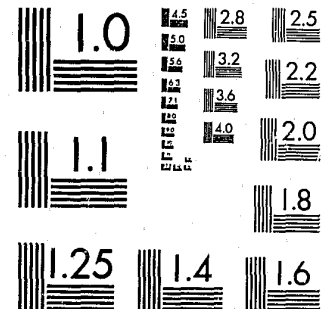


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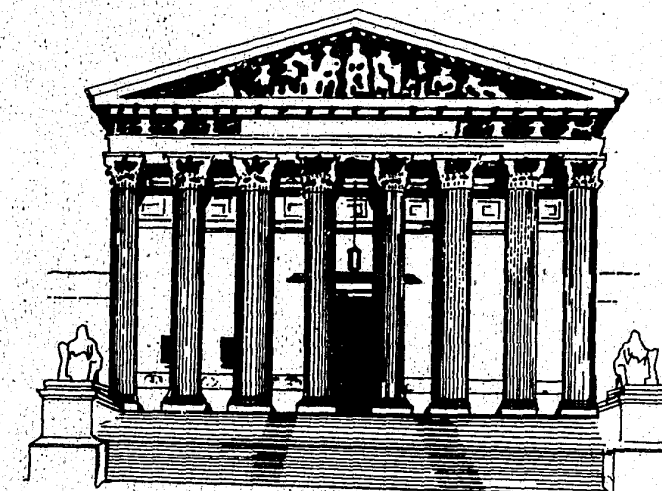
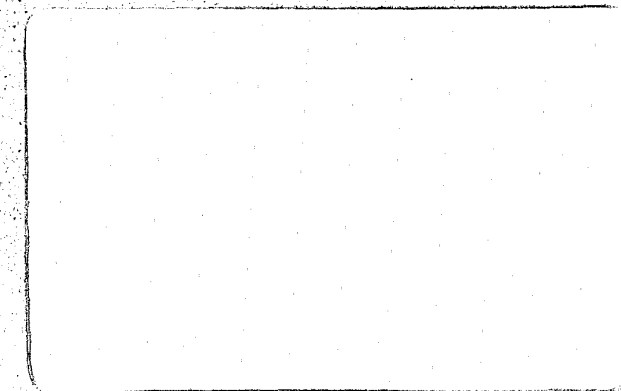
National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

Date Filmed

3/13/81

National Legal Data Center, Inc.

PROGRESS REPORT



73058

X
NATIONAL LEGAL DATA CENTER, INC.

✓
Clearinghouse for the
Career Criminal Program

FINAL *CMT*
~~FIFTH REPORT~~

VOLUME I

Volume II - tables *CMT*

NCJRS

NOV 4 1980

ACQUISITIONS

U. S. DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION		DISCRETIONARY GRANT PROGRESS REPORT	
GRANTEE NATIONAL LEGAL DATA CENTER, INC.	LEAA GRANT NO. 76 TA-99-0030	DATE OF REPORT 1/30/78	REPORT NO. Final
IMPLEMENTING SUBGRANTEE	TYPE OF REPORT <input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> SPECIAL REQUEST <input type="checkbox"/> FINAL REPORT		
SHORT TITLE OF PROJECT Clearinghouse for Career Criminal Program	GRANT AMOUNT \$396,353		
REPORT IS SUBMITTED FOR THE PERIOD 10/1/77		THROUGH 12/31/77	
SIGNATURE OF PROJECT DIRECTOR		TYPED NAME & TITLE OF PROJECT DIRECTOR Philip Cohen, Executive Director	
COMMENCE REPORT HERE (Add continuation pages as required.)			
NATURE OF THE PROJECT "The National Legal Data Center, Inc., serves as the clearinghouse for the exchange of information on LEAA's Career Criminal Program and on related legal issues and problems. The Center is responsible for collecting project data from each of the LEAA Career Criminal funded projects, analyzing this information and making it available for evaluation and replication purposes. All of the LEAA funded Career Criminal Project operations are reviewed and assessed by the Center on a continuing basis from which they are developing model guidelines. The National Legal Data Center provides various types of technical assistance in conjunction with the clearinghouse function: direct assistance to the twenty-one (21) active Career Criminal Projects, direct assistance to the four or five no-federal cost replication sites to be developed during F Y 77 and the coordination of technical assistance to a minimum of 25 jurisdictions interested in developing Career Criminal-type operations using local funds." Information relative to the Center's activities during the reporting period of October 1, 1977 through January 31, 1978, is contained on the following pages of this document.			
RECEIVED BY GRANTEE STATE PLANNING AGENCY (Official)			DATE

EXECUTIVE SUMMARY

Dear Mr. Hollis:

The following summary is designed to extract the highlights of our activities and data this past quarter.

On-Site Visits

This past quarter NLDC staff members, in cooperation with the Westinghouse Corporation, made eleven (11) on-site assessment trips to jurisdictions interested in the Comprehensive Career Criminal Program.

Total Number of Jurisdictions

No new DF sites were funded during this quarter, however, the number of non-DF sites rose by three (3) as follows:

Annapolis, Maryland

Rockville, Maryland

Vancouver, Washington (scheduled date for implementation - January 1, 1978)

This now brings the total of locally funded programs to 13.

Data Reports

During this quarter, 203 reports were generated. (See Results section, Goals c and d)

Data Training

Due to travel curtailment we provided Data Training to only one jurisdiction: Ventura County, California.

Technical Assistance Visits

We received 17 requests for TA during this period which, in our judgement, would require on-site visits.

EXECUTIVE SUMMARY (Cont.)


Comment

Our goals and objectives are being reached and inquiries continue to be answered. Other activities included:

1. The preparation of a supplemental application;
2. Assessment visit to NLDC by Tal Day of LEAA; and
3. Completion of an article on CCP for the National College of District Attorneys.

Although curtailment in staff due to a lack of funds hampered our activities this last quarter, our level of service was maintained. With regard to Tal Day's assessment visit, it would appear that no response from NLDC is expected since it appears we will not be privy to its substance. We would of course welcome an opportunity to comment on the report.

Sincerely,


Philip Cohen
Executive Director

DATA AND PERFORMANCE ANALYSES

1. Potential Crime Rate Impact of Career Criminal Programs
During the First Quarter of 1977

TABLE I		
FIRST QUARTER 1977 VS. FIRST		
QUARTER 1976 CRIME RATES		
	Robbery	Burglary
All Cities	-7 %	-5 %
17 CCP Cities*	-10.11%	-6.12%
*Excludes only Kalamazoo and Manhattan		

Table I, (derived from preliminary FBI UCR data) contrasts crime rate statistics for the first three quarters of 1977 with the first three quarters of 1976. The all-cities columns represent the rates for cities of 25,000 and above. The CCP cities columns include all of the DF-funded Career Criminal sites except Kalamazoo and Manhattan. Kalamazoo data is not presented as that city is too small to be in the preliminary UCR reports and Manhattan is not presented since its data is but a sub-section of the larger New York City information presented in the preliminary UCR's.

A review of Table I clearly shows that in each of the stated crime categories the reduction in crime rates in the Career Criminal cities was significantly higher than the reductions respectively experienced by U.S. cities generally.

Specifically, the crime rate reductions in the 17 Career Criminal cities EXCEEDED the national average decreases by:

44% in Robberies

22% in Burglaries

31% in ALL Index Crimes

In further considering Table I, it should be remembered that the rates for "U.S. cities generally" includes the (even lower) rates of the 17 Career Criminal cities and thus, if their (even lower) rates could be separated out, then the decrease for the main group would have been less, resulting in an even greater gap between the two groups (in favor of the Career Criminal cities).

The following table provides a breakdown of each of the CCP sites and compares crime rates in the first three quarters of 1976 with the first three quarters of 1977. Three sites have experienced an increase in the overall crime rate. The are Houston, New Orleans and San Diego. The rise in the crime rate in Houston, however, has been caused by an increase in population. Actually the crime rate per 100,000 individuals is down. Data from New Orleans has not been received since July-1977, therefore no explanation is offered.

CRIME RATE						
CCP VS. ALL CITIES						
FIRST 9 MONTHS 1976 VS. FIRST 9 MONTHS 1977						
	ROBBS		BURGS		OVERALL	
	1976	1977	1976	1977	1976	1977
<u>Albuquerque</u>	657	552	6078	4954	21,936	18,111
<u>Boston</u>	4652	3999	12842	10693	57,959	48,341
<u>Columbus</u>	1475	1214	9408	9474	35,538	32,515
<u>Dallas</u>	2262	2564	16826	18117	69,702	64,339
<u>Detroit</u>	15997	11693	34660	26429	118,449	93,071
<u>Indianapolis</u>	1688	1538	7926	6269	29,917	25,304
<u>Louisville</u>	1277	981	5869	4416	17,982	15,245
<u>Houston</u>	4100	4534	22323	24607	78,098	86,773
<u>Memphis</u>	1783	1893	12193	12171	37,907	33,790
<u>Miami</u>	1713	1802	8509	7349	28,093	25,087
<u>Las Vegas</u>	985	962	6418	6592	21,687	20,240
<u>New Orleans</u>	1953	2467	6580	6534	28,998	29,906
<u>Portland</u>	1340	1269	8970	8351	30,441	27,650
<u>Rhode Island</u>	347	341	2568	2688	10,428	9,347
<u>St. Louis</u>	4013	3479	12783	11313	48,266	41,376
<u>Salt Lake</u>	351	371	3493	3758	13,656	13,064
<u>San Diego</u>	1559	1827	11644	13468	47,248	48,309
TOTALS	46152	41486	188740	177183	696,125	632,468
CCP	-10.11%		-6.12%		-9.14%	
National Avg.	-7%		-5%		-7%	
Difference	44% Better		22% Better		31% Better	

TABLE OF CONTENTS

	<u>Page</u>
Cover Page	1
Preface	2
Data Analysis	4
Table of Contents	8
A. Reporting Party	9
B. Due Date	10
C. Execution	11
D. Reporting Requirements	12
D-1 Goals	13
D-2 Problem Statement	14
D-3 Hypothesis	15
D-4 Indicators	16
D-5 Results	17
Special Condition Compliance	55
Timetable Results	57
D-6 Problems	62
E. Dissemination	67

A. REPORTING PARTY

National Legal Data Center, Inc.
 100 East Thousand Oaks Blvd. Suite 172
 Thousand Oaks, California 91360
 805) 497-3786

Project Director:	Philip Cohen
Projects Coordinator:	Ronald W. Sabo
Information Systems Coordinator:	Larry G. David
Prosecution Specialist:	Al Walkling
Technical Assistance Specialist:	Rivers Trussell
Executive Secretary:	Barbara Andersen
Secretary:	Marilyn Aikin
Secretary/Receptionist:	Linda Bodenhamer
Data Specialist:	Theresa Mundy
Data Entry Technician:	Ken Myer

Submitted to the United States Department of Justice, Law
 Enforcement Assistance Administration, Courts Section, 633
 Indiana Ave., Washington, D.C. 20531 Report Period: July 1,
 1977 through September 30, 1977.

B. DUE DATE

This report which covers the reporting period of October 1, 1977 through December 31, 1977, is due at the Law Enforcement Assistance Administration on January 31, 1978.

C. FORM AND EXECUTION

Three (3) copies of this report are being submitted in accordance with Guideline Manual M 4500.1E, dated September 27, 1976. The person signing the report is Mr. Philip Cohen, Executive Director of the National Legal Data Center.

D. REPORTING REQUIREMENTS

This report is designed in accordance with Guideline Manual M 4500.1E, Appendix 19, and provides information which will permit determination of the extent the project is contributing to the overall goals and objectives of L.E.A.A., and the progress of N.L.D.C. in meeting the goals and objectives set-forth in approved application NO.76 TA-99-0030. The six major categories of this report are:

1. Statement of project goals/objectives and special conditions.
2. Statement of problem.
3. Statement of hypothesis and working assumptions.
4. Statement of indicators and measures.
5. Statement of results achieved.
6. Statement of problems.

For Statement of Goals, see Fourth Quarterly Report
Volume I, page 14.

For Statement of Problem, see Fourth Quarterly Report
Volume I, page 19.

For Statement of Hypothesis, see Fourth Quarterly Report
Volume I, page 20.

For Statement of Indicators and Measures, see Fourth
Quarterly Report Volume I, page 22.

D-5 RESULTS

This section of the report utilizes those indicators set forth in section D-4 as they relate to the attainment of each of the goals outlined in section D-1. The result of each is related directly to the stated goal.

GOAL a

The attainment of this goal is directly related to all other goals set forth in section D-1 of this report. It is believed that NLDC provided the Career Criminal Program with excellent service during this reporting period. The major thrust of activities during this quarter continued to be directed toward the provision of technical assistance to DF and non-DF jurisdictions. Other activities included:

1. The preparation of continuation application;
2. The preparation for, and follow through of, an on-site assessment trip to NLDC by Tal Day of LEAA;
3. The establishment of agreements with Westinghouse Corporation to conduct several on-site assessment visits to selected jurisdictions; (see addendum 1 for profile questionnaire)
4. The completion of assessment visits to 11 locations;
5. The preparation of reports regarding assessment visits;
6. The completion of "The Career Criminal Overview" for publication by the National College of District Attorneys. (see addendum 2)

Problems and questions inherent in a program of such widespread operation continue to predictably occur and are discussed in the Problem section of this report.

In summation, based on the requirements of approved grant No.76-TA-99-0030, the National Legal Data Center did provide

direction and coordination for the entire project during this reporting period and also noted some areas in which expansion could occur with no conflict of interest.

GOAL b: DATA ACTIVITIES

Data was received from 19 jurisdictions this quarter.

The month-by-month totals are summarized in the table below:

Month	Closed CDFs Received	CDFs loaded into Data Base	Data Records Generated
Oct.	304	337	6219
Nov.	227	476	8986
Dec.	411	199	4015

With the entry of 1012 closed forms, the data base grew during this quarter from 6182 data forms on October 1, 1977, to 7194 case data forms at the end of December, 1977, for a 16% increase.

DATA CLEANING

Approximately 77 hours were needed to perform data cleaning. Examples of areas in which cleaning was required follows:

1) Three hours were used to confirm findings on performance summaries for the following jurisdictions: Kalamazoo, Las Vegas, Miami, New York, Salt Lake, Saint Louis County.

2) All Jurisdictions: Inconsistencies in Judges' names were corrected for Tal Day.

3) Trial Officials' names - Boston, New York, for Tal Day.

4) New Orleans: Misdemeanor statute numbers corrected.

Wrong numbers given on Case Data Form.

5) Portland, Oregon: Defendant I.D. numbers and Case numbers corrected.

6) Charges - Some frauds were entered as forgery. Corrections

GOAL b: DATA ACTIVITIES (Cont.)

made.

7) San Diego: Entire Case Data Forms checked for inconsistencies and corrections made.

8) Because of new Green Case Data Form, the following changes had to be made for All Jurisdictions:

Disposition Types - 19 and 20 changed to conform to Green Case Data Form.

Disposition Reasons } Made to conform to Green Case
Special Sentence Types } Data Form.

9) Work was begun on cleaning the following:

Release Status - to conform to Green Case Data Form.

GOAL c: STATISTICAL SUMMARY REPORT

The Clearinghouse provided jurisdictions with three (3) separate Performance Summaries in accordance with the policy, establishing their use during the prior quarter. Also, several jurisdictions received the eight-page Statistical Summary Report along with their Performance Summary. During this quarter, NLDC at the request of LEAA, initiated the development of procedures to terminate the receipt of Case Data Forms and begin collection of data on a quarterly basis from each participating jurisdiction.

NLDC also produced a number of special reports. The following table summarizes the generation of reports for this quarter:

STATISTICAL SUMMARIES

DS3 SPECIAL REPORTS

JURIS.	01/01/00- 12/31/99	MONTHLY	PROGRAM TO-DATE	PERFORM. SUMMARY	SP. RPTS. REQ.	TOTAL
AQ		3	3	3		9
BM		3	3	3		9
CO		3	3	3	1	10
DM		2	3	3		8
DT		1	2	2		5
HT		3	3	3		9
II		2	2	2	3	9
IJ		1	1	1	1	4
KM		2	3	3	3	11
LK		3	3	3	1	10
LV		2	3	3		8
MF		3	3	3		9
MT		3	3	3		9
MW		1	3	3		7
NY		3	3	3		9
PO		3	3	3	2	11
RI		2	2	2		6
SB		2	2	2	1	7
SD					2	2
SL		3	3	3		9
S1	2	2	3	3		10
S3	3	3	3	3		12
S4			1	1		2
VC					1	1
Sub Total	5	50	58	58	17	186
All Juris.	2	5	5	3	2	17
TOTAL	7	55	63	61	19	

GOAL d: SPECIAL REPORTS

COLUMBUS -

Gun Analysis at time of offense for time period of July, 1976 through August 31, 1977, and July, 1976 through October 5, 1977.

INDIANAPOLIS -

a) Case numbers listed for verification - October 7, 1977.

b) Verification run of all defendants (consisted of - I.D. number, case number, DOB, Disposition Type, Disposition and Sentence Dates) - October 12, 1977.

c) Verification run - November 28, 1977.

INDIANAPOLIS JUVENILE -

Same as 'c' above for Indianapolis Adult.

KALAMAZOO -

a) Internal list made of Agency and Units for Al Walkling to clean - October 21, 1977.

b) Re-verification (2) - November 8, 1977 and November 28, 1977.

LOUISVILLE -

Copies of eight-page Statistical Reports for Columbus, Kalamazoo, Memphis, New Orleans, San Diego, from start up to June 30, 1977 - October 4, 1977.

PORTLAND -

a) Verification run (consisted of - I.D. number, case number, DOB, charge, statute, trial name and code) - October 6, 1977.

b) I.D. numbers, case numbers with total criteria scores; number of cases that fall under total scores; prior arrests, felony and misdemeanor conviction statistics.

GOAL d: SPECIAL REPORTS (Cont.)

SANTA BARBARA -

Eight-page Statistical Summary for time period of start up through November 30, 1977 - December 9, 1977.

SAN DIEGO -

a) Case numbers request - October 18, 1977.

b) Sorted list of All defendants by: Time since Release from incarceration - with a count of Time since Release; without a count of Time since Release.

VENTURA -

NLDC on-site demo - miscellaneous statistics - October 26, 1977.

ALL JURIS. -

a) Printout by Jurisdiction: The minimum and maximum sentence, and the dispositions and arrest dates - November 23, 1977.

SPECIAL REPORTS

OTHER THAN JURISDICTIONS

AL WALKLING -

Statistics on -

1. Prior arrests, felony and misdemeanor convictions.

2. Number of pending cases.

3. Defendant status analysis.

4. Number of defendants possessing weapons at time of offense. Used for article for National College of District Attorneys - October 7, 1977.

ST. LOUIS CRIME COMMISSION -

a) S1 and S3 Performance Summary and eight-

GOAL d: SPECIAL REPORTS (Cont.)

ST. LOUIS CRIME COMMISSION - page Statistical Summary for year-to-date and August-1977 -
October 18, 1977.
b) S3 and S4 Performance Summary and eight-page Statistical Summary for year-to-date (00-07-31-77) -
October 20, 1977.

