

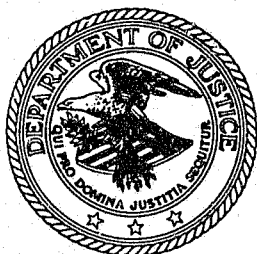
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Habitual Juvenile Offenders: Guidelines for Parole/Aftercare



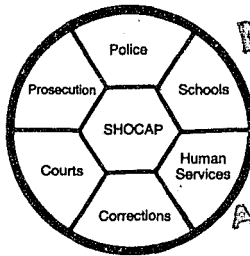
Serious Habitual Offender
Comprehensive Action Program
(SHOCAP)



Office of Juvenile Justice
and Delinquency Prevention

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Habitual Juvenile Offenders: Guidelines for Parole/Aftercare



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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 aftercare 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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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.

These pamphlets are designed to provide the reader with an overview of the conceptual basis for the role of specific agencies in SHOCAP.

Material presented in these pamphlets is an outgrowth of information contained in the SHOCAP publication entitled "Guidelines for Citizen Action and Public Responses."

Each pamphlet begins with a discussion of problems encountered by the juvenile justice system in dealing with serious habitual juvenile offenders (SHOs). Then attention turns to a specific group of agencies that come in contact with SHOs on a regular basis.

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 for aggravated assault.

Introduction

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 to let non-SHO juvenile offenders become "invisible." This is probably acceptable because of the notions that children 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. A police 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 a 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.

Research projects and informal surveys of over 1,500 juvenile officers who 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. 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

Introduction

juvenile offenders. However, even in the planning stages of the program, the need for 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. It allows each component of the system to make decisions which are commensurate with the seriousness of the juvenile's behavior and past criminal history. With the SHOCAP program, fewer habitual juvenile offenders fall through the cracks.

A 1982 Rand Corporation report, titled "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. The 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. Figure 1, Conceptual Model: Serious Habitual Criminal Evolution, shown below, identifies the evolutionary phases of the serious habitual offender and the lack of services provided to this population in the critical window of 18 to 22 years of age.

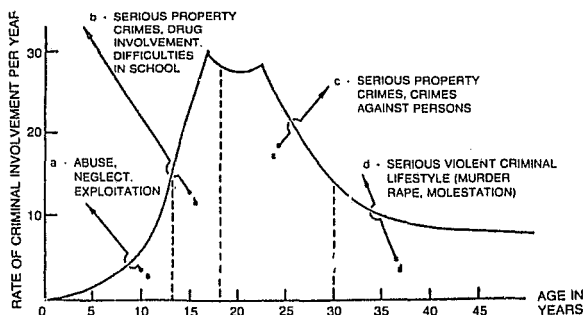


Figure 1. Conceptual Model: Serious Habitual Criminal Evolution

Introduction

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. And while 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 components of the juvenile justice system include the police, the prosecutor, the judge, and probation/parole/social services. Many of these agencies and officials have coexisted for years. Most are totally unaware of how other operations work and of the problems and needs of other components of the system. Cooperation and communication between agency representatives are stimulated on a personal basis. The danger inherent in this informal process is that it is personal, and therefore egos and personalities affect the degree of cooperation and communication. What has been a positive working relationship between agencies may abruptly change with a change in personnel or a change in philosophy.

In this era of limited resources, juvenile justice system components can ill afford to work in a vacuum and not cooperate or communicate with each other. The informal or personal basis for interagency cooperation and communication, while essential, needs to be elevated to a formal, organized process. The interagency functional model, depicted in Figure 2, shows the process and activities required for implementing this formal interagency approach which is called SHOCAP. This approach calls for the development of a written interagency agreement between all components of the juvenile justice system to guide and promote interagency commitment to the program.

