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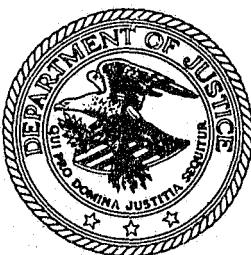
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# Habitual Juvenile Offender: Guidelines for Prosecution



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Serious Habitual Offender  
Comprehensive Action Program  
(SHOCAP)



Office of Juvenile Justice  
and Delinquency Prevention

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# Habitual Juvenile Offenders: Guidelines for Prosecution



NCJRS  
OCT 24 1989

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SHOCAP stands for Serious Habitual Offender Comprehensive Action Program and is based upon the basic premises and principles of ICAP (Integrated Criminal Apprehension Program). SHOCAP is a comprehensive and cooperative information and case management process for police, prosecutors, schools, probation, corrections, and social and community after-care services.

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## Introduction

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Three years ago the Office of Juvenile Justice and Delinquency Prevention (OJJDP) embarked on an ambitious effort to help jurisdictions identify and appropriately respond to the serious habitual juvenile offender. Two demonstration projects were established, the Serious Habitual Offender/Drug Involved (SHO/DI) Program, located within the law enforcement community, and the Habitual Serious and Violent Juvenile Offender (HSVJO) Program, located within the prosecutor's office. SHOCAP is an extension of the SHO/DI and HSVJO programs.

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**"According to recent statistics, juveniles are responsible for about one-third of all serious crime committed each year in the United States. Every year nearly 2,000 juveniles are arrested for murder, 4,000 for rape, and more than 34,000 are arrested for aggravated assault."**

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SHOCAP stands for Serious Habitual Offender Comprehensive Action Program and, like its predecessors, is based upon the basic premises and principles of ICAP (Integrated Criminal Apprehension Program). SHOCAP can increase the quality and relevance of information provided to authorities in the juvenile and criminal justice system to enable them to make more informed decisions on how best to deal with this very small percentage of serious offenders. SHOCAP is a comprehensive and cooperative information and case management process for police, prosecutors, schools, probation, corrections, and social and community after-care services. SHOCAP enables the juvenile and criminal justice system to focus additional attention on juveniles who repeatedly commit serious crimes, with particular attention given to providing relevant and complete case information to result in more informed sentencing dispositions.

These pamphlets are designed to provide the reader with an overview of the conceptual basis for the role of specific agencies in SHOCAP.

Material presented in these pamphlets is an outgrowth of information contained in the SHOCAP publication entitled "Guidelines for Citizen Action and Public Responses."

Each pamphlet begins with a discussion of problems encountered by the juvenile justice system in dealing with serious habitual juvenile offenders (SHOs). Then attention turns to a specific group of agencies that come in contact with SHOs on a regular basis.

### Nature of the Juvenile Justice System

According to recent statistics, juveniles are responsible for about one-third of all serious crime committed each year in the United States. Every year nearly 2,000 juveniles are arrested for murder, 4,000 for rape, and more than 34,000 for aggravated assault.

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The United States courts operate on what has become known as the two track system of justice. From the moment a juvenile commits a crime, his trek through the justice system differs substantially from that of an adult who may have committed the same crime. The system is designed intentionally to let non-SHO juvenile offenders become "invisible." This is probably acceptable because of the notions that children get into trouble and need a "second chance" to grow up.

Discretion and diversion are two mainstays of the juvenile justice system, and both play into the hands of a juvenile serious habitual offender. A police officer can exercise discretion when a juvenile is stopped on the street. That same juvenile may have been stopped by other officers on other shifts, yet if the officers choose not to write any type of report, then no one else in the system is even aware that any action has taken place. Just as police officers practice discretion, so do prosecutors and court intake workers (whether or not to file, reduce charges, etc.); judges (to accept a plea, to dismiss a charge, etc.); and correctional personnel (choosing type of facility, permitting home visits and furloughs, etc.). Such discretion, however well-intentioned, allows juveniles to fall through the cracks of the system.

