

66461  
1949

 <p><b>U. S. DEPARTMENT OF JUSTICE</b> LAW ENFORCEMENT ASSISTANCE ADMINISTRATION</p>	<p><b>DISCRETIONARY GRANT</b> PROGRESS REPORT</p>
--	---

GRANTEE <input checked="" type="checkbox"/> Nevada Commission on Crime Delinquency and Corrections	LEAA GRANT NO. 77-DF-09-0029 77-DF-09-0029 (S-1)	DATE OF REPORT 4-5-79	REPORT NO. 17
--	--	--------------------------	------------------

IMPLEMENTING SUBGRANTEE <input checked="" type="checkbox"/> Clark County District Attorney <input checked="" type="checkbox"/> Las Vegas, Nevada	TYPE OF REPORT <input type="checkbox"/> REGULAR QUARTERLY <input type="checkbox"/> SPECIAL REQUEST <input checked="" type="checkbox"/> FINAL REPORT
--	---

SHORT TITLE OF PROJECT MAJOR VIOLATORS UNIT	GRANT AMOUNT \$259,314.00
--	------------------------------

REPORT IS SUBMITTED FOR THE PERIOD September 1, 1977 THROUGH February 28, 1979

SIGNATURE OF PROJECT DIRECTOR 	TYPED NAME & TITLE OF PROJECT DIRECTOR MELVYN T. HARMON Chief Deputy District Attorney
---	--

COMMENCE REPORT HERE (Add continuation pages as required.)

MAJOR VIOLATORS PROJECT  
 1977-1979\*  
 FINAL REPORT  
 (See Attached)

\*A supplemental grant extended the 2nd year funding period from September 1, 1977 through February 28, 1979.

RECEIVED BY GRANTEE STATE PLANNING AGENCY (Official)	DATE
--	------

MAJOR VIOLATORS PROJECT (MVU)

1977 - 1979\*

FINAL REPORT

DISCRETIONARY GRANT #77-DF-09-0029  
#77-DF-09-0029 (S-1)

PROJECT GOALS AND OBJECTIVES

Project goals and objectives have been narrowed from the first grant narrative. Originally, the target crimes were stated as homicide, forcible rape, robbery, assault, and burglary. However, after the Project Director and staff attorneys for the program reviewed the project potential, the local situation, visited San Diego, and in consulting with the District Attorney, it was decided that the original goals were too broad.

It was felt that in order to have an impact in measurable terms on the reduction of crime that the target group should be narrowed to less of a "shotgun" approach. The new goals and objectives are clearly stated in the developed screening criteria:

"The Major Violators Unit will be concentrating solely on prosecution of the robbery, residential burglary and robbery/residential burglary related homicide or rape defendant."

The screening criteria is designed to identify the career criminal within these target crimes.

Sub-goals for the prosecution of the above mentioned target crimes involving career criminals are as follows:

- Reduction of plea negotiation to zero--NO PLEA NEGOTIATION;
- Reduce pre-trial and trial delay;
- Reduce the number of cases dismissed on grounds other than the merits of the case;
- Reduce the number of continuances on cases involving major violators;
- Deter through successful prosecution and conviction of major violators, those who would seek to emulate the lifestyle of the career criminal;
- Reduce slack in the criminal justice system by aggressively prosecuting probation revocations;
- Assist local parole and probation authorities in increasing their efficiency by providing better prepared prosecutors to help eliminate repeated continuances at revocation proceedings.

The overall goal was to appreciably raise the conviction rate of repeat offenders and, in addition, to decrease the time between initial arrest and final disposition of the case.

\*A supplemental grant extended the 2nd year funding period from September 1, 1977 through February 28, 1979.

## STATEMENT OF THE PROBLEM IN MEASURABLE TERMS

Criminal Justice Research on a national level has shown that the majority of serious crimes committed in this country are by a relatively few number of career criminals. These "repeat offenders" must be charged and quickly prosecuted, if we are to make any impact on the crime rate.

It is felt that national statistics have been well established as a basis for the first nineteen Career Criminal Programs. Representative statements reflecting the Career Criminal (Major Violator) problem are noted in the following excerpts in an Administrative Report prepared by the Rand Corporation for the National Institute of Law Enforcement and Criminal Justice Department of Justice (dated December, 1976).

p.7 "The percentage who have been previously convicted of felonies but not sent to prison is quite large (28-45 percent)."  
"---72 percent of the defendants who were charged with robbery and eventually convicted, who had previously been to prison, received prison sentences."

p.10 "All together, our sample of 49 offenders reported a total of 10,505 offenses, or 214 per offender. Since the average "street time" career length was approximately ten years, that was 20 of these offenses committed per year per offender."

