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OJJDP Update on Research

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✓ Verne L. Speirs, Administrator

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Targeting Serious Juvenile Offenders Can Make a Difference

- Prosecutors' offices can successfully implement programs targeting youth defined as habitual, serious, and violent juvenile offenders. These programs can result in speedier outcomes, more findings of guilt, more correctional commitments, and can reduce plea bargaining.
- Programs successfully target habitual, serious juvenile offenders by devoting increased resources to serious cases, using vertical prosecution, and involving more experienced prosecutors. They also work

more closely with victims and witnesses.

- Although the notion of linking targeted prosecution with special correctional efforts for the youth who are targeted is appealing in theory, it faces obstacles in practice.

These are some of the key findings of an OJJDP-sponsored evaluation of a 2-year program to identify, selectively prosecute, and enhance treatment for serious, habitual juvenile offenders. The program, known as the Habitual Serious and

Violent Juvenile Offender Program (HSVJOP), was supported by OJJDP and implemented and evaluated in 13 jurisdictions nationwide. The participating jurisdictions were Middlesex County (Cambridge), Massachusetts; Camden County, New Jersey; Cook County (Chicago), Illinois; Denver, Colorado; Marion County (Indianapolis), Indiana; Jacksonville, Florida; Clark County (Las Vegas), Nevada; Miami, Florida; Milwaukee County, Wisconsin; Philadelphia, Pennsylvania; the State of Rhode Island; King

From the Administrator

From previous research about juvenile offenders, we know that a small number of juveniles commit the bulk of juvenile crime. Building on previous research about habitual adult criminals, OJJDP funded a demonstration program to target these serious, habitual juvenile offenders. The program was conducted in 13 cities across the Nation.

As with all demonstrations, we learned as much from the program's limitations as from its successes. The findings described in this Update help us know what works and what needs further study.

One of the program's objectives was to increase the adjudication rate and strengthen the dispositions of targeted

youth. The evaluation of the program revealed that special targeting and prosecution of serious, habitual juvenile offenders can work.

Now that we know targeted prosecution can make a difference, we need to look at targeting specific correctional alternatives at serious habitual offenders. That is, in fact, a subject OJJDP is focusing on through its highly acclaimed Serious Habitual Offender/Comprehensive Assistance Program (SHOCAP).

We have added a new component to SHOCAP to demonstrate the effectiveness of sending habitual juvenile offenders to institutions that target programs and resources at this population. Only when correctional efforts equal prosecutorial efforts can we know if targeting serious, habitual offenders works.

By expanding the correctional resources we can address one of the project's limitations—the insufficient number of correctional alternatives for serious, habitual offenders. In doing so we can answer two related questions: If targeted prosecution programs result in more findings of guilt, will detention facilities have the capacity to house these juveniles? And what effect does detention have on serious, habitual offenders?

In the meantime, the findings from the study described in this Update can be used to help other jurisdictions implement programs that target serious juvenile offenders for intensive prosecution programs.

Verne L. Speirs
Administrator

Evaluation techniques

The evaluation's primary objective was to examine whether the HSVJOP approach brought about measurable improvements or changes in processing time, case findings, and dispositions of serious, habitual offenders.

The evaluation team selected test cases (targeted offenders) and control cases (nontargeted offenders) and compared the processing of test and control cases both before and during the program. A variety of statistical techniques were used to determine the project's effects.

The primary sources of data were:

- Computerized management information systems maintained by the justice system in each site.
- Manual case files maintained by prosecutors, probation officers, and court clerks.
- Personal interviews with or mail surveys of project staff, prosecutors, judges, probation officers, and correctional personnel.
- Various project-related documents and reports.

The indepth study sites

The four sites chosen for the indepth evaluation were typical of the jurisdictions that implemented the program. They are diverse in size and other demographic characteristics. Their crime rates fall in the average to above average range for all the sites and their juvenile prosecution divisions also are average to above average in size.

