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# NATIONAL INSTITUTE OF JUSTICE

## Research in Action

Charles B. DeWitt, Director

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### Priority Prosecution of High-Rate Dangerous Offenders

by Marcia R. Chaiken and Jan M. Chaiken

Faced with high caseloads, long delays in the courts, and public demand for swifter and more effective justice, criminal justice practitioners must make hard choices in allocating resources. This *Research in Action* summarizes the results of a recent study conducted by the authors under the sponsorship of the National Institute of Justice.<sup>1</sup> It provides research findings about information district attorneys can use to focus attention on dangerous offenders who commit crimes at high rates.

The study examined official record data available to prosecutors in two jurisdictions to learn which items of information most accurately identified offenders as high-rate (committing crimes frequently) and dangerous (committing violent crimes). While much of the information usually available to prosecutors was found useful for identifying high-rate dangerous offenders, the study revealed that other commonly used information can be misleading or ineffective for purposes of identification. As with all studies based on data from a small number of jurisdictions, these findings require replication in

other jurisdictions before they can be considered generally applicable.

#### Priority prosecution programs

Almost all prosecutors deal with a wide variety of criminal offenders. They must regularly decide what kinds of offenders or offenses are to receive attention from the best or most experienced attorneys or from staff members with specialized training or knowledge. District attorneys around the country have established a variety of priority prosecution programs. Some focus on major narcotics dealers, organized crime figures, arsonists, or sex offenders; others concentrate on offenders whose victims are children, or on cases likely to entail lengthy or complex trials.

A popular form of priority prosecution program—and the type upon which our research focused—is commonly known as career criminal prosecution. The earliest career criminal programs were established over 10 years ago and were targeted primarily to habitual offenders who had extensive records of felony convictions.<sup>2</sup> Since then, more than a hundred U.S. jurisdictions have adopted some form of priority prosecution for career criminals.<sup>3</sup>

Most types of priority prosecution programs are intended to help prosecutors meet the following goals:<sup>4</sup>

- Conviction on the most serious applicable charge—for example, conviction for burglary rather than possession of stolen property.
- Increased likelihood of incarceration of convicted offenders.
- Increased length of sentence.
- Increased pretrial detention.
- Reduced time until the case is disposed.

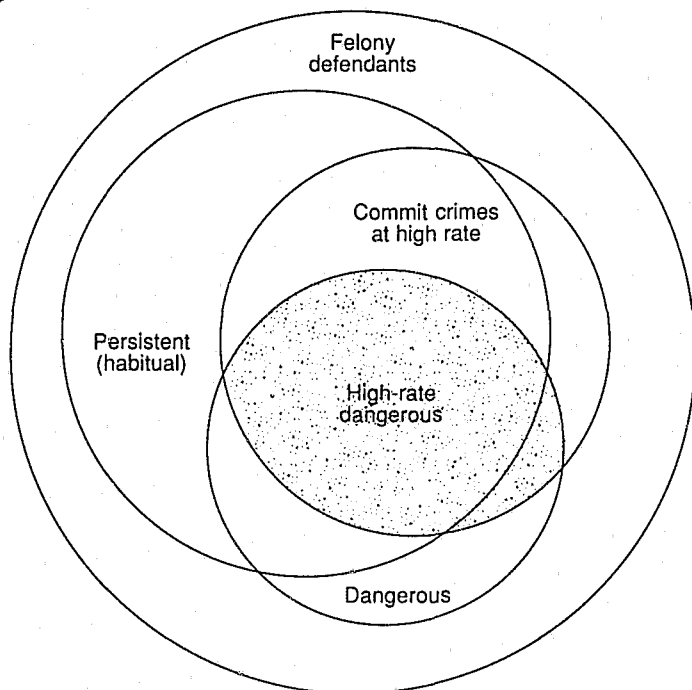
The specific practices used in prosecutors' priority prosecution programs vary among jurisdictions. However, the following procedures are commonly followed:<sup>5</sup>

- **Close cooperation with police officers.** Police alert prosecutors to arrestees who appear to warrant priority prosecution. In turn, to ensure the technical soundness of cases, attorneys advise police about practices such as obtaining warrants and collecting evidence.
- **Screening of defendants.** Records of defendants charged with or wanted for specific types of serious crimes are reviewed to determine if they meet

Dr. Marcia Chaiken is research director of LINC, Lincoln, Massachusetts. Dr. Jan Chaiken is deputy director of the law and justice area of Abt Associates Inc., Cambridge, Massachusetts.