In a presidential address in Congress in 1975, the following statement was made to illustrate the nature of the career criminal problem--"in one city over 60 rapes, more than 200 burglaries and 14 murders were committed by only 10 persons in less than 12 months. Unfortunately, this example is not unique."

The problem of Career Criminals and the Career Criminal program was given national coverage in the November 22, 1976 U.S. News & World Report which stated the theory as:

"Much of the nation's serious crime is committed by a relatively small number of people who make crime their business. So, one way to reduce crime is to identify such criminals and make sure that they are prosecuted swiftly and vigorously, convicted if guilty and locked up for the maximum sentence if they are convicted."

One indication of the local repeat offender problem is reflected in a Las Vegas Metropolitan Police Department's Narcotics Task Force Analysis of arrests made by the LVMPD for sale of controlled substances. It was found that 80 percent had a previous arrest record. Thirty-three percent had previous arrests for Larceny, 10 percent had previous arrests for Robbery and 21 percent had previous arrests for

Assault. Twenty percent were ex-felons.

Another study by the National Clearing House for use in the Nevada State Correction's Master Plan based on a one-time survey of inmates of the Clark County Jail, indicated that 80 percent of post-sentence inmates had previous convictions (felony and/or misdemeanor), 80 percent of inmates awaiting sentencing had previous convictions and 67 percent of the remaining inmates (detainers, etc.,) had been convicted previously.

A study of the prisons in the State of Nevada shows that 67 percent of the prison population had at least one prior felony conviction and 20 percent of the total had three or more prior felony convictions.

Clark County (Las Vegas S.M.S.A.), with an estimated population of 428,000 persons (December 31, 1978, Clark County Chamber of Commerce) and approximately 11,000,000 annual tourist visitors (Clark County Convention and Visitors Authority), has experienced a continually rising crime rate.

FBI crime reports for 1975 shows that Clark County has a ratio of serious crimes per 100,000 population which is almost double the national average--the highest crime rate in the nation.

Rates of increase of index crimes in Clark County are represented in the table below:

TABLE I  
REPORTED OFFENSES AND PERCENT CHANGE IN CLARK COUNTY\*

	<u>1971</u>	<u>1975</u>	<u>1976</u>	<u>% Change 1976 over 1971</u>	<u>% Change 1976 over 1975</u>
TOTAL INDEX	16,242	32,696	34,598	+113	+6
VIOLENT CRIME	1,254	3,109	3,204	+156	+3
PROPERTY CRIME	14,988	29,587	31,394	+109	+6
MURDER	39	50	46	+18	-8
RAPE	86	207	203	+136	-2
AGGRAVATED ASSAULT	500	1,371	1,513	+203	+10
ROBBERY	629	1,481	1,442	+129	-3
BURGLARY	4,936	10,622	10,448	+112	-2
LARCENY	8,130	16,788	18,759	+131	+12
MOTOR VEHICLE THEFT	1,922	2,177	2,187	+14	0

\*Includes Larceny under \$50.00

STATEMENT OF HYPOTHESES AND WORKING ASSUMPTIONS  
WHICH PROVIDED THE CONCEPTUAL FOUNDATION  
AND THRUST OF THE PROJECT

Hypotheses and working assumptions would include:

- Major Violators can be identified;
- Many crimes are committed by major violators with repeated arrests and felony convictions;
- Average time-to-disposition can be shortened;
- Percentages of defendants convicted with subsequent incarceration will be high.

It is hypothesized that with the operation of a Major Violators Unit (MVU) THAT THE LEVEL OF INCREASE IN TARGETED CRIMES CAN BE HALTED AND/OR DIMINISHED!

STATEMENT OF SPECIFIC INDICATORS AND MEASURES

--DATA SOURCES

An independent third party was contracted to assist the Project Analyst in performing an evaluation design. The evaluator participated in setting up the statistical model and the data collection process as well as submitting a second year final evaluation.

The Program Analyst collected data manually relative to a number of measurements in felony cases in the District Attorney's Office. This data was used for comparison and model purposes relative to Major Violator data.

