

COMPREHENSIVE CAREER CRIMINAL PROGRAM GUIDE



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1. INTRODUCTION

The Comprehensive Career Criminal Program (CCCP) is a dual-focused, broad-reaching program that centers on the successful identification and removal from Society of the serious, career offender. Comprised of the Integrated Criminal Apprehension Program (ICAP) for police agencies and the Career Criminal Program (CCP) for prosecutors, overall the CCCP stresses the employment of structured management and technical processes in the organization and delivery of all police services and in the joint police and prosecutor conduct of identification, case preparation, prosecution, and sentencing of the career criminal. Thus, on the one hand, ICAP focuses its thrust on increasing the efficiency and effectiveness of all police services while, on the other, CCP seeks to increase the convictions of serious offenders. Under the overall CCCP, these efforts are integrated to reduce the criminal activities of serious offenders.

The CCCP was developed out of an effort to organize and apply structure to a number of police and prosecution programs that had been initiated since the formation of the Law Enforcement Assistance Administration in 1968. Over the years, these programs and projects tended to be competitive and to function autonomously in the absence of a logical structure for their control and direction. In many cases, these programs centered on efforts to develop solutions or to test specific methods without a clear understanding of the problems or their interrelationships to other problems and activities. The efforts often have been fragmented -- dwelling on solutions while looking into the analyses and decision processes only to the extent that they were required to support specific

project efforts. This practice of customizing the analysis and decision processes to fit special needs has produced confusion about definitions and an uneven understanding of the processes themselves. Fortunately, enough practical experience has been developed to provide a framework and solid developmental base for organizing and integrating the variety of methods and techniques into a logic flow for guiding management decisions.

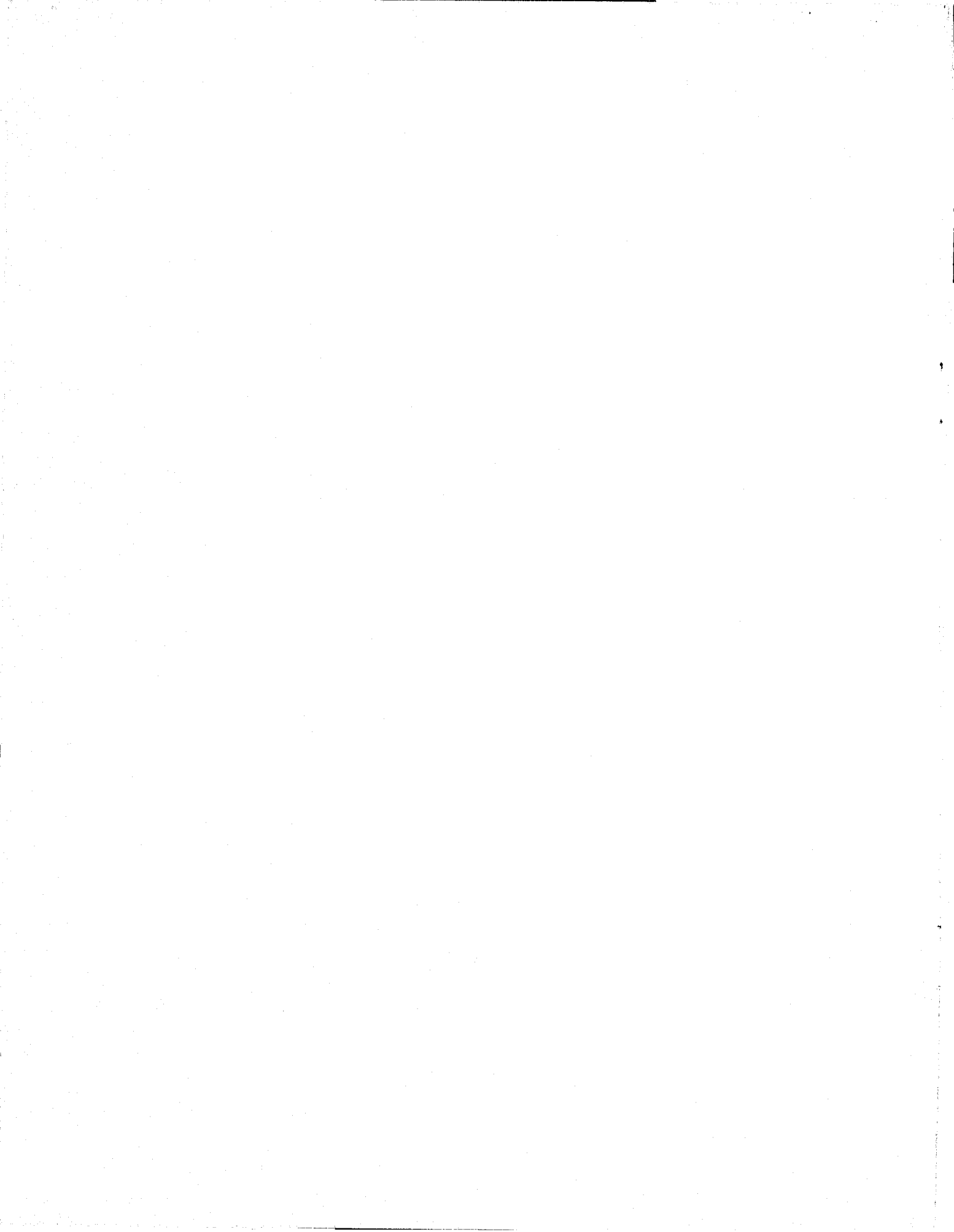
An important element of the CCCP is the recognition of the basic process that occurs in all service delivery functions. This process is the flow from data collection or information input through analysis, planning, and ultimately, service delivery or activity. This process occurs in every service function, whether in a gross, *informal* way or in a highly sophisticated *formal* one. The essential aspect is recognition that it occurs and that it can be (and usually is in other fields) manipulated in a structured, systematic, and empirical manner to increase the gain or desired outcome. The more visible its parts and pieces, the easier it is to objectively direct its impact.

The CCCP seeks to identify and strengthen these processes in the police and prosecutor functions through the implementation and coordination of the ICAP and CCP programs. The desired major outcomes are:

- Reduced crime rates for serious offenses.
- Increased number of years serious offenders are removed from their criminal careers.
- Increased efficiency and effectiveness in the management of police resources and services.

The overall CCCP objectives will be sought through the achievement of a number of intermediate objectives of ICAP and CCP projects that have an impact on increased arrests, successful prosecutions, and maximum sentences.

Presented in the following sections is detailed information about, and guidance on the application of, the Integrated Criminal Apprehension Program, the Career Criminal Program, and the overall Comprehensive Career Criminal Program.



2. INTEGRATED CRIMINAL APPREHENSION PROGRAM

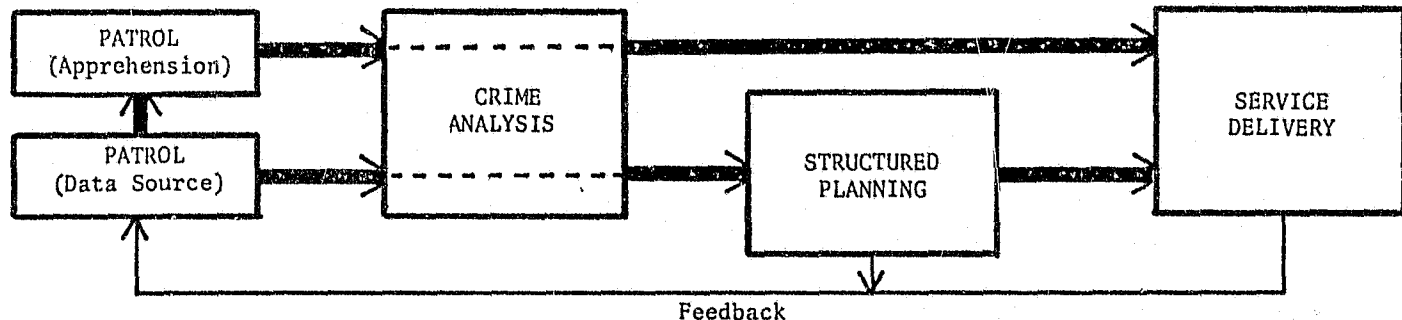
2.1 Definition and Scope

The Integrated Criminal Apprehension Program provides a method for integrating and directing field activities related to crime prevention, detection, and investigation based on systematic data collection and analysis. Crime analysis and structural planning are the basic elements of ICAP.

ICAP was developed by the Law Enforcement Assistance Administration and is based on the results of a series of police projects that emphasized crime analysis and patrol deployment. The use of crime analysis in structuring police field activities was the key element of these projects and provides the backbone of the ICAP concept. The objective of ICAP is to increase the efficiency and effectiveness of field services by using crime analysis data in a systematic way for directing deployment and tactical operations.

ICAP includes many elements and techniques that have been developed independently in other LEAA-funded projects. Moreover, it provides a structure and logic flow for approaching police service delivery that acts as a framework for arranging and understanding the previously fragmented and often competing methods and styles of policing. ICAP brings to police work a sound management approach that has proven successful in other fields.

Figure 2-1 shows the logic flow, key elements, implementation activities, intermediate measures and long range objectives of ICAP.