Figure 1.

## Candidates for Career Criminal Prosecution



Felony defendants include three groups that could fit the term "career criminal" in its broadest sense: persistent offenders, high-rate offenders, and dangerous offenders. Defendants who are dangerous and also commit crimes at a high rate are the subject of this report.

specified criteria for priority prosecution.

- **Assignment of experienced attorneys** to prosecute cases selected for priority prosecution.
- **Vertical prosecution.** The same attorney is assigned to the case from the time it is first accepted for prosecution until the case is completed.
- **Coalescing of cases.** The same attorney is assigned to all pending cases involving the same defendant.
- **Close supervision of selected cases by a senior prosecutor.** Senior attorneys, typically program directors, frequently monitor the progress and procedures used in cases chosen for priority prosecution.

- **Curtailment of plea negotiations.** Attorneys seek prosecution for the most serious crime charged and do not allow "bargaining" for guilty pleas to lesser crimes and shorter sentences.

- **Caseload reduction.** Attorneys prosecuting priority cases are assigned relatively few other cases to prosecute.

### Defining "career criminals"

Although prosecutors in existing career criminal programs try to target certain types of defendants for priority prosecution, there is no uniform understanding across the country of what is meant by a "career criminal." In reality, three overlapping types of offender profiles could be called career criminals (figure 1):

- **Persistent offenders**, also known as long-term offenders or habitual offenders, are those who commit crimes over a long period of time. This study included as persistent offenders all the offenders who had been committing crimes for at least one-third of their lifetimes.

- **High-rate offenders** are those who commit numerous crimes per year whenever free to do so (whether they have been doing so for many years or relatively recently). For example, an offender who commits 104 burglaries per year (an average of 2 burglaries per week) when not locked up is a high-rate offender.

- **Dangerous offenders** are those who commit crimes of violence, often injuring their victims. The study included in this category all those who were high-rate robbers or who had assaulted, threatened with a weapon, shot at, or tried to cut, beat, or strangle another person.

While some offenders fit into more than one category, others do not. For example, a 30-year-old who has committed occasional burglaries since age 17 would be categorized as a long-term persistent offender but not necessarily either high-rate or dangerous. A person who had committed three assaults, two robberies, and a burglary in the past month, however, would be both high-rate and dangerous.

In response to changing public concerns and growing research knowledge, many career criminal prosecution programs have gradually begun to focus on offenders who are both high-rate and dangerous. High-rate dangerous offenders—and how to identify them—are the topic of the remaining sections of this *Research in Action*. These offenders should receive career criminal prosecution whether or not they have been involved in crime for a long time. The high-rate dangerous offenders are a small proportion of all felony defendants, as indicated by the shaded area in figure 1.<sup>6</sup>

Although some prosecutors still have programs for dealing with habitual offenders, some research evidence

indicates that many criminals who persistently cycle in and out of the criminal justice system are not worth special attention from prosecutors: these offenders may commit relatively few crimes but get caught nearly every time they do.<sup>7</sup>

### **Identifying high-rate dangerous offenders**

The first step in priority prosecution of high-rate dangerous offenders is to select appropriate cases. Some cases are so obvious that little attention needs to be given to selection decisions. A defendant charged with 10 or 12 eye-witnessed robberies clearly qualifies as high-rate and dangerous. Most cases are not so clear cut. For example, should a defendant arrested for two separate robberies on the same day be classified as a high-rate dangerous offender? What of the defendant who held up five victims at gunpoint at a local convenience store at midnight? Selections often must depend on information obtained from several sources, such as rap sheets (records of past arrests and convictions), the police officer's arrest report, or the investigating police officer's report.

In some jurisdictions, selection decisions must follow strict guidelines established by State law or local regulations. (When the number of defendants who qualify under law exceeds program capacity, prosecutors may then use additional information to define a subset of defendants who will actually receive priority prosecution.)

In other programs the guidelines are less formal, and prosecutors have wider discretion in choosing candidates for priority prosecution. While some guidelines and discretionary information currently used to make priority prosecution decisions are in fact helpful in identifying high-rate dangerous offenders, this study found that other information is redundant or misleading.