In all four sites, jurisdiction over juvenile offenses extends through age 17, but otherwise the statutory and procedural environments vary considerably. For example, Washington, D.C., has no speedy trial provisions, while Milwaukee and Seattle must bring offenders to hearings within very strict time limits (30 days or less for detainees). Seattle operates under an atypical juvenile code, in which accountability rather than rehabilitation drives sentencing decisions.

County (Seattle), Washington; and Washington, D.C.

The evaluation also included an intensive assessment of project performance in 4 of the 13 jurisdictions: Miami, Milwaukee, Seattle, and Washington, D.C.

This Update on Research summarizes the findings of the evaluation.

The program's goals

HSVJOP was influenced by extensive previous research suggesting that a small proportion of youth are responsible for a large share of all juvenile crime. The program was modeled in part after career criminal programs in which prosecutors target adult recidivists.

HSVJOP was designed to improve case processing time, increase adjudication rates, reduce plea bargaining, and hold serious, habitual offenders more accountable for their actions.

A related goal reflected the growing concern about the treatment of victims and witnesses in the justice system. The program called for improved notification, consultation, and assistance for victims in program cases and encouraged greater use of victim impact statements.

Youth who were adjudicated under HSVJOP also were expected to receive special correctional services, including enhanced diagnostic assessments, individual treatment plans, and continuous case management.

It was expected that HSVJOP cases would receive intensive attention from experienced prosecutors, and victims and witnesses would receive special assistance. To accomplish this, the prosecution process would include:

- Criteria and procedures for selecting target cases.

- Vertical prosecution (the same prosecutor or team would remain with a case from start to finish).
- Limited charge and sentence bargaining.
- State representation at all critical stages of the case.
- Procedures to inform victims and witnesses about their cases and the services available.

Selection criteria

HSVJOP was expected to select and prosecute youth with at least one prior adjudication for a serious offense and a current charge involving a serious felony such as residential burglary, robbery, aggravated assault, sexual assault, or murder. Within these guidelines, each of the 13 jurisdictions established its own selection criteria. Some jurisdictions, like Seattle and Miami, required multiple prior adjudications in certain types of cases.

Not all eligible cases became part of the program, however. Some cases were probably omitted inadvertently. In others, project staff used additional subjective criteria to keep caseloads manageable during busy periods and to rule out eligible cases that did not seem "serious" enough. Project staff did not appear to pick and choose cases that would be easiest to win, however. Cases that were not assigned to HSVJOP were handled routinely by other juvenile prosecutors.

The major findings

The indepth evaluation of the program in Miami, Seattle, Milwaukee, and Washington, D.C., found significant differences between cases that were selectively prosecuted and those that were handled according to nonprogram routine. HSVJOP was related to changes in each of the following:

- **The filing decision:** In two of the sites there were some differences in the number of charges filed in HSVJOP cases—one jurisdiction filed more charges, another jurisdiction filed fewer charges of a more serious nature.
- **Case processing:** In all four sites, the degree of vertical prosecution increased, and in two sites dispositions were speedier. In one site, the number of defense continuances declined.
- **Adjudications:** Three sites increased their adjudication rates, two sites lowered their dismissal rates, and two sites increased adjudications on the top charge.
- **Dispositions (i.e., sentences):** All sites increased their correctional commitments.

No effects were observed on the decision to accept cases for prosecution, on the proportion of cases resolved by hearings (i.e., trials), or on disposition length.

In general, HSVJOP project attorneys resolved their cases more quickly.

The filing decision. In three of the four sites, HSVJOP prosecutors evaluated cases and decided whether to reject or file a case and what charges to bring. (In the fourth site, Seattle, special “screening” attorneys evaluated all cases presented to the prosecutor’s office.) The data provide no indication that the projects affected the overall decision to file or reject cases. However, there

were some effects on the type and number of charges filed in two of the three sites where HSVJOP attorneys screened cases.

