

TARGETING CAREER CRIMINALS: A DEVELOPING CRIMINAL JUSTICE STRATEGY

Joan Petersilia, Marvin Lavin

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Joan Petersilia
Marvin Lavin

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Criminal Justice Program
The Rand Corporation
Santa Monica, California 90406

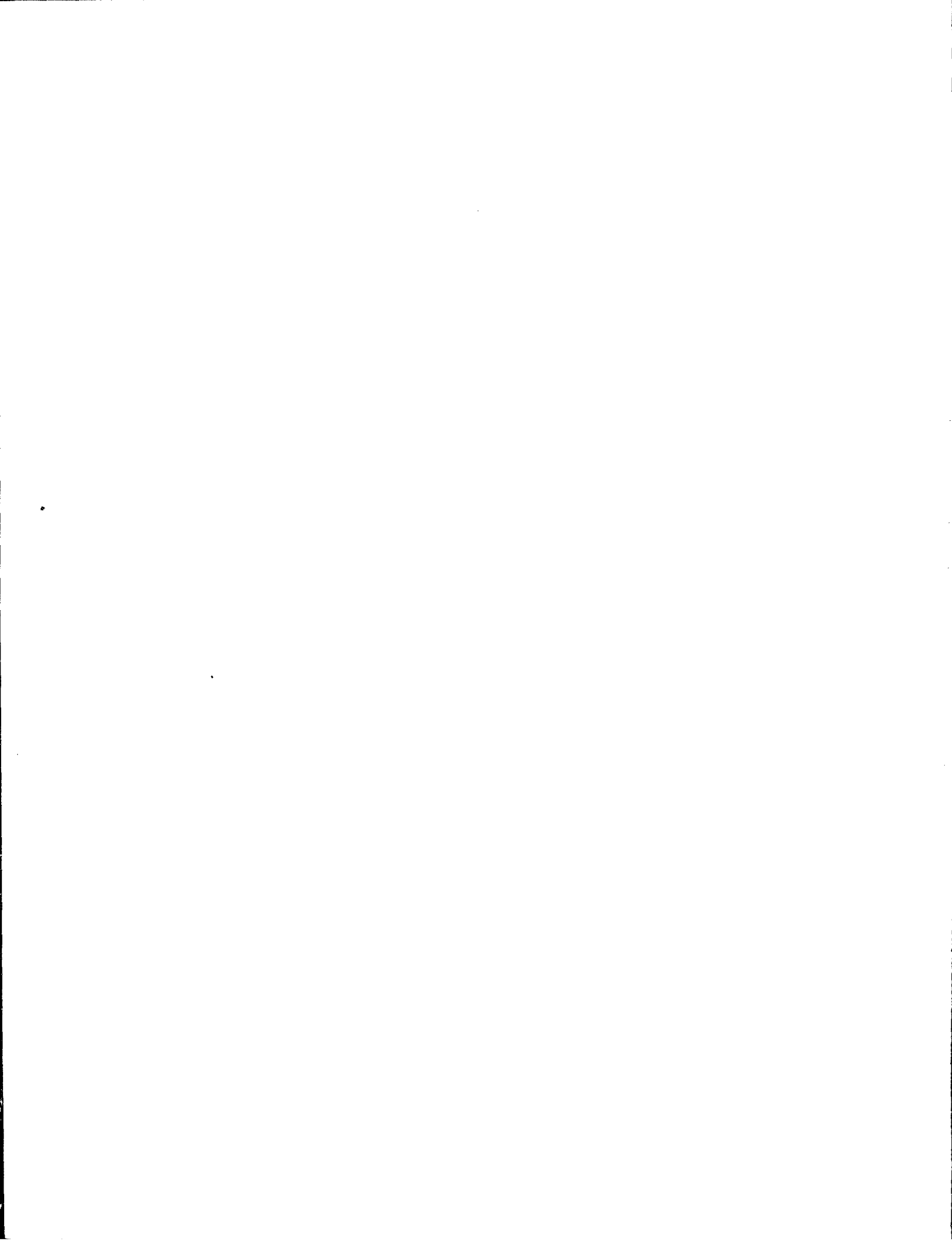
Joan Petersilia, a criminologist with the Rand Corporation for five years, has worked principally on studies involving the police and career criminals. She co-authored the books The Criminal Investigation Process and Criminal Careers of Habitual Felons, and is currently the director of an LEAA project entitled, "A systemwide Approach to the Career Criminal."

Marvin Lavin is a Rand staff consultant and a member of the California Bar. Mr. Lavin is the author of a number of publications including Indicators of Justice: Measuring the Performance of Prosecution, Defense and Court Agencies; Disposition of Felony Arrests: The Effect of Prior Record; and Criminal Careers of Habitual Felons.

PREFACE

This paper presents mainly a state-of-the-art survey of present and contemplated programs that target the career criminal for special criminal justice efforts. It devotes attention to issues of linking these programs into an integrated structure. The information reported here was collected through telephone interviews, mail surveys, site visits, program reports, and retrieval of data filed in individual jurisdictions. This work is a component of a broad Rand research program funded by the NILECJ, Law Enforcement Assistance Administration and concerned with the career criminal.

