

**FEDERAL ASSISTANCE TO STATE AND  
LOCAL CRIMINAL JUSTICE AGENCIES**

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**HEARINGS**  
BEFORE THE  
**SUBCOMMITTEE ON**  
**CRIMINAL LAWS AND PROCEDURES**  
OF THE  
**COMMITTEE ON THE JUDICIARY**  
**UNITED STATES SENATE**  
NINETY-FIFTH CONGRESS  
SECOND SESSION

ON  
**S. 28 and S. 3216**

**PART II**  
**CAREER CRIMINALS**

SEPTEMBER 27, 1978

for the use of the Committee on the Judiciary



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(II)

CONTENTS

	Page
Hearings held on:	
Part I.—Restructuring the Law Enforcement Assistance Administration August 16, 1978	
August 23, 1978	
Part II.—Career Criminals	
September 27, 1978-----	1
Text of:	
S. 28-----	90
S. 3216-----	107
Statement of:	
Grimes, J. Robert, Assistant Administrator, Law Enforcement Assistance Administration-----	71
Haas, Harl, district attorney for Multnomah County, Portland, Oreg. Hamilton, William A., president, Institute for Law and Social Research-----	54
Kelley, James F., prosecuting attorney, Marion, Ind-----	20
Pattison, Hon. Edward W., a U.S. Representative from the 29th District of New York-----	63
Silbert, Earl J., U.S. Attorney for the District of Columbia-----	4
Sonner, Andrew L., State's attorney, Montgomery County, Rockville, Md-----	29
Vance, Carol S., district attorney, Harris County, Houston, Tex-----	62
Work, Charles R., attorney, Washington, D.C-----	44
Statement submitted for the record by--	
Armstrong, David L., Commonwealth's attorney, letter of October 20, 1977, with transmittal letter from Senator Mathias-----	7
Bentsen, Hon. Lloyd, a U.S. Senator from the State of Texas-----	123
Knox, Neal, executive director, Institute for Legislative Action, National Rifle Association of America, on S. 3216-----	87
Mathias, Hon. Charles McC., Jr., a U.S. Senator from the State of Maryland-----	115
Exhibits:	
Career criminal program in Maryland-----	78
"Career Criminal Prosecution: An Idea Whose Time has Come," Joan Petersilia-----	80
Charts of certain defendants compiled by the U.S. Attorney's Office for the District of Columbia-----	163 72612
"Criminal Careers of Habitual Felons," National Institute of Law Enforcement and Criminal Justice, LEAA, Department of Justice-----	38
Legal background materials for the career criminal program-----	244
"Mandatory Prison Sentences: Their Projected Effects on Crime and Prison Populations," Joan Petersilia and Peter W. Greenwood-----	425 72613
"(The) Prison Experience of Career Criminals: Current Practice and Future Consideration," Paul Honig-----	217
"(The) Rand Habitual Offender Project: A Summary of Research Findings to Date," March 1978-----	187

(III)

72610

APPENDIX

95TH CONGRESS  
1ST SESSION

S. 28

IN THE SENATE OF THE UNITED STATES

JANUARY 10, 1977

Mr. MATTHIAS introduced the following bill; which was read twice and referred to the Committee on the Judiciary

**A BILL**

To provide for financial assistance to improve the capabilities of units of local government to deal with career criminals, to establish the Office of Repeat Offenders Prosecution Projects within the Law Enforcement Assistance Administration, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be called the Repeat Offenders Prosecu-
- 4 tion and Prison Improvement Act.



is 66% of what it was in 1974. We have seen a Houston conviction rate of over 90%. Recent statistics from San Antonio demonstrate a reduction in the robbery rate of 17% and a burglary reduction of 19%. I believe that these figures demonstrate the kind of success that has made this program so popular.

Mr. Chairman, we are seeing the emergence of a new realism regarding crime control in this country.

This new realism recognizes that we must imprison the dangerous as we provide jobs for the unemployed.

It recognizes that we must use our limited resources where they are most needed: against the chronic, violent, criminal.

The new realism understands the need for sentencing alternatives for non-violent offenders. There must be something between unconditional amnesty and prison. Restitution, public service sentencing, increased fines, and part-time deprivation of liberty during leisure hours are possible options for the non-violent.

