

Habitual Juvenile Offenders: Guidelines for Social Services



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ious Habitual Offender
reprehensive Action Program
(SHOCAP)



Office of Juvenile Justice
and Delinquency Prevention

Habitual Juvenile Offenders: Guidelines for Social Services



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."

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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.

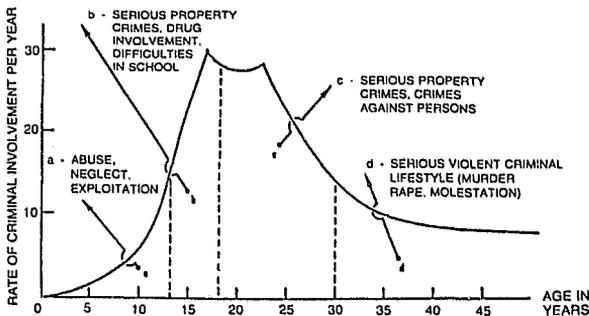


Figure 1. Conceptual Model: Serious Habitual Criminal Evolution

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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.

“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).

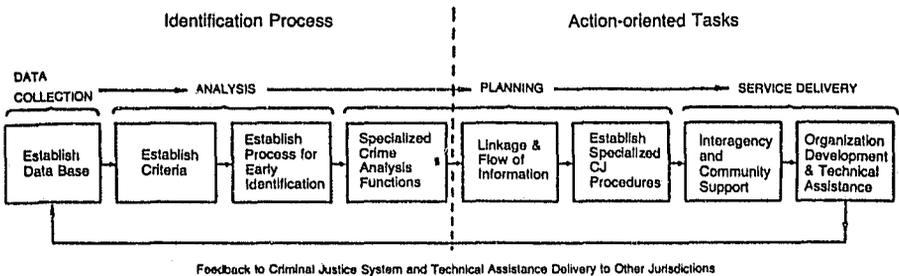


Figure 2. Interagency Functional Model

"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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Social service agencies range from public to private and rely on varied funding sources. Some states combine family and mental health agencies with probation and parole agencies. In recent years a number of states have reorganized juvenile services to provide a comprehensive and coordinated delivery of services. According to a report published in 1984, "... reorganization has been an ongoing activity in many states for the past ten to fifteen years, (and) it has gained momentum in the area of juvenile services. This stems in large measure from the proliferation of the number and types of services available to this population."² With the tremendous increase in the number of distinct agencies created to provide specific services, state governments "... were confronted with the task of managing, coordinating and operating these myriad services, which in many instances totaled more than 100 distinct functions or programs. Before 1960, only two states had reorganized human services for purposes of coordinated and comprehensive program management. By 1974, this number grew to 26. And it is safe to say that between 1974 and the present, efforts at reorganization have not waned, but have gained momentum."³

"Every agency within the juvenile justice system benefits from information sharing which allows them to plan, manage, and deliver services more effectively."

When the SHO/DI program was initiated in 1983, many people questioned the value or benefit to social service agencies. Information sharing and confidentiality became stumbling blocks for many social service agencies. Each agency feared the interference of an outsider dictating how to deliver services.

However, the prototype SHO/DI sites have demonstrated the importance of social service involvement, whether through an integrated system or a singular agency. As a result of information sharing initiated by the program, social service and police obtain more precise information on serious habitual offenders (SHOs) to use for program planning and development purposes. Similarly, crime prevention officers working with social service agencies and professionals can combine their resources to focus on the problems of neighborhoods where serious crimes are being committed. Every agency within the

²Arthur D. Little Inc., *Organization of Youth Services: Models and a Guide to Analyzing Children's Services*, July 2, 1984, p. 2.

³Ibid., p. 2.

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juvenile justice system benefits from information sharing which allows them to plan, manage, and deliver service more effectively.

“The main obstacle to appropriate placement is the lack of pertinent information available to social service and other agencies.”

