

X THE IMPACT OF THE
MANDATORY GUN LAW IN MASSACHUSETTS X

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On June 3, 1974, a bill known as the Bartley-Fox law was introduced in both houses of the Massachusetts General Court. It was the end of a legislative session marked by virulent debate over the issues of gun control, registration, and confiscation. The new statutory proposal dealt with this general issue by changing the criminal sentence for the offense of carrying a firearm without proper authorization. The Bartley-Fox law preserved the general structure of Massachusetts' gun control statutes, adding only a mandatory minimum one-year sentence for those convicted of illegally carrying a firearm. The new law also prohibited suspended sentences, probation, and various informal means of avoiding sentencing a defendant whom the prosecution has shown to have violated the gun carrying prohibition. Passed almost unanimously by both houses, the bill was signed into law on July 30, 1974 and went into final effect on April 1, 1975.

The bill's co-author, retired Judge J. John Fox, called the new law "a finger in the dike against the wave of violence." By removing judicial discretion in the sentencing process, Fox expected the law to be a precedent for altering patterns of judicial behavior and ending the drift he perceived toward lenient sentences for all crimes of violence. In his words: "This bill is aimed to change people's thinking . . . to make people understand that there are laws and there is punishment."

Indeed, the statement of legislative purpose and intent issued shortly after the amendment was passed in both houses takes Fox's reasoning explicitly into account.

The General Court finds that a major source of violent crime in the Commonwealth is the permissive attitude of the society in general and law enforcement agencies, including courts, in particular, toward the unlicensed carrying of firearms, rifles and shotguns by persons away from their home and places of legitimate business. The purpose and intent of this legislation is to impose a one-year mandatory jail sentence without exception for any person female or male who is unlicensed to carry a firearm away from her or his home or place of business.

Seen from this perspective, the amendment is not merely stricter gun control. Sponsored during an election year, the bill was introduced as a measure to "make it safe for the law-abiding citizen to work, move about safely, and enjoy his family and friends and the fruits of his labor." Offered as a tough law-and-order measure, the bill quickly won the approval of traditional gun control opponents.

The Bartley-Fox law was at the forefront of an emerging national interest in mandatory sentencing. Its implications for the Commonwealth of Massachusetts were several. Since the law had as its focus the illegal use of firearms, one important measure of its effect is on the crime rate. Did the law affect assaults, robberies, and homicides? Another area of the law's impact was on how the Massachusetts' criminal justice system would adapt to a mandatory sentencing scheme. Would police officers arrest suspects for illegally carrying a firearm at the same rate? Would defendants arrested for illegal gun carrying be charged with a different crime in order to avoid the mandatory minimum sentence? Would plea bargaining go on in Bartley-Fox cases? Would gun carrying defendants be convicted, or go to jail at the same rate as before Bartley-Fox?

In order to answer these questions, the Law Enforcement Assistance Administration of the United States Department of Justice awarded a grant to the Boston University Center for Criminal Justice to conduct a two-year study of the effects of the Bartley-Fox law. The Center for Criminal Justice was aided in its effort by the Center for Applied Social Research of Northeastern University. This L.E.A.A. study followed an initial investigation of Bartley-Fox by researchers from Harvard University,* who examined the effect

* See Beha, "And NOBODY Can Get You Out" The Impact of a Mandatory Prison Sentence for the Illegal Carrying of a Firearm on the Use of Firearms and on the Administration of Criminal Justice in Boston, Harvard Law School (1976).

of the law after its first year. The current report relied in part on data from the Harvard researchers, but in order to provide a more complete picture of the law's impact, we collected a wider range of data over a longer period of time.

This report relied upon crime statistics from both the FBI and the Boston Police Department; arrest reports from the Boston Police Department; court records from Boston, Worcester, and Springfield; and interviews with criminal justice personnel -- judges, defense attorneys, prosecutors, police officers, as well as inmates -- throughout the state. Although the report draws conclusions about the effect of Bartley-Fox on crime rates in the entire Commonwealth, and on the criminal justice system in three cities -- Boston, Worcester, and Springfield -- the focus for most of the discussion is the state's largest City, Boston.

