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

**HEARINGS**

BEFORE THE

**SUBCOMMITTEE ON  
CRIMINAL LAWS AND PROCEDURES**

OF THE  
**COMMITTEE ON THE JUDICIARY**

**UNITED STATES SENATE**

**NINETY-FIFTH CONGRESS**

**SECOND SESSION**

**ON**

**S. 28 and S. 3216**

**PART II**

**CAREER CRIMINALS**

**SEPTEMBER 27, 1978**

Printed for the use of the Committee on the Judiciary



**NCJRS**  
**OCT 13 1980**  
**ACQUISITIONS**

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1978

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(II)

## CONTENTS

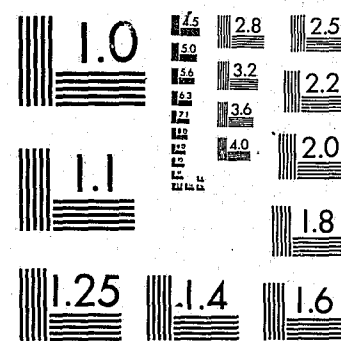
Hearings held on:	Page
Part I.—Restructuring the Law Enforcement Assistance Administration August 16, 1978	
August 23, 1978	
Part II.—Career Criminals	
September 27, 1978	1
Text of:	
S. 28	90
S. 3216	107
Statement of:	
Grimes, J. Robert, Assistant Administrator, Law Enforcement Assistance Administration	71
Haas, Harl, district attorney for Multnomah County, Portland, Oreg.	54
Hamilton, William A., president, Institute for Law and Social Research	20
Kelley, James F., prosecuting attorney, Marion, Ind.	63
Pattison, Hon. Edward W., a U.S. Representative from the 29th District of New York	4
Silbert, Earl J., U.S. Attorney for the District of Columbia	29
Sonner, Andrew L., State's attorney, Montgomery County, Rockville, Md.	62
Vance, Carol S., district attorney, Harris County, Houston, Tex.	44
Work, Charles R., attorney, Washington, D.C.	7
Statement submitted for the record by—	
Armstrong, David L., Commonwealth's attorney, letter of October 20, 1977, with transmittal letter from Senator Mathias	123
Beutson, Hon. Lloyd, a U.S. Senator from the State of Texas	87
Knox, Neal, executive director, Institute for Legislative Action, National Rifle Association of America, on S. 3216	115
Mathias, Hon. Charles McC., Jr., a U.S. Senator from the State of Maryland	78
Exhibits:	
Career criminal program in Maryland	80
"Career Criminal Prosecution: An Idea Whose Time has Come," Joan Petersilia	163
Charts of certain defendants compiled by the U.S. Attorney's Office for the District of Columbia	38
"Criminal Careers of Habitual Felons," National Institute of Law Enforcement and Criminal Justice, LEAA, Department of Justice	244
Legal background materials for the career criminal program	425
"Mandatory Prison Sentences: Their Projected Effects on Crime and Prison Populations," Joan Petersilia and Peter W. Greenwood	127
"(The) Prison Experience of Career Criminals: Current Practice and Future Consideration," Paul Honig	217
"(The) Rand Habitual Offender Project: A Summary of Research Findings to Date," March 1978	187

(III)

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

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9/04/81



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COMMITTEE ON THE JUDICIARY  
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## CONTENTS

	Page
Hearings held on:	
Part I.—Restructuring the Law Enforcement Assistance Administration August 16, 1978	
August 23, 1978	
Part II.—Career Criminals	
September 27, 1978.....	1
Text of:	
S. 28.....	90
S. 3216.....	107
Statement of:	
Grimes, J. Robert, Assistant Administrator, Law Enforcement Assistance Administration.....	71
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Statement submitted for the record by—	
Armstrong, David L., Commonwealth's attorney, letter of October 20, 1977, with transmittal letter from Senator Mathias.....	123
Bentsen, Hon. Lloyd, a U.S. Senator from the State of Texas.....	87
Knox, Neal, executive director, Institute for Legislative Action, National Rifle Association of America, on S. 3216.....	115
Mathias, Hon. Charles McC., Jr., a U.S. Senator from the State of Maryland.....	78
Exhibits:	
Career criminal program in Maryland.....	80
"Career Criminal Prosecution: An Idea Whose Time has Come," Joan Petersilia.....	163
Charts of certain defendants compiled by the U.S. Attorney's Office for the District of Columbia.....	38
"Criminal Careers of Habitual Felons," National Institute of Law Enforcement and Criminal Justice, LEAA, Department of Justice. Legal background materials for the career criminal program.....	244
"Mandatory Prison Sentences: Their Projected Effects on Crime and Prison Populations," Joan Petersilia and Peter W. Greenwood.....	425
"(The) Prison Experience of Career Criminals: Current Practice and Future Consideration," Paul Honig.....	217
"(The) Rand Habitual Offender Project: A Summary of Research Findings to Date," March 1978.....	187

