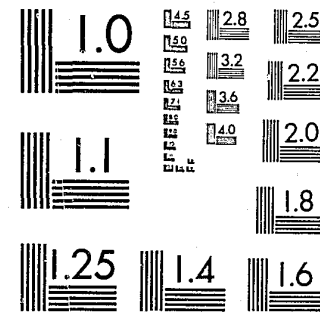


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FOCUSING ATTENTION ON CAREER CRIMINALS
-- AN IDEA WHOSE TIME HAS COME

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May 1978

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National Institute of Justice

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PREFACE

This paper was adapted from speeches given before the California Superior Court Judges Association and the California Correctional Association. The paper discusses the major programs that are currently being developed in the police, prosecution, and the parole area to deal selectively with career criminals. In addition, the results of The Rand Corporation's continuing program of research on the characteristics of career criminals are also summarized. Included in this summarization are offenders' crime rates and arrest probabilities, and other factors shown to be associated with high rate criminality. The author also presents her opinions as to the appropriate future directions for containing career criminal behavior.

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Focusing attention on career criminals seems to be an idea whose time has come. Police, prosecutors, and parole agents have begun to develop new programs to make certain that career criminals are dealt with in a manner that reflects the seriousness of their prior record. This newfound interest seems motivated by evidence which suggests that:

- a small number of chronic recidivists account for a large amount of serious crime. Estimates show that perhaps only 10 percent of the criminal population accounts for 60 percent of all crime.
- also, there is a sense that these offenders have managed to "beat the system" through plea bargaining and overly lenient sentences. Studies have shown that although recidivists are repeatedly arrested, their probability of conviction and imprisonment remains far from certain. For instance, in Los Angeles County, defendants who had served a prior prison term, still had only a 50 percent chance of going to prison for a robbery conviction, and a 15 percent chance for a burglary.

A number of new laws have been passed, and prosecutors and police have been developing new programs to insure that career criminals will be dealt with more adequately in the future. It is hoped that if the system can remove these offenders from the streets, substantial reductions in crime will occur.

A major initiative in this area, and one in which California is actively involved, is the Career Criminal Prosecution Program. Nationally, over 50 jurisdictions are participating in an LFAA experiment which sets aside a number of experienced prosecutors to deal exclusively with career criminals. California has recently passed the Deukmejian Bill (SB 370) which appropriates \$6 million dollars over the next three years for the establishment of special Career Criminal Prosecution Units throughout California. This money will provide funds to local prosecutors to identify defendants who appear to have

established a consistent, serious pattern of criminal behavior. The exact criteria is devised by each jurisdiction.

Once a defendant is identified as falling within the criteria of the program, a single deputy handles all aspects of the case from filing to final disposition. Most offices provide reduced caseloads for their career criminal deputies, and extra investigation support to insure that cases are adequately prepared and ready for trial. Plea negotiations are kept to a minimum. To date, twenty of these special units have prosecuted more than 7500 defendants---the average defendant was 28 years old and had three prior adult felony convictions. Eighty-three percent of these prosecutions resulted in a conviction, and 91 percent of the convicted defendants received a prison sentence which averaged a minimum of 12 years.

In addition to the obvious crime reduction impacts which might result from longer and more frequent prison sentences, it is hoped the well-publicized program will deter other criminals. Also, it is hoped these units will result in an increased respect for the system and high morale on the part of its participants. However, since these units have not been carefully evaluated, it is impossible to know whether these high conviction and incarceration rates are the product of whom the unit selects for prosecution in the first place, or the result of improved prosecution methods.

These prosecution units are importantly dependent on police support, for example the unit cannot become involved in a case until it is notified of an arrest and provided with criminal history information to decide whether the appropriate criteria are met. Once a case has been accepted by the prosecution unit, it is likely to require more thorough and more rapid preparation for trial. Over 30 police departments have been awarded special grants by LEAA to set up special programs to assist in jurisdictions having Career Criminal Prosecution Programs. Some police departments have assigned liaison officers to expedite the collection and processing of evidence, and to assist the prosecutor in witness coordination.

