

FINAL ✓ PROGRESS ✓ REPORT OF THE
✓ HENNEPIN COUNTY ATTORNEY'S
✓ MAJOR OFFENDER UNIT GRANT

October 1, 1977 - February 9, 1979

May, 1979

72831

NCJRS

1979

HENNEPIN COUNTY ATTORNEY'S OFFICE
MAJOR OFFENDER UNIT
FINAL PROGRESS REPORT
OCTOBER 1, 1977 - FEBRUARY 9, 1979

TABLE OF CONTENTS

I.	Background	3
II.	Grant Planning	4
III.	Grant Implementation	12
IV.	Prosecution	
	A. Organization	13
	B. Project Policies	13
	C. Project Procedures	15
	1. Screening	15
	2. Processing	18
	D. Project Results	21
	1. Charging	22
	2. Processing	22
	3. Dispositions and Sentencing	23
V.	Evaluation	24
VI.	Problems	26
	A. Grant Employees' Status	26
	B. Clarification of Charging Standards	26
	C. Criminal Histories	26
	D. Non-Major Offender Attorney Morale	27
	E. Vertical Prosecution	28
	F. Law Enforcement Unawareness of Project	29
	G. Caseload	29
	H. Personnel	30
	I. Budget	30
	J. Technical Assistance	31
VII.	Second-Year Goals	32

Appendix A		
Major Events in Development of the Hennepin County Attorney's Office		
Major Offender Unit Project		A-1
Appendix B		
Major Offender Unit Project Implementation Plan		B-1
Appendix C		
Case Selection Criteria		C-1
Appendix D		
Monthly Statistical Report		D-1
Appendix E		
Grant Chart of Major Activities in Major Offender Unit		E-1
Appendix F		
Published Articles on the Hennepin County Major Offender Unit		F-1

I. BACKGROUND

In October, 1977, The Hennepin County Attorney's Office received a federal grant award from the Law Enforcement Assistance Administration to organize a Career Criminal project. Following three months of preparation, the Major Offender Unit began operation in January, 1978. The project is designed to direct prosecutorial resources toward those defendants whose criminal records and offenses indicate a serious threat to the community.

Generally, the objective of a Career Criminal project is to establish system priority and successfully prosecute and incapacitate through incarceration the serious habitual offender. This is accomplished by:

- a) early identification of habitual serious offenders;
- b) thorough and expeditious processing of cases by experienced lawyers;
- c) reduction of plea bargaining; and
- d) representation of the State at parole hearings.

The first year of federal funding ended on February 9, 1979. About 88% of the major offenders prosecuted were convicted, thereby demonstrating that these defendants can be successfully prosecuted when the resources appropriate to their crimes and criminal records are directed against them.

II. GRANT PLANNING

The process of obtaining a Career Criminal Program grant in Hennepin County began when Gary Flakne, then County Attorney, learned of the program while attending a meeting of the National District Attorneys' Association in January, 1977. Upon his return he requested Susan Markham of the County's Office of Planning and Development (Criminal Justice Planning Unit) to investigate the Career Criminal concept and the grant application process. By contacting the Career Criminal Program director, Charles Hollis, in Washington, D.C., obtaining L.E.A.A. guidelines for the program, and contacting various cities where projects existed, the Planning Staff began to accumulate information about the program. After a briefing on these findings, Flakne determined that the idea should be pursued, but only if other agencies within the criminal justice system were supportive.

Accordingly, a meeting was held on February 24, 1977, where the Public Defender's Office, Court Services, District Court, police agencies, and Correction Department were represented. At this meeting the Career Criminal concept was introduced and opinions solicited regarding the need for, and likely problems a program would encounter in Hennepin County. Little opposition to the project was expressed, although representatives of the Public Defender voiced concern about such a project's impact on their office. All agreed, however, that no support could be

given the project unless it was established that a Career Criminal problem existed in Hennepin County.

Sue Markham was in Washington on March 9, and took the opportunity to meet with Charles Hollis. Initially, he was not encouraging about the likelihood of funding a local project. However, after this meeting he urged Ms. Markham to continue exploring the career criminal problem in Hennepin County. Thus, on April 4, she reported to the County Attorney that L.E.A.A. appeared interested in the County and that an assessment of the Career Criminal problem should proceed.

A visit by Charles Hollis to Minneapolis was scheduled for April 25 and 26 to give County criminal justice agencies the opportunity to ask questions regarding the impact of the project on their offices. In preparation for this trip, Ms. Markham held meetings with the County Attorney, the Public Defender and the Minneapolis Police Department. These individual agency meetings were designed to thoroughly familiarize these groups with the Career Criminal concept. County Attorney representatives did not attend the meetings with the other agencies in an attempt to elicit all comments, both positive and negative, and gain a full understanding of potential barriers to obtaining a grant.

Following Hollis' visit, the Career Criminal concept was presented to the Trial and Appellate Sections of the County Attorney's Criminal Division. This was the first time the proposal had been presented the attorneys. Flakne felt that the

project should proceed no further without trial attorney support for the program. Subsequently, a committee comprised of four attorneys and a staff analyst was formed to work with Sue Markham to develop the grant application. This group began working on May 16.

It was this group, working on their own time, who were responsible for the emerging grant application. The group outlined in detail the steps involved in processing a felony case, a procedure which forced the attorneys to identify problem areas and focus on ways to improve the process. At the same time, analysts from the Planning and County Attorney staffs researched the 1975 and 1976 caseload to determine the extent of the career criminal problem in Hennepin County.

A study of 1975 and 1976 cases involving the federally identified target crimes was conducted by the Office of Planning and Development. Information regarding defendant characteristics, the offense, charges, trial officials, court events, and sentencing results, was gathered. The goals of the study were to provide a clear definition of the serious habitual offender problem, identify specific opportunities for improvement in case processing procedures, estimate annual case volume for the project, and establish realistic, measurable goals against which the progress of the project could be gauged.