STATEMENT OF RESULTS ACHIEVED BY THE PROJECT

Attachment I is the second year evaluation document as submitted by L. A. Wilson II, Ph.D. who was contracted as program evaluation consultant.

The document discusses statistical problems and limited data for this second year evaluation. A conclusion statement is as follows:

The major conclusion which should be reached by the reader of this report is that, in comparison with a cross-section of defendants charged with similar offenses, those defendants treated by the Major Violators Unit are much more likely to be held accountable for the major charge against them, and, as a probable result, receive a much harsher sanction from the criminal justice system.

A "Career Criminal Unit Performance Summary" (Attachment II) includes data on additional defendants. The results reported in the updated summary not only sub-

stantiates the data used in the writing of the evaluation but also demonstrates a consistency of results.

The crime rate appears to have slowed in Clark County. A crime rate summary which contrasts the first six months of 1976 and 1977 is as follows:

TABLE II  
CRIME RATE SUMMARY (1976 and 1977)  
ACTUAL OFFENSES CONTRAST FIRST SIX MONTHS

TOTAL ACTUAL OFFENSES DOWN:

1976	-	18,178	
1977	-	<u>17,599</u>	
		579	-3%

<u>CLASSIFICATION</u>	<u>ACTUAL OFFENSES</u>	
	<u>1976</u>	<u>1977</u>
1. Criminal Homicide	47	34
2. Forcible Rape	88	91
3. Robbery Firearm	673 (376)	665 (319)
4. Assault	1,976	1,886
5. Breaking & Entering	5,098	5,613
6. Larceny-Theft	9,272	8,158
7. Motor Vehicle Theft	<u>1,024</u>	<u>1,154</u>
TOTALS	18,178	17,599

Hopefully, Clark County will be able to maintain a halted and/or diminished crime rate. Also, it is hoped that these data reflect an improvement of the overall criminal justice system including the District Attorney's Office.

The data that is of particular note for the Major Violator Unit concerns robbery with a firearm. Robbery, in the above crime rate summary, shows a decline of 1 percent. However, robbery with a firearm had a 15 percent decline. Robbery with a firearm has been the highest target crime prosecuted by the MVU.

THE RESULTS ACHIEVED BY THE MAJOR VIOLATOR UNIT DURING  
THE SECOND YEAR ARE FELT TO BE GRATIFYING AND SATISFACTORY.

With the close of each federally funded program, the District Attorney and ultimately the Clark County Board of County Commissioners determine whether a program is worthy of continuation with county funds. The District Attorney evaluated

the MVU program as it related to priorities for prosecution that are set at the discretion of the District Attorney. The District Attorney found the program worthy of continuation and, effective March 1, 1979, the MVU was integrated into the District Attorney's Office.

A SECOND YEAR EVALUATION OF THE MAJOR VIOLATORS UNIT  
OF THE CLARK COUNTY DISTRICT ATTORNEY'S OFFICE

Prepared by

L.A. Wilson II, Ph.D.

1047 East 36th Avenue  
Eugene, Oregon 97405

The data upon which this report is based were provided by Tad Corbett and William Leavitt, Program Analysts, Major Violators Unit, and the National Legal Data Center, Thousand Oaks, California. The opinions expressed in this report are those of the author.

## INTRODUCTION

The Major Violators Unit of the Clark County, Nevada, District Attorney's Office became operational in October of 1976. Funded through a combination of federal and county monies, this unit of the District Attorney's Office concentrates upon the identification and prosecution of career criminals who commit robbery, residential burglary and robbery/residential burglary related homicide or rape.

This unit of the District Attorney's Office is staffed with one Chief Deputy District Attorney, two Deputy District Attorneys, one investigator, one program analyst, one legal secretary, and one clerk-typist. While the major thrust of this unit is the identification and prosecution of career criminals who commit the crimes specified above, one of the Deputy District Attorneys directs most of his attention to questions of parole revocation of career criminals.

### Evaluation Design

The evaluation of this program has been divided into two somewhat discrete parts: a first year evaluation and a second year evaluation. To maintain some continuity with the first year evaluation, the second year evaluation will be based upon an identical design as the first. Only account will be made for alteration of objectives in the application of the first year design to the data collected in the second year.

The major goal of the Major Violators Unit, during the second grant year, is the improvement of the prosecution of career criminals. It is assumed that improvement of prosecution of career criminals will increase the conviction rate of these types of offenders.