In others, police departments are utilizing lists of suspected offenders as a means of targeting their arrest efforts. This effort

may involve nothing more than maintaining a Career Criminal file--containing personal characteristics, previous mo's and fingerprints of the communities' most serious suspects. Or patrol officers may be provided with mug books containing these suspects for use in witness questioning or identifying the suspect for field stops. Special surveillance efforts may be used against some individuals on the list who are particularly dangerous.

The most proactive use of these career criminal files occurs when patrol officers are directed to make field stops of *specifically* designated persons in order to develop information for use in later investigations.

Police departments vary considerably in their willingness to use these more proactive methods to assist the prosecution. Some see the maintenance of special intelligence files, or use of directed field stops and surveillance as unwarranted invasions of privacy. Others see them as natural extensions of routine police work. Proactive patrol to support career criminal prosecutions is currently a very active topic of debate in the police field.

Parole departments are also beginning to develop programs which target on career criminals. A number of departments, including ones in Los Angeles and Walnut Creek, California, now have special "high-control" caseloads. The recognized objective of these units is to increase the discovery of an offender's return to crime by closely monitoring and investigating his behavior. These units also take a more active role in securing a conviction for a new crime, rather than simply toward revocation of parole.

In Tennessee, a special probation and parole unit has been funded by the state planning agency for the purpose of coordinating with their Career Criminal Prosecution program there. Each individual released from prison and placed on parole in Memphis is screened using a scoring system, the same scoring system used by the prosecutor. If his prior record is sufficiently serious, he is placed in a special small Career Criminal caseload. The parolee is warned that if he violates parole he will be immediately turned over to the Career Criminal Prosecution Unit for selective handling. Both the probation

and parole departments there work closely with the police and prosecutor in identifying, arresting and convicting career criminals. They have developed what they call a systemwide approach to the career criminal. Several other cities are contemplating similar programs.

There is also now some feeling among persons associated with these programs that a correctional component to the Career Criminal Program should be developed. Rand is currently involved in a national survey of correctional administrators to examine the feasibility and desirability of such an effort. It has been suggested that "prosecuted" career criminals should be tagged for corrections so that they are not released early as a result of good time or parole, or allowed into a community corrections programs. Prosecutors often want a "no frills" incarceration policy for such persons. Others, knowing that some day these persons will return to the community, would like to see a special treatment program aimed toward meeting their specific needs. The preliminary survey results suggest that only one-third of corrections officials are aware of Career Criminal Prosecutors Program, and none were tagging people by labeling their folders in any way. When told of the Prosecution Program, and asked for their suggestions as to the appropriate corrections response, there was quite a bit of uniformity. Corrections appears receptive to such ideas as shortening intake, voluntary treatment, and denying them access to community corrections, but they are adamantly opposed to either denial or concentration of services on the basis of a locally devised prosecutorial definition. Since corrections is a statewide system, and will be receiving prisoners from various jurisdictions, some who have been prosecuted under special programs and some who have not, it would be wrong to treat a "labeled" career criminal differently from other inmates with similar characteristics who simply haven't been prosecuted in a jurisdiction with a Career Criminal Program. There may also be legal problems associated with such policies.

But it is obvious that Career Criminal Programs in all phases of the criminal justice system are developing quickly. Police, parole, and prosecution are all getting into the act. Although these programs are in full swing, and officials appear ready to deal more harshly

with career criminals, these programs are not without problems. For instance, California prisons are already filled to capacity. Longer and more frequent sentences mean more costs, perhaps more prison unrest, and who knows what the impact will be on inmates incarcerated for such long terms. Career Criminal Prosecution Units also produce more trials--which means additional costs and court congestion. Most important, is the possibility that persons who do not pose a serious threat might be unnecessarily confined. The key issue surrounding the potential effectiveness of all of these programs is the ability of the system to identify persons who are in fact committing large amounts of crime.

