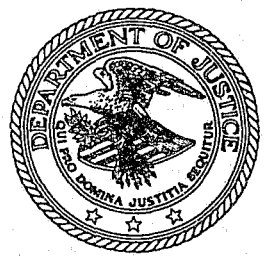
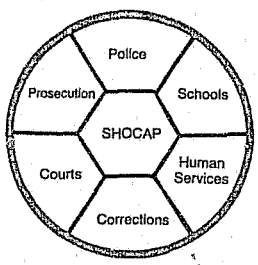


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Habitual Juvenile Offenders: Guidelines for Intake



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Habitual Juvenile Offenders: Guidelines for Intake

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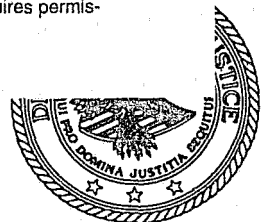
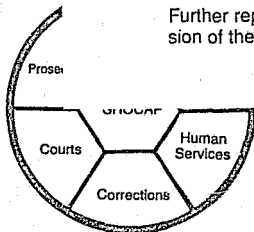
U.S. Department of Justice
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SHOCAP stands for Serious Habitual Offender Comprehensive Action Program and is based upon the basic premises and principles of ICAP (Integrated Criminal Apprehension Program). SHOCAP is a comprehensive and cooperative information and case management process for police, prosecutors, schools, probation, corrections, and social and community after-care services.

A Program Funded by the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice prepared under contract #OJP-86-C-006 by Public Administration Service, 1497 Chain Bridge Road, McLean, VA 22101. (703) 734-8970.

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Graphics — Courtesy National Crime Prevention Council

Introduction

Three years ago the Office of Juvenile Justice and Delinquency Prevention (OJJDP) embarked on an ambitious effort to help jurisdictions identify and appropriately respond to the serious habitual juvenile offender. Two demonstration projects were established, the Serious Habitual Offender/Drug Involved (SHO/DI) Program, located within the law enforcement community, and the Habitual Serious and Violent Juvenile Offender (HSVJO) Program, located within the prosecutor's office. SHOCAP is an extension of the SHO/DI and HSVJO programs.

“According to recent statistics, juveniles are responsible for about one-third of all serious crime committed each year in the United States. Every year nearly 2,000 juveniles are arrested for murder, 4,000 for rape, and more than 34,000 are arrested for aggravated assault.”

SHOCAP stands for Serious Habitual Offender Comprehensive Action Program and, like its predecessors, is based upon the basic premises and principles of ICAP (Integrated Criminal Apprehension Program). SHOCAP can increase the quality and relevance of information provided to authorities in the juvenile and criminal justice system to enable them to make more informed decisions on how best to deal with this very small percentage of serious offenders. SHOCAP is a comprehensive and cooperative information and case management process for police, prosecutors, schools, probation, corrections, and social and community after-care services. SHOCAP enables the juvenile and criminal justice system to focus additional attention on juveniles who repeatedly commit serious crimes, with particular attention given to providing relevant and complete case information to result in more informed sentencing dispositions.

Nature of the Juvenile Justice System

According to recent statistics, juveniles are responsible for about one-third of all serious crime committed each year in the United States. Every year nearly 2,000 juveniles are arrested for murder, 4,000 for rape, and more than 34,000 are arrested for aggravated assault.

The United States courts operate on what has become known as the two track system of justice. From the moment a juvenile commits a crime, his trek through the justice system differs substantially from that of an adult who may have committed the same crime. The system is designed intentionally

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to let juvenile offenders "drop through the cracks" or become "invisible." This is probably acceptable because our children will get into trouble and need a "second chance" to grow up.

Discretion and diversion are two mainstays of the juvenile justice system, and both play into the hands of a juvenile serious habitual offender. An officer can exercise discretion when a juvenile is stopped on the street. That same juvenile may have been stopped by other officers on other shifts, yet if the officers choose not to write any type of report, then no one else in the system is even aware that any action has taken place. Just as police officers practice discretion, so do prosecutors and court intake workers (whether or not to file, reduce charges, etc.); judges (to accept a plea, to dismiss charge, etc.); and correctional personnel (choosing type of facility, permitting home visits and furloughs, etc.). Such discretion, however well-intentioned, allows juveniles to fall through the cracks of the system.