(III)

4  
72611

116

STATEMENT  
OF  
NEAL KNOX  
EXECUTIVE DIRECTOR  
INSTITUTE FOR LEGISLATIVE ACTION  
NATIONAL RIFLE ASSOCIATION OF AMERICA

submitted to the  
Subcommittee on Criminal Laws and Procedures  
of the  
SENATE JUDICIARY COMMITTEE  
on  
S. 3216  
"CAREER CRIMINALS PROSECUTION ACT OF 1978"

October 10, 1978

117

In the interest of a fair and expedient criminal justice system, the National Rifle Association would like to go on record supporting the passage and enactment of Mr. Bentsen's S3216, which parallels closely Mr. Mathias' S28. This proposed legislation would establish long-term appropriations for the LEAA's special prosecutorial projects aimed at repeated felony offenders, a program which has been proven to be an effective tool for dealing with the chronic recidivist.

Expanding the LEAA-sponsored pilot projects, S3216 would amend the Omnibus Crime Control and Safe Streets Act of 1968 to include funding of "general local government for the development and implementation of programs relating to the prosecution of repeat criminal offenders." The goal of the proposal is the successful identification, prosecution and "long term imprisonment of the most violent and dangerous offenders."

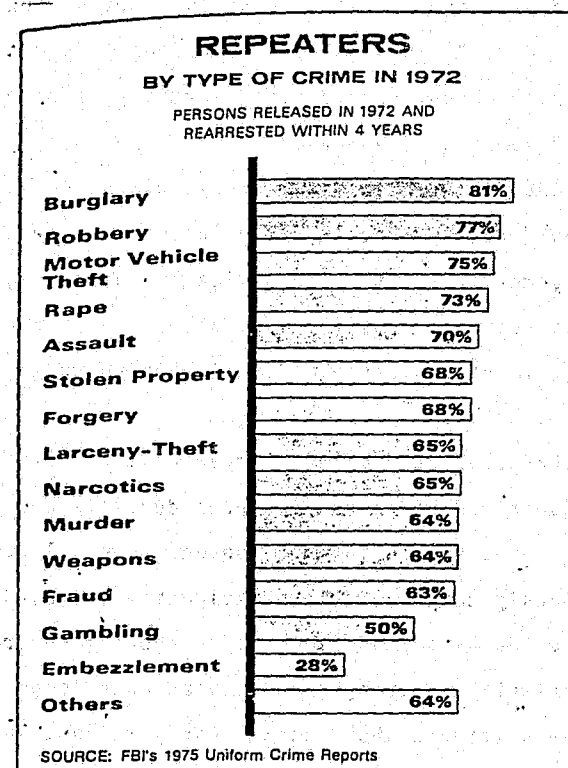
Based on a federal match funding formula with local communities, the bill would require local governments to set criteria, subject to LEAA approval, for the identification of repeat criminals, as well as to make such data readily available to law enforcement, prosecutors, courts, and professional staff working under this special "career criminal" program.

The unique characteristic of the career criminal projects versus prosecutions obtained using routine procedures is the ability of the system via computerized information and specially trained staff to expeditiously compile full investigations, including extensive past histories on offenders within a short time frame. The result -- speedier trials, stronger convictions and longer sentences meted out to those criminals whose past records warrant such action.



Exactly how many career criminals exist and prosper in this country is uncertain. The FBI "Uniform Crime Reports" at one time gave some indication in their "Careers in Crime" section. In that study conducted of those arrested for index crimes over the period 1970-75, 64% or 164,295 out of a total 255,936 arrestees had two or more prior arrests to their credit. Further, the total 255,936 arrestees who had documented charges of more than 1 million offenses accounted for a mere 142,000 imprisonments.