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Within the offender population are criminals who persist in serious crime despite efforts by the criminal justice system to deter, apprehend, incapacitate, and rehabilitate them. A change of strategy in dealing with these offenders, prompted by the Law Enforcement Assistance Administration, has appeared. It is embodied in a variety of career criminal programs already undertaken or being planned by criminal justice agencies. The term career criminal itself has come to denote an offender whose currently charged offense and criminal history are deemed sufficiently serious to justify his being targeted for special "nullification" efforts by the criminal justice system.¹

The need for career criminal programs has been underscored by a growing body of empirical evidence which indicates that:

- Recidivists, a minority of the offender population, are responsible for a disproportionate amount of the serious crime committed.²
- Recidivists sometimes avoid their just deserts after arrest as a result of, for example, delaying court proceedings (so that prosecution witnesses are lost, etc.); exploiting heavy court system caseloads to obtain lenient plea bargains; engaging in "judge shopping" to evade stringent sentencing, etc. Thus, the conviction and imprisonment of defendants with serious criminal records is far from certain.³

Frequently the recidivist's return to the streets and to a resumption of crime occurs so soon as to present a dismaying image of "revolving door" justice.

Some of these unsatisfactory outcomes result from inadequate resources or defective operations in the system; others, from a lack of clear policy direction. For example, some cases are dismissed or settled by a plea to a reduced charge because heavy workloads discourage the police from performing thorough follow-up investigations. Adequate trial preparation for all cases is usually precluded by excessive prosecutorial caseloads, so lenient plea settlements serve to relieve the caseload pressure and thereby to benefit some recidivist defendants. In some cases, serious convictions may be unattainable because of the loss of key witnesses (perhaps through poor handling) or by the absence or incompleteness of criminal records when needed in the proceedings. The sentence imposed is sometimes light because a judge perceives, despite the defendant's unfavorable criminal record, prospects of rehabilitation or because he is affected by indefensible prison conditions in the jurisdiction. And, of course, competent defense counsel

will seek to minimize the likelihood of conviction and stringent punishment at every opportunity the system provides.

CAREER CRIMINAL PROGRAMS: THEIR GENESIS

A national strategy toward remedying the criminal justice system's handling of recidivists took root in 1974 when LEAA began funding the Career Criminal Prosecution Program (CCP), which enabled prosecutors to devote special attention to defendants who had been charged with targeted crimes and/or who had serious criminal records. The initially supported jurisdictions, about 20 in number, formed special prosecution units designed to obtain for selected defendants a higher rate of conviction at a more serious charge level than would otherwise be realized by routine prosecution. By 1978 these specialized units had prosecuted over 7500 defendants. Data analyzed by the National Legal Data Center⁴ reveal that 83 percent of these prosecutions produced a conviction; and that 91 percent of those convicted received a prison sentence, the minimum term of which averaged 12 years. Recently, more than 30 additional special prosecutorial units have been formed as a result of LEAA block grants and of local funding. Also, state planning agencies have begun to make funds available for these purposes -- in California, for example.⁵

The growth of career criminal prosecution programs reflects a belief that crime rates can be reduced by the more certain and the longer imprisonment of career criminals and by the resultant deterrence of other offenders. Also reflected is a view that these special prosecution units will impel an increased respect for, and improved morale within, the criminal justice system.

General acceptance of LEAA's Career Criminal Prosecution Program has called into question whether or not other sectors of the criminal justice system are focusing enough attention on the career criminal, i.e., are their efforts appropriately complementing those of the prosecutors? Consider, for example, the dependence of the special prosecution units on police support.⁶ A unit's work is greatly facilitated by prompt notification by the police that an arrestee appears to meet career criminal prosecution criteria. Furthermore, the strength of the case against a career criminal hinges on the quality of police investigation, both initial and follow-up. Also, prosecutors generally rely on police channels to obtain local criminal history information, usually vital in career criminal cases. And beyond this support of the prosecutor, are the police devoting sufficient resources specifically to the apprehension of career criminals?

Similarly, are parole officers giving special attention to monitoring the activities of paroled career criminals and is their information being shared with other agencies? Does the corrections system give special handling to the imprisoned career criminal? And so on.

The Law Enforcement Assistance Administration is currently examining the notion of a comprehensive integrated career criminal program (CCCP) that would span the entire criminal justice system. It has sponsored a program of research by Rand on the desirability of this systemwide approach and its implications. Rand sought to:

- Describe present efforts in the police and the corrections/parole areas in dealing selectively with career criminals
- Ascertain the interactions occurring between career criminal prosecution units and other sectors of the criminal justice system
- Discern the potential linkages among existing or visualized career criminal programs in the police, prosecutor, and corrections/parole areas
- Clarify the justification for integrating all career criminal programs within a jurisdiction.

Rand's findings provide the substance for what follows.

CAREER CRIMINAL PROGRAMS: AN OVERVIEW OF THE STATE OF THE ART

It is useful to begin with an overview of the state of the art in career criminal programs systemwide. The authors' perception of the situation comes from a number of nationwide mail and telephone surveys, complemented by site visits and technical literature. The surveys covered nearly all jurisdictions with career criminal prosecution units; the police agencies in LEAA's Integrated Criminal Apprehension Program (ICAP) and Managing Criminal Investigations Program; directors of parole in most states; and correctional administrators in most states.

Concisely expressed, the state of career criminal programs is one of considerable imbalance among the sectors of the criminal justice system. In the prosecutorial area, long strides have been taken and are continuing. An ambitious beginning has been made in the police field, primarily within broader programs aimed at upgrading police operations. But only a few pioneering police departments have as yet made concrete achievements in dealing selectively with career criminals. In the corrections area and to a lesser extent in parole, there appear

to be pronounced crosscurrents of viewpoint as to whether or not a "hard-line" posture should be adopted toward any subset of the offender population and, in particular, toward career criminals, when the traditional approach has been to handle inmates as individuals. Corrections and parole agencies are somewhat reluctant to tailor their resources to offenders on the basis primarily of the seriousness of the latter's prior records. By contrast, police and prosecutorial agencies have tended always to distinguish offenders in these terms, so the transition to formal career criminal programs is more natural for them.