CHARLES HOLLIS - Number of Misdemeanor cases handled by
New Orleans -
November 17, 1977.

TAL DAY - a) List of earliest and latest Case Data Forms received and disposition dates -
November 8, 1977.
b) Number of Case Data Forms handled per judge for Boston and New York;
Number of defendants with multiple cases:
a. 2nd quarter of 1977
b. 4th quarter of 1976
c. No time period
Statistics on pending cases
Work load per prosecutor
Number of Case Data Forms in data base per jurisdiction.

GOAL e: HABITUAL OFFENDER DATA

No request for additional information regarding Habitual Offenders was received this quarter.

GOAL f: TECHNICAL ASSISTANCE

The Technical Assistance Program developed by NLDC was hampered during this reporting period by an L.E.A.A. imposed travel curtailment. Also, due to the proliferation of vacations taken by local project personnel throughout the nation, a reduction in requests for assistance was experienced.

As a result of an L.E.A.A. sponsored conference in Harper's Ferry, West Virginia during September, a new Technical Assistance follow-up procedure is being implemented utilizing the methods established by the American University.

The following table summarizes Technical Assistance activities from October 14, 1976 to December 31, 1977.

IP - OPERATIONAL CCP UNIT

NON-DF SITES

JURISDICTION	TIME OF ACTIVITY BY QU.					DATA COLLECTION				PROGRAMMATIC						
LOCATION	1st	2nd	3rd	4th	5th	On-site	at NLDC	Tele	Mail	On-site	at NLDC	Reg. Conf.	Spec.	Tele	TA Pack.	Foll.
Warren & Youngstown Ohio (OP)				X	X					IV - 1			V	IV	IV	IV V
2. Vancouver, Washington (OP)				X	X					V		IV-1 V		IV	IV	IV V
3. New Haven Connecticut (OP)			X	X	X			IV IV	III IV V			III-1	III-6 IV-1	III IV V	III	III IV V
4. Charlestown, South Carolina		X	X		X					III-1			III	II III	II	II-III IV V
5. Charlotte, North Carolina (OP)		X	X	X	X						III-1		II-3	II IV	III	II-III IV V
6. San Antonio, Texas (OP)	X		X	X	X					I-1 III-1		III-1		III IV	III	III IV V
7. Nashville, Tennessee			X											III-2	III	III
8. A.G. of New Jersey			X											III-2	III	III

NON- DF SITES

2nd of 8

JURISDICTION	TIME OF ACTIVITY BY QU.					DATA COLLECTION				PROGRAMMATIC						
LOCATION	1st	2nd	3rd	4th	5th	On-site	at NLDC	Tele	Mail	On-site	at NLDC	Reg. Conf.	Spec.	Tele	TA Pack.	Foll.
9. Hilo, Hawaii	X	X	X											II-1 III	II	II III
10. Los Angeles, California		X								II-1				II III	II	III
11. Lebanon, Ohio (OP)		X	X							III-1				II III	II	II III
12. Jersey City, N.J. Judiciary		X	X								III-1			II-2	II	II III
13. San Mateo, Calif.			X	X										III IV	III	III IV
14. St. Paul, Minn.		X												II	II	II
15. A.G. of Kentucky		X												II	II	II
16. Belleville, Ill.		X	X	X										II III IV	II	II III IV

NON-DF SITES

3rd of 8

JURISDICTION	TIME OF ACTIVITY BY QU.					DATA COLLECTION				PROGRAMMATIC						
LOCATION	1st	2nd	3rd	4th	5th	On-site	at NLDC	Tele	Mail	On-site	at NLDC	Reg. Conf.	Spec.	Tele	TA Pack.	Foll.
17. America Falls, Idaho			X												III	III
18. Little Rock, Ark			X												III	III
19. Anchorage, Alaska			X	X										III IV	III	III IV
20. Honolulu, Hawaii	X	X		X									IV	I II IV	II	II IV
21. Chicago, ILL. (OP)		X	X	X						III-1			III	II III IV	II	II III IV
22. Pueblo, Colorado	X	X	X	X	X					III-1		IV-1		III IV V	III V	I II III IV V
23. Tucson, Arizona (OP)				X	X							V		IV	IV	IV V
24. Dayton, Ohio		X													II	II

4th of 8

JURISDICTION	TIME OF ACTIVITY BY QU.					DATA COLLECTION				PROGRAMMATIC						
LOCATION	1st	2nd	3rd	4th	5th	On-site	at NLDC	Tele	Mail	On-site	at NLDC	Reg. Conf.	Spec.	Tele	TA Pack.	Foll.
25. Rockville, Md.			X											III	III	III
26. St. Joseph, Mich. (OP)		X	X	X	X					III-1				III IV V	III	III IV V
27. Los Angeles City Attorney			X	X						IV-1	III-1			III IV	III	III IV
28. Pros. Atty Assoc. of Mich. - Coord. 12 S.B. Sites (OP)			X	X									III-1 IV-1	III IV	IV (10)	III IV
29. Cleveland, Ohio (OP)				X										IV	IV	IV
30. Topeka, Kansas (OP)				X				IV-1							IV	IV
31. Seattle, Wash. (OP)	X	X	X	X	X					I-1 III-1		V		I, II, III IV	II	I, II, III, IV, V
32. Santa Fe, N. Mexico. (OP)		X	X				III-1			III-1		III-1	III-2	II III	II	II III

NON-DF SITES

5th of 8

JURISDICTION	TIME OF ACTIVITY BY QU.					DATA COLLECTION				PROGRAMMATIC						
LOCATION	1st	2nd	3rd	4th	5th	On-site	at NLDC	Tele	Mail	On-site	at NLDC	Reg. Conf.	Spec.	Tele	TA Pack.	Foll.
13. Akron, Ohio (OP)		X	X	X	X					III-1		III-1	V	II, III IV V	II	II III IV V
14. Canton, Ohio (OP)		X	X	X						III-1		II-1		II III IV	II	II III IV
15. Eugene, Oregon			X	X								III-1	IV-1	III IV	III	III IV V
16. Oklahoma City, Okla.		X	X	X						II-1				II III IV	II	II III IV
17. Wichita, Kan. (OP)		X		X										II IV	II	II IV
18. Ventura, CA (OP)	X	X	X	X	X	II-1 III-1*	III-1 V	I II III IV	I II III IV	I-1	II-1	V	III-1 II-2	I II III IV V	I	I II III IV V
19. Santa Barbara, CA (OP)	X	X	X	X	X	II-1	III-1 II-1	III IV V		I-2 II-1				I II III IV V	I	I II III IV V
20. Sacramento, CA (OP)	X	X		X		II-1*				I-1				I II IV	I	I II IV
* Includes programmatic																

NON-DF SITES

6th of 8

JURISDICTION	TIME OF ACTIVITY BY QU.					DATA COLLECTION				PROGRAMMATIC						
LOCATION	1st	2nd	3rd	4th	5th	On-site	at NLDC	Tele	Mail	On-site	at NLDC	Reg. Conf.	Spec.	Tele	TA Pack.	Foll.
41. Kenosha, Wisc. (OP)			X			III-1										
42. West Palm Beach, Florida (OP)	X	X								II-1		II-1		I II	I	I II
43. Baltimore, Maryland (OP)	X												II-1		I	II
44. El Paso, Texas (OP)	X			X						I-1					I	II IV
45. San Juan, P.R.					x									IV	IV	IV
46. Napa, CA					x									V	V	V
47. Reno, NEV.					x									V	V	V
48. Pros. Atty.Assn. Washington site					x									V	V	V
49. Austin, TX				x	x									IV, V	IV	IV, V
50. Hartford, Conn.				x	x								IV, V	IV, V	IV	IV, V

Non-OF SITES

7th of 8

JURISDICTION	TIME OF ACTIVITY BY QU.					DATA COLLECTION				PROGRAMMATIC						
LOCATION	1st	2nd	3rd	4th	5th	On-site	at NLDC	Tele	Mail	On-site	at NLDC	Reg. Conf.	Spec.	Tele	TA Pack.	Foll.
MILWAUKEE, WISC.		x	x	x	x									II, III IV, IV		II, III IV, V
FORT WORTH, TX		x	x	x	x					II		V	II, III IV, V			II III IV, V
BAKERSFIELD, CA					x								V	V	V	V
BOISE, IDAHO					x								V	V	V	V
STOCKTON, CA					x				V				V	V	V	V

NON-DF SITES

JURISDICTION	TIME OF ACTIVITY BY QU.					DATA COLLECTION				PROGRAMMATIC						
LOCATION	1st	2nd	3rd	4th	5th	On-site	at NLDC	Tele	Mail	On-site	at NLDC	Reg. Conf.	Spec.	Tele	TA Pack.	Foll.
FORT WORTH, TX		X			X					X						I, II, III, IV, V
ATTY. GEN. OF NV																
JACKSONVILLE, FLA		X			X					X				II		I, II, III, IV, V
LAKE COUNTY, IL		X	X	X										II IV	III	II III IV
PRINCETON, NJ		X	X											III IV	III	III IV
ST. CLAIR CNTY, IL		X	X	X										III	II	II III IV

OF SITES

1st of 4

JURISDICTION	TIME OF ACTIVITY BY QU.					DATA COLLECTION				PROGRAMMATIC						
LOCATION	1st	2nd	3rd	4th	5th	On-site	at NLDC	Tele	Mail	On-site	at NLDC	Reg. Conf.	Spec.	Tele	TA Pack.	Foll.
ALBUQUERQUE, NM	X	X	X	X	X	II - 1	III-1	I - IV V	I - 1 II - 2 III - 4 IV - 2			IV - 1	II - 2 IV - 1	I II III IV V		I II III IV V
BOSTON, MA	X	X	X	X	X		III-1	I - IV	I - 2 III - 4 IV - 2			II - 1 III - 1	II - 1 IV - 1	I II III IV		I II III IV
BATON ROUGE				X	X						IV - 1			IV	IV - 1	IV
CLEARWATER, FLA				X	X		V	V						IV - 2 V	IV - 1	IV - 1 V
COLUMBUS, OH	X	X	X	X	X		III-1	ALL	I V - 2 II - 2 III - 4 IV - 2			II - 1 III - 1	II - 1 III - 1 IV - 1	ALL		ALL
DALLAS, TX	X	X	X	X	X		III-1	ALL	II - 1 III - 3 IV - 1			II - 1 III - 1	IV - 1	ALL		ALL
DETROIT, MI	X	X	X	X	X		III-1	ALL	I - 3 II - 1 III - 2 IV - 1			III - 1	III - 3 IV - 1	ALL		ALL
HOUSTON, TX	X	X	X	X	X		III-1	ALL	III - 1 IV - 2	III - 1		III - 1		ALL		ALL

DF SITES

2nd of 4

JURISDICTION	TIME OF ACTIVITY BY QU.					DATA COLLECTION				PROGRAMMATIC						
LOCATION	1st	2nd	3rd	4th	5th	On-site	at NLDC	Tele	Mail	On-site	at NLDC	Reg. Conf.	Spec.	Tele	TA Pack.	Foll.
INDIANAPOLIS, IN	X	X	X	X	X	II - 1	III - 1	ALL	V			III - 1	IV - 1	ALL		IV - 1 V
KALAMAZOO, MI	X	X	X	X	X	II - 1	III - 1	ALL	II - 1 III - 2 IV - 1			III - 1		ALL	IV - 1	II - 1 III - 1 IV - 1 V
LAS VEGAS, NV	X	X	X	X	/X	II - 1	III - 1	ALL	IV - 1			IV - 1	IV - 1	ALL		II - 1 III - 1 IV - 1 V
LOUISVILLE, KY	X	X	X	X	X		III - 1		IV - 1 V	III - 1		II - 1	IV - 1	ALL		II - 1 III - 1 IV - 1 V
MEMPHIS, TN		X	X	X	X		III - 1	ALL	V-1	II - 1			IV - 1			V
MIAMI, FLA		X	X		X		III - 1	ALL	III - 1	II - 1		II - 1 III - 1	III - 1			II - 1 III - 1 V
NEW ORLEANS, LA	X	X	X	X	X		III - 1	ALL	V III - 1			II - 1 III - 1	III - 1 IV - 1	ALL		II - 1 III - 2 IV V
MANHATTAN, NY	X	X	X	X	X		III - 1	ALL				II - 1 III - 1	IV - 1			II - 1 III - 1 V

DF SITES

3rd of 4

JURISDICTION	TIME OF ACTIVITY BY QU.					DATA COLLECTION				PROGRAMMATIC						
LOCATION	1st	2nd	3rd	4th	5th	On-site	at NLDC	Tele	Mail	On-site	at NLDC	Reg. Conf.	Spec.	Tele	TA Pack.	Foll.
PORTLAND, OR	X	X	X	X	X	II - 1	III - 1 IV - 1	ALL	I - 1 V	I - 1		V	I - 1 II - 1	ALL		ALL
PORTSMOUTH, VA		X		X	X	IV - 1*		IV				II - 1	IV - 3 V	IV V	IV - 1	IV - 2 V
RHODE ISLAND		X	X	X	X	II - 1*	III - 1	ALL	III - 1 IV - 1			III - 1	IV - 1	II III		V
SALT LAKE, UT	X		X	X	X		III - 1	ALL				IV - 1	I - 1	III IV		III IV V
SAN DIEGO, CA	X	X	X	X	X	II - 1	I - 1 III - 1	ALL	I-III=1 IV - 6 V				IV - 1	III IV		III IV V
SAN FRANCISCO, CA	X		X	X	X				IV - 3 V	I - 1 IV - 2 V		IV - 1 V	III - 1 V		IV - 1	III IV V
ST. LOUIS (CITY)	X	X	X	X	X	III - 1*	III - 1	III IV	IV - 1 V			II - 1	I - 1			I II IV V
ST. LOUIS (COUNTY)		X	X	X	X	III - 1* IV - 1	III - 1	ALL				II - 1	IV - 1	IV		II III V IV

DF SITES

4th of 4

JURISDICTION	TIME OF ACTIVITY BY QU.					DATA COLLECTION				PROGRAMMATIC						
LOCATION	1st	2nd	3rd	4th	5th	On-site	at NLDC	Tele	Mail	On-site	at NLDC	Reg. Conf.	Spec.	Tele	TA Pack.	Foll.
ST. LOUIS CRIME COMM.	X	X	X	X	X	III - 1* IV - 1						II - 1		IV		IV V
MINNEAPOLIS, MINN		X	X	X	X									II III IV V	II	II III IV V
*Includes Programmatic																

GOAL f: STATUS REPORT

The status of technical assistance requests is provided in the following table. NLDC will change this format during the next quarter to provide information not only on the status of the technical assistance program, but also, include jurisdictional reaction to each specific recommendation or suggestion made during on-site visits, or via mail and telephone.

TECHNICAL ASSISTANCE REQUESTS

REQUEST RECEIVED BY JURISDICTION		PENDING SCHEDULING	SITE WORK SCHEDULED	SITE WORK IN PROGRESS	SITE WORK COMPLETE REPORT NOT RECEIVED	REPORT RECEIVED	REPORT MAILED WITH QUESTIONNAIRE	QUESTIONNAIRE RETURNED	
SAN FRANCISCO, CA (DF)	X	X	X	X	X				
PORTSMOUTH, VA (DF)	X								
DALLAS, TX (DF)	X								
HOUSTON, TX (DF)	X								
NEW ORLEANS, LA (DF)	X								
BATON ROUGE, LA (DF)	X								
CLEARWATER, FLA (DF)	X	X							AT NLDC
NEW HAVEN, CONN (SB)	X								
MILWAUKEE, WISC.	X								
TOPEKA, KAN (SB)	X								
SANTA BARBARA, CA	X								
VENTURA, CA	X	X	X	X	X				AT NLDC
SACRAMENTO, CA	X								
ST. LOUIS (CITY) MO (DF)	X								
INDIANAPOLIS, IN	X								
MEMPHIS, TENN	X								

TECHNICAL ASSISTANCE REQUESTS

	Prior 10/15/76-09/30/77	Present 07/01/77-09/30/77	TOTAL
A. Requests Received	47	0	47
B. Number of Requests Accepted for Service	47	0	47
C. Assignments Completed	29	2	31
D. Active Assignments			
1. Pending Schedule	17	17	17
2. Site Work Scheduled	0	1	1
3. Site Work in Progress	0	0	0
4. Site Work Completed Report Not Yet Rcvd.	0	0	0
5. Site Work Completed Report Completed	0	2	2
6. Report Mailed with Questionnaire	0	2	2
7. Questionnaire Returned	0	2	2

In an effort to provide LEAA with information on the extent of the need in this area, the following list indicates those jurisdictions which have requested training or deemed (by NLDC) to be in need of same.

NLDC deems it appropriate to provide training without a formal request if:

- 1) The individual holding the position of Data Collector changes; or
- 2) The jurisdiction receives an initial DF grant.

PENDING TECHNICAL ASSISTANCE REQUESTS

Discretionary

Portsmouth, VA**

Data Training

Dallas, TX

Data Training

Houston, TX

Data Training

New Orleans, LA

Data Flow Problem

Manhattan, NY

Data Flow Problem

Baton Rouge, LA

Start up and Data Training

Clearwater, FLA

Start up and Data Training

State Block

Charlotte, NC

Program Development

Raleigh, NC

Program Development

New Haven, CONN

Data Training

Milwaukee, WISC

Data Training

Tucson, AR*

Program Problems

Topeka, KAN

Data Training

PAAM

State TA Program Development

*Problem Jurisdiction

** Site work completed

PENDING TECHNICAL ASSISTANCE REQUESTS (Cont.)

Local or State

Santa Barbara, CA

St. Clair County
(Belleville) ILL

San Mateo, CA

Pittsburgh, PA

Data Training

Program Design

Program Design

Program Design

CCP - ICAP

WESTINGHOUSE-INSTITUTE OF NATIONAL AFFAIRS

During this quarter, NLDC was requested by LEAA and Westinghouse to assist in the assessment of 18 jurisdictions. This task required that NLDC personnel make on-site visits to each of the selected sites. The process for selecting the sites to visit followed guidelines developed by the three participants. Westinghouse supplied NLDC with a list of 22 jurisdictions. The chief prosecutor in each jurisdiction was contacted and asked about his commitment to the CCP-ICAP concepts and if an on-site visit would be acceptable to him. Four jurisdictions rejected the offer, 18 accepted.

NLDC notified LEAA and Westinghouse of the acceptances. All those indicating interest were approved for a visit by LEAA. Following this approval, a matrix (attached) was developed by LEAA indicating the personnel to conduct the visit, the date, and the place. This matrix was subsequently approved by LEAA. Concurrent with this process, Westinghouse and NLDC developed a questionnaire to be used in assessing each site. A copy is attached.

The following two tables indicate the month and staff member visiting each jurisdiction and the status of each report.