The following chart, extracted from "Editorial Reports on Crime and Justice" (published by Congressional Quarterly, 1978), depicts the FBI study results of recidivists by type of crime:



More detailed studies, however, have been conducted on the local level with similar results. Research of Washington, D. C. by the Institute for Law and Social Research (INSLAW) found, for instance, "that over a 56-month period from 1971 to 1975, 30 percent of the different persons who were arrested had at least two arrests and accounted for 56 percent of all arrests brought to the Superior Court during that period."\*

These figures, of course, simply represent those arrested, not necessarily those convicted. And yet, 26% of those individuals arrested on felony charges were those who were released into the community via bail, probation or parole. Further, the INSLAW study revealed that "less than 40 percent of all persons arrested for a violent property offense who were convicted in the Superior Court were subsequently incarcerated."\*

Concurrent with the INSLAW research tracing the patterns of Washington's criminal justice system, the Rand Corporation (California) was making more specific efforts to study habitual offenders in a controlled setting -- prison. Following two years of data collection from 49 inmates, the results were that repeated criminals are arrested for approximately 6 percent of those crimes committed while they are still juveniles and 20 percent for those crimes committed when they reach adulthood. That small sample, culled from a medium security facility, self-reported 10,500 crimes to interviewers. In comparison, arrest, conviction and incarceration remained to the habitual offender, a remote possibility.

\* Report, No. 3, PROMIS Research Project, INSLAW.

Such attrition not only makes "getting away with crime" a distinct benefit for career criminals, it is demoralizing for law enforcement, frustrating for prosecutors and detrimental for the public.

It is no mere coincidence that the prosecutorial program announced by the D. C. Metropolitan Police Department and the U. S. Attorney's Office in August 1976 was named "Operation Doorstop." The prior handling of career criminals had often been analogized to a "revolving door of justice." This program, however, established a team of experienced prosecutors and other criminal justice professionals working under a Career Criminal Unit. Through these experts, cases were established rather than lost, and prior records fully investigated for use in preliminary hearings. The results of this extraordinary project were that 52 of the first 60 defendants were jailed before trial. Overall, 90 percent of the suspects prosecuted under the program have been indicted, and 94 percent of those indicted have been convicted. The waiting period between arrest and indictment for career criminal cases as opposed to other felony cases has been more than cut in half.

The concept of "Operation Doorstop" was not born without inspiration, patterned after a project initiated by the Law Enforcement Assistance Administration in 1975 in 22 U. S. cities. With federal funding, test cities convicted 5,300 defendants over a two-year period -- defendants who had accumulated over an adult arrest period, a sum total of nearly 67,000 prior arrests. The track record for the period May 1975 to September 1977 showed a conviction rate of 95 percent, with nearly 90 percent of the defendants convicted on top felony charges rather than on plea bargains. In addition, the average non-enhanced sentence pronounced was 17 years.

Within that time frame, LEAA noted reductions in robberies in 17 of the sample cities which exceeded the national average by 54 percent and a reduction in burglaries that exceeded the national average by 30 percent.

Other cities, impressed with such marked progress initiated their own programs, among them: Canton, Ohio; Cook County, Illinois; Denver, Colorado; Fort Worth, Texas; Seattle and Vancouver, Washington; West Palm Beach, Florida; and Sacramento, Santa Barbara and Ventura, California. The California state legislature, in fact, passed a bill in September 1977 to appropriate \$3 million per year for funding career criminal units under local district attorney offices -- the "California Career Criminal Prosecution Program" is the first such state law in the nation. Heretofore, the lack of Federal incentives to the cities has carried with it the clear risk that such programs will be allowed to lapse or will never be created. For this reason, the concept of matching funds as proposed in S3216 is beneficial by encouraging cities and states to establish anti-crime programs of this magnitude.

Establishing career criminal program on a broad scale, subsidized in part through this proposed Federal matching fund mechanism, would be cost-effective. LEAA's career criminal project funding over a two-year period, for example, cost \$14 million, or approximately \$2,600 per conviction. This expenditure may well represent a fraction of the cost of permitting recidivist felons to circumvent the criminal justice process. One criminologist noted in a recent

book: "A study of twenty-five repeaters followed over a nine-year criminal history cycle averaged their cost to the public at \$400,000 per offender."\*

It should be apparent that the costs of habitual criminality will be presented to the public in the form of increased crime rates if the criminal justice system will not be encouraged to make particular efforts to identify, prosecute and incarcerate the chronic recidivist.