Research projects and informal surveys of over 1,500 juvenile officers who attended a nationwide training program sponsored by the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, and the Federal Law Enforcement Training Center have confirmed the following breakdown of juvenile justice system transactions: For every 1,000 young persons in contact with police, ten percent or 100 are arrested. Police commonly drop charges or reprimand about 50 percent of these, leaving 50 cases. Of the 50 cases formally presented to the court intake, only about 50 percent or 25 are sent forward. Unless a young offender has been arrested before, or the immediate offense is serious, less than 50 percent or 12 will be referred to the court. Less than 50 percent of the cases presented result in the adjudication or determination of delinquent status. This means that only six accused delinquents will be found guilty and sentenced. Of the six sentenced, five will probably be placed on probation. This leaves only one juvenile out of the 1,000 who will be incarcerated.

Are some of those other 99 who were arrested but not incarcerated serious habitual offenders? Chances are that they were and they were allowed to fall through the cracks. In recent years, members of the juvenile justice community have come to recognize that, when dealing with serious chronic offenders, the safety of the community must be considered. For most juvenile offenders, the point of initial contact with the system is the police department. Thus, SHO/DI was designed as a law enforcement response to serious

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juvenile offenders. However, even in the planning stages of the program, the need for cooperation and information-sharing among agencies was recognized. The major goals of the SHO/DI program reflect this need for interagency cooperation. SHOCAP expands this interagency model to include more emphasis on the system as a whole. Sharing information about the juvenile offender takes away his "invisibility" and gives the prosecutor a stronger case. It allows each component of the system to make decisions which are commensurate with the seriousness of the juvenile's behavior and past criminal history. With the SHOCAP program, fewer habitual juvenile offenders fall through the cracks.

A 1982 Rand Corporation report, titled "Varieties of Criminal Behavior," analyzed the results of a series of career criminal studies. One major conclusion of the report was the need to emphasize early juvenile offending patterns as the most important predictor of future behavior. Another conclusion was that official criminal records are too limited to use in accurate prediction. The study recommended that "prosecutors might be able to distinguish between predators and others if they had access to school records and other appropriate information about juvenile activities."

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**"The major goals of the SHO/DI program reflect this need for interagency cooperation. SHOCAP expands this interagency model to include more emphasis on the system as a whole."**

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Thus, while criminal activity peaks between the ages of 16 and 17, most career criminals are not identified until approximately age 22. Figure 1, Conceptual Model: Serious Habitual Criminal Evolution, shown below, identifies the evolutionary phases of the serious habitual offender and the lack of services provided to this population in the critical window of 18 to 22 years of age.

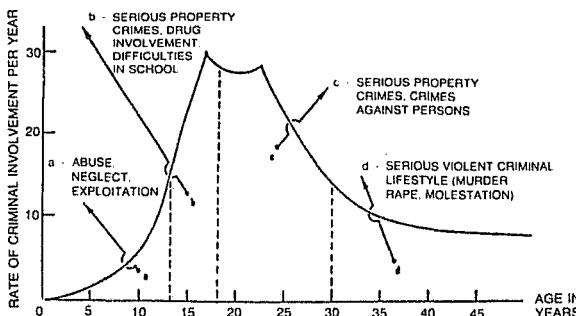


Figure 1. Conceptual Model: Serious Habitual Criminal Evolution

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Beginning around ages eight and nine, the eventual habitual offender is victimized through abuse, neglect, and exploitation. By age 13, he is committing serious property crimes—often to support a drug habit—and is experiencing extreme difficulties in school. Not until age 22 is the former juvenile habitual offender identified as a career criminal—committing serious property crimes and crimes against persons. The career criminal continues this pattern, committing more violent crimes including murder, rape, and molestation.