A summary of the major findings of this report, in question and answer format, appear below:

-- Has the Bartley-Fox law had an effect on the crime rate? Since the Bartley-Fox law was intended to convey to the public a "get tough" message on crime, one important area in which to explore the effect of the law was on the crime rate. We looked at the impact of Bartley-Fox on the crime rate in Boston, for the rest of the Commonwealth, and for the state as a whole for three types of crime: armed assault, armed robbery, and homicide. In each area, we found that the introduction of the Bartley-Fox law did have an impact on the crime rate.

-- How did the Bartley-Fox law affect the armed assault rate? The introduction of the Bartley-Fox law had an immediate two-fold effect on armed assaults in Massachusetts. First, the law substantially reduced the actual incidence of gun assaults even before its effective date in Massachusetts. Second, after the law went into effect, non-gun assaults in Massachusetts

substantially increased. Indeed, there was a statistically significant increase throughout the state in non-gun armed assaults shortly after the Bartley-Fox law went into effect, within a couple of months of the earlier statistically significant decrease in gun assaults. Thus, although the law discouraged gun-related assaults, it probably encouraged non-gun armed assaults, perhaps because it did not keep offenders away from assaultive situations.

The introduction of the Bartley-Fox law also probably had the unanticipated effect of stretching the crime reporting behavior of citizens. Specifically, citizens were more likely to report less serious forms of gun assaults to the police after implementation of the gun law. This was most pronounced in Boston, and it tended to obscure the magnitude of the law's deterrent effects.

-- How did the Bartley-Fox law affect the armed robbery rate? Our analysis indicates that the gun law had a moderate deterrent effect on gun robberies in 1975, and in Boston and to a lesser extent also in non-Boston Massachusetts. In the following year, 1976, the estimated deterrent effect of the law was much more pronounced and was of approximately equal magnitude in Boston and non-Boston Massachusetts. The displacement effects of the Bartley-Fox law on non-gun armed robbery are less consistent and less pronounced than in the case of non-gun armed assaults.

In contrast to the assault findings, we observed in Boston by 1977 the beginning of a shift back to using guns in robberies, at least for certain types of targets -- specifically, in street, taxi, and residential gun robberies. This upturn in gun robberies points to the need for analysis over a longer potential impact period. It is critical to see whether this tendency for guns to return in armed robbery will continue until the pre-Bartley-Fox level is achieved or whether it stabilized short of that level.

-- How did the Bartley-Fox law affect the homicide rate? Due to data limitations, the analysis of criminal homicides was restricted to Boston and its control jurisdictions. The results of the analysis showed evidence of a deterrent effect of the law on gun homicides, but no indication of displacement effects on non-gun homicides in Boston. Further refinements of the homicide analysis revealed that the deterrent effect of the law occurred principally among assault-precipitated gun homicides as opposed to felony-related gun homicides. The latter type were too infrequent and erratic in occurrence to give reliable evidence of a deterrent effect.

-- What type of decisions did the Bartley-Fox law present for police officers? The changes in Massachusetts' gun control laws which Bartley-Fox brought about presented two types of decisions for police officers. The first was in deciding whether the law applied to a particular situation which they might encounter while on patrol. In particular, the law was ambiguous about whether it applied to situations within one's home or place of business. This question remained unsettled until 1978, when the Massachusetts Supreme Judicial Court ruled that it did not.

The second type of decision related to the exercise of a police officer's discretion. Even if an officer recognizes a violation of the law, he may still react to the situation in a way other than an arrest. In a situation involving a firearm, for example, he may simply seize the weapon and let the suspect go.

-- Did police officers have an adequate understanding of the Bartley-Fox law? Police officers whom we interviewed showed a great deal of confusion about whether the Bartley-Fox law applied in a person's home or place of business. Some of this confusion was common to others in the criminal justice system as well; defense attorneys and prosecutors also had questions about the law's scope.

-- Did the number of arrests for illegal gun carrying change after the implementation of Bartley-Fox? The number of incidents where the police in Boston arrested an individual for illegal gun carrying decreased after Bartley-Fox. There were 218 incidents in 1974; 186 in 1975; and 168 in 1976. Since the law had a deterrent effect with respect to assaults with a firearm, it is reasonable to assume that part of the decline in arrests for carrying illegal firearms is due to a deterrent effect of the law in that type of behavior as well as assaults.

