

U.S. Department of Justice  
National Institute of Justice  
*Office of Communication and Research Utilization*

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**National Institute  
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*Issues and Practices*

# **Targeting Law Enforcement Resources:**

## **The Career Criminal Focus**

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The National Institute of Justice is a research branch of the U.S. Department of Justice. The Institute's mission is to develop knowledge about crime, its causes and control. Priority is given to policy-relevant research that can yield approaches and information that State and local agencies can use in preventing and reducing crime. The decisions made by criminal justice practitioners and policymakers affect millions of citizens, and crime affects almost all our public institutions and the private sector as well. Targeting resources, assuring their effective allocation, and developing new means of cooperation between the public and private sector are some of the emerging issues in law enforcement and criminal justice that research can help illuminate.

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**James K. Stewart**

*Director*



U.S. Department of Justice  
**National Institute of Justice**  
*Office of Communication and Research Utilization*

# **Targeting Law Enforcement Resources: The Career Criminal Focus**

by

**William G. Gay**

with

Robert A. Bowers

**September 1985**

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*Issues and Practices in Criminal Justice* is a publication series of the National Institute of Justice. Designed for the criminal justice professional, each *Issues and Practices* report presents the program options and management issues in a topic area, based on a review of research and evaluation findings, operational experience, and expert opinion in the subject. The intent is to provide criminal justice managers and administrators with the information to make informed choices in planning, implementing and improving programs and practice.

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## FOREWORD

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Over a decade ago, research confirmed what law enforcement professionals have long suspected: that a small portion of the criminal population is responsible for a disproportionate amount of crime. More recent studies have refined our understanding of the vastly disparate rates at which different criminals commit their crimes. Those who are the highest rate offenders not only commit hundreds of crimes each year but also commit a wide variety of crimes, many of them serious and violent. Yet these high rate offenders represent only about 15 percent of those sentenced to prison each year.

Law enforcement agencies have traditionally been concerned with repeat offenders, but now, in the face of stable or declining resources, it is essential to concentrate on identifying and successfully prosecuting the high rate offender. The challenge is to find fiscally efficient ways to target the highly active criminal. Given that our goal is a safer, more just society, the fundamental results of our law enforcement efforts must be a reduction in crime. Accordingly, the highly active offender ought to be our prime target for arrest and for career criminal prosecution with its additional penalty enhancements.

**Targeting Law Enforcement Resources:** The **Career Criminal Focus** reviews the special initiatives now developing in some law enforcement agencies throughout the country. Three main types of career criminal programs were found. Pre-arrest targeting programs use surveillance and other investigative techniques to apprehend repeat offenders during the commission of a crime. Special warrant programs employ a range of methods to ensure that when an outstanding warrant for a repeat offender exists, that offender is targeted for special efforts in apprehension. Post-arrest case enhancement programs target special investigative resources on career criminal cases to help ensure successful prosecution and target

incapacitation. Based on their on-site study, an extensive review of the literature, and consultation with other experts in the field, the researchers highlight the underlying rationale, the benefits and the limitations of these approaches. They also provide a detailed discussion of the operational strategies and tactics used in each type of program to assist managers who want to develop and implement similar efforts.

Law enforcement managers need practical information about new program approaches -- what has been tried in other agencies, how it has worked and at what costs -- to make choices consonant with the need for both public safety and fiscal prudence. The National Institute of Justice hopes that this report, part of its series on **Issues and Practices in Criminal Justice**, will assist in that effort.

James K. Stewart  
Director

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## ACKNOWLEDGEMENTS

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This **Issues and Practices** Report could not have been written without the cooperation and assistance of law enforcement officials throughout the country. Targeting career criminals is an emerging focus for law enforcement agencies. Many of the practitioners we relied upon for information are breaking new ground in developing effective and economical ways to bring the career criminal to justice. Hopefully this volume does justice to their work and will stimulate others to focus attention upon the most dangerous offenders.

We would like to thank the chiefs of the law enforcement agencies who allowed us to visit their departments and scrutinize their career criminal initiatives. The work would not have been possible without their support. Particular thanks is due to the career criminal unit commanders in the eight jurisdictions we visited. The following persons are acknowledged: Chief Elroy L. Hansen and Sergeant Larry Bullard of the Albuquerque, New Mexico Police Department; Chief Cornelius Behan and Kai Martensen, Assistant to the Chief, of the Baltimore County, Maryland Police Department; Chief Norman Karon and Captain Patrick Kline of the Kansas City, Missouri Police Department; First Deputy Commissioner of Legal Affairs, Thomas Slade of the New York City Police Department; Chief William Kollander and Lieutenant David Spesak of the San Diego, California Police Department; Chief Gilbert Kleinknecht and Lieutenant Fred Crawford of the St. Louis County Police Department; Chief Maurice Turner and Inspector Edward Spurlock of the Washington, D.C. Police Department, and Chief Craig L. Meacham and Lieutenant Larry Todd of the West Covina, California Police Department.

The Advisory Board played a key role in guiding the scope of the project and provided critical feedback on interim products as well as the final reports. Our research benefitted tremendously from their assistance. We would like

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Members of the National Institute of Justice staff guided development of the report. Project Monitor Carol Dorsey played an active role during the developmental stages while Bruce Johnson monitored preparation of the final report. Virginia Baldau and Gilbert Kerlikowske (currently with the St. Petersburg, Florida Police Department) reviewed and commented upon the report. We greatly appreciated their assistance.

Kevin Krajick and Carol Gay provided editorial assistance while Carol Dill was responsible for production of the report.

William G. Gay  
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## CHAPTER 1

### INTRODUCTION

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In spite of the efforts of criminal justice agencies to address the problem of crime, during the past decade rates of criminality have remained high and are a continuing source of public concern. While the public remains concerned about crime, law enforcement agencies have been forced to work in an environment of fixed or declining resources. In this era of cutback management, law enforcement officials have been called on to do more with less.

One approach to crime control that has emerged in recent years is the effort to target resources on the repeat offender<sup>1</sup> - the offender who commits not only a large number of crimes, but also very serious and violent crimes. Recent research and expert opinion suggests that scarce resources may be better used if they are focused on the apprehension and prosecution of the career criminal.

This **Issues and Practices Report** is part of an effort by the National Institute of Justice to learn more about career criminals. The Institute program includes research about offending patterns, evaluations of criminal justice system operations and efforts to acquaint criminal justice practitioners with what can be done to solve the career criminal problem. Other recently completed NIJ reports related to career criminals include:

- Henry Rossman and Debra Whitcomb, **New York State Police Violent Felony Warrant Squad: An Innovative Approach to Apprehending Fugitives**, Cambridge, MA: Abt Associates, September 1984.
- William F. McDonald and Lonnie A. Athens, **Habitual Offender**

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<sup>1</sup>The terms repeat offender and career criminal are used interchangeably in this report.

Offender Laws in the United States: Their Form, Use and Perceived Effectiveness, Washington, D.C.: Institute for Criminal Law and Procedure, Georgetown University Law Center, forthcoming.

- J. Fred Springer et al, **The Effectiveness of Selective Prosecution by Career Criminal Programs**, Sacramento, CA: EMT Associates/University City Science Center, 1985.
- Susan Martin, **Catching Career Criminals: A Study of the Repeat Offender Project**, Washington, D.C.: Police Foundation, 1985.

#### 1. FOCUS OF THE REPORT

The purpose of this **Issues and Practices Report** is to review what is known about career criminality and to describe ways in which various law enforcement agencies are dealing with the problem of repeat offenders. While this report does not answer all questions about career criminal initiatives, it can provide the reader with a basis for better understanding the career criminal phenomena and the practical steps that can be taken to address this problem.

The report is written for both law enforcement executives and operational personnel. For executives, the document points out issues involved in developing a practical definition of the career criminal, selecting an operational strategy, working with other agencies in the criminal justice system and program evaluation. For operational personnel, the report provides information about strategies and tactics.

Although this report focuses on what law enforcement can do to target the career criminal, we recognize that police are but one part of a larger system. Hence, efforts should be made to coordinate special law enforcement activities with the prosecutor, court, juvenile, jail and correctional authorities to ensure that these efforts will have an impact as the repeat offender moves through the justice system.

This introductory chapter provides an overview of the document and reviews some of the significant literature regarding the characteristics and activities of the repeat offender. It also outlines techniques police departments are using to focus attention on repeat offenders. The strategies and tactics discussed are based on existing career criminal programs that we reviewed in preparing the report.

## 2. STUDY METHODS

Our research was conducted on several levels. First, a thorough search of the existing literature was made to identify issues and practices related to the development and operation of career criminal programs. Second, a telephone survey of 80 law enforcement agencies was conducted in order to: 1) identify the extent to which law enforcement agencies are developing special initiatives to target career criminals; and 2) to gather information about the kinds of strategies and tactics agencies are using. Although the agencies contacted were not a random sample, the survey provided valuable background information, which is discussed near the end of this chapter. Third, on-site field studies were conducted in eight local law enforcement agencies. Sites were selected in an attempt to obtain information about different program types in various jurisdictional, organizational and geographic settings.

## 3. PATTERNS OF OFFENDING

Law enforcement officers have long known that some very active criminals exist in the community. It has been only in the past fifteen years, however, that criminologists have begun to explore career criminality to a depth

that can allow justice executives to make informed judgments about how best to attack the problem.

Marvin Wolfgang and his colleagues at the University of Pennsylvania were pioneers in establishing the basis for identifying patterns of repeat offending. They studied two groups of juvenile males, born in 1945 and 1958 respectively, and raised in the city of Philadelphia.<sup>2</sup> Findings from the Wolfgang studies have influenced juvenile justice policy and decisions about how adult offenders should be handled by the criminal courts and law enforcement agencies.

Wolfgang's studies revealed that approximately one-third of the boys had some delinquent contact with the police. This contact included arrests for juvenile or status offenses as well as misdemeanors and more serious felonies. Wolfgang identified a particularly active set of juvenile "chronic offenders" who had five or more police contacts. The chronic offenders comprised a very small part of the study populations - between 6% and 9% - yet they accounted for a very large portion of the delinquency contacts of all boys in the studies - between 52% and 61%. These chronic delinquents averaged more than eight police contacts in each study.

While the Wolfgang studies focused upon juvenile patterns of criminality, other studies have used official criminal justice records to study adult patterns of offending. Kristen Williams examined the official records of 45,575 persons who were arrested in the District of Columbia

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<sup>2</sup>Marvin Wolfgang, Robert Figlio and Thorsten Sellin, **Delinquency in a Birth Cohort**, the University of Chicago Press, 1972 and Marvin Wolfgang and Paul Tracy, "The 1945 and 1958 Birth Cohorts: A Comparison of Prevalence, Incidence and Severity of Delinquent Behavior", in Daniel McGillis et al, **Dealing with Dangerous Offenders - Volume II Selected Papers**, Harvard University, 1983.



from 1971 through 1975.<sup>3</sup> The records accounted for 72,510 separate arrests. Williams found that among adult arrestees a small proportion of the defendants accounted for a large proportion of the arrests, with 7% of the arrestees responsible for almost one-quarter of the arrests. This seven percent averaged 5.7 arrests each, while the average criminal was arrested only 1.6 times.

Other studies, based on both official records and self-reported information from criminals, provide additional information about patterns of criminality.<sup>4</sup>

A recent Rand Corporation study, authored by Jan and Marcia Chaiken and

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<sup>3</sup>Kristen Williams, **The Scope and Prediction of Recidivism**, Washington, D.C.: Institute for Law and Social Research, 1979, pp. 5-6. The way in which the data were collected in the Williams study may have underestimated the criminality of the group and the extent to which criminality is clustered among a small number of very active offenders. Because some of the arrestees did not become adults until well into the five year data collection period, offense opportunities for this part of the group were reduced. Likewise, some of the offenders undoubtedly continued to engage in crime after the study ended.

<sup>4</sup>The self-reported method of data collection has both strengths and weaknesses. Without self-reports, one must rely on official records that identify only a portion of an offender's illegal activities. According to the FBI's Uniform Crime Reports, only about 20% of the crimes that are reported to the FBI result in the identification and arrest of a suspect. If one were to include victimless crimes and/or the level of crime estimated by victimization surveys, the proportion of crime in which a suspect is identified would deteriorate even further. Thus, studies based upon official records have been useful in identifying patterns of offending, but they have been based only on snapshots of offender's criminal activities that consist only of arrests.

sponsored by the National Institute of Justice, represents a comprehensive effort to review the criminal history of high-rate offenders.<sup>5</sup> The data were gathered from 2,200 prison and jail inmates in California, Michigan and Texas.

By using criminal justice records and self-report data, the Rand researchers identified the most active and violent criminals among the surveyed inmates. They found that criminal justice records of arrest, conviction and incarceration alone do not allow meaningful distinctions between the violent high rate offenders and other types of offenders. The study identified a small number of individuals who committed a large portion of the total crime for the group. Overall, the median annual crime commission rate (with the exception of drug dealing) was approximately 14.8 crimes per person per year, while the crime commission rate for the most active 10% of the study participants was generally 40 to 50 times greater than this. The most active 10% averaged 605 nondrug crimes per person per year. The "violent predators" - those who commit robberies, assaults and drug deals and who comprised 15% of inmates surveyed, generally tended to commit all crimes at higher rates than other survey respondents.<sup>6</sup>

The Rand study described the typical violent predator as a relatively young drug user who began committing crimes as a juvenile. It summarized the salient characteristics of the violent predator as follows:

#### Age

- onset of crime (especially violent crime) before age 16,

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<sup>5</sup>Jan Chaiken and Marcia Chaiken, **Varieties of Criminal Behavior**, Washington, D.C.: National Institute of Justice, 1982.

<sup>6</sup>*Ibid.*, pp. 44-66.

- frequent commission of violent and property crimes before age 18,
- multiple commitments to state juvenile facilities,

#### Drugs:

- frequent use of hard drugs as juvenile,
- use of heroin at cost exceeding \$50/day,
- use of combinations of drugs

#### Employment and family:

- unmarried and with few family obligations,
- employed irregularly and for short times

The Rand study also provided a foundation for dispelling the general idea that most offenders fail to specialize in one type of crime. The researchers found that their study population engaged in a variety of crimes, but that it was possible to identify patterns of criminal behavior. Generally, the most violent criminals committed all sorts of violent and nonviolent crimes, while nonviolent criminals confined their activities primarily to property crimes. For example, most robbers in the study also were involved in burglary and other forms of theft. On the other hand, the burglar-drug dealer in the Rand study was not involved in the more serious crime of robbery.