Clearly, if prosecutors knew exactly how many and what types of crimes an offender had committed, classification would be simple. Instead, only limited

data exist; a rap sheet, for example, will report only arrests and convictions—not crimes committed successfully and without detection. In a sense, then, the task in identifying high-rate dangerous offenders is one of using limited data to draw inferences about actual (but unreported) behavior. Simply stated, do the rap sheet and other available data create a profile of a person who—if all the unreported facts were known—would in fact be high-rate dangerous?

Which factors in the official sources commonly available to prosecutors most accurately identify those offenders who are in fact high-rate and dangerous? To answer this critical question, the research:

1. Analyzed information available to prosecutors for identifying arrested persons for priority prosecution.
2. Statistically compared it to data obtained from confidential self-reports from convicted offenders.

The accuracy of data from the self-reports was controlled to the maximum extent possible. Respondents were assured of confidentiality. Repetitive questions were used to check consistency of response. Analyses controlled for self-reports that did not contain consistent data.

### **Interviews with prosecutors**

Indepth research studies were carried out in Los Angeles County, California, and Middlesex County, Massachusetts. Selection procedures were also reviewed with prosecutors from a wide and diverse group of additional jurisdictions.

The Los Angeles Career Criminal Division exemplifies programs that operate under fairly rigid and restrictive selection rules and are carried out by a limited number of attorneys who follow cases from their initiation.

Priority prosecution cases in Middlesex County, by contrast, can be handled by a large number of designated senior

assistant attorneys (not just those in a special unit). Broader selection guidelines are used to target high-rate dangerous offenders, and cases can be selected for priority prosecution at any stage of their processing.

The two study sites also differ in size, resulting in differing levels of selectivity. The Los Angeles County District Attorney's Office is the largest in the United States, processing more than 100,000 criminal cases a year. Its Central Branch office, the locus of this study, handles the bulk of the county's most serious offenses. The Middlesex County office serves 54 cities and towns near Boston. It ranks number 42 in size among district attorneys' offices (in terms of the volume of cases handled) and processes 35,000 criminal cases a year.

In Los Angeles, the Career Criminal Division concentrates on a relatively small number of robbery and burglary defendants. In Middlesex County, a subset of defendants charged with robbery, burglary, rape, aggravated assault, homicide/murder, and drug sales receive priority prosecution.

In both sites, interviews and observation of attorneys who select cases for priority prosecution revealed the criteria they use in making their judgments and the procedures they follow. Attorneys then examined anonymous versions of cases that had previously been eligible for possible priority prosecution in either their own county or the other study site. Their responses were analyzed to determine the extent to which judgments were consistent between the two sites. This procedure also verified that the information about defendants and their offenses claimed to be taken into account actually had been taken into account.

The criteria used in the two study sites were also presented to career criminal program directors from many other counties in California for comments or additions. During the course of the study, researchers met informally with prosecutors from other States and discussed the information they used to select career criminals.

## Defendants' reports of offenses and recorded data

The study collected data from and on 500 male defendants who were ultimately convicted. The sample included nearly all defendants selected for priority prosecution during the study period; they made up 17 percent of the sample. The remaining defendants selected for the study did not receive priority prosecution, but their charged offense—for example, robbery or burglary—was one of those targeted by the priority prosecution attorneys.

By examining records in these defendants' case folders, the study was able to code hundreds of items of data about them, their criminal history, and the instant offense. Since the researchers found the data in criminal justice agency records, obviously prosecuting attorneys had access to the same information. The wording of California State career criminal legislation, observations and interviews with prosecuting attorneys, and the results of prior research determined which items of data were coded.

Immediately after their cases were disposed, all defendants who had been selected for the study completed self-report questionnaires. The questionnaires asked about 10 types of crimes (e.g., robbery, burglary, assault)<sup>8</sup> that they might have committed in the period preceding their arrest, and their frequency of committing each of them.

Because the veracity of self-reports on these sensitive topics is questionable, analytical techniques have been developed to permit drawing valid conclusions from such data. Although some of the respondents were untruthful in their survey responses, the quality of the defendants' data was the same or slightly better than that of data previously collected in similar surveys of jail and prison inmates who had several months to adjust to incarceration before completing the questionnaire.<sup>9</sup>

Although 500 defendants were interviewed, 12 were excluded from the study because they did not provide any usable self-report information about the numbers or types of crimes they had

committed. Official record data were obtained for 452 of the remaining respondents; these 452 constitute the sample used in the analyses that compare official record data with self-reports.