Initially, data was collected on a random sample of 100 of the 344 individuals charged with a violent target crime (homicide,

criminal, sexual conduct, aggravated robbery, aggravated assault, and/or kidnapping) in 1975. Data was collected on demographic characteristics (sex, age, race), previous adult criminal history (number of prior arrests, misdemeanor and felony convictions, criminal justice status), characteristics of the criminal event (type of charge, weapon use, location of crime), case processing (frequency of vertical prosecution, type of defense attorney, frequency of plea bargaining, trial frequency, days from arrest to disposition), case dispositions (conviction, acquittal and dismissal rates), and sentencing (sentence type).

After the development of the proposed case selection criteria, the scoring mechanism was applied to the sampled offenders to provide an assessment of the validity of the case selection criteria and an estimate of the project caseload. (The development of the case selection criteria is discussed below.) Utilizing a cutoff point of 50 points for violent offenders, approximately 40% of the sample qualified as major offenders. The data collected on case processing, disposition, and sentencing was then analyzed separately to assess how the existing system was dealing with these offenders and where opportunities for improvement existed.

Following data collection on the sample of violent offenders, the special working committee requested an analysis of property offenders involved in forgery, burglary, and receiving stolen goods. A random sample of 25 individuals charged in 1976 was

selected from each charge category. Data collection on this sample was limited to previous adult criminal history and characteristics of the criminal event. This data was used in the development of the selection criteria and determination of appropriate cutoff points so the desired caseload could be attained.

The study clearly demonstrated that a repeat offender problem did exist in Hennepin County, and that most of these defendants were allowed to plea bargain to less serious crimes than originally charged. It, therefore, was appropriate to proceed in the development of a project to establish system priority on these offenders.

The development of the case selection criteria was considered a task of utmost importance by the working committee. It was critical that the selection criteria distinguish those defendants who represent the most serious threat to the community and on whom the expenditure of extra prosecutorial resources could be justified. Secondly, it was necessary that information included in the criteria be readily available to prosecutors at the time of charging. Finally, the group sought to develop an objective selective instrument which would enhance the evaluation component of the proposed project. The selection criteria from operating Career Criminal projects were requested and a list of all possible items was prepared for the committee. The items were also tested on a sample of 1976 cases to assess the availability of the information. In addition, a special attempt was

made to obtain the input of County law enforcement agencies as the selection criteria were developed.

The selection criteria which emerged consider the defendant's criminal convictions and criminal justice system status, type of criminal incident and victim data. Unlike the selection instruments in many other jurisdictions, strength of evidence and subjective elements were not included. As a final review, the criteria were tested on cases issued in December, 1977, and found to select appropriate defendants on the basis of available information.

On June 9, 1977, the completed grant application was presented to Flakne and his Chief Deputy. Throughout the planning process, Flakne took the position that the evolving project should be a product of the trial attorneys and a carefully considered response to a problem existing in Hennepin County. This position was unique among District Attorneys and was well-received in Washington.

The County Board, with the support of the Chairman, approved submission of the grant application to L.E.A.A.'s Regional Office on June 14.

The regional office of the State Planning Agency (Metropolitan Council), after debate, approved the grant application. Their major areas of concern involved the impact of the project on minorities, fears that prioritization would preclude prosecution of other offenders, and the attitude that the project was

too costly because its goals could be accomplished by reallocation of existing resources and revision of policy. Before granting approval, Council members were assured that the impact on minorities and minority victims would be monitored, and that an attempt to employ minority staff would be made.

The Judicial Planning Committee, a subcommittee which reviews all adjudication grants for the State Planning Agency, unanimously denied approval of the grant application pending the approval of the Hennepin County Bench. The Committee stated that the impact on the Criminal Court had not been accurately assessed and that the Court would be overburdened with trials. Thereafter, Hennepin County's Criminal judges were again briefed on the project to reconfirm their support of the program. The local judges expressed concern about equal protection issues and the cost of the project; none, however, were concerned about the trial burden the project would place on the Court. In fact, several judges expressed the opinion that prioritization was needed and any increase in trials would be acceptable. Although the judges felt it inappropriate for the Court to actively endorse a prosecution program, they informed the Judicial Planning Committee that they did not object to the project.

The State Planning Agency staff reviewed the grant application favorably, particularly with regard to the problem documentation and evaluation components. The Board of the State Planning Agency approved the grant application on September 15.

Funding by L.E.A.A. was approved shortly thereafter, and on October 17, the County Board accepted the grant award and authorized the match. Appendix A summarizes the major events in the development of the project.

III. GRANT IMPLEMENTATION

The first three months of the grant period (October through December, 1977) were devoted to the selection and training of personnel and the finalization of project policies and procedures. (See Appendix B.) The Director of the Major Offender Unit was selected in August and he, in consultation with the Criminal Division Chief, appointed three experienced trial attorneys to serve on the project. Although the stenographer was already employed in the County Attorney's Office, an investigator, law clerk, and management analyst were hired externally. These positions were filled following County Civil Service and Affirmative Action guidelines.

During this period project policies and procedures were formalized and communicated to County Attorney staff. Because the success of the project was so dependent upon the cooperation of other criminal justice agencies, meetings were held to provide information on program objectives, policies, and procedures.

A preliminary evaluation strategy was designed by the Hennepin County Office of Planning and Development. Initially, a strategy utilizing an experimental design involving randomization was planned. Equal protection considerations precluded randomization, and therefore a quasi-experimental design comparing four groups was developed (see Section V).

IV. PROSECUTION

A. ORGANIZATION

The Major Offender Unit is part of the Criminal Division of the County Attorney's Office with the project director reporting to the Chief of the Criminal Division. Three experienced trial attorneys were transferred into the Unit as the caseload accumulated (all attorneys joined the Unit by April 10, 1978). The three Unit attorneys each carry a caseload of about one-third that of other Criminal Division attorneys. (The project director carries a caseload about one-half that of other Unit attorneys.) An investigator, legal stenographer, law clerk, and management analyst support the activities of the attorneys. Formal staff meetings are held semi-monthly.