#### Using the Research Findings

These findings support the idea that a small portion of the criminal population commits a disproportionate amount of crime. However, while researchers have identified a set of characteristics which tend to be common among career criminals, the use of suspects' characteristics (profiles) to predict who the most serious offenders will be may be problematic. Concerned researchers argue that the prediction accuracy is not good enough. Peter Greenwood, using data from the Rand study, was able to predict accurately

50% of the high-rate and low-rate burglary and robbery offenders. The prediction accuracy rate for the remaining offenders, however, was much lower.<sup>7</sup> Compounding the problem is the fact that much of the information used by the Rand researchers to characterize the violent predator is not readily available in most criminal justice records systems. Accordingly, it is difficult for practitioners to distinguish accurately between career criminals and other less dangerous criminals.

#### 4. ENFORCEMENT INITIATIVES

In spite of uncertainties about our ability to predict accurately, the research suggests that we do need to try to identify and take more forceful action against the repeat offender. Such action need not imply Draconian activities that violate the civil rights of those designated for special attention. Rather, it is enough that vigorous investigative procedures and the full force of the law be applied whenever evidence suggests that a serious repeat offender is involved in a crime.

The traditional operation of law enforcement agencies does not necessarily offer the best way to attack the career criminal. First, the traditional focus on **reported crime** means that most investigative activity is initiated at the request of a citizen, after a crime has occurred. While this may be effective in dealing with low-rate offenders, it can be disastrous when applied to the career criminal. This is because high-rate offenders are arrested for only a small proportion of the crimes they commit. Self-reported studies of heroin addicts, for example, indicate they may be arrested for less than 1% of their criminal acts.<sup>8</sup> Delay in

<sup>7</sup>Peter Greenwood, **Selective Incapacitation**, Santa Monica, CA: Rand Corporation, 1982, pp. 57-61.

<sup>8</sup>Gloria Weissman, "Opiate Addiction and Criminal Behavior: A Brief Discussion of Major Issues and Recent Findings", mimeo, National Institute of Drug Abuse, 1981, pp. 158-162. John Ball et al, "The Criminalistics of Heroin Addicts in the **Drug Crime Connection**", Sage Publications, 1981, pp. 5, 13.

identifying and targeting high-rate offenders for action leaves the law-abiding population at substantial risk.

Second, the **case orientation** of detectives in traditional investigations may not be appropriate for the apprehension of career criminals. The amount of time investigators allocate to a case is affected by the perceived seriousness of the offense, the probability of an arrest, the likelihood of positive prosecutorial review and, sometimes, the expected judicial outcome. Violent crimes, property crimes with a high dollar loss and those with some information that can lead to the identification of a suspect generally receive the greatest attention. Throughout this process it is the case and its quality that receives the attention of the investigator - not characteristics of the suspect, whose identity and criminal history are usually unknown.

While this method of prioritization is appropriate for most cases, it is not adequate when dealing with a suspect who is a serious repeat offender. When the career criminal is involved in a low-level or "victimless" crime (e.g., low-level drug dealing or larceny) the case may often be given the same priority as if an average criminal were involved.

In addition, although an officer may derive satisfaction from apprehending a repeat offender, under this traditional system of operation, most agencies are unlikely to give the officer any more credit than for a case against a first-time offender who has committed a similar crime.<sup>9</sup> This systems of rewards

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<sup>9</sup>Studies of prosecutorial decisionmaking indicate that most prosecutors, like the police, are case-oriented rather than suspect-oriented. With the possible exception of offices with specialized career criminal programs, prosecutorial decisions are influenced by the seriousness of the immediate offense and the evidence available and not by a defendant's prior record. See Barbara Bolan, "Identifying Serious Offenders" in Daniel McGillis et al, **Dealing with Dangerous Offenders**, Volume II Selected Papers, Harvard University, 1983, Section 7, pp. 7-8.

ignores the greater danger of the repeat offender who continues to commit crimes despite his earlier involvement with the criminal justice system.

In the past several years, law enforcement agencies have begun to recognize these deficiencies and develop programs specifically to address the career criminal problem. In our nationwide review, we found three basic types of programs. The first two methods involve increasing the attention given to a case after an arrest has occurred, while the third method seeks to target career criminals before they are arrested for a new offense. Following are brief descriptions of these methods.

**Post-arrest Case Enhancement:** Special processing of a case after a suspect has been arrested and identified as meeting an agency's "career criminal" criteria. The objective is to develop a very solid case and to ensure the successful prosecution of that case in court. These cases typically are assigned to a senior detective with a reduced caseload. This gives the detective time to verify the suspect's record, work with the prosecutor in developing and presenting the case and, if necessary, provide victim/witness assistance. For such a program to be effective, law enforcement and prosecutorial agencies usually have to agree on the criteria for identifying career criminals and on the selection of cases for enhancement.

**Warrant Service:** Special efforts designed to ensure that when an outstanding warrant on a repeat offender exists, the offender is apprehended. Officers in career criminal warrant service programs have a reduced caseload so that they can spend more time "investigating, locating and apprehending career criminals wanted on warrants."

**Pre-arrest Targeting:** The selection of career criminals for special attention before their arrest for a particular crime. Pre-arrest targeting is the most complicated, time consuming, and controversial of the three career criminal strategies. Pre-arrest targeting programs spend a great deal of time and resources cultivating informants,

conducting surveillance and attempting to observe the commission of a crime. Exhibit 1 provides a summary of the major characteristics of the three career criminal program types.

#### **Program Costs**

While it was not possible to conduct a cost-benefit analysis of the three program types in this report, some general comments can be made. Costs per suspect handled are lowest for the post-arrest type program. This is because one is dealing with a crime for which a suspect has been identified, and for which both witnesses and evidence usually exist. For many post-arrest cases, a detailed follow-up is

sufficient to bring about a successful outcome. Warrant service and pre-arrest targeting are more complex in that suspects have to be located, and, with pre-arrest, a case must be developed.

While costs for post-arrest and warrant service cases will be lower than those for pre-arrest targeting, in some instances the additional expenditure for the latter may be justified. Commanders emphasized to us that it is important to engage in pre-arrest targeting in order to bring to an early halt the activities of high-volume criminals who are only infrequently arrested. The benefits of this incapacitation may outweigh the heavier departmental costs of a pre-arrest program.

### **EXHIBIT 1**

#### **LAW ENFORCEMENT CAREER CRIMINAL PROGRAMS/OBJECTIVES AND ACTIVITIES**

##### **Type 1: Post-Arrest Case Enhancement**

**Objective - Successful prosecution, conviction and incarceration**

##### **Activities**

- Assign case to experienced investigator
- Develop suspect screening criteria
- Develop and maintain a repeat offender list
- Verify criminal records
- Conduct extensive case follow-up
- Assist prosecutor in case preparation
- Provide victim/witness assistance

##### **Type 2: Warrant Service**

**Objective - Immediate service of warrants**

##### **Activities**

- Develop suspect screening criteria
- Screen outstanding warrants for career criminals
- Gather background information
- Conduct surveillance
- Locate and apprehend suspect

##### **Type 3: Pre-Arrest Suspect Targeting**

**Objective - Interruption of criminal activities**

##### **Activities**

- Develop suspect screening criteria
- Target repeat offenders
- Recruit and cultivate informants
- Verify criminal activities of target
- Conduct surveillance of targets
- Conduct property/drug buy/sell scams
- Infiltrate criminal networks
- Assist prosecutor in developing case

## Program Effectiveness

Each local jurisdiction will have to decide for itself which kind of program would be the most effective for its particular needs. Evaluations of each of the methods have been done, and these can help guide administrators to make decisions. In this section, we will discuss those evaluations.

**Post-Arrest Enhancement:** Post-arrest case enhancement programs in Baltimore County, Maryland and New York City, both of which are reviewed in this report, have maintained detailed records of their cases. In both jurisdictions the results have been promising. In Baltimore County during 1983 and 1984, two career-criminal detectives handled 162 repeat offenders. The majority were arrested for robbery (58%) and burglary (28%). At the time of their arrests, 70% were under some type of judicial supervision.

The Baltimore program has shown impressive results in regard to pre-trial detention, conviction and incarceration. Eighty-six percent of the targets were detained pending trial. Of those cases that have been disposed of, 75% resulted in a conviction for the original offense, and 10% brought convictions on a lesser offense. The convictions have resulted in lengthy periods of incarceration. Twenty-seven percent received mandatory 25-year or life sentences without parole. Thirty-eight percent received sentences of over ten years, and 32% received terms ranging from one to nine years. Only four percent of those convicted received probation. While no systematic data was available to compare these results to similar cases, interviews with police and prosecutors suggested that the pretrial detention rate, incarceration rate, and the sentence lengths were substantially higher than those normally imposed by the courts.

In New York City, the results also are impressive. Virtually all of the enhanced cases (97%) were arraigned as felonies. In only 6% of the cases did the prosecutor file a lower charge than that filed by the police.

Cases handled by the unit achieved a 67% indictment rate in 1982. This was substantially higher than the city-wide felony indictment rate of 15%. For those cases on which final disposition data was available, the conviction rate was 73% and 58% of those convicted were incarcerated.

The information from Baltimore County and New York may not answer all of the questions we have about postarrest case enhancement programs. Information about program costs as well as more comparative information about case outcomes would illuminate with more certainty the value of the programs. But in spite of these shortcomings it is our impression that in situations where a department has limited resources, focusing extra post-arrest attention on the serious repeat offender can result in high rates of indictment, conviction and incarceration.

**Warrant Service:** Warrant service has sometimes been a neglected aspect of crime control. The failure of the police to diligently serve warrants, especially bench warrants issued by the courts for failure to appear, and warrants issued by parole and probation agencies, seriously short-circuits the sanctioning capacity of the criminal justice system. At a minimum, warrant service failure reinforces the view among criminals that justice is neither swift nor sure. In the worst case it exposes the public to substantial unnecessary risk.

Two recent evaluations provide information about the value of repeat offender-focused warrant service. Bowers and Gay, in a study of a federal/local felony warrant program in California, found that service of a warrant usually led to the immediate incapacitation of the wanted person. Approximately two-thirds of the arrestees were held in jail after the initial bond hearing. Furthermore, 77% of the arrestees were eventually found guilty. Ninety-one percent of the guilty were incarcerated.<sup>10</sup>

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<sup>10</sup>Robert A. Bowers and William G. Gay, **Evaluation of the U.S. Marshals' FIST Program**, University City Science Center, 1985, pp. 44-47.



More evidence of the efficacy of a career criminal warrant service program can be found in the recently-completed Police Foundation study of Washington, D.C.'s Repeat Offender Program. The researcher found that targeting warrant suspects was a particularly effective way to apprehend repeat offenders. A comparison of arrest rates for a group of repeat offenders targeted for apprehension and a non-targeted control group yielded marked differences. Fifty-one percent of the targets were arrested while only 9% of the controls were arrested.<sup>11</sup>

The Washington, D.C. evaluation also found that warrant service was an effective incapacitation strategy. Forty-three percent of all warrant arrest made by the unit led to immediate incarceration. The rate for bench warrants was even greater, at 66%.<sup>12</sup>

The findings from the California warrant study and the Washington career criminal study indicate that warrant service is an effective way to remove repeat offenders from the street.

**Pre-Arrest Targeting:** The Washington evaluation provides the only in-depth evaluation of a pre-arrest program, and indicates that this program type, can also be effective. Pre-arrest targeting is the only way to apprehend active offenders who are committing a high volume of crime and who are not coming to the attention of law enforcement agencies, either because of their stealth or because they have insulated themselves from the point at which the crimes are being committed. Using an experimental design, the Washington evaluator tracked the arrest experience of 116 known offenders. Half were assigned to be targeted by the repeat offender unit, while the remainder were assigned to a control group. During the study period 47% of the 58 experimental groups were arrested, while only

6% of the control group met a similar fate.<sup>13</sup> The data strongly indicate that pre-arrest targeting is a very effective method to apprehend repeat offenders.

The available evidence suggests that pre-arrest targeting can lead to the arrest of active criminals whose likelihood of arrest through normal police practices is limited. Administrators should, however, understand the following problems:

- the development of these cases is time-consuming and expensive;
- the arrests will involve active criminals who may not have records serious enough for them to be considered by prosecutors as career criminals; and
- the offense may not be one serious enough to trigger sentence enhancement laws.

## 5. WHERE PROGRAMS ARE OPERATING

Our research found police departments around the country using career criminal programs in various ways. We found programs in 33 of the 80 police departments we contacted, with 26 in large agencies employing more than 200 sworn officers, and seven in departments with fewer than 200. The smallest department found to have a program employed 94 sworn personnel and was working with several other departments in a regional program. Exhibit 2 shows some characteristics of the programs we surveyed.

Our survey indicated variety in the orientation and intensity of the programs. They ranged from minimal efforts to increase officer awareness of career criminals (4 programs) to labor-intensive pre-arrest targeting strategies (10 programs). In part because of uncertainties about which type of initiative would be most effective, 11 departments engaged in more than one strategy. The most fre-

<sup>11</sup>Susan Martin, **Catching Career Criminals: A Study of the Repeat Offender Project**, Washington, D.C.: Police Foundation, 1985, pp. 5-3.

<sup>12</sup>Ibid., 5-14.

<sup>13</sup>Ibid., 5-3.

## EXHIBIT 2

### SELECTED CHARACTERISTICS OF CAREER CRIMINAL PROGRAMS

Number of  
Departments

#### AGENCY SIZE

More than 1000 officers	8
500 to 999 officers	11
200 to 499 officers	7
Less than 200 officers	7

#### TARGETING STRATEGY

Officer awareness	4
Post-arrest case enhancement	8
Pre-arrest targeting	10
Mixed post/pre-arrest system	11

#### ORGANIZATIONAL LOCATION

Investigations	14
Chief/Commissioner/Director	6
Special operations/organized crime	5
Field operations/patrol	4
Other	4

#### UNIT PERSONNEL LEVELS

None	2
1 to 5 officers	12
6 to 10 officers	10
More than 10 officers	9

#### FACTORS SUPPORTING PROGRAM DEVELOPMENT

Federal Grant (ICAP)*	11
State Grant	11
Prosecutorial Encouragement	6
Internal Priority	6

\*Integrated Criminal Apprehension Program

quent combination involved pre-arrest targeting and warrant service.

The career criminal units were assigned to a variety of commands in the departments, the majority to investigative or special operations bureaus. In some agencies the units were attached directly to the chief executive. In only four departments were the units attached to patrol operations.

Personnel levels were modest. Most of the units tended to operate with a single squad - usually a sergeant and five to nine officers. The supervisory level was generally greater for pre-arrest targeting units because of the need to monitor investigations that often became very complex and sensitive.