## What the study found

The study resulted in 10 major findings:

□ **Finding 1. Prosecutors evaluate separately the three dimensions of a defendant's criminality: rates of committing crimes, dangerousness, and persistence. They also consider other aspects of seriousness.**

The prosecutors interviewed did not think of serious offenders as a homogeneous category. Instead, they often judged separately whether a particular defendant committed crimes at high rates, whether he was dangerous, and then whether he was a persistent offender.

Additional categories of seriousness, not specifically addressed by the study, were also considered in some cases. For example, defendants were considered serious offenders worthy of priority prosecution if their crimes reflected "professionalism," such as careful planning involving several defendants for extremely high criminal gain. Other defendants considered serious enough for priority prosecution were involved in crimes receiving intense coverage by the media.

□ **Finding 2. Defendants who were identified as high-rate and dangerous by prosecutors in one site were also identified as high-rate and dangerous by prosecutors in the second site.**

Despite wide differences in the selection criteria and procedures in the two study sites, the defendants actually selected for priority prosecution were remarkably similar across the two sites. However, the Los Angeles County prosecutors had a more restrictive view of the type of offender that is high-rate and dangerous. After the attorneys had reviewed the same group of anonymously presented cases, every defendant designated as high-rate and dangerous by the Los Angeles attorneys was

also so characterized by the Middlesex County attorneys. But the Middlesex County attorneys also evaluated as high-rate and dangerous some defendants who were considered less serious by the Los Angeles attorneys.

□ **Finding 3. Written office guidelines concerning selection criteria for "career criminals" promote consistency in deputy district attorneys' judgments about the kinds of defendants who are high-rate dangerous offenders.**

The evaluations of the prosecutors are clearly shaped by their department policies. The more inclusive evaluations of the Middlesex County attorneys reflect the district attorney's policy of casting a wide net to prevent serious offenders from escaping punishment. The more restrictive evaluations of the attorneys in Los Angeles reflect their concentration on the most serious offenders among the many offenders who have committed serious crimes.

The study found that in offices where selection of "career criminals" must be justified using established criteria, attorneys have developed a consistent mental model of the information that is relevant for judging a defendant to be high-rate or dangerous. The career criminal selection criteria they work with daily enter into these judgments and into their general understanding of criminal behavior. The Middlesex County attorneys, who did not use mandated selection rules, were found to have varied views about what information indicates a defendant is high-rate or dangerous.

□ **Finding 4. Long-term persistent offenders may or may not be high-rate dangerous offenders. Habitual criminality should not be confused with high-rate dangerous criminality.**

The study found that thinking about offenders in terms of persistent or habitual criminal behavior is probably more confusing than productive. Many different measures of "a rap sheet as long as your arm" are valid indicators of persistence, but they bear little relationship to the type of offender the priority prosecution units would like to target.

Some indicators of persistence are also indicators of high-rate or dangerous behavior, but if they are not listed in the findings below, they are not as strong as the listed factors. Other indicators of persistence, such as a large number of adult arrests for burglary, actually were found to be counterindicators of high-rate dangerous behavior.

**□ Finding 5. While some existing guidelines for identifying high-rate dangerous offenders are valid and useful, greater accuracy may be obtained through a two-stage screening process.**

The study found that information used because of formal rules or State laws does help focus resources on high-rate, dangerous, and persistent offenders. Moreover, some of the discretionary criteria applied by prosecutors increase the accuracy of these selections. Additionally, other information available but not generally used by prosecutors can be used to hone even finer selections. In all, 31 indicators of high-rate dangerous offenders were found.

The research indicated that the best way to use this information in identifying high-rate dangerous offenders is to ask questions in two stages: First, who is high-rate? Then, of those, who is high-rate dangerous? The first stage is less accurate than the second, but the two stages together result in a practical and useful selection method.

**□ Finding 6. The strongest official-record indicators of high-rate offending in the two study sites were found if a defendant:**

- Had a prior adult conviction for robbery, burglary, arson, forcible rape, sex crime involving a child, kidnapping, or murder.
- Was currently charged for three separate criminal transactions of burglary.
- Was wanted by the authorities for failure to complete a previous sentence (probation, parole, prison, or jail).