Introduction

Following the development and signing of the interagency agreement, each agency involved in SHOCAP must examine its own internal policies and procedures to make certain they support and are consistent with the guidelines set forth in the interagency agreement. Commonly referred to as "general orders," standard operating procedures (SOPs) or departmental guidelines, this formal documentation will assure continuity and long term commitment from each agency. In addition, the development of policies and procedures which reflect the goals of the interagency agreement will prevent juveniles from falling through the cracks.

The key tools used in the SHOCAP model are rosters and profiles. Rosters identify active serious habitual offenders (SHOs) and are provided to certain police department units and juvenile justice system agencies to aid in system alert. 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).

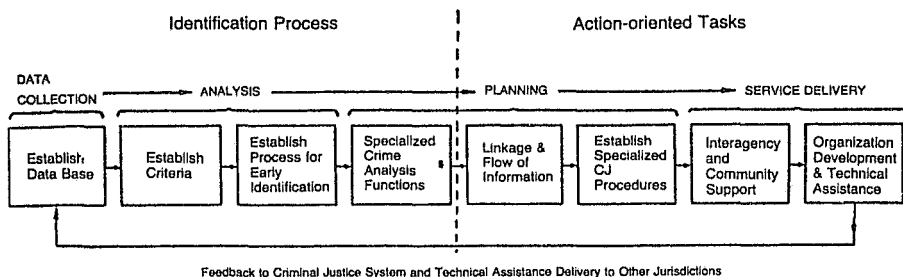


Figure 2. Interagency Functional Model

"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."

Introduction

The SHOCAP 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

Summary

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.

On the following pages you will find information regarding school involvement with SHOCAP. There are several issues for consideration when implementing SHOCAP as well as several important aspects of the interagency model which will enhance your agency's ability to make appropriate decisions regarding the serious habitual offender. Careful planning and consideration of these issues will ensure that the frustration involved in dealing with this population is reduced and that the system responds to this population in a comprehensive, coordinated manner.

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.

Parole/Aftercare

Many times the agency responsible for the functions of intake, probation, or corrections also oversees the aftercare/parole functions. Aftercare is a form of parole and is intended to do more than merely guarantee good behavior after release. Aftercare counselors are an important part of the continuum of services for juveniles, providing support, monitoring, and guidance to juveniles once they re-enter their own community. Consequently, aftercare plays a significant role in assuring public safety, particularly when it comes to the release of a serious habitual juvenile offender on aftercare status.

There are several strategies for aftercare response discussed in this pamphlet. They include:

- provide special placements of designated habitual offenders in aftercare programs that provide the maximum intensive supervision;
- share information regarding rules and case histories with school officials and police;
- develop joint supervision efforts with schools and police; and
- adopt immediate sanctions for infractions of rules, including revocation where criminal offenses are committed.

Provide Special Placement of Designated Habitual Offenders in Aftercare Programs that Provide the Maximum Intensive Supervision

Several jurisdictions have realized the need to develop a systematic approach to determining when a juvenile should be released on aftercare status and provided with proper supervision. In recent years, the public cry for protection has been more audible. Public attention has focused on the problem of "early" release of serious habitual juvenile offenders and their potential for violence. Aftercare and probation agencies have been vulnerable to lawsuits when the "early" release of juveniles has developed into a pattern of heinous crimes committed by that juvenile. This vulnerability results from the absence of a system to obtain pertinent release data on an offender, leaving release dates and aftercare planning to the discretion of the aftercare worker.

"The potential threat of lawsuits has prompted many agencies to search for a systematic approach to making decisions and allocating resources."

Parole/Aftercare

In order to provide special placements and maximum supervision to designated habituals, the process for determining which juveniles fall into that category must first be addressed. The development and use of a classification system which follows the juvenile from initial intake through placement and aftercare is a process being instigated by many states and jurisdictions.