A number of research projects and informal surveys of over 1,500 juvenile officers who have attended a nationwide training program sponsored by the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, and the Federal Law Enforcement Training Center, have confirmed the following breakdown of juvenile justice system transactions:

For every 1,000 young persons in contact with police, ten percent or 100 are arrested. Police commonly drop charges or reprimand about 50 percent of these leaving 50 cases. Of the 50 cases formally presented to the court intake, only about 50 percent or 25 are sent forward. Unless a young offender has been arrested before, or the immediate offense is serious, less than 50 percent or 12 will be referred to the court. Less than 50 percent of the cases presented result in the adjudication or determination of delinquent status. This means that only six accused delinquents will be found guilty and sentenced. Of the six sentenced, five will probably be placed on probation. This leaves only one juvenile out of the 1,000 who will be incarcerated.

Are some of those other 99 who were arrested but not incarcerated serious habitual offenders? Chances are that they were and they were allowed to "fall through the cracks." In recent years, members of the juvenile justice community have come to recognize that, when dealing with serious, chronic offenders, the safety of the community must be considered also. For most juvenile offenders, the point of initial contact with the system is the police department. Thus, SHO/DI was designed as a law enforcement response to serious juvenile offenders. However, even in the planning stages of the program the need for

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cooperation and information-sharing among agencies was recognized. The major goals of the SHO/DI program reflect this need for interagency cooperation. SHOCAP expands this interagency model to include more emphasis on the system as a whole. Sharing information about the juvenile offender takes away his "invisibility" and gives the prosecutor a stronger case. With the SHOCAP program, fewer habitual juvenile offenders "fall through the cracks."

A Rand Corporation report in 1982, entitled "Varieties of Criminal Behavior," analyzed the results of a series of career criminal studies. One major conclusion of the report was the need to emphasize early juvenile offending patterns as the most important predictor of future behavior. Another conclusion was that official criminal records are too limited to use in accurate prediction. Their study recommended that "prosecutors might be able to distinguish between predators and others if they had access to school records and other appropriate information about juvenile activities."

"The major goals of the SHO/DI program reflect this need for interagency cooperation. SHOCAP expands this interagency model to include more emphasis on the system as a whole."

Thus, while criminal activity peaks between the ages of 16 and 17, most career criminals are not identified until approximately age 22. This fact is reflected by the program gap between ages 18 and 22 in Figure 1, Conceptual Model: Serious Habitual Criminal Evolution.

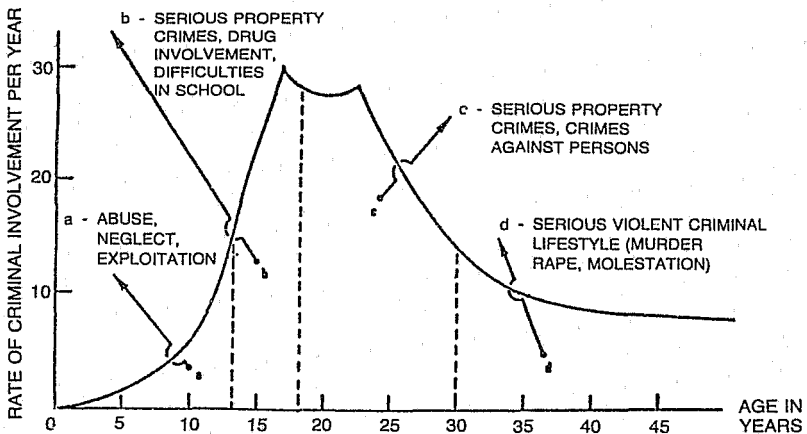


Figure 1. Conceptual Model: Serious Habitual Criminal Evolution

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Beginning around ages eight and nine the eventual habitual offender is victimized through abuse, neglect, and exploitation. By age 13, he is committing serious property crimes — often to support a drug habit — and is experiencing extreme difficulties in school. Not until age 22 is the former juvenile habitual offender identified as a career criminal — committing serious property crimes and crimes against persons. The career criminal continues this pattern, committing more violent crimes including murder, rape, and molestation.

“While criminal activity peaks between the ages of 16 and 17, most career criminals are not identified until approximately age 22.”

It is important to remember that although this type of individual represents a very small percentage of the offender population, he is responsible for a large percentage of criminal offenses. Although the types of criminal activity are identified according to age group, this division is for general purposes. Obviously there is activity overlap between age groups.

Coordinate Interagency Activities and Services for Interagency Cooperation

In most states the jurisdictional elements of the juvenile justice system are the police, the prosecutor, the judge, and probation/parole/social services. Many of these agencies and officials have co-existed for years. Most are totally unaware of how other operations work, or of the problems and needs of other components of the system. Cooperation and communication between agency representatives are stimulated on a personal basis. Enhanced personal cooperation and communication must be elevated to a formal process of organizational cooperation and communication. Figure 2 presents a functional model of the processes and activities necessary for implementing the interagency approach that is inherent in SHOCAP. A written interagency agreement is the foundation for interagency commitment to the program.