- Was on parole when arrested.
- Had one or more adult arrests for receiving stolen property.
- Was on pretrial release (bail or own recognizance) when arrested.
- Was known to have a drug problem.

The above indicators are listed generally in order of the accessibility and acceptability of the information to prosecutors for decisionmaking purposes.

Despite this, all the indicators, taken together, were not strongly associated with high-rate offending. The study sample, which included many defendants who had already been chosen for priority prosecution, contained a larger proportion (43 percent) of offenders classified as high-rate than is commonly found in offender populations. Yet, in common with earlier research,<sup>10</sup> this study did not find many items of information that are available to prosecutors and that validly and decisively distinguish high-rate offenders from others. One of the strongest of these indicators was the California legislatively mandated criterion listed first above (prior conviction for robbery, burglary, arson, etc.).

Several factors in the list are used as bases for enhancing sentences in some jurisdictions. Judges may impose longer sentences on convicted offenders who have failed to complete a previous sentence or who have violated their terms of parole or pretrial release. These factors may be particularly pertinent for triggering priority prosecution in those jurisdictions.

These seven indicators can be used to divide defendants into subgroups having widely divergent probabilities of being high-rate. In fact, defendants in the study sample who had any three or more of these characteristics had a greater than 90-percent chance of being high-rate. The selection rule based on this method was found to have very few false positives. Less than 2 percent of

low-rate offenders in the sample would be classified as high-rate by this rule. But the selection rule would have many false negatives. It would not identify most defendants who are actually high-rate. For this reason, prosecutors who use these seven listed factors as a rough "first stage" screen for high-rate offenders should require no more than two of the seven factors to be positive.

Although in the study information about a defendant's drug problem could have been entered in the official records from various sources—such as probation reports or pretrial release investigation reports—more accurate information can be obtained from urine test results. However, a single positive drug test at the time of arrest may provide misleading information. The majority of arrestees test positive in many jurisdictions,<sup>11</sup> but only a small percentage of arrestees are high-rate offenders. Rather, the results of drug tests might be assembled over a period of time, covering multiple arrests. Defendants who have a persistent history of positive drug tests could then be considered to have a drug problem in the sense intended here—relatively long-term use of opiates or other addictive drugs.

**□ Finding 7. Once a group of high-rate offenders was identified, the subset of high-rate dangerous offenders could be identified using a small number of criteria that include elements of the instant crime. The criteria for such determination are the following:**

- The defendant was wanted by the authorities for failure to complete a previous sentence.
- A knife was brandished or used to injure someone in the instant offense.
- A victim in the instant offense was female.
- The offense was committed in an outside public location (e.g., street, alley, parking lot).
- The defendant had one or more juvenile convictions for robbery (armed or unarmed).

These criteria are strongly related to high-rate dangerous offending, in contrast with the situation for high-rate offending (finding 6). Further, they are much more powerful than personal characteristics (e.g., age at first arrest, race, employment) over which the defendant has little control at the time of arrest.

Although prosecutors have available to them numerous valid indicators of dangerousness, the five official-record items listed above are statistically nearly equal in value to using all valid indicators of high-rate dangerous offending found in the study. It may therefore be superfluous to collect information about all the possibly relevant data items and evaluate them as a means of screening defendants for priority prosecution.

Other factors—strong in themselves but not adding any significant information after taking the above five indicators into account—included victim injury and multiple current charges for robbery.

Purse-snatches or strong-arm street robberies are often considered by police and prosecutors to be less serious than inside robberies with the use of a gun. However, neither commission of crimes inside buildings nor gun use was found to distinguish high-rate offenders from others, or dangerous from less dangerous offenders.

All indicators of high-rate dangerous behavior identified in the study were drawn from criminal justice agency records. The defendants' self-reports were used only to classify them as high-rate, dangerous, persistent, or not.

**□ Finding 8. Several factors that are commonly perceived as indicative of high-rate dangerousness in fact proved not to be, and in some cases were counterindicators.**

Our study found 23 factors not to be associated with high-rate dangerous offending. Examples include:

- Display or use of a gun to threaten a victim.