ASSESSMENT TRIPS

November, 1977	Newburgh, New York	Al Walkling
December, 1977	Springfield, Missouri	Philip Cohen
	Kansas City, Missouri	Philip Cohen
	Lawrence, Kansas	Philip Cohen
	Fort Worth, Texas	Ron Sabo
	Austin, Texas	Ron Sabo
	Stockton, California	Ron Sabo
	Portland, Maine	Al Walkling
	Quincy, Massachusetts	Al Walkling
	Elizabeth, New Jersey	Al Walkling
	Atlantic City, New Jersey	Al Walkling
January, 1978 (scheduled)	Colorado Springs, COLO	Philip Cohen
	Pueblo, Colorado	Philip Cohen
	San Francisco, CA	Al Walkling
	Memphis, Tennessee	Ron Sabo
	Clearwater, Florida	Ron Sabo
	Baton Rouge, LA	Ron Sabo
	Ventura, CA	Ron Sabo

ASSESSMENT TRIPS (STATUS REPORT)

Location (site)	Date Scheduled	Date Site Work Completed	Date Report Completed
Springfield, MO	11/29/77	12/12/77	
Kansas City, MO	11/29/77	12/13/77	
Lawrence, KAN	11/29/77	12/14/77	
Colorado Spr., COLO	11/29/77		
Pueblo, COLO	11/29/77		
San Francisco, CA	11/29/77		
Fort Worth, TX	11/29/77	12/08/77	
Austin, TX	11/29/77	12/09/77	
Stockton, CA	11/29/77	12/15/77	
Memphis, TN	11/29/77	cancelled by LEAA	
Clearwater, FLA	11/29/77		
Baton Rouge, LA	11/29/77		
Portland, ME	11/29/77	12/01/77	
Dedham, MA	11/29/77	12/02/77	
Elizabeth, NJ	11/29/77	12/12/77	
Atlantic City, JN	11/29/77	12/14/77	
Ventura, CA	11/29/77		

GOAL f-i: LEGAL ISSUES

A.) Attacks on Career Criminal Program

During this reporting period, no new legal attack was filed against any Career Criminal Program. Summaries of the four completed attacks are contained in the Third Quarterly Report. (April-June, 1977)

B.) Legislation

During this quarter, the Codes Committee of the Assembly of the State of New York began considering the possibility of introducing CCP-type legislation during the next session. NLDC became involved at the Committee's request and has supplied CCP information, telephonic consultations and a copy of the recently passed California CCP law.

GOAL f-ii: NEWSLETTER

NLDC prepares on a quarterly basis, a newsletter entitled "The Verdict". It is designed as a user information sheet and contains articles on Center activities, program status, media clips, and news items of interest to Career Criminal Program personnel. A copy of Volume 2, Number 3, can be found as addendum 3.

Reaction to this publication from the user group has been most favorable. The format and content of the newsletter has been changed to provide more news items and information on Center activities and services. Also, a new column has been added, which provides reviews of recently published books and articles which are of interest to prosecutors.

GOAL f-iii: RESPONSE TO TELEPHONE REQUESTS

Utilizing the two WATTS lines provided, NLDC has the capability to respond to requests for information in a timely manner. Telephone requests continue at a high rate.

TECHNICAL ASSISTANCE PACKAGE AND MATERIALS

NLDC has developed a Technical Assistance Package which contains general information concerning the design, implementation, and operation of CCPs.

The Package includes copies of the following:

- 1) Major Offense Bureau Manual
- 2) NLDC CCP Guidelines Booklet ("How-to-do-it")
- 3) CCP Information Sheet
- 4) Copies of "The Verdict"
- 5) Habitual Offender Statutes and Selected Firearms Use Enhancement Laws
- 6) Review of Current Statistical Data
- 7) NLDC Office Information Questionnaire
- 8) CCP Information Sheet
- 9) Legal Background Materials

This Package of materials is sent to most any jurisdiction that requests it, however, it is intended for use by prospective jurisdictions. Also, the Clearinghouse provides other TA materials to users. A list of mailings follow:

Mailings

Tim M. Morrison
Chief Deputy Prosecutor
Bloomington, Indiana

Bail Study

Mailings (Cont.)

Eric SerVaas
5644 N. Delasare Street
Indianapolis, IN 46220

CCP Information

Charles M. Hollis III
LEAA

CCP Performance Summary

Mr. William Allen
PAAM-Michigan

CCP Slide Presentation

Ms. Janet Bode
1920 Laguna
San Francisco, CA

CCP Information

Mrs. Johnson
716 N. 73rd
Seattle, WA

CCP Information

Dr. Marvin Lavin
RAND Corp.
Santa Monica, CA

CCP Mailing Labels

Mr. William Moore
Portsmouth, VA

CCP Slide Presentation

GOAL f-iv: DATA TRAINING AND SUPPORT

Data collection training was provided to Ventura County
during this quarter. For a full report see addendum 4.

GOAL g: EVALUATION PRODUCT

In reference to this goal, the evaluation design and proposal developed by NLDC and ABT Associates, has, as of the date of this report, been neither approved nor denied. However, if the 90-day funding rule established by LEAA is in effect, the funding of the proposal should be forthcoming.

GOAL h-i:

Deleted by Grant Adjustment. (See Volume II, Addendum I of Quarterly Report III.)

GOAL j: PROGRAM REPLICATION

NO-COST

During this reporting period, no new jurisdiction established a locally funded project. However, NLDC began consultation with personnel in Vancouver, Washington, who have indicated that they are desirous of implementing a program. Targeted start-up date - February 1, 1978.

STATE BLOCK

The number of state block programs increased with the addition of Santa Ana (Orange County) California.

SPECIAL CONDITIONS COMPLIANCE

k-SC1

NLDC is in full compliance with this condition.

k-SC2

No individual possessing a handicap has presented either his/her person or application to NLDC during this reporting period. However, NLDC does not expressly or impliedly discriminate against such persons.

k-SC3

NLDC is in full compliance with this special condition.

k-SC4

NLDC is in full compliance with this special condition.

k-SC5

NLDC is in full compliance with this special condition.

k-SC6

A grant adjustment to clarify this condition has been submitted. (See addendum 1- Quarterly report III).

k-SC7

During discussions with our Project Monitor in February, 1977, it was agreed that conflicting schedules warranted the waiver of the thirty-day written notice, but that telephonic approval would be obtained prior to on-site visits. Written notice, when practical, is given to the jurisdiction.

k-SC8

Summaries of the activities of technical assistance trips during this quarter can be found at Goal f-v of this report. Copies of each of the technical assistance visit reports are routinely transmitted to our Project Monitor. (Page 59).

SPECIAL CONDITIONS COMPLIANCE (Cont.)

K-SC9 & 10

NLDC is in full compliance with each of these Special Conditions.

k-SC11

NLDC is in full compliance with this Special Condition. A total of ten (10) jurisdictions have begun non-federally funded programs. A list follows:

1. Akron, Ohio
2. Canton, Ohio
3. Chicago, Illinois
4. West Palm Beach, Florida
5. Fort Worth, Texas
6. Denver, Colorado
7. Seattle, Washington
8. Sacramento, California
9. Santa Barbara, California
10. Ventura, California

k-SC12

NLDC is in full compliance with this Special Condition. An evaluation design is pending action at L.E.A.A.

TIMETABLE RESULTS

Quarter One

PT 1 - Negotiations with ATF did not begin due to ATF personnel changes and proposed revisions to gun laws. A grant adjustment has been submitted to delete this item.

PT 2 - Postponed until 2nd Quarter.

PT 3 - A regional conference was held in San Diego, California on November 15 - 16, 1976.

PT 4 - See k-SC12.

PT 5 - See PT 3 above.

PT 6 - Volume 1 No. 5 of "The Verdict" was prepared and mailed during first quarter.

PT 7 - The preparation of monthly statistical reports were not completed during first quarter due to backlog of data and time required to test computer programs. This timetable is now operational.

PT 8 - Technical assistance was rendered during first quarter. See first quarter report.

PT 9 - NLDC did attend the NDAA annual meeting (held in August, 1976).

PT 10 - A second non-federally funded program was begun in Sacramento, California. The first pilot program is now operational in Ventura, California.

Quarter Two

PT 1 - Completed during second quarter. System is current with only minor technical problems existing.

PT 2 - The computerized program for the MITRE evaluation is complete and being provided. (See also k-SC12).

PT 3 - Deleted with approval of pending grant adjustment.

PT 4 - A regional conference was held in Miami, Florida, in February, 1977. A full report is contained in the addendum to the Second Quarterly Report.

TIMETABLE RESULTS (Cont.)

PT 5 - Volume 2, Number 1, of "The Verdict" was published and mailed.

PT 6 - Deleted with approval of grant adjustment.

PT 7 - The issuance of the monthly statistical report was initiated in February, 1977.

PT 8 - NLDC did not attend a scheduled meeting with a state prosecution organization since it was postponed. However, such a conference is scheduled for Ohio in May, 1977.

PT 9 - On-going technical assistance is reported earlier in this report.

PT 10 - A non-federally funded program was begun in this quarter - Akron, Ohio.

THIRD QUARTER

PT-1

Completed during second quarter.

PT-2

Deleted by grant adjustment. (See addendum I- III Quarterly Report).

PT-3

Regional Conference held in Boston, Massachusetts June 23-24, 1977.

PT-4

Volume 2, No. 2 of "The Verdict" published in June-1977.

PT-5

Technical assistance was rendered during this quarter

PT-6

Monthly reports were issued as required.

PT-7

No national conference planned due to budget reduction.

PT-8

NLDC attended the California District Attorneys Association Conference.

THIRD QUARTER (Cont.)

PT-9

Cook County (Chicago), Illinois and Seattle, Washington implemented with NLDC assistance.

5TH PERIOD

PROJECTED TIMETABLE RESULTS

1. Deleted by Grant Adjustment; see Quarterly Report III, Volume II, Addendum one (1), dated 7/30/77.
2. Deleted as above.
3. NLDC did issue monthly statistical and special reports during this quarter. (See Section d-5, Results, Goals c and d.)
4. The Northwest Regional Career Criminal Program Workshop was held this quarter in Portland, Oregon, on October 6 - 7, 1977.
5. NLDC did publish a newsletter during this quarter, Volume 2 No. 3.
6. For on-going Technical Assistance activity, see Section d-5, Results, Goal f.
7. Deleted as in (1) above.
8. NLDC did not attend a state prosecutors conference for program replication due to LEAA imposed travel restrictions. However, close contact was developed with the Prosecuting Attorneys Association of Michigan (PAAM) and CCP information was provided to Mr. Bill Allen, Program Director, to aide him in establishing a state wide career criminal assistance program.

D-6: PROBLEMS AND ADMINISTRATIVE ACTIVITIES

Administrative:

No administrative difficulties arose during the quarter. No personnel changes occurred. A no-cost grant extension was filed and approved on 9/28/77.

Problems:

This section explains the various problems which occurred during the reporting period. As can be seen, very few caused major reactions. Each statement is related to its corresponding goal.

GOAL-a:

No problems.

GOAL b: DATA SCREENING ACTIVITIES

TELEPHONE LIST-OCTOBER/DECEMBER

Numerous human errors continue to occur. The following is a list of telephone calls necessitated to clear up problematic data collection forms:

<u>NAME</u>	<u>NUMBER OF CALLS</u>	<u>JURISDICTION</u>
David Barrett	2	New York
Lynn Bracy	6	Milwaukee
Margaret Casey	5	New York
Art Connolly	8	Miami
Kay Hardacre	4	Columbus
Rita Kane	2	Boston
Roberta Gates	7	Albuquerque
Mike Keasler	4	Dallas
Bill Evans	8	Houston
Robert Hathaway	4	Detroit
Debra Kohl	4	Rhode Island
Mike McHugh	7	Indianapolis
Barb Mejur	4	Kalamazoo
Rosalie LeBlanc	4	Portland
Don Richardson	6	St. Louis 2 & 4
Larry Shepard	4	St. Louis 3
Kevin Smith	1	St. Louis 1
Gay Wilson	2	Santa Barbara
Kay Wellman	3	Memphis
Tad Corbet	2	Las Vegas

GOAL c: PROBLEMS

Due to changes in our continuation application, we do not anticipate a problem in this area in the future.

GOAL d: No problems.

GOAL e: No problems.

GOAL f: Problems (re: travel):

The overall technical assistance effort of NLDC was hampered during this reporting period due to an LEAA imposed travel curtailment. Therefore, jurisdictions requesting or in need of NLDC technical assistance could not be served. Discussions in this regard continue with our Project Monitor.

GOAL g: No problems.

GOAL h: Deletion requested, see addendum 1, Third Quarterly Report.

GOAL i: Deletion requested, see addendum 1, Third Quarterly Report.

GOAL j: Although travel restrictions may reduce number of anticipated operative programs for the remaining grant period, NLDC will reach or surpass the required number of four (4).

k-SC1 through k-SC5: No problems.

k-SC6: See addendum 1, Third Quarterly Report for requested clarification.

k-SC7: See addendum 1, Third Quarterly Report, for requested clarification.

k-SC8 through k-SC12: No problems.

TIMETABLE - FOURTH.

PT-1: No problem.

PT-2: No problem.

PT-3: No problem.

PT-4: No problem.

PT-5: No problem. See section D-5, goal f-vi of this report.

PT-6: No problem.

PT-7: Not planned due to budget reduction.

PT-8: No problem.

PT-9: No problem.

5TH PERIOD

1. Deleted by Grant Adjustment; see Third Quarterly Report, Volume II, addendum 1, dated 7/30/77.
2. Deleted as above.
3. No problems.
4. Rescheduled due to schedule conflict.
5. No problems.
6. No problems.
7. Deleted as one (1) above.
8. LEAA travel restrictions caused non-compliance.

All timetable requirements were completed as of December 31, 1977.

E. DISSEMINATION

Three (3) copies of this report are being presented to the Law Enforcement Assistance Administration, 633 Indiana Avenue, Washington, D.C. One copy is also mailed to the California Office of Criminal Justice Planning, Sacramento, California 95823.

ADDENDUM ONE

PROSECUTORIAL OFFICE
AND
CRIMINAL JUSTICE SYSTEM
PROFILE

_____, 197____

Prepared by:
National Legal Data Center, Inc.
100 E. Thousand Oaks Blvd., Suite 172
Thousand Oaks, California 91360
Tel: 805-497-3786

PROSECUTORIAL TECHNICAL ASSISTANCE ASSESSMENT FORM

I. GENERAL INFORMATION

OFFICE

OFFICE

ADDRESS

MAILING

ADDRESS

OFFICE

HEAD

(NAME)

(TELEPHONE)

(TITLE)

1st ASSIST.
ATTORNEY

(NAME)

(TELEPHONE)

(TITLE)

OTHERS INTER-
VIEWED

(NAME)

(TELEPHONE)

(TITLE)

(NAME)

(TELEPHONE)

(TITLE)

(NAME)

(TELEPHONE)

(TITLE)

RECEIVED

OV 17 1977

(NAME) (TELEPHONE)

(TITLE)

(NAME) (TELEPHONE)

(TITLE)

JURISDICTION

(COUNTY, CITY, PARISH, JUDICIAL DISTRICT)

If jurisdiction is not coincident with the county, city,
etc., describe the counties, cities, etc., comprising
the jurisdiction.

POPULATION OF
JURISDICTION

AREA OF
JURISDICTION

PROSECUTION RESPONSIBILITIES CHARGED TO THE OFFICE (DOES THE OFFICE HAVE
SOLE RESPONSIBILITY FOR FELONY PROSECUTIONS IN YOUR JURISDICTION INCLUD-
ING APPEALS FROM CONVICTION?)

CASELOAD
(1976 Actual or 1977 Year End est. FELONY

TOTAL CASES

UCR DATA

TOTAL PART I CRIMES

II. ORGANIZATION AND STAFFING

- OBTAIN A COPY OF THE MOST RECENT ORGANIZATION CHART. IF NOT AVAILABLE, SKETCH OR FULLY DESCRIBE AND ATTACH.

PROSECUTOR

PROSECUTOR IS ELECTED () APPOINTED ()

DATES OF CURRENT TERM _____

DATE HE FIRST TOOK OFFICE _____

IS THE POSITION A FULL-TIME POSITION WITHIN THE JURISDICTION?

YES () NO ()

ASSISTANTS

TOTAL NUMBER OF ASSISTANT PROSECUTORS (INCLUDING 1st ASSISTANT) _____

TOTAL NUMBER FULL-TIME CRIMINAL PROSECUTORS _____

TOTAL NUMBER PART-TIME CRIMINAL PROSECUTORS _____

SUPPORT STAFF

TOTAL NUMBER OF CRIMINAL INVESTIGATORS:
PART OF THE OFFICE _____
ON LOAN FROM A LAW ENFORCEMENT AGENCY _____

TOTAL NUMBER OF LEGAL INTERNS _____

TOTAL NUMBER OF PARALEGALS _____

TOTAL NUMBER OF ADMINISTRATIVE, SECRETARIAL AND
CLERICAL STAFF _____

OTHERS (INCLUDE SPECIAL OR GRANT FUNDED PERSONNEL) _____

DESCRIBE THE DIVISIONS, SECTIONS, AND STAFFING OF THE OFFICE (REFER TO ORGANIZATION CHART). SPECIFICALLY INDICATE ANY SPECIALIZED DUTIES/ ASSIGNMENT OF THE CRIMINAL PROSECUTORS.

PROSECUTORS AVERAGE EXPERIENCE WITH THE OFFICE IN NUMBERS OF YEARS

IS THE PAY/CLASSIFICATION STRUCTURE ADEQUATE?

ARE ASSISTANT PROSECUTORS PART OF A CIVIL SERVICE SYSTEM? YES () NO ()

DOES THE OFFICE HAVE AN AFFIRMATIVE ACTION PLAN? YES () NO ()

III. RESOURCES

FROM WHICH OF THE FOLLOWING SOURCES IS THE PROSECUTOR'S BUDGET DERIVED?

STATE ()
COUNTY/CITY ()
SELF-GENERATED ()
PRIVATE FOUNDATION ()
FEDERAL FUNDS ()
OTHER ()

WHAT IS THE PROCESS FOR APPROVAL OF THE BUDGET. (INDICATE FUNDING PROBLEMS, IF ANY)

DOES THE PROSECUTOR'S OFFICE HANDLE THE PAYMENT AND ACCOUNTS FOR SALARIES AND SERVICES? YES () NO ()

ADEQUACY OF FACILITIES AND OTHER RESOURCES (I.E., CONTIGUOUS OFFICES, ROOM FOR EXPANSION, PROXIMITY TO COURTHOUSE, JAIL, ETC., ACCESS TO AN ADEQUATE LAW LIBRARY).

TOTAL ANNUAL BUDGET _____

GRANT FUNDS

- ATTACH LIST OF GRANT FUNDED PROGRAMS (LAST FIVE YEARS). INDICATE ON THE LIST SUCCESS OF PROGRAM (AS DEMONSTRATED BY ASSUMPTION OF COST)
- ATTACH A SPECIAL PROGRAMS INFORMATION SHEET FOR CURRENT GRANT PROGRAMS

ARE PLANS CURRENTLY UNDERWAY TO ESTABLISH ANY NEW PROGRAMS (GRANT OR OTHER)?

WHAT LOCAL ENTITY ADMINISTERS FEDERAL GRANTS?