The programs grew out of a number of circumstances. A major contributor to

the development of these units was the availability of external funds. Eleven of the 33 departments previously had participated in the federally sponsored Integrated Criminal Apprehension Program (ICAP). ICAP encouraged participants to work with their local prosecutors to develop career criminal initiatives. Their current programs are continuations of the ICAP effort. Nine of the 33 jurisdictions received some state funding. These programs all were located in California, Maryland and New York. While outside funding has been important, nine departments acted on their own; six of these were initially encouraged by local prosecutors.

Eight of the 33 programs surveyed were visited for on-site assessments. Exhibit 3 provides program characteristic information for these. More detailed descriptions of these eight programs are provided below.

EXHIBIT 3						
CHARACTERISTICS OF LAW ENFORCEMENT CAREER CRIMINAL PROGRAMS REVIEWED						
City	Population	Sworn Officers	Career Criminal Officers	CC Staff as % of Sworn	Unit Type	
New York, NY	7,057,000	22,467	144	.6%	Post-arrest case enhancement Warrant service	
San Diego, CA	919,000	1,395	18	1.2%	Pre-arrest targeting	
St. Louis, Co., MO	990,000	580	8	1.3%	Pre-arrest targeting Warrant Service	
Baltimore Co., MD	662,000	1,553	2	--	Post-arrest case enhancement	
Washington, D.C.	631,000	3,861	63	1.6%	Pre-arrest targeting Warrant Service	
Kansas City, MO	451,000	1,141	17	1.5%	Pre-arrest targeting Post-arrest case enhancement	
Albuquerque, NM	345,000	557	9	1.6%	Pre-arrest targeting	
West Covina, CA	82,000	101	5	5.0%	Pre-arrest targeting	



### **Baltimore County, Maryland Post-Arrest Case Enhancement**

The **Baltimore County** post-arrest case enhancement program is part of a state-wide initiative to encourage police, prosecutors and corrections officials to establish coordinated career criminal programs. Local agencies fund their own initiatives, but the state has encouraged them by awarding small planning grants.

The goals of the county program are to quickly identify repeat offenders and to remove them from the community through long-term incarceration. The program was developed to make use of a state career criminal statute that mandates heavy sentences for persons convicted of three or more violent felonies. The statute specifies a number of target crimes, but Baltimore targets only persons apprehended for robbery and residential burglary because of the seriousness of these crimes and because of a desire to control caseload size. The two police officers assigned to the program review all patrol case work, appear at preliminary and bail hearings to present evidence against pretrial release, and work with the prosecutor in preparing evidence. They also provide victim/witness assistance. Cases are assigned to senior attorneys in the prosecutor's office.

### **New York City, New York: Post-Arrest Case Enhancement and Warrant Service**

**New York City's** post-arrest case enhancement and warrant service programs are separate entities operating under the same command. Programs are a product of a larger state effort to provide funds to local police, prosecutors and courts to target career criminals. The state also provides the police department with a list of names of offenders who meet the state career criminal criteria for legislatively mandated sentence enhancements. The list is used to select arrestees for special career criminal processing. In order to control caseload size, selection is generally limited to suspects with the instant offenses of robbery and burglary. Cases are referred to special career criminal prosecutors.

Eighty-three officers are assigned to the case enhancement unit and 41 officers to the career criminal warrant service program. The career criminal warrant service unit pursues repeat offenders wanted on all charges that fall under the state career criminal criteria.

New York City discontinued a pre-arrest targeting program because of the large amount of time and personnel needed to conduct pre-arrest investigative activities.

### **Kansas City, Missouri: Post-Arrest Case Enhancement and Pre-Arrest Targeting**

**Kansas City** operates several programs that apply extra resources to career criminal cases. However, because there is no state career criminal statute, the units target both career criminals and other serious cases. The inability of the police and the prosecutor to develop a mutually agreed-upon career criminal definition has hurt development of an integrated program. The prosecutor favors adherence to the candidates' prior conviction records, while the police favor candidates with long arrest records and others with lesser records whom they know to be active. Partially because of these differences, the prosecutor dropped the career criminal initiative shortly before our site visit.

The special investigations division in the Kansas City police department routinely targets career criminals and white collar criminals, while a property recovery unit works to identify and arrest fences. Approximately 17 officers are assigned to these functions.

### **St. Louis County, Missouri: Warrant Service and Pre-Arrest Targeting**

The **St. Louis County** police department's pre-arrest targeting unit is engaged primarily in intelligence gathering and case development against offenders who not only commit crime but who also coordinate the activities of other criminals. The

unit generally avoids common street criminals and drug addicts.

The unit operates on a 90-day investigative plan. At the beginning of each planning cycle the unit commander meets with other departmental commanders to choose targets. At the end of the 90-day period recommendations are made for closure of the case or for its transfer to other units, which usually make the necessary arrests. The unit works closely with the prosecutor so that its cases are given priority. Of the seven officers in this unit, one is assigned to career criminals with outstanding warrants.

#### **Washington, D.C.: Warrant Service and Pre-Arrest Targeting**

The 63 officers of Washington's career criminal unit split their time equally between pre-arrest investigations and warrant service. The warrant service component has led to about half the unit's arrests while targeted surveillance accounts for slightly over one quarter. The remaining are arrests of non-targeted suspects that happen to be working with targets, or who are observed committing crimes during surveillances.

Relations with the prosecutor are sometimes strained because not all suspects handled have formal records that would qualify them as career criminals, and because the arrests sometimes involve minor property crimes that the prosecutor does not perceive as career criminal offenses.

#### **Albuquerque, New Mexico: Pre-Arrest Targeting**

Albuquerque operates an aggressive pre-arrest career criminal squad that uses a variety of methods. Suspects are initially identified by searching pawn lists for stolen property and gun transactions, by receiving referrals from the department's crime stoppers program or by developing informants. It is not unusual for the unit to infiltrate criminal networks and to make several arrests on each case.

Nine officers are assigned to the unit. The unit enjoys a close working relationship with the local prosecutor, so its cases generally receive preferential treatment. The prosecutor often is involved with cases as they are developing, and reviews apprehension strategies with the career criminal team.

#### **San Diego, California: Pre-Arrest Targeting**

The 18 officers in the San Diego career criminal unit prefer to develop property crime cases and use two types of targeting activities. The first method relies heavily on confidential informants to identify active suspects, while the second is a sting/storefront operation. Each of the officers in the unit is encouraged to identify several informants as a means to developing workable suspects. The unit's commander attributes the majority of the unit's arrests to information obtained from confidential informants.

While the San Diego prosecutor has a special career criminal program, the police department's unit has little contact with that initiative because the prosecutor's screening criteria are more restrictive than those of the police.

#### **West Covina, California: Pre-Arrest Targeting**

West Covina, the smallest agency studied, has 101 sworn personnel, five of whom are assigned to the pre-arrest targeting career criminal unit. The department has tried to enhance productivity throughout the department in order to sustain its career criminal program.

Because of limited confidential funds and a command decision to aggressively identify and arrest persons for being under the influence of drugs, many informants with drug convictions have come to the attention of the unit. Thus, while the team prefers to pursue property crimes, drug offenses dominate the unit's output.

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Although the prosecutor has a special career criminal unit, there is little interaction between it and the police. As in the case of San Diego, the prosecutor restricts case intake to robbery suspects in order to control the workload. This action disqualifies many of the units cases from special prosecutorial attention.

### **Organization of the Report**

The remainder of this report is divided into five chapters. Chapter 2 discusses some of the planning issues one needs to consider in developing a career criminal program. Among the issues discussed are determining program need, defining a target population, legal challenges, police-prosecutor relations, resource allocation and justice system coordination. Chapters 3 through 5 discuss in detail, each of the program types: post-arrest case enhancement, warrant service and pre-arrest targeting. These chapters contain sections on organization and staffing, case selection criteria, operational procedures and summary recommendations. Chapter 6 contains a discussion of the way in which program monitoring can support efforts to develop a strong and viable program.

This **Issues and Practices Report** is meant as an overview and guide to law enforcement career criminal programs. As such, it may not answer all of your specific questions. The chief executives and unit commanders of the career criminal units we reviewed should be able to help you with additional details. Finally, Appendix A contains an annotated bibliography of relevant research and operational literature.



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## CHAPTER 2

### PROGRAM DEVELOPMENT

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Developing a career criminal program is similar to creating any other specialized investigative unit in a police department. Post-arrest case enhancement units operate very much like specialized major crime units, and pre-arrest targeting units work like organized crime, intelligence, narcotics and other undercover operations.

However, there are a number of specialized considerations in planning a career criminal unit. These include: (1) how to define a "career criminal"; (2) which of the three basic approaches the program should take; and (3) how to resolve conflicts with the prosecutor. In addition, police administrators will need to decide on the amount of resources that should be allocated to the program, and what types of linkages should be maintained with other parts of the criminal justice system. Special attention should be given to working with the prosecutor, as this is where tension and problems arise most consistently.

#### 1. DO YOU NEED A PROGRAM?

Before any of these issues can be addressed, the executive should examine whether the community needs such a program, and if so, how to generate support for it. A first step in this process is a review of local criminal justice records to determine whether or not they are sufficient enough to identify the active career criminal. When these records are insufficient, efforts should be made to improve the collection of information. Second, a review of the records of arrestees will enable a jurisdiction to identify the scope of the career criminal problem and the crimes for which career criminals are being arrested. This information can be used to estimate the amount of resources that will be needed if special attention is devoted to the entire population of repeat offenders, or to a subset of that population.

Third, the department should examine how it is currently handling career criminals. In conducting this type of assessment departments generally have found that a small number of repeat offenders account for a substantial portion of the jurisdictions caseload.<sup>1</sup> They also found that cases involving these offenders did not receive more attention than cases involving other arrestees charged with similar crimes.

Finally, the information generated through such a "needs assessment" can be used in several ways. Some of the study departments used this information to answer questions about the appropriate thrust and scope of a career criminal program. Others provided it to the public through the media as well as through crime prevention programs in order to generate public support for career criminal initiatives.

#### 2. DEFINING THE CAREER CRIMINAL

One of the more difficult decisions in developing a program is the selection of criteria for defining a career criminal. As we have said, research indicates that available criminal justice records may not allow an agency to identify accurately all the highest-rate offenders. Even when researchers have access to information not found in criminal justice records, their ability to predict the highest-rate offenders is flawed. The definition decision is

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<sup>1</sup>For example, Baltimore County found that among 355 adults arrested for serious personal and property offenses, 70% had prior adult arrest records and 27% had prior adult incarcerations. Furthermore, within two years 40% were rearrested. Baltimore County, MD, **Repeat Offender Planning Project**, Baltimore County, April 1983.

further complicated by state legislation that may sanction a particular definition of career criminals. The legislated definition may be broader or narrower than the definition local jurisdictions feel is appropriate. The following section discusses these and other factors that make the definition process difficult.

### Role of Legislation

At first glance, the existence of state legislation defining the career criminal appears to be an easy answer to the question of whom to target. Many states have this type of legislation and in most, offenders must meet two criteria: a certain number of previous convictions and a qualifying instant offense, usually any one of a list of serious crimes. Certainly, a review of existing legislation should be a first step in developing a program. The legislation can help focus the attention of the criminal justice system on the career criminal. Several of the programs reviewed did develop their programs around state career criminal legislation. However, such legislation is not always the best or the only way to define repeat offenders.

The effectiveness of career criminal legislation depends on several factors, including the early identification of repeat offenders by law enforcement officials, the willingness of the prosecutor to accept a case, and the willingness of the court to apply longer or enhanced high sentences. In some states, sentencing enhancements are mandatory or automatic; in others, prosecutors must file special motions. There are substantial opportunities for each agency in the criminal justice system, through discretionary powers, to short-circuit the intent of the legislation. Experiences in several states illustrate the pitfalls in implementing state career criminal legislation. They also illustrate the tensions that commonly arise between police and prosecutors in implementing career criminal programs.

- In Maryland, it is the responsibility of the prosecutor to file an addendum for enhanced sentencing of career criminals.

Although the law dates from 1976, it was used infrequently until recently. Prosecutors and judges were opposed to the law because of the extra case preparation work it requires, the mandatory period (25 years) of the enhanced sentence and the fact that those convicted were not eligible for parole. Support from a state task force and police-prosecutor agreement on a program has led to increased use of the law in several urban counties.

- In California, the case enhancement law applies to all felonies. However, the California study jurisdictions focused almost exclusively on violent crimes, primarily robbery, because of heavy caseloads. If a qualifying repeat offender was apprehended for a minor felony, the case would receive neither special attention from a prosecutor nor enhanced sentencing. These latter policies were a concern to police officers because they felt that even when the instant offense was not a robbery, they were still developing cases against repeat offenders who required greater attention and longer incapacitation than non-career criminals.
- Following the passage of the New York State act, which mandated enhanced sentencing of felony recidivists, the state monitored the extent to which judges followed the statute. Initial compliance was limited, but surveillance, training and reminders by state court officials reinforced the judges use of sentencing enhancement. Nevertheless, until the police and the prosecutor were able to agree to limit career criminal case enhancements to persons arrested for robbery



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and burglary, the program languished in New York City.

While sentencing enhancement legislation may have substantial potential for increasing the prison time of repeat offenders, it is not being applied as vigorously or as universally as it could be. Variation exists across states and within states according to whether local prosecutors have their own career criminal programs. And, while police can ensure that appropriate cases are brought to the attention of the prosecutor, the ultimate decision about how these cases will be handled is largely a prosecutorial or court matter. Several of the jurisdictions we visited placed special attention on prosecutorial/judicial liaison and were successful in encouraging these officials to fully implement the state legislation.

#### **Judicial, Prosecutorial and Police Views of the Career Criminal**

Definitional concerns are of primary importance to the judiciary because where state career criminal statutes exist, there is limited judicial discretion in determining a convicted felon's fate.

The prosecutor, like the judge, must adhere to career criminal legislation in developing a program because application of sentence enhancements is constrained by law to defendants meeting special conditions. For the prosecutor, the legislation effectively defines a universe of defendants for whom enhancements may be sought. However, the prosecutor has substantial latitude in determining whether to be even more selective than the legislation in choosing suspects for special enhancements. This is usually done by targeting only selected felonies and/or excluding cases of a minimum evidentiary quality.<sup>2</sup>

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<sup>2</sup>Alternatively, even if a defendant does not meet the minimum statutory requirements for sentence enhancement, the case may still be assigned a high priority. This is a common practice among prosecutors in dealing with very serious violent crimes or crimes that may receive an unusual degree of public attention.

