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Habitual Juvenile Offenders: Guidelines for State Corrections



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Serious Habitual Offender
Comprehensive Action Program
(SHOCAP)



Office of Juvenile Justice
and Delinquency Prevention

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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

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.

"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."

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."

"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."

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.

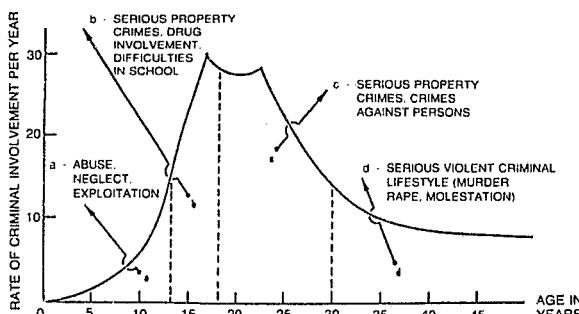


Figure 1. Conceptual Model: Serious Habitual Criminal Evolution

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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.

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

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).

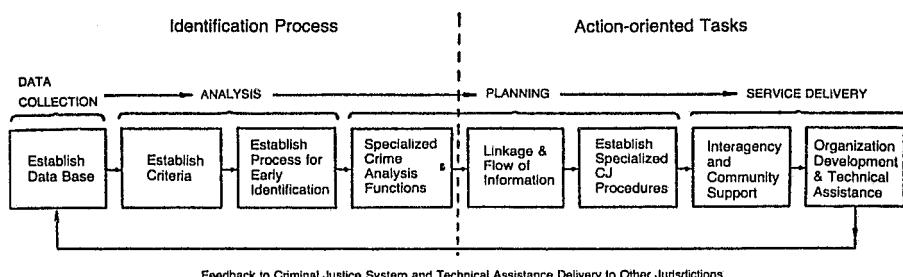


Figure 2. Interagency Functional Model

"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.¹

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.

¹Thomas 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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State juvenile corrections authorities are responsible for the housing and rehabilitation of adjudicated delinquents who are sentenced to either determinate or indeterminate periods of incarceration and/or treatment. Many state corrections agencies have had to classify juveniles, determine custody levels, and diagnose the treatment needs of juvenile offenders without the benefit of detailed profiles that are being developed on serious habitual offenders (SHOs). Therefore, some strategies discussed in the following pamphlet are:

- provide all profile information to correctional authorities upon sentencing of a designated habitual offender;
- share correctional case histories and diagnostic reports with the crime analyst or other officials designated to develop and maintain profiles of habitual offenders;
- develop special classification and custody levels for designated habitual offenders;
- limit placements of habituals to the most secure programs and keep them separate from juveniles of similar status; and
- conduct special diagnostics and program activities to control behavior while in institutional programs and to assist in reintegration and the eventual return to the community.

Provide All Profile Information to Correctional Authorities Upon Incarceration of a Designated Habitual Offender

Juvenile Offender Records, maintained by Crime Analysis Units (CAUs), are quite comprehensive relative to those juveniles that qualify as actual or potential SHOs. In general, these files include:

- Arrest Records
- Field Interview Reports
- Disposition Information

Selected departments also maintain school information (i.e., truancy records, violations of behavioral codes), family criminal histories, social service agency reports, and link analyses. A number of departments also maintain a master name index (generally automated) on all juveniles with arrest records. Overall, this profile information generally comprises the following:

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- **Field Interview or Contacts**, including circumstances, location, associates, etc. If field adjustment was made, it includes: nature of action taken, such as verbal reprimand; juvenile, traffic, or other misdemeanor citation; parental contact; returned to school or truancy center; etc.
- **Arrest Information**, including case number and file, and summary of charges, dates, and sequence of arrests.
- **Disposition Information**, including the following information subsequent to each arrest: released to parents; formal or informal probation; mediation; diversion program (by type); juvenile court trial; direct filing as adult. If institutionalized or entered into formal diversion program, date of entry and release, and behavior patterns while under sanction. Dates of release should be correlated with next arrest or FI contact.
- **School Information**, including attendance records, violations of serious school codes, and dates, purpose, and nature of formal counseling sessions.
- **Known Associates**, including school and social associates (i.e., from school information, FI contacts, offense reports, diversion program records, etc.). Gang affiliations should also be noted where such groups are prevalent.