-- Did the police decline to make otherwise valid arrests for illegal gun carrying after Bartley-Fox? Since Bartley-Fox presented the risk of a one-year jail sentence for anyone arrested for a gun carrying charge, there was some speculation that police officers would decline to arrest individuals after the law went into effect in an effort to avoid the harsher new sentence. We examined police behavior in the City of Boston to determine if this were so. As a measure of police reaction to Bartley-Fox, we looked at situations involving a potential carrying arrest and determined how often Boston police officers in these circumstances arrested individuals who were involved rather than merely seizing the weapon and making no arrest. Based upon this information, we found no evidence that there was any widespread evasion of the Bartley-Fox law by Boston police officers.

Most of the incidents involving a potential arrest for gun carrying occurred outdoors. Location is an important factor because, as we have mentioned, there was an element of uncertainty concerning the law's application in some locations (the person's home or business). In the year before Bartley-Fox went into effect and the two years afterwards, there was no statistically significant change at all in the rate at which police officers made an arrest for a gun charge as opposed simply to seizing the firearm, when the incident occurred out of doors. Thus, in situations which presented

no ambiguity about the application of the law, there was no evidence that Boston police officers declined to make valid arrests.

When, on the other hand, ambiguity did exist, there was a change in police arrest behavior. When the incident occurred in the home of the person who possessed the firearm, the first year of Bartley-Fox, 1975, saw an increase in the proportion of cases where the police made an arrest rather than simply seizing the weapon. Quite the opposite of any attempt to avoid the Bartley-Fox law, 1975 saw a more frequent use of arrests in situations involving a firearm in possessors' homes. However, the trend was reversed in 1976, the law's second year, when there was less frequent use of police officers' arrest power in incidents in the possessors' homes than in 1974.

One possible explanation for this change in the rate of arrests is the fact that in 1975 a great deal of public attention was focused on Bartley-Fox cases in general. In this atmosphere, police presented with a situation where the law's application was unclear resolved the doubt in favor of vigorous enforcement. The element of public attention was absent in 1976 and so was the phenomena of an increased arrest rate.

What we see then is that in a small area of police behavior, where the application of the law was unclear, police officers responded to a one-year mandatory minimum sentence provision by increasing their rate of arrest in the law's first year and decreasing it in the second. While we discovered some isolated instances which were not officially reported, where police officers declined to make an arrest because of the one-year mandatory sentence, we found no widespread pattern of evasion.

-- Did the race of the suspect involved in a gun carrying incident affect the decision to arrest? One of the fears surrounding the enactment of the Bartley-Fox law was that the creation of a one-year mandatory minimum sentence would be enforced in a discriminatory way. Police officers might

use the law, for example, in a different manner when they dealt with non-white suspects than with whites. From our examination of Boston Police Department data, we concluded that there is no evidence of a racially discriminatory pattern of Bartley-Fox enforcement. In 1974, before the law was passed, the rate at which whites were arrested for gun control crimes as opposed merely to having the firearm seized was just about the same as for non-whites. After Bartley-Fox, there was still no significant difference between whites and non-whites.

-- What effect did the Bartley-Fox law have on citizens' turning in firearms to the police? In 1974, before the Bartley-Fox law went into effect, private citizens voluntarily turned in 21 firearms to the Boston Police Department. In 1975, when illegal gun carrying became subject to a one-year mandatory minimum sentence, 106 firearms were handed over, as were 86 in 1976. Whites increased their gun hand-in activity to a greater extent than non-whites.

-- What were the implications of the charging decision for the enforcement of the Bartley-Fox law? Once a police officer makes an arrest, the next decision in the criminal justice system is the charging decision. If a defendant is charged with illegally carrying a firearm, he is subject to the mandatory minimum sentence; if, on the other hand, a defendant is charged with illegal possession of a firearm, he is not. The two types of conduct are similar. Carrying is simply possession plus movement. Because of this similarity and because of the discretion that charging authorities have in determining which charge to bring, it is possible that possession charges would be brought when carrying charges were otherwise appropriate. If possession charges are used in this manner, it would be one way in which to avoid the rigidity of Bartley-Fox's sentencing policy.

-- Who makes the charging decision? In general, the decision about whether to bring a carrying or possession charge is made in the District Court. In Boston during the three years of our study, the major responsibility for deciding upon the charges was with the arresting officers, who often consulted with other police officers and court personnel. Once a police officer decided to request a particular charge, court officials rarely refused to grant it. The one exception to this pattern was in the Boston Municipal Court, where judges rather than clerk's office personnel decide which charge is appropriate.