Some prosecutors in the sites we visited have been more willing than others to assign special priority to cases singled out by law enforcement agencies. This willingness usually depends on prosecutorial caseload and available resources. In many jurisdictions, law enforcement officers generate a larger repeat offender caseload than the prosecutor can provide with special attention. The prosecutor then handles part of the caseload by plea bargaining and charge reductions.<sup>3</sup>

In general, prosecutorial attention is determined by the seriousness of the crime. Prosecutorial career criminal programs recognize this fact, but generally add seriousness of the offender as another criterion. Career criminal programs merely allow the prosecutor to do with a select number of defendants and cases what would, in theory, be done for all cases if adequate resources were available. For example, while the state program in California provides additional funds to some prosecutors to enhance cases involving career criminals, the funding is not sufficient to apply maximum effort to all cases involving repeat offenders. Accordingly, in the California study jurisdictions, enhancement was applied primarily to robbery cases.

Law enforcement agencies have the greatest latitude of all in selecting cases and suspects for attention. Because they are the gatekeepers for the rest of the criminal justice system, their activities determine both the size and make-up of the total caseload.

Perhaps because the law enforcement agencies have responsibilities for crime prevention and deterrence, their definition of who should be considered a career criminal often

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<sup>3</sup>Prosecutors use other mechanisms as well. Many have case screening units that review all new cases. Most are organized into units that perform various functions (misdemeanor, grand jury, trial, homicide, rape/sexual assault, economic crimes, etc.).

differs from the prosecutor's and the judiciary's. While the latter usually consider a lengthy conviction record as a requisite, law enforcement agencies with pre-arrest targeting programs are often concerned with suspects who apparently are committing crimes on a daily basis, but who often do not have the requisite number of convictions to qualify them as a career criminals according to state statutes. These cases present a dilemma for law enforcement officers, who may believe that criminal justice resources should be spent primarily on those who are most active, regardless of prior convictions. Such cases create considerable tension between police officials who are trying to control crime and the prosecutors who are trying to devote more resources to cases that will produce longer periods of incarceration.

Police selection methods that increase the prosecutor's workload also can be a source of tension. Post-arrest case enhancement and warrant service programs select their target suspects from among those routinely arrested by other units of the department and, accordingly, they do not have an appreciable impact upon a prosecutor's total case-load. However, they do affect the prosecutor's workload, by requesting that designated cases receive special attention.

Pre-arrest targeting police tactics often increase the caseload of the prosecutor and other agencies because the goals of such efforts are to identify and apprehend repeat offenders in the act of committing a crime. As with post-arrest programs, the prosecutor usually places constraints on the types of cases that will receive special attention, often to the chagrin of the police.

### Juveniles and Young Adults

A final consideration in selecting suspects for special targeting involves the treatment of juveniles and young adults between the ages of 18 and 21. State-mandated lack of access to juvenile records often discourages special police targeting of active youthful offenders, in spite of the

fact that the Rand survey of inmates in California, Michigan and Texas found the "violent predator" to be among the younger members of the criminal population.<sup>4</sup>

In nearly all states, crime records are sealed when a juvenile passes into adulthood. While limiting the use of juvenile records has helped many persons avoid being harmed by youthful mistakes, it has enabled others to commit crimes with relative impunity. The crux of the problem is that active juvenile felony offenders and those who have only recently legally become adults appear as non-offenders when first appearing in adult court. The result of current policy is that sanctions against active and dangerous young offenders (18-23 years old) are often minimized.

Some efforts are being made to deal more effectively with serious repeat juvenile offenders. The Office of Juvenile Justice and Delinquency Prevention has been sponsoring a program in several jurisdictions to deal more effectively with the chronic, serious juvenile offender, especially those with drug dependencies.<sup>5</sup> Among the jurisdictions we studied, Baltimore County is working with the local prosecutor, the court and state juvenile justice authorities to gain better access to the juvenile records of young offenders and to transfer cases involving repeat juvenile offenders to adult court.

### 3. RESOLVING POLICE-PROSECUTOR TENSION

Can the tension between the law enforcement agencies and the prosecutor be resolved? The experience in the study sites yields mixed results. On one hand, some programs are able

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<sup>4</sup>Chaiken and Chaiken, *op cit.*, p. 64.

<sup>5</sup>**Serious Habitual Offender Drug Involved Program: Communication of Programs Issues**: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, October 1984.



to achieve substantial law enforcement/prosecutor agreement over case selection procedures. Agreement is usually easier to attain for post-arrest programs, particularly if the police are willing to ask for enhancement only on suspects having the requisite conviction record.

For example, substantial cooperation exists in the New York and Baltimore County post-arrest case enhancement programs. The prosecutors provide extra effort to police-designated career criminal cases because the police forward only carefully prepared cases, and confine their referrals to robbery and burglary instant offenses, even though the state legislation makes many other crimes eligible for sentencing enhancements.

In contrast, pre-arrest units sometimes find it difficult to reach agreement with the prosecutor. The difficulty revolves around two main issues: the instant offense and the record of the suspect.

The types of arrests most often produced by pre-arrest units often are not regarded by prosecutors as being particularly serious offenses. Furthermore, they may not be for one of the target crimes designated in career criminal legislation. While pre-arrest units do make some arrests for burglary, most arrests are for buying, selling or receiving stolen property; larceny; and sale or possession of drugs. Seldom do the charges involve robbery or other violent felonies.<sup>6</sup> Although many of the persons they identify for investigation are

criminals with extensive arrest records, the pre-arrest units' instant offense charges are seldom for career criminal target crimes.

The second difficulty involves the official conviction record of the suspect. This record is frequently the triggering mechanism for legislatively allowed sentence enhancements which is a major factor in a prosecutor's decision to devote extra resources to a case. Some pre-arrest units attempt to solve this problem by targeting only suspects with extensive prior convictions. Two sites, New York and Washington, D.C., initially used this approach. They found, however, that developing cases only on certified career criminals was a difficult and very time-consuming task that yielded limited results. As a consequence, New York dropped its pre-arrest program and Washington, D.C. altered its program.

Prosecutor case selection procedures based on career criminal legislation produce a dilemma for pre-arrest targeting units. It is not unusual for the units to target criminally active suspects who, although they may have an extensive felony arrest record, may not have enough felony convictions. If an arrest is made, it will likely be of a suspect with too few convictions. But if the unit fails to target the suspect, an active offender may be ignored.

In spite of the above-mentioned problems pre-arrest units in San Diego, Washington, D.C. and West Covina opt to target active suspects with limited official records and have continued their programs in spite of limited prosecutor support or interest. While their cases do not result in special enhancements, the units feel the programs still disrupt the careers of active criminals.

In developing a program it is necessary to weigh the advantages and disadvantages of prosecutorial cooperation against the need to control the criminal activities of persons who do not have extensive conviction records but who, nevertheless, are a threat to community safety.

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<sup>6</sup>The special prosecutors in Albuquerque and St. Louis are willing to handle the entire police career criminal caseload. This probably occurs because prosecutorial resources are adequate, and the cases referred to the prosecutor are of high quality. The police frequently witness these crimes, had physical evidence and sometimes audio and visual recordings. Thus, while these cases somewhat expand the prosecutors' workload, they are frequently easy cases to successfully prosecute.

#### 4. LEGAL ISSUES

By and large the police career criminal programs reviewed do not pose any serious legal problems. Of the 33 programs contacted, only seven reported any legal challenges to their career criminal initiatives. Most of the challenges resulted in dismissals. In the successful challenges, the issues were procedural, and did not concern the validity of targeting repeat offenders for special attention.

In two jurisdictions, suits based on claims of racial prejudice were dismissed. In three other jurisdictions, police officers were barred from bringing special career criminal case jackets into court because they were deemed prejudicial to the defendant. These cases did not result in dismissal of the charges against the career criminal, but rather in orders from the courts forbidding the police and prosecutors from identifying defendants in court as career criminals. In one jurisdiction a challenge to the maintenance of career criminal suspect files was dismissed.

The fact that few legal challenges have been directed at police career criminal programs is not surprising. Courts generally have allowed police wide discretion in targeting individuals for investigation as long as there is a reasonable suspicion that a crime has been or is about to be committed. In the case of post-arrest case enhancement and warrant service programs, this criterion is easily fulfilled. Most pre-arrest targeting cases also involve sufficient evidence to fulfill the suspicion criteria.

The most likely challenge to career criminal programs lies in the area of pre-arrest programs that use a list of targets based on criminal history. But even here the issue is clouded. This study disclosed no successful challenges to career criminal cases based on the use of lists for targeting.

Other case law would seem to permit such activity. Support for this conclusion comes from a series of court decisions that approve the use of police officers' experience to establish ade-

quate cause for investigative actions. In the first of these cases, Terry v. Ohio,<sup>7</sup> the Supreme Court accepted police use of "stop and frisk" under a "founded suspicion test." Under the case, if a law enforcement officer's experience suggests that criminal activity is occurring, this is sufficient justification for briefly stopping a suspect and determining his identity. There must, however, be some credible reason for the inquiry. More recently, the Supreme Court has authorized the use of criminal profiles to help identify drug abusers.<sup>8</sup> In a very real sense these profiles are a quantification of the law enforcement experience based upon suspicion, as approved in Terry.

However, where the individual is targeted solely because of his legal criminal career status, or association with suspected career criminals, the legality of law enforcement activities may be challenged through charges of harassment or invasion of privacy. The degree of obtrusiveness resulting from the targeting of suspects is likely to be a relevant consideration in any such case. The career criminal units we looked at operated very cautiously when opening investigations with limited information, in order to preclude charges of harassment.

#### 5. RESOURCE ALLOCATION

Career criminal programs can involve significant costs. As in most police programs, the primary cost is personnel; career criminal programs are labor-intensive.

The type of program is the primary factor in determining personnel costs. Post-arrest case enhancement programs are less costly than career criminal warrant service and pre-arrest targeting programs because career criminal investigators become

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<sup>7</sup>393 U.S. 1 (1968).

<sup>8</sup>U.S. v. Mendenhall, 466 U.S. 544 (1980).

involved only after a suspect has been arrested. In such a program, the resources devoted to a case vary depending on the amount of time needed to complete the investigation, document the arrestee's prior conviction and incarceration record, and the extent to which the police work with the prosecutor in presenting cases to the court.

Warrant service and pre-arrest targeting involve substantial commitments of time to identify, locate and document the criminal activities of a suspect before an arrest can be made. Because surveillance activities usually require several officers, costs can mount rapidly. Such programs remain costly despite the fact that the pre-arrest units spend little time on a case after the arrest, primarily because of the strength of the evidence they already have collected.

Other costs are generally greater for warrant service and pre-arrest cases. Because of the surveillance tactics used by these programs, there is a need for special vehicles including unmarked cars and vans, equipped with special surveillance equipment. Confidential funds are a common expense among the pre-arrest units. Such units usually have more money to buy information and reward informants than do most other units in the department. However, this money is still limited and has to be used sparingly. If a substantial amount of money is needed to buy evidence, usually drugs, the units often must turn to a federal partner for assistance.

As mentioned, with one exception, the departments studied fund their programs internally because administrators have decided that a career criminal initiative is a worthwhile investment. In most instances, program resources have been created simply by transferring personnel and equipment to the career criminal program from other units in the department leaving the department's bottom line budget unchanged.

It is unclear what impact the transfers of resources have had on the departments' existing operations. Because law enforcement agencies are emergency response providers, there is a certain

amount of uncommitted time built into staffing levels. Because of this, the transfer of small numbers of personnel from several commands may not have a detectable impact on overall service. However, as the commitment of resources becomes greater, one needs to examine how the program affects total operations.

West Covina has been particularly aggressive and innovative in building a program from existing resources without infringing on other police functions. The department has implemented a number of patrol and investigative procedures to make up for the former patrol officers who were transferred to career criminal work. For example, the department:

- conducted a patrol workload study to reallocate patrol personnel more efficiently;
- increased the number of reports taken by communications personnel;
- hired community service officers to handle portions of the patrol workload; and
- implemented an investigations management system with a case review and screening component.

By using these techniques, the department is able to provide routine services efficiently and maintain a high level of commitment to its career criminal program.

It is possible that by developing a profile of the extent and severity of the career criminal problem in a community, law enforcement agencies will be able to persuade the public and elected officials to fund a special initiative. But the experience in the study sites has been that in spite of the merit and appeal of their programs, special funding is not forthcoming. Thus, the methods used in West Covina to "create" resources through efficiency measures may be the only viable approach to program development.

A recent report by the National Institute of Justice, **The Efficient Use of Police Resources**<sup>9</sup> reviews a number of resource allocation and workload control measures police agencies have used to control service costs. The use of some of the procedures listed in Exhibit 4 may allow law enforcement agencies to create a career criminal program without increasing their total budgets.

## 6. JUSTICE SYSTEM COORDINATION

What happens at each point in the criminal justice system has an impact on the outcome of a case. If, for example, law enforcement officers file an incomplete case, the ability of the prosecutor to obtain a conviction is critically affected. Likewise, if the prosecutor does not give a case sufficient priority, the case may be jeopardized. An effective career criminal program demands constant vigilance by authorities in each agency, including the police, the prosecutor, jail and

juvenile authorities and the courts. If only one of these participants fails to diligently pursue the handling of career criminals cases, the work of the other units will be of limited value.

However, the traditional fragmentation among the various agencies militates against a unified effort to process cases. Coupled with this fragmentation is a tremendous amount of discretion in each agency. The police exercise discretion in assigning resources to cases; the prosecutor exercises discretion in preparing charges and in deciding whether to plea bargain or seek a trial. The courts are able to establish bail and decide both the type and amount of punishment. While there is a need for independence in making these decisions, there is also a need for greater cooperation on policy. This is especially true in regard to the treatment afforded the most active

### EXHIBIT 4

#### POLICE EFFICIENCY TECHNIQUES

- Telephone reporting of minor crime incidents.
- Citation in lieu of arrest for minor crimes.
- Consolidate communication/dispatch operation (police/fire/EMS)
- Close of unpromising cases at the conclusion of the patrol investigation.
- Increase committed time rate for patrol.
- Match deployment of personnel to temporal workload patterns.
- Increase the use of one-officer rather than two-officer units.
- Use civilians for tasks that do not require a sworn officer.
- Use police reserves and volunteers for supplemental and backup services.

<sup>9</sup>This publication is available from the National Crime Justice Reference Service, P.O. Box 6000, Rockville, MD 20850 (301) 251-5500.

and violent criminals. In too many instances, cases against violent and repeat offenders do not receive adequate treatment because of the failure of one or another agency to cooperate with others.