With present knowledge, it is difficult to predict an offender's propensity to commit future crimes. Although the seriousness of his criminal record gives an indication, this information by itself is a weak predictor. It is entirely possible that by the time an offender accumulates a record that is serious enough to qualify him for a special Career Criminal Program, he is on the downswing of his criminal career. We know that offenders past the age of 30 do not experience many arrests, which suggests a decline of crime with age. This can be evidence of a *true* decline in the offender's criminality--or evidence that he has gotten better at crime, committing the same amount, but experiencing fewer arrests. If crime rates actually do decline with age, then programs aimed at older habitual criminals will have little effect on reducing the overall level of crime. On the other hand, if criminality increases with prior record and age, then the potential effects of such programs are large. Understanding the changes that occur during a criminal career are crucial to estimating the impacts of various policies which focus on defendants with different prior records.

During the past three years, The Rand Corporation has been conducting a number of studies intended to provide new insights into career criminal behavior. We have conducted research on their characteristics, the way they are treated by the system, and the potential effects of alternative sentencing for containing their behavior. All of the research has been funded by the National Institute of Law

Enforcement and Criminal Justice, LEAA. The findings concerning how an offender's behavior changes during the course of his criminal career may have profound policy implications.

CHARACTERISTICS OF CAREER CRIMINALS

Over 700 prison inmates have been questioned in the course of Rand's research, and criminal justice records have been examined in a number of states. One overwhelming result of this research has been the confirmation that little was known about career criminals, and even less about the changes that occur as an offender pursues a life in crime. Initially, it was expected that the data would reveal systematic patterns in which juveniles were transformed into adult professional criminals. Moreover, there was an expectation that adult professionals would pursue crime as a preferred occupation, continually developing their skills, increasing their profits, and becoming more specialized. It is now clear that this was too simplistic a notion. Few of the empirical findings were consistent with these traditional images.

One of the clearest findings is that most criminals, even at the later stages of their careers do not specialize, but engage in a wide variety of crime types. Less than 10 percent of the offenders surveyed were specialists--most were involved in three different crime types in any time period. Unfortunately, this may mean that it is wrong to interpret patterns of arrest for different crimes as necessarily representing changes in criminal behavior. Rather, the data suggests that most offenders are subject to arrest for a number of crime types over any particular time period, so that the specific crime for which they are arrested may be merely a matter of chance.

Even at the late stages of their careers, offenders did not routinely plan their crimes. Half of the offenders in one study used no planning even after twenty years in crime. For the typical offender, pre-crime planning was limited to visiting the location and less often, staking out the target. Offenders who were the most sophisticated tended to develop sophistication at an early age; it was not the product of a long career in crime. However, a little pre-crime planning paid off. Offenders

who did some planning had a 5 percent chance of being arrested for any single crime, compared to a 20 percent rate for those who did not plan.

The assumption that habitual offenders develop a network of partners to assist them in crimes appears misplaced. Career criminals tended to work alone more frequently as their career advanced. In fact, the more sophisticated the offender, the more likely he was to work alone, being unwilling to share the profits or risk betrayal.

Contrary to the assumption that the money an offender got from crime would grow with his experience, most offenders, even in the later phases of their careers, averaged only a few thousand dollars per year. Few were well rewarded.

Drugs and alcohol clearly play a prominent role in a crime career. Career criminals said that 40 percent of their juvenile crime was committed while they were under the influence of drugs or alcohol; the figure had risen to 60 percent by the time they were adults. Also, the desire for money to buy drugs and alcohol was cited by only 10 percent as the reason for beginning a crime career; but by one-third as the reason they had continued their crimes into adulthood.

In order to collect information on the actual rate at which offenders commit crime it was necessary to interview offenders. There are obvious problems of reliability associated with responses given by criminals--offenses may be concealed or exaggerated. To verify the interview information in one study, Rand obtained official records for each person and compared the official information on arrests and convictions with that from the interview. For things that could be checked, the reliability rate was around 75 percent--meaning that 75 percent of the convictions on the rap sheets were also reported in the interview.