B. PROJECT POLICIES

1. Selection

During the first year of operation, the Unit accepted defendants who were charged with murder, robbery, criminal sexual conduct, aggravated assault, kidnapping, burglary, receiving stolen goods, and forgery, and who scored above 50 on the selection instrument. (Appendix C)

2. Vertical Prosecution

The Unit attorney to whom a case is assigned is responsible for the case from initial

appearance through sentencing. When a scheduling conflict arises, another Unit attorney may handle a court appearance.

3. Limited Plea Negotiations

It is the policy of the Major Offender Unit to not negotiate the top count except in unusual circumstances.

4. Pre-Trial Release

Attorneys will attempt to set high bails in an effort to keep defendants in jail pending disposition. Holds by probation or parole authorities are sought when possible.

5. Sentencing

The Unit attorneys review pre-sentence investigations prior to sentencing and address any inaccuracies by the production of evidence as well as additional relevant information. The Parole Board is contacted in writing following each commitment to a State Prison.

6. Twenty-four Hour On-call Availability

Police have the phone numbers of all assistant county attorneys and are encouraged to contact Major Offender Unit attorneys at any hour should they require legal assistance on cases involving target crimes.

C. PROJECT PROCEDURES

1. Screening (see Exhibit 1)

Following the investigation of a felony offense, a police officer brings the case to the County Attorney's Office Charging Desk. The charging attorney makes a determination as to whether or not there is probable cause to believe that a felony was committed and that, in fact, the suspect committed it.

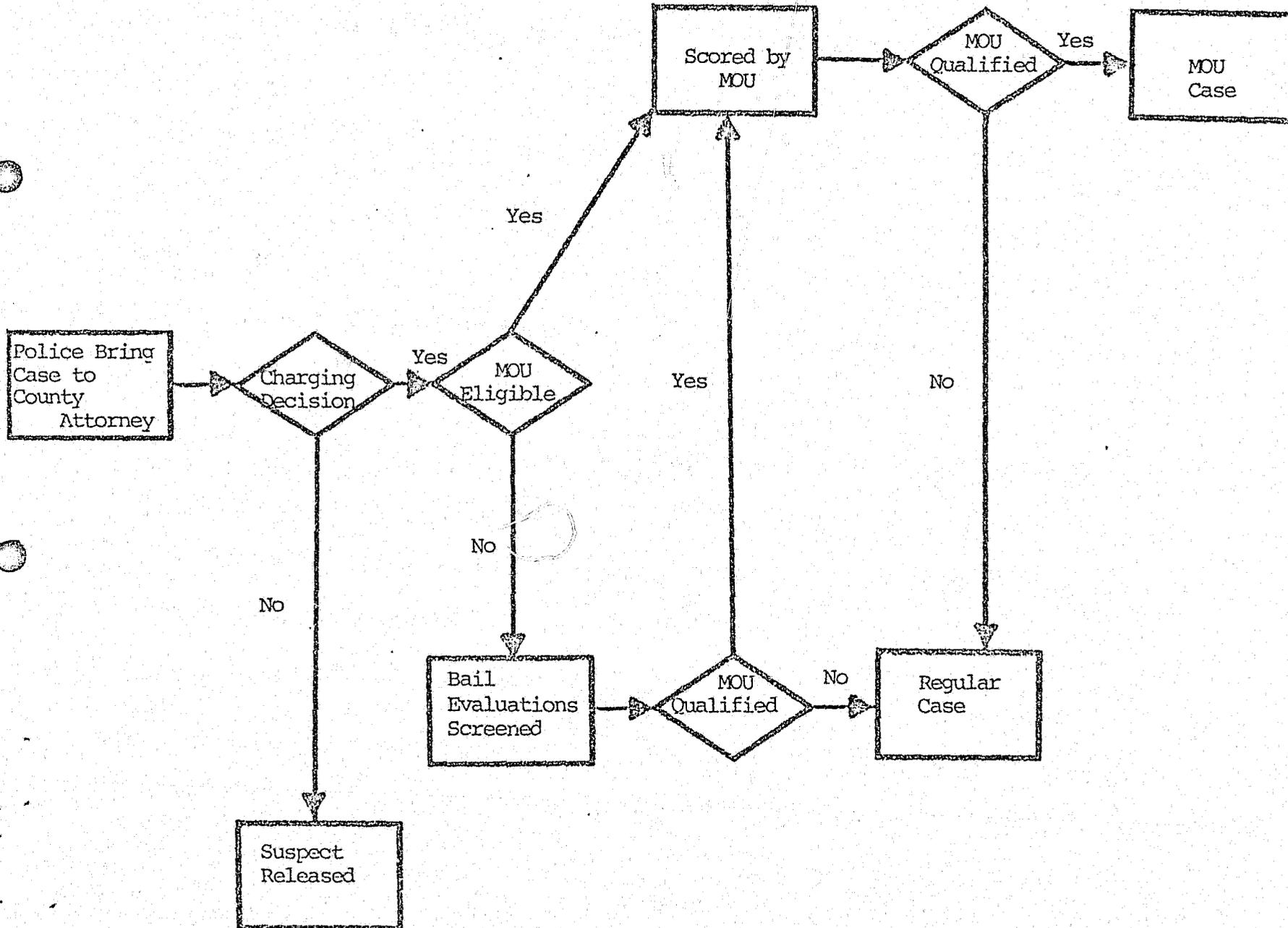
If the case meets the threshold Major Offender standards, it is sent to the Unit Director for scoring and, if appropriate, charging and attorney assignment. If the case does not score sufficient points to qualify, it is returned to the charging attorney, who prepares the complaint and assigns the case to a Criminal Trial Section attorney.

