

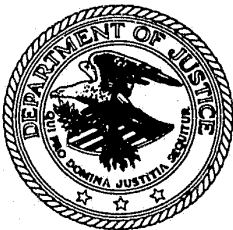


Habitual Juvenile Offenders: Guidelines for Courts

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Serious Habitual Offender
Comprehensive Action Program
(SHOCAP)



Office of Juvenile Justice
and Delinquency Prevention

Habitual Juvenile Offenders: Guidelines for Courts



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.

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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.

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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

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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.

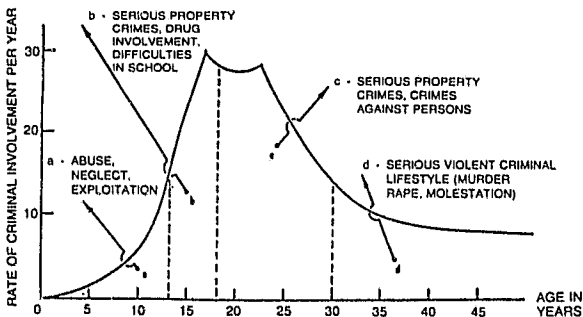


Figure 1. Conceptual Model: Serious Habitual Criminal Evolution

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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. 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.

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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).

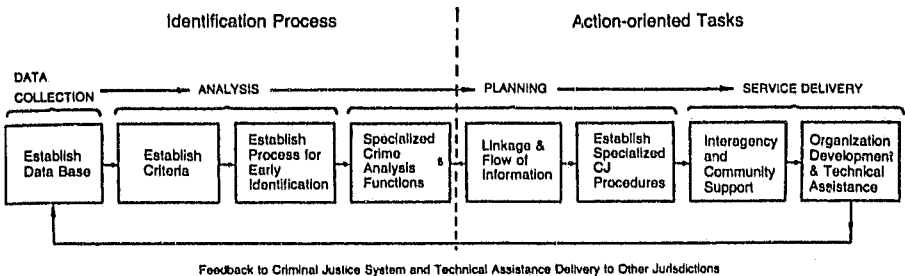


Figure 2. Interagency Functional Model

"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."

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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.

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The juvenile court judges and referees interviewed supported SHOCAP in concept, but they preferred to remain outside the process of developing SHO criteria and SHO lists. Judges and referees wish to avoid involvement that might cause questions regarding their objectivity.

“Concern about delinquency and the problems of children being placed in adult institutions led to the creation of the first juvenile court in Cook County, Illinois, in 1899.”

Unofficially, various judges supported the classification of SHOs (i.e., “it’s the same concept employed in the classification of prisoners so that effective levels of security can be assigned”). Most judges actively assisted in opening avenues by which court records would be open to police for the development of more comprehensive profiles.

Background to the Development of Juvenile Courts

In the United States houses of refuge for children were opened in New York, Boston, Philadelphia, Chicago, Cincinnati, Bangor, Richmond, and Mobile, between 1824-1840. These institutions were founded upon the principle that juvenile offenders, disobedient children, and orphans needed a course of rigid discipline, unrelenting supervision, mild but certain punishments, and habits of quiet and good order at all times.² Reform schools were established in 1846 as a more specific approach to punishment and rehabilitation in Maine, New York, and Massachusetts. Programs were expanded by the State of New York in the 1870s to include a reformatory for male first-offenders who were between the ages of 16 and 30. This program featured the idea of indeterminate sentences and parole. That is, the progress of the juvenile in positive behavior change had more to do with his release than the severity of his crime or sentence.

Concern about delinquency and the problems of children being placed in adult institutions led to the creation of the first juvenile court in Cook County, Illinois, in 1899. The establishment of a separate juvenile court was based upon a philosophy that juvenile delinquents needed to be treated separately from the criminal justice system. The idea was that the criminal justice process was inappropriate for children who needed to be treated for their misbehavior, rather than punished. Therefore, the juvenile court was placed

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

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legally under the less stringent rules of the civil court where rules of evidence and guilt were more broadly perceived. The concept of "parens patriae," or the state is the "father of the child," provided the legal basis for a court that could focus its attention on the needs of the child, as opposed to the legal merits of the delinquent act.

"The ensuing legal conflict created the paradox of our present system, where young serious offenders are invisible, while the system emphasizes control over less serious cases."

The juvenile court could operate out of the bounds of due process and rules of evidence in order to provide to the state control of the delinquent child. A system of juvenile courts developed that functioned under a family court philosophy that gave broad powers to the court and the state. The determination of delinquency was, therefore, more concerned with "what was in the best interest of the child" than the severity of the criminal act. This resulted in a system that eventually came under "fire" from legal groups that sought to limit the control and discretion of the court. The ensuing legal conflict created the paradox of our present system, where young serious offenders are invisible, while the system emphasizes control over less serious cases.