Rand has conducted basically two offender studies--one used in-depth interviews with 50 career criminals, all of whom had spent over twenty years in crime. These offenders were asked to report the crimes they committed at different points in their lives. The changes in the type and extent of crime these persons committed over the course of a criminal career were then examined. The other study

involved interviews with 625 California inmates--among other things, they were asked to report the crimes they committed during the three year period prior to their current incarceration--the data was then analyzed for differences in the crimes reported by different age groups, racial groups, and prior record categories. In some instances, the data from these studies could be compared.

To no one's surprise, by the time an inmate gets to prison he has committed a large amount of crime, but the actual number of crimes is astounding! On the average, inmates reported committing about twenty major felonies per year of time they were on the street--about 4 violent crimes and about 16 property crimes. An arrest occurred in only 12 percent of the crimes these offenders reported committing, and a conviction in less than half of those. Less than 1 percent of the drug crimes resulted in an arrest; for robbery, there was about a 20 percent chance of an arrest.

Obviously different types of crime are committed at different rates--for instance, persons who reported committing robberies did so at a rate of about 5 per year; burglaries, about 16 per year; and drug sales, 155 a year. One interesting analysis was to look at how many crimes were reported by persons with different prison commitment offenses. These data are extremely useful for estimating the number of crimes prevented under alternative policies which increase or decrease the length of imprisonment for particular crimes. For instance, for each year served by a prisoner committed for a robbery conviction on the average, 8 violent crimes and 15 property crimes would be prevented. For someone convicted of burglary, 3 personal crimes and 46 property crimes are prevented.

Although offenders committed about 20 felonies per year of street time, the critical crime control issue is how this figure varies over the criminal career. The Criminal Career Study showed that it varied significantly with age, and there was a peaking of criminality which occurred early in the career. Even for offenders who remained active in crime, the rate of crime declined with age. What we see is a criminal career beginning at around age 14, peaking in the early 20's and then declining until age thirty, when most serious criminal

careers end. For instance, in the age group of fourteen to twenty-one year olds, offense rates average 20 to 40 crimes per year; for 22 to 25 year olds, the rate was about 12 crimes per year; and by the time offenders were 26 to 30, the number had dropped to 7 per year. Even when the type of offense is controlled for, there is still evidence of a decline of crime with age.

While the offense rates declined, official records showed that the arrest, conviction, and incarceration rates all increased with age. All of our work to date suggests that punishment falls quite heavily on the older career criminal. This happens for a number of reasons--the most obvious of which is that the patience of the police, prosecutors, and judges has run out. All feel more confident about imprisoning an offender who has repeatedly recidivated when given more lenient sentences--this is certainly justifiable. Unfortunately, given an offender's low probability of arrest in the first place, by the time he has accumulated two, three, or four adult convictions, he is likely to be past the point of his peak criminality. Although imprisoning this older habitual offender certainly fulfills the retribution purpose of punishment, it may have little affect on the overall level of crime.

Though the level declined, there was a certain steadiness in the offenders' crime. When asked how much time had passed after their release from imprisonment before they started committing crimes again, the average was only three months. Only half said they had serious intentions of not returning to crime during these three months--most believed that their resumption to crime could not have been deterred. For those who believed it could have been deterred, certainty of arrest would have influenced them more than other factors, such as the possibility of a longer prison sentence or stricter parole supervision.

These findings which show that offense rates decline with age, regardless of prior record, leave us as policymakers perplexed; we certainly don't want to adopt a policy which would lock up all teenage burglars--most of whom would not recidivate. The social and economic costs of such a policy are too high. On the other hand, we

don't want to continue with policies which leave an offender in the community when he is committing his largest amount of crime, and imprison him when his behavior is improving.

The critical issue for crime control therefore becomes one of identification--how can we identify that twenty-one year old who is at the peak of his criminality?

There are a number of things we can do. One is to make better use of the crime-clearance information police obtain in following up an arrest. A majority of the high-rate offenders reported that their arrests had led to the clearance of several of their other crimes. In current practice, much of this information is ignored except to close police files. When the police transfer charges to the prosecutor 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 discontinue investigating the other cleared crimes. A more systematic attempt to investigate and legally prove additional counts would undoubtedly help distinguish the high rate among habitual criminals. This is the direction police departments associated with the Career Criminal Prosecution Program are moving.