Attachment

SPECIAL PROGRAMS

TITLE: _____

PURPOSE: _____

GENERAL DESCRIPTION:

HOW FUNDED:

IN YOUR OPINION, IS THIS PROGRAM SUCCESSFUL? YES () NO ()

IF FUNDED WITH FEDERAL OR OTHER OUTSIDE "SEED" MONEY, WHAT ARE THE CHANCES THE PROGRAM WILL BE LATER PICKED UP BY YOUR LOCAL AND/OR STATE FUNDING AUTHORITIES?

HAS ANY EVALUATION OF THE PROGRAM BEEN UNDERTAKEN? YES () NO ()

IF YES, PLEASE PROVIDE GENERAL REVIEW OF EVALUATION.

IV. OFFICE ADMINISTRATION AND MANAGEMENT

HOW ARE POLICIES AND PROCEDURAL DECISIONS FORMULATED AND DISSEMINATED TO THE STAFF (STAFF MEETINGS, MEMOS, ETC.)?

IS THERE A POLICIES AND PROCEDURES MANUAL? (INDICATE FREQUENCY OF USE AND REVISION).

V. CASE PROCESS FLOW

OBTAIN AND ATTACH A COPY OF A CASE FLOW CHART. IF NOT AVAILABLE, DESCRIBE OR SKETCH THE PROCESS, AND ATTACH.

DESCRIBE HOW CASES ARE ASSIGNED IN THE OFFICE. (DOES THE OFFICE OPERATE IN A VERTICAL OR HORIZONTAL STRUCTURE)

TIME IN DAYS FROM ARREST TO COMMENCEMENT OF TRIAL FOR FELONY CASES.

	FOR ANY SPECIAL UNIT(S).	
UNIT		TIME

AVERAGE CASELOAD PER FELONY PROSECUTOR PER YEAR

VI. LEGAL CASE PROCESSING ISSUES

WHO CAN INITIATE THE FILING OF A CRIMINAL CASE?

- a. Only the office of the Prosecutor ()
- b. Both the Office of the Prosecutor and the Police ()
- c. Other: (Specify) ()

WHAT ARE THE METHODS FOR CHARGING IN THE FELONY COURT?

- a. Grand Jury indictment only ()
- b. Prosecutorial information only ()
- c. Both of the above ()

DOES YOUR JURISDICTION HAVE A SPEEDY TRIAL STATUTE OR COURT RULE?

YES () NO ()

IF YES, BRIEFLY DESCRIBE:

DOES THE JURISDICTION'S STATE HAVE A SECOND OR HABITUAL OFFENDER STATUTE?

YES () NO ()

IF YES, BRIEFLY DESCRIBE, OR ATTACH A COPY:

HOW OFTEN IS IT UTILIZED?

IN THE JURISDICTION'S STATE WHAT OFFICIAL(S) HAS THE AUTHORITY TO ISSUE CRIMINAL SEARCH WARRANTS?

CONTINUED

1 OF 2

IN THE JURISDICTION'S STATE IS THE APPROVAL OF THE PROSECUTOR OR AN ASSISTANT PROSECUTOR REQUIRED PRIOR TO THE APPLICATION FOR A SEARCH WARRANT MADE TO AN AUTHORIZED ISSUING OFFICIAL? YES () NO ()

IF NO, DOES THE PROSECUTOR EXPECT APPLICATIONS FOR SEARCH WARRANTS TO BE SUBMITTED TO THE PROSECUTOR OR AN ASSISTANT PROSECUTOR PRIOR TO SUBMISSION TO AN AUTHORIZED ISSUING OFFICIAL? YES () NO ()

DOES THE PROSECUTOR OR AN ASSISTANT PROSECUTOR ASSIST IN THE PREPARATION OF APPLICATIONS FOR SEARCH WARRANTS?

- a. Usually does ()
- b. Usually does not ()
- c. Other ()

WHAT IS THE INVOLVEMENT OF THE PROSECUTOR IN THE ISSUANCE OF AN ARREST WARRANT?

VI-2

VII. SCREENING

AT WHAT STAGE ARE INCOMING CASES FIRST SCREENED BY THE PROSECUTOR'S STAFF?

IS THERE A SPECIALLY DESIGNATED STAFF INCLUDING ASSISTANT PROSECUTOR'S RESPONSIBLE FOR SCREENING CRIMINAL COMPLAINTS? (IS THERE A HEAD OF THE SCREENING STAFF? WHAT IS HIS AUTHORITY?)

ARE LAW ENFORCEMENT OFFICERS EXPECTED OR REQUIRED TO SUBMIT THE DEFENDANTS PRIOR CRIMINAL RECORD AT THE TIME THE COMPLAINT/REQUEST IS SCREENED? YES () NO ()

IF YES, WHAT TYPE AND/OR SOURCES ARE EXPECTED OR REQUIRED?

WHEN DO THE ASSISTANT PROSECUTORS SCREENING REVIEW THE DEFENDANTS CRIMINAL RECORD IN RELATION TO THE CRIMINAL CHARGE (I.E., PROSECUTION V. NO PROSECUTION DECISION).

Before ()
Contemporaneously ()
After ()

WHEN DO THE ASSISTANT PROSECUTORS SCREENING REVIEW THE DEFENDANTS CRIMINAL RECORD IN RELATION TO WHAT OFFENSE(S) TO CHARGE (I.E., DEGREE OF FELONY, FELONY OR MISDEMEANOR, ETC.)

Before ()
Contemporaneously ()
After ()

VII-1

HOW FREQUENTLY WHEN SCREENING DO ASSISTANT PROSECUTORS INTERVIEW A LAW ENFORCEMENT OFFICER(S) OR THE VICTIM/WITNESS? (USUALLY, SELDOM, ONLY FOR SPECIFIC CASE TYPES, NEVER).

WHAT ARE ASSISTANT PROSECUTORS EXPECTED TO SCREEN FOR: (CHECK ALL THAT APPLY).

Probable Cause to Charge ()
Prove a prima facia case in Court ()
Convictability, i.e., not only make
prima facia case but meet burden of proof ()

IS THERE A FORMAL PROCEDURE OR PROCEDURES FOR REVIEW WITHIN THE PROSECUTOR'S OFFICE OF DECISIONS WHICH LAW ENFORCEMENT DOES NOT AGREE WITH? YES () NO ()

IF YES, DESCRIBE:

IF PROSECUTION IS DENIED ENTIRELY OR ONLY PROCEEDS FROM SCREENING ON LESS THAN REQUESTED CHARGE IS THE REQUESTING LAW ENFORCEMENT AGENCY ALWAYS ADVISED OF THE MAJOR REASONS WHY? FORMALIZED? WHO IS PROVIDED THE INFORMATION? (ARRESTING OFFICER, INVESTIGATOR, COMMANDING OFFICER)

IS THERE A SYSTEM IN THE PROSECUTOR'S OFFICE TO PREVENT LAW ENFORCEMENT OFFICERS FROM PROSECUTOR SHOPPING? (E.G., SELECTING THE ASSISTANT PROSECUTOR THEY BELIEVE WILL GIVE THEM THE DECISION THEY WANT, RE-SUBMITTING TO DIFFERENT ASSISTANT PROSECUTORS UNTIL THEY GET THE DECISION THEY WANT, ETC.) YES () NO ()

IF YES, DESCRIBE:

VIII. CASE MANAGEMENT INFORMATION SYSTEMS

BRIEFLY DESCRIBE HOW CASES ARE FILED, CONTROLLED, SCHEDULED, INDEXED, AND STORED. (IF AUTOMATION SUPPORTS THE PROCESS, INDICATE WHAT INFORMATION IS PRODUCED FOR THE OFFICE. IF THE SYSTEM IS MANUAL, EXPLAIN CROSS REFERENCING PROCEDURE AND RETRIEVAL PROCESS).

DOES THE PROSECUTORS OFFICE UTILIZE A SPECIALLY DESIGNED CASE FOLDER?

DESCRIBE ATTORNEY/CASE SCHEDULING PROCESS (DOES A TICKLER OR FLAGGING SYSTEM EXIST? DESCRIBE.)

INDICATE OPERATIONAL STATISTICS MAINTAINED BY THE OFFICE
* ATTACH SUMMARY SHEETS WHERE AVAILABLE

IS THERE AUTOMATION IN ANY OF THE FOLLOWING ORGANIZATIONS? INDICATE THE AVAILABILITY OF THE SYSTEMS TO THE PROSECUTOR.

- | | |
|----------------|----------------|
| a. Police | YES () NO () |
| Availability | |
| b. Courts | YES () NO () |
| Availability | |
| c. Corrections | Yes () NO () |
| Availability | |

IX. BAIL

WHEN IS BAIL INITIALLY SET? _____

DOES THE PROSECUTOR'S OFFICE USUALLY MAKE RECOMMENDATIONS ON INITIAL
BAIL SETTINGS? YES () NO ()

IF YES, ARE THE RECOMMENDATIONS:

- a. Usually accepted ()
- b. Usually rejected ()
- c. Other: (please specify) ()

X. INVESTIGATION

IF THE PROSECUTOR DESIRES ADDITIONAL INVESTIGATION RESOURCES, HOW
ARE THEY PROVIDED AND BY WHOM? (INDICATE THE ROLE AND AUTHORITY OF
ANY INVESTIGATORS ATTACHED TO THE OFFICE)

ARE PROSECUTORS AVAILABLE ON A 24-HOUR BASIS TO ASSIST THE INVESTIGATORS
AND/OR POLICE? YES () NO ()
IF YES, SPECIFY THE PROCEDURE.

DO THE PROSECUTORS ACTIVELY PARTICIPATE IN THE INVESTIGATION PROCESS,
I.E., VISITING THE CRIME SCENE, ETC.? YES () NO ()
IF YES, DESCRIBE PARTICIPATION.

XI PLEA BARGAINING

DOES THE PROSECUTOR CURRENTLY HAVE A FORMAL PLEA BARGAINING POLICY?

YES () NO ()

IF YES, DESCRIBE:

XI-1

XII. SENTENCING

WHICH OF THE FOLLOWING APPLY TO THE OCCURRENCE OF PRE-SENTENCE INVESTIGATIONS?

- a. Mandatory ()
b. Optional ()
c. Not used ()

WHEN USED, HOW MANY DAYS ARE USUALLY REQUIRED FOR COMPLETION? _____

ON SENTENCING, YOUR OFFICE:

- a. Always or usually makes recommendations ()
b. Never or rarely makes recommendations ()
c. Other: (Specify) ()

YOUR OFFICE'S SENTENCE RECOMMENDATIONS ARE:

- a. Usually accepted ()
b. Usually rejected ()
c. Other: (Specify) ()

WHO SETS SENTENCES?

- a. Only judge ()
b. Only jury ()
c. Judge or jury option ()

ARE MOST OF YOUR FELONY SENTENCING PROVISIONS:

- a. Determinate ()
b. Minimum/Maximum (i.e., 3 - 5) ()
c. Indeterminate (i.e., 1 to life) ()
d. Other: Specify ()

XII-1

XIII. PROBATION/PAROLE

DOES THE PROSECUTOR'S OFFICE RECEIVE NOTICE FROM THE STATE PAROLE
AUTHORITY ON HEARINGS FOR PRISONERS FROM YOUR JURISDICTION?

YES () NO ()

IF YES, DESCRIBE THE POLICIES ON RESPONDING THERETO:

IF YOU RESPOND, WHAT IMPACT HAS THIS HAD ON THE PAROLE OF CONVICTED
PRISONERS?

WHO APPOINTS OR CONTROLS PROBATION OFFICERS IN YOUR JURISDICTION?

- a. Court ()
- b. Independent agency ()
- c. Other: Specify ()

DO PROBATION OFFICER'S REPORTS:

- a. Regularly include Prosecutors recommendations ()
- b. Rarely include Prosecutors recommendations ()
- c. Other: (Specify) ()

WHO HAS AUTHORITY TO FILE PROBATION VIOLATION CITATIONS?

- A. Prosecutor ()
- b. Probation Officer ()
- c. Either Prosecutor or Probation Officer ()
- d. Other: (Specify) ()

XIII-1

XIV. LAW ENFORCEMENT

HOW MANY LAW ENFORCEMENT AGENCIES EXIST IN YOUR JURISDICTION?

DOES THE PROSECUTOR'S OFFICE PROVIDE ANY TRAINING TO LAW ENFORCEMENT
AGENCIES? YES () NO ()

IF YES, BRIEFLY DESCRIBE. INDICATE AUDIENCE (I.E., PATROL, INVESTIGA-
TIONS) FORUM (ROOKIES' TRAINING, IN-SERVICE TRAINING, MORNING ROLL
CALL) AND TOPIC.

DOES THE PROSECUTORS OFFICE PROVIDE LAW ENFORCEMENT AGENCIES WITH
INFORMATION ON THE PROCESSING AND DISPOSITION OF CASES IN WHICH THEY
ARE INVOLVED? YES () NO ()

DOES ANY LAW ENFORCEMENT AGENCY ASSIGN PERSONNEL TO WORK WITH THE
PROSECUTORS OFFICE? YES () NO ()

IF YES, EXPLAIN: (HOW MANY, FOR WHAT PURPOSE, ETC.)

XIV-1

XV. JUDICIARY

ORGANIZATION AND NUMBERS OF JUDGES SITTING IN THE FELONY COURT.

DESCRIBE THE DOCKETING SYSTEM OF THE COURT (INDICATE ANY SCHEDULING PROBLEMS THIS SYTEM CREATES FOR THE PROSECUTOR).

HOW WOULD YOU DESCRIBE THE GENERAL ATTITUDE OF THE COURT TOWARD SENTENCING OF CONVICTED INDIVIDUALS.

- a. Hard line ()
- b. Moderate ()
- c. Lenient ()

DOES THE COURT HAVE AN ADEQUATE APPEALS/TRANSCRIPT PREPARATION SYSTEM?

YES () NO ()

IF NO, DESCRIBE THE PROBLEM:

HOW WOULD YOU DESCRIBE THE GENERAL ATTITUDE OF THE COURTS TOWARD THE SETTING OF BAIL?

- a. Hard line ()
- b. Moderate ()
- c. Lenient ()

DO YOUR COURTS HAVE ANY STANDARD BAIL SETTING PRACTICES? YES () NO ()

IF YES, DESCRIBE:

XVI. CORRECTIONS

INDICATE THE POPULATION STATUS OF LOCAL AND STATE CORRECTIONAL FACILITIES. (MAXIMUM, MEDIUM, AND MINIMUM SECURITY FACILITIES)

IS THERE CURRENTLY ANY COURT ORDER ISSUED TO YOUR LOCAL OR STATE CORRECTIONS DEPARTMENT? YES () NO ()

ADDENDUM TWO

Addendum II

CAREER CRIMINAL PROGRAM

(AN OVERVIEW)

PREPARED BY:

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TABLE OF CONTENTS

- I. THE PROBLEM AND APPROACH
- II. BACKGROUND OF THE CAREER CRIMINAL PROGRAM
- III. ELEMENTS OF THE PROGRAM
- IV. LEGAL ISSUES
- V. PROGRAM RESULTS
- VI. FUTURE DIRECTIONS
- VII. CONCLUSIONS

I. THE PROBLEM AND APPROACH

The Career Criminal Program is based upon the theorem that a relatively small group of offenders commit a disproportionately large number of serious offenses. Therefore, to reduce the occurrence of serious crimes while at the same time making more effective use of the limited resources of the criminal justice system, repeat offenders should be identified quickly, prosecuted without unnecessary delays and "incapacitated" for substantial periods by incarceration.

Available studies do indicate that a substantial, indeed an inordinate, amount of serious crime in America is committed by a relatively small number of "career criminals".

For example, of the 23,178 defendants convicted in the U.S. District Courts during 1970, 12,722 or 61.9% had prior criminal records. Source Book on Criminal Statistics, 1973, p 322.

A full one-third of the prisoners in federal penal institutions had been committed to penal institutions three or more times previously. Kassembaum, Prison Treatment and Parole Survival, 1971, p 296.

A longitudinal study of felony cases handled by the United States Attorney's Office of the District of Columbia over a period of several years indicated that only 7% of the defendants accounted for fully 25% of the criminal cases handled in the office during that time span.

These studies are reinforced by data at the National Legal Data Center¹ from various Career Criminal Projects which indicates that the 6,519 defendants "disposed-of" before September 1, 1977 by reporting Projects had an average of 11 non-juvenile arrests, an average of 3 prior non-juvenile misdemeanor convictions and an average of 3 prior non-juvenile felony convictions.

The studies and data are confirmed by a recent Rand study (dated August 1977) entitled, "Criminal Careers of Habitual Felons", which at page 115 concluded:

"According to their own statements, this sample of offenders had committed many serious crimes ... of the nine offense types considered. The average number was 20 per offender per year of street time." (emphasis added)

The Rand study goes on to conclude that:

"The level of criminal activity was not constant but declined with age ... Previous studies of criminal behavior, based on official records, have found that participation in crime declines with age. A unique contribution of this study is the finding that the level of criminal activity diminishes even among those who remain active in crime.

1. The National Legal Data Center, Inc., is funded by a grant from L.E.A.A. as the National Clearinghouse for the Career Criminal Program. It provided technical assistance and automated data services to State Block and locally funded Projects as well as to Projects funded with L.E.A.A. Discretionary Funds.

Though the level declined, there was a certain steadiness about the sample's crime."

An even more striking conclusion of the Rand study is found on page 116:

"Most (offenders) believed that their resumption of crime (after incarceration) could not have been deterred. For those who believed it could have been deterred, certainty of apprehension would have been the most influential factor."

This conclusion gives credence to the theory espoused over 200 years ago by Cesare Beccaria 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.

While the Rand study contains a number of qualifiers because of the size of the group, the method of its selection, etc., its conclusions are consistent and confirm the opinions of many current members of the criminal justice community and in particular persons connected with Career Criminal Programs.

With this empirical background and experience in mind a conclusion of the Rand study under "Policy Implications" (at page 120) seems inescapable:

"The continuing criminal activity of this sample in the face of frequent arrests, convictions, and incarcerations is an indication of the inability of previous rehabilitation, deterrence, and prevention

efforts to curtail their criminal behavior. The primary alternative for counteracting such offenders is a greater reliance on incapacitation. Incapacitation policies are intended to assure the conviction and prolonged incarceration of serious habitual offenders, once arrested. The rationale is obvious: Offenders cannot commit crimes against the community while in prison, and they are not likely to be able to make up for lost time after release if the probability of reincarceration is high."

The criminal justice system however has significant problems in apprehending and convicting "career criminals: much less assuring that the "probability of reincarceration is high" and doing either in a timely manner. Urban prosecutor's offices are besieged by burgeoning caseloads, hamstrung by reluctant and uncooperative witnesses, and unable to routinely assign experienced prosecutors to the most serious cases. As a result, they were forced to routinely dismiss cases or to plea bargain them down to minor offenses.

"Career Criminals" know how to effectively manipulate this situation and the results therefrom were predictably disappointing. As Professor van den Haag noted in his recent work, "Punishing Criminals", the proportion of offenses which result in prison sentences rests at about one percent of the total number of actual crimes committed.

The percentage of those incarcerated did not rise markedly even for career criminals.