There are several issues for social service agencies to consider regarding their involvement in SHOCAP. These issues and strategies are discussed in this pamphlet and include:

- identify or establish special service and placement opportunities for drug, alcohol, or behaviorally troubled habitual offenders;
- share case history or diagnostic information with appropriate officials and participate on case management teams formed to assist in the community control of habituals;
- request police patrol and crime analysis follow-up on neglect, abuse, and other problem case areas; and
- provide case support for obtaining civil commitments of troubled, problem, or delinquent youths who are designated as habituals.

Identify or Establish Special Service and Placement Opportunities for Drug, Alcohol, or Behaviorally Troubled Habitual Offenders

There has been a lack of coordination, continuity, and appropriate services for SHOs within the institutional setting and during transition back into the community. The absence of classification and case management systems which allocate services from initial placement through aftercare based upon individual need and risk, along with the lack of adequate resources, results in improper placement of SHOs within the institutional setting.

For juveniles making the transition from the institutional setting into community life, there are additional reasons for inappropriate placement. Besides the lack of resources and absence of a classification system, the notion that once a child is returned to the community the rehabilitation process is complete contributes to inappropriate placement and services.

“Many social service agencies, as well as other agencies in the juvenile justice system, have been faced with budget cuts in recent years. For many, budget reductions have meant a reduced level of service and therefore a reduced client population.”

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The main obstacle to appropriate placement is the lack of pertinent information available to social service and other agencies. This obstacle impairs the ability of agencies to make appropriate placements and develop programs that meet the needs of SHOs. Without the benefit of pertinent information on which to base decisions, agencies cannot adequately address the needs of SHOs.

The crux of SHOCAP is information sharing. Before a social service agency can provide services appropriate to the juvenile, case history information needs to be shared by agencies that possess this data. Information that is a part of social service records could be critical to the appropriate delivery of services to a juvenile. Through regular information sharing, decisions and services are more responsive to the juvenile's needs.

Many social service agencies, as well as other agencies in the juvenile justice system, have been faced with budget cuts in recent years. These reductions have resulted in lower levels of service and ultimately a reduced client population. Procedures can be implemented to help alleviate the problems of reduced funding.

Through regular information sharing and communication, agencies can improve their value to society and demonstrate the diversity of services they perform. By becoming more aware of the needs of their clients and designing or restructuring available services, agencies perform more efficiently. Promoting coordination of services and preventing duplication by means of referrals, in cases where one agency is more capable of handling the particular problem, reduces cost and increases service to clients. Funding sources are more apt to provide additional funds if agencies demonstrate that their clients' needs are being met.

Through regular sharing of information, special services and placement opportunities for SHOs can be identified and developed in a coordinated, comprehensive manner to meet the needs of the client population and the community as a whole. Regular sharing of information reduces duplication of services, and the system functions more as an integrated system.

Share Case History or Diagnostic Information with Appropriate Officials and Participate on Case Management Teams Formed to Assist in the Community Control of Habituals

One of the difficulties in dealing with juveniles who are SHOs is that the juvenile justice system was not designed to address such offenders. Rather, the philosophy of the system is based on protection and rehabilitation. This

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system, built on the premise that all juveniles can be successfully rehabilitated, must then address juveniles who repeatedly commit crimes and are not rehabilitated.⁴

With the protection of the juvenile as one of the highest priorities, most agencies extend this philosophy to protection of records. Consequently, agencies often do not fully share information with one another. For a serious juvenile offender, pieces of his behavioral history may be spread out among several agencies with no comprehensive, accurate picture of his entire range of behavior. Bizarre behavior patterns in school are not communicated to police agencies or social services.

"It is a 'continuity of care' or case management approach that the integrated juvenile services system promotes."

SHOCAP is demonstrating (through cooperative policies and procedures) that the individuality of information, if shared and analyzed, can provide the total system with the collective information that will allow better decisions to be made with regard to the juvenile who is showing the warning signs of becoming a habitual offender.

Formal Versus Informal Working Relationships

Information can be shared through formal or informal means. Formal inter-agency relationships generally denote written working agreements which are developed at a managerial level, while an informal working relationship is usually less structured or formalized.