Once the interagency agreement is signed, each agency must establish written guidelines for its employees. These guidelines are commonly referred to as “general orders,” standard operating procedures (SOPs), or “departmental memoranda.” It is important that officials comply with the procedures to prevent cases from “slipping through the cracks.” It is also important to remember that formal documentation is the only valid means of assuring continuity and a long-term commitment of agencies and institutions.

Introduction

The key tools of SHOCAP are the rosters and profiles. The rosters identify active SHOs and are provided to certain Police Department units and to juvenile justice system agencies to aid in system alert. The profiles contain information relevant to the juvenile's offending behavior, including criminal and traffic arrest history, case summaries, descriptive data, modus operandi, police contact information, link analyses depicting criminal associations, drug/alcohol involvement indicators, and pertinent social and school history information (when available). The SHO profiles are provided to police officers, the DA's Office, Juvenile Probation Department, and the Division of Youth Services (detention and commitment).

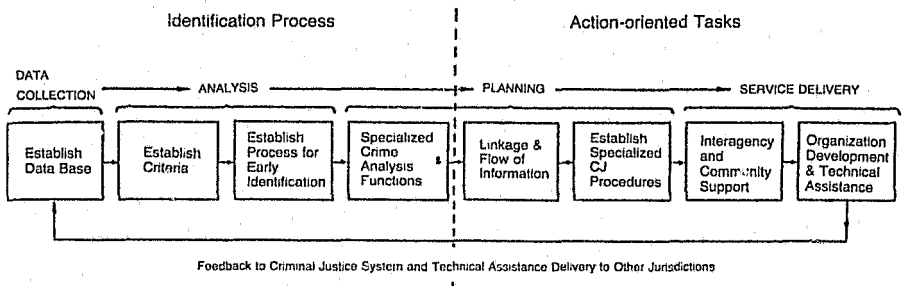


Figure 2. Interagency Functional Model

“The key tools of SHOCAP are the rosters and profiles. The rosters identify active SHOs and are provided to certain Police Department units and to juvenile justice system agencies to aid the system alert.”

The profiles are intended to provide police and principal juvenile justice system agencies with a composite of information pertinent to the juvenile's offending behavior history and contacts with the system. Case filings, plea negotiations, detention recommendations, probation evaluations, dispositions, and placements are all critical decisions requiring immediate access to the behavioral and treatment history of the child. The profiles serve to enhance those decisions.¹

¹Thomas F. Paine and Drusilla M. Raymond, *Juvenile Serious Habitual Offender, Drug Involved Program (SHO/DI)*; Colorado Springs Police Department, (Colorado Springs, CO), July 1986, p. 22.

Introduction

SHOCAP attempts to end the frustration associated with handling serious habitual offenders. Through a well-coordinated, interagency approach, SHOCAP encourages agencies in the juvenile justice system to work together. Through coordination and regular sharing of information, juvenile justice agencies are able to put together more comprehensive case histories for these offenders and, therefore, are able to make more informed decisions and recommendations regarding the use of available resources within the juvenile justice system.

Intake

Intake, which may be the responsibility of prosecution, probation, or detention officials, is the screening point for determining the action to be taken on police arrests of juveniles. This is also the initial screening point for all matters that may come before the court.

In taking a juvenile into custody, criteria should emphasize the severity of the act and frequency of police contact. For example, the commission of rape, arson, and offense with a dangerous weapon, or serious assault, indicates an indifference to the physical well being of others which would be felonies if committed by adults.

Intake strategies discussed in this pamphlet are:

- legal or procedural restrictions;
- mandatory holding of all designated habituals who are brought in on new charges;
- immediate notification of prosecutor of the intake of a habitual;
- special follow-up and records preparation for the detention hearings for designated habituals.

Legal or Procedural Restrictions⁴

When an officer checks a juvenile's name through the system, codes are used to confirm or deny a subject's presence on the list.

The principal procedural issue regarding the early identification of SHOs is in the inadvertent receipt of such information or knowledge by unauthorized persons. For example, the presentation of SHO lists to patrol and investigative personnel has been vetoed in the project cities due to the potential for loss and/or unauthorized distribution.

⁴Phase I Evaluation (draft), *Serious Habitual Offender/Drug Involved Program*, Volume I, Prepared for the Office of Juvenile Justice and Delinquency Prevention, Washington, D.C., by Koepsell Associates, Great Falls, Va.