We must also recognize the futility and inadequacy of prisons that only serve to reinforce criminal behavior. As we consider sentencing reform and career criminals prosecution we must assess the impact on our prisons. Governors Lee and Dalton made this point and I fully agree.

The new realism recognizes that any system that cannot cope with the chronic criminal is indeed an inducement to professional crime. A system that allows the violent to spin their way through revolving door justice is senseless and unfair to society.

The career criminals program should be a centerpiece of this new realism, a concentrated attack on the chronically violent, a method of imprisoning the dangerous and making deterrence a factor in the criminal law.

This idea is supported by prosecutors and public officials, and it is supported by the American people.

Let us learn from and build on our successes, and the criminals will pay the price, while society benefits.

I welcome these hearings and the interest you have shown, and I look forward to joining with you in this important effort in the years ahead.

Senator BIDEN. That being taken care of, the hearing is now adjourned.

[Whereupon, at 2:20 p.m., the subcommittee was adjourned.]

1 TITLE I—FINANCIAL ASSISTANCE FOR CAREER

2 CRIMINAL PROSECUTION PROGRAMS

3 PART A—FINDINGS; PURPOSE AND DEFINITIONS

4 STATEMENT OF FINDINGS AND DECLARATION OF

5 PURPOSE

6 SEC. 101. (a) The Congress finds that—

7 (1) criminal recidivists account for a significant  
8 proportion of the individuals arrested for serious crime  
9 in the United States;

10 (2) large numbers of criminal recidivists escape  
11 identification as criminal repeaters and use their famil-  
12 iarity with the criminal justice system to avoid prosecu-  
13 tion and punishment;

14 (3) increasing the number and speed of convictions  
15 of career criminals would have a significant impact on  
16 the level and frequency of serious crime in the United  
17 States; and

18 (4) increasing the research efforts relating to the  
19 amount of crime committed by criminal recidivists is of  
20 prime importance to adequate planning for the criminal  
21 justice system.

22 (b) The Congress declares that it is the policy of the  
23 United States to assist units of general local government  
24 having populations of at least two hundred and fifty thou-  
25 sand individuals by way of grants and technical assistance to

1 improve the capacity of such units of general local govern-  
2 ment to deal with career criminal offenders.

3 DEFINITIONS

4 SEC. 102: As used in this title—

5 (1) "Administrator" means the Administrator of  
6 the Law Enforcement Assistance Administration;

7 (2) "Director" means the Director of the Office of  
8 Repeat Offenders Prosecution Projects;

9 (3) "Office" means the Office of Repeat Offenders  
10 Prosecution Projects established within the Law En-  
11 forcement Assistance Administration; and

12 (4) "eligible units of general local government"  
13 means any such units of general local government defined  
14 in section 601 of the Omnibus Crime Control and Safe  
15 Streets Act of 1968 having a population of two hundred  
16 and fifty thousand or more individuals on the basis of  
17 the most satisfactory current data available to the  
18 Administrator.

19 PART B—REPEAT OFFENDERS PROSECUTION GRANTS

20 FINANCIAL ASSISTANCE AUTHORIZED

21 SEC. 111. The Administrator is authorized to make  
22 grants to eligible units of general local government and to  
23 provide technical assistance to such units of general local  
24 government to assist such units in establishing and operating

1 programs designed to identify and expedite the prosecution  
2 and conviction of career criminal offenders.

3 APPLICATION

4 SEC. 112. (a) A grant may be made under this title  
5 only pursuant to an application submitted to the Admin-  
6 istrator at such time, in such manner, and containing or ac-  
7 companied by such information as the Administrator deems  
8 reasonably necessary. Each such application shall—

9 (1) designate or establish a local agency or office  
10 to implement and administer the repeat offender prose-  
11 cution program for which assistance is sought;

12 (2) set forth the rate of crime in the area served by  
13 the eligible unit of local government including the num-  
14 ber of repeat offenders and a detailed description of the  
15 existing components of the criminal justice system of the  
16 eligible unit of general local government, including but  
17 not limited to, police agencies, prosecutors, courts, cor-  
18 rectional agencies and public defenders, and how each  
19 of the components so described will be utilized, altered,  
20 or reformed to implement the repeat offender prosecution  
21 program for which assistance is sought under this title;

