed dread of it. Victims and their families have looked very positively upon the work of PROB. They are understandably pleased by such methods as no plea reductions. Their confidence in their government and its system is renewed and supported.

Defense attorneys respect what a PROB prosecutor can do with the time he has to prepare. More and more they are persuading their clients not only

to plead guilty as charged but to accept very substantial sentences without even going to trial.

Trial judges who occasionally pay little heed to either defense counsel or the prosecutor in their arguments on legal issues during trial, and who then make quick judgments based upon their belief in the superiority of their experience, knowledge and judgement, come to respect the preparation and thoroughness of the PROB prosecutors arguments and not only rule accordingly but create a carryover effect of an increased respect for the prosecution in general.

All of this has a positive impact upon the morale of the prosecutor because he can be more thorough, more innovative, more polished, more in control, and more successful in his efforts. Because he is constantly dealing with the most serious cases and criminals, he can derive great satisfaction from his successes. His performance reflects this.

Another very important impact of the program has been upon the sentencing views of defendants, defense attorneys and judges. It is commonly known that sentencing in criminal cases differs substantially from one part of the country to another. Texas, for example, is known for the length of the sentences which its judges mete out. But why is Texas so different from Wayne County, Michigan? Obviously the difference is in the way people feel about the duration of a sentence. They feel comfortable or uncomfortable with a given amount of time based upon what they are accustomed to. Sentences are not rendered in a vacuum. They are colored by what a similar criminal was given for a similar crime last week and the week before that.

One of PROB's most significant functions so far has been to gradually raise the level at which judges, defense attorneys, and even defendants are comfortable in their thinking about sentence lengths. This too has a carryover effect influencing the sentence process in non-PROB cases as well.

By handling the cases that it does, PROB has prosecuted those defendants who do the most to implant fear and outrage in the hearts of our citizens. Their profile emerges from a study done upon all PROB defendants in the first two years of the project. Their average age is 27 and they have averages of 7.87 prior arrests, 2.65 prior misdemeanor convictions, and 4.17 prior felony convictions. All too frequently, these prior arrests and convictions are only the tip of the iceberg. The amount of crimes actually committed sometimes reaches astonishing levels. Individual defendants have admitted to the commission of as many as 65 robberies, 125 rapes, and 200 burglaries. Police information indicates that others have committed as many as 14 murders or 30 burglaries in one night.

When people who are such prolific criminals are removed from society for substantial periods of time, it would be expected that the crime rate would be noticeably reduced. If so, it would be a strong indicator of the beneficial impact of PROB. Detroit crime statistics show exactly that. Reported Class I offenses for 1977 were down 25% compared with 1976. In PROB's target offense categories, while rape was up 8%, homicide was down 23%, burglary was down 23% and robbery was down 27%. In view of the approximately 150,000 reported Class I felonies reported in Detroit in 1976, the impact of such a reduction multiplied by the 12 year average minimum sentence for PROB defendants receiving indeterminate sentences means a reduction of 450,000 serious felonies in Detroit alone.

IV. TECHNOLOGY TRANSFER POTENTIAL

Because we believe the project to be a success from all viewpoints, we believe that our experience would be beneficial to other prosecutors' offices in the country. Most of the procedures implemented by PROB during the first year of operation could be introduced into any prosecutor's office in a large metropolitan area. In fact, any large prosecutor's office which has a case load such that cases are not individually assigned to attorneys could use the system developed by PROB. Specifically, we would recommend that career criminal cases or cases in certain crime categories be assigned at the earliest possible point of prosecution to a single attorney. That attorney should be made responsible for the entire prosecution of that particular case.

Other aspects of the project which we would recommend for adoption by other prosecutor's offices are the assignment of an appellate attorney to handle all appeals arising from career criminal cases; the establishment of a set criteria by which career criminals could be identified at an early stage in the proceedings, and the institution of a no-reduced plea policy for those who fit that criteria. All of these things have contributed immeasurably to the success of PROB. We believe that other prosecutors would reap the same benefits.



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