Intake

Several means of controlling for this eventuality have been developed. The SHO list can be provided to the National Crime Information Center (NCIC) check system. When an officer checks a juvenile's name through the system, codes are used to confirm or deny a subject's presence on the list. More detailed information is maintained by the crime analysis unit and at juvenile intake, but its use is limited to authorized persons with a need to know. Outdated lists can be retrieved at the time updated lists are available for NCIC, State's Attorney, HRS, juvenile intake, and other authorized recipients.

Another method of limiting knowledge of SHO involvement regards the availability of only abbreviated information on the "list" (i.e., name, SHO status, location of files). Care must be exercised to not include too much sensitive information (i.e., SHO points, number of felonies and misdemeanors committed by a juvenile).

In most states, the components of the juvenile justice system are the police, the prosecutor, the judge, and probation/parole/social services.

One additional area in which legality is being examined relates to the sharing of school information. Interestingly, in all cities contacted, school records are made available to probation personnel performing preparatory work for pre-sentence hearings, albeit on a case-by-case basis. The issue that has surfaced relates to the wholesale presentation of groups of students (i.e., SHOs) to law enforcement agencies.

In general, this problem has been mitigated where specific guidelines can be developed on how law enforcement will use the information. Likewise, school boards have found value in certain law enforcement information, but have agreed to limit its availability to certain top administrators (i.e., principally persons responsible for enforcing behavioral policies and codes) and to selected guidance counsellors. Broader distribution among school employees, it is felt, could lead to undesirable labeling and the presence of self-fulfilling prophecies.

In most states, the components of the juvenile justice system are the police, the prosecutor, the judge, and probation/parole/social services. The prosecutor, in most jurisdictions, interfaces with all of these agencies on a daily basis; thus, prosecutors are in a unique position to bridge gaps in the system and to introduce the people in agencies who do not usually work together.

Intake

Mandatory Holding of all Designated Habituals who are Brought in on New Charges

The goal of mandatory holding of all designated habituals who are brought in on new charges may not and probably will not attain consensus support. As a procedural matter, there are numerous variables within the juvenile justice system, such as seriousness level of offense, time of processing to disposition demographics, availability of facilities, etc., that could impact upon this goal's practicality.

Serious habitual offenders may be detained until detention hearings and could be kept in custody until trial. If a term or condition of probation has been violated, intake may notify probation supervisors who may stiffen probation, or revoke it altogether if appropriate.

Apprehension and Investigation Procedures

Specialized procedures are recommended which enhance the likelihood that a serious habitual juvenile offender will be held accountable for his conduct throughout the entire system.

The preliminary investigation report by the on-scene patrol officer is the major and most important initial investigation report precipitating identification of career criminal activity. The crime analysis unit assures that the patrol offense report is utilized to its best advantage in developing the principal tactical strategy for the criminal apprehension process. Specialized procedures are recommended which enhance the likelihood that a serious habitual juvenile offender will be held accountable for his conduct throughout the entire system. For example, within the police agency, officer discretion can be limited.

Police operations, by coordinating efforts with other related agencies, establishes procedures for interagency information-sharing and ensuring that this is conducted on a regular basis.

Processing Changes

Each of the project cities indicated that two processing changes are necessitated. First, field officer discretion regarding identified SHOs must be oriented toward formal processing versus informal adjustments. Second, criteria and procedures of intake must be modified to stress stricter treatment of SHOs. Through the regular patrol briefings and/or access to SHO lists, officers may immediately ascertain if a SHO has been contacted. If an act has

Intake

occurred in which detention can be justified (i.e., Part I or II crime, violation of probation, etc.), officers formally process the juveniles and transport them to intake.

Immediate Notification of Prosecutor of the Intake of a Habitual

Most often SHO cases are handled by the same prosecutor from beginning to end. That prosecutor reviews the case, makes the filing decisions, and makes all court appearances. Each time the juvenile comes back to court on other cases, that same prosecutor will handle him. In this way, the prosecutor gets to know the minor, his family, his associates, and his patterns, and develops expertise about the particular juvenile to better handle the case. In addition to vertical prosecution, the minor must plead to every provable charge. In this way the court has the maximum ability to sentence the minor, and he will soon learn that if he commits four crimes, he will be charged with and plead to, or go on trial on, four crimes. At each stage of the proceedings, the prosecutor tries to keep the SHO detained (because of his danger to the community) and does everything possible to expedite the case through the system.