A secondary screening is completed on all cases after the initial court appearance. Bail evaluations are scanned, and those meeting the threshold standards are forwarded to the Unit director. He completes the selection instrument, and arranges case transfers on those scoring 50 points or more. In charging a case, the screener includes the minimum term provisions (Minn. Stat.

609.11) in all appropriate instances and requests high bail given the serious criminal history of the defendant and the nature of the offense. Each day the investigator reviews cases accepted by the Unit and begins the coordination of necessary follow-up investigation. Once a case is assigned to a Major Offender Unit attorney by the project director, he is totally responsible for the case from initial appearance through sentencing.

EXHIBIT 1

CASE PROCESSING: Major Offender Unit (MOU) Case Determination



2. Processing

Following issuance of the complaint and within 36 hours of arrest, the defendant will make an initial appearance in District Court at which time he is advised of the nature of the charge against him and given a copy of the complaint. If the defendant appears without counsel and is financially unable to afford counsel, the Court appoints a public defender. The Major Offender Unit attorney, sometimes in appearance with the calendar attorney of the County Attorney's Office, formally requests high bail and is prepared to justify the request. The date for the defendant's second appearance is set, within 14 days of the initial appearance. The calendar attorney and the Major Offender Unit attorney request early scheduling of all Major Offender Unit cases and resist any attempts to extend this time requirement. At this time the defendant is served with notice of evidentiary matters and informed of the existence of evidence of additional crimes not charged, which may be offered at trial. Additionally, the assistant county attorney serve on the defendant and his counsel a demand for discovery.

At the second appearance date the defendant

is requested to enter a plea. The Major Offender Unit attorney resists requests for continuance and indicates to the Court that the State is prepared for trial. If a defendant refuses to plea at this time, the Major Offender Unit requests the Court to enter a plea of not guilty for the defendant consistent with the Minnesota Rules of Criminal Procedure. A demand is then made by the Major Offender Unit attorney to commence trial within 60 days.

The remaining phases of the case, namely, the hearing of evidentiary matters and the trial itself, is not handled differently from current practice with the exception of vertical prosecution, early case preparation (including necessary follow-up investigations), and a standard policy of resisting all continuances.

The Major Offender Unit is willing to accept a plea to the top count during any phase of the case prior to conviction, thus avoiding the need for trial. This may include a negotiation which involves the dismissal of lesser charges and/or limited negotiation on sentencing recommendations.

Cases involving a conviction, either by plea or by a finding of guilt, are scheduled for a

pre-sentence investigation, Major Offender Unit policy requires that the Unit attorney contact the probation officer conducting the pre-sentence investigation to insure that the State's concerns are adequately reflected. Further, it is standard practice for Unit attorneys to review the completed pre-sentence investigation report prior to the sentencing date and notify the defense and the Court of any part of the pre-sentence report which he intends to controvert by the production of evidence. Given the serious nature of Major Offender Unit target crimes and the previous criminal history of defendants prosecuted by the Major Offender Unit, incarceration will be sought.

As is the practice in all Hennepin County cases, crime victims are notified as the disposition of the case through the notification system of the Hennepin County Attorney's Office Victim-Witness Program. Upon the request of the Major Offender Unit attorney, other services are provided, including notification and on-call alert for victims, witnesses and police officers, as well as the use of a secure reception center.

In all appropriate cases, Major Offender Unit attorneys initiate the dangerous offender provisions as provided under M.S.A. 609.115 and 609.16. Under these statutes, repeat offenders can be

given a longer term of imprisonment than that given first offenders under particular conditions.

Following conviction and incarceration in a State Prison, Unit attorneys write letters to the Parole Board urging a long period of incarceration for the Major Offenders.

D. PROJECT RESULTS

The overall goal of the Unit in the first year of operation was:

To enhance the prosecution of approximately 175 cases involving identified major repeat offenders in Hennepin County by reducing case processing delays and increasing the certainty of conviction and incarceration.

In order to insure that progress toward this goal could be measured on an ongoing basis, the following specific goals were identified:

- To increase the rate of conviction of major repeat offenders prosecuted by the Major Offender Unit over a baseline figure of 80 percent;
- To increase the number of major repeat offenders who are convicted of the top felony charge over a baseline figure of 44 percent;
- To increase the rate of incarceration to State institutions for convicted major repeat offenders over a baseline figure of 80 percent; and
- To process 80 percent of all cases involving major repeat offenders within 90 days from arrest to final disposition.

In the first year of operation, 164 defendants were prosecuted as major offenders on a total of 300 charges. An additional 22 individuals were prosecuted as co-defendants. Of the major offenders, 122 were disposed, 88% of whom were convicted. Seventy-two percent were convicted of the top charge against them, and 82% of those convicted were sentenced to a State prison. Eighty percent of all cases were disposed within 90 days from arrest with the average case requiring 60 days.

1. Charging

In 1978 the Major Offender Unit charged 164 defendants on 300 charges. These defendants averaged 3.2 prior convictions and 82% were on conditional release from the criminal justice system at the time of the 1978 offense. Sixty-two percent were released from incarceration less than two years prior to the current offense.

Robbery or burglary was the most serious charge for over half (57%) of the defendants. Kidnapping accounted for only one percent of the top charges, while the remaining five crimes were charged approximately the same number of times.

2. Processing

The average bail requested on Major Offenders was \$28,800, and bail set averaged 96% of bail requested.

Thus, less than one-fifth of the defendants were released pending disposition of the cases against them. During the first six months about one-fourth of all the defendants went to trial, but during the second half of 1978, only 17% went to trial for an annual trial rate of twenty percent. Cases required an average of 5.5 court appearances and 60 days from arrest to disposition. An average of one continuance was granted for each defendant. Over 70% of the major offenders were represented by a public defender.