Other potentially valuable information that is emerging includes:

- **Family Histories**, including criminal activity and records review of the parents and siblings of designated and/or potential SHOs. This often includes specific reference to alcohol and substance abuse (as well as related criminal charges) and cases of physical and sexual abuse.
- **Entry and Release Dates of Formal Sanctions**, including dates upon which subjects are entered into and released from various forms of probation and physical custody. (This information is used in studies of SHOs' continuum of contacts with the juvenile justice system.)

Share Correctional Case Histories and Diagnostic Reports with the Crime Analyst or Other Officials Designated to Develop and Maintain Profiles of Habitual Offenders

Once a career criminal is incarcerated, the objective is to ensure that he or she serves the maximum term. Active opposition to parole, pardon, or special release status for repeat offenders is voiced by many prosecutors. This can take the form of (a) requesting notification from corrections officials when a career criminal is about to be released, (b) giving the reasons why a given inmate prosecuted as a career criminal should be denied parole, and (c) asking to attend parole and probation hearings.

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Prosecutors may, as appropriate, inform those on probation or parole that they will be prosecuted by the career criminal unit in the event of a subsequent arrest. Prosecutors may also spot check to determine if parolees and probationers are living up to their release conditions. If not, revocation could be initiated.

Juvenile justice is realized when the juvenile offender is properly processed through the judicial and correctional systems and as an adult remains at liberty without further criminal violations.² This implies that the various components of the justice system, i.e., police, prosecutor, judge, probation, correctional counselor, and parole, must function as a unit which will enable the consistent application of the judicial/correctional process. The major failure of the juvenile justice system is the breakdown in communications inherent in each of the components, and there is a history of these segments not communicating with one another to assure collectively swift, fair, and sure correction of the serious habitual juvenile offender.

"Each juvenile justice professional must realize his responsibility to serve and protect."

The role of corrections to rehabilitate and return the juvenile to the community with the ability and attitude to remain at liberty is no more or less important than the investigation and apprehension by law enforcement that first brought the juvenile into the judicial/correctional process. The attitude of law enforcement and the tone of prosecution establish the foundation for rehabilitation and have as much to do with turning around a juvenile delinquent as does the therapy of the sentence and the work of the correctional agent. Each juvenile justice professional must realize his responsibility to serve and protect.

The involvement of corrections in the SHO program has intensified the communications with the police agency. The SHO juveniles require co-ordinated police work, special prosecution, immediate judicial response, and protection of the community. Following adjudication, the placement of a juvenile in a correctional environment should enhance the probability of altering his behavior.

²Robert O. Heck, Wolfgang Pinder, Donna K. Wells, *Serious Habitual Offender/Drug Involved Program; Informational Program Guide*, Washington, D.C., 1986.

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Develop Special Classification and Custody Levels for Designated Habitual Offenders

Classification and custody levels should be established to ensure appropriate, consistent placement of the incarcerated SHO. The following information should be included in the process:

- Delinquency History
- Family/Medical/Psychological Background
- School History
- Employment History
- Risk Assessment (Seriousness of Offense)

Delinquency History

A thorough review of the SHO's delinquency history should be performed to consider his police record (contacts and arrests), court appearances (acquittals and adjudications), court ordered out-of-home placements, and probation reports.

Family/Medical/Psychological Background

The importance of the family as a functional or dysfunctional support group is a primary indication of the probable cause for habitual delinquency. The economic condition and criminal history of the home unit should also be reviewed and assessed. The SHO's complete medical background must be considered including:

- chemical dependencies
- physical abuse
- mental abuse
- mental stability

All of these areas should be assessed at the family or support group level, including social service data. The capacity of the family to provide program support should also be identified.

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School History

The adjudicated SHO's school record should be reviewed to determine behavioral and educational needs. Peer relationships and teacher/administrator interfaces should be evaluated for appropriate placement during incarceration. Although most SHOs will be found to have poor attendance records, special education plans (Individualized Education Plans) can assist in evaluating future curriculum requirements during placement and programming.