CAREER CRIMINAL PROGRAMS: THE PROSECUTION FUNCTION

The Career Criminal Program (CCP) by which LEAA funded roughly 20 career criminal prosecution units may be regarded as the cornerstone not only of a much larger prosecution program (which had grown to more than 50 units by 1978), but also of wider efforts against career criminals spanning other sectors of the criminal justice system. Although their evaluation is only now in progress,⁷ the CCP units are widely regarded as accomplishing their central objective, namely: to assure a high probability of conviction of selected offenders, speedily and at a level of seriousness that justifies a substantial term of imprisonment. The evaluation should show, however, whether there have been real improvements in prosecutorial performance, or whether the impressive output statistics are simply an artifact of the special selection of defendants.

Career criminal prosecutions may vary in detail among different jurisdictions but the major elements of the program are almost always as follows:⁸

- The CCP unit is a separate component of the prosecutor's office manned by full-time, relatively experienced attorneys who provide vertical case representation, that is, the responsibility for prosecuting a case remains with a single designated attorney throughout the criminal proceedings. The vertical representation begins once a defendant has been selected for career criminal prosecution.
- Objective criteria -- which reflect the seriousness of the present charges, the criminal record of the arrestee, and the evidentiary strength of the present case -- are established beforehand to govern the designation of an arrestee as a career criminal for the purposes of selective prosecution.
- Formal and systematic case screening is conducted promptly after arrest. Application of the selection criteria and assessment of the evidence

sufficiency are the main factors in triggering a career criminal prosecution, but prosecutorial discretion remains in the screening process.

- Charging policy is stringent. Prior convictions, multiple offenses, and enhancement factors are fully reflected in the accusatory pleadings so that the gravity of the defendant's prior and present criminal conduct is accurately depicted.
- Discovery policy in most cases permits full disclosure to the defense, which tends to shorten proceedings and to simplify plea negotiations.
- Plea-negotiation policy is stringent. Defendants are required either to plead to counts that adequately reflect their actual criminal conduct and that justify appropriate incarceration; or to stand trial.
- A readiness-for-trial posture is maintained, and priority case scheduling is arranged.

Each career criminal program, whether developed by police or prosecutor, contains a unique set of criteria to identify targeted offenders. Career criminal prosecutorial criteria vary, for example, in the degree to which they are offense-specific. Some focus on one broad offense type, e.g., robbery and robbery-related homicide in San Diego; or burglary and burglary-related offenses in Santa Barbara. Others are concerned with all felony types, e.g., in New Orleans or Memphis. The remainder concentrate on a selection of offense types important to their communities, e.g., robbery, attempted murder or serious assault, dwelling burglary, arson, kidnapping, rape or sodomy, and child abuse in Bronx County, New York.

Career criminal prosecutorial criteria also differ in the weights (if any) assigned to various aspects of the defendant's criminal history, his presently charged offenses, and the strength of the case against him. In a majority of jurisdictions, a felony arrestee will qualify if his presently charged offense is of a specified type and his criminal record reflects prior convictions of a specified number and type. These criteria are strictly applied in some jurisdictions; in others, they are merely guides to the prosecutor's discretion in selecting cases for special efforts. The choice of career criminal criteria is an important step in the planning process for a career criminal program. Disparities in this choice among different jurisdictions are appropriate because of differences in local needs and concerns. Furthermore, changes in the criteria over time in a particular jurisdiction may be an appropriate response to accumulated experience.

The planning process should take account of how the choice of career criminal criteria affects the demand on police, prosecutorial, and correctional resources. An overly encompassing definition may create an excessive resource demand and thus defeat the objective of special handling of career criminals; an overly stringent definition may severely limit the benefits of the program. Thus the planners should analyze the prior-record characteristics of the local offender population and assess the selectiveness of alternative career criminal criteria. By hypothetically applying alternative definitions of a career criminal, a jurisdiction can estimate what percentage of the arrestees would be designated as career criminals. It is apparent that the demand on resources would depend strongly on the choice of definition.

Prosecutor-Police Interaction

The CCP unit does not operate independently; in fact, interactions between this unit and the police are substantial. The prosecutor relies on police agencies for the apprehension of a career criminal; for prompt notice that an arrestee may meet career criminal selection criteria; for a preliminary investigation that will adequately support his being charged; for a follow-up investigation that will adequately support his being convicted, and so on.

Our surveys of police and prosecution agencies disclosed very marked differences from jurisdiction to jurisdiction in the pattern of interactions in career criminal cases. In some, the formal differences in police-prosecutor interactions between career criminal and other types of felony cases are scant. The police give the prosecutor's needs in career criminal cases more diligent attention, but without significant changes in organization or procedures. In other jurisdictions, career criminal cases are distinguished by a "prosecutors go to the police" interaction. There are a number of versions of this arrangement, but they typically involve on-call prosecutors responding to police notice of a felony arrest that may qualify for selective prosecution. The prosecutors become immediately involved in the case -- guiding and screening the collection of evidence, conducting or supervising interviews, etc. In still other jurisdictions, a "police come to the prosecutors" interaction marks career criminal cases. This typically takes the form of police being assigned to the prosecutor's staff, primarily to conduct follow-up investigations in career criminal cases and to otherwise assist in preparation for trial. Alternatively, there may be a unit of police investigators which is dedicated to the prosecutor's needs but does not join his staff. Finally, in some jurisdictions the prosecutor relies on his own non-police investigators

once the initial police investigation has been made and the arrestee has been selected for career criminal prosecution.