In Springfield, judges, clerks, and prosecutors took a more active role in deciding the charge than in Boston.

-- Did the charging officials have an adequate understanding of the difference between carrying and possession? Police officers, who have a great deal of influence over which charge is brought, showed a considerable amount of confusion over the difference between carrying and possession. For example, 12% of the officers we interviewed said there was no difference, while 31% said they did not know the difference. There was also a degree of confusion about the difference between the two crimes among defense attorneys and prosecutors.

-- Did the charging authorities use a possession charge rather than a carrying charge in order to avoid the mandatory minimum sentence of the Bartley-Fox law? Charging policy varied in the different jurisdictions which we examined. In Springfield, for example, prosecutors, judges, and clerks all admitted that very often they consciously used a possession charge as a substitute for a carrying charge. If a defendant convicted of possession deserved to go to jail, the judge can still send him, but his hands are not tied in advance.

In the Boston Courts, we looked at the ratio of carrying charges to

possession charges to see if Bartley-Fox had an effect on the charging authorities' decision to use possession instead of a Bartley-Fox charge. In the Boston Municipal Court where judges conducted the hearing to determine the proper charge, there was no change in the use of carrying charges after Bartley-Fox. In the other District Courts in the City of Boston, there was a change.

In the other Boston Courts, in Bartley-Fox's first year, 1975, carrying charges were used more frequently compared to possession charges than in 1974. Carrying, in other words, was chosen over possession more often in the law's first year. In 1976, this trend reversed; the use of carrying compared to possession went down -- below the 1974 level. We spoke with attorneys who represented defendants in the 1976 case sample who were charged with possession and not with carrying. We were able to identify at least 5 cases where a carrying charge rather than a possession charge would have been appropriate. This pattern of a vigorous use of the Bartley-Fox charge in 1975, followed by a decline in 1976, is the same as the pattern we found in the area of arrest. Both these areas are controlled by the police and may have been a factor of increased public attention in the law's first year.

-- Did the race of the defendant have an effect on the decision to charge? As with the arrest area, during the public debate over the Bartley-Fox law, there was concern that the law would fall unjustly upon minority defendants in the charging decision. Our examination of court records reveals that there was no discriminatory pattern of charging a defendant with carrying rather than possession based upon race. If anything, white defendants are charged with carrying as opposed to possession at a greater rate than non-whites. This phenomenon, however, may not be a factor of

racial discrimination as much as it is a factor of different charging policies in different parts of the City. Roxbury District Court, which is almost all non-white, had a charging pattern after Bartley-Fox which used a carrying charge far less often compared to possession than did other District Courts in heavily white areas.

-- What changes did Bartley-Fox make in the law concerning the way the courts handle charges of illegally carrying a firearm? The major change in the law brought about by Bartley-Fox was at the sentencing stage of a gun carrying case. Bartley-Fox imposed a mandatory minimum sentence of one year in jail. Suspended sentences or probation were prohibited.

The Bartley-Fox law also prohibited continuing cases without a finding, or filing them -- both ways that courts avoid giving someone a criminal record even though they may be guilty.

-- What change was there in the number of cases involving a charge of illegally carrying a firearm after the Bartley-Fox law went into effect? The total number of gun carrying cases declined after Bartley-Fox went into effect. This decline follows from our other findings that gun assaults declined, as did arrests involving only a gun carrying offense.

-- Did the proportion of defendants who were convicted of a gun carrying charge change after Bartley-Fox? One major effect that Bartley-Fox had on the court system was to decrease the proportion of defendants who were convicted of illegally carrying a firearm. In 1974, almost half of all gun carrying defendants (48.6%) were eventually convicted. In the two years after the law went into effect, 1975 and 1976, the rate of conviction fell to about 1/4 of all defendants (28.2% in 1975; 22.2% in 1976). The decline in convictions came about primarily at the Superior Court level.

-- Did the proportion of gun carrying defendants who went to jail change after Bartley-Fox went into effect? Although the proportion of

defendants who were convicted fell, the proportion who received some jail sentence increased. In 1974, 11.1% of all gun carrying defendants received a jail sentence. The rest of the 48.6% who were convicted received either a suspended sentence, probation, or a fine. Once Bartley-Fox became law, all those convicted received a jail sentence. In 1975, 28.2% of all the defendants who faced a gun carrying charge were sentenced to jail, as were 21.3% in 1976.