- Alcoholism.
- Number of prior arrests for drug distribution or possession.
- Number of adult convictions for assault, burglary, auto theft, robbery, or receipt of stolen property.
- Record of previous probation or parole revocations.
- Record of a previous incarceration.

While prosecutors may wish to assign such cases for priority prosecution on other grounds, these findings suggest that such factors are not in themselves dependable indicators of high-rate dangerousness or of persistence.

**□ Finding 9. Some factors may preclude the selection and priority prosecution of defendants who are in fact dangerous offenders:**

- **An instant charge for a crime that can carry only light penalties.** Even if the defendant is recognized as a high-rate dangerous offender due to past violent offenses, prosecutors would be legally unable to obtain a severe sentence for a minor new offense. For example, the study found a defendant with a long juvenile and adult record for robberies and assaults who was not recommended for priority prosecution because the current charge involved a single breaking and entering in an unoccupied business establishment. The case was satisfactorily handled by the assistant district attorney who originally received it, and priority prosecution resources could not have yielded a more severe sentence.

- **Constraints on resources for prosecution.** In Los Angeles, because Career Criminal Division attorneys had high caseloads, they could not prosecute some defendants evaluated as high-rate and dangerous. This constraint was not present in Middlesex County, where a large number of senior prosecutors handled priority cases.

- **Constraints on resources leading to inadequate identification of priority prosecution candidates.** In both sites, because records for screening

defendants were inadequate, some high-rate dangerous offenders "slipped through the cracks." Later, when presented with anonymous profiles corresponding to these overlooked offenders, prosecutors accurately identified them as high-rate and dangerous. The study showed that in most cases the original oversight occurred because official record information was not available at the time of screening or was fragmentary. In some cases the necessary information was located in another office in the same building as the district attorney's office.

Timely availability of critical official-record information is a problem to prosecutors throughout the country. In a recent survey sponsored by the National Institute of Justice,<sup>12</sup> 58 percent of district attorneys noted difficulty in obtaining early information on defendants' backgrounds.

Since the study indicated that a small number of official-record items can help distinguish high-rate dangerous defendants, prosecutors who lack rapid access to official records should develop systematic data retrieval systems focusing on those few specific items.

**□ Finding 10. The most criminally active defendants in Middlesex County, Massachusetts, and the most criminally active defendants in Los Angeles County commit crimes at essentially the same rates.**

Although fewer people in Middlesex County than in Los Angeles are prosecuted for robbery each year, the most active 30 percent of robbers in Middlesex County commit essentially the same number of robberies as the most active 30 percent of robbers in Los Angeles County. Similarly, the 30 percent most active defendants in both jurisdictions who committed burglary, forgery, fraud, and drug dealing also committed these crimes at essentially the same rates. Car theft proved an exception. The most active car thieves in Los Angeles committed four times as many thefts as their counterparts in Massachusetts

## Recommendations

The study was limited to two jurisdictions; replication of the findings in other jurisdictions should precede any limitation of a jurisdiction's selection criteria to the factors found in this research alone. However, the broad implications of the findings fit the results of other research, and so several recommendations can be drawn from them.

Prosecutors planning priority prosecution programs should target dangerous offenders who commit crimes at high rates. These offenders can be identified more accurately than high-rate offenders who are not dangerous, and the crimes they commit are more serious. The high-rate dangerous offenders are also more serious than some of the habitual offenders who are continually cycling through the criminal justice system.

Selection for priority prosecution can be enhanced by systematic searches of record information, including rap sheets and other records of prior arrests and convictions, offense reports, arrest reports, and—whenever relevant—reports of other criminal justice agencies with whom the defendant had prior contact (probation, parole, police, pre-trial release, courts). To promote consistency in selection, jurisdictions can develop standard office selection guidelines that include factors associated with high-rate dangerous criminality, like those described above in findings 6 and 7, along with any other criteria that are considered important locally.

Prosecutors can prepare a checklist of factors that should be taken into account when selecting offenders for priority prosecution. Such a checklist assists in defining office policy and helps screening attorneys identify the small percentage of defendants likely to be high-rate dangerous. This eliminates unnecessary effort looking for official-record items that apparently do not contribute to the screening process. The checklist also flags cases that at the time of screening lack a key piece of information for selection purposes.