Data Collection

Improve timely records management support.

Analysis

Improve analysis for planning purposes

- Strategic
- Tactical
- Operations

Improve analysis of crime patterns

- Patterns
- Offender/HO

Increase identification of serious offenders among arrestees or suspects.

Improve completeness and accuracy of known-offender file.

Planning

Improve planning process -- establish links from analysis.

Improve decision process.

Increase use of crime analysis in deployment planning.

Improve informational feedback to police on case dispositions.

Service Delivery

Improve police procedures at scene of crime

- Investigation/Evidence
- Victim/Witness

Improve timely initiation of investigative followup of serious crimes.

Improve screening and assignment of cases.

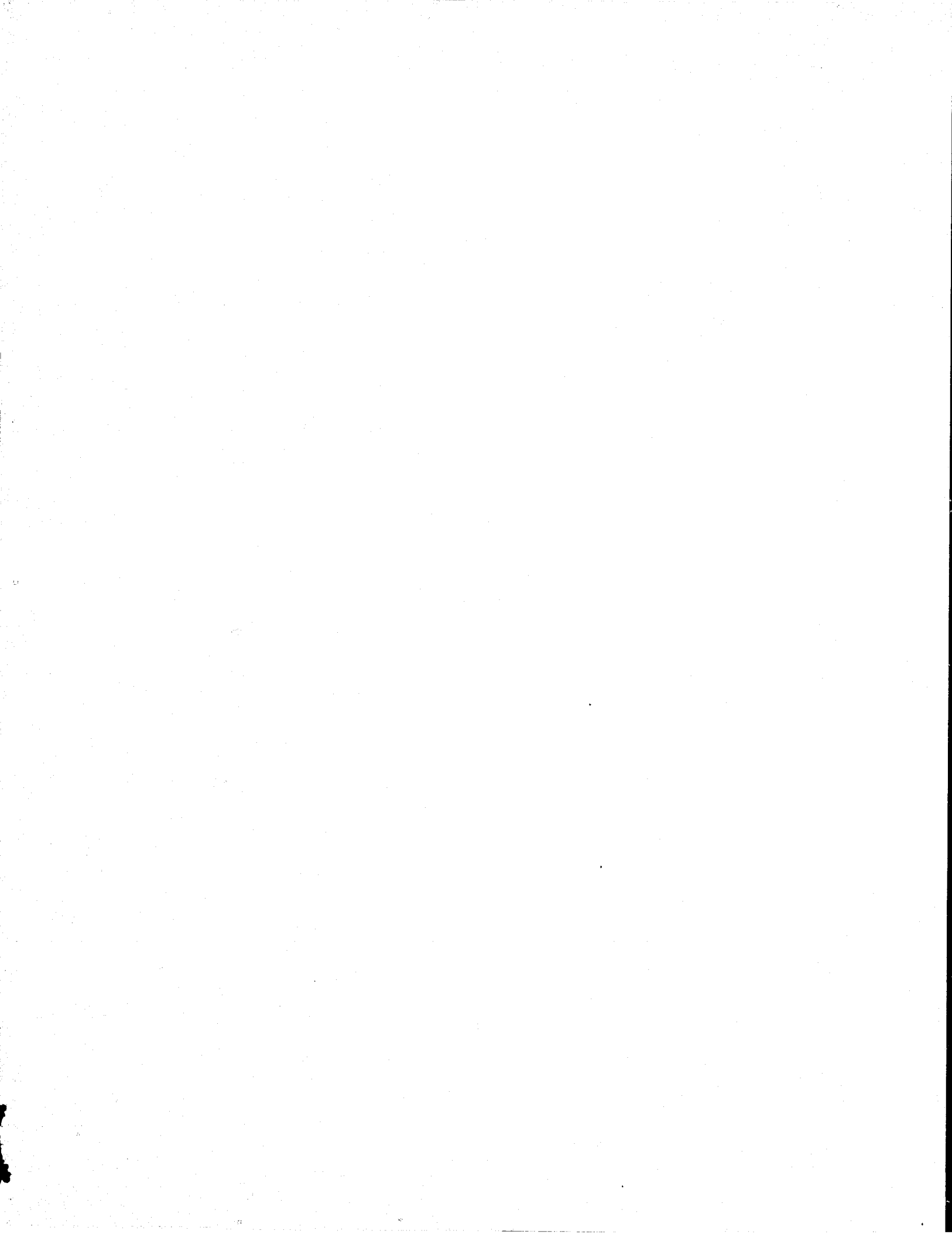
Improve continuity of criminal investigations of serious reported crime.

Improve efficiency and timeliness of warrant services.

Increase number and proportion of patrolmen making good arrests for serious offenses.

Improve use of feedback information on case dispositions to improve further police/prosecutor investigations and case preparation.

Figure 2-1. ICAP Logic Flow



2.2 Background and Problems Addressed

Developmental efforts in police agencies have primarily focused on upgrading administrative systems or improving the functioning of specialized operating units. Surprisingly little attention has been directed towards patrol operations. Indeed, it has only been the past 4 years that serious study of patrol and efforts to improve its conduct have been attempted.

This refocusing of developmental efforts has partially been spurred by a growing awareness of the limited capacity of administrative systems and specialized operations, themselves, to achieve significant crime control gains. It has also been stimulated by increased recognition that patrol elements: (a) Constitute the first and often the most critical police response to crime and emergency service incidents; (b) account for the overwhelming majority of arrests for serious crimes; and (c) provide, as the largest single department element, a collective capacity for surveillance, problem identification, and information collection far greater than other units.

The emphasis of law enforcement operations must shift from acquiring more manpower and equipment systems to that of making better use of existing resources. Better management of the patrol operation and investigative process provides the most productive area for increasing the quality of arrests and prosecution of the career criminal. Patrol has usually been performed in a haphazard basis. The patrol officer is seldom provided with directed activity or systematic information about the problems of his patrol beat. Because of this information void,

patrol has usually operated in random fashion or by hunch. Supervisors have likewise been lacking the information needed to develop specific patrol tactics.

ICAP seeks to modernize patrol operations and to achieve greater efficiency and effectiveness in controlling serious crime within the present complement of sworn officers. ICAP permits the introduction of several new systems that should substantially enhance the quality, focus, and productivity of departmental operations. The program's personnel development component should significantly advance the skills of patrol personnel to perform more effectively in the field and to participate more fully in patrol planning.

The increased awareness of innovative approaches to patrol should not only provide input to near-term or tactical planning but, over time, it should also serve to stimulate innovation from within the patrol ranks. The net result of ICAP should be a patrol force more able to identify specific crime or service problems in the community and to effectively develop creative responses to those changing conditions.

Departments do recognize that a complete rethinking of the patrol function is necessary. This reexamination and the ensuing developmental efforts are faced with the task of rebuilding and enlarging, within the range of *presently available resources*, a young and near totally reactive patrol force into an efficient, effective and proactive crime control and community service mechanism. This effort requires a complete reexamination of the present allocations to patrol and the manner in which patrol resources are used.

A key problem addressed by ICAP is an apparent conflict in police goals. Police officers now spend as much as 85 percent of their time performing crisis intervention and order maintenance functions, leaving little time available for specific crime-related activities. However, the traditional, most consistent, and visible role of police has been in the prevention, detection, and investigation of crime. The conflict in goals brought on by various interest groups and outside pressure to become more effective has resulted in a poorly organized concept and logic flow of the police function and an abrogation of the crime responsibility.

To resolve the dilemma of priorities and proper use of resources, more systematic planning and integration of police service delivery will result in increased effectiveness of all police services. The result of this improvement will contribute to an increase in arrests, case clearances, and successful prosecutions, with a concurrent reduction in offenses and costs. The literature on crisis and order maintenance activities supports the concept that the effective integration and delivery of these services will increase the time available for crime-related activities. It also will contribute significantly to the crime prevention, detection, and investigation process through greater participation of the general public, crime victims, and witnesses.

By viewing the crime-related, crisis intervention, and order maintenance functions of the police as interdependent instead of mutually exclusive, consonance is established in the police goals hierarchy

(see Figure 2-2) and an overall direction is given to police performance and accountability. ICAP then provides the framework for organizing the police resources and maximizing their impact.