For example, a study of all adult males convicted of felonies in the State of Wisconsin for the time span 1954 through 1959, disclosed that 63% of those who had previously been convicted of another felony were still granted probation; moreover a full 41% of those who had 2 or more prior felony convictions were still granted probation for the subsequent offense. "Probation vs. Imprisonment for Similar Types of Offenders, Journal of Research in Crime and Delinquency, July 1965, p 2.

In Los Angeles County, only 6% of those convicted of burglary, who had a serious prior record, were sent to prison; only 12% of those convicted of burglary who had already served a prior prison term were sent back. The Prosecution of Adult Felony Defendants in Los Angeles County: a Policy Prospective, Report No. R-1127-DOJ, p 109.

Thus the Career Criminal Program was conceived as a means of focusing on the habitual criminal offender so as to stop the apparently existing system of "revolving door criminal justice."

II. BACKGROUND OF THE CAREER CRIMINAL PROGRAM

The Career Criminal Program is the result of an initiative announced by the President of the United States in an address to the International Association of Chiefs of Police on September 24, 1974, in Washington, D.C.² The President restated his support of the Career Criminal Concept in a message to Congress and illustrated the nature of the problem presented by career criminals in noting that, "in one city over 60 rapes, more than 200 burglaries, and 14 murders, were committed by only 10 persons in less than 12 months. But unfortunately, this example is not unique."

The President directed the Law Enforcement Assistance Administration to undertake a program which would concentrate prosecutorial resources upon those individuals who habitually commit such serious crimes as murder, rape, aggravated assault, armed robbery and burglary. Thus, the Career Criminal Program came into being.

²The concept of an LEAA funded Career Criminal Program began in August of 1974, when Mr. Charles R. Work, the then Deputy Director for Administration of LEAA, addressed a memo to the Attorney General of the United States, the Honorable William S. Saxbe, in which attention was drawn to the unacceptably high level of criminal activity in the nation. Mr. Work's memo proposed the implementation of a Career Criminal Impact Program to combat repeat criminal activity whereby the focus of the program would be public prosecutors, assisted by a centralized clearinghouse to collect, pool and monitor data, and to render all forms of technical assistance.

Within days of receiving this memo, Attorney General Saxbe convened a meeting of senior Justice Department officials, district attorneys, and National Legal Data Center representatives, to explore the issues raised by Mr. Work. The address by President Ford on September 24, 1974, followed shortly after this meeting.

Pursuant to this Presidential initiative, the Law Enforcement Assistance Administration, in 1975, initially awarded Discretionary Funds to eleven (11) Career Criminal Projects in major population areas. The site of the first Project to be funded was New Orleans, Louisiana in May of 1975. Following in chronological order of funding were: Detroit, Michigan; Boston, Massachusetts; San Diego, California; Houston, Texas; Salt Lake City, Utah; Columbus, Ohio; Kalamazoo, Michigan; Indianapolis, Indiana; Dallas, Texas; and Manhattan, New York.

Subsequently, Career Criminal Projects were funded at Rhode Island (Statewide); Louisville, Kentucky; Albuquerque, New Mexico; St. Louis, Missouri; Memphis, Tennessee; Las Vegas, Nevada; Portland, Oregon; San Francisco, California; Portsmouth, Virginia; Minneapolis, Minnesota; Baton Rouge, Louisiana; and Clearwater, Florida. Discretionary Funds Awards to a few additional Projects are also expected in conjunction with other LEAA programs.

As an integral part of the Career Criminal Program, LEAA also funded the National Legal Data Center, Inc. (NLDC), as the national clearinghouse for the Program to provide coordination, monitoring and technical assistance services for LEAA and the Career Criminal Projects. One of the services of the clearinghouse is to provide assistance in the design, development, implementation and operation of Career Criminal Projects. Another service is a computerized information system which contains a basic profile of each defendant and information about each defendant's experience with the criminal justice system for all "career criminals" prosecuted by reporting Projects. All information is handled without names or other individual identifiers in conformity with LEAA

Privacy Guidelines. This data base is used to provide monthly performance reports and management information to reporting Projects and LEAA, and as the source of comprehensive statistics and information for project evaluations. It has also proven to be a fruitful source of information for researchers into habitual criminality and numerous related areas as there was no similar data base in existence.

Since LEAA Discretionary Funds are only "salt" or "seed" monies for the development of innovative programs and successful programs are replicated without the direct support of Discretionary Funds to such projects, LEAA funds the clearinghouse to provide its services to non-Discretionary Funded Projects as well as those receiving the awards of LEAA Discretionary Funds.

Thus, through some foresight by LEAA, when the initial indicators proved that the Career Criminal Program could, and did in fact work, the clearinghouse was able to begin and assist in replication even before any of the comprehensive, detailed and time-consuming formal evaluations of the initial projects were completed.

The sites of Career Criminal Projects operating without LEAA Discretionary Funds are too numerous to list in this subchapter. Some of these projects are operating without any additional funds by a prioritization of existing personnel and resources.

The first Career Criminal Project using only local resources was developed with the assistance of the NLDC in the Ventura County District Attorney's Office at Ventura, California.

It began operations in the summer of 1976, and was followed by similarly supported Projects in Fort Worth, Texas; West Palm Beach, Florida; Santa Barbara, California; Akron, Ohio; Canton, Ohio; and Sacramento, California. Additional locally funded Projects are in operation or under development.

Statistics on the Career Criminal Program nationwide along with additional information provided by the LEAA clearinghouse have been used by prosecutors to secure additional funding for Career Criminal Projects from a variety or combination of sources, e.g., local funds (i.e., County, City, etc.), State Block Funds awarded by a State Planning Agency (SPA), and most recently from state general revenue funds (in California).

Several states have made awards of LEAA State Block funds to support Career Criminal and/or Major Offender Projects through their State Planning Agencies. Michigan and Ohio have made awards to the largest numbers of Prosecutor's Offices to support Career Criminal Projects. The SPA in Ohio has made awards on a one-by-one basis, while the SPA in Michigan has used a unique approach. It simultaneously made awards to nine new Career Criminal Projects. The Michigan approach is also unique in that the SPA also funded a special project within the Prosecuting Attorneys Association of Michigan (PAAM) to provide specialized support to the Michigan projects.

The PAAM Project is designed in part to provide support to Michigan projects by rendering assistance in dealing with matters unique to Michigan and other matters specifically under Michigan Law and Procedure. It has prepared a special manual dealing with Michigan's Habitual Offender Statute and plans a manual

specifically for Career Criminal Project Prosecutors in Michigan. The PAAM Project has made extensive use of the technology and expertise developed by the LEAA Discretionary Funded Projects at Detroit and Kalamazoo, as well as that of other Discretionary Funded Projects and the NLDC.

California was the first state to appropriate state general revenue funds to support a series of Projects throughout the state. On September 15, 1977, the California Legislature (a body not normally noted for its "hard line" attitude in the criminal justice area) passed the "California Career Criminal Prosecution Program"³ which appropriated 3 million dollars annually to fund career criminal units in District Attorneys' Offices. The vote on passage of the bill (SB 683) was by no means a narrow margin. The Assembly approved by a vote of 68-2 and the Senate vote was 39-0. Governor Brown signed the bill on September 29, 1977.

Thus, the Career Criminal Program has proven that the concept of using LEAA Discretionary Funds to support pilot or experimental projects which, if successful, will be continued and replicated without the direct support of Discretionary Funds, can and does work.

³In summary, the legislation authorized the SPA to establish a funding procedure based upon applications submitted by District Attorneys desiring to establish a unit which meets certain guidelines requiring "vertical representation", reduced caseload, limited plea bargaining, etc. The bill also established certain selection criterias.

It appears that the California Legislature passed the bill in light of the successes of the LEAA funded San Diego Project and locally supported projects established at Ventura, Sacramento and Santa Barbara, with the assistance of the NLDC. The state Senate also invited members of the clearinghouse staff to testify on the achievements nationally of Career Criminal Projects.

III. ELEMENTS OF THE PROGRAM

The design and operation of a prosecutorial Career Criminal Project must accommodate the substantive and procedural law of the jurisdiction within which the Project will operate. It must also reflect the major crime and criminal justice system problems as perceived by the prosecutor from pre-existing cases and other sources of data and information. While many prosecutors have consulted with local police agencies to gain their insight and perceptions and to develop cooperation and a special support, a number of prosecutors have established a citizens advisory board for their projects.⁴ This group is generally composed of members representing a broad variety of interests in the community which makes it clear that the board is not dominated by law enforcement. All members, including representatives of the judiciary and law enforcement, serve in their capacity as citizens to advise and comment to the prosecutor on such things as target crimes, selection criteria, operations and most significantly, policy decisions affecting the project. While such groups have their largest impact during project development, they frequently continue to meet periodically to review statistics and information about the project, watching for abuses of prosecutorial discretion, the effective priority utilization of resources and recommending changes in policy, procedures, etc. when needed. Such groups have also proven helpful by providing broad

⁴ - The first "Career Criminal Program Citizens Advisory Board" was established by the then Kalamazoo County Prosecutor, Donald A. Burge, for the Project at Kalamazoo, Michigan. The Board consisted of an inordinately large number of members but created an extremely broad base. It advised the prosecutor in a number of areas and was particularly helpful in the formation of specific policies concerning the project.

based support and awareness in the community of the problem and the approach and an understanding of the problems of achieving the ultimate goal of reducing serious crimes in the jurisdiction.

While there is no "standard" format or operational set-up for a Career Criminal Project there are several concepts or elements which are necessary ingredients for a successful project and are common to virtually all now existing Career Criminal Projects. When designing, developing and implementing a Career Criminal Program, "Intervention Point" Analysis⁵ is usually used to deal with these ingredients. An alternative method is to deal with the ingredients in an "operation" content consolidated conceptually. The latter of these two methods is used in this overview.

EARLY IDENTIFICATION, SCREENING AND SELECTION

Cases are selected for priority prosecution by a Career Criminal Project by the uniform application of a predetermined and announced selection criteria. There is no uniform criteria or type of criteria. The selection criteria for each project are developed individually. Thus, the criteria reflects the policies and priorities of the jurisdiction's prosecutor and the resources available

5 - Intervention Point Analysis has proven a very effective method for actual planning and the transfer of specific techniques, procedures, structures, etc. It has been supplemented by a "five stage" analysis of the criminal justice system supported by a special flow charting technique developed by NLDC to combine Intervention Point and Operational Analysis and facilitate the use of Intervention Point Analysis throughout the criminal process.

to the project.⁶

While the focus of the Program is on violent and/or serious offenses, the selection criteria consider the criminal as well as the offense(s) by utilizing the defendants prior criminal record. Some criteria also employ other types of information about the defendant and the defendant's known criminal activity to determine whether priority prosecution is merited. Some of the more offender based criteria permit the acceptance of the defendants who may not have a significant or lengthy record of prior convictions because of their ability or luck at avoiding apprehension or "beating the system" when apprehended in the past. The use of this type of approach, however, requires quality, reliable information from additional and/or special police or investigative resources to make the determination that the defendant is in fact a "Career Criminal".

Selection criteria fall within three major classifications: (1) weighted point systems, (2) specific crime classifications, or (3) non-crime specific criminal record criteria. (A number of selection criteria contain a specific exclusion of all but stranger against stranger offenses while others consider the relationship between the defendant and victim in the scoring system.)

Selection criteria are sometimes developed to assure the inclusion of all defendants who can be charged under status enhancement laws (e.g. second or habitual offender statutes) where

6 - Career Criminal Projects range in staff from one-half an attorney to seventeen (17) attorneys with a full complement of supporting personnel.

such laws are available. These criteria may mirror the enhancement statute prerequisites as the entire criteria or include the prerequisite along with other factors which permits the acceptance of defendants who could not be so charged. In either approach the maximum effective utilization of sentence enhancement laws is generally considered in the selection criteria as well as in operating policies.

Screening occurs at the earliest possible time and is conducted in accordance with a formalized procedure by an experienced assistant prosecutor. The importance of thorough and competent screening cannot be overstressed because it serves as the prosecutor's control on the quality of intake and sets priorities to a certain degree for the utilization of the resources of each component of the system that may follow from the exercise of prosecutorial discretion.

The project's selection criteria are applied at or before (through police) screening to achieve the earliest possible identification of defendants meeting the criteria. Many projects attempt this early identification by familiarizing law enforcement officers with the selection criteria. Where the criteria is complex or has scoring which must be done by the project, a preliminary or threshold criteria is given to law enforcement. The officer can use this criteria when prioritizing police resources and in a number of projects may "present" a qualifying case directly to an assistant in the project. Where officers are encouraged to go directly to the project another formal procedure is usually used as a "back-up" to assure that all eligible defendants are considered at prosecutorial

screening. The selection criteria or threshold criteria also allow the officer to know when, (even before "presenting" a case) the project should be contacted. Some projects have at least one attorney on call to the police agencies 24 hours a day.

Early identification of Career Criminal defendants has two primary purposes: 1) to permit a project attorney to prepare for and make a substantial presentation from the first bail setting hearing forward, and 2) intensify investigatory efforts using the police and/or investigators on loan to the project from local police agencies or which are part of the prosecutor's staff. The investigation not only cures curable flaws but assures a more solid case and appropriate charging (i.e., not under-charging) of "career criminals."

A police department's crime analysis unit and committed special investigative support can be valuable tools for a career criminal project.

A management information system such as PROMIS (PRO secutors Management Information Systems) is also an important and valuable tool as it enables the prosecutor to single out cases for intensive preparation, priority scheduling and assignment of the most experienced prosecutors.

PRIORITY PROCESSING & VERTICAL REPRESENTATION

Virtually all Career Criminal projects attempt to expediate the processing of cases against "career criminals" at as many points as possible with a variety of techniques. Projects have found that they can, by constitutionally permissible procedures,

file an indictment or other accusatory pleading directly with the general jurisdiction felony court thereby eliminating preliminary proceedings in the lower level courts. This one procedure alone can eliminate anywhere from weeks to months of case processing time. Priority processing also may involve a priority docketing of all court events in "Career Criminal" cases. It may also involve a similar priority for Grand Jury time. The importance of the prosecutor's control of court dockets either by law, practice or default, should be obvious. In some jurisdictions, special courts have been either designated or added to hear cases against "Career Criminals" to assure priority dispositions.

Vertical representation, where the same assistant prosecutor prepares for and handles all events concerning a case through its conclusion, is used by virtually every DF project. Vertical prosecution eliminates many of the inherent problems of horizontal representation where several different assistant prosecutors may handle a case at different stages or events or even on different days of the same event, with each assistant having little time to prepare and little knowledge of the facts much less the "luxury" of meeting or interviewing witnesses or the investigating officer(s). Vertical representation begins not later than a preliminary or Grand Jury hearing and usually begins even earlier, e.g. at the initial filing stages, from the point where a project attorney is contacted by police during the course of an investigation, etc.

To assure that full prosecutorial efforts are available in career criminal cases, project attorneys are assigned a substantially lighter caseload than the main office attorneys. While the actual

level varies from project to project because of a multitude of factors it is generally not greater than one-half the case load level of felony assistants in the main office. This lower case load level permits a project to assume that every case can and will go to trial if necessary. The attorneys have time to prepare for each court event and when needed coordinate furthering investigation. The attorneys also have the time to interview witnesses and pay attention to numerous details rather than leaving them to chance. All of this is to assure that the best reasonably possible case is presented for the People.

The additional time is also needed to utilize to the maximum feasible extent, sentence enhancement laws such as second or habitual offender statutes, dangerous offender statutes, firearms use enhancement statutes, etc. Additional time also permits the project attorneys to prepare for and present a vigorous case for the violation of probation or parole and incarceration when defendants enjoyed such a status while committing additional crimes. If this occurs before disposition of the current charge(s) it assures that the defendants will be incapacitated pending the current adjudication and imposition of an additional sentence.

PLEA BARGAINING

Career Criminal Projects take a "no bargain" or at the least a very "limited" plea bargaining policy with respect to both charges and sentences. This policy is formalized and announced to the extent possible consistent with the exercise of prosecutorial discretion along with procedures for the approval of any reduction. These procedures require the specific approval of several people in

the office - not uncommonly the prosecutor or the chief assistant. "Administrative" type of plea bargains are entirely eliminated as the reasons (overworked prosecutors, court backlogs, etc.) are not applicable to Career Criminal cases. Where "quid pro quo" bargains are allowed they are scrutinized very carefully and that which the prosecutor gets from the bargain must be very substantial before such a bargain is considered. Plea bargains of "necessity" are more commonly recognized - but only as a last resort. Some projects have taken the position that as long as a prima facie case can be shown they would rather take a case against a "career criminal" to trial and lose entirely than engage in bargaining.

The only type of "bargain" which is relatively common is analogous to "kicking a dead horse" because there is no substantial purpose to be served by the prosecution of an additional charge or charges. This occurs when further prosecution would not increase the defendant's sentence exposure as any additional sentences would be concurrent and no greater and/or there is, from a legal or practical viewpoint, no potential for consecutive or enhanced sentences.

POST CONVICTION

When a "Career Criminal" is found guilty the project or a project attorney will request the most appropriate sentence based upon the present charge(s), the defendant's criminal history, and other information about the defendant which may be properly considered. Where permitted an assistant prosecutor will make the recommendation with the court which sets forth the factual basis for the recommendation and then appearing in person at the sentencing.

Where a direct recommendation is not permitted, a recommendation can be made through the agency preparing the pre-sentence report. In either case the project acts to assure that the investigators preparing a pre-sentence report for the court has the benefit of all of the appropriate information available to the prosecutor's office.

It is not uncommon for projects to encourage the victim(s) to appear with the prosecutor at the sentence hearing and where permitted and appropriate to testify. Victims may also be encouraged to write to the court with their recommendation through the agency preparing the pre-sentence report in addition to or in lieu of appearing at the sentence hearing.

Most career criminal projects track convicted "career criminals" after sentencing and commitment. They immediately request notification from correctional authorities whenever a "career criminal" is to be considered for parole whether or not state law requires such notification and may also file a written statement of facts and appropriate recommendations even before parole is considered. When notice of a parole hearing is given the project will act to assure that the parole authorities are fully informed about the defendant's criminal history, the nature of the crime(s) which resulted in the confinement, and other appropriate information about the defendants. Where permitted, a project attorney may appear at the hearing and encourage the victim(s) to appear and if permitted testify or at the least to write the parole authorities concerning the defendants consideration for parole.

Thus, a career criminal project continues its involvement with cases beyond guilt adjudication where prosecutors customarily stop. The cost effectiveness of such post-conviction uses of prosecutorial resources is illustrated by one project's estimate that it takes an average of approximately forty (40) hours to convict a defendant and have the defendant sent to prison but takes an average of not more than six (6) hours to keep the defendant there. This saves the prosecutor an average of at least thirty-four (34) hours compared to reconvicting the defendant for crimes committed while on parole and resentencing to prison and saves the time of law enforcement agencies and the courts and their related personnel and overhead costs.

It also benefits the community by preventing the criminal activities of these defendants which the Rand study (supra) concluded averaged twenty (20) serious crimes a year!