In an address in October 1978, Senator Ted Kennedy stated the following: "Practical steps must be taken to check this growing cancer of violent juvenile crime. We must start with our juvenile justice system. Although juveniles commit a disproportionate amount of violent crime, their chances of being arrested, convicted, and punished are lower than for an adult. Indeed, recent research by James Q. Wilson and others confirms that the chances of punishment are especially low for the chronic, repeat offender, who manages to commit numerous crimes without being caught. Yet, it is this repeat offender who commits the bulk of serious juvenile crime."

"Age cannot justify treating the 17-year-old rapist or murderer differently from his adult counterpart. The poor, the black, the elderly—those most often victimized by crime—do not make such distinctions. Nor should the courts."

"The chronic violent juvenile in particular reaps the benefits of a sentencing system that reserves the heaviest punishment for adult offenders nearing the end of their criminal careers."

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"What should be done? First, some significant punishment should be imposed on the young offender who commits a violent crime. This should translate into jail in a special juvenile facility for the most serious violent offender. Victim restitution, community service, periodic detention or intensive supervision are all promising alternatives for less violent offenders.

"Second, we must eliminate the two-track criminal justice system for serious violent juvenile offenders. Dual tracks should be defined by the nature of the criminal career rather than by the age of the offender. Age cannot justify treating the 17-year-old rapist or murderer differently from his adult counterpart. The poor, the black, the elderly—those most often victimized by crime—do not make such distinctions. Nor should the courts.

"Third, the rules of the game should be changed concerning efforts to identify violent juveniles, especially the chronic repeat offender. The law should permit the photographing and fingerprinting of offenders; line-up identifications should be permitted. Most importantly, an up-to-date criminal history of the offender should be readily available to judges at the time of sentencing."

This pamphlet includes a discussion of the following strategies:

- authorize the inspection of records of the juvenile court, probation, protective services, prosecutor, school, and police by the crime analyst or official designated to develop and maintain profiles of habitual offenders;
- refrain from the sealing or destruction of the juvenile records of any designated habitual offender; and
- place limits on "deferred adjudication."

Authorize the Inspection of Records of the Juvenile Court, Probation, Protective Services, Prosecutor, School, and Police by the Crime Analyst or Official Designated to Develop and Maintain Profiles of Habitual Offenders

Certain problems and concerns noted among representatives of the juvenile court are:

- Even with more complete profile information, some judges still attempt to focus on apparent drug problems, rather than to recommend incarceration, where a drug problem could be treated concurrently with a juvenile's criminal behavior.

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- Some judges place credence only on previous sustained counts and guilt pleas, or rulings, not on past juvenile arrest and prior contact. Also, this is seen as a means to avoid consideration of "exaggerated" charges, the practice of nolle pros, referrals, unsupervised probation, and other ways of not adjudicating juvenile offenders, which may tend to subvert the intent of the program.
- Some judges are seriously concerned about where sentenced juveniles can be detained. The closing of State Training Centers "to keep juvenile offenders closer to their homes" means nonsecure residential facilities may become the only option to adult correctional facilities (which are presently overcrowded). A juvenile detention facility in Colorado Springs, Colorado, presently serves a multi-county region. With less than two dozen beds, serious questions of capacity have arisen.

One concern of many judges is that their decisions may be overturned. Another is that their decisions may be sanctioned by higher courts for any act that may appear to bias a decision. It is difficult, therefore, to obtain other than passive support for the designation of "habitual juvenile offender." However, support for the program and sharing of information by jurisdictions may be authorized.

Finally, nearly all judges polled indicated that the SHO profiles assisted them in making much more educated sentencing decisions. One judge stated that the profiles placed a great deal of "pressure" on him to recommend stiffer sanctions.

Impediments to Police Supervision of Young People³

Police discretionary authority is authorized by state legislation and has the support of every major standards group. The word "discretion" means that police are authorized to do something other than to make an arrest when they observe a juvenile commit an offense, or have reason to believe that an offense has been committed. These standards groups include:

- the International Juvenile Officers Association;
- the International Association of Chiefs of Police;
- the American Bar Association;
- the National Advisory Commission on Criminal Justice Standards and Goals; and
- the Juvenile Justice Standards Project.

³Timothy D. Crowe, *Habitual Juvenile Offenders: Guidelines for Citizen Action and Public Responses*, May 1986.