The potential threat of lawsuits has prompted many agencies to search for a systematic approach to making decisions and allocating resources. Classification can help an agency avoid the potential for lawsuits because it provides a mechanism and system for making decisions about juveniles. More importantly, however, classification allows agencies to examine the needs and potential risk of the juvenile, thereby developing an aftercare plan which is tailored to the needs of the juvenile and appropriate to the degree of potential risk involved. A comprehensive case management and classification system allows case workers to allocate their time, focusing increased attention and resources on juveniles demonstrating the greatest risk and need for services.

"Aftercare counselors, as stated previously, play an important role in monitoring serious habitual offenders (SHOs). They possess information beneficial to other agencies, such as schools, prosecution, police, and courts."

In connection with the development of a systematic approach for determining and providing services and levels of supervision, several states are implementing more intense aftercare services to increase monitoring and supervision of juveniles. In Massachusetts, the Department of Youth Services has been effectively using an Outreach and Tracking program which provides intense supervision of juveniles released from residential placement. Face-to-face contacts between the aftercare worker and the juvenile occur at a minimum of four times a week, with caseload sizes contained at seven or eight to ensure effective and intense supervision and monitoring. In such a system, sanctions are applied immediately for violations of terms or conditions of aftercare. According to a study of this approach, 49 percent of the juveniles participating in the Outreach and Tracking program had not been re-arrested one year after release. These figures are impressive and are indicative of an approach which holds potential for juveniles. Other states are following these processes developed in Massachusetts.

Parole/Aftercare

Share Information Regarding Rules and Case Histories with School Officials and Police

Aftercare counselors, as stated previously, play an important role in monitoring serious habitual offenders (SHOs). They possess information beneficial to other agencies, such as schools, prosecution, police, and courts. Aftercare counselors, being intimately aware of the terms and conditions of aftercare, hold the key to changes or modifications in the terms and conditions of aftercare for juveniles under their supervision. They have a piece of the pie! For serious habitual offenders, this becomes an increasingly important piece.

Police, schools, and other juvenile justice agencies also hold a piece of the pie. These agencies can provide aftercare workers with important information about aftercare violations so that decisions can be made, using all available information, about potential revocations of aftercare status.

"A common complaint by police, school, aftercare, probation, and social service agencies is that the laws prohibit them from effectively working together."

Communication is an important part in the provision of services. Aftercare counselors are encouraged to share information regarding terms and conditions of aftercare with the police and schools. Through ongoing cooperation and communication, case workers can do their job more effectively, ensuring that terms and conditions of aftercare are met; and if not, that appropriate sanctions are provided. The potential for public criticism is lessened if decisions are made on an informed basis using all of the available information.

A common complaint by police, school, aftercare, probation, and social service agencies is that the laws prohibit them from effectively working together. Supreme Court decisions, cited by many school administrators, limit their ability to discipline children effectively and to cooperate with other agencies. The fear of litigation may have stifled interagency cooperation more effectively than any law.²

²Timothy D. Crowe, *Habitual Juvenile Offenders: Guidelines for Citizen Action and Public Responses*, May 1986, p. 32.

Parole/Aftercare

In response to broad claims that laws are the main obstacle to effective cooperation, a number of studies have been conducted. A 1983 report prepared for the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, reviewed the laws in all 50 states. This review failed to confirm the existence of serious restrictions or impediments to information sharing. The National Center for Education Statistics recently released results of a study indicating that only a small number of school principals consider case law and Supreme Court rulings to be a burden. Instead, they cited lack of understanding of procedures as the problem. Confusion and miscommunication have been cited by education law specialists Lufler and Schimmel (in separate publications) as greater problems than legal restrictions.

The National Council of Juvenile and Family Court Judges published 38 recommendations in 1984 calling for more cooperation and sharing of information and resources among police, schools, probation, and courts. One recommendation stated that "legal records of juveniles should be open to those who need to know." The judges clearly do not perceive the law as an impediment to the proper use of information.

The basic fact is that the laws are not a major impediment to cooperation. Inattentiveness, confusion, and lack of communication are the known problems. Moreover, where the laws are problems, communities are changing these laws (e.g., Vermont and Kentucky).