The appropriate choice of linkages between police and prosecutor depends on many local factors. One, for example, is the number of police agencies that the career criminal prosecution unit serves: this number ranges from a single agency in some jurisdictions to more than fifty in others. The sizes of the police agencies involved are an important consideration; so, too, is their historical relationship to the prosecutor. Thus, as our surveys confirm, there is no single way of organizing police-prosecutor interactions in career criminal cases that can be said to be preferred over the alternatives. But, whichever way is chosen, it appears important to include information feedback channels so that prosecutorial failures to convict can serve for the improvement of future police-prosecutor interactions.

Finally, our surveys suggest that where the prosecutor becomes dissatisfied with police support, he tends to rely increasingly upon his staff investigators. This situation seems less likely to develop where police investigators have been assigned to the prosecutor's staff.

Interactions Between The Prosecutor And The Corrections/Parole System

The linkages between career criminal prosecution units and the corrections/parole system are currently very limited. For example, in some jurisdictions the prosecutor sends a letter to the department of corrections to notify them that a specified offender was prosecuted and convicted as a career criminal. This notice often requests that the prosecutor be informed when this inmate is considered for release on parole so that the prosecutor may argue against early release. Beyond such contacts at the onset of a career criminal's prison terms and at his release, interactions between the prosecutor and the corrections and parole agencies are uncommon. One prominent exception is that of a Memphis, Tennessee parole unit established to supervise parolees with extensive criminal records and linked directly to a CCP unit, which prosecutes a parolee if he commits a crime and which also handles parole revocation matters arising from his conduct.

CAREER CRIMINAL PROGRAMS: POLICE ROLES

How may police respond to the belief that career criminals commit a disproportionate amount of crime; and to the special prosecutorial efforts being mounted

against these offenders? Our surveys of prosecutors and police officials identified three avenues along which the police might proceed, namely, strengthening their assistance to the prosecutor on his active career criminal cases; applying specific apprehension efforts against suspected career criminals; and upgrading investigation and crime analysis activities that are intended to identify additional career criminal cases.

Assistance To The Prosecutor

A career criminal prosecution is initiated with a determination that an arrestee meets the criteria for special prosecution. Generally, the sooner this determination is made, the better -- so that, for example, the prosecutor can be promptly involved in the evidence processing and witness preparation. Early identification of a career criminal case entails the timely notification by the police that a prospective career criminal has been arrested and the immediate availability of at least his local criminal history (followed without undue delay by a complete prior record). Although about one-third of the prosecutors surveyed indicated that their police agencies had taken steps to speed up notification, most felt the need for further improvement. Prosecutorial dissatisfaction with the delays and incompleteness in being furnished criminal histories was widespread.

Once a career criminal prosecution has been undertaken by the special unit, the case involves more thorough and rapid preparation for trial than other felony matters. Police support is important in both the initial and follow-up investigations. Many departments (especially under LEAA's Integrated Criminal Apprehension Program) are upgrading the initial investigation performed by the responding patrol unit. A number of departments have assigned personnel to serve directly under the prosecutor in order to facilitate the follow-up investigation needed to strengthen the case against a career criminal. Where such assignments are not made, a liaison officer may be designated, through whom the prosecutor may communicate his suggestions and criticisms about police support in career criminal cases. When such support remains inadequate, there is a tendency for the prosecutor to intensify the use of his own investigators.

Special Apprehension Efforts

A growing number of police departments employ special offender lists as a means of targeting their apprehension efforts against career criminals. A special

offender file may be physically a segment of a known offender file wherein career criminals are designated on the basis of the seriousness of their arrest record. The information on an individual in the file -- typically his personal characteristics, previous M.O.'s, and fingerprints -- is a basis for matching against the M.O., witness descriptions, and latent prints obtained in an unsolved crime and thereby for identifying possible suspects. Depending upon the size of the community, the length of time the file has been in use, the entry criteria and other factors, a file of this nature might number several thousand offenders.

A few departments have developed more elaborate career criminal files that also contain information generated by field stops and other updating intelligence sources. Such files are customarily limited to a few hundred or fewer offenders who appear to be currently active in crime and who have serious criminal records.

Some departments use career criminal files as a basis for focusing patrol and investigation efforts. Patrol units are given "mug books" containing some or all of the offenders in the file to aid them in questioning witnesses to crimes and in identifying a suspect for field-stop purposes. Occasionally surveillance may be mounted against someone in the file who is particularly suspect.

The most proactive use of a career criminal file occurs when patrol units make "scheduled" field stops of selected individuals within the file in order to monitor them and to develop information for use in future investigations.

Police departments differ considerably in their willingness to use proactive methods against suspected career criminals. Some see them as invasions of privacy; others view them as natural extensions of routine police work.

Improved Investigations And Crime Analyses

Strengthening the investigative and crime analysis capabilities of the police, even though not specifically concentrated on career criminals, can have the effect of raising arrest rates in general and thereby increasing the likelihood that a career criminal will be identified as responsible for a crime or a series of crimes. The police departments within the ICAP program, more than 30 in number, are undertaking a wide span of self-improvements, for example: in their arrest and offense reports so that vital information is recorded in a usable format; in training patrol officers to perform better preliminary investigations; in conducting crime analyses that facilitate the prediction of future crime locations, the identification of crime series, the generation of suspect lists, etc. The extent

of these improvement efforts is related to the size of the department, the resources available, and experience with computerized information systems.

