FEDERAL ASSISTANCE TO STATE AND LOCAL CRIMINAL JUSTICE AGENCIES

HEARINGS
BEFORE THE
SUBCOMMITTEE ON
CRIMINAL LAWS AND PROCEDURES
OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
NINETY-FIFTH CONGRESS
SECOND SESSION
ON
S. 28 and S. 3216
PART II
CAREER CRIMINALS
SEPTEMBER 27, 1978

Printed for the use of the Committee on the Judiciary

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Statement of:

- Grimes, J. Robert, Assistant Administrator, Law Enforcement Assistance Administration
- Haas, Carl, district attorney for Multnomah County, Portland, Ore.
- Hamilton, William A., president, Institute for Law and Social Research
- Kelley, James F., prosecuting attorney, Madison, Ind.
- Pettinone, Hon. Edward W., a U.S. Representative from the 24th District of New York
- Silber, Earl J., U.S. Attorney for the District of Columbia
- Souer, Andrew L., State's attorney, Montgomery County, Rockville, Md.
- Vance, Carol E., district attorney, Harris County, Houston, Texas
- Work, Charles H., attorney, Washington, D.C.

Statement submitted for the record by:

- Armstrong, David L., Commonwealth's attorney, letter of October 20, 1977, with transmittal letter from Senator Mathias
- Bausen, Hon. Larry, a U.S. Senator from the State of Texas
- Knue, Neal, executive director, Institute for Legislative Action, National Rifle Association of America, on S. 3216
- Mathias, Hon. Charles McC., Jr., a U.S. Senator from the State of Maryland

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- “Criminal Prosecution: An Idea Whose Time Has Come,” Joan Petersilia
- “Clashes of certain diplomats compiled by the U.S. Attorney’s Office for the District of Columbia
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National Institute of Justice
United States Department of Justice
Washington, D.C. 20531
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"The Rand Habitual Offender Project: A Summary of Research Findings to Date," March 1978
In the interest of a fair and expeditious criminal justice system, the National Rifle Association would like to go on record supporting the passage and enactment of Mr. Bentlien's S3216, which parallels closely Mr. Mathias' S28. This proposed legislation would establish long-term appropriations for the LEAA's special prosecutorial projects aimed at repeat felony offenders, a program which has been proven to be an effective tool for dealing with the chronic recidivist.

Expanding the LEAA-sponsored pilot projects, S3216 would amend the Omnibus Crime Control and Safe Streets Act of 1968 to include funding of "general local government for the development and implementation of programs relating to the prosecution of repeat criminal offenders." The goal of the proposal is the successful identification, prosecution and "long term imprisonment of the most violent and dangerous offenders."

Based on a federal match funding formula with local communities, the bill would require local governments to set criteria, subject to LEAA approval, for the identification of repeat criminals, as well as to make such data readily available to law enforcement, prosecutors, courts, and professional staff working under this special "career criminal" program.

The unique characteristic of the career criminal projects versus prosecutions obtained using routine procedures is the ability of the system via computerized information and specially trained staff to expeditiously compile full investigations, including extensive past histories on offenders within a short time frame. The result -- speedier trials, stronger convictions and longer sentences meted out to those criminals whose past records warrant such action.
Exactly how many career criminals exist and prosper in this country is uncertain. The FBI "Uniform Crime Reports" at one time gave some indication in their "Careers in Crime" section. In that study conducted of those arrested for index crimes over the period 1970-75, 64% or 164,295 out of a total 255,936 arrestees had two or more prior arrests to their credit. Further, the total 255,936 arrestees who had documented charges of more than 1 million offenses accounted for a mere 142,000 imprisonments.

The following chart, extracted from "Editorial Reports on Crime and Justice" (published by Congressional Quarterly, 1978), depicts the FBI study results of recidivists by type of crime:

![Chart showing recidivism rates by type of crime]

More detailed studies, however, have been conducted on the local level with similar results. Research of Washington, D.C. by the Institute for Law and Social Research (INSLAW) found, for instance, "that over a 56-month period from 1971 to 1975, 30 percent of the different persons who were arrested had at least two arrests and accounted for 56 percent of all arrests brought to the Superior Court during that period."