IV. LEGAL ISSUES

The concept of special handling within the system, i.e. being brought to trial as soon as possible consistent with due process, prosecution by experienced and competent trial attorneys, etc. has been challenged but without success. The courts apparently have not been very impressed by the argument that a defendant has a right to a "customary" prosecution, i.e. by less than fully prepared prosecutors who may not have much experience and are still developing competence as criminal trial attorneys. The defense attorney objecting to their clients receiving the most speedy trial consistent with due process faces an interesting dilemma as in the past it was usually the same attorneys who were objecting when they didn't receive such speedy trials. Unless the attorney can articulate and show to the court fundamental reasons for not going to trial so soon, the defense is left with the argument (either express or implied) that the defendant has a right to set back and wait for the quality of the prosecution's case to deteriorate with age in the hope of increasing the chances of acquittal.

The limited or no plea bargaining policies of Projects and their charging of defendants under habitual offender statutes and other sentence enhancement statutes have also been challenged.

Most Courts have held such matters to be within the "wide discretion" of the prosecutor.⁷

⁷ - Commonwealth v. Coyne, 363 N.E. 2d (1977), at 258 and "The decision to negotiate with a defendant about the terms of a guilty plea rests solely in the prosecutor's discretion. See Newman v. United States, 127 U.S. App.D.D. 263, 382 F.2d 479, 480-482 (1967) id

A few Courts however have taken a look at the criteria and method used by prosecutors to select defendants for special treatment to assure that insidious "selective enforcement" violative of due process and equal protection did not occur. A case on point is State v. Nixon, 10 Wash.App 355, 517 p.2d 212 (1973). The Courts opinion in Nixon, after describing in detail the formal criteria and procedure used by the King County Prosecutor's Office to determine which defendants would be charged as habitual criminals, commented "Parenthetically, we find present here no laxity in enforcement but rather an objective approach consistent with pragmatic and due process values."

This type of judicial review of the exercise of prosecutorial discretion illustrates one of the advantages of using an objective type of criteria to select "Career Criminals".

Career Criminal Projects have dealt with a number of issues raised under second or habitual offender, dangerous offender, and other enhancement statutes. These questions turn on statutory construction, procedures, etc. and the "courts have almost universally rejected various and sundry constitutional challenges to general habitual offender statutes."⁸ Dangerous Offender statutes however, have been found to have problems of vagueness in determining exactly what is meant by terms such as "dangerous offender", "mentally disturbed offender" or a "professional criminal".

⁸ - "State Habitual or Dangerous Offender and Selected Firearms use Enhancement Law", Ronald W. Sabo, NLDC Projects Coordinator, 1975, at page 5

Many of the habitual offender statutes have been relatively unused by prosecutors in recent times. Primarily, this appears to have been prompted chiefly by the complex and restrictive nature of many such statutes coupled with an awesome case load which has made prosecutors hard pressed to stand firm for trial on the main charged felony, let alone any "optional extra" enhancement allegations or charges. Therefore a brief summary of the NLDC publication, "State Habitual or Dangerous Offender Statutes and Selected Firearms Use Laws" follows to provide a condensed description and background of such laws.

The habitual offender, from a legalistic standpoint, is the designation given a distinct group of persons, who because of their past involvement in crime (almost universally measured by convictions) can be incarcerated for terms which exceed the normal punishment for a specific offense. Such "habitual offenders", once adjudged in a court of law as such, are subsequently sentenced for their "habitual offender" status, rather than for any single specific offense committed.

The special dangerous offender is the designation given a distinct group of persons under more modern statutes which do not use prior convictions as the sine qua non for the enhancement of the normal punishment for a specific offense. Special dangerous offender statutes normally require a psychological finding that the individual is "dangerous" or "mentally disturbed" or rely upon proof that the individual is a "professional criminal" without specific reliance upon prior convictions.

Other statutes enhance the normal punishment for a specific offense through the use of a distinct allegation that the individual used a firearm in the commission of the offense.

The majority of habitual offender statutes did not exist until the early 1900's when the crime rate began to rise and repeat offender behavior was becoming more and more apparent. The law subsequently stepped in to increase the deterrent effect of penal sanctions. The general underlying philosophy supporting the recidivism statutes is that deterrence can only be secured by increasing the punishment as the offenders increase their violations of the law. Though the penalties involved have changed, increasing the punishment for recidivists is still the dominant method used to control the habitual offender's behavior.⁹

The Gladstone Committee Report of 1895, which is generally recognized as a landmark in the history of progressive penology, first suggested that a system of ten sentences for repeat offenders be created. The committee theorized that punishing offenders for a particular offense was almost useless; they considered the offender's real offense to be the willful persistence in the deliberately acquired habit of crime. The committee's recommendations for the treatment of habitual offenders were institutionalized in the Prevention of Crime Act of 1908, which authorized courts to sentence offenders to periods of preventive detention. The wide scale momentum to implement

9 - The following historical discussion of habitual offender statutes is condensed from Brown, "The Treatment of the Recidivist in the United States", 23 Canadian L. Rev. (1954)

such laws and the effectiveness of penal treatment. Recidivism was becoming a problem and the law stepped in to increase the deterrent effect of penal sanctions. Loss of liberty was envisioned primarily as a deterrent but it was recognized that should it fail to serve that purpose, it would still protect society by isolating the offender for lengthy periods.

During the 1920's most states in the Union enacted "specific" recidivism statutes. These laws provided for increased punishment if the crime for which the person was convicted was the same as the one for which he had previously been convicted. For example, upon conviction for a second burglary offense, the offender would be sentenced to life imprisonment. However, if the offender's successive convictions were for different crime types, notwithstanding the number of convictions, no additional penalty would be incurred.

As time passed, most states replaced their "specific" statutes with "general" recidivism or habitual offender statutes, which provided for increased punishment for a repetition of crimes generally, whether or not the earlier offense was the same as the latter one. Currently, virtually every state has attempted to deal with the repeat offender by enacting some type of law specifically designed to deal with this designated group of individuals.¹⁰

10 - The absence of a general habitual, dangerous offender or enhancement law in a few states is no doubt explained by the general sentencing law which mandates consecutive sentencing. (e.g. Alabama and Mississippi).

Recently, many observers of the criminal justice system have noted that "general" recidivism statutes are faulty in terms of both theoretical reasoning and practical application.¹¹ Most importantly, the legal criteria for implementing general habitual offender statutes are based solely upon the number of prior convictions and criminal justice research has shown that such criteria are no longer suitable for distinguishing first offenders from the habitual offender. We can no longer be certain that a first conviction represents the defendant's first crime. It may mark only the defendant's first experience of bad luck in a career dedicated to crime. Thus, as Rubin has suggested, such laws may well be ineffective since they serve to isolate from society only a group of unfortunate inadequates.

In response to such criticisms, the federal government and some states have enacted "special dangerous offender statutes" which allow for enhanced punishment based upon psychological, sociological or other demographic factors in the defendant's history unrelated to the existence of former prior felony convictions.

Since Career Criminal Projects focus upon recidivists and have additional resources and time they have the opportunity to test the current efficacy of habitual and other enhancement statutes by charging them when the facts warrant and then proceeding to trial on them, if required.

¹¹ - S. Rubin, The Law of Criminal Correction, 2nd Ed., 451-64 (West Pub. 1973)

V. NATIONAL PROGRAM RESULTS

Although a formal evaluation of the national Career Criminal Program has yet to be completed, preliminary information indicates that the program is achieving its goals of speeding up the prosecution of repeat offenders and incarcerating more of them for the crimes which they have committed.

Statistics based upon analysis of 5,340 defendants who were convicted on 8,250 charges disclosed that the aggregate conviction rate was 94.4%.

Even more importantly the data discloses that prosecutors are not watering down charges in attempts to obtain guilty pleas to lesser offenses in order to achieve a high conviction rate. Specifically, 89.3% of the convictions obtained in all the career criminal jurisdictions were to the most serious felony as originally charged. To understand the significance of this figure it should be compared, for example, with Los Angeles County, which overall in the year 1974 only convicted 29% of its defendants on the highest felony as originally charged. Los Angeles County is not singled out because it might be unique among urban prosecutors' offices, rather it is cited to show the norm with which Career Criminal Project figures can be contrasted.

Again, a figure which is more important than the conviction rate is the incarceration rate achieved by Career Criminal Projects, i.e., the percentage of those defendants convicted who were sentenced to serve prison terms. At this point the reader should initially remember the data presented in Section I of this paper

wherein it was noted for example, that in the whole State of Wisconsin, an incarceration rate of only 59% was achieved with convicted felony defendants who had two or more prior felony convictions. Remember also as set forth in that section that in Los Angeles County in 1974 only 12% of the burglars with prior felony convictions were incarcerated in state prison. Latest figures show the aggregate average of the Career Criminal Projects reporting to the clearinghouse is a 92% incarceration rate on convicted defendants.

The latest available data also demonstrates that the convicted career criminal defendant continues to reflect a prior criminal record of 10.5 arrests per defendant and 5.5 convictions per defendant.

As yet another "success indicator", NLDC recently ran a computerized analysis in one major midwestern city, comparing Career Criminal Project dispositions with "whole office" dispositional data (from PROMIS which included Project data) during the same time period. The Career Criminal Project obtained guilty verdicts at a rate 517% higher than the whole office, reduced the dismissal rate to a level 59% lower than the whole office, and reduced a defendant's chances of acquittal at trial from 1 to 3 in the whole office to 1 in 16.

A trend is also developing which may imply that the above present statistics are perhaps having an impact upon crime rates. The study recently conducted by the National Legal Data Center, analyzed the robbery, burglary and total index crime rates in seventeen DF career criminal jurisdictions.

The crimes of robbery and burglary were selected because they constituted the main charges against 65% of the convicted defendants in the seventeen jurisdictions. When the robbery rates for the first three months of 1977 were contrasted for the first three months of 1976, and then compared with the national average for cities of over 25,000 population, jurisdictions with Career Criminal Projects as a group achieved a reduction in their robbery rate which was 54% higher (i.e., 12.35%) than the national average reduction (which was 8%). In burglary the reduction was 30% higher (i.e. 9.1%) than the national average reduction (which was 7%). For all index crimes the reduction was 37% higher (i.e., 12.35%) than the national average reduction (which was 9%).

Based upon data such as the above and after on-site visits to several career criminal jurisdictions, the Wall Street Journal of August 19, 1976, stated that the program "is holding out some hope that crime can be reduced." After in-depth observation of the New Orleans Career Criminal Unit, the National Observer of May 22, 1976, concluded that the Career Criminal Unit was "the most effective and innovative program" responsible for the drastic drop in serious crime achieved in New Orleans. New York Magazine on September 27, 1976, in an article written by an author who was the victim of a burglary which was handled by the N.Y. Career Criminal Unit, stated that his experience with the Unit reassured him that the New York City Criminal Justice System could work and work swiftly at times.

U.S. News and World Report of November 22, 1976, stated that the program "is starting to show important results."

The Reader's Digest lead article for June, 1977, referred to the career criminal program as "a simple but revolutionary shift" which is producing "spectacular" crime reductions "on the street."

VI. FUTURE DIRECTIONS

Evaluations of existing Career Criminal Projects indicate that they have been quite successful in providing swift and sure justice for apprehended "Career Criminals". The evaluations generally conclude that the projects should continue their intensified efforts while attempting to make justice even swifter and surer for the "Career Criminal".

The research supported and encouraged by L.E.A.A. is beginning to produce conclusions which are already shaping the future directions of existing Career Criminal Projects and have lead to the development of new L.E.A.A. Programs and new interfacing and/or levels of cooperation between Programs. Probably the most significant of these studies to prosecutors is the Rand study entitled, "Criminal Careers of Habitual Felons" quoted earlier in this overview. This study contains another finding which is described in the conclusions section (at page 118) as follows:

"Despite the diversity in this sample, two broad types - the intensive and the intermittent - emerged from the data. The intensive type, consisting of about one-third of the sample, was more continuously engaged in crime, more committed to a criminal lifestyle, and more careful about avoiding arrest than the intermittent type, consisting of two-thirds of the sample. Most striking, the average intensive offender committed about ten times as many crimes as the intermittent offender, yet was five times less likely

to be arrested for any one crime. Once arrested, the intensive offender was also less likely to be convicted and incarcerated.

Other differences that cross-tabulation revealed were that the intensives were more self directed early in their careers, obtained significantly more money per crime, and were more likely to have spent the money on drugs and alcohol than were intermittents. Respondents involved with alcohol alone were far more likely to be intermittents than intensives."

The final portion of the Rand study under "Conclusions, Policy Implications" is set forth in total below as it summarizes the conclusions and suggests specific directions:

"The continuing criminal activity of this sample in the face of frequent arrests, convictions, and incarcerations is an indication of the inability of previous rehabilitation, deterrence and prevention efforts to curtail their criminal behavior. The primary alternative for counteracting such offenders is a greater reliance on incapacitation. Incapacitation policies are intended to assure the conviction and prolonged incarceration of serious habitual offenders, once arrested. The rationale is obvious: Offenders cannot commit crimes against the community while in prison, and they are not likely to be able to make up for lost time after release if the probability of reincarceration is high. But an incapacitation policy is both unfair and highly costly if an undue number of inappropriate offenders are given long prison terms. Thus, the effectiveness of this approach rests

largely on the ability of the criminal justice system to distinguish among offenders and identify those most deserving of lengthy imprisonment.

Although the length and seriousness of a defendant's prior record give an indication of his propensity toward future serious crime, the predictive value of this information by itself is weak. That is partly because of the poor correlation between offenders' actual behavior and their arrest records. A meager arrest record may disguise a dangerous criminal, even though a long arrest record usually signifies extensive criminal activity. Our data emphasize that arrest records do not suffice in distinguishing among the more serious and the less serious habitual offenders. When we compared the rap sheets of the intensives as a whole with those of the intermittents as a whole, no significant differences emerged between the types - not only in arrests but also in convictions and incarcerations. Yet, by their interview responses, we know that the intensives, less than one-third of the sample, had committed a disproportionately large number of the offenses reported. It is thus crucial to identify the intensive offenders by some means in addition to their criminal records. And if an objective of sentencing is to prevent future crime by incapacitating high-risk offenders, our data suggest that it is counterproductive to concentrate on older habitual offenders. The greatest effect in crimes prevented would come from imprisoning the younger, more active offenders,

since individual offense rates appear to decline substantially with age.

What might the additional means of identification be? One would be to make better use of the crime-clearance information police obtain in following up an arrest. With a suspect in custody, police investigators are often able to "clear", or solve, previous crimes by linking them to the suspect through confession, similarity of MO, fingerprint matches, and the like. A majority of the intensives in our sample reported that their arrests led to the clearance of some of their other crimes. In one extreme case, twenty robberies were cleared by the arrest of one offender.

In current practice, much of this information is ignored except to close police files. When the police transfer charges to the prosecutor's office for the filing of a formal complaint, they include only the counts on which there is enough evidence to establish legal guilt. And after finding such evidence on one or two counts, the police tend to discontinue investigating the other cleared crimes. That is because they expect any charges beyond the strongest one or two to be dropped in return for a guilty plea. Even if they are not dropped, multiple convictions often do not increase the sentence. A more systematic attempt to investigate and legally prove additional counts would undoubtedly help distinguish the intensives among habitual offenders.

Another source of information to help identify the most serious offenders is the suspect's record of juvenile arrests and institutional commitments. Juvenile records are considered sensitive information, and their use is highly restricted by law. However, given their potential value in identifying the more serious habitual offenders, it appears that they should be made more accessible to prosecutors and used in sentencing decisions.

The preliminary evidence from this study suggests that incapacitation, by imprisonment, may be the most direct alternative for reducing the societal toll at the hands of habitual offenders, provided that the most serious of them can be identified before their criminality has declined. If crime is to be reduced through incapacitation policies, the following procedural changes should be considered:

- * Police and presentence investigators should provide prosecutors and judges with more thorough information - including multiple crime-clearance and juvenile offense data - to help identify the intensive offenders for whom incapacitation may be justified.
- * Extended prison sentences should be imposed on offenders whose prior record and current charges reflect serious and sustained criminal activity. These sentences should be imposed at the earliest time such offenders have been identified with reasonable confidence."

While some projects have considered the possibility of identifying the intensive type of offenders they have experienced

the problems suggested by Rand. These projects are attempting to develop procedures to assure that the information the police have does get to the prosecutor before sentencing and that the information can be and is used by the Court when sentencing.

L.E.A.A. has developed experimental programs which interface special policy projects with Career Criminal Projects in the same jurisdiction. One of the goals of the police project is better quality police work and therefore better quality cases (increased probability of charging and conviction on the top charge without plea bargaining by necessity). A second goal is the earlier identification and the apprehension of offenders, etc. through the concept of "Crime Analysis". This concept also lends itself to the early identification of "Career Criminals" and the development of information about the defendant and the defendant's criminal activities. The interfacing is intended to develop those areas of information which can directly enhance the effectiveness of the Career Criminal Project and get that information to the project in a timely manner.

Another experimental activity is the formation of special juvenile components within Career Criminal Projects. This type of approach recognizes that statistics indicate juvenile offenders commit over 60% of all Part I Crimes committed and, unless drastic measures are taken by the criminal justice system, these juvenile offenders are rapidly on their way to becoming "Career Criminals". These special juvenile components operate similarly to the non-juvenile components by selecting for priority prosecution those juveniles who qualify under a specially developed selection criteria (e.g., Seattle).

Thus, because of the inherent flexibility of the Career Criminal Program concept it does not remain static but continues to be refined and can be applied to new areas while continuing to increase the rational prioritization of the resources of the criminal justice system.

As projects approach their second anniversary of operation Prosecutors must reassess the need for and utilization of resources by their Career Criminal Projects. Some smaller jurisdictions have found that the number of defendants qualifying as "Career Criminals" has declined as the project operated because defendants handled by the projects have received lengthy periods of incarceration and are no longer coming back through the "revolving door". The prosecutor must then determine whether to modify the selection criteria, reduce the resources utilized by the project, or eliminate the project entirely and transfer its functions to the main office.

The Rand study itself contains a cautionary statement regarding the study's conclusions as "proposals for changes in current criminal justice policy" because of its preliminary nature. This caution is well stated as studies in progress are reaching some slightly different conclusions, however, there are also a number of consistent conclusions. Some specific consistent conclusions are that a small group of defendants commit an inordinate amount of serious crimes, that this group of criminals is virtually undeterred by the present system, and that the only presently viable option to protect our society from these defendants appears to be incapacitation through incarceration. Also consistent are the conclusions that a lengthy criminal record "usually signifies extensive criminal activity" and that a meager

record "may disguise a dangerous criminal" and that the criminal activity of "career criminals" will usually continue if they are not incapacitated.

As more is learned about "Career Criminality" some adjustments may be required to increase the overall effectiveness of the Program along with some apparently significant changes in the criminal justice system. The prosecutor, as the chief law enforcement officer of a jurisdiction, must set the example and lead the way to a more effective utilization of the limited resources of the entire criminal justice system.

VII. CONCLUSIONS

The Career Criminal Program was conceived and developed as a pragmatic and a rational means to reduce the occurrence of serious crimes by focusing the resources of the criminal justice system on those persons who are responsible for an inordinate amount of serious crimes - the "career criminal". The concept is simply to prioritize the limited resources of the system to maximize (or at least drastically increase) the systems effectiveness in controlling serious crime.