The Impact Of Special Police Programs On Career Criminals

Police officials generally agree as to the types of activity that give promise of improving their performance against career criminals, but there is little hard evidence of what the resulting benefits might be. In short, while the choice of police techniques and approaches described above is based on at least limited experience in their use, careful evaluation of the choices has not been performed.

Most current activity in this area is occurring in the police agencies with ICAP grants. Most individual programs have specific components that bear on the career criminal problem. But progress is uneven because the participating agencies are highly diverse and many are at an early stage in implementing the planned measures. A thorough evaluation of the impact on career criminals from an across-the-board improvement in arrest rates is needed.

CAREER CRIMINAL PROGRAMS: THE CORRECTIONS CONTEXT

In this study Rand sought to ascertain current corrections policies and practices in handling career criminals and to assess future needs for selective programs. To this end we conducted telephone interviews with correctional administrators in 30 states and analyzed a large body of data collected by the Bureau of the Census (under the aegis of LEAA) concerning state prison inmates nationwide.⁹ As yet, the correctional response to specially prosecuted career criminals has been minimal, however. Few policies and little advanced thinking are directed to career criminal issues. This situation reflects the relatively insignificant intake of these offenders into prison populations, viz., only a few percent of the total intake since career criminal prosecutions began. Thus, to gain a perception of potential career criminal developments in the corrections context, it was necessary for us to tap information about similar offenders who had not been formally designated as career criminals, that is, about inmates regarded as "hard-core", "repeat", "long-term", or "habitual" offenders.

Correctional Decisionmaking About Career Criminals

One of the two major areas addressed by the telephone survey of prison administrators was correctional decisionmaking in handling the inmate, especially

the determinations of his custody rating and institutional placement, both at intake and as his term proceeds. We were particularly concerned with the role that criminal history plays in this decisionmaking, and how its influence interacts with age and institutional behavior.

According to the survey responses, criminal history carries more weight in the initial determination of custody rating and institutional placement than do the personal evaluation and testing performed at intake. A career criminal, whether or not formally labeled, is more likely to be given a higher custody rating and to be placed in a more secure institution than others at the time of prison entry. But as time passes, an inmate's prison conditions become considerably more governed by his behavior than by his criminal record. If career criminals could be distinguished by their institutional behavior, then prison administrators would more readily feel they deserved selective handling. But experience and studies provide no clear basis for concluding that career criminals are a distinguishable group in terms of institutional behavior. In particular, the effect of carrying a long sentence and of having had prior incarcerations is not predictable, although there are some indications that these two factors may imply better behavior (but there is contrary evidence, too).

The overwhelming consensus among the correctional administrators interviewed was that no special response in correctional decisionmaking is needed to deal with increasing numbers of specially prosecuted career criminals. Strong resistance was voiced to the notion of making correctional decisions on the basis of a prosecutorial career criminal label. These administrators favored individual inmate assessments as the foundation for decisions on all new inmates, including career criminals. And they believed that institutional behavior should take precedence over criminal record in later decisions.

Treatment Approaches For Career Criminals

The second major area covered by the correctional survey was treatment approaches for career criminal inmates. There are currently few, if any, selective correctional programs dealing with the career criminal. Indeed, whether or not such selective correctional programs are appropriate is a central issue. To gain insights about the possible justification for career criminal treatment programs in the future, we look to current correctional practices toward the inmates regarded as hard-core offenders (i.e., those who have had several prior felony convictions and one or more prior prison terms).

The administrators' responses, which are consistent with the results of our analysis of the Census survey data summarized below, indicate that hard-core inmates participate in treatment programs similarly to other inmates. The inmate's wish to participate is of dominant importance; age, prior record, current commitment offense, length of sentence, etc., are not controlling. Where differential treatment occurs, it is for the most part related to time remaining to be served. Programs relevant to street survival are available toward the end of inmate sentences; hard-core inmates, when allowed admittance, gain entry closer to their release dates and for shorter periods of time than other inmates.

Correctional administrators recognize that specially prosecuted career criminals might warrant some selective handling while in prison -- for example, intake procedures could possibly be shorter; the responsible prosecutor should be notified of parole hearings; wider notification of law enforcement agencies should be made at release, etc. -- but they are uniformly opposed to developing special treatment programs for this class of convicted offenders, or to denying them access to programs because of their criminal history. This attitude rests in part on the belief that inmates should not be treated differently because they originate from a local jurisdiction that has a special prosecution unit and other similar inmates originate from communities without such a prosecution program. Nevertheless, the correctional administrators interviewed conceded that specially prosecuted career criminals are a novel concept to them. When they learn more about the characteristics of these offenders, their treatment needs, how they affect the prison population and the prison management, etc., their opposition to special treatment programs may soften.

The Census Survey Of State Prison Inmates

In 1974 the U.S. Bureau of the Census interviewed a scientific sample of about 10,000 inmates drawn from the estimated 190,000 inmates in state correctional facilities throughout the nation. The data gathered in this survey enable us to address the question of whether those inmates who resembled career criminals participated in treatment programs differently from other inmates. For this purpose we devised a representative definition of a career criminal as follows: his most serious commitment offense was aggravated assault, robbery, a sex crime, kidnapping, or homicide; and he had served more than one significant prior incarceration. About one-third of the sample of 10,000 inmates had these characteristics. The remainder of the sample were classified as moderate criminals (either a very

serious commitment offense or a very serious prior record, but not both) or minor criminals (all others). The later two classes also constituted about one-third each of the sample.