22 (3) contain satisfactory assurances of the actual and  
23 continuing cooperation of all the components of the  
24 criminal justice system of the eligible unit of general local

1 government in such a repeat offender prosecution pro-  
 2 gram;  
 3 (4) set forth criteria to be used in the selection of  
 4 career criminal offenders to be prosecuted under such  
 5 repeat offender prosecution programs;  
 6 (5) provide for the collection of information neces-  
 7 sary to identify career recidivists to classify such career  
 8 recidivists, as career criminal offenders, and to follow the  
 9 cases of such criminal offenders through the criminal  
 10 justice system of such eligible unit of general local gov-  
 11 ernment subject to the provisions of section 524 (b) of  
 12 the Omnibus Crime Control and Safe Streets Act of  
 13 1968;  
 14 (6) provide for the collection and submission of  
 15 such information as the Director may reasonably require;  
 16 (7) provide for procedures to protect the rights and  
 17 privacy of accused individuals and to assure that the  
 18 information collected regarding such individuals will be  
 19 used only for law enforcement and criminal justice pur-  
 20 poses in accordance with the provisions of section 524  
 21 (b) of the Omnibus Crime Control and Safe Streets  
 22 Act of 1968;  
 23 (8) set forth a description of the anticipated im-  
 24 pact of the repeat offender prosecution program assisted

1 under this title on detention facilities and a description  
 2 of actions to be taken by the eligible units of general  
 3 local government to address the problems raised by such  
 4 anticipated impact;  
 5 (9) provide an itemized estimated cost for the  
 6 implementation and operation of the repeat offender  
 7 prosecution program for which assistance is sought under  
 8 this title;  
 9 (10) provide for continuing coordination between  
 10 the repeat offender prosecution program assisted under  
 11 this title and related law enforcement activities assisted  
 12 under title I of the Omnibus Crime Control and Safe  
 13 Streets Act of 1968;  
 14 (11) set forth policies and procedures which assure  
 15 that Federal funds made available under this title for  
 16 any fiscal year will be so used to supplement and, to  
 17 the extent practical, increase the level of funds that  
 18 would, in the absence of such Federal funds, be made  
 19 available by the eligible unit of general local govern-  
 20 ment for the purposes described in the application, and  
 21 in no case supplant such funds; and  
 22 (12) provide for such fiscal control and fund ac-  
 23 counting procedures as may be necessary to assure the  
 24 proper disbursement of and accounting for Federal funds

1 paid to the eligible unit of general local government  
2 under this title.

3 (b) An application by an eligible unit of general local  
4 government for financial assistance under this title may be  
5 approved by the Administrator only if it meets the require-  
6 ments set forth in subsection (a) of this section.

7 (c) Amendments of applications shall, except as the  
8 Administrator may otherwise provide, be subject to the  
9 approval in the same manner as original applications.

#### 10 TECHNICAL ASSISTANCE

11 SEC. 113. The Administrator is authorized to undertake  
12 such activities as he determines are necessary to provide  
13 either directly or by way of grants, contracts, or other  
14 arrangements, technical assistance to eligible units of general  
15 local government in planning, developing, and administering  
16 repeat offender prosecution programs for which assistance is  
17 provided under this title.

#### 18 LIMITATIONS ON PAYMENTS

19 SEC. 114. (a) No payment may be made under this  
20 title to any single eligible unit of general local government  
21 in any fiscal year in an amount less than \$100,000.

22 (b) No payment for any fiscal year under this title to  
23 the eligible units of general local government in a single  
24 State shall exceed 12½ per centum of the aggregate pay-

1 ments to all eligible units of general local government in  
2 that year under this title.

#### 3 PAYMENTS

4 SEC. 115. (a) The Administrator shall pay in any fiscal  
5 year to each eligible unit of general local government which  
6 has an application approved pursuant to this title for that  
7 fiscal year the amount necessary to carry out such application  
8 as determined by him.