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**"While criminal activity peaks between the ages of 16 and 17, most career criminals are not identified until approximately age 22."**

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It is important to remember that although this type of individual represents a very small percentage of the offender population, he is responsible for a large percentage of criminal offenses. And while the types of criminal activity are identified according to age group, this division is for general purposes. Obviously there is activity overlap between age groups.

### **Coordinate Interagency Activities and Services for Interagency Cooperation**

In most states the components of the juvenile justice system include the police, the prosecutor, the judge, and probation/parole/social services. Many of these agencies and officials have coexisted for years. Most are totally unaware of how other operations work and of the problems and needs of other components of the system. Cooperation and communication between agency representatives are stimulated on a personal basis. The danger inherent in this informal process is that it is personal, and therefore egos and personalities affect the degree of cooperation and communication. What has been a positive working relationship between agencies may abruptly change with a change in personnel or a change in philosophy.

In this era of limited resources, juvenile justice system components can ill afford to work in a vacuum and not cooperate or communicate with each other. The informal or personal basis for interagency cooperation and communication, while essential, needs to be elevated to a formal, organized process. The interagency functional model, depicted in Figure 2, shows the process and activities required for implementing this formal interagency approach which is called SHOCAP. This approach calls for the development of a written interagency agreement between all components of the juvenile justice system to guide and promote interagency commitment to the program.

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Following the development and signing of the interagency agreement, each agency involved in SHOCAP must examine its own internal policies and procedures to make certain they support and are consistent with the guidelines set forth in the interagency agreement. Commonly referred to as "general orders," standard operating procedures (SOPs) or departmental guidelines, this formal documentation will assure continuity and long term commitment from each agency. In addition, the development of policies and procedures which reflect the goals of the interagency agreement will prevent juveniles from falling through the cracks.

The key tools used in the SHOCAP model are rosters and profiles. Rosters identify active serious habitual offenders (SHOs) and are provided to certain police department units and juvenile justice system agencies to aid in system alert. Profiles contain information relevant to the juvenile's offending behavior, including criminal and traffic arrest history, case summaries, descriptive data, modus operandi, police contact information, link analyses depicting criminal associations, drug/alcohol involvement indicators, and pertinent social and school history information (when available). The SHO profiles are provided to police officers, the DA's Office, Juvenile Probation Department, and the Division of Youth Services (detention and commitment).

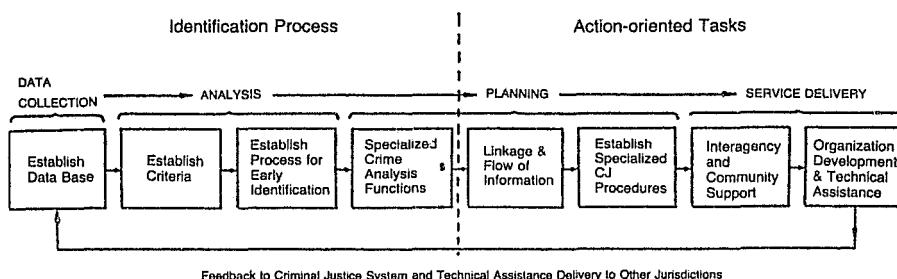


Figure 2. Interagency Functional Model

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"The key tools of SHOCAP are the rosters and profiles. The rosters identify active SHOs and are provided to certain police department units and to juvenile justice system agencies to aid the system alert."

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The SHOCAP profiles are intended to provide police and principal juvenile justice system agencies with a composite of information pertinent to the juvenile's offending behavior history and contacts with the system. Case filings, plea negotiations, detention recommendations, probation evaluations, dispositions, and placements are all critical decisions requiring immediate access to the behavioral and treatment history of the child. The profiles serve to enhance those decisions.<sup>1</sup>

### **Summary**

SHOCAP attempts to end the frustration associated with handling serious habitual offenders. Through a well-coordinated, interagency approach, SHOCAP encourages agencies in the juvenile justice system to work together. Through coordination and regular sharing of information, juvenile justice agencies are able to put together more comprehensive case histories for these offenders and, therefore, are able to make more informed decisions and recommendations regarding the use of available resources within the juvenile justice system.