3. Dispositions and Sentencing

Overall, 88% of the major offenders were convicted, 72% by plea of guilty. Cases against 7% of the defendants were dismissed while 4% were acquitted. Convictions to the top charge were obtained in 72% of the cases.

Ninety-seven percent of the defendants sentenced received some period of incarceration and eight out of ten were sentenced to a State prison. The maximum statutory sentence was received by almost three-fourths of the defendants.

V. EVALUATION

The evaluation of the Major Offender Unit is the independent responsibility of the Hennepin County Office of Planning and Development. The Unit's management analyst is, however, closely involved with project monitoring and data collections.

The evaluation design distinguishes three distinct time horizons for assessment of the activities and impact of the Major Offender Unit:

- a monthly assessment of project progress toward the identified measurable goals;
- an intermediate range evaluation involving comparison groups and including an assessment of project impacts; and
- a long-term mechanism for follow-up of offenders prosecuted by the Major Offender Unit.

A monthly statistical report format was developed and initially prepared manually. By May, 1978, however, the data on each offender was coded, and the monthly report automated. (Appendix D.)

In May, 1978, the Evaluation Design was completed (see Progress Report 6/30/78). This document described the methodology to be employed in assessing the success of the Major Offender Unit. The design utilized two comparisons: a contemporary comparison between Major Offender cases and marginal group cases (i.e., cases scoring 40-50 points on the selection instrument), and a historical comparison between 1977 cases which met Major Offender Unit or margin group standards and 1978 Major Offender and margin group

cases. The evaluation design also described an approach to assess the impact of the project on other criminal justice agencies and a cost analysis strategy.

In August the Office of Planning and Development prepared the Preliminary Evaluation of the Major Offender Project: January, 1978 through June, 1978 (See Progress Report 9/30/78). This study implemented the evaluation design, analyzing defendant demographic and criminal history characteristics, offense, processing, disposition and sentencing data. Partial impact and cost analyses were also completed. (See Appendix E) In February, 1979, the quantitative sections of the study were updated using data from the first full year of project operation (see Progress Report 3/31/79). The design for the long-term impact study has not yet been prepared. A strategy for this aspect of the evaluation will be produced during the second-grant year. A cost effectiveness study is also planned and technical assistance has been requested for this study.

VI. PROBLEMS

Over the course of the first-year grant the Major Offender Unit faced a variety of problems. These included:

A. Grant Employees' Status

During the implementation period (October-December, 1977), the issue of the relationship between grant employees and Hennepin County was raised. This was particularly problematic when it appeared that attorneys would be required to take a leave of absence and discontinue seniority and benefit accrual for the duration of the grant. An agreement was reached which allowed attorneys to temporarily transfer to the Unit while maintaining County seniority and benefits. New employees were hired on a temporary basis and do not accrue seniority.

B. Clarification of Charging Standards

Potential Major Offender Unit cases are forwarded to the Unit from the Charging Desk of the Criminal Trial Section. Attorneys serve on the Charging Desk for two months on a rotating basis. When it became apparent that cases were not consistently being forwarded for major offender screening, it was decided to re-acquaint each attorney with Unit standards when his charging rotation began.

C. Criminal Histories

Despite requests to law enforcement agencies, police

frequently do not have available complete criminal histories at the time of charging. It was, therefore, determined that a secondary screening point was needed. Bail evaluations, prepared by the probation officers from the Department of Court Services for the initial court appearance, contain self-report information on prior criminal activity. The Unit law clerk scans the bail evaluations and forwards those meeting the threshold standards to the Unit director. He completes the scoring on these defendants and arranges case transfers for those who qualify as major offenders. Records on all defendants are later verified.

In January, 1979, an on-line computer terminal linking the County Attorney's Office with the State of Minnesota criminal records facility was installed. Daily, the Unit investigator now checks the criminal records of those individuals held in the County Jail on a target offense. He then alerts the charging attorneys to forward particular cases to the Major Offender Unit for possible charging. This procedure has reduced the number of case transfers.

D. Non-Major Offender Attorney Morale

Many of the Criminal Trial Section attorneys were antagonistic toward the Major Offender Unit. This hostility was expressed in a variety of fashions,

including failure to forward cases from the charging desk and the opinion that Criminal attorneys caseloads were increased because of the reduced caseload of Major Offender Unit lawyers. (This was, in fact, not true.) Transfer of cases, after secondary screening, as described above, also created resentment, as attorneys felt the Major Offender Unit took all their "best" cases. In an attempt to dissipate this problem, the three trial attorneys were rotated after one year in the Unit. The reduction in case transfers facilitated by the installation of on-line access to criminal histories has also eased this problem. However, antagonism toward the project remains.

E. Vertical Prosecution

The Hennepin County Attorney's Office does not, in reality, practice vertical prosecution. Each case is assigned to an attorney, who is responsible for handling plea negotiations and preparing documents; however, he frequently does not appear in court on his cases. Rather, a single "calendar" attorney handles all first appearances, arraignments, and guilty pleas; sentences may be handled by any assistant county attorney. These long-standing practices created a situation where Major Offender Unit attorneys were often unaware of scheduled court appearances and unnecessary delay. To

address this problem a system was devised where the Unit secretary maintains a calendar of all scheduled court events and each day sends memos to the attorneys listing the court appearances.

F. Law Enforcement Unawareness of Project

The six-month evaluation directed attention to the lack of knowledge of the Major Offender Unit by police officers, particularly those in Minneapolis. Despite frequent educational sessions during the implementation period, one-third of the officers questioned from the Minneapolis Police Department had "never heard" of the Major Offender Unit. This finding led to the development of a videotape describing the project, which has been distributed to police agencies. Informational sessions are now held periodically with all County law enforcement groups.

G. Caseload

Initially, the caseload of the Major Offender Unit was lower than had been anticipated. This was reflective of an overall reduced crime rate in Hennepin County during the first six months of 1978. On July 1, the score on the selection instrument for Major Offender acceptance was reduced by 20% for robberies, burglaries, and homicides. At about the same time, however, the overall caseload increased, and therefore, the qualifying

score was later raised to its original point.