We inferred an inmate's needs for treatment in alcohol, drugs, employment, and education programs from his responses to certain questions asked in the Census interviews. In particular, an inmate who had been drinking heavily at the time of his commitment offense was deemed to need alcohol treatment; those who had ever used heroin on a daily basis, to need drug treatment; those who were unemployed at the time of their commitment offense, to need employment training; and those with less than a high school education, to need further education.

Our analysis showed that there were few significant differences among the three offender classes described above, in the percentages who needed treatment in the four specified areas. Career criminals more frequently needed alcohol treatment and educational programs than did minor criminals (40 and 38 percent for the former compared with 25 and 29 percent for the latter), but other comparisons revealed differences of five percent or less. Moreover, the percentage of those needing treatment who were actually participating in the relevant programs turned out as follows:

Percent Participating Among Inmates Needing Treatment In

<u>Prior Record</u>	<u>Alcohol</u>	<u>Drugs</u>	<u>Employment</u>	<u>Education</u>
Minor	16	19	23	24
Moderate	21	19	24	22
Career	19	19	28	24

Overall, 22 percent of inmates in need of a particular treatment actually receive such treatment. These and others of our results do not suggest that there is discriminatory participation in treatment programs that is related to career criminal characteristics.

In sum, the findings of both the analyses of the Census survey data and the interviews of the correctional administrators underscore that selective treatment of career criminals in the future corrections context would be a radical shift from current policies and practices. It appears that considerably more research

on career criminals is necessary before correctional changes might be justified.

CAREER CRIMINAL PROGRAMS: PAROLE SUPERVISION

Our nationwide survey of officials responsible for parole supervision disclosed that a number of parole agencies have begun to implement programs aimed at the selective handling of career criminals (without necessarily designating the subjects by that term). For the most part, these parole supervision developments are not related to the prosecution programs. Instead, their impetus comes from a greater awareness by parole officials that serious offenders comprise a growing proportion of the parolee population. This situation is consistent with the evidence that the proportion of inmates incarcerated for violent offenses has been increasing and that the latter inmates tend to be young and to have drug and gang involvements. We were told that parole agents oftentimes become fearful of the persons they supervise; so much so that some admit to skipping field visits out of concern that they may observe a situation that might cause the parolee to harm the agent. Furthermore, there is little evidence that parole agents are able to forestall a resumption of criminal activities by the serious-offender parolees, either by providing services or by maintaining the current levels of supervision. For such reasons some parole officials have concluded that career criminals require unique methods and degrees of parole intervention and control.

The parole system has always had a dual responsibility of providing both services and supervision. There is a growing concern among a number of parole departments about improving their supervision/surveillance operations. This concern stems from agents' frustration about what they perceive to be a negative concern about their safety; and from the lack of evidence that the services function has been effective in forestalling a return to crime. The changes being considered range from equipping parole agents with guns to enhance their protection on the one hand, to using a high-control approach that significantly intensifies the level of investigation and supervision of parolees on the other hand.

Specifically, our survey revealed a number of approaches to the supervision and surveillance of career criminals on parole. All constitute substantial departures from the traditional practice of having the casework for a specific parolee performed by a single parole agent within a particular parole office. They vary in the degree of emphasis given to the discovery of criminal activity by parolees and to the subsequent investigation that justifies their removal from

the community. Some involve cooperative arrangements among criminal justice agencies, even to the point of forming an inter-agency team. And all are characterized by an intensified level of supervision, in some instances provided by agents who specialize in this function.

At the same time that our survey showed a receptiveness among some parole units to treating high-risk parolees selectively by more supervision, surveillance, and investigation, it also revealed a concern among parole officials that an undue emphasis on parole supervision, even though limited to high-risk parolees, might produce a regrettable downgrading of the parole services function. This concern tends to generate resistance to the changes described above.

Our study suggests that the parole system appears to be an appropriate context for advancing the concept of a systemwide approach to dealing with career criminals. Its officials seem sensitive to the dangers posed by these offenders and to the need for tailoring its functions to them. Effective parole supervision of career criminals entails close coordination with other agencies in the system, particularly in the exchange of information about specific offenders. By the same token, if various agencies in a jurisdiction were each pursuing offense-specific career criminal programs but with mismatches of offense types, all would be hindered.

CONCLUDING REMARKS

Our surveys indicate that efforts against career criminals are both broadening and intensifying in the criminal justice system, but somewhat unevenly. The belief reflected by these programs is that by targeting on and incapacitating the serious high-rate offender, the system can perceptibly reduce crime. The Law Enforcement Assistance Administration has had a central role in implementing the new strategy. Our study has sought to draw information together that will clarify the need for LEAA to seed further developments and, in particular, to facilitate the linking together of career criminal programs. In this paper we have noted various issues that appear to shape and limit activities aimed at career criminals by the various sectors of the system. For example, within police agencies there is a pivotal question of how proactive they should be against known career criminals on the streets; in prosecutors' offices there is the dilemma of balancing the breadth of the career criminal definition against the resources available for special prosecutions; in corrections systems there is the crucial matter of whether criminal history can be given precedence over institutional behavior in making determinations of how inmates are handled; and so on. We further noted

current inadequacies in the exchange of information about career criminals even among agencies within the same jurisdiction. And we emphasized the difficulties that arise in linking together programs that are differently crime-specific.

In concluding this paper, we shall not reiterate these aspects of the criminal justice state-of-the-art in dealing with career criminals, but instead focus on a pervasive issue which emerges from Rand's studies as the question that governs the potential effectiveness of overall efforts against career criminals. This issue is the capability of the system to make a timely (i.e., early in their careers) and reliable identification of serious high-rate offenders.