9 (b) Payments under this section may be made in in-  
10 stallments, in advance or by way of reimbursement, with  
11 necessary adjustments on account of overpayments or under-  
12 payments.

13 (c) The Administrator shall give due consideration to  
14 providing financial assistance for the continued funding of  
15 programs of demonstrated effectiveness which otherwise meet  
16 the requirements of this title.

#### 17 CONSULTATION

18 SEC. 116. In carrying out the provisions of this title,  
19 the Administrator shall consult with the Attorney General  
20 and the heads of such other Federal agencies as he deter-  
21 mines will assist in carrying out the provisions of this title.



PART C—THE OFFICE OF REPEAT OFFENDERS

PROSECUTION PROJECTS

OFFICE OF REPEAT OFFENDERS PROSECUTION PROJECTS

ESTABLISHED

SEC. 121. (a) There is established within the Law Enforcement Administration of the Department of Justice, the Office of Repeat Offenders Prosecution Projects.

(b) The programs authorized by this Act, unless otherwise specifically provided in this Act, shall be administered by the Office established under this section.

(c) (1) The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate. Under the general supervision and direction of the Administrator, the Director shall exercise all of the functions of the Office under this Act.

(2) There shall be in the Office a Deputy Director who shall be appointed by the Administrator. The Deputy Director shall perform such functions as the Director may prescribe and shall be Acting Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

FUNCTIONS OF THE OFFICE

SEC. 122. In order to carry out the purposes of this Act, the Administrator shall—

(1) make grants to eligible units of general local government for special prosecution programs for career criminal offenders in accordance with part B of this title;

(2) provide technical assistance to eligible units of general local government in the planning, establishment and operation of such programs;

(3) provide for the widest practicable and appropriate dissemination of information including an analysis and evaluation of the performance and results obtained from the operation of repeat offender prosecution programs for career criminal offenders assisted under this title; and

(4) prepare and submit a report to the President for transmittal to the Congress at least once each year on the activities of the Office and programs assisted by the office, together with such recommendations, including recommendations for legislation, as the Administrator deems appropriate.

ADMINISTRATIVE PROVISIONS

SEC. 123. (a) The Administrator is authorized, in carrying out his functions under this title, to—

(1) appoint and fix the compensation of such personnel as he deems necessary;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

1 (3) appoint one or more advisory committees com-  
2 posed of such private citizens and officials of Federal,  
3 State, and local governments as he deems desirable to  
4 advise him with respect to his functions under this title;

5 (4) promulgate such rules, regulations, and proce-  
6 dures as may be necessary to carry out his functions, in-  
7 cluding the establishment of priorities to be applied in  
8 the approval of applications under this title;

9 (5) utilize, with their consent, the services, equip-  
10 ment, personnel, information, and facilities of other Fed-  
11 eral, State, local, and private agencies and instrumental-  
12 ities, with or without reimbursement therefor;

13 (6) without regard to section 529 of title 31, United  
14 States Code, to enter into and perform such contracts,  
15 leases, cooperative agreements, and other transactions as  
16 may be necessary to carry out his functions under this  
17 title with any public agency, with any person, firm,  
18 association, corporation, or educational institution, and  
19 make grants to any public agency or private nonprofit  
20 organization;

21 (7) accept voluntary and uncompensated services,  
22 notwithstanding the provisions of section 665 (b) of  
23 title 31, United States Code;

24 (8) request such information, data, and reports from  
25 any Federal agency as the Administrator may from time

1 to time require and as may be produced consistent with  
2 other provisions of law; and.

3 (9) arrange with the heads of other Federal agen-  
4 cies for the performance of any of his functions under  
5 this title with or without reimbursement, and with the  
6 approval of the Attorney General, delegate and authorize  
7 the redelegation of any of his functions under this title.

8 (b) Upon request made by the Administrator each  
9 Federal agency is authorized and directed to make its serv-  
10 ices, equipment, personnel, facilities, and information (in-  
11 cluding suggestions, estimates and statistics) available to the  
12 greatest practical extent to the office in the performance of  
13 its functions.