For the most part, interagency relationships within the juvenile justice system have been tacit and informal. Line workers share information about clients on an informal, "need to know" basis. Relationships are developed through working together and the development of confidence and trust. While this information sharing is important, it does not always occur from one agency to another. Individual personalities play a major role in the degree to which information is shared and with whom. One agency or person may benefit from information sharing while another may be severely handicapped by information being withheld. Withholding information can have devastating effects on the juvenile, the case worker, and the agency involved.

⁴Robert O. Heck, Wolfgang Pindur, Donna K. Wells, *Serious Habitual Offender/Drug Involved Program: Informational Program Guide*, July 1986, p. 51.

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One of the main reasons for the recent popularity of integrated juvenile services is the formalized process and approach for interagency sharing of information, thus ensuring that client needs are met and appropriate decisions are made regarding the system's response to that client group. It is a "continuity of care" or case management approach that the integrated juvenile services system promotes.

Case Management Approach

Several years ago, juvenile justice representatives from six states were brought together in Washington, D.C., to discuss strategies for dealing with the serious habitual juvenile offender. This approach called for the designation of a case manager to ensure monitoring, supervision, and appropriate planning and delivery of services to youth. In a report prepared following this strategy session, the case management approach was described as follows:

"The development of a structured, formal approach to handling the serious habitual juvenile offender is the key to the development and implementation of the serious habitual offender program."

"Specifically this strategy speaks to the development of a case management approach to working with and tracking clients to ensure a planned return to the community. In this approach permanent case managers are assigned to the youth at the time of intake into the institution. At that time a plan is developed which includes services for the youth's re-entry into the community. This structure has the capability of providing for continuity of case planning by case supervisors, from disposition to aftercare. Staff are responsible for release planning of the youth to ensure that upon re-entry the necessary support systems are available and in place. It also allows the case manager to monitor the youth's progress."⁵

Representatives from corrections, aftercare, detention, social services, mental health, police, prosecutors, judges, schools, and other agencies involved in the juvenile justice system are essential to the success of this model. Coordination of services and regular sharing of information are also crucial to its success.⁶

⁵Arthur D. Little Inc., *Strategies: Involved of the Systems Response to the Serious and Violent Juvenile Offender*, April 13, 1983, p. 6.

⁶*Ibid.*, p. 7.

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The development of a structured, formal approach to handling the serious habitual juvenile offender is the key to the development and implementation of the serious habitual offender program. Just as an integrated approach to providing youth services improves coordination, reduces duplication of services, maximizes resources, and assures comprehensive planning of juvenile services, so does a formal case management approach.

Request Police Patrol and Crime Analysis Follow-Up on Neglect, Abuse, and Other Problem Case Areas

The importance of involving both the police and social service agencies in handling neglect, abuse, and other problems related to juveniles often has been understated. The problem is complicated when the juvenile in question is a serious habitual juvenile offender. SHOs, while perpetrators of crimes, are also victims of crime, violence, and abuse. Actual case history information on serious habitual offenders indicates that almost 18 percent of these juveniles were physically abused as children and 5.4 percent were sexually abused as children.⁷

According to the final report of the Serious Habitual Offender/Drug Involved Program, "There is every reason to believe, however, that the actual incidence of abuse is even higher than indicated in reports, and police and social service professionals generally express a belief that the overwhelming majority of serious habitual offenders have been physically abused."⁸ Thus, the SHO as a victim is an issue which must not be overlooked.

The law enforcement agency by its very nature is one of the primary agencies involved in the identification and protection of abused and neglected children. Law enforcement officers are well-known and readily identifiable. When help is needed, they can be quickly located.⁹

"Actual case history information on serious habitual offenders indicates that almost 18 percent of these juveniles were physically abused as children and 5.4 percent were sexually abused as children."

⁷Wolfgang Pindur and Donna Wells, *Serious Habitual Offender/Drug Involved Program—Final Report*, July 31, 1986, p. 29.