On the following pages you will find information regarding school involvement with SHOCAP. There are several issues for consideration when implementing SHOCAP as well as several important aspects of the interagency model which will enhance your agency's ability to make appropriate decisions regarding the serious habitual offender. Careful planning and consideration of these issues will ensure that the frustration involved in dealing with this population is reduced and that the system responds to this population in a comprehensive, coordinated manner.

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<sup>1</sup>Thomas F. Paine and Drusilla M Raymond, *Juvenile Serious Habitual Offender, Drug Involved Program (SHO/DI)*, Colorado Springs Police Department (Colorado Springs, CO), July 1986, p. 22.

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## Prosecution

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In most states, the jurisdictional elements of the juvenile justice system are the police, the prosecutor, the judge, and probation/parole/social services. The prosecutor works with all of these agencies on a daily basis. This interaction gives the prosecutor an opportunity to establish communications that would not otherwise occur among individuals within these agencies. The prosecutor is also in a position to encourage the support and cooperation of these agencies in achieving the SHOCAP project goals.

Some juvenile prosecutions have been handled by state level or court counselors. Most jurisdictions, however, have returned to placing the sole prosecutive responsibility with the district attorney. Some prosecutors will defer a case pending the completion of a treatment program or a period of good behavior, which is an informal type of probation. Other prosecutors will allow whomever is on duty at a given time to handle the various transactions attributable to a single case (e.g., screening, detention, hearing, arraignment, discovery, trial, dispositional hearing). For the most part, prosecutors routinely cover all court proceedings.

In this pamphlet, we shall discuss the following strategies for implementing the prosecution of serious habitual juvenile offenders:

- provide immediate response to police and detention officials upon notification of the arrest of a designated habitual;
- vertically prosecute all cases involving designated habituals (assign only one deputy district attorney to each case);
- file petitions (charges) with the court based upon the highest provable offense;
- resist the pretrial release of any designated habitual offender;
- seek a guilty plea on all offenses charged;
- establish a formal policy of seeking the maximum penalty for each conviction or adjudication of a designated habitual offender;
- participate in interagency working groups and on individual case management teams; and
- share appropriate information with the crime analyst or official designated to develop and maintain profiles on habitual offenders.

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### **Provide Immediate Response to Police and Detention Officials Upon Notification of the Arrest of a Designated Habitual**

Upon notice that contact has been made with a juvenile SHO (apprehended or identified as involved), a prosecutorial representative should become involved in the process to assist police at intake and detention functions. A close relationship between the police and prosecution should be continued while a case is being prepared.

### **Police Capabilities**

Immediate response to police depends upon the police:

- Expediting the positive identification of the offender from not only local but state and federal sources.
- Expediting prior history information at the local level in time for detention hearing.
- Implementing police procedures to provide the notice to prosecution.

### **Prosecution Assistance with Warrants**

If possible, a prosecutor should be assigned and available outside normal duty hours to counsel the police about arrest warrants or to assist with drafting warrants, if needed.

### **Vertically Prosecute All Cases Involving Designated Habituals (Assign Only One Deputy District Attorney to Each Case)**

Most SHO cases are handled by the same prosecutor from beginning to end. The prosecutor conducts case review, makes filing decisions, handles pretrial conferences, and makes all court appearances. Each time the juvenile comes back to court on other cases, that same prosecutor will handle him. In this way, the prosecutor becomes familiar with the juvenile, his family, his associates, and his patterns, and develops expertise about that particular juvenile to handle the case better.

With vertical prosecution, victims need not repeat their stories to a series of attorneys. This may be notably advantageous in cases involving young children who resist opening up to others. There is also less likelihood, with a single prosecutor, of a violation of a victim's or witness's right to privacy, which frequently competes with a prosecutor's need for them to testify in court.