Procedures for Early Identification

Early identification of SHO contacts for referral to prosecution is critical to the program's success. This component discusses the ability of SHO/DI project cities to flag juvenile arrestees or field contacts when they qualify as SHOs and refer this information to law enforcement, probation, intake and other agencies to assist in field and detention decisions. Do methods, procedures, or programs exist for flagging habituals as they come into contact with police or school officials? Do police patrol officers and detectives have access to prior contact records, detention orders, truancy data, disciplinary code violations, and probation rules?

Prior Records Screening for SHO Identification

Each site must identify a point at which to flag cases that fit the repeat offender criteria. A recommended procedure is to review daily the juvenile cases referred to the prosecutor's office or court intake personnel. Monitoring the court's arraignment or detention calendar to identify cases that were not already identified is also worthwhile.

Case Screening for SHO Identification.

Case screening is intended to assess crimes in terms of solvability and seriousness factors to determine which cases initially investigated by patrol

Intake

officers warrant further investigation by detectives. A case screening officer is utilized to determine cases requiring follow-up by detectives. Patrol officers may also be involved in this screening through their incident reports. Solvability and seriousness are determined by using a scale developed by the police agency. These screening scales should be based on the Sanford Research Institute "Felony Investigation Decision Model" or other similar analysis of solvability. Individual variations are permitted to include local crime priorities and departmental experience in solving various crimes.

Although the procedures in the project cities share many similarities, certain differences also exist.¹

At one site, the secretary reviews all juvenile FI and arrest reports as they are received by the Crime Analysis Unit. The files are then enhanced and new SHO's are designated. The crime analyst routinely provides feedback to uniformed officers if they have FI'd or arrested a SHO. Training is presently underway to show lieutenants and sergeants how SHO files can be checked immediately rather than having to wait for after-the-fact feedback. There exists a means by which all officers and investigators can radio into the National Crime Information Center (NCIC) system and determine if a suspect juvenile has been designated a SHO.

A current SHO list should contain the names and status of all SHO's, their last known address, race, sex, date of birth, and number of prior misdemeanor and felony arrests. In the early stages of the program, the names of potential SHO's were elicited from patrol and investigative personnel and then run through records. Formal security procedures may be established to protect or limit distribution. Formal procedures regarding SHO arrest and detention processes or steps to notify the prosecutor or probation should also be established. An automated search system can be developed to identify juveniles who meet SHO criteria. Historical files can then be searched.

Copies of the list are also provided to all branches of county probation including intake, the juvenile prosecutor, and the youth authority. The list is also provided to the Juvenile Unit and all investigative and top management personnel.

A current SHO list should contain the names and status of all SHO's, their last known address, race, sex, date of birth, and number of prior misdemeanor and felony arrests.

¹Ibid.

Intake

If a patrol officer determines that a SHO is in hand and if an arrest is warranted, the juvenile is transported to juvenile intake where he is held pending a detention hearing. The prosecutor is notified and attends the detention hearing where it is generally recommended (and sustained) that SHOs be detained pending trial. The prosecutor now keeps all background/profile information in the SHO's jacket, not just information on the case at hand.

When a SHO is arrested, intake is contacted by the Juvenile Unit or CAU's SHO analyst. The juvenile prosecutor and supervising probation officer are also notified within 24 hours to ensure proper processing.

Relative to arrest procedures, all juveniles should be photographed and fingerprinted so that consistent and complete criminal histories can be developed.

Youth cards and arrest reports, along with a recently developed SHO list, should be located in Central Records. This provides both patrol officers and investigators with access.

Special Follow-Up and Records Preparation for the Detention Hearings for Designated Habituals

Coordinating all of the resources of involved agencies for the detention hearing will likely determine whether the SHO is constrained or is allowed to return to the street. Police-prosecutor cooperation and communication, in particular, are necessary at this point if any habitual offender program is to be effective. Communication of SHO information must be made through the transmittal of current profile information at the time of the detention hearing. Interagency agreements should include assignment of this responsibility to the most appropriate agency depending on the specific jurisdictional climate.

Summary

Intake is a critical link in the chain of activities designed to remove the habitual offender from opportunity for recidivism. Once a juvenile who meets the SHO criteria is apprehended, a pre-set process is initiated. The juvenile unit or offender, and Crime Analysis Unit, if applicable, is notified immediately which activates the completion of the enhanced case profile.

Intake

In this pamphlet we have discussed strategies recommended for intake. For further information pertaining to material discussed in this pamphlet, bibliographical data, or other information, write to:

Serious Habitual Offender Information Clearinghouse
National Crime Prevention Institute
University of Louisville
Louisville, Kentucky 40292

or telephone (Toll Free)
1-800-345-6578