Prosecutors who have adopted such a checklist should review the list with both police and judges. If they do not, the criminal justice system risks operating at cross-purposes by having prosecutors target offenders having certain characteristics (for example, being addicted to drugs at the time of the crime) while police or sentencing judges consider the same characteristics to be mitigating factors.

In addition to a checklist, jurisdictional policies should allow screening prosecutors discretion in recommending priority prosecution based on other information. The study found that while defendants who have many of the characteristics listed in Findings 6 and 7 were very likely to be high-rate and dangerous, other defendants also were high-rate dangerous. Some kinds of circumstances, not readily captured in a checklist, indicate to the screening attorney that the case involves a high-rate or dangerous offender. Cases selected for exceptional reasons could be subjected to higher level review within the district attorney's office.

More detailed information for prosecutors administering, instituting, or planning to improve priority prosecution programs is available in the National Institute of Justice *Issues and Practices* report, *Redefining the Career Criminal: Priority Prosecution of High-Rate Dangerous Offenders*.

## Acknowledgments

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## Notes

1. Chaiken, Marcia, and Jan Chaiken, *Selecting "Career Criminals" for Priority Prosecution*, report to the National Institute of Justice, 1987, NCJ 106310. This research report is summarized in an *Issues and Practices* publication intended for prosecutors:

Chaiken, Marcia, and Jan Chaiken, *Redefining the Career Criminal: Priority Prosecution of High-Rate Dangerous Offenders*, National Institute of Justice, 1990, NCJ 124136. (Contact National Institute of Justice/NCJRS, Box 6000, Rockville, MD 20850, telephone 800-851-3420 or 301-251-5500, to obtain a copy.)

2. A felony is a more serious crime than a misdemeanor. Generally, conviction of a felony can result in imprisonment for 1 year or more.

3. Phillips, Joel L., and Lynne P. Cannady, *The Effectiveness of Selective Prosecution by Career Criminal Programs*. EMT Associates, Inc., Sacramento, California, 1985.

4. Ibid.

5. Ibid.; Bureau of Justice Assistance, *Career Criminal Prosecution Program*, Program Brief, Washington, D.C., March 1985; Chaiken and Chaiken, see note 1.

6. The proportions shown in the figure are based on defendant survey data from the two study sites.

7. Chaiken, Marcia, and Jan Chaiken, "Who Gets Caught Doing Crime?" Bureau of Justice Statistics Discussion Paper, U.S. Department of Justice, Washington, D.C., 1985; Williams, Terry M., and William Kornblum, *Growing Up Poor*, Lexington Books, Lexington, Massachusetts, 1985.

8. Specifically, defendants were asked to report about incidents within the past 2 calendar years (excluding incarcerated periods) in which they had committed burglary; committed business robbery or other robberies or muggings; hurt or killed someone during a burglary or robbery; assaulted someone not during a burglary or robbery; committed motor vehicle theft or other theft; committed forgery, fraud, or credit card offenses; or dealt drugs (made, sold, smuggled, or moved drugs).

9. For details of these comparisons, see appendix B of the *Issues and Practices* report cited in note 1.



10. Chaiken, Jan, and Marcia Chaiken, *Varieties of Criminal Behavior*, The RAND Corporation, Santa Monica, California, R-2814-NIJ, August 1982; Rolph, John, and Jan Chaiken, *Identifying High-Rate Serious Criminals From Official Records*, the RAND Corporation, R-3433-NIJ, 1987; Blumstein, Alfred, et al., *Criminal Careers and "Career Criminals,"* National Academy Press, Washington, D.C., 1986.

11. Wish, Eric D., Mary A. Toborg, and John Bellassai, *Identifying Drug Users and Monitoring Them During Conditional Release*, National Institute of Justice, U.S. Department of Justice, 1988, NCJ 114730. (Contact National

Institute of Justice/NCJRS, Box 6000, Rockville, MD 20850, telephone 800-851-3420 or 301-251-5500, to obtain a copy.)

12. McEwen, Thomas, and Hugh Nugent, *Prosecutors' National Assessment of Needs—Research in Action*, National Institute of Justice, Washington, D.C., 1988, NCJ 113282. (Contact National Institute of Justice/NCJRS, Box 6000, Rockville, MD 20850, telephone 800-851-3420 or 301-251-5500, to obtain a copy.)

13. Chaiken and Chaiken, 1990 (*Issues and Practices* report cited in note 1).

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