Baltimore County is a good example of a jurisdiction that has made a concerted effort to develop a systemwide approach to the career criminal problem. The post-arrest case enhancement program has involved extensive cooperation between the police and the prosecutor on case selection criteria. Furthermore, the police have taken an active role, with the prosecutor's encouragement, in assembling court records, preparing cases and assisting victims and witnesses. As a case moves through the system, jail, probation and state penitentiary officials are notified. The justice agencies in the county also have enlisted the support of elected officials and they regard this support as a key ingredient.

## 7. STATE INITIATIVES

Several states have recognized the need to assist local criminal justice agencies in focusing special attention on the repeat offender. California, Maryland and New York have done this by providing assistance and funding. California and New York have sought to coordinate and stimulate local programs by recommending procedural guidelines and by providing grants to cover some program expenses. Maryland, after providing small planning grants, has sought to stimulate local initiatives by developing a program model and encouraging state agencies including state police, corrections and juvenile authorities, to cooperate with and assist local programs. The state programs have been an important stimulus to local action, as evidenced by the large number of local career criminal initiatives in these states. The state programs are briefly described below.

### New York

New York State, through its Division of Criminal Justice Services, is making the violent recidivist a top priority.

During 1984 approximately \$66 million was distributed by the state to local criminal justice agencies. Of the \$66 million, approximately \$12 million was awarded to police departments, and \$28 million went to local prosecutors. These funds allow participating agencies to handle larger caseloads by providing additional court, prosecutorial, law enforcement and public defender resources. The objectives of the state's involvement are to:

- increase the number of violent felony indictments by decreasing the number of felony cases with misdemeanor pleas;
- increase the proportion of violent convictions on the highest possible charges;
- increase the number of violent felony cases that go to trial;
- speed the adjudication of felony cases;
- increase incarceration rates and sentences for violent recidivists.

While most of the objectives are only tangentially related to the role of the police, all contribute to the resolution of common police complaints, such as lack of prosecutorial attention, which frequently frustrates police career-criminal initiatives.

### California

The California program provides prosecutors and police with financial and technical assistance. The prosecutorial effort, funded at slightly over \$4 million in 1984, preceded the police effort. Prosecutors are encouraged to adopt



vertical prosecution,<sup>10</sup> to assign senior attorneys to career criminal cases, and to reduce caseloads for career criminal prosecutors. They are also encouraged to:

- resist pre-trial release of recidivists;
- seek a guilty plea or trial conviction on all charges;
- reduce the time between arrest and disposition; and
- persuade the court to impose the stiffest sentence allowed.

The police program contains a crime analysis initiative and patrol and investigative operational enhancements as well as a career criminal program. The California law enforcement program was funded at \$2.5 million in 1984. As a result, 28 law enforcement agencies have established special units.

## Maryland

Unlike California and New York, Maryland has not committed any state funds for operational purposes. Instead, five jurisdictions within the state were given planning grants to identify the extent of the local career criminal problem and to design an integrated justice system response centered on the state's career criminal sentence enhancement statute.

Staff from the state's criminal justice coordinating office and from one of the participating police agencies spearheaded the effort. Each of the jurisdictions conducted research to identify their career criminal problems and to develop a response. The research and development effort identified a number of impediments to creating an effective

development effort identified a number of impediments to creating an effective local initiative. Among these were opposition to the severity of the state's career criminal statute, the lack of adequate criminal history records for adults and juveniles, and the failure of the various elements of the criminal justice system to coordinate their activities.

The response of the various participants has varied. Some local jurisdictions have moved forward with programs while others have not, but in general, there seems to be a greater awareness among the participants of the need to develop special procedures to handle the career criminal.

The effect on state agencies has been more noticeable. When the local planning grants were given out, a task force composed of state police, corrections, probation, parole and juvenile authorities developed strategies to help the localities. As a result, statewide efforts are being made to upgrade criminal history data systems and to coordinate correctional policy and parole procedures for the special handling of career criminals. The State Police are implementing a program to assist local jurisdictions in developing career criminal cases and they are taking a more active role in serving warrants on repeat offenders. Progress also has been made in sensitizing the state Juvenile Service Administration to the need to identify serious repeat juvenile offenders, and to make their records more readily available to other justice agencies.

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<sup>10</sup>Vertical prosecution is a strategy in which one prosecutor is assigned to handle a case during all pre-trial hearings and at trial. Normal procedure in most offices involves several prosecutors handling a case, no one of whom is responsible for the entire process.

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## CHAPTER 3

### POST-ARREST CASE ENHANCEMENT

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This chapter discusses the post-arrest case enhancement approach to controlling the career criminal problem. Case enhancement is done after a suspect has been arrested. The program is designed to increase prosecutorial acceptance of cases involving career criminals, limit the down-pleading of felonies to misdemeanors, and increase indictments, guilty verdicts and incarceration rates.

Post-arrest case enhancement is the primary career criminal technique used by the Baltimore County and New York City Police Departments. The programs involve improved police preparation of cases so that the prosecutor will have an easier time proceeding with the original felony charge. In general, the standard to which the units work is "beyond a reasonable doubt," rather than the more traditional police operating criterion of "probable cause." In enhancing career criminal cases the departments routinely:

- provide the prosecutor and the courts with information to support pre-trial incarceration;
- work with correctional agencies to upgrade procedures for holding and monitoring suspects awaiting trial;
- seek the transfer of cases of repeat juvenile offenders arrested for serious felony crimes to adult court;
- upgrade the quality of evidence presented to the prosecutor;
- provide assistance to victims and witnesses;
- provide the court with copies of conviction and incarceration documents certifying that a suspect qualifies as a career criminal.

Exhibit 5 lists the goals, policies and objectives of the repeat offender programs for Baltimore County, Maryland. These statements illustrate the total criminal justice system commitment to the incapacitation of repeat offenders.

#### 1. ORGANIZATION AND STAFFING

Exhibit 6 displays some information about the New York and Baltimore post-arrest units. The units are quite small relative to the size of their departments, representing less than 1% of the total personnel. The Baltimore County career criminal detectives are assigned to the investigation bureau where they work closely with and share office space with regular detectives. In New York City the post-arrest case enhancement program is assigned to the central robbery division of the Detective Bureau. This makes sense since the majority of the career criminals processed by the unit are facing robbery charges. In Baltimore County post-arrest case enhancement is the only career criminal program in the department, while in New York there is also a career criminal warrant service squad. Both departments coordinate their programs closely with the prosecutor.

#### 2. DEVELOPING CASE SELECTION CRITERIA

One of the earliest decisions to be made in a post-arrest program involves the development of targeting criteria. Policy decisions about whom to include on target lists usually are made jointly by the police and the prosecutor.

Baltimore County and New York City have been cautious in implementing their career criminal programs. Recognizing that prosecutors in both jurisdictions are handling heavy

## EXHIBIT 5

### REPEAT OFFENDER PROGRAM GOALS AND OBJECTIVES - BALTIMORE COUNTY, MARYLAND

#### I. GOAL

To quickly identify repeat offenders and to remove them from the community through long-term incarceration.

#### II. POLICY

The Department recognizes the need for removing from the community adults and juveniles who repeatedly commit criminal acts. It is, therefore, the Department's intention to work closely with the State's Attorney's Office and the Juvenile Services Administration to identify and detain repeat offenders.

#### III. OBJECTIVES

1. Identify repeat offenders at the time a warrant is issued, an arrest is made or as early as possible within the criminal justice system.
2. Document and maintain a list of repeat offenders and establish a central location for directing departmental inquiries.
3. Prevent the repeat offender from returning to the street while awaiting trial/adjudicative hearing.
4. Enhance the investigation of all repeat offender cases for presentation to the prosecutor.
5. Work with the State's Attorney's Office and Juvenile Services Administration in the preparation and presentation of cases for timely prosecution.
6. Certify the repeat offender's criminal/juvenile history before the sentence hearing.
7. Seek maximum penalty allowed by law.
8. Establish a liaison with the Division of Parole and Probation and the Juvenile Services Administration to facilitate the exchange of repeat offender information.

## EXHIBIT 6

### ORGANIZATION AND STAFF CHARACTERISTICS OF POST-ARREST CASE ENHANCEMENT PROGRAMS

Department	Number of Personnel	Organization Location	Companion Program	Special Link with Prosecutor
Baltimore County	2	Investigations	None	Yes
New York City	83	Investigations	Warrant Service	Yes



caseloads, the departments' strategy has been to improve the quality of the cases submitted to the prosecutor and to assist him in obtaining maximum sanctions.

Career criminal detectives in Baltimore County and New York indicate that successfully working with the prosecutor depends on fairly strict adherence to state career criminal statutes in selecting cases for enhancement. This may be perceived as restricting law enforcement action to some extent. However, if a prosecutor has limited resources and needs to prioritize cases, the police have little choice but to support this process by adopting similar case enhancement selection procedures. This ensures that targeted career criminal cases will receive extra attention. In both jurisdictions the prosecutor provides additional resources, seeks felony convictions and enhanced sentencing for targeted cases in exchange for police cooperation in controlling the number of cases submitted with requests for special attention.

### Case Selection

Law enforcement agencies often target only a few of the kinds of cases that would be eligible for sentence enhancements under state legislation. The Maryland and New York laws are quite broad in scope, while the number of convictions needed to qualify are not restrictively high. For example, in New York State the basic career criminal criteria are:

- one prior robbery conviction and any other felony arrest; or
- any felony conviction and at least two prior robbery arrests in the past four years.<sup>1</sup>

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<sup>1</sup>New York State legislation provides for separate levels of enhancement for certain instant offenses (one of which is robbery) based on a defendant's prior felony conviction record. The minimum for enhancement is one prior felony conviction.

Using these criteria, the police department maintains a screening list of approximately 22,000 suspects from which to choose cases. During 1982, 4,238 of the felons on the New York City list were arrested for various felonies and misdemeanors.

Maryland legislation provides for a 25-year mandatory sentence for anyone convicted of a felony who has two prior violent felony convictions, and has been incarcerated for one of these offenses. It lists 13 eligible crimes. In light of this legislation, Baltimore County has established a dual selection method. One is based on a departmental criteria and the other on the criteria of the state career criminal statute.<sup>2</sup> For both criteria, the triggering mechanism for subjecting a suspect to enhancement is an arrest for robbery or burglary. The objectives of the dual criteria are to allow the department to give added emphasis to selected cases that meet state career criminal criteria as well as those who, with one more conviction, will qualify as career criminals.

For these latter cases the department is primarily interested in enhancing the case so that it is not pled down to a lesser charge. Hence, the next time the suspect is arrested for a violent felony, the statute and enhanced sentencing can be applied.

The difference between the way cases meeting the different criteria are handled involves the level of effort on the part of the prosecutor rather than that of the police. Cases meeting the state criteria are assigned to a special prosecutor who has a reduced caseload, while cases meeting the departmental criteria receive only routine handling by the prosecutor.

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<sup>2</sup>All segments of the county's criminal justice system have accepted the state criteria for selecting cases for special handling. Furthermore, each part of the county system has implemented special handling procedures for persons accepted into the career criminal program.

Working with a limited caseload before adopting a special procedure for all potential career criminal arrests has been a sound strategy in both jurisdictions. Neither police nor prosecutors have been overwhelmed by the additional work. The success of the robbery program in Baltimore County has led to expansion of the eligibility criteria. The police and the prosecutor decided to increase the number of cases

accepted for enhancement by including burglary arrestees and juveniles with 4 or more prior felony arrests who are arrested for robbery or burglary. The juvenile program is designed to transfer to adult court cases involving juveniles repeatedly arrested for serious violent crimes. The County objectives of the Baltimore Juvenile Repeat Offender program are displayed in Exhibit 7.

#### **EXHIBIT 7**

### **REPEAT JUVENILE OFFENDER PROGRAM OBJECTIVES BALTIMORE COUNTY, MARYLAND**

#### **OBJECTIVES - JUVENILE OFFENDERS**

1. Ensure that the Police Department, the Juvenile Services Administration and the State's Attorney's Office identify and give maximum attention to those juvenile repeat offenders who have become a danger to themselves and the general public.
2. Remove juvenile repeat offenders from the community as soon as possible after they are taken into custody. Detain them in a strictly governed environment until the detention hearing the next court day.
3. Seek juvenile court authorization to continued detention until the time of adjudicatory or waiver hearings.
4. Obtain waivers to adult court on repeat offender juveniles.
5. Ensure that all cases involving juvenile repeat offenders are complete and legally sufficient in order to obtain a conviction, if waived to adult court, or an adjudication by the juvenile court.

The New York police program also has been sensitive to prosecutorial workload capacity and has used case screening to confine work to a manageable caseload. A case is not referred to the prosecutor every time a person on the list is arrested. Detectives screen the case to determine if the case has sufficient merit to be accepted for full case enhancement. Weak cases and those involving minors, crimes with reluctant complainants and prior relationships (e.g., boyfriend/girlfriend) may be passed up for case enhancement.<sup>3</sup>

During 1982, twenty-eight percent, or 1,179 of the 4,238 arrested suspects screened by the New York unit were accepted for augmentation after initial investigation. The remaining 3,059 targets were not augmented for a number of reasons. Exhibit 8 provides a summary of these reasons.

Before developing a career criminal program, it would be wise to assemble a profile of your caseload and to review the state's repeat offender statute to determine the extent and nature of your career criminal problem.

EXHIBIT 8	
REASONS FOR REJECTING CASES FOR AUGMENTATION	
Prostitution and misdemeanor arrests	1,091
Prior victim/suspect relationship or other evidentiary weaknesses	685
Reluctant complainant	145
Investigated by other detective units	466
Minor narcotic cases	332
Arrests on warrants	119
Arrest notification made too late	116
Arrest voided	43
Other	<u>62</u>
<b>TOTAL</b>	<b>3,059</b>

<sup>3</sup>During 1983 the department, recognizing that career criminals commit a variety of crimes, established a pilot program to accord burglary cases involving career criminals special attention. Expansion of the pilot burglary program is under consideration by the department.

Once this number is estimated, a prioritization system can be developed to select cases for special handling. Selection should be based upon both the ability of the police and the prosecutor to give special attention to the cases as well as the targeted criminals' potential threat to the community. New York and Baltimore focused initially on the instant offense of robbery so the criminal justice system would not be overburdened. Their philosophy has been to do an exemplary job on a small number of especially serious cases rather than to do a mediocre job on a large number of cases. Although Baltimore and New York have chosen to use these instant offenses as their triggering mechanism, another department could easily focus attention on high-rate offenders with other arrests.

### **3. OPERATIONAL PROCEDURES**

Intensive case follow-up frequently involves more than merely forwarding the case to the prosecutor with an attached criminal history and a recommendation for special handling. The objective of case enhancement is to provide prosecutors with especially strong cases against arrestees. A number of activities can enhance career criminal cases. Some of these involve traditional investigative techniques while others might be described as advocacy steps on the part of the police that ensure that other parts of the system know the serious nature of the suspect's past criminal history.