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Many law enforcement programs outwardly support vertical prosecution as the ideal type of case handling. Numerous situations, however, can interfere with vertical prosecution. Among these hindrances are prosecutor vacations, sickness, personnel turnover, and changes in the court calendar which cause scheduling conflicts. Also, personnel resources may not be available to handle every appearance in every courtroom.

### **File Petitions (Charges) with the Court Based Upon the Highest Provable Offense**

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**"It is, however, the resistance inherent in the juvenile justice system, which unfairly protects the SHO, that is to be transcended in administering justice to the criminally inclined."**

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As stated elsewhere in these pamphlets, the very system that is designed to help protect a mistake-prone youth may end up hurting young people. Our current juvenile justice system is designed to rehabilitate the offender. For the preponderance of juvenile offenders—one-time offenders, who are successfully rehabilitated or whose behavior changes—the system works well. The attitude of leniency inherent in dealing with most juvenile offenders becomes suspect when the system is forced to deal with SHO youths. Resistance to changing the juvenile justice system must be overcome in administering justice for criminally inclined SHOs.

### **Case Overcharging**

The prosecution representative must carefully analyze each and every aspect of a case to preclude overcharging. It is common practice in many prosecutors' administrations to charge every plausible offense against a contact in order to position the office for flexibility in plea bargaining. Prosecutors who inaccurately overcharge and who are persistent in seeking a plea for the full (highest) charge may suffer a lost case at trial. A senior member of the prosecutor's staff should review the charging documents and approve for prosecution (or lesser plea) only those charges that can be proven at trial. Prosecuting officials may find it beneficial for future policy making to analyze the difference between charges at time of filing and charges at disposition (adjudication and plea negotiation) to determine if there is a record of disparate conclusion.

### **Pursuit of Maximum Charge**

It is in the pursuit of charging serious offenders with the highest provable offense that the prosecutor will prevent the SHO from escaping into the system built with protection of the non-serious nonhabitual in mind.

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### **Resist the Pretrial Release of any Designated Habitual Offender**

Upon identifying an apprehended individual as a habitual offender, the prosecutor should argue for pretrial detention. This position is based on the premise that serious repeat offenders are more likely to commit additional crimes if released prior to trial. The repeat offender also poses a risk of failing to appear for trial.

An INSLAW study of pretrial release practices in the District of Columbia found that pretrial releases charged with felonies, especially burglary, larceny, arson, property destruction, or robbery, were systematically more likely than other defendants to be rearrested before trial.<sup>2</sup>

INSLAW's multi-jurisdictional analysis of felony case processing found that, on average, approximately 20 percent of the felony defendants in four jurisdictions had been arrested while on conditional release for prior, unrelated crimes.<sup>3</sup>

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**Witnesses are of critical importance to successful prosecution, and criminal units should therefore emphasize how police and prosecutors handle witnesses and obtain their names, addresses, and telephone numbers.**

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The severity of the problem posed by crime on bail was noted by Chief Justice Warren Burger:

It now appears, especially in larger cities, that crimes are committed by persons while released pending trial on earlier charges. It is not uncommon for an accused, when finally tried, to have other indictments pending. If the matter is disposed of by a guilty plea, after conviction on one charge, there is some evidence of a tendency to dismiss or defer other charges and to impose a single sentence. In high crime rate communities, law abiding citizens must be forgiven if they ask whether such practices are giving rise to a belief that a criminal can commit two, or

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<sup>2</sup>Jeffery A. Roth and Paul B. Wice, *Pretrial Release and Misconduct in the District of Columbia* (INSLAW 1980), Cited in Institute for Law and Social Research Briefing Paper No. 10, *Career Criminal Program: 2*.

<sup>3</sup>Mary Toborg and Brian Forst, "Crime During the Pretrial Period: A Special Subset of the Career Criminal Problem," paper prepared for the Career Criminal Workshop, sponsored by the National Institute of Law Enforcement and Criminal Justice, LEAA, September 20 and 21, 1979.