\* Injustice for All, Anne Strick, pgs. 207-208.

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FRANCIS C. ROSENBERGER  
 CHIEF COUNSEL AND STAFF DIRECTOR

## United States Senate

COMMITTEE ON THE JUDICIARY  
 WASHINGTON, D.C. 20510

July 14, 1978

The Honorable Joseph R. Biden, Jr.  
 Chairman  
 Subcommittee on Criminal Laws  
 and Procedures  
 Committee on the Judiciary  
 U.S. Senate  
 Washington, D.C. 20510

Dear Mr. Chairman:

On January 10, 1977, I introduced S. 28, the Repeat Offenders Prosecution and Prison Improvement Act of 1977.

The bill is primarily designed to achieve two important goals. First, it would provide for financial assistance to improve the capabilities of units of local government to deal with career criminals by establishing the Office of Repeat Offenders Prosecution Projects within the Law Enforcement Assistance Administration. Secondly, it would help to relieve the overcrowding that plagues our Nation's prisons.

I believe that the need for this legislation and the reforms for which it provides is great, and becoming more so as time passes. I therefore respectfully request that you convene hearings on S. 28 at your earliest convenience. Naturally my staff stands ready to assist in any way possible.

For your information, I have enclosed a letter I have received from Louisville, Kentucky's Commonwealth Attorney in support of S. 28. You will note that Mr. Armstrong has offered to testify at hearings on the legislation to present Louisville's experience with its local Career Criminal Bureau for the Committee's benefit.

I deeply appreciate your consideration of this vital piece of legislation and trust that we can work

124

Chairman Biden  
July 13, 1978  
Page Two

together to make the hearings informative and productive.

With best wishes,

Sincerely,



Charles McC. Mathias, Jr.  
United States Senator

CM:em  
Enclosure

125



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COMMONWEALTH OF KENTUCKY  
OFFICE OF THE COMMONWEALTH'S ATTORNEY  
SOUTH JUDICIAL DISTRICT OF KENTUCKY  
JEFFERSON HALL OF JUSTICE  
LOUISVILLE, KENTUCKY 40202

DAVID L. ARMSTRONG  
COMMONWEALTH'S ATTORNEY

October 20, 1977

UCT 25 12 46 21 1977

Honorable Charles Mathias, Jr.  
United States Senator  
United States Senate  
Committee on the Judiciary  
Washington, D.C. 20510

Dear Senator Mathias:

Thank you very much for your response to the first annual report of our Career Criminal Bureau.

Since the introduction of your Bill S. 28 "Repeat Offenders Prosecution and Prison Improvement Act" on January 10, 1977, I have been discussing this proposed legislation with civic and political leaders in this community. Needless to say, the Bill has been greeted with enthusiasm and support.

In view of the support that this office has received for its Career Criminal Bureau and the recognition of success that Career Criminal Programs are experiencing throughout the United States, there is no question of the impact that these programs have on crime in urban areas.

As you may be aware, the present Career Criminal Programs are in jeopardy of losing their third year funding because of the reorganization and funding of L.E.A.A. We would appreciate your support in obtaining third year funding.

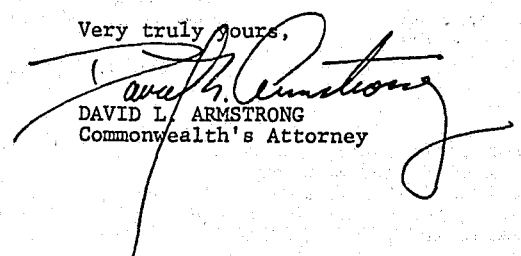
We are preparing legislation for the institution of the Career Criminal Program in Kentucky by our State Assembly which meets once every two years. However, in light of the reluctance of our Governor to continue federally funded programs at the State level, we are fighting an uphill battle. Therefore, it is essential to our program that S. 28 be approved so that we can attempt to obtain direct federal funding.

-continued-

Honorable Charles Mathias, Jr.  
October 20, 1977  
Page 2

I would be more than happy to testify before any committee hearings that you might have relating to S.28 and discuss the success of our local Career Criminal Program.

Very truly yours,

  
DAVID L. ARMSTRONG  
Commonwealth's Attorney

DLA/jkv

**END**