In the first year evaluation, a second major goal of the Major Violators Unit had figured prominently: the reduction of time from arrest to final disposition. The District Attorney, however, decided that the success or failure of the Major Violators Unit should not be judged on this basis as the entire District Attorney's Office has undertaken to reduce the time from arrest to final disposition for all offenders. This evaluative criterion, therefore, has been deleted from the second year evaluation.

Along with the major goal(s) of the Major Violators Unit outlined above, a series of subgoals have been identified. These are:

1. the reduction of rate of plea negotiation which resulted in a lower charge;
2. the reduction of pre-trial and trial delay;
3. the reduction in the number of cases which are dismissed on grounds other than the merits of the case;
4. the reduction in the number of continuances in cases involving major violators;
5. the deterrence, through successful prosecution and conviction of major violators, of those who would seek to emulate the life-style of the career criminal.

The major and sub-goals of the Major Violators Unit, then, are the principal bases upon which both the first and second year evaluations have been conducted.

The identification of relevant control and experimental groups was noted as a major concern in the first year evaluation. Clearly, the offenders prosecuted by the Major Violators Unit constitute the experimental group. The most important question revolves around the specification of the appropriate

control group. In the first year evaluation, it was argued that at least three different control groups could be identified: individuals who had been prosecuted by the Clark County District Attorney's Office prior to the creation of the Major Violators Unit; individuals who had been prosecuted by District Attorneys in Clark County who were not from the Major Violators Unit; and individuals prosecuted by other career criminal projects in other jurisdictions. It was noted that the selection of any of these control groups poses distinct threats to the validity of inferences one might draw from the data.

In the first year evaluation, it was noted that the use of preprogram offenders should incorporate a screening procedure so that only those cases which would have qualified for treatment by the Major Violators Unit, had it been in existence at that time, would be included in the control group. It was also noted, however, that manpower and information shortages precluded an exact screening procedure. Instead, all that could be done is to identify those case which theoretically, based upon severity of offense, could have qualified for consideration by the Major Violators Unit. It was these offenders who were chosen for use as a control group in the first year evaluation.

In comparison with the second potential control group--contemporaneous offenders being prosecuted by the regular staff of the District Attorney's Office--this first control group is still considered preferable. This second potential control group, as pointed out in the first year evaluation, simply magnifies the problem that may be present in the use of preprogram offenders. Cases in this contemporaneous time period will be those who did not qualify for treatment by the Major Violators Units and, as a result, are not valid candidates for use as a control group.

It was noted in the first year evaluation that the use of offenders treated by Major Violator Units in other jurisdictions changed the nature of the questions asked by an evaluation. That is, instead of asking "how much improvement in the quality of prosecution of career criminals has been occasioned by the introduction of this innovation?" such a comparison asks the question "how is this program operating in comparison to other programs?" While this is a reasonable evaluation question, control would be required for any number of exogenous characteristics (variables) which could conceivably account for variation in program performance across different jurisdictions. The limited funds available for this evaluation make such an exhaustive and inclusive evaluation impossible.

#### Control Group

In the context of the comments offered above, the control group selected for use in the second year evaluation is the same as that used in the first year: preprogram offenders. In the first year evaluation, the first one hundred and forty-four case folders for 1975 were accessed and a selection of data transcribed for later analysis. The major confounding feature of this data collection effort was the fact that those cases which had resulted in dismissal had almost all been systematically destroyed.

For purposes of the second year evaluation, the program analyst for the Major Violators Unit oversaw the collection of similar types of information from the first five hundred case files for 1976. These data constitute the most current potential control as the Major Violators Unit was initiated in October of 1976.

Three potential comparison groups exist, therefore, for purposes of the second year evaluation: the 1975 preprogram offenders; the 1976 pre-

program offenders; and the first year Major Violator Unit offenders. The purposes served by the inclusion of this latter control group are twofold: first, it permits the comparison of data for this group with that collected for preprogram offenders of 1976 and, second, it permits us to compare the performance of the Major Violators Unit in the second year with how they did in the first. The comparison of first year Major Violators Unit offenders with 1976 preprogram offenders should provide some notion of the stability of the findings reported in the first year evaluation.

As was noted above and in the first year evaluation report, pre-program offenders should be screened for inclusion in a control group in much the same way such potential offenders should be screened for treatment by the Major Violators Unit. Neither the data collected for 1975 nor that collected for 1976 permit such screening. As a result, it is quite likely that cases have been included in the control group which would not have been treated by the Major Violators Unit. Findings reported in this evaluation report, as well as the first one, should be qualified for that reason.