Employment History

The SHO's work record (if any) should be assessed and evaluated for consistency with his family and school records. How he performs on the job, how he relates to his peers and supervisor(s), and how "trainable" he is are all factors for placement in work/vocational programs.

Risk Assessment

In addition to psychological testing and substance dependencies, the nature of the current offense or the trend of severity of previous offenses must be assessed to determine requirements for secure placement. Consideration of these factors along with victim statements and overall profile information will lead to identification of serious and violent offenders.

Limit Placement of Habituals to the Most Secure Programs and Keep Them Separate from Juveniles of Similar Status

Based on the classification and custody level criteria established, an Individualized Treatment Plan (IP), signed-off and agreed to by the case management team and the offender, will provide the road map to placement during incarceration. The pacing elements in the placement of the SHO are the result of the risk assessment (i.e., need for secure placement) and the anticipated length of stay (based upon the IP itself, the minimum length required, or both). Additionally, the SHO must receive priority placement, separate from other known SHOs if at all possible.

As stated in the previous discussion on classification, placement—based on the IP—considers all factors already noted and:

- Geographic considerations
- Reintegration needs
- Anticipated community support
- Graduated reclassification (based on behavior and performance of individual)

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Conduct Special Diagnostics and Program Activities to Control Behavior While in Institutional Programs and to Assist in the Eventual Return to the Community

Programming

Based upon the placement and risk assessment assignments, the treatment needs of the SHO should be specified in the Individualized Treatment Plan. Treatment needs should include educational, employment, psychological, medical (including substance abuse), and restitution (victim awareness) issues. Recreational and leisure time should be in keeping with the security requirements of the individual. Educational modules should include:

- Pre-vocational
- Vocational
- Career exploration
- Special education
- Basic survival skills
- Leisure skills (legal leisure)
- Reintegration skills
 - anger management
 - negotiation skills
 - assertiveness training
 - accountability

Pre-release planning and early development of the relationship with family and community (aftercare agencies/agents) should be implemented.

Programs and activities focused on controlling behavior were attempted in the Habitual Serious and Violent Juvenile Offender Program (HSVJOP). As originally conceived, the HSVJOP correctional intervention was to consist of "three critical treatment requirements": (1) an enhanced diagnostic process to determine the needs of individual juveniles; (2) goal-oriented treatment plans, plus individualized services to meet those needs identified by the diagnostic assessment; and (3) continuous case management, with a primary focus on the juvenile's reintegration into the community.

In practice, OJJDP allowed the projects wide latitude in defining and implementing their correctional programs. As a result, there is much greater diversity in this phase of project operations than on the prosecutorial side of the project.

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Where attempted, the programs did not appear to match the project's perceptions of the needs or the "just desserts" of most of the HSVJOP participants.

"An analysis of various types of programs for the serious and violent offender reveal common characteristics that appear related to positive results in programs and reduced recidivism by the youth involved."

A proposal prepared by Interagency Juvenile Services Council in Jacksonville, Florida, discusses a Commitment Program for Serious Habitual Juvenile Offenders (SHJO).³ This proposal suggests that funding should be secured to enable the Department of Health and Rehabilitative Services to contract with a provider to design and operate a regional nine-to-twelve-month residential, 24-bed program for the serious habitual or violent committed delinquent male, aged 15 to 17, from the HRS District IV catchment area. The purpose of this program will be to create an effective structured environment for the compulsory rehabilitation of these youths, including changing their negative antisocial behaviors and redirecting them to demonstrate socially acceptable and societal contributory behaviors.

For the purposes of this pilot project, legislative recognition is requested without amendment to Chapter 39, Florida Statutes, to acknowledge these serious habitual or violent offenders as a unique group of youngsters, currently not being effectively served within the juvenile justice system. Further, this program should be endorsed as a differential commitment program and consequently funded for a minimum twelve-month length of stay, as opposed to current funding of commitment programs with a budgeted four-to-six-month length of stay.