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even three, crimes and pay the price for only one. That this reaction may not withstand careful analysis does not alter the disturbing reality of public opinion engendered by the evening newscast reporting homicides and other serious crimes.<sup>4</sup>

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**The availability of the prosecutor early in criminal cases is very valuable in maintaining a good relationship with witnesses.**

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In some states, prosecutors should learn the prior record of a defendant before a bail hearing for presentation to the hearing official is conducted. Prosecuting attorneys should appear at hearings and ask for detention or for bail in sufficient amount to ensure the presence of an offender at the scheduled court event. Judges, or hearing officials, can be expected to note those cases which are charged by the prosecutor's office and recognize the seriousness of the charge by the mere presence of a prosecutor.

Coordinating all of the resources of involved agencies for the detention hearing will likely determine whether the SIO is constrained or is allowed to return to the street. Police-prosecutor cooperation and communication, in particular, are necessary at this point if any habitual offender program is to be effective.

### **Witness Participation**

Witnesses are of critical importance to successful prosecution, and criminal units should therefore emphasize how police and prosecutors handle witnesses and obtain their names, addresses, and telephone numbers.

Beyond that basic principle, police and prosecutors must act in such a fashion as to encourage witness cooperation. There are at least three elements to this encouragement: (1) persuading witnesses that their cooperation is important and valuable; (2) assuring their safety; and (3) clearly explaining to them what is expected of them and when and where they are to appear.

The availability of the prosecutor early in criminal cases is very valuable in maintaining a good relationship with witnesses. The CCP system of vertical prosecution means that the prosecutor with whom witnesses have contact early in the case will be the prosecutor they will see in the courtroom should the case ultimately go to trial. That prosecutor can explain exactly what will be expected of the witnesses throughout the case and can be available

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<sup>4</sup>Cited in Institute for Law and Social Research Briefing Paper No. 10, **Career Criminal Program: 2.**

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to answer their questions. Both the police and the prosecutor should make sure that witnesses clearly understand when and where they are supposed to testify in the case.<sup>5</sup>

Attorneys, investigators, paralegals, and volunteers can and do take on many of the victim/witness functions if special personnel are not available. More successful victim/witness coordination programs have relied on the use of volunteers to staff their efforts. Activities that have proven valuable include:

- prosecutor representatives working with police departments to ensure that all witness statements and other essential documents are turned over in each case;
- collecting and preparing additional evidence—contacting and re-interviewing witnesses already listed by police, identifying new witnesses, visiting the crime scene to take photographs, etc.;
- notification of appearances and actions taken; and
- providing transportation to victims and witnesses.

The same procedures may be used for summoning victims and witnesses to court appearances. As for the rest of the juvenile division, this procedure may be complemented with a mail or phone contact to explain that the prosecution of the case is underway, to describe any services that are available to victims or witnesses, and to indicate a point of contact for further questions or concerns. It is recommended that a contact be made even if the case will not require testimony from the victim/witness.

Witnesses who have been threatened or intimidated may be escorted by a representative to provide reassurance and, if necessary, protection. Intimidated witnesses pose a particularly difficult problem. While a judge may order the defendant to stay away from the witnesses, the order may be tough to enforce and does not extend to the defendant's friends and family. Arranging school transfers for victims to remove them from contact with defendants is an option.

### **Seek a Guilty Plea on All Offenses Charged**

A guilty plea to every provable charge may be reasonably sought in all cases to avoid giving the wrong signal to habitual offenders. The court, in this way, has available the maximum ability to sentence, assuming guilt is adjudicated. The juvenile soon learns that upon committing multiple criminal acts, he will have to plead to or go to trial on more than one single charge.

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<sup>5</sup>Ibid.