#### Experimental Group

The experimental group consists of nineteen offenders dealt with in the first year evaluation and twenty-nine offenders who have been prosecuted since the end of the first year's reporting period. These forty-eight offenders are those for whom the National Legal Data Center had data as of May 19, 1978.

Although stated in the first year evaluation report, it merits repeating that a career criminal is defined by the Major Violators Unit of the Clark County District Attorney's Office as an individual who:

1. commits felonies regularly and habitually and/or;

2. generally has two or more open cases pending in the criminal justice system at any given time and/or;
3. may have suffered a prior felony conviction and/or;
4. utilizes his familiarity with the criminal justice system to avoid prosecution and punishment and/or;
5. has generally not been influenced by traditional social service rehabilitative programs.

Actual cases reaching the District Attorney's Office are screened for possible treatment by the Major Violators Unit and, based upon a series of precise criteria, assigned scores indicating the extent to which they satisfy the requirement of the Major Violators Unit for selection. (A copy of this scoring procedure is included in Appendix A).

As noted earlier, the experimental data collected for the first and second year evaluations are to be treated separately in this report. Hence, those individuals for whom data was available as of August 18, 1977, will be treated as experimental group one; those individuals for whom data was available as of May 19, 1978, but not prior to August 18, 1977, will be treated as experimental group two.

In both experimental groups one and two, the median age of offenders treated by the Major Violators Unit is twenty-five. Approximately the same ratio of black to anglo offenders were treated in the two periods: 56% are anglo in the first period and 57% are anglo in the second. For experimental group one, eight were married, seven were single, two were divorced, and two were cohabitating at the time of arrest. For experimental group two, five were married, seventeen were single, six were divorced, and one was widowed at the time of arrest. While two of the nineteen individuals in experimental

group one were employed full-time at time of arrest, only one of the twenty-nine individuals in experimental group two were so employed at time of arrest. The most surprising difference in description of the offenders treated in the first experimental period as compared with the second occurs in the time which the offender has spent in the jurisdiction: while the median number of years in the jurisdiction for experimental period one was 1.5 years, the median number of years in the jurisdiction for experimental period two is 10 years. An almost equally dramatic change is noted in the number of prior arrests recorded for experimental group two offenders as contrasted with those in experimental group one: the median number of priors for group two is 13 while it is 7 for those from group one.

Analysis: Sentence Severity

It was noted in the first year evaluation that comparing the outcomes of prosecution of different types of offenses from pre-change (prior to the adoption of the Major Violators Unit) and post-change periods is somewhat difficult. According to the data collected by the Major Violators Unit research analyst, there is near comparability between the number of offenders and number of charges. In contrast, it is quite normal for one offender treated by the Major Violators Unit to have a series of different charges filed against him.

The difficulty rests with the identification of an appropriate unit of analysis. If the offender is chosen, the multiple charges facing those prosecuted by the Major Violators Unit serve to bias the results of an analysis in the direction of showing more severe sanctions as the outcome. To overcome this obvious source of error, the charge, rather than the offender is chosen as the unit of analysis.

A second difficulty in comparing sanctions, whether between years of the Major Violators Unit or between control and experimental groups, rests with the identification of a common metric which can be used, regardless of the nature of the sanction received by the offender. That is, how is one to compare the severity of 60 days in jail with a year in prison? Perhaps more to the point, how does one compare 5 years of probation with 3 years in the state prison?

Ronald Beattie has proposed a series of weights that can be associated with a variety of different sanctions.<sup>1</sup> These weights, which are presented in Table 1, permit one to assign numerical values to a variety of sanctions

INSERT TABLE 1 HERE

and, thereby, make comparisons of the severity of sentences received by different offenders.

The data taken from both pre-change control periods and the data taken from both post-change experimental periods have been coded consistent with the sentence severity weights suggested by Beattie. The results of this conversion, broken down by type of charge, are presented in Table 2.

INSERT TABLE 2 HERE

In viewing the data presented in Table 2, it is readily apparent that we are here working with relatively small numbers. This is particularly troublesome in terms of the pre-change period where we are dealing with a sample of data, as opposed to the population (which we are considering in the case of the post-change period). In any event, we should expect some instability in such small numbers.