"Security and comforts in the program would be respectively decreased and increased on corresponding levels to the phase at which the youth is functioning."

This program would involve a set of requirements placed upon the committed youth synchronized with a continuum of structured services provided to the youth for his individual improvement. The youth's movement through the requirements and services would depend on his accomplishments, changes in behavior and attitude, and his progression through the program phases.

³Interagency Juvenile Services Council, Commitment Program for Serious Habitual Juvenile Offenders, Jacksonville, Florida.

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Movement would be consistent with the dimension of restrictiveness within the program, namely, with Phase I being more secure than Phase II and Phase II more secure than Phase III. Restrictiveness would also include limitation on interactions with peers in the program so that the principal influence on the youth newly admitted to the program would be staff/adults, not other peers. Interactions with peers would increase with progression through the program phases as would community work service and job exploration activities. To maximize staff influence and adequate supervision as well as enhance the effectiveness of security equipment, a staffing ratio of at least one (1) staff to six (6) youths would be required.

Security and comforts in the program would be respectively decreased and increased on corresponding levels to the phase at which the youth is functioning, resulting in the youth's attaining certain levels of achievement to earn increased comforts and privileges. Performance lapses within a particular phase could result in return to the previous phase, thereby making the projected length of stay of nine to twelve months variable between youths. Emphasis will be placed on the requirements for achievements and improvements in each phase along with the youth's enhancement of his self-concept and growth in self-reliance and self-sufficiency. To ensure the latter, emphasis will be placed on meeting educational goals, personal aptitude testing, and vocational or occupational development and skills training.

Currently there is not an available residential resource in Northeastern Florida designated for the committed serious or violent offender. If youngsters have multiple commitments and pose a security risk, they are most often placed in the state training school. Statistics compiled by the Jacksonville Sheriff's Office indicate that youths from Duval County placed in the training school return to the Jacksonville area and commit a new law violation within 30 days of their return to the community. Research by Peter Greenwood and Franklin Zimring states that training schools make little impact upon high recidivism rates, stressing also that size and staffing ratios in training schools tend to contribute to the development of the negative peer culture and diminished controls over acting out behaviors (Greenwood and Zimring, 1985).

An analysis by Greenwood and Zimring of various types of programs for the serious and violent offender reveal common characteristics that appear related to positive results in programs and reduced recidivism by the youth involved. These programs replace traditional secure settings with physically isolated remote wilderness settings and emphasize increased physical challenges. There is also an emphasis on specific treatment effectiveness with multi-phased programs allowing for a continuum of requirements and resources from secure or isolated residential settings, to group homes, and degrees of community re-entry (Greenwood and Zimring, 1985).

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Reintegration

Upon successful completion of the program (or sentence), the SHO will be presented to the releasing authority for the granting of parole. As previously stated, reintegration preparation should be included in the development of the IP and should be consistently included through placement and program phases. The parents or guardians of the SHO should be encouraged to participate in the reintegration planning during the program phase. The outreach worker should be assigned while the SHO is still in the institution. The initial (optimum) workload should be approximately six clients to one caseworker.

The juvenile should have a clear understanding of the rules of conduct and consequences of violation. There should be a consensus of reasonable and realistic expectations by the youth, family, community, and aftercare agent. Initially, there should be four to five contacts per week for a six-month minimum (based on the IP) with written reports to interagency participants.

There should be a concerted effort to involve other agencies to assist, informally, in the supervision and monitoring of the individual. Contacts with these community groups will assist probation and aftercare agents in the tracking and surveillance of the juvenile during reentry. Formal coordination should be arranged with police and other agencies to ensure that proper status is kept on the individual.

Summary

In this pamphlet, we have discussed issues concerning state corrections. They include developing classification and custody levels for SHOs, sharing case history information, limiting placement of SHOs to the most secure settings, and planning for the reintegration of SHOs into their communities.

For further information, bibliographies, or additional materials please contact:

The Serious Habitual Offender Information Clearinghouse
National Crime Prevention Institute
University of Louisville
Louisville, Kentucky 40292

or call (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 Prosecution
- Guidelines for Schools
- Guidelines for Social Services