In one site, cases handled by the HSVJOP prosecutors were more likely than nonproject cases to see an increase in the top charge, a reduction in the total number of charges, or both.

The overall adjudication rate improved in three sites.

Case processing. The vertical prosecution in the HSVJOP project meant that the same prosecutor handled the case from the first or second court event to the last. Levels of vertical prosecution varied depending on the site and the statistical measuring techniques used. On one measure, the proportion of vertically prosecuted cases ranged from 41 percent in one site to 81 percent elsewhere.

Because HSVJOP permitted prosecutors to have lighter caseloads and more time to prepare cases than regular juvenile prosecutors, it was expected that HSVJOP attorneys would resolve cases more quickly, and in two of the four sites, they did.

There was no indication that prosecution by HSVJOP was associated with changes in the proportion of hearings held. For the most part, the project also had no effect on the number of continuances, except in Milwaukee, where defense continuances declined under the project.

Adjudications and dispositions. One HSVJOP project objective was

to reduce plea negotiations and obtain an adjudication on all original charges. In practice, most prosecutors were open to pleas that involved an admission to the most serious charge because the top charge was deemed most important in determining the outcome. Two of the four sites achieved their objective: HSVJOP prosecution was associated with an increase in adjudications on the top charge or all original charges.

The overall adjudication rate improved in three sites.

In all four sites, project cases were more likely to result in commitment to State correctional supervision than their nonproject counterparts. (“Correctional commitments” are synonymous with institutionalization in Milwaukee and Seattle, but entail a wider range of options in Miami and Washington, D.C.) No project-related effects on the length of sentences were observed.

Judicial discretion over terms of commitment or probation supervision was severely limited in three sites where judges impose specific terms according to statute.

Other findings

To supplement the quantifiable results measured in four sites, interviews and surveys on other aspects of the project were conducted with project staff and observers in all 13 sites. These interviews and surveys uncovered additional supplemental findings.

Changes in case handling. Staff and observers alike often attributed a number of changes in case processing to HSVJOP. These included:

- Improved communication between police and prosecutors.
- Assignment of more experienced attorneys.

- Higher quality of case preparation.
- Higher quality of information presented at disposition or sentencing.
- Better victim/witness support.
- A greater amount of preadjudication detention.

Correctional efforts. Correctional efforts differed widely across sites. OJJDP's original model was modified considerably after the sites submitted their own designs. A few sites focused on monitoring treatment plans; others used the funds to develop special programs to fill gaps in service. Several sites, including three of the four indepth study sites, created intensive aftercare programs.

The correctional services that appeared to operate most comfortably in tandem with targeted prosecution efforts were those that involved enhanced presentence assessments and reports and subsequent monitoring of compliance. These services

were relatively inexpensive, and providing them to all HSVJOP youth was within the realm of possibility.

Staff and observers agreed that victim/witness support improved because of the project.

Even though the correctional efforts were not studied systematically, it was apparent that they had two serious limitations:

- Typically, the correctional efforts were slow to get started because they required subcontractual arrangements between the prosecutor and the provider.

- The programs at any one site were not likely to be broad enough to meet the diverse needs of serious habitual offenders and most corrections programs did not have sufficient capacity to handle many offenders anyway.

Criticisms of the program

Although most of the observers supported the program's aims and activities, some expressed reservations.

- Some observers, especially judges and public defenders, were uncomfortable with an "objective formula" for selecting cases for HSVJOP. They would have preferred a more flexible selection process.
- Some observers worried about labeling youth as serious, habitual offenders. They complained that targeted youth were at a disadvantage because judges recognized the HSVJOP attorneys and made assumptions about youths' records that potentially biased their decisions. Others pointed out that the HSVJOP label singled youths out for unfair treatment by the police.
- Some judges and defense attorneys favored a more relaxed policy on plea negotiations. They suggested that such a policy would speed case processing and not necessarily affect sentencing outcomes.
- Some observers were disappointed with the limited capacity of the HSVJOP correctional programs. Correctional officials also expressed concern that the success of HSVJOP in securing detention and commitments might overburden correctional facilities.
- The bulk of the criticism of the program came from public defenders; the majority felt the program was generally ineffective and unnecessary.