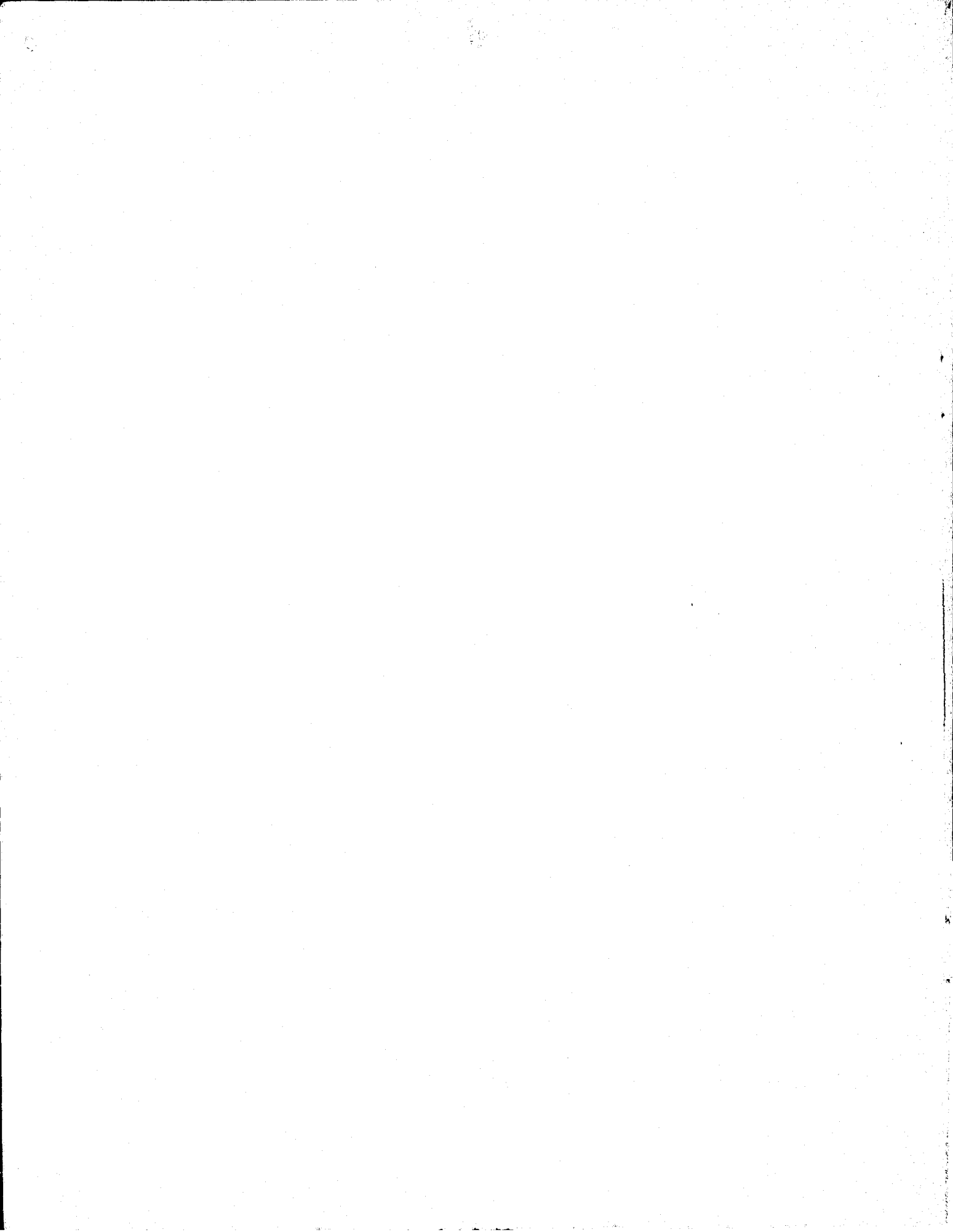
2.3 ICAP Elements and Process

The ICAP concept seeks to tie a link between crime analysis, structured decisionmaking, and service delivery. Projects center their activities on accomplishing this through the development and implementation of the following capacities:

- Crime analysis.
- Structured decision processes.
- Patrol management concepts.
- Management of criminal investigation concepts.
- Serious offender apprehension and prosecution emphasis.

There are a variety of activities and service delivery techniques that can be involved in ICAP in support of project implementation. These include:

- Preliminary and followup investigations by patrol.
- Beat profiling and management.
- Situational analysis.
- Deterrent and apprehension-oriented patrol tactics.
- Tactical crime prevention.
- Use of solvability factors in case screening.
- Training in handling victims of crime and crisis situations.



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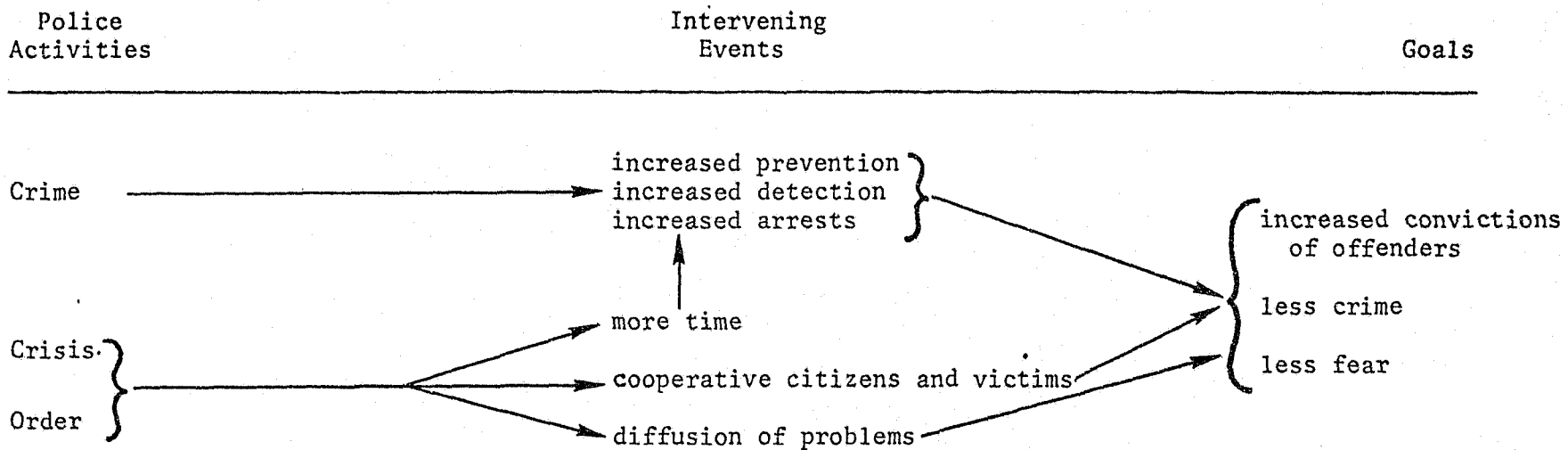


Figure 2-2. Consonance in Police Goals Hierarchy

- Antifencing.
- Career criminal tactics.

2.3.1 Crime Analysis

The information gathered, the witnesses interviewed, the evidence observed, protected, and developed by the patrol officer comprise the most vital factor contributing to establishing a suspect identification or apprehension possibility. Far too many departments have allowed the responding patrol officer to do little more than take down and report on who made the complaint and why. The report information thus gathered contributed little to directing the investigative effort. The identification of law enforcement problems and specific activities that the patrol officer can perform in the preliminary investigation process appears to be one of the more promising trends, and it is a major operation goal of the ICAP Program.

For effective deployment of its resources, the patrol operation must be linked to a crime analysis unit. The crime analysis function is defined as a set of systematic, analytical processes directed at:

- Providing timely and pertinent information relative to crime patterns and trend correlations to assist operational and administrative personnel in planning the deployment of resources for prevention and suppression of criminal activities.
- Aiding the investigative process.
- Increasing apprehensions and clearance of cases especially against serious habitual offenders.

The crime analysis unit provides an information analysis and synthesis function to ensure that the patrol Offense Report is used to its best advantage in developing the principal tactical strategy for the criminal apprehension process.

Information contained in Offense Reports relating to suspect descriptions and modus operandi is of critical importance in the analysis process. Although this information may not always be available, its inclusion by reporting officers provides the analyst with a possible link between two or more crimes, and an early case lead against a career criminal. Crime analysis supports a number of police functions, including patrol deployment, special operations and tactical units, prosecutor/investigator teams, general investigations, planning and research, crime prevention, and administrative services (budgeting and program planning).

Thus, the basic applications of crime analysis are to:

- Identify evolving or existent crime patterns.
- Identify career criminal crime patterns.
- Increase the number of cases cleared by arrest.
- Provide investigative leads for investigators.
- Increase prosecutorial case strength.
- Establish operational data for patrol planning and deployment of special operations units.
- Furnish support data to crime prevention programs.
- Furnish trend data for overall department planning, targeting, and budgeting.

The crime analysis unit does not need to be automated; therefore, small as well as large police agencies can benefit from the unit's being structured to serve the department. A major ingredient required is a department policy that all Offense Reports, Field Information Reports, special reports (i.e., suspect/missing person description sheets), robbery data collection sheet, and miscellaneous information reports, be immediately forwarded to the crime analysis unit. In addition, the Crime Analysis Unit should use the daily journal, officer's activity logs, officers notebooks, and crime statistics to assist in forwarding in a timely fashion the most complete descriptors of criminal activity to the field operation. Outside sources are also gleaned by crime analysis units (e.g., court probation reports, prison probation and parole reports, sheriff's department jail intake and release records, State police criminal event reports). The collection and collation of this information requires persistence and effort, not a computer. A crime analyst must read every report and extract and code those unique descriptors that mean something to a pattern of the crime and the criminal who perpetrated the attack.

A fairly sophisticated crime analysis operation for a 300-man police department may include only three people and an inexpensive microprocessor. The unit should be administratively housed in, or closely identified with, the operational components of the police department to establish its identity as an operational tool, and to increase its acceptance and use.