The amount and type of enhancement activities will depend on the characteristics of the case and the amount of time that patrol and regular investigators are able to devote to it. In New York, because of limited resources, most felony cases proceed directly from the arresting officer, usually a patrol officer, to the district attorney with only limited paperwork. Hence, career criminal detectives are the primary investigators for the cases they are assigned.

In Baltimore County, on the other hand, patrol officers and regular detectives do most of the investigative work while

the career criminal detectives are involved mainly in case selection, quality control, records assembly and verification, prosecutorial liaison and program monitoring. Most departments will find the Baltimore County approach more applicable to their local situation because in most police departments cases are passed from the patrol force on to the detectives.

### **Suspect Screening Procedures and Records Verification**

The beginning point for all post-arrest enhancement cases is the apprehension of a suspect. Suspects are initially screened at booking for possible referral to the career criminal unit. This screening can be accomplished in two ways either by doing a records check on arrestees when they are booked, as in Baltimore County, or by maintaining a list of career criminals at the booking desk, as in New York.

While reviewing records at booking may involve only a review of local criminal justice history "rap sheets", it is more common for the police to obtain an FBI rap sheet that contains criminal information about the suspect from jurisdictions throughout the country. Because local and FBI rap sheets are incomplete, career criminal officers often attempt to obtain copies of conviction and incarceration records from the jurisdictions in which cases were adjudicated.

The use of career criminal lists is initially very time-consuming because it involves a complete review of all criminal history records maintained in a jurisdiction. A specified number of prior arrests or convictions is used to identify people who may be labeled career criminals even though they may not be currently under investigation. The primary purpose of this approach is to allow investigators to identify quickly career criminals from among all arrestees and to provide the prosecutor with timely information on an arrestee's past criminal activity.

There are other advantages for law enforcement agencies in maintaining a list. The Colorado Springs Police Department found that although officers are familiar with some of the repeat offenders in the community, many repeat offenders are virtually unknown to the patrol force. To remedy this, the department prepares a career criminal book containing photo and suspect information. The book is distributed to patrol personnel, and videotapes of repeat offenders are shown periodically at roll call. This approach familiarizes officers with the repeat offenders, their residences, vehicles and associates. It also can contribute to officer safety; by knowing who the repeat offenders are, officers are able to exercise more caution when they encounter them.

The early identification of career criminals provides detectives with an opportunity to begin the investigation, prepare for the initial court appearance and brief the prosecutor. These steps are essential in order to influence pre-trial release/incarceration decisions. The quick availability of criminal history information before the preliminary arraignment or bond hearing permits the prosecutor to make a strong recommendation that a repeat offender be held in jail until trial, and improves chances that a judge will set high bail or hold the defendant without bail.

### **Interview of the Arresting Officer**

Career criminal officers usually begin their work by interviewing the arresting officer and, if appropriate, the assigned detective. This is usually done as soon after the arrest as possible, in most cases during the booking process. At this point the case is reviewed to determine what must be done to make it strong. If a decision is made to move forward, the needed follow-up work may be conducted by either the career criminal detective or the detective to whom the case was originally assigned.

After interviewing the officers involved in the original arrest, career criminal detectives initiate an investigative follow-up to ensure that the

prosecutor will have sufficient evidence to seek a conviction on the original charge. In the ideal situation, follow-up would include the following activities:

- suspect interviews and written statements,
- victim interviews and written statements,
- witness interviews and written statements,
- crime scene search, witness, canvass,
- photo identification or line-up,
- search warrant preparation,
- arrest warrant preparation.

The detectives also make inquiries to other sources of information concerning the suspect including:

- pawn records,
- intelligence files,
- field interview reports,
- crime stoppers.

While many suspects already will be in custody when the case is assigned to the career criminal unit, there may be some advantages in arresting the suspect at a later time. For example, a later arrest may give the arresting officer time to obtain a warrant to search the home or business of a suspect.

### **Records Verification**

In some jurisdictions it is necessary to provide the court with certified copies of the defendant's prior record of convictions and periods of incarceration. Local and state criminal history transcripts and FBI rap sheets frequently are insufficient since they may not contain a complete listing of a suspect's conviction and incarceration record, or they may be inaccurate. For example, while FBI



rap sheets can be used by the police to support initial screening decisions, they often lack conviction information. In addition, conviction information must be carefully verified even though the criminal history data indicates a conviction. It is not uncommon for a conviction to be for a crime other than the crime for which the original arrest was made. In some jurisdictions law enforcement agencies may be responsible for obtaining certified copies of these records, while in other jurisdictions this is the prosecutor's responsibility. Regardless of where this function is performed, there is no reason why it cannot be done by clerical personnel.

### **Liaison with the Prosecutor**

The development of a strong police-prosecutor bond can be a difficult process.<sup>4</sup> In some of the study sites police officers were frustrated because they felt prosecutors were giving too little attention to their cases. Law enforcement officials in Baltimore County and New York City found that one answer to this problem is to help the prosecutor develop and present the case.

Prosecutorial resistance to special police initiatives originates from several sources. For one thing, prosecutors jealously guard their prerogative to decide which cases are important, and police actions that may infringe on this discretion may be viewed with disfavor. In addition, the extra effort police put into career criminal cases can increase the number of cases forwarded to the prosecutor for special attention. The program also may lead to the submission of more detailed and complex cases that cannot be disposed of easily. The adjudication of a career criminal will frequently involve extra work on the part of the prosecutor to:

- verify the record of the suspect,
- demonstrate the true identity of the suspect,
- file the necessary sentence enhancement briefs, and
- take more cases to trial.

To the prosecutor with a busy office, these activities may appear only as an additional burden, especially in the case of additional trials. This is a real concern because the high stakes involved in career criminal cases increase the likelihood of trial. For example, Maryland anticipates that all of its career criminal cases will go to trial because of the 25-year, no-parole sentence augmentation that accompanies a conviction.

The Baltimore County and New York police departments are taking up some of the prosecutors' additional workload by performing the record verification and identification tasks. In addition, New York State, recognizing the added burden of career criminal prosecution, especially increased trial activity, is providing supplemental funding to state courts and prosecutors' offices.

In supporting the prosecution of a case police departments also are engaging in the following activities:

- **Appearing at the preliminary arraignment or bond hearings** in lower court to present the suspect's criminal history. In addition to a rap sheet, the package includes information about other pending cases and accompanying pre-trial release status of the suspect, parole or probation status, and previous actions of the suspect in surrendering for sentencing and incarceration dates. The objective of presenting this evidence is to ensure that accurate and complete information is available to guide the bail decision. Both New York and Baltimore are having substantial success in keeping career criminal suspects incarcerated while awaiting trial.

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<sup>4</sup>For a discussion of the strain in police-prosecution relations see William F. McDonald, et al., **Police-Prosecutor Relations in the United States: Executive Summary**, Washington, D.C., National Institute of Justice, 1981.



- **Attending the probable cause hearing** to present case information and evidence. The objective of this is to support the continued prosecution of the case.
- **Working with the prosecutor in preparing the case for trial.** The bulk of this work will involve preparing evidence. In addition, Baltimore and New York work to ensure the cooperation and appearance of victims and witnesses in court. Career criminal detectives counsel victims and witnesses regarding their roles and transport them to the various court appearances.

#### **Liaison with Correctional, Probation and Parole Agencies**

The Baltimore County Police Department has made it a policy to notify other agencies in the criminal justice system about career criminal cases being worked by their department. Thus, the county jail is notified whenever a career criminal is jailed. As a result of an agreement between the police and the sheriff, career criminals incarcerated prior to trial are assigned to maximum security areas, wear special uniforms and have their records earmarked to avoid accidental releases. Similar procedures are followed when career criminals are sent to state penitentiaries. Finally, parole and probation officers are notified when their charges are arrested so that steps can be taken to implement probation/parole revocation hearings.

#### **4. SUMMARY RECOMMENDATIONS**

Development of a post-arrest case enhancement program can be an effective way to target resources at career criminals. A successful approach will require two types of initiatives. First, it will require a commitment by law enforcement agencies to prepare thorough cases against those targeted. This undoubtedly will mean a reduced caseload for career criminal investigators so they can certify records, gather evidence and provide victim/witness support. Second, the department will have to work closely with other

parts of the criminal justice system to ensure that extra investments of police resources in selected cases will have an impact as cases move through the adjudication process. Agreement with the prosecutor, as well as correctional, parole, probation and juvenile authorities on case selection and handling are of paramount concern in mounting a successful program.

The amount of resources committed to such an enhancement program will depend on the extent of the problem in the community, the department's ability to allocate resources and the prosecutor's ability to provide extra attention to selected cases. Baltimore County and New York City devoted less than 1% of their personnel to their career criminal initiatives, yet they both achieved a large measure of success in accomplishing their goals. We recommend that departments undertake the following activities to implement post-arrest case enhancement programs:

1. Work with the prosecutor to develop career criminal definitions and screening procedures to identify the range of suspects who will be given special attention.
2. Compile a list of active repeat offenders in the community and make this list available to regular patrol and investigative personnel so they will be observant of career criminals and take added precautions when handling them.
3. Screen all arrestees to see if they qualify as career criminals.
4. Assign career criminal cases to special investigators who can provide extra investigative assistance, verify records of targeted suspects, provide victim/witness assistance and work with the prosecutor in preparing and presenting the case.



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## CHAPTER 4

### WARRANT SERVICE

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The large volume of criminal warrants in many jurisdictions and the increasing backlog of unserved warrants have created a problem for the police and the criminal justice system. The failure of the police to serve original and failure-to-appear warrants exposes the public to unnecessary risks and results in undue delays in the courts. These risks are multiplied when the person named in a warrant is a career criminal and when cases are dismissed because the police fail to exercise due diligence. However, while unserved warrants present a problem, they also present a major untapped resource for focusing law enforcement resources on the serious repeat offender. This chapter describes the efforts of several law enforcement agencies to control career criminals in their communities by aggressively pursuing persons wanted on warrants.<sup>1</sup>

Serving warrants may become a problem in a jurisdiction for a number of reasons. First, law enforcement agencies have difficulty in dealing with the large number of traffic, misdemeanor and felony warrants they receive. The sometimes extraordinary number of minor warrants can be detrimental to the pursuit of the serious repeat offender. Unless a concerted effort is made to prioritize warrants by the seriousness of both the crime and the criminal, the repeat offender may escape apprehension.

A second problem is the diverse origin of warrants. Warrants are issued by the courts at their own behest, as well as at the request of various agencies - the police, probation, parole, corrections and juvenile authorities. While enforcement agencies are quite diligent in serving their own criminal warrants, orders originating from the court or other agencies may not receive as much attention.

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<sup>1</sup>In this report "warrant service" refers to career criminal warrants.

Third, the formation of generalized warrant squads may not solve the problem of arresting the wanted repeat offender because in most warrant squads productivity is measured by the number of warrants served, rather than the seriousness of the warrant case or the record of the suspect. Thus, whether an officer serves a warrant on a minor or a serious offender, the credit often is the same. In addition, unless the warrant squad does a background check on the offender, it may be difficult to distinguish between career criminals and other suspects. Furthermore, because warrants are usually assigned only to the warrant squad, the original arresting or investigating officers may not know that one of their suspects is still wanted. Thus, they are not able to take proprietary interest in the case.

A fourth factor affecting warrant service on repeat offenders is jurisdictional and geographic in nature. The enforcement agencies visited in preparing this report were located in multi-jurisdiction urban areas. Criminals easily move across artificial boundaries, and unless jurisdictions make a concerted effort to track the transient career criminal, an arrest may depend on a chance encounter rather than an organized police effort.

#### 1. ORGANIZATION AND STAFFING

Police departments in New York City, St. Louis County and Washington, D.C. have established procedures to locate and apprehend repeat offenders who are wanted for questioning or who have outstanding warrants on file. Organization and staffing characteristics of these career criminal warrant squads vary among the three departments. Personnel in New York and Washington routinely work the streets to locate suspects and serve

warrants. The St. Louis program is smaller in scope and is more administrative in nature. It functions much like the FBI's most wanted list by giving publicity to the area's "10 most wanted" persons. Each of the career criminal warrant service units reviewed enjoys a reduced caseload so that officers can spend time on cases involving difficult-to-locate career criminals and other dangerous offenders.

Exhibit 9 provides an overview of the organizational and staff characteristics of the career criminal warrant service programs studied. Brief descriptions of the warrant service programs follow.

#### **New York City**

The New York City warrant unit is part of a larger career criminal program that also contains a post-arrest case enhancement component. Although both units are located in the department's robbery division, they have separate facilities and operate autonomously. The warrant squad of 41 officers receives original warrants and warrants that other units of the department have failed to serve. Case selection is

based upon the department's pre-existing list of career criminals and other persons wanted for serious felonies. During 1982, officers assigned to the unit apprehended 269 warrant targets. Many cases involved extensive investigative efforts because of the transient and elusive nature of the suspects.

#### **Washington, D.C.**

The Washington, D.C. unit is part of a pre-arrest career criminal program. The 63 officers assigned to the career criminal unit split their time between pre-arrest targeting and warrant service. Approximately one-half of the unit's time is devoted to career criminal warrant service.

The department has chosen to combine warrant service and pre-arrest targeting into a single unit for several reasons. Among these were the need to clear a large career criminal warrant backlog, the slow pace of pre-arrest targeting investigations, and the need to maintain officer morale by producing more arrests. During 1983, career criminal personnel made 310 warrant arrests.

### **EXHIBIT 9**

#### **ORGANIZATION AND STAFF CHARACTERISTICS OF CAREER CRIMINAL WARRANT UNITS**

<b>Department</b>	<b>Number of Personnel</b>	<b>Organization Location</b>	<b>Companion Program</b>	<b>Special Link With Prosecutor</b>
New York	41	Robbery Division	Post-arrest Case Enhancement	Yes
St. Louis	1	Warrant Squad	Pre-arrest Targeting	Yes
Washington	30	Special Investigations	Pre-arrest Targeting	No

Because the District of Columbia is at the hub of a large metropolitan area bordered by two states (Maryland and Virginia), the unit has fostered cooperation with neighboring police agencies by offering assistance in locating criminals residing in the District, but wanted in other states. The unit's officers frequently accompany or are accompanied by officers from neighboring Virginia or Maryland in serving warrants.

### **St. Louis County**

The St. Louis program is much smaller than those of New York or Washington, D.C. Only one officer, from the department's regular warrant squad, is assigned to career criminal warrants. The initiative is a joint venture of the department and the prosecuting attorney. Targets are selected on the basis of the crime for which the fugitive is wanted, criminal history and the quality of the case.