How can this type of offender be recognized once he has been apprehended for a criminal act? The seriousness of his official adult criminal record might sometimes suffice, but often it is only a weak indicator: arrests and convictions are likely to occur in but a small proportion of the crimes committed. Furthermore arrest and conviction rates tend to be age-dependent. It is entirely possible that by the time a persistent criminal accumulates a record that is serious enough to make him an obvious candidate for career criminal handling, he is on a sharp downswing in his criminal activity. We have learned that offenders past (say) the age of 30 years do not experience many arrests. Does this fact mean that their criminal activities have actually declined or that they have become more skillful in avoiding arrests?

Rand's findings -- which are consistent with those of others, e.g., Collins¹⁰ and Boland and Wilson,¹¹ indicate that, among those who pursue a continuing career of crime, the onset of serious criminality occurs at approximately 14 years of age. Criminality then peaks in the early 20's, tends to decline until the early 30's, and finally drops sharply in a "maturing out" process. It has been observed that the age group of 14 to 21 years is characterized by a rate of 20 to 40 serious crimes per year; of 22 to 25 years, about 12 serious crimes per year; and of 26 to 30 years, about 7. Although there are differences among offense types in this dependence between age and commission rate, an early peak followed by a steady decline is typical.

Rand's research also indicates that while offense rates decline with the age of the offender, his arrest, conviction, and incarceration rates tend to increase. The rise in arrest rates with age implies that criminal experience may not be instrumental in the avoidance of arrest; nevertheless, arrest rates are hardly high at any age. The increase with age of conviction and incarceration rates

testifies that the criminal justice system is less inclined to offer alternatives to traditional criminal prosecution when the offender has already demonstrated his inability or unwillingness to modify his criminal behavior.

These results are consistent with our conjecture above that by the time an offender has accumulated several adult arrests and convictions, he may be past his peak period of criminality. Isolating this mature career criminal from the community (even for longer periods than was formerly the case) may produce a disappointingly slight impact on the community crime level. Yet it would be costly, unfair, and unreasonable to indiscriminately toughen criminal justice policies against all young felony arrestees because some lacked tell-tale adult records. What then are the avenues toward a more reliable identification of the serious, high-rate young adult offender?

Clearly, the system ought to know much more about the characteristics that, taken together, distinguish these young adult felony arrestees. Rand's studies have sought to bring these characteristics to light. Our data (presently limited to California offenders while geographically broader studies are pending) suggest that high-rate offenders as a class are markedly inclined to:

- Have committed serious crimes by the age of 14 years or younger
- Be heavily involved with drugs or with drugs and alcohol in combination
- Be motivated by "high times" and "excitement" more than by economic need and temper factors
- Injure a crime victim
- Operate over an area larger than a single neighborhood or city
- Be socially unstable (i.e., work less than half-time, change residence more than twice a year, remain unmarried)

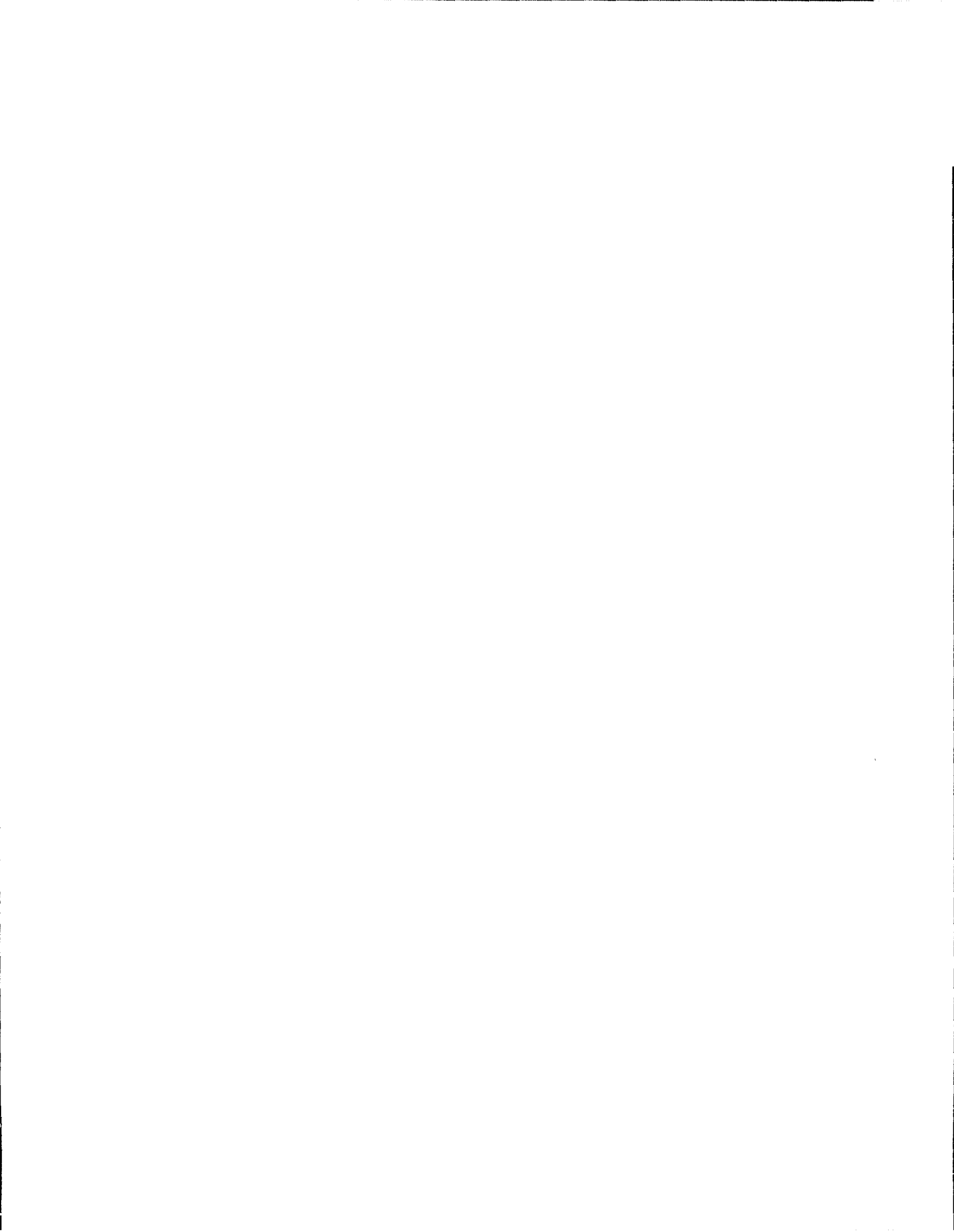
More specifically, Rand's research points to the juvenile record of a serious young adult offender as the most reliable indicator that he is engaged in a high rate of criminal activity at the time of arrest. Unfortunately, the availability of complete juvenile records for adult criminal justice purposes is currently problematical: police, prosecutors, and judges are sometimes obstructed by a lack of juvenile records when needed, especially when information for another jurisdiction is involved. We believe that better use of juvenile records, for hard-core adult offenders only, is the crux of making timely identification of high-rate offenders, who commonly are young adults who have not built up a significant adult criminal record.¹² In this way the criminal