Another thing we can do is to continue research that attempts to identify other characteristics that high-rate criminals have. Rand is involved in this research and has so far shown that high-rate offenders are more likely than others to:

- have begun crime prior to age 14;
- operate in a wider geographic base (several cities wide, few move outside of a single state);
- be heavily involved with drugs, or drug and alcohol. Few persons involved with alcohol alone tend to be high-rate offenders.
- have said "high times", and "excitement" were the most important reasons for their crimes. Temper, or passion was seldom cited.
- be less socially stable (moved more than twice in a year, employed less than half time, and unmarried).

However, the most powerful predictor of high-rate criminality was the extent and seriousness of an offender's juvenile record. Unfortunately, a close examination of the current system of justice reveals that it is not organized so that this information is readily available to persons who could use it in identifying the high-rate criminal.

Recall, that in most states the juvenile court has continuing jurisdiction over offenders until they reach age 21, and in most states information about his juvenile criminal involvements is unavailable to police and prosecutors, and in many instances judges. This places the adult system at a severe disadvantage--the information that has been shown by nearly every study to be the most powerful predictor of future criminality is not legally transferable to those persons responsible for processing this 21-year-old arrestee through the system. Because a juvenile's record does not follow him into adulthood, all persons entering the adult system in a sense "look" alike; that is, they look like they have no prior involvement with the criminal justice system. The system ends up treating many of them, unjustifiably, as first offenders. In fact, a study done in Denver showed that 45 percent of adult arrestees had no prior adult criminal record; however, information from juvenile court showed 25 percent of those had very serious juvenile records. Even though in California this information may be made available to the judge in time for sentencing, this information is unavailable to police and prosecutors who are responsible for the initial handling of the case. Even though an offender may have a very serious juvenile record, and have already proceeded through the dispositions available in the juvenile courts, he begins all over when he reaches adulthood--probation, jail, and finally prison. The average age at commitment to a juvenile facility in California is 16; the average age at commitment to adult prison is 28. The lowest commitment rate possibly occurs at around age 22 to 24--very close to the age at which peak criminality is said to occur.

Clearly, the crucial crime control issue may center around the treatment of hardcore youthful offenders--and waiver of a hardcore juvenile to the adult court is an inadequate solution. A miniscule number of juveniles are actually waived to adult courts; one reason

being that most persons recognize the penalties and treatment in the adult system are too harsh for young persons. Judges frequently place juveniles back in CYA because of their knowledge concerning the long sentences and brutal conditions awaiting a young person who is placed in an adult institution. A more appropriate system would be one where once an individual has demonstrated sufficiently serious criminal behavior, (regardless of age), the protections accorded youths by the juvenile system are thereafter waived. Specifically, from then on, the offender can be fingerprinted, placed in line-ups, and his rap sheet and photograph can be disseminated. For this offender, the court would then have a system of sentencing that would differ from that of the adult code--and perhaps such persons would be incarcerated in segregated components of either a juvenile or adult institution.

In summary, whether or not one believes that *only* older criminals with two or three adult convictions should be imprisoned depends in part on what one thinks imprisonment can and should accomplish. A policy of sending only these offenders to prison will ultimately punish those who deserve it most--this is consistent with the retribution aspect of sentencing. However, such policies may fail to maximize the deterrent and incapacitation effects.

The deterrent effects of prison sentences will be greatly reduced if they are only applied after an offender has developed a serious commitment to a criminal lifestyle. And, the incapacitation effects are lost if we fail to identify and imprison offenders at the most active stage of their criminal career.

Sentencing policy will remain a most active topic of debate. As we move away from our naive assumptions about the rehabilitation aspects of imprisonment, we will be forced to consider some of its other practical aspects, such as deterrence and incapacitation. The research described in this paper, and that which Rand will be conducting in the next two years, is just a first step at developing a fuller understanding of what the impacts of different sentencing policies might be.

END