2.3.2 Structured Decision Processes - The Structured Planning Unit Model

The structured decision function is really a process that should occur at all levels of a police department. Initially, it may be useful to establish a structured planning unit in the operational division or function of a department to enhance the identity and importance of the formalized decision process on the part of the users. This unit should be primarily composed of operational decisionmakers representative of all levels. Ultimately, structured decision processes should not be identified solely with a unit or similar entity within a department but rather, as the major tool of all managers and supervisors -- an integral part of their function.

The structured planning unit is a management model for integrating the police service delivery. With its main emphases on decisionmaking, the unit is distinctly different from the planning and research unit that is required to handle a variety of other important supportive and evaluative functions. The planning and research unit often includes operations analysis which is an important supportive service required of the structured planning function. The structured planning unit can maximize the ability of the police to focus criminal information drawn from the entire department's operation onto those resources oriented towards the specific crime problem. This is accomplished by formalizing the police decision-making. Police decisionmaking is addressed by the model on two levels -- strategic and tactical. *Strategic* decisions are policy-oriented and are made at the highest command level of the department. *Tactical* decisions are action-oriented and are made close to, and with the cooperation of,

the service delivery operations. This decision process relies at all levels on inputs from the crime analysis and operations analysis functions of the police department.

The structured Planning Model consists of:

- Strategic crime-oriented goals and objectives.
- A decisionmaking framework that permits law enforcement executives to establish guidelines for (and to track) tactical deployment decisions.
- Tactical deployment decisions based on timely analysis of crime, arrest, and related information (service delivery feedback).
- Tactical deployment decisions focusing police resources on specific crime-oriented problems aimed towards goal achievement.

At the strategic level, the police set measurable crime-oriented goals and objectives that are based on a realistic assessment of the crime picture in the jurisdiction. Method for achieving these objectives must also be outlined, including manpower allocation, tactical analysis and decisionmaking guidelines, and tactical-decision review processes. Given that a major emphasis is on the serious habitual offender, the police and prosecutor should jointly outline case development responsibilities. The major strategic decisions dictate the decisionmaking framework (i.e., how resources are organized, how they interrelate, and how tactical deployment decisions are made).

Tactical deployment is the management (with parameters set by operations analysis) of allocated resources by location and activity. This is undertaken in response to problems related to event or suspect patterns that are identified through the timely analysis of crime, arrest, and related information. Deployment decisions define the department's tactical response to short-term, crime-oriented problems.

Tactical deployment decisions are generally made at the line supervisor level. The structured planning model calls for a task force approach to deployment decisionmaking to ensure an integrated response. Thus, these decisions should be made by line supervisors and patrol officers, investigators, special unit personnel, and crime prevention officers, according to previously established guidelines.

2.3.3 Patrol Management Concepts

Patrol management depends on operations analysis at the command level and on crime analysis at the street level. Allocation planning for the commander or top manager depends on the conduct of good operations analysis that does more than just divide the clock by three. Because the allocation model sets the parameters (e.g., number of personnel, location, time) that field supervisors have to work with in their deployment planning, it is imperative that allocation models consider all workload units including the "peaks and valleys" occurring at weekly intervals. These are elements that most allocation schemes do not consider.

The street or first-line supervisor must have at his or her disposal crime analysis information provided on a routine basis. The supervisor

also must be able to request occasional special analyses of problems occurring in his or her assigned areas. Most importantly, the supervisor must have the responsibility and authority to use this information in planning day-to-day deployment assignments. Procedures must be developed to provide assignment options to the supervisor. These often require a dramatic shift in policy, and they focus on the supervisor's becoming an accountable manager instead of just being in charge of "turning out the watch."

The supervisor must develop a problemsolving approach that contains three basic elements:

- The Situation -- The description of present conditions that are undesirable; this is the basic product of crime analysis.
- The Target -- The description of what conditions would be if corrective actions are successful; this is the objective, or desired outcome.
- The Proposal -- The plan for action.

The supervisor follows the process of identification and ranking of problems, analysis, setting objectives, identification of alternative solutions, selection of strategies and tactics, implementation, and feedback to address his problem-solving responsibility. This process of organization, review and re-review should occur continuously at all levels of supervision. The structured planning unit model can set the pace for this activity and provide an anchor for its integration and

assessment in the operations side of the police department. However, no supervisor should be allowed to abrogate to the unit his or her responsibility for carrying out proper decisionmaking.

A broad range of methods and activities are currently available to supervisors for their use. These methods are being constantly refined by police departments throughout the Nation, but they are of no value unless the supervisor is held responsible for carrying out the objectives set for his or her unit *and* unless given the flexibility and authority commensurate with this responsibility. The following are some of the types of methods and activities that have been used by police departments at the basic unit, shift, or division levels:

- Use of Alternatives to Dispatch of Calls-for-Service -- Call stacking and next-day or mail followup for certain types of incidents during peak activity hours when personnel are needed to conduct tactical operations.
- Split-force Concepts -- Variable assignments of patrol personnel between responding to calls-for-service and undertaking tactical or directed activities. This practice can vary by the hour, day, or week, depending on objectives; it must be conducted in close cooperation with the department's dispatching function.

- Deterrent, Apprehension, or Combined Deterrent Apprehension Patrol Tactics -- These tactics are numerous and can be conducted on a routine or specialized basis. They include decoy operations, predicted patrol runs, saturation of crime pattern areas by means of patrol or crime prevention operations, stakeouts, etc.
- Crime Prevention Tactical Operations -- These are ad hoc operations conducted at the squad or departmentwide level when other methods are not appropriate. They are based on crime analysis input specifying a pattern of offenses by type, victim, or location.
- Preliminary Investigations and "Hot Lead" Follow-ups by Patrol -- The Rand study findings indicated that the primary determinant of successful criminal investigations was the extent and quality of information uncovered by the patrol officer during the preliminary investigation. When competent information was developed by the patrol function, detective action to solve a case involved essentially routine processing. When such information was absent, the case was not likely to be solved.

The main ingredients for the successful management of patrol operations are:

- Operations analysis.
- Crime analysis support.
- Structured decision processes.
- Responsibility and authority given to supervisors at all levels.
- Proper training of patrol officers and supervisors in criminal investigation and crime prevention, together with the use of crime analysis in carrying out tactical operations.

2.3.4 Management of Criminal Investigations Concepts

The main purpose of the criminal investigation process is to increase arrests for serious crimes that are prosecutable, ultimately leading to an increased number of convictions. The overall goals of the Managing Criminal Investigations Program developed by LEAA is to apply recent advances in six key components of the total criminal investigation process:

- Patrol role in the initial investigation.
- Case screening.
- Management of continuing investigations.
- Police/prosecutor relationships.
- Monitoring of the investigation system.
- Police agency organization and allocation decisions.

Each of these elements must produce a result that will contribute to the accomplishment of the major outcome of the criminal investigation process. The outcomes of each element are described as follows:

- The initial investigation of a reported crime (the Offense Report made by the patrol officer), given the assumption that the report is "founded," should result in one of the following possible outcomes:
 - An on-scene arrest is made.
 - The investigation is continued because solvability factors are present in the Offense Report or because there are exceptional reasons for continuing, even though solvability factors are not present.
- The screening of cases should result in a supervisory review, verification, and approval of the continuation or noncontinuation of the investigation.
- The management of the continuing investigation should result in one of the following outcomes:
 - An arrest.
 - Continuation of the investigation, based on sufficient crime analysis information.

- Case suspension after a determined number of days without additional promising informational leads.
- The working relationship between the police executive and the prosecutor should result in an improvement of the ratio of prosecutions to arrests.
- The continuous monitoring of the components of the system should facilitate an evaluation of the extent to which the initial investigation, case screening, case management, police/prosecutor relationships, organizational relationships, and the allocation of resources are meeting their individual objectives and contributing to the overall outcome of the criminal investigation process.
- The examination of existing organizational arrangements and the allocation of police resources should lead to the formulation of policies and procedures that promote the successful performance of the initial investigation, establish a meaningful case screening, expedite the continuing investigation, and encourage a working relationship between the police executive and the prosecutor.

Both the investigative process and the field services or patrol process must rely heavily on crime analysis. With its broader perspective, crime analysis provides a mechanism for handling those cases where investigative followup is not appropriate because of the absence of high solvability factors. Rather than expending labor-intensive investigative forces in a haphazard manner, the department should use the crime analysis processes that are able to aggregate these types of cases with others, possibly revealing modus operandi, location, or victim patterns that may lead to the identification of a suspect. Crime analysis can also assist in clearing these cases based on searches predicated on suspect information provided in Arrest Reports. Both the suspect identification resulting from crime analysis and the clearances produced from arrest information are the backbone to the identification, case preparation, and prosecution of the serious habitual offender (career criminal).

2.3.5 Serious Habitual Offender -- Apprehension and Prosecution Emphasis

A special investigative unit function within the police department is essential to provide intensive case preparation and followup support to the prosecution of serious offenders. Based on criteria which are set jointly by the Prosecutor and the Police Chief, the special investigative unit has two basic functions:

- Assist in the preparation of "mugbooks" or case histories of serious offenders who are identified by crime analysis (based on prosecutor-developed criteria), and facilitate the issuance and service of arrest warrants.