justice system may be able to overcome a serious shortcoming in dealing with the high-rate offender, namely a mismatch of crime and punishment, for the lowest imprisonment rate appears to occur at the time of peak criminality. If career criminal programs succeed only in bringing about the more lengthy imprisonment of the mature offender with an established adult criminal record, they are not likely to produce the effects on crime rates potentially realizable.

FOOTNOTES

1. For simplicity, we avoid the use of the terms major violator, major offender, hard-core offender, etc., which are sometimes used in place of the term career criminal.
2. See "Curbing the Repeat Offender: A Strategy for Prosecutors", Institute for Law and Social Research, Washington, D.C., 1975.
3. Rand analysis of an extensive file of 1973 California police and court data disclosed that 22 percent of the robbery arrestees with a prior prison record were convicted and sentenced to a new prison term; the corresponding result for burglary arrestees with a prior prison record was 7 percent.
4. The National Legal Data Center (Thousand Oaks, California), an LEAA grantee, is responsible for the collection and examination of operational data from CCP units.
5. Recently enacted is the Deukmejian Bill (SB 370) which appropriates \$6 millions to provide for the formation of additional career criminal prosecution units in California over the next three years.
6. Detailed descriptions of the operation of career criminal prosecution units are given in Major Offense Bureau, Bronx County District Attorney's Office, New York, An Exemplary Project, Office of Technology Transfer, NILECJ, LEAA, U.S. Dept. of Justice, November 1976; Evaluation of the Suffolk County Major Violators Project, The New England Bureau for Criminal Justice Services, May 1977; and publications of the MITRE Corporation to be cited below.
7. The national-level evaluation is being conducted by the MITRE Corporation by means of in-depth case studies of four career criminal prosecution programs, namely: Orleans Parish, Louisiana; San Diego County, California; Franklin County, Ohio; and Kalamazoo County, Michigan. The first stage of the evaluation has been published in a series of five reports. The summary report is: J.S. Dahmann and J.L. Lacy, Criminal Prosecution in Four Jurisdictions: Departures from Routine Processing in the Career Criminal Program, METREK/MITRE, MITRE Technical Report 7550, June 1977.
8. Detailed and comprehensive descriptions of the operation of career criminal prosecution units are given in *Major Offense Bureau, Bronx County District Attorney's Office, New York, An Exemplary Project*, Office of Technology Transfer, NILECJ, LEAA, U.S. Department of Justice, November 1976; *Evaluation of the Suffolk County Major Violators Project*, The New England Bureau for Criminal Justice Services, May 1977; and the earlier-cited publications of the MITRE Corporation.

9. See National Criminal Justice Information and Statistics Service, Survey of Inmates of State Correctional Facilities - 1974 Advance Report, National Prisoner Statistics Special Report No. SD-NPS-SR-2, U.S. Dept. of Justice, March 1976; see also K. Brimmer and L. Williams, A Methodological Study: Survey of Inmates of State Correctional Facilities, U.S. Bureau of the Census, Draft, November 1975.
10. J. Collins, "Offender Careers and Restraint: Probabilities and Policy Implications," LEAA Project Report, January 1977.
11. B. Boland and J.Q. Wilson, "Age, Crime, and Punishment," The Public Interest, Spring 1978.
12. To illustrate the need to distinguish among adult "first offenders," an analysis performed by Rand of arrest data from Denver, Colorado showed that 45 percent of these adult arrestees had no prior adult record. But when juvenile records were examined, approximately one-quarter of the first offenders were found to have serious juvenile records involving five or more felony arrests. See J. Petersilia and P.W. Greenwood, Mandatory Prison Sentences: Their Projected Effects on Crime and Prison Populations, The Rand Corporation, P-6014, 1978



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