TABLE 1

## SENTENCE SEVERITY WEIGHTS

TYPE OF DISPOSITION	TERM	WEIGHT
Probation	0-6 months	01
	-1 year	02
	-2 years	04
	-3 years	06
	-4 years	08
	-5 years	10
	-over 5 years	12
Jail	1 month	01
	2 months	02
	3 months	03
	4 months	04
	5 months	05
	6 months	06
	7 months	07
	8 months	08
	9 months	09
	10 months	10
	11 months	11
	12 months	12
Fines	0-500	01
	600-1000	02
	1100-5000	03
	over 5000	04
Prison	0,1,2-5 years	20
	0,1,2-6 years	22
	0,1,2-10 years	26
	0,1,2-15 years	30
	0,1,2-25 years	34
	0,1,2-50 years, life	42
	3,5-life	54
	10-life	60
life	90	

TABLE 2  
Sentence Severity

Offense	Pre-Change		Post-Change	
	1975	1976	1st	2nd
Homicide	$\bar{x}=26.5$ $s=21.1$ $n=4$	$\bar{x}=90$ $s=0$ $n=1$	$\bar{x}=80.9$ $s=24.2$ $n=7$	$\bar{x}=61^*$ $s=41.01$ $n=2$
Robbery with Deadly Weapon	$\bar{x}=22.8$ $s=7.2$ $n=8$	$\bar{x}=23.14$ $s=12.16$ $n=7$	$\bar{x}=31.6$ $s=15.5$ $n=33$	$\bar{x}=28.8$ $s=4.73$ $n=39$
Burglary	$\bar{x}=10.2$ $s=10.8$ $n=10$	$\bar{x}=11.38$ $s=7.87$ $n=24$	$\bar{x}=23.0$ $s=4.2$ $n=2$	$\bar{x}=24.21$ $s=2.22$ $n=14$

\*Does not include one case for which the death sentence was ordered. While one may reasonably ask the question "how much worse is five years in prison as compared with one year in prison," it is impossible to derive a metric which indicates how much worse death is than any prison term. The exclusion of this case from the computation of a mean score, obviously, serves to suppress the value of this estimate.

The single instance in which more severe sentences are noted for the control group in comparison with the experimental group occurs for Homicide in the second (1976) control period. It should be noted that (1) there is but one case in this cell and (2) that a case in which a death sentence was received in the second post-change period has been excluded from this analysis. Even with the small number of cell entries in other parts of the table, remarkably stable patterns are found when comparing the four time periods for both Robbery with a Deadly Weapon and Burglary. While the mean sentence severity for Robbery with a Deadly Weapon in the first post-change period is higher than the mean in the second post-change period, it is interesting to note that the standard deviation is much smaller in the second post-change period than the first, even though the  $n$ 's are approximately equal. This indicates much more consistency in the severity of sentences received in the second post-change period than the first.

The apparent implication of the data presented in Table 2 is that the sentences received by offenders treated by the Major Violators Unit are systematically more severe than those received by offenders prosecuted by the Clark County District Attorney's Office prior to the inception of this program. Since the probable bias of selection of most severe offenses and career criminal histories is not controlled for in this analysis, these data must be cautiously interpreted.

#### Method of Disposition

The second major evaluative criterion adopted in this report is that of method of disposition. Of interest here is whether the case was finally concluded on the basis of a plea of guilty, plea of guilty to a reduced charge, a judgment of guilty through a jury trial, a judgment of guilty to a reduced

charge, a dismissal, or an acquittal. In Table 3 the outcomes of each of the charges considered in the pre- and post-change periods are listed.

INSERT TABLE 3 HERE

As reported in the first year evaluation, the most impressive difference evident between pre- and post-change periods occurs in terms of pleas of guilty to reduced charges--the major method of cases disposition in the pre-change periods but not noted at all in the post-change periods. A quite remarkable difference is also noted between the use of jury trials between pre-change and post-change groups. Not one jury trial outcome is reported for either 1975 or 1976 pre-change data while a substantial number of jury trials are evident in both post-change periods.

It should be noted that the considerable number of dismissals found in the second pre-change period is probably accounted for, in contrast to the 1975 pre-change data, by the fact that dismissed cases were almost totally lacking from the 1975 data set. As noted earlier, dismissed cases had been systematically removed from the archive and destroyed. In comparison with the post-change data, it is clear that cases considered for treatment by the Major Violators Unit undergo a screening procedure which should preclude the inclusion of cases which may result in apparent dismissal.