Develop Joint Supervision Efforts with Schools and Police

Research on the Serious Habitual Offender/Drug Involved program (SHO/DI) shows that almost half of the chronic offenders, who are not institutionalized, attend public schools on a fairly regular basis. Often the schools do not know who these individuals are because fragmented pieces of information are held by the various agencies dealing with the chronic offender. Information often is not shared between school authorities and other agencies due to the inherently parochial nature of public organizations.³

The typical situation involves each agency doing its part and striving to maintain anonymity and confidentiality. The following story of Tom describes the consequences of not sharing information and handling incidents in isolation.

³Wolfgang Pindur and Donna K. Wells, "For the Record: Chronic Offenders are Bad News," *School Safety*, Spring 1986, p. 15.

Parole/Aftercare

"The basic fact is that the laws are not a major impediment to cooperation. Inattentiveness, confusion, and lack of communication are the known problems. Moreover, where the laws are problems, communities are changing these laws (e.g., Vermont and Kentucky)."

Tom is a juvenile who was arrested in connection with the stabbing death of an 18-year-old male during a fight. At the time of his arrest, Tom already had been involved with the juvenile justice system a number of times. However, he had never been adjudicated on any offense. Instead, all of his prior offenses had been resolved at the intake level.

When Tom was just 11 years old, he was charged with petty theft. The next day the offense was settled at intake. Three years later Tom was arrested and charged with burglary and conspiracy and also with possession of a switchblade. Less than a week later the case was settled at intake. Two days after he was charged with burglary and conspiracy, Tom was picked up and charged with being drunk in public. The case was handled informally. A month later he was charged with disturbing the peace. Again, the case was handled informally.

At the age of 15 Tom was charged with possession of alcohol, marijuana, and a dangerous weapon. Two weeks later, he was charged a second time for those offenses. He was placed on informal supervision which was dismissed three months later. During the period of supervision, Tom was once charged with violation of the informal supervision. The incident was handled at intake.

Six months after his informal supervision was dismissed, when Tom was 16, he was charged with school trespass, possession of a knife, and possession of alcohol. Again the matter was handled at intake. Five months later Tom was again charged with school trespass. A week later the matter was settled at intake. Less than three months later, Tom stabbed two young men. One of them died a few hours later. Perhaps if Tom's comprehensive history had been compiled, with all agencies exchanging vital information, the outcome might have been different.

"Through system-wide cooperation focusing on the central role of the school, America can effectively address the problems caused by the chronic offender, both in our schools and in our community."

Parole/Aftercare

The creation of a system-wide approach to sharing information on chronic offenders can benefit the school, probation/parole, and police officers in several ways.

Information-sharing would allow schools to help enforce parole or probation requirements. By knowing the identity of the chronic offender, schools are provided with the information necessary to facilitate creation of a safe campus environment. Police officers knowing the terms and conditions of parole or aftercare can help to ensure that these terms and conditions are met and if a violation occurs respond to it appropriately.

Successful intervention strategies must be implemented. The key to successfully responding to the problem of the chronic offender is information. Through system-wide cooperation focusing on the central role of the school, America can effectively address the problems caused by the chronic offender, both in our schools and in our community.

Adopt Active Community Control Including Limited Forms of House Arrest

Community control is a currently popular term which is used in place of the terms probation or parole, although it implies a more intense supervision than commonly ascribed to probation/parole.⁴

House arrest is a concept borrowed from the military by civilian courts to enhance the ability of probation/parole officers to supervise effectively offenders who are not incarcerated. The offender is generally restricted to his/her home, place of work, and church, and is subject to immediate arrest and incarceration for violating these rules. Random checks are made by probation officers or police, and some jurisdictions use electronic monitoring devices.⁵

Probation and parole functions do not generally provide constant supervision or contact in our communities. The objective of probation or parole is either to leave an offender in or return him or her to the community under certain restrictions or limitations of behavior. Conventional approaches emphasize the role of the officer in counseling and rehabilitation. In practice, heavy caseloads and little or no coordination between police, schools, and proba-

⁴Timothy D. Crowe, *Habitual Juvenile Offenders: Guidelines for Citizen Action and Public Responses*, May 1986, p. 55.