In planning for the second-year grant, Unit attorneys expressed the opinion that their caseloads could be increased. The selection criteria were therefore expanded to include certain certified juveniles and young adults.

H. Personnel

The project was fortunate in experiencing few personnel changes during the first year. The stenographer was promoted during the second quarter, but was replaced by another secretary from the Criminal Division. Manpower shortages in the Criminal Trial Sections precluded one attorney from joining the Unit as originally scheduled; however, because the caseload was small during the first six months, no serious problem arose.

The individual who prepared the Evaluation Design and Six-month Summary left the Office of Planning and Development in October. This has not created problems because the plan was so thoroughly developed before her departure.

I. Budget

The lengthy planning horizon involved in developing the grant application led to a situation where certain budget items were either omitted or underestimated. The delay in transferring attorneys into the Unit allowed budget

flexibility, however. No-cost extensions were granted by L.E.A.A. to allow full expenditure of the first-year funds.

J. Technical Assistance

Little guidance was available to the project staff during the implementation period and initial months of operation. Although the budget included an on-site visit to an operating Career Criminal jurisdiction, time limitations prevented Unit staff from utilizing this opportunity. Contacts made at Career Criminal meetings in Memphis (March) and Washington (June) proved to be the greatest source of information for problem solving.

VII. SECOND-YEAR GOALS

During the second year of federal funding the Hennepin County Major Offender Unit hopes to maintain the high quality of prosecution achieved during 1978. The overall objective of the Unit in the second year of operation is:

To enhance the prosecution of approximately 200 identified major repeat offenders in Hennepin County by reducing case processing delays and increasing the certainty of conviction and incarceration.

More specific goals include:

- To achieve a conviction rate above 80%;
- To achieve a top count conviction rate above 44%;
- To achieve an incarceration rate to State institutions for convicted major offenders above 80%; and
- To process 80 percent of all cases involving major offenders within 90 days from arrest to disposition.

The evaluation activities planned during the first year of funding will continue to be implemented. An intermediate evaluation summary will be prepared after June, 1979, and a final project summary will be written early in 1980.

Planning for project institutionalization will be a major activity during the second year. The results of the evaluation by the Office of Planning and Development will play an important role in the decision to continue the project. Unit staff will assist the County Attorney in planning for a permanent Career Criminal project in Hennepin County.

APPENDICES

APPENDIX A

MAJOR EVENTS IN DEVELOPMENT OF THE
HENNEPIN COUNTY ATTORNEY'S OFFICE
MAJOR OFFENDER UNIT PROJECT

- 2/3/77 Briefing for Flakne on Career Criminal Concept
- 2/24/77 Briefing on Concept for Criminal Justice System
Representatives
- 3/9/79 Meetings with National Program Director, Bud Hollis,
Washington, D.C.
- 4/4/77 Informational Session for Flakne re: Career Criminal Policy
Issues and Fund availability
- 4/11/77 Individual Briefing for Public Defender's Office
- 4/14/77 Individual Briefing for Minneapolis Police Department
- 4/15/77 Meeting with Flakne re: Preparation for Hollis visit
- 4/25/79 Hollis visit to Hennepin County/Meetings with County Attorney,
and Public Defender, Sheriff's Office, Minneapolis Police Depart-
4/26/79 ment, Court Services and District Court Judges
- 5/3/79 Presentation to Entire Criminal and Appellate Divisions
- 5/16/77 Begin Career Criminal Working Committee Meetings
- 5/31/77 Brief City, County and Suburban Law Enforcement Representatives
on Concept
- 6/7/77 Notification to Metropolitan Council of Intent to Apply
- 6/9/77 Briefing for Flakne and Rix re: Project Status
- 6/13/77 County Board Criminal Justice Committee Approval of Career
Criminal/Major Offender Application for Submission to LEAA
- 6/14/77 County Board Approval for Submission
- 6/15/77 Formal Briefing of Governors Crime Commission Staff on Major
Offender Unit Application

- 6/16/77 Forward Application to Chicago Regional Office
- 7/20/77 Originally Scheduled Review by the Judicial Planning Committee CANCELLED
- 7/21/77 Region G Adjudication Subcommittee (Approve)
- 7/26/77 Region G Committee (Approve with comments) (pulled off A-95 Consent List)
- 8/1/77 Meeting with Hollis in Minneapolis re: Negotiations on Application
- 8/8/77 Metropolitan Council Human Resource Committed (Approve with Comments)
- 8/11/77 Approval with Comments by Full Metropolitan Council
- 8/12/77 Judicial Planning Committee Grants Committee and CCPB Executive Committee Review of MOU (JPC Denys Unanimously Pending Approval of Hennepin County Judges/O'Donoghue Reis Requests Award be made Pending Consideration by Full Crime Board on 9/15 (Regional Office was going to close)
- 8/17/77 Briefing on Criminal Bench on Major Offender (Seek Confirmation of Prior Approval/Support)
- 9/9/77 Given Semi-Approval from Bench
- 9/15/77 CCPB Final Approval
- 9/26/77 County Board Criminal Justice Committee re: Acceptance of Award (laid over)
- 10/17/77 Final Approval by County Board