### Conclusions

The major conclusion which should be reached by the reader of this report is that, in comparison with a cross-section of defendants charged with similar offenses, those defendants treated by the Major Violators Unit are much more likely to be held accountable for the major charge against them and, as a probable result, receive a much harsher sanction from the criminal justice system.

TABLE 3  
Method of Disposition

Offense		Pre-Change		Post-Change	
		1975	1976	1st	2nd
Homicide	PG		1	5	
	PG/RC	3			
	G/JT	1		2	3
	G/JT/RC				
	Dism		4*		
	Acq				1
Robbery	PG	1	5	20	24
	PG/RC	5	8		
	G/JT			13	16
	G/JT/RC	1			
	Dism	1	4	2	
	Acq				
Burglary	PG	4	10	2	11
	PG/RC	6	14		
	G/JT				3
	G/JT/RC				
	Dism	1	24		
	Acq				1

\* Sent to Grand Jury. Final outcome not available in this data set.

The absence of pleas of guilty to reduced charges in the post-change periods is very noteworthy. This is particularly true when compared to the pre-change periods in which, in both cases, this is the major method of case disposition.

An equally impressive finding from these data has to do with the incidence of jury trials in the pre- and post-change periods. Only one jury trial is noted for either of the pre-change periods. In contrast, the post-change data is characterized by a high proportion of charges resulting in jury trials.

Recent controversy over the use of plea bargaining, and whether or not it is consistent with American standards of criminal justice, sets an interesting context in which one might speculate upon the ultimate value of an innovation such as the Career Criminal Program. If, as some critics of plea bargaining have argued, the use of plea bargaining results in higher charges being filed against a defendant than are warranted by the evidence of the crime, a substantial injustice is being exercised against criminal defendants. If appropriate charges are being brought against defendants, but for one reason or another the state accepts a plea of guilty to a reduced charge, than a substantial injustice is being inflicted upon the general public. In either event, the use of plea bargaining poses an interesting threat to the integrity of the American criminal justice system-- whether or not its abolition would pose enormous practical problems for the mere functioning of that system.

If one assumes that the charging procedures are identical for both pre- and post-change periods (and we have no evidence that they either are or that they are not), it is clear that almost all convictions in the

pre-change period are realized through either pleas of guilty to the original charge or pleas of guilty to a reduced charge. It can probably be reasonably surmised that the pleas of guilty to reduced charge--the modal method of sentence disposition in the pre-change period--result from plea bargaining. In contrast, the post-change period is characterized by the complete absence of pleas of guilty to a reduced charge--leading one to believe that the goal of reducing the rate of plea negotiation which resulted in a lower charge has been realized.

If one assumes that this interpretation of these data is correct and, in addition, notes the frequency of jury trials in the post-change period as compared with their near total absence in the pre-change period, a reasonable argument could be made that programs such as the Major Violators Unit are making a substantial contribution towards the realization of the goals of the American criminal justice system. There appears to be an accurate match between the charges which are filed against criminal defendants and the ones they eventually plead guilty to or are brought to trial upon and frequent use is made of the jury trial. Neither of those statements can apparently be made about the data presented for the pre-change period.

#### Recommendations

The recommendations which are offered here relate solely to the evaluation of this program or others like it. That is, this has been an outcome rather than process evaluation and the major focus of this evaluation has been upon the collection and assessment of evidence as to whether or not this program has achieved its desired or stated goals. The purpose of this evaluation was not the identification of the strategies which should or could be adopted by the Major Violators Unit to make it more effective.

The general design that has been adopted for this evaluation is a reasonable one. As noted earlier, the use of pre-program data from this jurisdiction is the most defensible comparison group to be used in the evaluation of a program such as this. Random assignment of potential candidates for treatment by a career criminal project to the Major Violators Project and regular prosecutors in the District Attorney's Office is the major competing methodology. However, substantial contamination of the control group should be expected when adopting this methodology. That is, given the small number of cases involved, one should expect regular prosecutors in the District Attorney's Office to begin treating these offenders in a slightly different way as well, resulting in a diminution in our ability to recognize change.

The major problem confronting the use of archive data, such as has been done in this evaluation, has to do with the application of screening procedures so that comparable groups are identified. In future evaluations of this type of program, increased staff time should be provided for a post hoc screening of control group candidates. Otherwise an admitted bias toward showing effect, when in fact none exists, will be present in one's data. It is in this context that the data presented in this report should be considered.