The typical HSVJOP case

Although each of the 13 jurisdictions brought its own special flavor, legal environment, and staff personality to the program, some generalizations can be made about the type of cases that were prosecuted.

The typical HSVJOP case involved a nonwhite male, age 16 or older, who was charged with burglary or a violent offense. The most serious charge in the case was likely to be burglary (37 percent of all cases), robbery (18 percent), or felony assault (12 percent).

More than 70 percent of the youth had been formally adjudicated more than once in the past, and at least one of these prior adjudications involved burglary or a violent offense. Forty-six percent had previously been sentenced to a secure facility or to the State's Department of Juvenile Corrections. Nearly 80 percent were under court-ordered supervision or had a case pending in the system at the time they were arrested and put into HSVJOP.

Institutionalization of the projects

Federal funding to all projects ended in 1987. Three of the four indepth study sites have retained the prosecution and victim-witness portions of the program—a fairly strong endorsement of these components.

Both Miami and Milwaukee retained the entire HSVJOP staff—attorneys, victim-witness assistant, and support staff.

Seattle, the site with the smallest caseload, returned to original attorney staffing levels but retained the concept of targeting the most serious offenders and assigning them to the division's most experienced trial team.

Miami, Milwaukee, and Seattle all terminated the correctional components of their programs.

Washington, D.C., initially retained several of the most significant prosecution and correctional components, but funds for the prosecution components were eventually deleted from the budget by the city council. A small counseling program for incarcerated serious offenders continues, but its future is uncertain.

Limitations and unanswered questions

The findings that emerge from the evaluation are limited in the sense that they are based on medium- to large-size urban jurisdictions that perceived serious juvenile crime to be a significant problem and that already had juvenile prosecution divisions. It is not known how well the program would work in smaller jurisdictions, very large cities, or more rural areas.

Also, for evaluation purposes the prosecutorial and victim assistance

elements of HSVJOP were treated as a package program. Jurisdictions cannot assume that introducing only one or two elements of a targeted prosecution approach would produce the same results.

We cannot introduce one or two elements of the project and expect to get the same results.

Finally, in deciding whether and how to adapt targeted prosecution approaches to their own jurisdictions, policymakers should ask some additional questions the evaluation could not answer:

- Did the project target the right cases or offenders? Even though a great deal of research has been devoted to chronic offenders, the best predictors of continued criminal behavior are still being studied and defined.
- Would the effects have been the same if the projects had chosen a different target population—for example, violent offenders without prior convictions, or offenders with a long history of misdemeanors but no prior serious offenses?
- How will the program affect the juvenile correctional system? If HSVJOP increases correctional commitments, will juvenile correctional agencies be able to house and provide programs for these offenders?
- Do such programs and outcomes deter other youth from pursuing a criminal career?

Criminal justice researchers are examining some of these questions—for example, the effectiveness of alternative dispositions and treatment strategies and the development of models to predict those offenders most likely to recidivate. However, no single study can definitively answer all these questions, just as no single program can solve the problems caused by habitual, serious juvenile delinquency.

The full report, *Evaluation of the Habitual Serious and Violent Juvenile Offender Program: Final Report* (NCJ 113561) as well as the Executive Summary of the *Interim Report* (NCJ 105230) were written by Roberta C. Cronin, Blair B. Bourque, Frances E. Gragg, Jane M. Mell, and Alison A. McGrady. The full report is available on microfiche from the Juvenile Justice Clearinghouse, 1-800-638-8736 or 301-251-5500. The Executive Summary of the Interim Report is available by calling NCJRS, 1-800-851-3420 or 301-251-5500.

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