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These standards-making groups agree on the need for:

- planning, evaluation, and program management capabilities in law enforcement agencies to govern police juvenile services;
- the active role of patrol officers in field contact and surveillance and supervision of juveniles;
- the need for community networks to share information and support program activities and services; and
- emphasis on improved police patrol procedures and methods.

The laws and court decisions specify some safeguards. But the police, schools, and community have more self-imposed limitations than the law requires. Why? Is it a clear case of "avoidance behavior," "misperception," or both? Habits are hard to change, but a concerned public may demand a change.

Traditional police values were interpreted by August Vollmer, Chief of Police, Berkeley, California, when he wrote in the 1930s that "the basic role of the police (in juvenile matters) is the prevention and control of juvenile crime, and rehabilitation of offenders, using the courts only when punishment is needed." It seems that a return to traditional police values is needed.

Legal Obstacles to Sharing Information

Are current laws the main obstacle preventing police, schools, social services, and juvenile justice officials from sharing information needed to work together effectively?

Timothy D. Crowe asks this question and answers "No!" in his document⁴ produced for the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice.

It is a common complaint by police, school, probation, and social service agencies that the laws prohibit them from effectively working together. Supreme Court decisions have been cited by many school administrators as limitations on 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.

⁴Ibid.

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In response to broad claims that laws are the main obstacle to effective cooperation, a number of studies were conducted. A 1983 report prepared for the Office of Juvenile Justice reviewed the laws in all 50 states. This review failed to confirm the existence of serious restrictions or impediments. 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.

"Juvenile criminal records are automatically sealed or expunged at the age of majority to protect the youth whose illegal behavior is considered to be the result of immaturity or lack of judgment."

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., in Vermont and Kentucky).

Refrain from the Sealing or Destruction of the Juvenile Records of Any Designated Habitual Offender

Many state laws authorize the sealing or destruction of a juvenile's record at the age of adulthood or after a specific period of good behavior.

Researchers and the legal community have hotly debated the issue of which records should be used in determining action. Some judges, prosecutors, and probation officials argue that it would be unfair to use anything but actual convictions to determine whether a juvenile offender is habitual. Others argue that this is irrational, because a juvenile offender is not likely to be convicted, or adjudicated delinquent, until he or she has been in trouble a number of times.⁵

⁵Ibid.

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A 1984 publication, entitled "Violent Juvenile Offenders: An Anthology," contains a report of a study of six juvenile courts. This study covered "System Processing of Violent Juvenile Offenders: An Empirical Assessment." The report cited a number of problems, including undercharging, consolidating petitions (charges), suspending adjudications, plea bargaining, and transferring youths to adult court. The study demonstrates that the negative effects of these practices on official statistics render them totally inadequate.

A Rand Corporation report in 1982, entitled "Varieties of Criminal Behavior," analyzed the results of a series of career criminal studies. One major conclusion 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 report 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."

"Although *parens patriae* remains one of the philosophical underpinnings of the juvenile court and juvenile judges retain considerable discretion, in recent years juveniles have been afforded more of the due process protection that adults have, and juvenile court proceedings have, as a consequence, become more adversarial."

In Robert O. Heck's SHO/DI Program Informational Program Guide dated July 1986, he states: "Programs such as the Violent Criminal Apprehension Program focus largely on adult offenders. Yet the histories of these criminals share several factors. Many of these offenders were abused and/or neglected as children. They exhibited behavioral difficulties in school. Many were chronic runaways or chronic truants. Additionally, many were criminally active as juveniles. Even though these various indicators were present early in life, such criminals were allowed to 'fall through the cracks' of the justice system."

Part of this problem may be due to the United States' two-track criminal justice system. Juvenile criminal records are automatically sealed or expunged at the age of majority to protect the youth whose illegal behavior is considered to be the result of immaturity or lack of judgment. However, the system also protects chronic offenders who, like their more innocent counterparts, enter into adulthood with no record of their repeated illegal activities. Thus, while criminal activity peaks between the ages of 16 and 17, most career criminals are not identified until approximately age 22. This is reflected in Figure 1

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of the introduction to this pamphlet in the program gap between ages 18 and 22. While the two-track system tends to camouflage chronic, serious offenders, so does the lack of system-wide cooperation in the current juvenile justice system.

Place Limits on "Deferred Adjudication"

Deferred adjudication used judiciously is strongly supported by jurisdictional agencies for less serious offenses committed by the juvenile. For the SHO, however, limits are unquestionably appropriate. Forms of deferred adjudication are:

Diversion-the act or process of keeping a juvenile from coming before the court, through some alternative means. The juvenile has to agree with the alternative method by waiving his/her civil right to a trial. Diversion is used as a means of reducing the stigma of being declared a juvenile delinquent, and it relieves the court of a backlog of cases.

