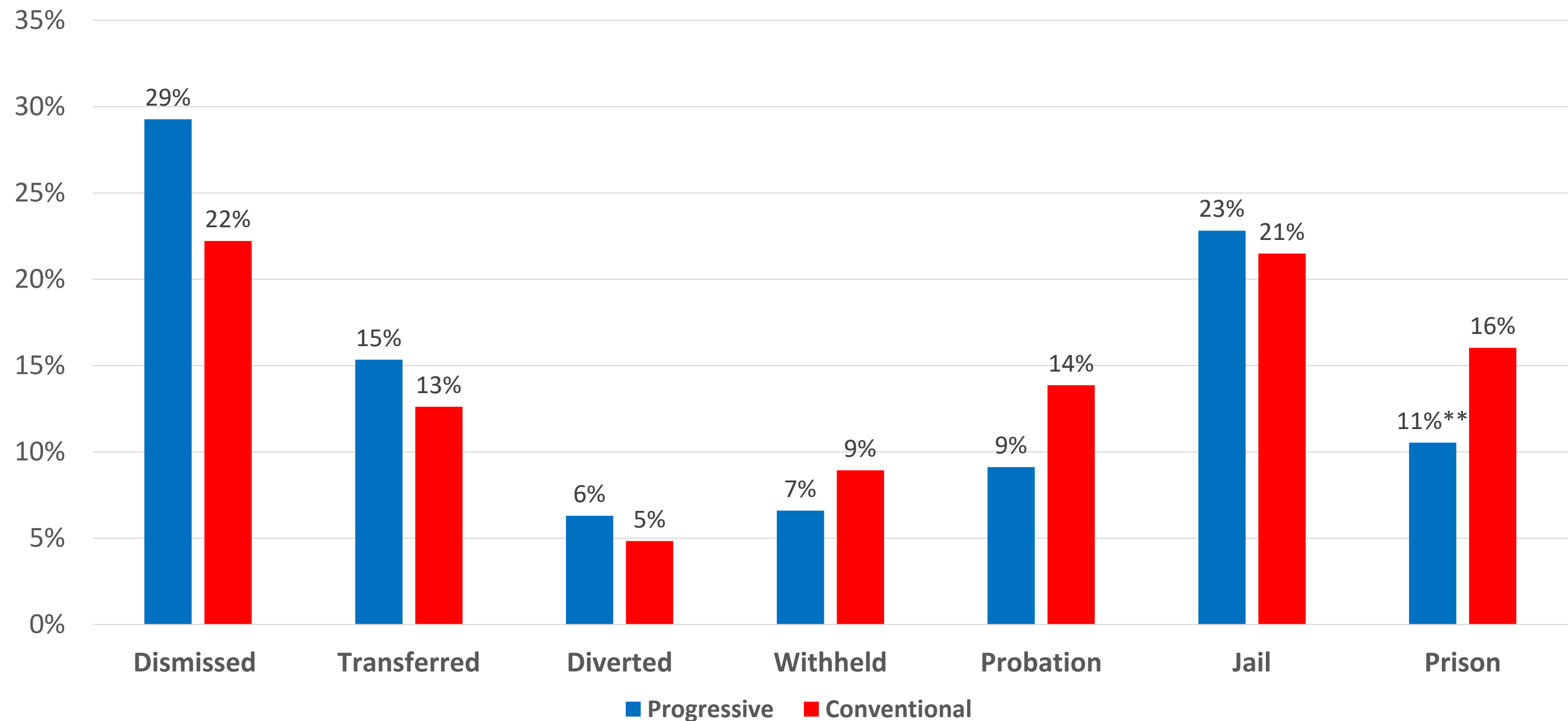


Comments on Research, Data Needs, and Policy

Ojmarrh Mitchell, Ph.D.
Criminology, Law & Society

Progressive vs. Conventional Prosecutors



Research Methods

We capitalized on Florida's broad "Sunshine Laws" to gain access to information on case processing and outcomes.

Using this public information, we:

- Drew a 5% random sample of felonies filed in each county in 2017
- Coded court records documenting outcome of each case
- Linked criminal history information to defendants by using DOC data

This process yielded a total of 11,893 coded cases.