The unit maintains a "10 most wanted list" that is distributed to the press and criminal justice agencies. When an individual is arrested, another fugitive is added to the list. The career criminal warrant service program has averaged approximately one warrant arrest per month.

## **2. TARGET SELECTION**

The selection of warrant targets is perhaps the most important part of a successful career criminal program because of its usually limited resources. Before selecting a warrant, officers pose a number of questions to ensure that efforts are not wasted on unpromising cases.

### **1. Is the suspect a repeat offender?**

Units generally focus on suspects with extensive records. However, on occasion, known offenders with limited records and persons involved in particularly serious crimes are targeted.

### **2. Is the suspect currently incarcerated?**

Departments occasionally attempt to serve warrants only to find that the suspect is already in custody. To remedy this situation,

units routinely check local, state and federal sources of information about incarcerated persons before proceeding with an investigation.

**3. Will the prosecutor accept the case for special handling?** Prior to making major efforts, warrant service personnel in St. Louis, and to a lesser extent New York, review cases with the prosecutor to make sure cases are strong enough to support a successful prosecution. This review is especially important in cases involving warrants on suspects who have not yet been arrested and, hence, have not been arraigned or indicted.

**4. Will parole or probation revoke the suspect's release status?** A large number of warrants are issued for persons who have violated their probation/parole agreements. In some instances probation/parole officers are merely interested in locating their charge, while in other cases they are interested in beginning revocation procedures. Officers in units usually are more interested in revocation cases.

**5. Will victims and witnesses cooperate in the pending prosecution?** If key witnesses are no longer interested or cannot be located, the utility of assigning special priority to taking a case is lessened.

**6. Is there sufficient evidence to take effective judicial action?** If sufficient evidence is not available or cannot be gathered, the case might be rejected in favor of a case that is likely to have a more positive judicial outcome.

## **3. OPERATIONAL PROCEDURES**

Making warrant apprehensions of career criminals can be a lengthy process, demanding persistence and

patience. Unlike most citizens, the individuals targeted by the warrant units are frequently transients. Many of the targets are constantly on the move, not establishing a permanent residence. They seldom own a home, are more likely to rent or live with relatives and friends, and are likely to move inside this group from time to time.

A second factor that hinders efforts to serve warrants on career criminals is the employment patterns of the targeted individuals. The most active criminals among the group do not have permanent jobs, for crime is their primary occupation.

Third, some fugitives flee the community entirely. While these cases are difficult to investigate, each of the units had some success in tracking and arresting suspects over great distances.

While wanted persons may be difficult to locate, warrant officers maintain that persistent and patient investigation pays off. Most suspects leave a trail of persons or potential witnesses who are willing to provide information to the police. Furthermore, in spite of their lifestyles, many fugitives maintain periodic contact with relatives and close friends.

In developing warrant cases, officers in the jurisdictions visited conduct three types of activities. These activities are collecting background information, locating the suspect, and serving the warrant.

### **Background Information**

There usually is substantial information available on career criminals. Some of this information exists in the form of easily retrievable documents, while other information must be generated through investigation. Officers in each of the visited units routinely sift through criminal justice records and public documents in search of leads. When these leads are exhausted, officers interview persons who may know or have known the suspect.

Exhibit 10 displays sources of information about warrant targets. The sources are divided into three categories - criminal justice system, private/public records and other sources. Generally, as officers move from the top of the list down, the acquisition of information becomes more difficult and time consuming. For example, criminal justice records are readily available, whereas public and private records may require the filing of official requests or the development of contacts within the organizations that can supply information. The acquisition of information through informants or surveillance is very time consuming. However, the accuracy, currency and value of the information generally improves as one moves from official records to other sources, hence justifying the extra effort.

The following information is of importance in compiling a list of and locating individuals who might be in contact with the fugitive:

- names, addresses, and phone numbers of parents, siblings, wives, children, other relatives, employers and associates;
- names, addresses and phone numbers of treatment agencies and counselors;
- current addresses and phone numbers as well as living arrangements of associates, spouse, and boyfriend or girlfriend;
- names, addresses and phone numbers of persons the suspect contacted when arrested;
- names, addresses and phone numbers of those posting bail.

### **Criminal Justice Records**

In searching for fugitives, career criminal warrant service officers frequently begin with the obvious and easy tasks because they sometimes



## EXHIBIT 10

### SOURCES OF SUSPECT RELATED INFORMATION

#### 1. Criminal Justice System Information Sources

Local	State	Federal
Criminal History Adult Juvenile Offense Reports Arrest Reports Pawn Records Field Interviews Intelligence Reports Probation/Parole	Pre-sentence Investigations Jail/Prison Records	El Paso Drug Information Computer (EPIC) Drug Enforcement Administration Federal Bureau of Investigation National Crime Information Center (NCIC) Law Enforcement Investigation Unit (LEIU)

#### 2. Public/Private Information Sources

Private	Public
Motor Vehicle Registration Business License/Permits Postal Inspectors Public Welfare Records Water/Sewer Company	Utility companies (telephone, gas, electric) Business Directories (address) Cross Indexes Banks

#### 3. Other Sources

Informants Criminal Non-criminal	Other Law Enforcement Personnel Surveillance
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yield good results with a minimum of effort. They usually seek more recent records first, and rely on older records only when more recent information is not available. After a local rap sheet is obtained, the records search usually progresses to computerized criminal justice information systems or calls to other criminal justice agencies to determine whether anyone else is in contact with or searching for the fugitive.

Inquiries are routinely made to the following information sources:

- **Local Jail/State Prison Information Lists.** These records are queried to learn if a suspect is currently incarcerated. Given the amount of crime that repeat offenders are

involved in, it is not unusual to find some warrant suspects already incarcerated. Even if the person is not incarcerated, jail and prison records often provide useful information about the suspect's visitors and the numbers to which telephone calls were placed. This latter information frequently provides leads to begin the field search for the fugitive.

- **Court Calendars.** Warrant officers routinely check court calendars to see if a fugitive is scheduled to appear in court on another case. On occasion, officers make successful arrests merely by waiting for the fugitive to show up for a court appearance.

- **Parole/Probation Agencies.** It is not unusual for warrant suspects to be on probation or parole. Hence these agencies are able to provide information about the whereabouts of suspects. In some cases, suspects are picked up at their next scheduled appointment.
- **Police Records.** The value of police records frequently depends on how current they are. Recent pawn transactions involving the suspect, or field interviews, if available, are easy to check and sometimes provide valuable information. On occasion, information about fugitives is obtained from intelligence reports. Local offense and arrest records also are available. Warrant officers indicate that if suspect's crimes were recently committed, the information contained in arrest and other reports can be valuable in developing an address for the suspect and a list of associates.

Career criminal warrant service units may also check with federal agencies for information about fugitives who may have moved on to other jurisdictions. Officers occasionally use the National Criminal Information Center (NCIC) and the Law Enforcement Information Unit (LEIU) on organized crime, and they contact local offices of federal agencies directly. It should be kept in mind that the extent to which federal agencies are willing to share information and conduct joint operations is dependent upon the priorities of the local federal officers and the agency involved.

#### Public Information Sources

Unless someone is a drifter or consciously plans to conceal his identity, he is likely to leave a trail of clues in a variety of public records. Unfortunately, unlike criminal justice information, access to these records is not always readily obtained; the amount of information that is available depends on state laws. Sources that often are helpful in locating fugitives include: motor vehicle and license records, public housing records, welfare records, and information provided by postal inspectors and letter carriers.

Motor vehicle and license information is generally the first source of information checked by warrant officers because it is relatively accessible and may provide residence and vehicle information. Unfortunately, however, much of this information is inaccurate because of the transient lifestyle of fugitives.

Information from public housing authorities, welfare agencies and other social service agencies is deemed important by warrant investigators<sup>2</sup> but is generally not available without a subpoena. For this reason, officers routinely use other more expeditious ways to gather information. Building superintendents are often knowledgeable about their tenants and are willing to give information. Letter carriers may also be helpful since they are generally familiar with the occupants and who receives mail at the homes and apartments they serve. These people may be asked to provide information in confidence, allowing detectives to work without warning suspects that they are being actively pursued.

Finally, postal inspectors are used to support warrant service by initiating confidential "mail drops," in which investigators record the senders and recipients of the mail delivered to a particular address. This information may be helpful if the fugitive leaves the area, but is still in contact with a location through the mail. The most helpful mail drops are usually made at the addresses of relatives. Mail drops are initiated with a letter of request to postal inspectors - a relatively easy and quick procedure.

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<sup>21</sup>For example, the New York State Felony Warrant Squad estimates that substantial number of wanted persons receive public assistance, unemployment benefits, and drug or alcohol treatment. The unit finds it difficult to obtain information from the relevant agencies. See New York State Police, **Violent Felony Enforcement Act: Annual Report, 1982.**

## Private Sources of Information

Telephone, electric, gas, water company and bank records are among many private sources of information. Utility and telephone records contain information about subscribers and provide keys to identifying who resides at a location. While in some cases the subscriber may be the fugitive, often times, the subscriber is a friend or relative who is in contact with a wanted career criminal.

Some success in locating fugitives also may be possible by analyzing long-distance telephone records of the associates (parents, wives, girlfriends and others) of fugitives. Long-distance telephone records, like mail drops, are used when officers suspect the fugitive has left the local area. These records are readily available from the telephone company through a subpoena. It is necessary to request the telephone company not notify the subscriber that this monitoring is taking place. The analysis of telephone records is useful in identifying the movement and location of fugitives outside the area, but is usually time-consuming as officers are essentially waiting for the suspect to communicate with someone.

Bank records also may provide information about the movements and whereabouts of suspects. Canceled checks provide a key to the movement of the fugitive inside and outside the community. Overall, access to private sources of information will vary among jurisdictions. In some instances subpoenas are necessary while in other cases written or verbal requests are sufficient.

## Locating the Suspect and Serving the Warrant

Suspects are occasionally at the address identified during a records search. However, it is more common for the address to be a source for more information about the fugitive. A key issue that comes up at this point is how much information officers divulge about their mission; although officers need to get information from people who know the suspect, persons interviewed may alert the fugitive.

Before going into the field, officers must make decisions about the manner in which various potential informants will be approached. Building managers, postal inspectors and some neighbors, ex-spouses and ex-girlfriends are generally regarded as friendly witnesses, while relatives, associates and some public sector sources of information are regarded as hostile to investigations. The general investigative procedure is to approach friendly witnesses first and, if this does not yield results, then approach the unfriendly sources.

Subterfuge is often used to obtain information from hostile or unfriendly witnesses. Officers either conceal their identity or misrepresent their purpose in order to gather leads. Warrant officers regard these misrepresentations as vital to their success.

Warrant units often work on the principle that people respond to good news. Most of the ruses follow a similar theme. Officers often pose as delivery persons, employment agents, interested females, distributors of prizes, or fences offering to buy stolen property. It does not matter whether or not the suspect is at the address where the ruse is performed. The critical element is that the suspect get the message and that the message be credible.

As an alternative to scams, officers engage in surveillance. Surveillance, because it is labor-intensive and hence costly, is used sparingly. Officers generally have to have solid information that a fugitive is known to frequent a particular location before they begin surveillance. Although costly, occasional surveillance is regarded as a necessity in developing a successful career criminal warrant service operation. Officers recounted a number of instances where apprehensions failed because they attempted to serve the warrant only to learn that the fugitive was not home. Once the attempt failed, the fugitive was warned, thus damaging the investigation.

Interjurisdictional cooperation is frequently essential to a successful warrant program. This is especially true if the fugitive has moved outside the city or outside the state. The units in each of the departments studied maintain liaison with federal enforcement agencies on selected cases. If a fugitive is thought to have re-located to a distant jurisdiction, efforts are made to gain assistance from local authorities where he is thought to be. This assistance ranges from performing investigative work to actually arresting the suspect.

#### 4. SUMMARY RECOMMENDATIONS

Targeting career criminals for warrant apprehension has both a crime prevention and deterrence function. It prevents crime by removing from the street repeat offenders who are responsible for a large volume of crime. It deters crime by reinforcing the idea that the criminal justice system is working and that wrongdoing will result in action.

Successful warrant apprehensions involve other parts of the criminal justice system. While it is incumbent on enforcement agencies to serve warrants, it is the responsibility of the prosecutor, courts, probation and parole officers to take vigorous action when fugitives are apprehended. Hence, law enforcement agencies should work closely with other parts of the system in selecting cases for prioritized warrant service. With these comments in mind law enforcement administrators should undertake the following tasks.

1. Conduct a study of the extent to which warrants against serious repeat offenders are being served, and review the action taken by other parts of the criminal justice system after these warrants are served.
2. Share results of the study with other system participants to explore the ways in which the police might best support them in addressing the career criminal problem.
3. If a law enforcement agency is not able to serve all warrants and must

prioritize the warrants it pursues, develop criteria in conjunction with other agencies to ensure that scarce resources are used on those cases with the largest potential system payoff. Possible selection criteria might include:

- criminal history of the offender,
  - seriousness of the case,
  - evidentiary strength of the case,
  - likelihood that the issuing agency will take vigorous action.
4. Successful warrant service against the career criminal is largely a question of persistence in tracking down leads and establishing an arrest strategy. Career criminal warrant officers should be given reduced warrant caseloads in order to locate and arrest the sometimes hard-to-find career criminal.

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## CHAPTER 5

### PRE-ARREST TARGETING

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The two previous chapters discussed effective but conservative ways to manage career criminal cases. Post-arrest case enhancement and warrant service are designed to bring maximum law enforcement attention to cases that are already in the system. While these methods certainly are useful, enforcement administrators point out a need to target resources on the active career criminal who is not yet under arrest or other court authority. Pre-arrest targeting is frequently used to address this issue.

Pre-arrest targeting is a rational approach to controlling crime given the findings of crime/arrest rate studies and self-reported studies of crime. In general, criminals are apprehended for only a small number of the crimes they commit. Self-reported studies cited in Chapter 1 indicate that some offenders have extremely high crime commission rates, which should make them vulnerable to detection and arrest. The key to exploiting this vulnerability lies in identifying the higher rate offenders and targeting them when they are about to commit a crime.

At least two impediments make successful targeting difficult. First, as studies of repeat offenders have illustrated, there is no foolproof way to identify the higher-rate offender. Second, predicting the time and location of the offender's next crime is difficult. Watching the most active criminal is a time-consuming and elaborate process, using a large amount of police resources, complicated by the fact that many crimes can be committed quickly and concealed from public view without much effort.

#### 1. ORGANIZATION AND STAFFING

Six of the study sites established pre-arrest targeting programs. Exhibit 11 displays some information about these programs.