Thus, one effect of Bartley-Fox was to increase the proportion of defendants going to jail but at the expense of decreasing the proportion who are subject to some sanction from the court. It is fair to conclude that some people who would have received a suspended sentence prior to Bartley-Fox now receive no sanction whatsoever.

-- How many people went to jail after Bartley-Fox who would not have done so if it weren't for the mandatory minimum sentence? Of the defendants who received a jail sentence for gun carrying under Bartley-Fox, some would have gone to jail even if there were no mandatory minimum sentence in effect. For each of the two years of Bartley-Fox, 1975 and 1976, that we examined in the City of Boston, we tried to determine how many people received a jail sentence that would not have occurred without the mandatory minimum sentence. We could only make a rough approximation of this phenomenon.

We looked at all those sentenced to jail in 1975 and 1976. We excluded those whose jail sentence was harsher than the one-year mandatory minimum sentence. We also excluded those whose one-year sentence for gun carrying was concurrent with a longer sentence for another crime. The Bartley-Fox sentence in these cases was of no practical effect. Of the cases that were left, we can conclude that the defendants may have gone to jail only because of the mandatory minimum sentencing provision. In making our estimate, we were conservative, so as not to underestimate the effect of the law.

Our results were these: for the half year sample in 1975, we found only 20 cases where Bartley-Fox may have been the cause of the jail sentence. In the half year sample for 1976, we found 17 such cases.

Extrapolating over a full year in the City of Boston, the change in sentencing brought about by Bartley-Fox affected at most about 40 people each year, a particularly small number when we compare it to the effect in reducing gun related crime which the law brought about.

-- Did the Bartley-Fox law change the way that District Courts handled gun carrying cases? The District Courts in Massachusetts are the entry-level courts for almost all criminal cases. They hold trials for most misdemeanors and minor felony cases, and they hold probable cause hearings for serious felony cases that can only be tried in the Superior Court.

Before Bartley-Fox went into effect, the District Courts in Boston disposed of gun carrying cases adverse to defendants (by convicting them, or finding probable cause and sending the case on for trial in Superior Court) 59% of the time. In 1975, the rate at which they ruled against the defendant was 55%, and in 1976, 54%. This difference was not statistically significant. Boston District Courts, in the aggregate, thus either convicted or found probable cause in gun carrying cases in just about the same proportion after Bartley-Fox as before.

There was a change, however, in the methods that the courts used to rule in favor of the defendant. Bartley-Fox prohibited continuing cases without a finding or filing them. In 1974, the District Court disposed of 9% of its gun carrying cases in these ways. After Bartley-Fox, no cases were treated in this manner -- but rather the dismissal and not guilty rates increased.

One other change occurred after Bartley-Fox in the Boston District Courts: the defendants who were found guilty appealed their cases for a trial de novo at a far higher rate. In 1974, 20% of those convicted in the District Courts

went on for a trial de novo. In 1975, when the one-year mandatory sentence began, that figure rose to 89% and went to 95% in 1976. Thus, upping the ante for defendants by imposing a mandatory jail sentence has the effect of increasing their incentive to take advantage of all the procedural protections built into the system.

Although the Boston District Courts in the aggregate showed no change with respect to the proportion of gun carrying cases in which they ruled against the defendant, individual courts did change. Before Bartley-Fox, some courts were prosecution-prone and others defendant-prone. After Bartley-Fox, they all came to meet somewhere within a relatively narrow middle range. The law, thus, promoted some degree of uniformity.

-- Did the mandatory minimum sentence affect the way District Court judges determined if a defendant was not guilty or should have his case dismissed? As we have already discussed, the District Courts on the whole displayed no pattern of evasion of the Bartley-Fox law by disproportionately ruling in favor of the defendant in a gun carrying case. However, in individual courts in some cases, we believe this conduct did occur. We interviewed attorneys who represented Bartley-Fox defendants in our 1976 case sample whose cases had been dismissed or found not guilty in the District Court. We were able to identify some -- six -- where a fair conclusion is that the judge's sympathy to the defendant or antipathy to Bartley-Fox played a role. Our general interviews with defense attorneys, prosecutors, and judges all revealed a commonly-shared perception that some judges do favor defendants in Bartley-Fox cases.