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In a justice system in which most cases are concluded with a guilty plea, as happens with programs where the prosecutor has thoroughly and completely prepared the cases for court trial, it is evident that plea bargaining plays a prominent role. A "no-plea bargaining" policy appears to be an ideal of prosecutorial staffs. All cases would be treated and prepared as though they are going to trial. Juvenile defendants would plead to every charge and the charge would be pursued to adjudication of guilty or not guilty. In practice, however, there appear to be many more reasons to engage in plea bargaining than to take a hard position or policy. Plea bargaining to lesser charges is more acceptable to the defendant if the case against the defendant is securely prepared, i.e., evidence is reliable and witness or victim presence is assured.

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**An aim of SHOCAP is to incapacitate or punish the habitual offender, or to remove his/her opportunity to repeat criminal acts.**

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### **Establish a Formal Policy of Seeking the Maximum Penalty for Each Conviction or Adjudication of a Designated Offender**

If the notion is true that serious repeat offenders are more likely than other (non-repeat) offenders to commit additional crimes (and numerous studies conclude this concept is true), then few could argue against the imposition of severe penalties in exchange for repeated offenses.

### **Prosecutorial Goal**

A SHOCAP aim is to incapacitate or punish the habitual offender, or to remove his/her opportunity to repeat criminal acts. The major recognized reasons for punishment, in addition to incapacitation of the offender, are deterrence, rehabilitation, and retribution. Deterrent sentences use fear of retribution as a preventative; incarceration removes the offender to a restricted environment, thereby restricting any opportunity to harm others; rehabilitation seeks to treat or cure the misdirected individual; and retribution is based upon correction of a wrong by repayment.

One of the major goals of SHOCAP and other career criminal programs is to obtain the maximum penalty for each conviction or adjudication other than not guilty. A sentence, under ideal conditions, will be imposed that weighs the seriousness of the current charge with the habitual's prior record. Although sentencing is a judicial function, the prosecutor has an interest in assuring that the sentencing official (i.e., judge) does not overlook elements that could influence a longer sentence. Prosecutors may achieve this in a number of ways.

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First, if permitted by state law, a recommendation may be made directly to the court. Included could be appropriate background material about the offender and the prior relevant information regarding unsuccessful rehabilitation opportunities.

Second, the offender may be expected to appeal for leniency. This appeal may be offset by assisting the victim to appear at sentencing, or by the victim's writing to the court. Although the victim is not normally permitted to testify at a sentence hearing, his or her presence may have some influence on the judge.

A formal policy of seeking the maximum sentence for each conviction will help assure that the recidivist does not misuse the juvenile justice system designed to protect the vast majority of our youth who may be involved in a once-in-a-lifetime mistake.

### **Participate in Interagency Working Groups and on Individual Case Management Teams**

Agencies involved in SHOCAP are police, schools, social services (public and private), intake, detention, prosecution, judicial, probation, state corrections, and parole/aftercare. Not all agencies can be expected to participate in the SHOCAP in all states, of course. However, all programs should include at minimum the district attorney, probation, juvenile court, and, where possible, a state corrections agency. Most interagency working relationships have been less than formal, emerging from years of working experience and shared confidences. Written agreements are being developed in most SHOCAP participant cities as a result of the Department of Juvenile Justice federally funded program.<sup>6</sup>

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However, all programs should include at minimum the district attorney, probation, juvenile court, and where possible, a state corrections agency.

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For the prosecutor and police officer alike, coordination and cooperation have been stressed as a means of improving the process that delivers a just reward (punishment) to the habitual offender.

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<sup>6</sup>Koepsell Associates, Phase I Evaluation Serious Habitual Offender/Drug Involved Program, Volume 1, p. 103 (draft).

## **Prosecution**

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Efforts that may enhance capabilities while improving communication are:

- Request the courts to schedule trials in a realistic manner to allow police and prosecutors to minimize non-productive time. Also, vertical prosecution may be facilitated by coordinating a schedule that will accommodate other department needs.
- Request methods for prompt and efficient notification of all involved case participants, i.e., police, witnesses, victims, social service agencies which may be involved. This includes notice to individuals whose presence is not required.