These figures, of course, simply represent those arrested, not necessarily those convicted. And yet, 26% of those individuals arrested on felony charges were those who were released into the community via bail, probation or parole. Further, the INSLAW study revealed that "less than 40 percent of all persons arrested for a violent property offense who were convicted in the Superior Court were subsequently incarcerated."

Concurrent with the INSLAW research tracing the patterns of Washington's criminal justice system, the Rand Corporation (California) was making more specific efforts to study habitual offenders in a controlled setting -- prison. Following two years of data collection from 49 inmates, the results were that repeater criminals are arrested for approximately 6 percent of those crimes committed while they are still juveniles and 20 percent for those crimes committed when they reach adulthood. That small sample, culled from a medium security facility, self-reported 10,500 crimes to interviewers. In comparison, arrest, conviction and incarceration remained to the habitual offender, a remote possibility.

*Report, No. 3, PROMIS Research Project, INSLAW.*
Such attrition not only makes "getting away with crime" a distinct benefit for career criminals, it is demoralizing for law enforcement, frustrating for prosecutors and detrimental for the public.

It is no mere coincidence that the prosecutorial program announced by the D.C. Metropolitan Police Department and the U.S. Attorney's Office in August 1976 was named "Operation Doorstop." The prior handling of career criminals had often been analogized to a "revolving door of justice." This program, however, established a team of experienced prosecutors and other criminal justice professionals working under a Career Criminal Unit. Through these experts, cases were established rather than lost, and prior records fully investigated for use in preliminary hearings. The results of this extraordinary project were that 52 of the first 60 defendants were jailed before trial. Overall, 90 percent of the suspects prosecuted under the program have been indicted, and 94 percent of those indicted have been convicted. The waiting period between arrest and indictment for career criminal cases as opposed to other felony cases has been more than cut in half.

The concept of "Operation Doorstop" was not born without inspiration, patterned after a project initiated by the Law Enforcement Assistance Administration in 1975 in 22 U.S. cities. Within that time frame, LEAA noted reductions in robberies in 17 of the sample cities which exceeded the national average by 54 percent and a reduction in burglaries that exceeded the national average by 30 percent.

Other cities, impressed with such marked progress initiated their own programs, among them: Canton, Ohio; Cook County, Illinois; Denver, Colorado; Fort Worth, Texas; Seattle and Vancouver, Washington; West Palm Beach, Florida; and Sacramento, Santa Barbara and Ventura, California. The California state legislature, in fact, passed a bill in September 1977 to appropriate $5 million per year for funding career criminal units under local district attorney offices -- the "California Career Criminal Prosecution Program" is the first such state law in the nation. Heretofore, the lack of federal incentives to the cities has carried with it the clear risk that such programs will be allowed to lapse or will never be created. For this reason, the concept of matching funds as proposed in S3216 is beneficial by encouraging cities and states to establish anti-crime programs of this magnitude.

Establishing career criminal programs on a broad scale, subsidized in part through this proposed federal matching fund mechanism, would be cost-effective. LEAA's career criminal project funding over a two-year period, for example, cost $14 million, or approximately $2,600 per conviction. This expenditure may well represent a fraction of the cost of permitting recidivist felons to circumvent the criminal justice process. One criminologist noted in a recent
"A study of twenty-five repeaters followed over a nine-year criminal history cycle averaged their cost to the public at $400,000 per offender."

It should be apparent that the costs of habitual criminality will be presented to the public in the form of increased crime rates if the criminal justice system will not be encouraged to make particular efforts to identify, prosecute and incarcerate the chronic recidivist.

* Injustice for All, Anne Strick, pgs. 207-208.
Chairman Biden
July 13, 1978
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together to make the hearings informative and productive.

With best wishes,

Sincerely,

Charles McC. Mathias, Jr.
United States Senator

Enclosure
I would be more than happy to testify before any committee hearings that you might have relating to S.28 and discuss the success of our local Career Criminal Program.

Very truly yours,

[Signature]

DAVID L. ANDREWS
Consul's Attorney

DLA/jkv