-- Did the Bartley-Fox law change the way that Superior Courts handled gun carrying cases? As we already mentioned, after Bartley-Fox became law, a higher proportion of gun carrying cases were disposed of at the Superior Court level than before. Bartley-Fox did bring about a change in how the

Superior Court handled these cases. Of most significance is the decline in the proportion of defendants convicted. In 1974, 71% of the gun carrying cases disposed of by the Superior Court were convictions. This fell to 52% in 1975, and 44% in 1976.

This decline came about in two ways. First, a smaller proportion of defendants chose to plead guilty to gun carrying after Bartley-Fox, and a higher proportion went to trial. Second, defendants who went to trial after Bartley-Fox stood a much better chance of winning the case than before. In 1974, 91% of the gun carrying trials ended up with a guilty verdict. In 1975, only 44% did, and in 1976, only 35%. This decrease in the conviction rate was true for both jury trials and trials before a judge alone.

Two explanations may account for the decrease in the conviction rate. First, more weak prosecution cases are going to trial. With only the possibility of a jail sentence, defendants were less likely to accept a District Court conviction or a guilty plea in Superior Court.

The second explanation is that the jury, or judge, evaluated the testimony with a slant toward acquitting the defendant because of the mandatory one-year sentence. We observed a Bartley-Fox trial where the defendant made no real effort to contest the facts of the case but tried in every way short of being impermissibly explicit to get the message across to the jury that this was not the sort of person who deserved to spend one year in jail. The jury acquitted. Defense attorneys, prosecutors, and judges all felt that juries were aware of and influenced by the sentencing provision of the Bartley-Fox law.

-- What effect did the Bartley-Fox law have on plea bargaining in gun carrying cases? Just as the Bartley-Fox law did not prohibit a police officer from declining to make a gun carrying arrest or from bringing a possession charge where carrying would otherwise be appropriate, it did not prohibit

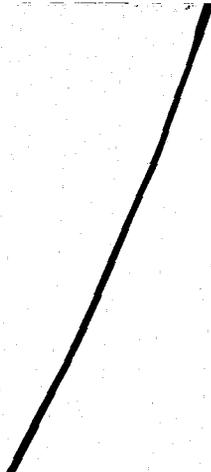
prosecutors from plea bargaining with gun carrying defendants. A prosecutor who does not want a defendant to be subject to the mandatory minimum one-year jail term may agree to dismiss the Bartley-Fox charge in return for a guilty plea to some other crime. The prosecutor may also reduce the carrying charge to possession in return for a guilty plea. The last form which a plea bargain might take would be for a defendant to plead guilty to a Bartley-Fox charge in return for a prosecutor's recommendation that the Bartley-Fox jail sentence be served concurrently with a longer sentence, and thus be of no practical significance to the defendant. In all three types of plea bargains, the defendant receives some advantage in return for not going to trial on the carrying charge.

Using these three types of dispositions as a measure of plea bargaining, we saw that plea bargaining continued to play an important role in disposing of Bartley-Fox cases in Superior Court. Before the law went into effect, 31% of the carrying cases fit in these three categories. After Bartley-Fox, this rose to 36% in 1975 and was 15% in 1976. In the two years following Bartley-Fox, in some cases, charges were reduced or dismissed so that the defendant could receive a suspended sentence. In other cases, defendants received a carrying sentence that had no practical effect. The Bartley-Fox law removed discretion in one area -- sentencing -- but discretion remained to accomplish the same ends in another area -- plea bargaining.

-- Did the Bartley-Fox law have an effect on gun carrying defendants' decisions to fight their cases as far as possible? After Bartley-Fox went into effect, gun carrying cases became a more serious matter for defendants. Not surprisingly, the rate at which they defaulted -- failed to show up in the District Courts -- doubled. Defendants were also much more prone to appeal for a trial de novo -- obtaining a second chance for acquittal, or delaying the inevitable conviction -- at a much greater rate. In the

Superior Court, there was a trend toward an increased use of trials; though contrary to what our interviews with defense attorneys showed, there was no evidence of a preference for juries as opposed to judge trials.

-- Were prosecutors and judges happy with the Bartley-Fox law? On the whole, the judges and prosecutors with whom we spoke did not feel that Bartley-Fox persuaded those in the criminal justice system to "get tough" with violent crime. About half of them felt that the law interfered with their ability to obtain a fair and effective sentence in an individual case. Even judges with a tough reputation noted that in some cases they would have suspended the defendant's sentence if the law allowed them to do so.



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