APPENDIX B
MAJOR OFFENDER UNIT PROJECT IMPLEMENTATION PLAN

PROJECT ACTIVITIES	TARGET COMPLETION DATES	PERSONS RESPONSIBLE
I. Staff Recruitment, Selection and Training		
A. Internal		
1. Identify positions to be filled with internal appointments	ASAP	Tierney, Anderson
2. Select staff		
B. External		
1. Finalize job descriptions	10/28	Tierney, Anderson Markham
2. Finalize recruitment method	10/28	Anderson, Markham
a. Testing		
b. Oral interview process		
3. Advertise positions	11/04	Anderson
4. a. Newspaper		
b. Meet with Mary Ritchie (Affirmative Action recruitment)		
4. Screen applications	11/18	Anderson, Markham
5. Conduct written test when appropriate (i.e. Management Analyst)	11/25	Markham, Anderson
6. Conduct orals boards and/or interviews	12/09	Anderson, Markham Tierney
7. Finalize staff selection	12/16	Tierney, Anderson
C. Training		
1. Attorney training		
a. Finalize 3-day technical assistance visit to operating Career Criminal Project	12/16	Anderson
b. Select project attorney for Bronx technical assistance visit	12/16	Tierney, Anderson
c. Brief inservice training for project attorneys on Community Corrections implications	12/31	Anderson, Markham O'Sullivan
2. Non-attorney training		
a. Train management analyst on data collection procedures	1/01	NLDC & Markham
b. Train management analyst for evaluation component	1/01	Sherman
3. General training/briefing on National Career Criminal concept for all project staff	1/01	Anderson

- B-1 -

PROJECT ACTIVITIES	TARGET COMPLETION DATES	PERSONS RESPONSIBLE
<p>II. Administrative Requirements For Project Start-Up</p> <p>A. Complete contract requirements</p> <p>B. Determine space requirements and availability</p> <p>C. Order furniture supplies, etc.</p> <p>D. Meet with Barb Richards on grant management requirements</p> <ol style="list-style-type: none"> 1. Cash flow procedures 2. Financial reports 3. Progress reports 	<p>10/31</p> <p>11/15</p> <p>11/1</p> <p>11/ 4</p>	<p>Markham, County Administration</p> <p>Tierney, Anderson</p> <p>B. Anderson, Anderson</p> <p>Anderson, Markham Richards</p>
<p>III. Finalize Project Policies and Procedures</p> <p>A. Internal</p> <ol style="list-style-type: none"> 1. Test selection scoring sheet 2. Make necessary modifications on scoring sheet 3. Finalize plea negotiation policy 4. Establish written charging guidelines for target offenses 5. Finalize screening procedures, for central complaint desk level, i.e., required prior criminal history for cases involving target offenses 6. Finalize internal project screening procedures 7. Make final decision on screening of forgery and receiving cases 8. Finalize procedures for early case scheduling <p>B. External</p> <ol style="list-style-type: none"> 1. Meet with MPD <ol style="list-style-type: none"> a. Project procedures b. Cooperation with ICAP c. Availability of Identification Bureau for law enforcement agencies 2. Meet with BCA representatives on project concept and NCIC availability 	<p>1/1</p> <p>1/1</p>	<p>Tierney, Anderson</p> <p>Tierney, Anderson</p>

HENNEPIN COUNTY ATTORNEY'S OFFICE

CASE SELECTION CRITERIA
MAJOR OFFENDER UNIT

I. Defendant Data

(To be scored by central complaint desk)

Part A NOTE: The defendant must score in at least one category in Part A to be considered for prosecution by the Major Offender Unit.

- 1. The defendant has at least two previous felony convictions _____ 20 points
- 2. The defendant has at least one prior conviction for the target* crime now charged (* Murder, Robbery, Burglary of a Dwelling) _____ 10 points
- 3. Personal crime of such heinous nature or property crime of such magnitude so as to indicate a state of mind consistent with a major offender _____ 10 points

Total Score Part A _____

(Defendant must score in Part A to be further considered)

Part B

1. The defendant has more than two previous felony convictions _____ 5 points each
2. The defendant was on escape from an Institution at the time of the arrest for the charged crime _____ 15 points
3. The defendant was on bail or pre-trial release status at the time of the arrest for the charged crime _____ 10 points
4. The defendant was on probation or parole at the time of the arrest for the charged crime _____ 5 points
5. Existence of evidence of additional crimes which have not been charged (Spreigl) _____ 10 points
6. The defendant has at least five previous misdemeanor convictions (excluding convictions for drunkenness and traffic) _____ 10 points

Total Score Part B _____

Total Defendant Score
(Part A and B) _____

II. CRIMINAL INCIDENT DATA

(To be scored by the Major Offender Unit)

A. The defendant is accused of:

(score only the most serious charge)

1. Felony Murder or Murder of a law enforcement officer _____ 20 points
2. Murder, Robbery, Burglary of a Dwelling _____ 15 points
3. Aggravated Assault, Receiving Stolen Goods _____ 10 points
4. Kidnapping, Criminal Sexual Conduct, Forgery, Burglary of a Business _____ 5 points

B. The defendant was in possession of a weapon during the commission of the offense:

1. Firearm _____ 10 points

2. Other Weapon _____ 5 points

C. The defendant used a weapon during the commission of the offense _____ 10 points

D. Economic value involved in the criminal conduct:

1. \$300 to \$2,500 _____ 5 points

2. \$2,500 to \$25,000 _____ 10 points

3. Over \$25,000 _____ 15 points

Total Criminal
Incident Score

III. VICTIM DATA

(To be scored by the Major Offender Unit)

A. The victim was a total stranger to the defendant (Target crimes and crimes against persons) _____ 15 points

B. The victim is under 12 or over 60 _____ 10 points

C. Injury:

1. The offense involved intentional infliction of bodily harm _____ 5 points

OR

2. The offense involved intentional infliction of great bodily harm or forcible sexual contact _____ 15 points

Total Victim Score

DEFENDANT MUST SCORE A MINIMUM OF FIFTY POINTS TO BE ACCEPTED FOR MAJOR OFFENDER UNIT PROSECUTION.