Rule 3.992(a) Criminal Punishment Code Scoresheet

The Criminal Punishment Code Scoresheet Preparation Manual is available at: http://www.courts.fl.us/pa/Scen_scoresheet_prep.pdf

1. DATE OF SENTENCE 4/27/16	2. PREPARER'S NAME K. Gonzalez	3. COUNTY Pinellas	4. SENTENCING JUDGE Billone
5. NAME (LAST, FIRST, M.I.)	6. DOB 3/23/91	7. RACE ☒ R ☐ W ☐ OTH	8. PRIMARY OFF. DATE 12/6/15
		9. PLEA ☒ G ☐ N ☐ D	

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
3	812.13(1)(b)	Robbery / Sudden Snatch	5	

(Level - Points: 1=4, 2=10, 3=10, 4=22, 5=20, 6=30, 7=50, 8=74, 9=92, 10=110)

Prior capital felony triples Primary Offense points ☐

I.

28

II. ADDITIONAL OFFENSE(S): Supplemental page attached ☐

DOCKET#	FEL/MF DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY A S C R	COUNTS	POINTS	TOTAL
				☐ ☐ ☐ ☐			

DESCRIPTION				☐ ☐ ☐ ☐	X		
DESCRIPTION				☐ ☐ ☐ ☐	X		
DESCRIPTION				☐ ☐ ☐ ☐	X		

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=10, 7=20, 8=37, 9=46, 10=50)

Prior capital felony triples Additional Offense points ☐

Supplemental page points

II.

III. VICTIM INJURY:

	2nd Degree Murder	Death	Severe	Moderate	Number	Total	Slight	Sex Penetration	Sex Contact	Number	Total
	240 x	120 x	40 x	18 x			4 x	80 x	40 x		

III.

IV. PRIOR RECORD: Supplemental page attached ☐

FEL/MF DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY A S C R	DESCRIPTION	NUMBER	POINTS	TOTAL
2	810.02	7	☐ ☐ ☐ ☐	Burg Dwel	2	14	28
			☐ ☐ ☐ ☐		X		
			☐ ☐ ☐ ☐		X		
			☐ ☐ ☐ ☐		X		
			☐ ☐ ☐ ☐		X		
			☐ ☐ ☐ ☐		X		
			☐ ☐ ☐ ☐		X		
			☐ ☐ ☐ ☐		X		
			☐ ☐ ☐ ☐		X		

(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points

IV.

Page 1 Subtotal:

28
56

V. Legal Status violation = 4 Points

- ☐ Escape ☐ Fleeing ☐ Failure to appear ☐ Superseded bond ☐ Incarceration ☐ Pretrial intervention or diversion program
☐ Court imposed or post prison release community supervision resulting in a conviction

V. 0

VI. Community Sanction violation before the court for sentencing

- ☐ Probation ☐ Community Control ☐ Pretrial intervention or diversion

VI. 0

- ☐ 8 points for any violation other than new felony conviction x _____ each successive violation OR
☐ New felony conviction = 12 points x _____ each successive violation if new offense results in conviction before or at same time as sentence for violation of probation OR
☐ 12 points x _____ each successive violation for a violent felony offender of special concern when the violation is not based solely on failure to pay costs, fines, or restitution OR
☐ New felony conviction = 24 points x _____ each successive violation for a violent felony offender of special concern if new offense results in a conviction before or at the same time for violation of probation

VII. Firearm/Semi-Automatic or Machine Gun = 16 or 25 Points

VII. 0

VIII. Prior Serious Felony - 30 Points

VIII. 0

Subtotal Sentence Points 0

IX. Enhancements (only if the primary offense qualifies for enhancement)

- Law Enf. Related: _____ x 1.5 _____ x 2.0 _____ x 2.5
 Drug Trafficking: _____ x 1.5
 Motor Vehicle Theft: _____ x 1.5
 Criminal Burg Offense: _____ x 1.5
 Domestic Violence in the Presence of Related Child (offense committed on or after 3/1/07): _____ x 1.5
 Adult on Active Sex Offense (offense committed on or after 10/1/14): _____ x 2.0

Enhanced Subtotal Sentence Points 0

TOTAL SENTENCE POINTS 0

SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction. If the total sentence points are 22 points or less, see Section 775.082(10), Florida Statutes, to determine if the court must sentence the offender to a non-state prison sanction.

If total sentence points are greater than 44:

56 total sentence points minus 25 = 31 x .75 = 23.25 lowest permissible prison sentence in months

If total sentence points are 60 points or less and court makes findings pursuant to both Florida Statute 948.20 and 397.334(3), the court may place the defendant into a treatment-based drug court program.

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s. 775.082, F.S., unless the lowest permissible sentence under the Code exceeds the statutory maximum. Such sentences may be imposed concurrently or consecutively. If total sentence points are greater than or equal to 363, a life sentence may be imposed.