CAREER CRIMINAL CLASSIFICATION CRITERIA  
ROBBERY AND RESIDENTIAL BURGLARY DEFENDANTS\*

Any score of 20 or more identifies a robbery, burglary and robbery/  
burglary related homicide or rape defendant as a career criminal who  
will be prosecuted by the Major Violators Unit.

DEFENDANT \_\_\_\_\_

DA# \_\_\_\_\_ DATE OF OFFENSE \_\_\_\_\_

POLICE AGENCY \_\_\_\_\_ DR# \_\_\_\_\_

CO-DEFENDANT(S) \_\_\_\_\_

		<u>Score each Crime or Conviction</u>
1.	TARGET CRIMES	
	(a) Robbery _____	(2)
	(b) Burglary _____	(2)
	(c) Robbery/burglary related homicide or rape _____	(2)
	(d) Crimes committed in con- nection with (a), (b) or (c) _____	(1)
2.	USE OF WEAPONS	
	(a) Target Crimes	
	(1) Armed w/Firearm _____	(2)
	(a) Shots fired _____	(2)
	(2) Armed w/Knife or other deadly wpn. _____	(1)
	(a) Use of knife or other D/W _____	(1)
	(b) Prior Crimes	
	(1) Armed w/Firearm _____	(2)
	(a) Shots fired _____	(2)
	(2) Armed w/Knife or other deadly wpn. _____	(1)
	(a) Use of knife or other D/W _____	(1)
3.	CONDITION OF VICTIM(S)	
	(a) Target Crimes	
	(1) Injured by D/W _____	(2)
	(2) Injured by other means _____	(1)
	(3) Victim killed _____	(2)
	(4) Substantial bodily harm _____	(2)

\* The Major Violators Unit will be concentrating solely on prosecution of the robbery, burglary and robbery/burglary related homicide or rape defendant.

MAJOR VIOLATORS UNIT

PERFORMANCE SUMMARY

From Oct. 1, 1977 to March 1, 1979 the Major Violators Unit of the Clark County District Attorney's Office, comprised of 3 prosecutors, has forwarded documentation on the conviction of 131 defendants (who were accepted for priority prosecution) on a total of 368 separate criminal convictions; 70 of these convictions involved an additional charge for use of a deadly weapon.

1. THE FOLLOWING OVERALL RESULTS WERE ACHIEVED:

187 of the crime convictions were by Trial.

181 of the crime convictions were by pleas of guilty.

94.9 % was the defendant conviction rate (defendant convictions ÷ defendant acquittals + defendant convictions).

94.7 % of the defendants were convicted on a top felony as originally charged.

353 prison/jail sentences were pronounced (sentences may be more than convictions because the conviction occurred in a prior reporting period and/or occurred as a result of an enhancement. Too, sentences may be significantly less than convictions where the sentence was not pronounced until after the reporting period).

26 years was the average non-enhanced sentence.

8 sentences were enhanced under a repeat (second or habitual) offender statute.

181 days was the average time from arrest to trial commencement date, where such date was within the reporting period (includes times beyond prosecutor's control - such as court ordered or defendants jumping bail).

171 days was the average time from filing to disposition on all charged crimes (includes time beyond prosecutor's control - such as court ordered or defendants jumping bail).

2. DEFENDANTS WERE CONVICTED FOR THE FOLLOWING MAJOR CRIMES AND ENHANCEMENTS:

<u>115</u> Robberies	<u>112</u>	U/DW
<u>61</u> Burglaries	<u>1</u>	"
<u>18</u> Homicides	<u>13</u>	"
<u>6</u> Rapes	<u>---</u>	"
<u>8</u> Felonous Assaults	<u>4</u>	"
<u>5</u> Grand Larcenies	<u>---</u>	"
<u>24</u> Kidnappings	<u>1</u>	"

3. TO ACHIEVE THESE RESULTS OVER 1,260 COURT EVENTS WERE REQUIRED.

4. THE DEFENDANTS DISPOSED OF BY THE UNIT:

Had a total of 1,684 prior (non-juvenile) arrests.

Had a total of 618 prior (non-juvenile) convictions.

Were already on conditional release (parole, probation, etc.) on another crime 48.9 % of the time when they committed the crime prosecuted by the Unit.

**END**