- Assist the prosecutor in the continuing investigation and case preparation of arrested offenders who meet serious offender selection criteria. This involves the processing of arrestee information (e.g., modus operandi, nicknames, scars, tatoos) through crime analysis and information systems to check for repeat offender status, and the development of close prosecutive relationships to ensure prosecutor cooperation, proper case development, and continuing investigative support throughout prosecution and sentencing.

In essence, the special investigative unit attempts to establish an identification of serious offenders before they are arrested, and to process arrested offenders to determine whether they merit special serious offender attention. Keys to this process are:

- Crime analyses support.
- Prosecutor participation, setting of criteria, and operation of screening factors.
- Assignment of dedicated personnel.
- Continuous investigative support throughout prosecutive process.
- Feedback on case preparation and processing.

- Direct ties between the special investigative unit and the crime analysis and structured planning units.
- Training of officers on criteria, program objectives, and methods of identifying potential serious offenders.

A special area of concern relative to serious offenders is the tremendous backlog of unserved criminal warrants that exists in many jurisdictions. There is a growing awareness in the law enforcement community that the effective management of warrant services could become a tremendous asset in focusing resources on the serious offender. A number of jurisdictions have developed some cost-effective methods and techniques to maximize the service of warrants resulting in the arrests and incapacitation of offenders who have continuously illuded the adjudicatory process.

2.4 Cost of Implementation

The cost of implementing an ICAP project in terms of organization commitments and financial resources depends on how the existing department's processes and structure compare with the ICAP model presented in Figure 2-3. Key cost considerations are relative to the adequacy or existence of:

- Effective and efficient records systems.
- Operations analysis.
- Crime analysis unit (and information systems support).

- Structured decision processes.
- Communications command and control.
- Training in criminal investigation, crime prevention and tactical patrol operations.
- Special investigative unit (for serious offenders).

An important concern is the organizational structure of the department. If operational units are dispersed throughout the organization, the controls and interfaces required to implement a successful ICAP project may be difficult to achieve. Additionally, these processes, especially crime analysis units, take time to develop and fully implement. An incremental development process should be planned for where the basic crime analysis and operations analysis processes need to be established.



3. PROSECUTORIAL CAREER CRIMINAL PROGRAM

3.1 Definition and Scope

The prosecutorial Career Criminal Program is designed to focus substantial attention and resources on serious recidivist defendants -- "The Career Criminal." The goal of the program is to ensure and expedite the full prosecution of those persons whose criminal histories indicate repeated commission of dangerous criminal acts (i.e., robbery, forcible sexual offenses, aggravated assault, burglary and, in some circumstances, homicide). The program has two major thrusts. The first is to identify quickly the serious recidivist after an apprehension. The second is to prioritize the case processing and obtain convictions for those so identified.

There are several concepts and techniques that are essential for a successful career criminal project. The prosecutor's office must develop a mechanism to screen felony cases, identify and evaluate the career criminal cases based on a predetermined, even-handed selection criteria, and prioritize those cases for a full prosecution effort. Adequate time and resources must be provided for the optimum preparation of each career criminal case. In prioritizing and emphasizing these cases the prosecutor would assign one of his most experienced attorneys to a selected case to prepare and present all aspects of the case throughout the adjudicatorial process (i.e., vertical prosecution). The assistant prosecutor would usually be a member of a special unit within the prosecutor's office known as the Career Criminal or Major Offender

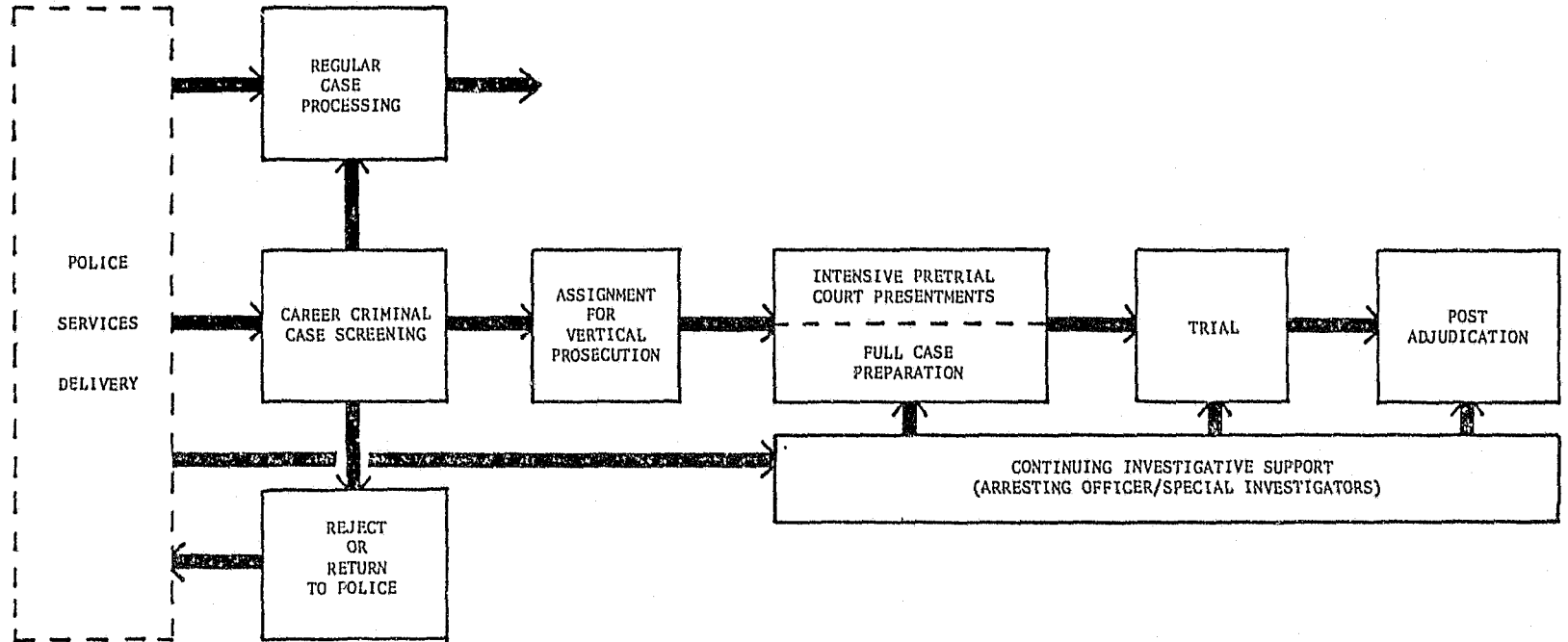
Bureau. This program of enhanced capabilities necessitates the addition of professional and support staff to screen, identify, and evaluate appropriate cases and to track cases as they move through the adjudicatory system; the employment of investigators to assist in gathering additional evidence; and, as mentioned above, the creation and staffing (including clerical support) of a special unit composed of experienced prosecutors to prepare and try these cases. Figure 3-1 presents the CCP process.

3.2 Background and Problems Addressed

It has been statistically demonstrated through data collected in recent offender-based studies -- specifically, the LEAA-sponsored PROMIS program -- that a small percentage of individuals are responsible for a disproportionately large percentage of reported crime. This fact, coupled with the fact that a convicted repeat offender stands only 5 chances in 100 of serving a sentence that includes incarceration, indicates that the odds are definitely on the side of the career criminal. That the offender is well aware of these odds was shown in a recent prison survey where more than one-third of the inmates queried stated that they had committed approximately 40 crimes per year for the 3 years prior to their being incarcerated and that crime was their career of choice. This survey indicates that these individuals commit many crimes that remain unsolved, if reported at all.

Career criminals are thus no strangers to the criminal justice system. Moreover, this familiarity with the system and its workings gives them the opportunity to use and abuse it to their advantage. This





- Special screening unit
- Screening based on joint prosecutor/police criteria
- Controlled by prosecutor
- Early identification
- TA to police on rejected or returned cases
- Established career criminal unit
- Experienced senior prosecutor
- Early and permanent assignment

- Intensive investigative support
- Victim/witness special handling
- Prosecutor TA at evidence and crime scene processing

- Presentment at bail hearing and subsequent processes
- Highest chargeable offense
- Seek continued incarceration or high bail
- No plea bargaining
- Workload adjusted to allow high trial time
- Seek maximum sentence
- Information support for sentence presentment

- Parole hearing notification
- Presentments at parole hearings
- Information support for presentment
- Data collection and feedback to system

Figure 3-1. Career Criminal Program Logic Flow



knowledge enables them, if apprehended, to take full advantage of crowded court calendars and overburdened prosecutors by plea bargaining.

The problems associated with plea bargaining are widespread, and offenders take advantage of it. Caused by overcrowded court calendars and, in many cases, by the existence of weak or poorly prepared cases, plea bargaining often is the only way the prosecutor can get a conviction. By going for a lesser charge, the prosecutor, therefore, accedes to the improbability of long-term incarceration. This results in the criminal justice system's providing very little impediment to the pursuit of criminal careers, even after the offenders are apprehended. The CCP attempts to address this issue through:

- Early identification of career criminals.
- Efforts to control the criminal before trial (through high bail or incarceration).
- Conviction on the highest chargeable offenses.
- Seeking of maximum sentences.

As a result of this heightened awareness of the career criminal and the impact he has on crime rates, much credence is being given currently to the theory first espoused by Cesare Beccaria over 200 years ago in his essay, Of Crimes and Punishments, that the swift and certain apprehension and punishment of the guilty will have significant deterrent effect on crime rates and perpetrator attitudes.