⁸*Ibid.*, p. 29.

⁹Diane Broadhurst and Sams Knoeller, *The Role of Law Enforcement in the Prevention and Treatment of Child Abuse and Neglect*, August 1979, DHEW Publication No. OHDS 79-30193, p. 7.

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Law enforcement officers are legally mandated to report and investigate suspected cases of child abuse and provide emergency services. Their duty to uphold the law and ensure the safety and welfare of the community will not allow them to sit idly by and watch as other agencies become involved in such cases.¹⁰

It makes good sense to develop a police/social service response system or team to deal with cases involving child abuse, neglect, or other problems in which the juvenile is the victim.

“Adequate information sharing can guarantee the success of the program, while the lack of it can doom the program to failure.”

The National Center for Missing and Exploited Children has prepared a number of documents relating to needs and problems of missing and exploited children. *Investigator's Guide to Missing Child Cases* was developed for law enforcement officers involved in locating missing children. One section of this document addresses the importance of the police/social service agency relationship, describing an interdisciplinary approach which combines the investigatory expertise of the law enforcement agency with the counseling and interpersonal skills of the social worker. This police/social worker team concept has been used effectively in a number of jurisdictions, including Louisville and Jefferson County, Kentucky. An Exploited and Missing Child Unit, developed through formalized, written agreements between the two agencies, forms a basis for the operation of this unit to deal with cases involving missing and exploited children.

Provide Case Support for Obtaining Civil Commitments of Troubled, Problem, or Delinquent Youths Who Are Designated as Habituals

The issue most often discussed in this pamphlet, and the one which is most important, is information sharing. Information sharing and coordination are at the heart of the serious habitual offender program, and form the basis

¹⁰Diane Broadhurst and Sams Knoeller, *The Role of Law Enforcement in the Prevention and Treatment of Child Abuse and Neglect*, August 1979, DHEW Publication No. OHDS 79-30193, p. 8.

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from which the program is developed, managed, and operated. Adequate information sharing can guarantee the success of the program, while the lack of it can doom the program to failure.

The assistance that information sharing provides in planning, case management, service delivery, and coordination has already been described. Another benefit of information sharing is the support it provides for obtaining civil commitments for youths designated as habituals.

SHOCAP calls for vertical prosecution—that is, the same prosecutor handling the case from beginning to end. The prosecutor reviews the case, making all filing decisions and all court appearances. Each time the juvenile returns to court on other cases or charges, the same prosecutor is assigned to handle the juvenile. In this way, the prosecutor becomes familiar with the juvenile, his or her family, associates, and patterns of behavior and develops expertise about that particular individual.

In addition, the juvenile pleads to every provable charge.¹¹ In this way, the court is afforded the maximum ability to sentence the juvenile and detain him or her due to the potential danger to the community. SHOs are prevented, therefore, from “falling through the cracks” and being treated as a one-time offender.

Social service agencies can assist prosecutors by sharing information and testifying on either trial or nontrial cases. Live witness testimony in a detention, sentencing, restitution, or probation status hearing is far more effective than a few written lines. Testimony can make a difference in the types of dispositions imposed on SHOs.

Once again, the issue of coordination and communication can greatly assist all agencies as they attempt to deal more effectively with the serious habitual juvenile offender. By sharing information and coordinating services, the system begins to function properly, with each component supporting the other to handle more effectively the problems associated with the serious habitual juvenile offender.

¹¹Robert O. Heck, Wolfgang Pindur, Donna K. Wells, *Serious Habitual Offender/Drug Involved Program: Informational Program Guide*, Washington, DC, July 1986, p. 50.

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Summary

In this pamphlet, we have discussed strategies concerning social service involvement in SHOCAP. These issues include: the development of special placement opportunities for the serious habitual juvenile offender; the use of information as a tool for planning and delivering comprehensive services through a case management approach; the involvement of law enforcement in child abuse, neglect, and other problems associated with SHOs; and the importance of information in obtaining civil commitments for designated habituals.

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 State Corrections