The emphasis is on the public prosecutor, the chief law enforcement officer of a jurisdiction, because the exercise of prosecutorial discretion establishes or least substantially impacts the priorities of each component of the system and because the prosecutor is the only official in the criminal justice system that is involved at each stage of a defendants experience with the system.

A prosecutorial Career Criminal Project selects "Career Criminals" for priority prosecution by uniformly applying an established selection criteria then acts to assure that these defendants received swift and sure justice, and then, through continued post-conviction involvement, acts to assure appropriate periods of confinement.

Recently one assistant prosecutor, after discussing the Career Criminal Program with the NLDC staff reached a conclusion which was stated as a question: "You mean we are actually going to start enforcing the law - at least against some of the really bad defendants?"

The Verdict

National Legal Data Center

A periodic newsletter for Prosecutors in the Career Criminal Program published by the National Legal Data Center, Inc., 100 E. Thousand Oaks Boulevard, Thousand Oaks, California 91360 — [REDACTED]

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VOL. 2

NO. 3

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ACTIVITIES

Determinate Sentencing Conference	Berkeley, CA	June 2, 1977
Career Criminal Program Workshop	Boston, MA	June 22-23, 1977
National College of District Attorneys	Houston, TX	July 11, 1977
Technical Assistance Visit	Seattle, WA	July 30, 1977
Technical Assistance Visit	San Francisco, CA	September 8-9, 1977
Technical Assistance Visit (by Columbus, Akron, Canton, Ohio)	Warren and Youngstown, OH	October 3, 1977
Career Criminal Program Workshop	Portland, OR	October 6-7, 1977

SENATOR MATHIAS ADDRESSES BOSTON CONFERENCE

Senator Charles McC. Mathias, Jr., (R) Maryland, addressed the Northeast Regional Career Criminal Program Conference held at the Park Plaza Hotel in Boston, Massachusetts, on July 23-24, 1977, via a special telephonic communication device from the floor of the Senate.

Senator Mathias expressed the belief that the trend of shifting "responsibility for criminal behavior from individuals to the society as a whole," which was prevalent during the 1960's is changing in Congress to one of a "Get Tough" policy. He stated the new direction includes the following three major components:

- 1) A reform in the way criminals are sentenced;
- 2) A new determination to transform prisons from colleges of crime into modern facilities that will permit Judges and Prosecutors to follow rational policies in charging and sentencing criminals; and
- 3) A new focus on repeat offenders who exploit their familiarity with the criminal Justice system to avoid jail.

To help bring to realization the above, the Senator stated that he introduced Senate Bill 28, entitled

"The Repeat Offenders Prosecution and Prison Improvements Act of 1977." Components of the bill call for: 1) The Federal Bureau of Prisons to build (5) regional prisons on federal property. 75% of the new space would be made available on a contracted, per diem basis, for housing prisoners from local and state prisons and 2) A specific program under L.E.A.A. with its own appropriation to protect Career Criminal Programs from being lost in the annual competition for L.E.A.A. funds.

Praising the Career Criminal Program, the Senator stated "Perhaps the most important aspect of S.B. 28 is that it is not a one-shot demonstration project . . . I specifically included . . . a provision for continued annual funding of the Career Criminal Program."

Interested persons can obtain more information about S.B. 28 by contacting Mr. Mike Klipper at Senator Mathias's office.

AUTHOR OF PUNISHING CRIMINALS PARTICIPATES IN BOSTON WORKSHOP

The well-known psychoanalyst and noted social critic Ernest van den Haag, addressed the Boston Career Criminal Program Workshop on June 22, 1977. Dr. van den Haag, using his

recently published book entitled *Punishing Criminals* as a resource, commented upon two distinct areas of criminal justice (i.e., deterrence and juvenile justice).

In the area of deterrence, Professor van den Haag stated that deterrence can only be effective in combatting crime if the state exhibits to potential criminals, strict imposition of heavy sentences. In other words, if the state wishes to deter potential offenders, then it must demonstrate the imposition of heavy penalties already being served by those who are presently incarcerated. Via this method, Professor van den Haag theorizes that possible criminals will begin to weigh the costs of anti-social conduct and realize the necessity to conduct a law abiding life style.

His second area of concern involved juveniles and more specifically, juvenile drug users and pushers. He commented that severe penalties should be imposed on first offenders in this category in an effort to deter other would-be juvenile delinquencies.

In summation, the Professor advocated mandatory stricter sentencing laws, and the consistent use thereof by the judiciary.

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ADDENDUM THREE

DATA AND PERFORMANCE ANALYSES

Potential Crime Rate Impact of Career Criminal Programs During the First Quarter of 1977.

TABLE I
FIRST QUARTER 1977 VS. FIRST QUARTER 1976 CRIME RATES

	Robbery	Burglary	Total Index
All Cities	-8%	-7%	-9%
17CCP Cities*	-12.35%	-9.10%	-12.35%

*Excludes only Kalamazoo and Manhattan

Table I, (derived from preliminary FBI UCR data) contrasts crime rate statistics for the first quarter of 1977 with the first quarter of 1976. The all-cities columns represent the rates for cities of 25,000 and above. The CCP cities columns include all of the DF-funded Career Criminal sites except Kalamazoo and Manhattan. Kalamazoo data is not presented as that city is too small to be in the preliminary UCR reports and Manhattan is not presented since its data is but a sub-section of the larger New York City information presented in the preliminary UCR's.

A review of Table I clearly shows that in each of the stated crime categories the reduction in crime rates in the Career Criminal cities was significantly higher than the reductions respectively experienced by US cities generally.

Specifically, the crime rate reductions in the 17 Career Criminal cities EXCEEDED the national average decreases by:

54% in Robberies
30% in Burglaries
37% in All Index Crimes

In further considering Table I it should be remembered that the rates for "U.S. cities generally" includes the (even lower) rates of the 17 Career Criminal cities and thus, if their (even lower) rates could be separated out, then the decrease for the main group would have been less, resulting in an even greater gap between the two groups (in favor of the Career Criminal cities).

PERCENT OF DECREASE IN ROBBERIES

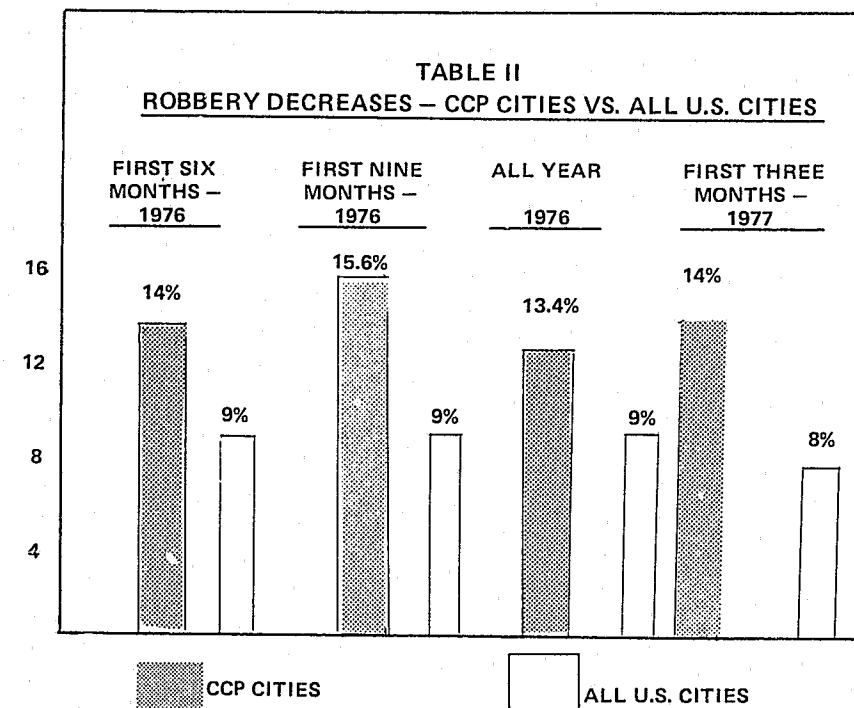


Table II is a longitudinal chart demonstrating potential impact on robbery rates in the "first generation" Career Criminal cities (here again, Kalamazoo and Manhattan are not included for the reasons above stated, thus the "first generation" statistics include 9 cities).

It should also be remembered that the 1976 figures presented in Table II are not separate and distinct quarterly statistics, but rather are "rolling total figures" for respectively the first six months, the first nine months and all twelve months of 1976.

It is here important to note that as each of the time frame points displayed in Table II the "first generation" Career Criminal cities have been consistently recording robbery rate decreases substantially in excess of the decreases experienced by U.S. cities generally. Specifically, the "low point" of Career Criminal cities' performance occurred for the entire 12 months of 1976 when their robbery reduction exceeded the national average by "only" 49%. Conversely, the "high point" of Career Criminal cities' performance occurred during the first quarter of 1977 when their performance exceeded cities generally by 75%.

In summary, although the respective gap (in favor of the Career Criminal cities) did fluctuate, at no point was the Career Criminal cities' decrease less than approximately half again as large as that experienced by cities generally.

CAREER CRIMINAL PROGRAM PREVIOUS CRIMINAL RECORD ANALYSIS BY PROJECT

JULY 1977

Percentage of Total Defendants with:

PROJECT (By Common Name)	Local Record ¹	Non-local Record Only	No Previous Record
Albuquerque, New Mexico	100.0%	0.0%	0.0%
Boston, Massachusetts	93.1%	5.2%	1.7%
Columbus, Ohio	92.6%	6.9%	0.5%
Dallas, Texas	96.3%	3.0%	0.7%
Detroit, Michigan	91.8%	5.2%	3.0%
Houston, Texas	88.0%	6.7%	5.3%
Indianapolis, Indiana	94.9%	3.3%	1.8%
Kalamazoo, Michigan	36.5%	3.5%	0.0%
Louisville, Kentucky	97.1%	2.9%	0.0%
Las Vegas, Nevada	88.2%	11.8%	0.0%
Miami, Florida	91.4%	6.3%	2.3%
Memphis, Tennessee	96.3%	2.8%	0.9%
New Orleans, Louisiana	95.1%	1.0%	3.9%
New York, New York	98.0%	2.0%	0.0%
Portland, Oregon	100.0%	0.0%	0.0%
Rhode Island (Statewide)	87.2%	5.8%	7.0%
San Diego, California	75.8%	17.0%	7.2%
Salt Lake City, Utah	96.8%	3.2%	0.0%
St. Louis, Missouri - City	98.9%	0.0%	1.1%
St. Louis, Missouri - County	100.0%	0.0%	0.0%
ALL PROJECTS	93.5%	4.2%	2.3%

¹ Defendants with only a Local Record or both a local and Non-local Record

When the first L.E.A.A. Funded Career Criminal Projects began in 1975 there was considerable concern that "Career Criminals" might be highly transient and thus that there would be a problem in identifying them (i.e., their criminal records and other background information would be in a number of different jurisdictions). It soon became apparent to these projects that this was not generally true and that the vast majority of defendants screened by the projects were known to local law enforcement agencies because of their local criminal records, reliable information about, or evidence of, their criminal activities, or both.

The above table indicates the percentages of "Career Criminals" that had a local record, i.e., in the county or parish where the offense(s) occurred; those defendants with only a non-local record, i.e., in a county, parish or state other than where the offense(s) occurred; and those defendants without a locatable record who qualified because of the evidence that they were "Career Criminals".

The table confirms project feedback that the overwhelming majority of career criminals did possess local records and that only small percentages of defendants selected had only a non-local prior record.

CENTER DATA ACTIVITIES

Data was received from 22 jurisdictions this quarter. The month-by-month totals are summarized in the table below:

Data Entry Activities			
Month	Closed CDFs Received	CDFs loaded into Data Base	Data Records Generated
April	399	358	6157
May	490	399	6850
June	484	*	8143
TOTALS	1373	757	21150 Records

With the entry of 757 closed forms, the data base grew during this quarter from 4142 case data forms on April 1, to 4899 case data forms at the end of June, for an 18% increase.

A concerted effort was undertaken during this quarter to enter all case data forms received, and produce the monthly statistical report within any given month. This task was almost achieved and is expected to be completed during the next quarter. The present definition of "current" requires data to be entered within 30 days of receipt. This situation is the result of 1) forms arriving at the Center after the 15th of the month; and 2) excessive up-dating necessitated by a large number of corrections to old data.

During this quarter, the Center significantly enhanced its capabilities toward the achievement of its goal of providing monthly performance reports relevant to each jurisdiction and to L.E.A.A. Specifically, a new reporting format was developed based upon experience and input from the DF jurisdictions as to the type of reports they desired.

This new format is the result of a National Survey and we believe (and jurisdiction response confirms), that it meets the three commonly suggested areas of revision:

First, the format speaks in terms meaningful to attorney/administrators in that it conveys "total crime convictions," "defendant conviction rate," and "defendant top felony conviction rate," etc.

Second, each month's shipment contains a meaningful "benchmark" to that particular jurisdiction against which that month's performance can be measured. That is, each month the jurisdiction receives a performance summary for that month and a comparable summary showing program performance from program start-up to the next prior month. With each shipment, the "program start-up to next prior month" summary is up-dated, thus providing a "rolling balance" of prior performance reports.

Third, the performance summary includes conviction data on all major crimes against persons and property, and provides key defendant history data such as prior arrests, prior convictions, release status, etc.

We are now developing and in the near future will also implement, a new programming system which will allow fully automated preparation of these performance summary reports (in addition to our more detailed eight-page reports).

TECHNICAL ASSISTANCE PROGRAM

Career Criminal Program Technical Assistance provided by the Law Enforcement Assistance Administration through the National Legal Data Center is designed to provide a variety of no-cost services to Career Criminal Program prosecutorial offices. Examples of assistance available are:

1) Legal Assistance

Assistance in dealing with program legal attacks, status offender, and other enhancement laws. Specialized information is available in such areas as: the right of the people to a speedy trial, enhancement laws, and the concept of selecting and prosecuting defendants as Career Criminals. We will also research any legal issue presented in any Career Criminal case.

2) Newsletter

This newsletter is published by NLDC as a "user information sheet." If you have any relevant information for dissemination in "The Verdict," please contact Rivers Trussell at the Center.

3) Response to Telephone Requests

The Center receives a large number of telephone requests each week. In an effort to satisfy these requests, we have developed procedures to provide the requested information in the shortest time period possible. We will respond to questions concerning everything from program administration to legal attacks. The telephone number is (805) 497-3786, and we welcome your call.

4) Technical Assistance Package

New or prospective jurisdictions receive a Technical Assistance Package which contains information about the design, development, implementation, and operation of a Career Criminal Program. Recipients have found that this package of materials is most helpful and well utilized. Over a hundred of these were distributed to prospective jurisdictions during the first half of 1977.

5) Data Training

In an effort to insure the highest quality of data, we provide data orientation and specialized data collection training to new project or replacement data collectors either on-site or at the Center.

6) Data Services

The extensive special data retrieval capabilities of our automated information system provides user prosecutors with valuable and significant information. In addition, descriptive statistics concerning Career Criminals prosecuted by their project (and the National program) are available. Through this flexible program we have supported numerous innovative and imaginative requests received from jurisdictions as well as providing routine information retrieval and analysis.

7) On-Site Visits

On-Site visits provide the best opportunity for providing consultation on all facets of the Program.

Jurisdictions are provided specific responses to problems. Recommendations and suggestions are tailored to the needs of their project.

During the first half of 1977, Center staff visited 28 separate jurisdictions which in part, contributed to the creation of at least 10 non-federally funded programs.

If you have any questions concerning any of the services offered by the Center, please call Rivers Trussell, Technical Assistance Specialist.

NEW DISCRETIONARY FUNDED CCPS

Baton Rouge, Louisiana
Sept. 1977
Portsmouth, Virginia
Aug. 1977
San Francisco, California
Aug. 1977
Clearwater, Florida
Sept. 1977

CALIFORNIA STATE REVENUE FUNDING FOR CCP

Governor Jerry Brown signed into law SB683 which provides funding for Career Criminal Programs throughout the State of California.

GENERAL PROVISIONS

The bill (SB 683) authorizes the SPA to establish a funding procedure based upon applications submitted by District Attorneys who desire to establish CCP units.

Such applications must meet guidelines requiring "vertical representation," reduced caseloads, limited plea bargaining, etc.

The bill also includes "selection criteria" requirements, establishing as career criminals persons who are: (a) charged with robbery, burglary, arson, sale of hard narcotics, grand theft or grand theft auto AND who, (b) have once previously been convicted of any such crimes within 10 years OR have previously twice been convicted within 10 years (exclusive of time in prison) of other felonies. DAs are also given the option of targeting only one of the main (part (a)) crimes and of selecting individuals with no prior convictions but who are currently charged with any three main (part (a)) crimes (arising out of separate transactions).

BACKGROUND

The California Legislature passed the bill in light of the successes achieved by the San Diego DF career criminal unit and the locally funded units established with NLDC technical assistance in Ventura, Sacramento and Santa Barbara.

NLDC staff assisted in the development of this legislation by providing information and testifying before the State Senate Crime Committee on the achievements nationally of CCPs.

NORTHWEST REGIONAL WORKSHOP

The Northwest Regional Workshop was held in Portland, Oregon on October 6-7, 1977 and was hosted by the Honorable Harl Haas, District Attorney of Multnomah County.

Progress reports were presented by John Ray (Portland), Mel Harmon (Las Vegas), Doug Henson (Albuquerque), Andre La Borde (San Francisco), and Dave Yocum (Salt Lake City). NLDC staff presented the latest statistical trends and T.A. procedures and LEAA Career Criminal Program Manager Bud Hollis discussed the revised Career Criminal Program concept.

Speakers included Lee Brown, Director, Department of Justice Services; Dr. Peter Greenwood of the Rand Corp.; Circuit Judge John Beatty, Multnomah County, Oregon.

YOUR ATTENTION IS DRAWN

The Rand Corporation has recently published a final report entitled *Criminal Careers of Habitual Felons*. The report is the result of a study focussing on the criminal careers of forty-nine (49) inmates of a medium-security prison in San Luis Obispo, California.

Major findings of the report include information on the extent and patterns of criminality, arrest rates, conviction rates, prosecutorial treatment, prison experience, post-release experience, criminal sophistication, motivation for crime, employment performance, and violence.

The report, which was conducted under the direction of Joan Petersilia, Peter Greenwood, and Marvin Lavin, contains information of interest to all those involved in the criminal justice system.

If you are interested in receiving a copy of the report, you may contact Dr. Peter Greenwood of the Rand Corporation, 1700 Main Street, Santa Monica, CA 90406; Telephone Number (213) 393-0411. Each copy costs \$7.00.

The Criminal Personality - Volume I - A Profile for Change. This book, written by Samuel Yochelson, Ph.D., M.D. and Stanton E. Samenow, Ph.D. presents a detailed portrait of criminal behavior patterns and follows fifteen years of research, intensive therapy, and follow-up studies. The authors conclude that every thinking process of the criminal must be eliminated by choice and will, if the criminal behavioral pattern is to be eliminated.

Copies of this publication are available through Jason Aronson, Inc., 59 Fourth Avenue, New York, NY 10003, at a cost of \$25.00 each.