3.3 Elements and Process

A prosecutorial Career Criminal Program initiative requires adherence to several basic concepts and techniques. Nevertheless, the specific

project design and operation must accommodate the substantive and procedural law of the particular jurisdiction within which a CCP project will operate. In addition, it must also reflect the major crime problem as represented by the preexisting cases and processing flow problems, as perceived by the prosecutor and documented by data (if available). Therefore, numerous variations in the operational sets of a project are anticipated and desirable. One additional, sensitive area must be recognized in promulgating a "standardized" project format -- prosecutorial discretion. While a properly initiated CCP project encourages the prosecutor to set out in writing his policies concerning the latitude his assistants have in applying the various types of prosecutorial discretion in their assigned cases, great care must nevertheless be taken not to dictate or mandate a specific policy. However, it is appropriate to encourage and discuss with the prosecutor the positive and negative aspects of a specific policy (e.g., plea bargaining) that this program suggests be very limited for the selected career criminal cases.

While the Career Criminal Program provides the prosecutor considerable flexibility and local options in designing, initiating and operating a project, there are basic concepts and/or techniques that -- when viewed from a case processing perspective -- are necessary ingredients for a successful project and are common to the existing projects. These are:

- Selection Criteria -- Predetermined, even handedly applied, but not necessarily irrevocable.
- Screening Function -- Identification, evaluation, and assignment of cases.

- Vertical Prosecution -- Full case preparation and presentation, lighter case load, assignment of senior prosecutor
- No (or Very Limited) Plea or Sentence Bargaining.
- Appropriate Sentences and Notification of Release.

3.3.1 Selection Criteria

The selection of cases for enhanced prosecutorial emphasis by a project's career criminal unit is accomplished by evaluating a jurisdiction's felon apprehensions against predetermined and announced selection criteria. The selection criteria used by the various career criminal units are as diverse as the project models themselves. Within certain outer limits, no attempt is made to impose uniform criteria. Thus, each project's selection criteria reflects policies, priorities, and discretion of the jurisdiction's prosecutor. The criteria developed by existing projects have fallen into at least one of three basic areas:

- Crime-specific and multiple criminal history
- Offender-oriented based on criminal history
- Combinations of factors, including various weightings of criminal history, type of offense, strength of evidence, etc.

3.3.2 Screening

The application of this selection criteria is performed in a formal manner, by an experienced assistant prosecutor in meetings with the law enforcement officer who has made an arrest, recovered evidence and identified and interviewed witnesses, or with a special investigative

unit assigned by the police to handle these cases. Screening should occur at the earliest time possible and be conducted according to a formalized procedure. The law enforcement officer appears before the screening unit, usually at a central location, and "presents" his case. The screening assistant prosecutor reviews the charge(s) and evidence, not only for sufficiency but also against the career criminal selection criteria. If appropriate, the case is selected for the intensive prosecution and increased likelihood of conviction provided by the career criminal unit. If the case is viewed as insufficient, but remedial during this process, the law enforcement officer can be provided with specific instructions on the type and amount of additional investigation and evidence necessary to strengthen the case. Also, if the flaws are not remedial, the case can be rejected outright at this stage, thereby saving the fruitless commitment of scarce resources. In this event, the assistant prosecutor in charge of screening should provide immediate technical assistance and feedback (written) to the police to help them prevent poor or erroneous case preparation in future efforts.

Important to the successful operation of a prosecutorial career criminal screening entity is the initiation of a procedure for early identification of potential career criminal defendants, based on the jurisdiction's preestablished selection criteria. The primary method to effectuate this is to provide all law enforcement officers with this criteria, together with careful instructions in its meaning and application.

A crime analysis unit in a police department is an important tool in establishing the early identification process as is a police commitment to assign a special investigative unit to support the operation.

Early identification and acceptance of career criminal cases is used for two purposes. First, it allows the prosecutor's office to make a substantial presentation at the first bail hearing, thereby increasing the likelihood of appropriately keeping a suspect in custody from the time of initial apprehension. This is especially significant since experience shows half of those charged are already on some form of release or escape from a prior conviction. Second, this early identification allows for the application of greater investigative efforts to strengthen the selected case, often accomplished by investigators assigned to the Career Criminal Unit working in tandem with law enforcement officers.

Of increasing importance are automated systems that enable the prosecutor to speedily obtain and utilize data that, through a prioritization process, selects and moves the targeted career criminal cases to the front of the line for prosecution. A system known as PROMIS (PROsecutors Management Information System) which has been implemented in several of the career criminal jurisdictions, selects, prioritizes, and tracks the cases as they move through the adjudicatorial process. This provides a management tool that enables the prosecutor to single the case out for intensive preparation, to schedule the case on a priority basis, and to assign his most experienced prosecutors to the case.

3.3.3 Vertical Prosecution

The technique of "vertical" prosecution, whereby the senior assistant prosecutor who makes the initial filing or appearance in a career criminal case and will prepare for and handle all subsequent court appearances on that case through to its conclusion, enhances the through preparation and presentation of these cases. This vertical representation eliminates the usual system whereby three or four different prosecutors (horizontal) handle a particular case at succeeding stages, with each one receiving it just prior to a designated court event and having little knowledge of the facts or defendant involved.

To enhance the prosecutorial attention given to these selected cases, the prosecutor assigns a substantially lighter case load to each assistant prosecutor in the career criminal unit than is normal for the trial attorneys in the general office. (As a rule, the case load runs approximately one-half to two-third of the normal assigned case load.) This lower case load allows the unit to assume that every career criminal case can and will be taken to a full jury trial, if that is necessary. In addition, the prosecutor's office is represented in a fully prepared manner at each court event in a case.

3.3.4 No (or Very Limited) Plea Bargaining

Career criminal units are strongly encouraged to adopt a no-bargaining policy on the charges and on the sentence recommendation. This policy would be waived only in cases where the additional charge would not add to the length of the sentence or in those situations where

possible additional charges present evidentiary problems. Routinely, the prosecutor or his chief assistant is required to give specific approval to any reduction of charges offered by an assistant to a career criminal defendant.

3.3.5 Appropriate Sentencing

If the career criminal defendant is found guilty, the trial prosecutor requests the most appropriate and just sentence, based on the present charge and the defendant's criminal history. This request is made to the court either by the preparation of a prosecutor's written recommendation of sentence or perhaps having the victim(s) appear with the prosecutor and testify at a sentence hearing.

Career criminal units are also encouraged to track the postsentencing and prison commitment of convicted career criminal defendants. The prosecutor's office should request that it be routinely notified by the correctional authorities whenever a career criminal defendant is set for a parole hearing. A prosecutor from the career criminal unit will again represent the State and thereby ensure the defendant's criminal history and the nature of the crime for which he was convicted and sentenced is brought to the full attention of the parole authorities. Many police departments that possess crime analysis units routinely obtain this type of information.

The Career Criminal Program focuses on the prosecutor, because of his pivotal role and large discretion to move forward or to dismiss a case at any stage of the process. However, cooperation of a jurisdiction's

entire criminal justice system is essential. The law enforcement agencies must provide accurate information on an individual's prior criminal record and quickly notify the prosecutor of the apprehension or arrest of a suspect who fits the previously announced career criminal selection criteria. If, after the prosecutor screens and evaluates the case, additional information is necessary, the arresting officer (with or without assistance from the prosecutor's investigators) attempts to strengthen the case with the aid of guidance and specific instructions from the prosecutor's office.

The availability of court time also is vital to expediting the career criminal cases. If the prosecutor does not control the court docket, arrangements must be made with the felony trial court to ensure that these cases are processed quickly. Introducing a system of priority case scheduling to handle these cases may be necessary, consistent with due process requirements. Greater expedition may also be required at the presentencing report preparation stage for the convicted career criminal. If the jurisdiction's rules allows, the prosecutor should take the initiative and, based on the convicted defendant's prior record, recommend the appropriate sentence.

The corrections component of a jurisdiction will ordinarily be impacted by this intensive prosecutorial effort since its prime purpose is removal of the serious offender from Society. In most jurisdictions, correctional facilities are already overcrowded. Therefore, it may be necessary to release already incarcerated minor offenders to make room

for these major offenders or to build new facilities. Unless adequately addressed, these problems can be unsurmountable, or selfdefeating. Alternatives to incarceration of minor offenders can be pursued by correctional authorities, and the prosecutor's office can examine the utility of implementing its own diversion or deferred prosecution efforts for minor offenders. These programs could be operated in tandem with the CCP to help offset the workload of non-career criminal cases (caused by the dedication of resources to the intensive case preparation and trial time required for career criminal cases) as well as to aid in avoiding the overcrowding of local correctional institutions. A fortunate byproduct may be an intervention in the development of criminal careers through diversion efforts.

The success of a CCP project will depend on the proper implementation of the project elements, as well as the requisite emphasis on the early identification of the career criminal and the rapidity of case preparation to ensure an immediate impact on the bail proceedings and subsequent prosecution. An almost equally important consideration is the careful interface required with the police and investigative functions to ensure adequate evidence collection and processing, effective and proper handling of victims and witnesses, and continuity in the investigative support required all the way through the sentencing process.