⁵Ibid, p. 56.

Parole/Aftercare

tion result in a passive system of supervision. Juveniles on probation are generally required to meet weekly or monthly with their probation counselors and stay out of trouble. Unless the school files a direct complaint or the police arrest the juvenile, the probation counselor is often unaware of improper behavior. It is not uncommon for the communication or sharing of information between these agencies to be prohibited by procedure or custom. Moreover, there are often serious conflicts of philosophies and personalities.

"Ugly as it sounds, the only constant supervision and contact occurring in this country are in those few programs referred to as 'house arrest' or 'punitive probation.' Offenders are subject to extreme physical limitations and random checks 24 hours per day."

Probation counselors are usually unaware of disciplinary infractions in schools and reprimands made by police. They have little, if any, home contact or night and weekend involvement with probationers. When a juvenile is arrested for another offense, his or her current probationary status may not be affected. It has been estimated that serious, habitual juvenile offenders commit a range of 10-20 offenses for each arrest, based upon a range of career criminal and habitual juvenile offender studies. Without active field supervision or cooperation between agencies, how is the probation counselor going to provide effective supervision?

Ugly as it sounds, the only constant supervision and contact occurring in this country are in those few programs referred to as "house arrest" or "punitive probation." Offenders are subject to extreme physical limitations and random checks 24 hours per day. These programs, or less extreme versions, can be enhanced considerably through interagency coordination and sharing of information.

"Because the potential exists for a serious habitual juvenile offender to fall through the cracks even though violations of probation terms may have occurred, some states have included special revisions in their state codes which govern serious and violent offenders. In these jurisdictions, a parolee accused of a new offense is subject to the revocation of probation without being formally adjudicated for the new offense."

Parole/Aftercare

Community control is an important aspect in handling serious habitual offenders. Active community control facilitates the following:

1. Uniform enforcement among all agencies of violations of probation condition by SHOs
2. Community safety
3. Community response

One of the issues that has not previously been addressed is the method used in most states to revoke probation or parole status. Strictly defined, revocation is the act of cancelling or terminating probation or parole status due to the commission of another offense or violation of the rules of release. Normally, formal charges are brought before the court, and a hearing is held in order to revoke probation. For SHOs, this process may or may not result in the revocation of probation, depending upon the nature of the offense or violation, the amount of accurate and complete information available to the court system, and the personalities involved in the decision-making process. Revocation assumes that all parties are in agreement, including the courts, prosecution, probation/parole, and any other agency involved with the particular case.

Because the potential exists for a serious habitual juvenile offender to fall through the cracks even though violations of probation terms may have occurred, some states have included special revisions in their state codes which govern serious and violent offenders. In these jurisdictions, a parolee accused of a new offense is subject to the revocation of probation without being formally adjudicated for the new offense. Thus, a potential weak link in the system is eliminated.

Summary

In this pamphlet, we have discussed issues concerning parole and aftercare. Specifically, provisions for special placements of SHOs in aftercare with maximum supervision, the methods used for sharing pertinent information among agencies, and the adoption of immediate sanctions for violations of probation terms.

For further information, bibliographies, or additional materials, please contact:

The Serious Habitual Offender Information Clearinghouse
National Crime Prevention Institute
University of Louisville
Louisville, Kentucky 40292
or call (Toll Free)
1-800-345-6578.

ALSO AVAILABLE:

Guidelines for Citizens Action and Public Response

Guidelines for Courts

Guidelines for Detention

Guidelines for Intake

Guidelines for Police

Guidelines for Probation

Guidelines for Prosecution

Guidelines for Schools

Guidelines for Social Services

Guidelines for State Corrections