**Law and Order Theme
Now Domestic Tranquility**
Washington Star-News

**A War on
Career Criminals
Starts to Show Results**
U.S. NEWS & WORLD REPORT

1st of kind
40 years
assessed
repeater

**KEEPING THE
CAREER CRIMINAL
OFF THE STREETS**
Parade THE SUNDAY NEWSPAPER MAGAZINE

**No Substantial Drop in Crime
for 5-10 Years, Official Warns**
Los Angeles Times

Program Helps Cut Crime
COLUMBIAN DISPATCH

Seattle Times
Prosecutor says crime
cut by focusing effort

**Pursuing the Career
Criminal**
THE READER'S DIGEST

THE READER'S DIGEST
No one knows for sure how
many people fall into the
category of career criminals.
But a recent study by the
FBI indicates that about
100,000 people are in the
category of career criminals.

**Violent Crime
is down**
THE WALL STREET JOURNAL

**Speedy Trials
Jail Sought for
Professionals**
Thousand Oaks-Based
Program Puts Focus
on Career Criminal

Thousand Oaks-Based
Program Puts Focus
on Career Criminal
Los Angeles Times

MEDIA CLIPS

Courier — Journal
Louisville, Kentucky

**206-year Sentence Recommended for
Felon**

William S. Cole, 27, of the 1000 block of South Floyd Street, has been found guilty of being a persistent felony offender by a Jefferson Circuit Court jury, which recommended that he be sentenced to 206 years in prison.

Cole was tried on the charge Thursday after another jury last April found him guilty of charges stemming from the kidnaping and rape of a 22-year-old Okolona woman last August.

Cole, and another man, Frank Bryan, 50, of the 900 block of Ash Street, were found guilty of kidnaping the woman and taking her to River Road and Harrods Creek, where she was sexually abused.

The jury at that time recommended to Judge Benjamin Shobe that Cole be

sentenced to a total of 45 years on charges of kidnaping, aiding and assisting in rape, first-degree sodomy and first-degree wanton endangerment. Sentences totaling 40 years were recommended for Bryan on charges of kidnaping, first-degree rape and sodomy.

In finding Cole guilty of being a repeat offender, the jury Thursday recommended to Shobe that the punishment suggested by the April jury be increased. The jury recommended that Cole be given 62-year sentences for kidnaping, aiding in the rape and sodomy and a 20-year sentence on the wanton-endangerment charge.

Cole was convicted and sentenced on a charge of auto larceny in 1968 in Wayne County, Ohio, and on charges of receiving stolen property and entering and breaking in Franklin County, Kentucky, in 1972.

Shobe sentenced Bryan Thursday to serve 20 years on the kidnaping charge. The other two charges, for which Bryan was sentenced to 10 years each, are to run concurrently.

No date has been set for Cole's sentencing.

Seattle Times — 7/3/77

The Times' Opinion and Comment:

**Prosecutor Zeroes in on Repeat
Offenders**

Expanding on earlier efforts to stiffen the handling of lawbreakers committing "high impact" crimes (murder, assault, armed robbery, etc.), King County Prosecutor Christopher T. Bayley is about to borrow a leaf from a law-enforcement book that has produced useful results in several other parts of the nation.

"Under a newly announced "career-criminal program," Bayley's office intends to place far heavier emphasis on repeat offenses by both adults and juveniles.

While chronic lawbreakers represent a relatively small percentage of the offender population, they are responsible for a disproportionately high number of all crimes.

Development of a system to identify career criminals and then to seek their incarceration grew out of a Justice Department Conference three years ago, shortly after President Ford had deplored in a speech the commission of "a great majority of crime by a very significant minority."

Bayley happened to be at that conference, out of which came the establishment of the federally assisted National Legal Data Center.

Philip Cohen, the center's executive director, has been in Seattle to assist Bayley in setting up a program in which a "point system" (points to be "earned" according to the number and seriousness of offenses) will determine whether an offender is to be classified as a career criminal.

Once that classification is applied to a defendant facing a new charge, Bayley's staff will allow no room for maneuver through such devices as plea bargaining and trial continuances, and will seek incarceration in all but the most exceptional situations.

Setting the King County project apart from similar approaches in nearly a score of other United States communities (Portland is the nearest example geographically) is the plan to include juveniles in the career-criminal process.

"This makes sense," Bayley says, "because people under 18 are responsible for about 45 per cent of all serious crime."

By reallocating his available manpower, Bayley hopes the new project can be accomplished without resort to federal grantmanship (although the eventual hiring of additional deputy prosecutors may compel requests to the County Council for a budget increase this year).

The Legislature's recent enactment of a stronger Washington State code providing for closer scrutiny of juvenile lawbreakers is expected to undergird the prosecutor's project, in which offenses committed by youths under 18 will "carry over" into adult records.

Harsher punishment for so-called career criminals obviously will add to pressures on the state's overburdened prison system. But

the potential for curbing crime by what Gerald Ford called "a very significant minority" surely will deserve a favorable citizen response.

The ultimate test will be the number of crimes committed.

"If I could get just 200 guys off my streets and keep them off," a metropolitan police chief once said in discussing recidivism, "I could cut the crime rate in half!"

The Oregonian — 3/17/77

**Former Drug Counselor Draws
Maximum Term**

James Babe Wilson, former state drug counselor, was sentenced to the maximum 10 years in prison Wednesday for possession of heroin and smuggling the drug into Rocky Butte Jail last November.

As a courtroom full of supporters listened, Wilson, 35, told Multnomah County Circuit Judge James Ellis he was an "innocent man," and that the case against him "stems from me doing my job."

Wilson was a counselor at Alpha House, a resident drug treatment center in Portland operated under the Mental Health Division. It was part of his job to screen inmates at Rocky Butte for possible entry into the program as a condition of probation.

Wilson, who contended he was framed, told Ellis that the county narcotics officers who arrested him Nov. 29 at the jail did not believe heroin addicts could kick the habit, "and I feel this case is built around that."

Wilson, a former addict with four drug related convictions in the past, said, "I'm devoting my life to helping addicts. Now I'm being convicted and sentenced for doing just that."

Ellis, however, disagreed. "From the evidence I heard, you got caught cold smuggling drugs into the jail," he said. He noted that Wilson had many "devoted friends and admirers."

"They're all convinced you're a very effective drug counselor and I suspect that's true. I'm also convinced," he continued, "that you supply other people with heroin I don't know why."

Ellis also said he had checked some of the statements Wilson made to officials who prepared the presentence report, and found them to be inaccurate.

The correct information, he said, conflicts with "the image Mr. Wilson would like to convey to the community."

John Ray, chief of the district attorney's Career Criminal Unit, had recommended a 10-year sentence.

Des Connall, Wilson's attorney, said he would file a notice of appeal.

Holliday Chavengvan, a member of the Babe Wilson Defense Committee, said the group was organizing benefits and gathering donations to pay for the appeal.

Detroit News — 6/10/77

**Called 'most dangerous man alive,'
he's guilty again**

A Roseville man described by law officials as "the most dangerous man alive" was convicted yesterday of attempting to murder a man outside a Detroit bar in 1975.

Arthur L. Burgess, 38, already serving three life sentences for murder and attempted murder and awaiting another trial in a triple slaying, was convicted in Recorder's Court of assault with intent to commit murder in the wounding or Richard L. Meatte, 38, in the vestibule of the Candlestick Lounge, 12841 East McNichols, on June 12, 1975.

Burgess, who has been released on parole three times by state authorities, was convicted despite Meatte's denial during the trial that Burgess was the man who shot him six times that night.

Two other witnesses identified Burgess as the shooter.

Meatte, who is presently serving a 10-15-year sentence in Jackson State Prison after being convicted of manslaughter earlier this year, testified that his life had been threatened several times after his conviction.

Assistant Wayne County Prosecutor Sam Damren speculated that Meatte may have refused to identify Burgess because both men will be in the prison together.

Burgess has been described by police and the Macomb County prosecutor as "the most dangerous man alive."

Burgess was sentenced last April in Macomb Circuit Court to three life terms for the murder of Theresa Martell, 26, of Harrison Township, and the attempted murder of her boy friend, Claude R. Johnson, 39.

He is facing trial for a 1974 triple murder in Dearborn. In that case, he is charged with killing Leslie Kinsman, 35, and Victor Gabriel Bossio, 32, both of Dearborn; and James Ketelaar, 35, of Taylor.

Burgess was sentenced in July, 1961, in Recorder's Court to 12½-25 years for second-degree murder in the killing of a man during a holdup.

He was paroled in October, 1966, but sent back to prison in February, 1968, for a parole violation. He was paroled a second time in December, 1969, but was returned to Jackson in November, 1972, for another parole violation. He was paroled again in 1973.

Burgess will be sentenced June 16 on the attempted murder charge by Judge Thomas L. Poindexter.

The Memphis Press Scimitar — 7/30/77

Parole Board's Problems

A few days ago, two Tennessee convicts, free on parole, pleaded guilty in a Nashville court to rape charges. Both were sentenced

to 10-year terms to be added to their original sentences.

One of the men pleaded guilty to raping a Nashville woman in February of 1976 just two months after he was released on parole while serving a 10-to-20-year sentence for murder. While in prison, he was involved in another homicide for which he was tried, but not convicted.

The other man, Clayton Dawson, of Memphis, admitted to charges that he raped a Nashville college girl last January nine months after receiving a parole from a sentence he was serving as a result of his conviction on charges that he raped a Memphis woman and her 16-year-old daughter, a crime for which he originally received the death penalty. The sentence was commuted to 99 years by the late Gov. Frank Clement. Gov. Ray Blanton then commuted the sentence to time served, with 20 years' probation. He acted on the recommendation of the state's Board of Probation and Paroles.

It is not surprising that citizens are asking why these two criminals were found worthy of release on parole. Also, citizens may be wondering if the prisoners received adequate supervision during their period of freedom.

The parole board itself has felt the shock. Said the body's chairman, Mrs. Marie Ragghianti: "God knows I feel bad about this. Maybe the board needs to re-evaluate a lot of its prior actions. Maybe we need to put the brakes on."

Mrs. Ragghianti's concerns are well expressed. The fact that Memphis police had tied Dawson to at least 12 other rape cases, in addition to the two instances for which he was convicted, might have reached the board's attention if its investigative procedures had been better than they are.

Although Correction Commissioner C. Murray Henderson stoutly defends Tennessee's parole system, there have been other cases where prisoners on parole have turned into repeaters.

This prompted Don D. Strother, of the Shelby County attorney general's office, to call for prisons "with no frills" for the incarceration of repeater types. "There are certain people," he said, "who should be locked up and kept from society."

Of course, prisoners — especially first offenders — should receive the state's full support when they merit a chance at rehabilitation. But we must agree with Strother, some prisoners aren't worth the time and money rehabilitation costs.

Commissioner Henderson points to Tennessee's parole record — 37.4 per cent of parolees are returned to prison against the national rate of 65 per cent, which means that the state's system is not wholly bad.

Henderson believes that the parole board membership should be increased from three to five members. The proposal should be considered.

But overshadowing the penal system in Tennessee is the shortage of prison space. Only this week, it was announced that the prison system again had reached its capacity and that county jails were being asked to hold back on sending their inmates to the state system.

The shortage of prison space underscores the necessity for moving ahead with the

state's program of regional prisons.
Completion date for the program as it now stands is still 18 months away.
Meanwhile, the work of the Probation and Paroles Board is not going to get any easier.

Akron Beacon Journal — 7/5/77

Quick . . . Career Criminal Program
'gets them off streets'

By JIM DETTLING
Beacon Journal Staff Writer

Akronite Robert Fredrick Hall has a criminal record longer than both your arms.
Hall, 34, began compiling his rap sheet in 1954 when he was 11 years old. He has served time in the penitentiary on three different occasions for such offenses as felonious assault and forgery. In 1971 he was sentenced to one to 20 years for the rape of an 11-year-old boy.
Hall was out of prison for less than a year when he and a women accomplice were arrested last November for aggravated robbery.
BOTH MADE bond, but Hall failed to appear for his arraignment and bench warrant for his arrest was issued by the court Jan. 16.
His female companion, with whom he had been living since his release from prison, was arrested again while her case was pending. She was sentenced to 30 days in the county jail for shoplifting.
While she was serving her jail time, Hall allegedly raped her six-year-old daughter.
He was arrested April 6 on the new rape charge as well as the old charge of aggravated robbery.
With his past record and the seriousness of the new charges, bond would have been high for Hall, but it is possible he could have posted the money and been back on the streets for the three to four months it usually takes to dispose of a criminal case in Summit County.

Instead, Hall was picked up by Summit County's new Career Criminal Program, operating out of County Prosecutor Stephan Gabalac's office.
HALL'S case was accelerated and in less than a month he was on his way back to prison to begin serving a 14-to-50 year sentence.
"Statistics show that a person identified as a career criminal is responsible for an average of 20 crimes a year," said Assistant County Prosecutor Frederic Zuch, who handles prosecutions under the Career Criminal Program.
Assisting Zuch as investigator is former Akron police officer Ed Duval, who retired in January after 30 years on the force, the last 24 as a detective.
"These people have been on probation, they have been on parole, in short they have had the advantage of all the rehabilitative steps the system has to offer," said Zuch.
"We feel that if they are not rehabilitated by the time we get them, they are a lost cause. Our purpose is no longer to try and force them to be decent citizens, but to get them the hell off the streets for as long as we can," he added.
The program has succeeded admirably in its goal.
SO FAR this year, 18 cases have been handled through the program, which began Jan. 24. Sixteen have resulted in convictions, but more importantly, the average minimum sentence for those identified as career criminals has increased from 3.26 years in 1976 to 8.25 years.
The 1976 figures were compiled using the case histories of those who would have met the program's criteria had it been in operation last year.
Another figure that Zuch points to with pride is the time from arrest to disposition of the case. That time has been cut from an average of 93 days in 1976 to 29 days in 1977.
"We are getting them off the streets faster and they are going down for longer periods of incarceration," said Zuch.
Word is beginning to filter down to the county's hardcore criminal element about

the new program.
"The police tell me that now when they bring a guy in to be booked, the first thing he asks is whether the is going to be picked up by the career criminal program.
"They don't like it and I couldn't be happier," added the 32-year-old Zuch, who spent five years as an Akron policeman before earning his law degree at the University of Akron in 1973.
THE TARGET offenses for the program are aggravated robbery, robbery, aggravated burglary, burglary, rape and felonious sexual penetration.
Backgrounds of those charged with the six target crimes are then checked to see if they have been convicted of two separate felonies in the past or have been convicted of any major crime of violence. If they meet the criteria, they come to the attention of the Career Criminal Program.
High bonds are usually requested and granted for those falling under the program. Plea bargaining is also restricted.
"Our position is that they have to plead guilty to the major crime with which they are charged. If they don't, we tell the court we are ready to proceed with trial at the earliest possible date.
"The judges have accepted this well and have been very receptive to scheduling the cases as quickly as possible.
"We also work closely with the Akron Police Department and they have been extremely cooperative and helpful in assisting our office on trial preparation for the career criminal cases," said Zuch.
The Summit County program is one of only two in Ohio. The other is in Franklin County (Columbus) and has been in operation for two years.
AT PRESENT, the program is funded entirely through the prosecutor's budget and receives no federal aid. This will change in November when, thanks to the program's success, it will receive a \$60,000 grant from the Federal Law Enforcement Assistance Agency.
"We plan to use the money to expand the program by adding another prosecutor and a full-time secretary. Since we feel that swift justice is the best, this should make our program even more effective in altering the upward trend of crimes of violence in Summit County," added Zuch.

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Philip Cohen
Executive Director

Thousand Oaks, California 91360

Ronald W. Sabo
Projects Coordinator

Larry G. David
Information Systems Coordinator

DATE: October 10, 1977
TO: File
FROM: Rivers Trussell
RE: Career Criminal Program Workshop
Portland, Oregon - October 6-7, 1977

8:00 - 9:00 - Registration:

This activity began on schedule with the assistance of Mr. Larry David of NLDC and Mrs. Rosalie LeBlanc of the Portland unit. Name tags were provided to each attendee. The registration fee was \$20.00.

9:00 - 9:15 - Welcoming Comments:

District Attorney Harl Haas of Multnomah County (Portland) Oregon welcomed the participants to the workshop and made several suggestions relative to sites to see. He also announced an innovative technique re: letters to individuals who have been granted parole and if re-arrested would be prosecuted by his CCP.

9:15 - 9:45 - Career Criminal Program Highlights:

Mr. Philip Cohen, Director of NLDC made a short verbal statement relative to the growth of the program and high success rate of each project after which, he presented a short slide presentation concerning CCP development, implementation, and success.

9:45 - 10:00 - Break

10:00 - 12:00 - Progress Reports

(See attachments for full reports). All of these reports included an overview of the staff structure, statistical reports, and problems. Most reports also included as examples, reports on specific cases which demonstrated CCP case processing. The following individuals made reports.

To: File
Re: Portland
Workshop

Page 2

- 1) Mr. John Ray - Portland, Oregon
- 2) Mr. Melvin Harmon, Las Vegas, Nevada
- 3) Mr. Doug Henson - Albuquerque, New Mexico
- 4) Mr. Andre LaBorde - San Francisco, California
- 5) Mr. David Yocom - Salt Lake City, Utah

12:00 - 1:30 - Lunch

Speaker: Judge John Beatty

Judge Beatty informed the group about the new sentencing laws of Oregon and the effect they had had on the criminal justice system.

1:30 - 2:00 - Statistical Analysis:

Mr. Ron Sabo of NLDC began the afternoon session with an analysis of the statistical data developed. (For full report see attachment).

2:00 - 2:30 - Data Issues:

Mr. Larry David of NLDC conducted an information session in which he raised the problem of the impact of late forms on the reporting system. He informed the group the 84% of the forms were received in a timely fashion while 24% were consistently late. A discussion followed, but no solution, other than a very aggressive approach by the data collector to obtain the necessary information.

2:30 - 3:20 - Break

3:20 - 5:00 - Roundtable Discussion

Mr. Philip Cohen introduced Mr. Ron Clark and Mr. Dave Boerne of Seattle, who explained their innovative extension of CCP concepts and principles into the juvenile justice system. A question and answer followed.

FRIDAY - October 7, 1977

9:30 - 10:00 - Criminal Careers of Habitual Felons

Mr. Philip Cohen began the day's activities by introducing Dr. Peter Greenwood of the Rand Corporation of Santa Monica who informed the group of the major findings of the above referenced study. A lively discussion followed concerning the various types of career criminals.

10:00 - 12:00 - Roundtable

Following Dr. Greenwood, Mr. Cohen returned the group to the discussion of specific topics and issues of the CCP.

To: File
Re: Portland
Workshop

Page 3

12:00 - 1:30 - Lunch

The group was favored at lunch with a speech by Dr. Lee Brown, Director of the Department of Justice Services.

1:30 - 3:30 - Roundtable Discussion, Continued

3:30 - 5:00 - On-Site Visit

Following the completion of the roundtable, several members of the group attended an open house at the Portland CCP Unit, following which the workshop was adjourned.

RT/mra

END