3.4 Cost of Implementation

The cost of implementing a CCP project in terms of organization commitments and financial resources depends on how the existing prosecutor's

office processes and structure compare with the CCP model presented in Figure 3-1. Key cost considerations are relative to the adequacy or existence of:

- Professional and support staff for assignment to screening processes (actual numbers should be based on the predicted intake caseloads).
- Investigators to support the continuing case preparation and information support required.
- Senior prosecutive assistants (and clerical support) for assignment to vertical prosecution functions.

The major cost considerations are labor-oriented, although some direct costs of transportation and victim/witness reimbursement are incurred. The most significant cost, other than labor, could come from the requirement for data processing and monitoring support (e.g., PROMIS and computerized criminal history runs).

4. COMPREHENSIVE CAREER CRIMINAL PROGRAM -- ICAP AND CCP INTERFACE

4.1 Definition and Scope

The objective of the Comprehensive Career Criminal Program is to coordinate and integrate, at the appropriate points, a jurisdiction's police and prosecutorial resources that are specifically focused on apprehending and convicting the habitual, serious offender -- the career criminal.

LEAA has developed, and is testing and demonstrating in selected jurisdictions specific, law enforcement and prosecutorial programs that, if integrated, hold the promise of substantially enhancing the apprehension and conviction rate for the career criminal.

Any program that supports the merging or integration of police and prosecutorial activities through a grant funding process, must recognize and be sensitive to the distinctly separate responsibilities assumed by a jurisdiction's law enforcement agencies and its prosecutor. No attempt should be made, albeit well intended or perhaps even inadvertent, that would programmatically require one of these agencies to take an initiative or act in an area that is clearly the responsibility of another agency, whether by law, court rule, or customary procedure. Nevertheless, the CCCP recognizes the need for, and encourages the highest degree of, interagency cooperation and combined efforts of police and prosecution in their respective activities that are directed towards the common target, the career criminal.

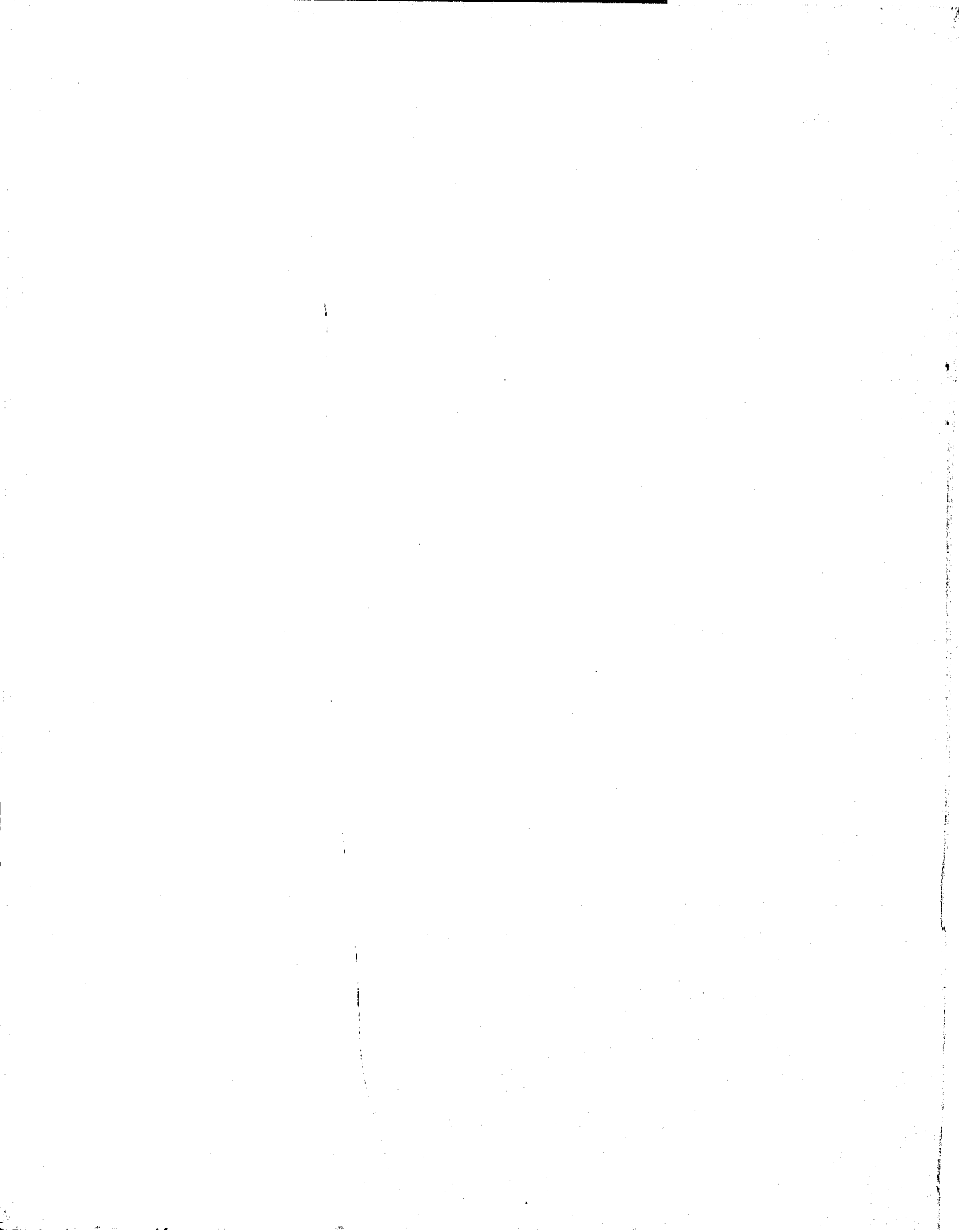
When properly implemented, the CCCP will facilitate law enforcement agencies' apprehension of the career criminal through enhanced crime

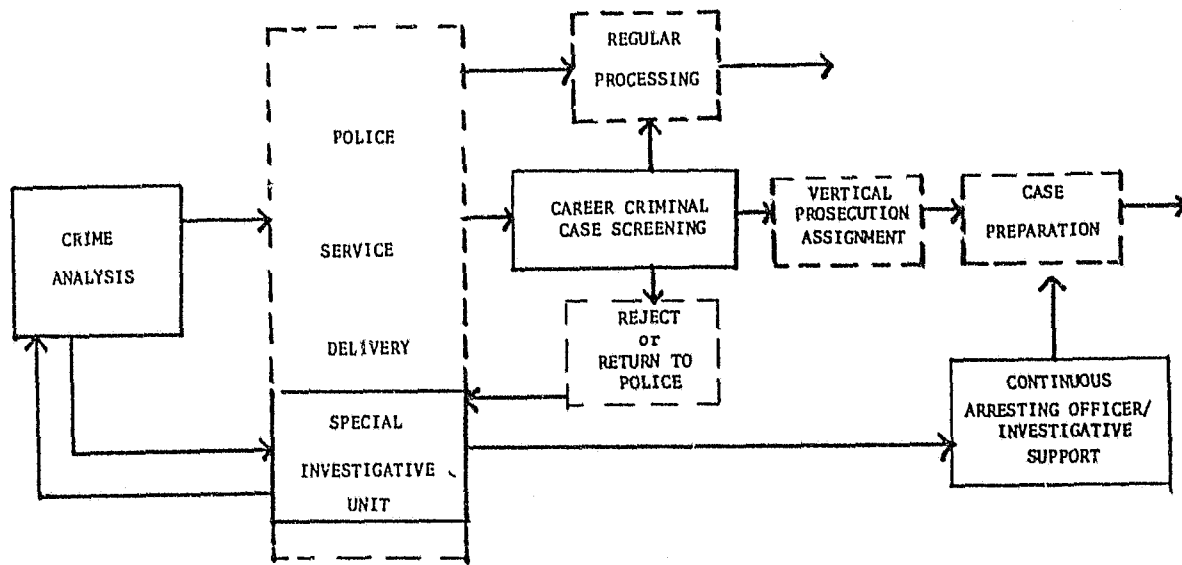
analysis and better managed investigations that provide timely and accurate information to the police patrol officers. Through increased training and emphasis, the identification and screening of evidence and witness(es) by police officers at a crime scene will be improved and, thereby, strengthen the case. As a result of this coordinated effort, the likelihood of convictions is also substantially increased. The prosecutor will screen felony cases to identify those that warrant the substantially enhanced prosecutorial effort. The full-time attention of an assigned assistant prosecutor will result not only in improved case preparation and presentation, but also in a strong emphasis on expediting the case at each stage of the adjudicatorial process. These combined and closely coordinated efforts will greatly increase a jurisdiction's success in dealing with and removing from Society its career criminals. Figure 4-1 presents the logic flow and components of a joint police/prosecutor CCCP effort.

4.2 Background and Problems Addressed

For the CCCP concept to become a working and demonstrable program requires that the criminal justice system use the resources at its disposal in a unified and concerted manner so as to increase the risks of criminal activity, particularly among career criminals. This is an especially difficult task because of the dichotomy of responsibilities and duties of the individual criminal justice system components.