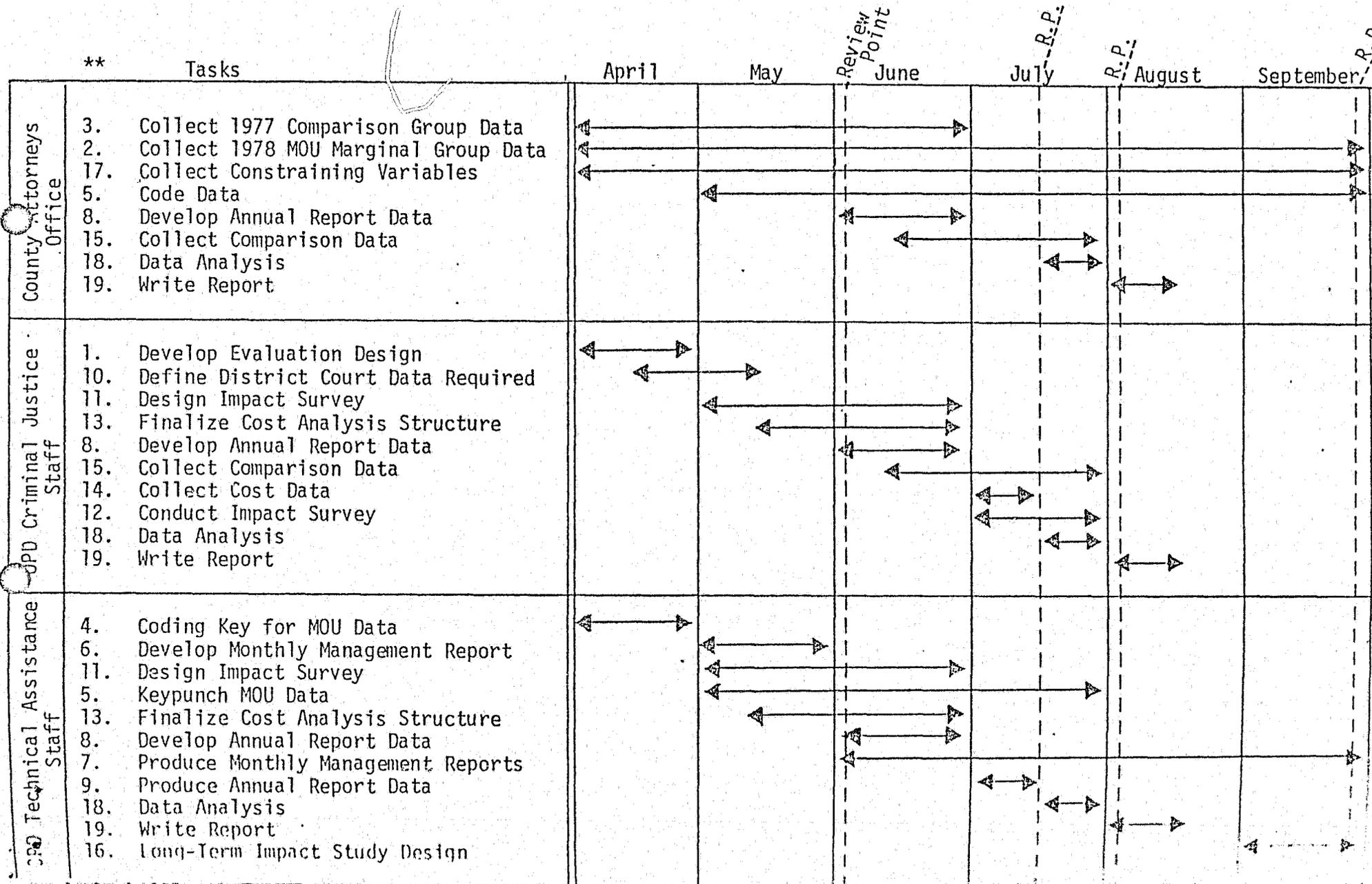
APPENDIX D

MAJOR OFFENDER UNIT
MONTHLY STATISTICAL REPORT
September 1 - 30, 1978

	<u>This</u> <u>Month</u>	<u>Year</u> <u>To Date</u>
DEFENDANTS IN PROGRESS BEGINNING OF MONTH	37	
NEW DEFENDANTS ACCEPTED	22	118
CHARGES FILED	38	215
DEFENDANTS DISPOSED	14	73
DEFENDANTS IN PROGRESS END OF MONTH	45	45
<u>DISPOSITIONS</u>		
CONVICTIONS	13	64
TRIAL	4	14
PLEA	9	50
ACQUITTALS	0	4
DISMISSALS	1	5
OTHER	0	0
CONVICTION RATE	93%	88%
NO. TOP CHARGE CONVICTIONS	9 (69%)	77%
NO. DEFENDANTS SENTENCED	8	55
NO. MAXIMUM SENTENCES	7 (88%)	80%
NO. STATE PRISON SENTENCES	8 (100%)	80%
MEAN TIME ARREST TO DISPOSITION	56 days	54 days

APPENDIX E

GANTT CHART OF MAJOR ACTIVITIES
IN MAJOR OFFENDER PROJECT



** Numbers refer to tasks described on pages 17-22 of Exhibit 1.

APPENDIX F

PUBLISHED ARTICLES ON THE HENNEPIN COUNTY
MAJOR OFFENDER UNIT

"County Board OK's New Prosecutor's Unit", Minneapolis Star,
October 19, 1977.

"Program Cracks Down on Repeating Offenders", Hennepin County
Family, December, 1977.

"Law Enforcement Unit will Prosecute 'Tonys'", Minneapolis Star,
January 5, 1978.

"The County Attorney's Major Offender Unit: A No Nonsense Approach
to the Problem of the 'Career Criminal'",
Minnesota Trial Lawyer, January, 1978.

"Fast Trials Planned to Deter Felons", Minnesota Daily,
February 13, 1978.

"The 'System' Faces Up to Criminals: The Hennepin County Attorney's
Major Offender Unit", Bench and Bar, October, 1978.

"Questions Still Surrounding Repeat Offender Program", Minneapolis
Tribune, October 10, 1978.

END