## **Problems in Developing Interagency Working Relationships**

The three most pervasive problems that have emerged regarding interagency working relationships are:<sup>7</sup>

- The limited knowledge and experience base surrounding SHOCAP have made formal acceptance and support impossible.
- Law enforcement personnel often have a difficult time promoting, marketing, or otherwise selling the program to other agencies. This appears to be based on the uncertain nature of the program (in its early months); on the somewhat narrow interpretation of SHOCAP as a police program; and the limited knowledge of many police professionals of juvenile justice processes (i.e., the role and function of the district attorney's office, juvenile intake, referral programs, probation practices and records, etc.). Finally, many of these same individuals exhibited only a passing understanding that "negotiation" requires that an initiative be advantageous and beneficial to both or all parties.
- The selling of SHOCAP has taken considerably longer to accomplish than anyone expected. This has delayed progress in certain areas and has required much more in the way of resources.

## **Share Appropriate Information with the Crime Analyst or Official Designated to Develop and Maintain Profiles on Habitual Offenders**

Prosecutors are dependent on other agencies for most of the information needed to prosecute a case effectively. This information includes evidence about the current offense collected by the police and the juvenile's history maintained by the police, courts, probation, etc., that may bear on the case.

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<sup>7</sup>Ibid.

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The justice system contains many stories relating to evidence problems and to pretrial or trial decisions made without knowledge of the juvenile's history.

Prosecuting attorneys generally rely on traditional channels available in the juvenile division (police, paralegals) and may assume some investigative duties themselves. In many locations special investigators are working with police departments to provide assistance programs.

The solution to these problems is the support by all involved agencies of the system designed to accumulate information about the habitual offenders. The prosecutor's office shares in the responsibility to provide this support. Hence the prosecutor becomes the provider of information that can be useful at a later date. The information to be provided by the prosecutor includes:

- Prior case information
- Cases with nonjudicial handling, i.e., cases with charges dropped or not processed to adjudication
- Cases diverted
- DA investigation results
- Pretrial release decisions
- Plea bargaining
- Changes in charging
- Pre-trial release decisions

Participation in interagency working groups will in the final analysis help all agencies by more effectively coordinating the efforts of all components. Each agency will become aware of the demands it is placing on other agencies and will simultaneously be made aware of how changes in one component of the system can affect the others.

### **Summary**

In this pamphlet, we have reviewed the major strategies available to the prosecutor. They are:

- provide immediate response to police and detention officials upon notification of the arrest of a designated habitual;
- vertically prosecute all cases involving designated habituals (assign only one deputy district attorney to each case);

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- file petitions (charges) with the court based upon the highest provable offense;
- resist the pretrial release of any designated habitual offender;
- seek a guilty plea on all offenses charged;
- establish a formal policy of seeking the maximum penalty for each conviction or adjudication of a designated habitual offender;
- participate in interagency working groups and on individual case management teams; and
- share appropriate information with the crime analyst or official designated to develop and maintain profiles on habitual offenders.

There is overwhelming agreement that a selective prosecution policy—identify the small proportional number of juveniles who commit the majority of juvenile offenses and allot a major share of prosecutorial efforts to those repeat offenders—is necessary and will benefit the law enforcement system. For further information pertaining to material discussed in this pamphlet, bibliographical data, or other information, write to:

Serious Habitual Offender Information Clearinghouse  
National Crime Prevention Institute  
University of Louisville  
Louisville, Kentucky 40292  
or telephone (Toll Free) 1-800-345-6578.

## **ALSO AVAILABLE:**

- Guidelines for Citizen Action and Public Response
- Guidelines for Courts
- Guidelines for Detention
- Guidelines for Intake
- Guidelines for Parole/Aftercare
- Guidelines for Police
- Guidelines for Probation
- Guidelines for Schools
- Guidelines for Social Services
- Guidelines for State Corrections