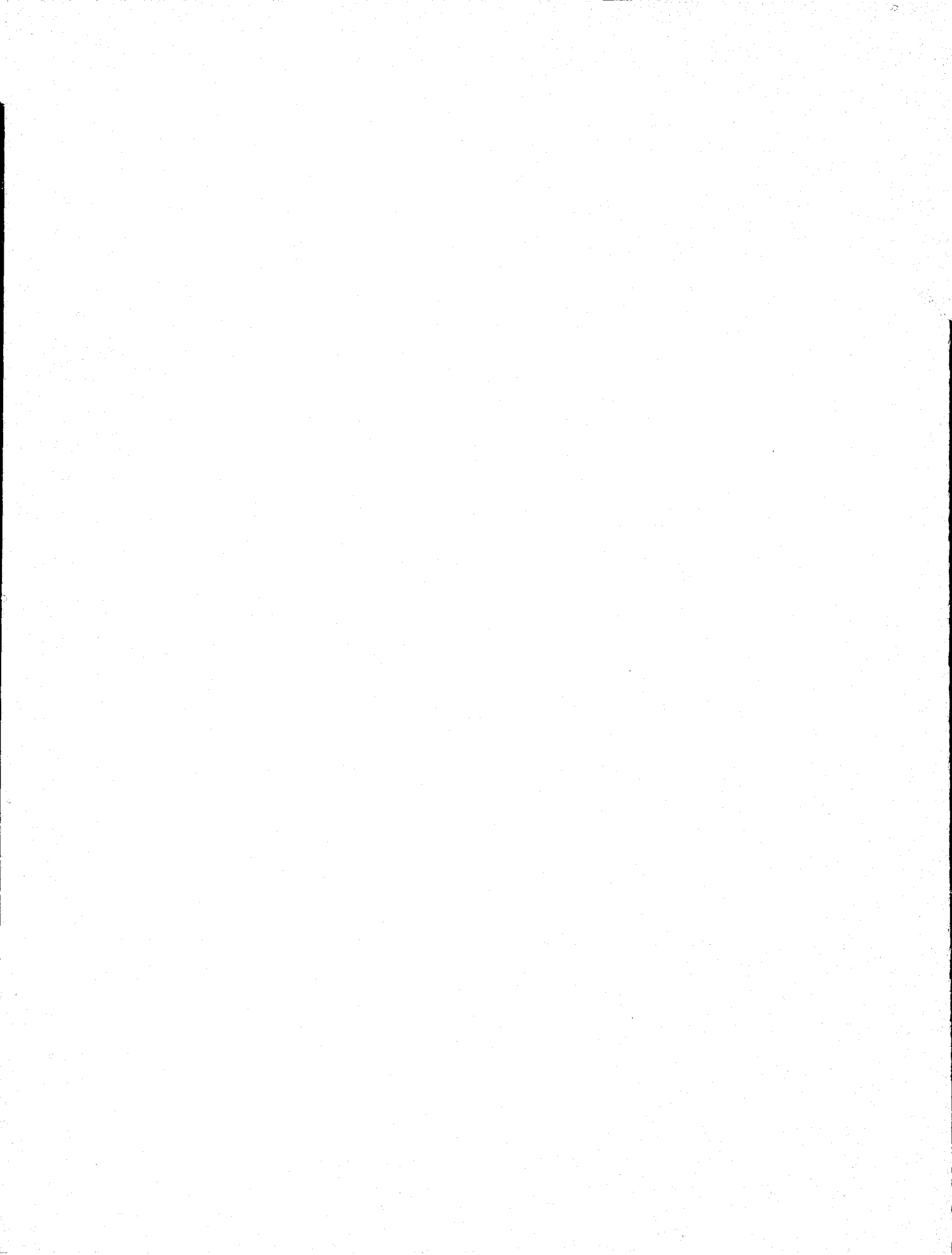
This dichotomy results, in part, from the unique environment in which the separate components operate and is aggravated by the introspective focus each must cast on the organizational hierarchies generic





- Crime analysis in place
- Special investigative unit
- Police policy regarding investigative commitment
- Case screening controlled by prosecutor
- Prosecutor policy to provide feedback and TA to police
- Screening based on jointly selected criteria
- Joint training of police and prosecutor assistants - target selection criteria, case development and processing
- Special attention to victim/witness handling

Figure 4-1. CCCP Logic Flow and Key Elements



to his organization. Although the existing prosecutorial Career Criminal Program (CCP) requires increased cooperation with police agencies, it does not provide a specific program format for this cooperation. Even in jurisdictions that have both CCP and ICAP, formal programmatic integration may not be present. It exists, if at all, on an ad hoc basis and is left to the good personal relationships existing between police officers and assistant trial prosecutors. This interface can be programmatically institutionalized, especially as it relates to a jurisdiction's resources that focus on the career criminal, to swing the odds favorably towards the criminal justice system.

Increased police and prosecutorial cooperation, perhaps even case team work, will result in not only increased apprehensions but, more importantly, increased convictions. Results of specific experience in nine jurisdictions, as reported in Curbing the Repeat Offender: A Strategy for Prosecutors*, show that more than half of all felony arrests are dropped prior to a conviction because evidence or witness strength is not sufficient to show guilt beyond a reasonable doubt. This research demonstrates that the strength of evidence and identification of key witness(es) by police officers is crucial to a felony conviction. From this, it can be assumed that a closer working relationship between the arresting officer and the trial prosecutor early in the process would result in increased convictions. In addition, each successful cooperative

*Institute for Law and Social Research, Washington, D.C., PROMIS Research Series, Doc. No. 3, 1977.

effort produces its "lessons learned" or reinforcements of productive procedures by achieving successful results.

4.3 CCCP Elements and Processes

Prior to implementing an integrated police/prosecutor career criminal program, each system component must examine its present policies, organization, and operations, together with their relationship to the requirements of each of the separate police and the prosecutorial projects. While the integration and coordination of these individual project efforts is the ultimate programmatic consideration, the implementation of each individual project should precede this integration of the combined project activities. The interagency reorganization and redirection of resources required in implementing and operating the individual police or prosecutor projects requires considerable time and supervisory effort. These efforts should be well underway prior to introducing the additional complication of interagency integration and coordination.

It is extremely important that one of the initial steps in the CCCP be the joint consideration and determination of the jurisdiction's criteria for selecting those suspects or defendants on which the combined project efforts will focus. These criteria are referred to as the program's threshold or selection criteria. A thorough analysis of the jurisdiction's existing crime statistics and data should provide the basis and indicate which crime problems and their perpetrators should be given priority. It is also important that the prosecutor present and discuss his policies concerning bargaining on pleas and/or sentences, as well as his prosecutorial discretion during any specific stage of a case

process with respect to reducing the charges or the nolle prosequi of a case. The determination of these criteria must also take into account the agencies' existing resources, plus any capabilities provided by the Federal grants, to accommodate the anticipated case load for the personnel assigned to this effort. Although it is recognized that all serious offenders should be given a full prosecutorial treatment, the success of this specific priority effort requires that a much reduced caseload be maintained for these projects.

After the selection criteria are jointly determined and announced, a period of training is necessary for all personnel assigned to this effort to instruct them on the basis for the determination and the application of the selection criteria to felony cases. This will ensure that a potential career criminal suspect or defendant coming to the attention of a police officer will not be unknowingly or unwittingly ignored. It is important that, during this training period, a thorough and detailed review of the specific case processing events that occur be provided for these selected cases.

The major elements of a CCCP program that must be addressed are:

1. Both the ICAP and CCP projects must be operational.
2. The Prosecutor should set career criminal criteria. These criteria must address the major crime problems of the jurisdiction.
3. A police crime analysis unit must be operational and be capable of supplying support to career criminal identifications.

4. A special investigative function must be created within the police department to provide an interface and support between crime analysis and the prosecution activities. The special investigative function must continue support to the prosecutor.
5. Case screening will be controlled by the prosecutor.
6. The police executive must promulgate a policy statement requiring close cooperation with the prosecutor regarding: Objective screening; continued availability of the arresting officer or investigative unit (as appropriate) throughout the prosecutive course of each case; joint case preparation and investigation; and assistance in providing offender information that would be useful in bail, sentencing, and parole hearings.
7. The prosecutor must promulgate a policy statement requiring effective feedback and advice to the police on case preparation and disposition, including suggestion for improvements (both written and oral).

8. The prosecutor must adapt a policy to provide technical assistance and guidance to the police investigations before cases are presented. This advice should come from a prosecutive assistant who is experienced in the local court system.
9. Joint training of prosecutor and police personnel should occur in the area of selection criteria, case development, and case processing.
10. Special attention must be given to victim/witness handling methods to ensure their continued cooperation and the quality of their input.
11. Prosecutors and police must make every effort to be available to make presentations at each stage of the process, particularly at bail hearings upon prosecution request.
12. Data collection and case tracking is mandatory. PROMIS systems are useful in this regard.

4.4 Cost of Implementation

There should not be additional costs of implementation beyond those of the initial ICAP and CCP projects. Some additional or redirected labor costs may be incurred to conduct joint training; to provide for additional

interactive support between the prosecutor and the police, resulting from the increased coordination of activities (e.g., prosecutor technical assistance and additional police investigative support); and to support some data collection and evaluative activities.