Non-Judicial Handling-a formal means of the court to divert cases from being adjudicated, or tried officially, getting all parties to agree to some informal solution. There is not much difference between this type of handling and informal supervision, except that the judge is often aware of and party to the agreement.

Most cases that are petitioned are disposed of by the juvenile entering a plea of guilty to some or all of the charges levelled against him. Frequently, the prosecutor engages in some "charge-bargaining" by accepting a plea to a reduced charge or dropping certain charges in exchange for a guilty plea to the remaining offenses. Most of the HSVJOP jurisdictions dispose of a little over half of their petitions by pleas.

Although *parens patriae* remains one of the philosophical underpinnings of the juvenile court and juvenile judges retain considerable discretion, in recent years juveniles have been afforded more of the due process protection that adults have, and juvenile court proceedings have, as a consequence, become more adversarial. Prosecutors rate the juvenile and adult prosecution process as more or less adversarial depending upon the survey location. Judges and public defenders interviewed in some jurisdictions usually concurred with the prosecutor's ratings while other interviewers did not.

Sentencing Practices

Nearly all judges polled indicated that the SHO profiles assisted them in making much more educated sentencing decisions. One judge stated that the profiles placed a great deal of "pressure" on him to recommend stiffer sanctions.

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Representatives of the juvenile court also noted certain problems and concerns.⁶

"Most jurisdictions can prosecute juveniles in adult courts, although referral may be available only upon judicial review."

- Some judges place credence only on previous sustained counts and guilty pleas or rulings, not on past juvenile arrests and prior contacts. Also, this is seen as a means to avoid consideration of "exaggerated" charges, the practice of nolle pros, referrals, unsupervised probation, and other ways of not adjudicating juvenile offenders, which may tend to subvert the intent of the program.
- Some judges are seriously concerned about where sentenced juveniles can be detained. In Jacksonville, State Training Centers are soon to be closed "to keep juvenile offenders closer to their homes." This means nonsecure residential facilities may become the only option to adult correctional facilities (which are presently overcrowded). In Colorado Springs, one juvenile detention facility presently serves a multi-county region. With less than two dozen beds, serious questions of capacity have arisen.
- The rotation of juvenile judges has created certain problems. Namely, the "SHO briefing process" must start again from square one. This is particularly problematic (but avoidable), especially in cities where extensive periods of discussion were finally bearing fruit.

Some states are turning toward stronger sanctions such as minimum sentences and consecutive rather than concurrent sentencing. Judgments may determine placement as well as the period of sentence to be served. Indeterminate sentencing is available in several jurisdictions. In most jurisdictions though, an adjudication of guilt means referral to a juvenile agency such as the Department of Juvenile Corrections or a Department of Health and Rehabilitative Services for further decision for placement. A judge's recommendation may or may not be binding on the juvenile agency.

The judgment or referral to another agency is influenced by the type, quality, and availability of community programs for the handling of the offender. The availability of resources to finance programs may require uncertain commitment to community-based agencies.

⁶Koepsell Associates, Phase I Evaluation: Serious Habitual Offender/Drug Involved Program (Great Falls, VA), Dec. 1984.

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Most jurisdictions can prosecute juveniles in adult courts, although referral may be available only upon judicial review. Juvenile referral to adult court is typically implemented by one of three routes:

- 1) Direct file
- 2) Statutory exclusion
- 3) Judicial hearing for waiver.

In many jurisdictions, juveniles are referred to adult court automatically according to the type of and degree of violence of the offense. Further, age may be a limiting factor in any jurisdiction.

Summary

We have seen in this pamphlet that many judges are concerned, not only that their decisions may be overturned, but that their decisions may be sanctioned by higher courts for any act that may appear to bias a decision. Therefore, it is difficult to obtain active support for designating habitual juvenile offenders. However, the chief judge of a court may express support for the program and authorize the sharing of information.

We have reviewed the benefit of authorizing the inspection of records by the crime analyst or other officials designated to develop and maintain profiles of habitual offenders; the negative effects to law enforcement resulting from sealing or destroying juvenile records of designated habitual offenders; and the need to limit "deferred adjudication for habitual offenders." Notwithstanding the anticipated difficulty of influencing the judiciary to support the strategies discussed in this pamphlet, the strategies not only are attainable, but there is growing evidence that judges recognize the contribution that would be made to the control of repeat offenders and reduced crime rate.

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.

ALSO AVAILABLE:

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