14 (c) Each member of the committee appointed pursuant  
15 to paragraph (3) of subsection (a) of this section shall  
16 receive \$120 a day including traveltime, for each day he is  
17 engaged in the actual performance of his duties as a member  
18 of the committee. Each such member shall also be reim-  
19 bursed for travel, subsistence, and other necessary expenses  
20 incurred in the performance of his duties.

21 COMPENSATION OF THE DIRECTOR

22 SEC. 124. Section 5316 of title 5, United States Code,  
23 is amended by adding at the end thereof the following new  
24 paragraph:



1 (b) The purpose of this title is to meet the obligation  
2 of the Federal Government by providing for the construc-  
3 tion and operation of five regional prison facilities for State  
4 and Federal prisoners.

5 DEFINITIONS

6 SEC. 202. As used in this title—

7 (1) "Attorney General" means the Attorney Gen-  
8 eral of the United States or his delegate; and

9 (2) "Director" means the Director of the Bureau  
10 of Prisons.

11 ESTABLISHMENT OF REGIONAL PRISONS

12 SEC. 203. (a) (1) The Attorney General is authorized  
13 and directed to construct five Federal regional prisons for  
14 the purpose of providing suitable quarters for the imprison-  
15 ment, care, and subsistence of any person held under au-  
16 thority of any Federal or State statute.

17 (2) The Attorney General is authorized—

18 (A) to select and, where Federal land is not avail-  
19 able, to acquire appropriate sites for such Federal re-  
20 gional prisons to best alleviate the overcrowding in  
21 State and Federal correctional facilities; and

22 (B) to contract with the proper authorities of any  
23 State for the imprisonment, care, and subsistence of any  
24 persons convicted of an offense against such State in  
25 accordance with the provisions of section 204.

1 (b) The Bureau of Prisons, under the direction of the  
2 Attorney General, shall have charge of and management  
3 and regulation of all Federal regional prisons.

4 ASSIGNMENT OF PRISONERS

5 SEC. 204. (a) The Attorney General may designate  
6 as the place of confinement any available, suitable, and  
7 appropriate Federal regional prison, where the sentence of  
8 any person convicted of an offense against the United  
9 States shall be served except that such persons shall not  
10 constitute more than 25 per centum of the total number of  
11 persons confined in any such prison.

12 (b) (1) The Attorney General may contract with the  
13 proper authorities of any State for the imprisonment, care,  
14 and subsistence of any person convicted of an offense against  
15 such State, who would otherwise qualify for imprisonment  
16 in a Federal medium or maximum security institution, in  
17 any available, suitable, or appropriate Federal regional  
18 prison. The Attorney General shall have final authority in  
19 any decision with respect to the selection and assignment  
20 of such persons to such prisons.

21 (2) Any contract entered into under this subsection  
22 shall require such State to pay the Federal Government for  
23 the care and custody of such persons on a per diem basis at  
24 a rate which reflects the cost of constructing and operating  
25 such prison, including the cost, if any, of acquiring the land  
26 on which such prison is situated.

## TREATMENT OF STATE PRISONERS

1  
2 SEC. 205. (a) Any person convicted of an offense  
3 against a State who is assigned to a Federal regional prison  
4 as provided in section 204 shall be subject to the same  
5 discipline and treatment as any person convicted of an offense  
6 against the United States and assigned by the Attorney  
7 General to such prison.

8 (b) (1) Notwithstanding the provisions of subsection  
9 (a), for purposes of awarding or forfeiting good time allow-  
10 ances, final discharge from prison, or release on parole, such  
11 persons shall be subject to the same treatment as any person  
12 convicted of an offense against the State who is serving a  
13 sentence in a State institution.

14 (2) The Director shall maintain and make available to  
15 the proper State authorities accurate records on each person  
16 confined in a Federal regional prison pursuant to a contract  
17 under section 204.

## AUTHORIZATION OF APPROPRIATIONS

18  
19 SEC. 206. There are authorized to be appropriated for  
20 the purpose of carrying out the provisions of this Act,  
21 \$10,000,000 for the fiscal year ending September 30, 1978,  
22 \$20,000,000 for the fiscal year ending September 30, 1979,  
23 and \$50,000,000 for the fiscal year ending September 30,  
24 1980.

**END**