154 maximum sentence in years

TOTAL SENTENCE IMPOSED

- ☐ State Prison ☐ Life
☒ County Jail ☒ Time Served
☐ Community Control
☐ Probation ☐ Modified

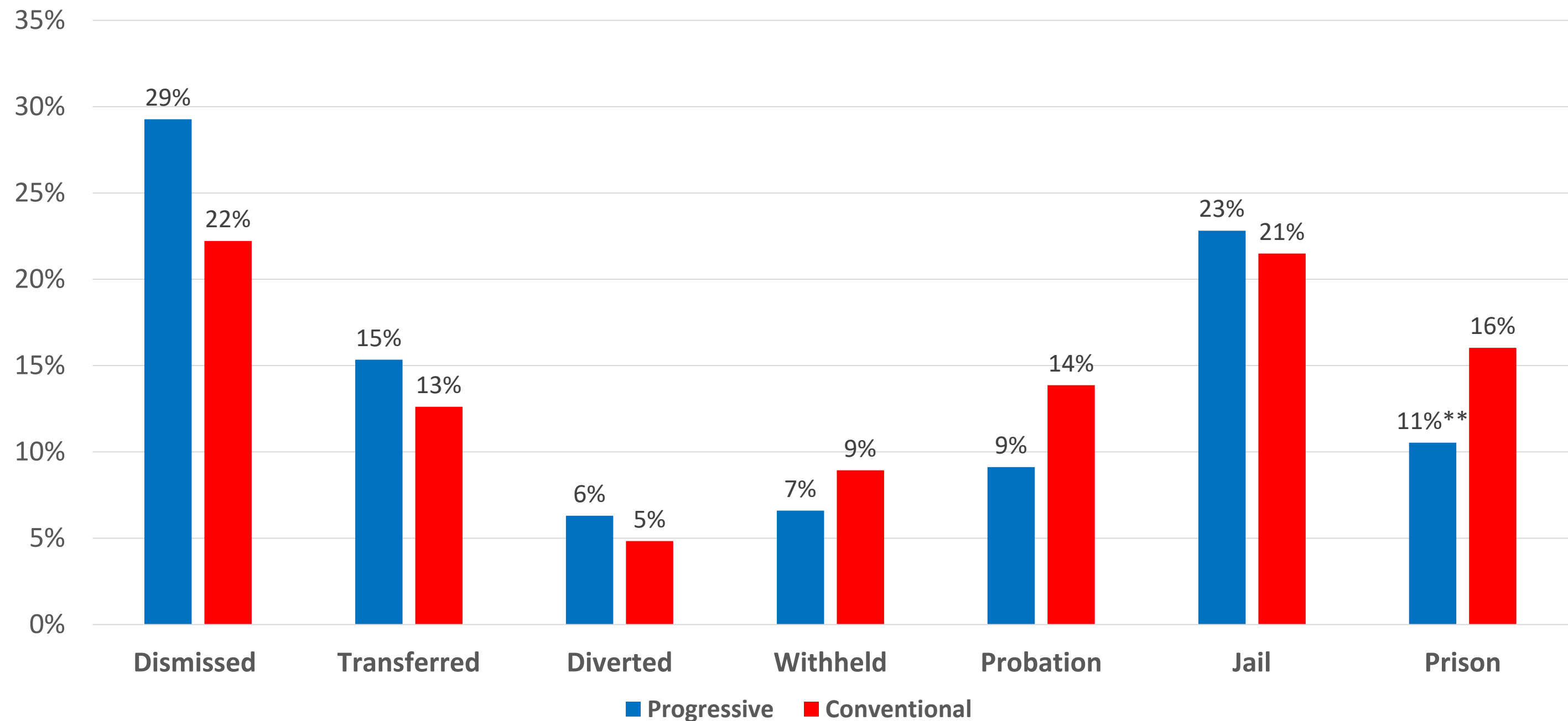
Please check if sentenced as ☐ habitual offender, ☐ habitual violent offender, ☐ violent career criminal, ☐ prison releasee reoffender, or a ☐ mandatory minimum applies.

☒ Mitigated Departure ☒ Plea Bargain ☐ Prison Diversion Program

Other Reason _____

Years _____ Months _____ Days 3

Progressive vs. Conventional Prosecutors



Thank you!

- **Contact info:**
- **Ojmarrh Mitchell, Ph.D.**
- **oj.mitchell@uci.edu**