The pre-arrest units ranged in size from five officers in West Covina to thirty officers in Washington, D.C. While some of the preliminary work on an investigation could be done by an officer operating alone, surveillance and apprehension techniques usually require a minimum of four personnel. On occasion the smaller units were able to call upon patrol for backup support.

The larger initiatives, San Diego and Washington, split their operations into platoons composed of a sergeant and five to seven officers. Each officer usually maintains a target caseload and works independently at the beginning of an investigation. As investigations move forward to the surveillance and arrest stages, officers tend to work cases as a group in order to provide backup to the lead investigator.

The type of personnel assigned to the units varies among the sites. Washington and West Covina use primarily patrol officers while the Albuquerque, Kansas City, San Diego and St. Louis County programs are staffed by investigators. Of more importance than the rank of the officer is his or her ability to work undercover and blend with the communities in which the career criminal operates. Consequently, commanders seek officers with diverse racial and ethnic backgrounds. Female officers are regarded as valuable assets, as are younger officers, who are close in age to the targeted population.

The location of the units varies. The Kansas City, San Diego and Washington units are assigned to special operations commands. The St. Louis unit reports directly to the chief of police, while Albuquerque and West Covina are



# EXHIBIT 11

## ORGANIZATION AND STAFF CHARACTERISTICS OF PRE-ARREST TARGETING UNITS

Department	Number of Personnel	Organization Location	Companion Program	Special Link with Prosecutor
Albuquerque	9	Investigations	None	Yes
Kansas City	17	Special Investigations	None	No
San Diego	18	Special Investigations	None	No
St. Louis County	7	Chief's Office	Warrant Service	Yes
Washington, D.C.	33	Special Investigations	Warrant Service	No
West Covina	5	Investigations	None	No

a part of the regular investigations command. Regardless of their location the units are regarded as high-prestige operations and there is substantial competition among officers for these assignments.

Unit commanders often are more concerned about the physical location and security of their offices. Since officers work undercover, they do not want to be exposed to criminals being processed by the department; also the units routinely work with informants and, on occasion, the informants are interviewed in the offices of the units. Care is taken to conceal the identity of informants from departmental personnel and from criminals being processed by the departments. While it would be ideal for the units to operate from nonpolice facilities, this is not possible in any of the departments. However, efforts are made in several of the sites to give the units office space isolated from other departmental operations.

## 2. TARGET SELECTION

The departments studied use a variety of methods to choose targets and to initiate their investigations. By and large, successful investigations are based upon very specific information about criminals and their crimes.

Several of the departments initially developed lists of career criminals, based upon state career criminal statutes, to choose suspects for targeting. The most active and dangerous suspects were selected by the extent and severity of their criminal record.

The experience of the units using the career criminal lists as a targeting device was largely negative. They found that large amounts of time are used in locating suspects and determining whether or not they are criminally active. While some



investigations resulted in a payoff, others turned out to be dead-ends. Investigations failed because the suspects could not be located, were not currently involved in criminal activity or, if they were, it was not possible to infiltrate these activities.

Pre-arrest targeting units are generally under intense pressure to produce arrests. Largely as a result of this pressure and the difficulties of finding active targets by using the career criminal lists, this approach was abandoned.

In selecting targets, unit commanders are concerned with indications that criminals are currently active and are less concerned about the type of crime they are involved in or the length of their records. In other words, immediacy and the opportunity for a good arrest are the most important factors in day-to-day targeting.

Two different targeting and investigative strategies are used by the units we reviewed. In the **intelligence-initiated programs**, targets are chosen on the basis of intelligence information and recommendations of the command staff of the department. Units in the other departments use **informant-initiated strategies** to select targets for investigation. Whichever method is used to do the initial targeting, informants generally play a key role in the investigation.<sup>1</sup>

### **Intelligence Initiated Targeting**

The St. Louis pre-arrest targeting program relies heavily on recommendations from the command staff in choosing targets. This method allows the department to clearly define and control the goals and objectives of the repeat offender effort. In addition, it avoids the frequent criticism of special units that

they are isolated from the mainstream of the department.

In St. Louis, the command staff, including the chief, meets periodically with the career criminal unit to choose targets and review investigative progress. Primary effort is directed towards gathering information about offenders who not only engage in crime but also coordinate the efforts of other criminals. The St. Louis unit generally avoids the common street criminal and drug addict. While organized crime is not a frequent focus of the unit, from time to time organized crime and its principals are investigative targets.

The unit works on a 90-day cycle; new targets are proposed by the command staff and reviewed by the intelligence unit at the beginning of each cycle. From five to seven targets are usually approved for investigation. In addition, the unit prepares one or two special reports (for example, on recent penitentiary releases, or shoplifting) and also usually targets a location where criminal activity is believed to be occurring on a regular basis. At the beginning of each planning cycle a **Prioritized Intelligence Plan (PIP)** is developed to guide investigations. The plan identifies targeted suspects and the activities to be investigated.

At the end of 90 days, written case reports containing operational recommendations are presented to the target committee. The committee either recommends closure of the case or refers the case to operational personnel to complete the investigation. At this point, the intelligence unit's responsibility becomes largely consultative and advisory in nature. Coordination with the prosecutor occurs during the early portion of an investigation. Occasionally, the unit is permitted to carry an assignment beyond the 90-day limit.

### **Informant-Initiated Targeting**

Informant-initiated targeting is used in Albuquerque, San Diego, the District of Columbia and West Covina. Officers in these units play the

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<sup>1</sup>For a description of targeting methods applied to narcotic cases see Jay R. Williams, et al: **Police Narcotics Control: Patterns and Strategies**, Washington, D.C.: National Institute of Law Enforcement and Criminal Justice, 1979, p. 100.

dominant role in selecting targets. Unit commanders periodically review their investigations with superiors and keep them informed of significant activities. These reviews are largely verbal since the units tend to operate with a minimum of paperwork.

While the goal of the informant-initiated strategies is to apprehend active career criminals, officers sometimes end up working on other kinds of cases, for a variety of reasons. First, the number of potential targets available to the units is controlled by the amount of informant information available, and sometimes this information is scarce. In effect, officers in the units take what they can get. Second, units are not always able to focus exclusively on documented career criminals because of the law enforcement obligation to follow up on information about all crimes. If non-career criminal suspects are known to be active, the units are likely to target them.

The third reason is that targeted career criminals often work in groups with non-career criminals. Thus, arrests on a target case frequently involve both career and non-career criminals. Also, from time to time when the units conduct surveillances they observe other crimes being committed. Arrests for these crimes involve both career and non-career criminals.

### Targeting Criteria

The targeting criteria used in the Albuquerque program and displayed in Exhibit 12, is typical of the criteria used by all of the pre-arrest targeting units. The guidelines approximate the factors found by the Rand research and other studies to be associated with repeat offending - criminal history, drug abuse and unemployment.

## EXHIBIT 12

### CAREER CRIMINAL TARGETING CRITERIA Albuquerque, New Mexico

1. Is the subject active in the **burglary** and sale of **stolen property** at this time? If so, **how many offenses** is the individual committing each week?
2. What is the subject's **criminal history**? Does the individual have a trial pending, or is he on parole, probation, or under other investigation?
3. Is the subject a **danger to the community**? Are the crimes of this individual of a violent nature?
4. Is the subject a **narcotics addict**? How significant is his habit?
5. Does the individual **function within a group** that will lead to the arrest of other individuals of the same persuasion?
6. Is criminal activity the sole **means of support** for this subject?

## Drugs and Crime

Many of the career criminal targets in pre-arrest programs are narcotics users. However, all of the units expressed a preference for arresting suspects for violent or property crimes rather than drug offenses. Several factors accounted for this orientation. First, solid cases involving property offenses usually attract greater prosecutorial interest. Second, unless a drug case involves a substantial bust, conviction for a serious property or violent crime usually results in more stringent sanctions. This is especially true for suspects who meet minimum career criminal sentence enhancement criteria. Narcotics offenses seldom are listed among the crimes for which a suspect can be given an enhanced sentence, whereas property felonies are usually enhancement crimes. Third, the amount of "buy" money needed to purchase narcotics is usually quite substantial. Each of the sites had only limited confidential funds and were careful when spending this money.

## Information Sources

Four basic sources of information are used to target offenders and gather investigative information. They are: informants, crime stoppers, fellow officers, and pawn records.

**Informants** are an indispensable part of pre-arrest targeting program investigations; in fact, the case or suspect load is governed primarily by the number of informants a unit is working. Officers in each of the units surveyed pride themselves on having a few good informants, and on the ability to turn up informants if an investigation demands additional information. Most of the investigators interviewed tend to use only one or two informants at a time.

Most of the informants are criminals. The two most common types of criminal informants are those working for pay and those who expect some type of favor in return for their information, either from the police or some other agency of the criminal justice system. On occasion, non-criminal informants come forward as "good citizens" to provide

critical information upon which a case can be developed.

Albuquerque has a **Crime Stoppers Program** that supports the career criminal unit. Crime Stoppers, through the use of monetary rewards and anonymity seeks to induce citizens to provide information they have about criminal activity. The programs usually maintain a crime "hot line" and broadcast information about serious unsolved crimes for which leads are sought. Callers range from concerned citizens to ex-associates of offenders.

In Albuquerque, the career criminal unit acts as the investigative arm for Crime Stopper tips. Some of the tips are quite general in nature, while others are very specific. For example, one caller identified the suspect, the location and time of a planned residential burglary. The career criminal unit was able to set up a surveillance that led to the observation and photographic recording of the burglary. Officers in the unit regard Crime Stoppers as a valuable targeting and investigative tool.

**Fellow law enforcement officers**, either through street observation, contact with informants or in the handling of criminals, frequently learn about criminal activities. Patrol officers and detectives, however, because of service calls or pending investigations, often lack sufficient time to follow-up on these leads. The career criminal unit in each of the departments is able to provide such follow-up.

In St. Louis County, this process is formalized through the command-level target committee. In other departments the process of gathering good leads from other departmental personnel is less formal but equally effective. The Washington, D.C. career criminal unit regards other police units as an invaluable information resource in choosing targets and gathering basic information. The commander of the unit has made it a point to formally recognize the contributions that nonunit officers make to their career criminal unit investigations.

**Pawn records** are a valuable resource. Albuquerque, Kansas City, San Diego and Washington, D.C. have pawn shop details that are responsible for monitoring the property transactions of pawn and gold and silver shops in the community. These shops are required to submit records of property transactions to the police department. Transaction information usually contains the name and address of the person pawning property, a description of the property, and, if available, a property serial number. By comparing information about the pawned property to stolen property reports, police identify active suspects. Persons pawning excessive amounts of property also are identified.

Albuquerque has been successful in using pawn records to identify criminals. Their strategy is to focus attention on pawned firearms and persons who are making multiple property transactions. Opening investigations of persons who make multiple pawn transactions has resulted in payoffs in each of the sites. This is a relatively easy identification task in Albuquerque, San Diego and Washington, D.C., all of which have automated pawn record systems. The main pawn files can be searched for individual names or property items.

### **Intelligence Files**

Pre-arrest targeting units generate a substantial amount of information. Some of this information is mentally retained by the officers, while other information is committed to writing and official reports. The maintenance of intelligence files can sometimes cause problems for enforcement agencies. Care is taken to purge files of information that is not germane to an active investigation. Because many of the investigations are of a short-term nature, extensive intelligence files are not maintained by the pre-arrest units.

With the exception of Kansas City and St. Louis, which prepare detailed written reports, the other units confine their documentation to the elements of a crime and the basic information needed to establish probable cause or make an arrest. Because

officers frequently observe criminal activities or participate with the targeted suspects in a criminal activity, the need for traditional records is limited; it is more common for the units to submit photographic and audio evidence. Investigators do, however, generally maintain logs of their daily activities which also contain notes about the targeted suspects.

In St. Louis County, fairly elaborate notes are prepared by individual officers. Summaries of these notes are entered into case files. St. Louis County keeps more detailed records than units in other jurisdictions because the unit frequently deals with criminal conspiracies involving groups of suspects, white collar crimes, labor unions and places where illegal activities occur.

### **3. INFORMANT DEVELOPMENT AND MANAGEMENT**

Because informants are the single most important ingredient of a successful pre-arrest targeting program, their development and control is vital. Informants are developed in a variety of ways. The vast majority are working for money or for some type of consideration on pending cases. On occasion, a concerned citizen steps forward to freely offer assistance or valuable information. By and large, however, most informants are themselves involved in crime.

The criminal informant presents a dilemma for pre-arrest career criminal programs. The most pertinent question is; at what point does an agency decide that an informant, because of his criminal activities, is too dangerous to handle? None of the departments have guidelines for controlling how unsavory informants might be before they decide not to work with them. Officers in pre-arrest units expressed a willingness to deal with active known offenders if the deals might lead to the apprehension of others for a serious crime or to the arrest of another habitual offender on a serious felony charge.

In striking deals with criminals, pre-arrest units have to weigh the value of the information provided against the record of the informant, the offense for which he has been arrested and strength of the case. As a remedy to the potential that informants may be engaging in crime, the units may make informants themselves investigative targets. In several instances, informants have become the subject of investigation and eventual arrest by the units.

### **Informant Control Systems**

Informant control procedures varied among the units visited, ranging from rather elaborate systems of documentation and signed agreements to less formal methods of management and control. The amount of documentation is related to the number of times and ways in which informants have abused the department/informant relationship in the past. Bad informant experiences lead to the development of more elaborate informant control procedures. In the section that follows, we discuss various informant control documents and procedures that can facilitate the development of a comprehensive informant control policy.

**Written Policy and Procedures** - While there are few guidelines governing the acceptance of informants, there is considerable policy regarding the management of informants after they are recruited. Exhibit 13 displays the basic informant policy of the San Diego Police Department. The policy lays out the rationale for using informants and the procedures governing their use. The policy and procedures recognize the criminal proclivity of some informants. These procedures generally are followed in the other departments reviewed, although the rules may not be in writing. In order to protect the department and its officers, it is strongly recommended that written policy and procedures be developed to guide the use of informants.

In addition to developing a general informant policy, several of the pre-arrest programs have developed other documents to guide and control

informant use. The most commonly-used procedure is the negotiation of an agreement with the informant which:

1. outlines working rules,
2. specifies what the informant will do, and
3. specifies what the department or court will do for the informant.

Exhibit 14 lists the various **working rules** developed by the departments to control their informants and to limit the liability of the department should an informant act illegally. The list was compiled from a number of departments. While some of the clauses are appropriate for all departments (e.g., illegal activities, entrapment, impersonating a police officer) others are peculiar to local situations and may be more discretionary in nature (e.g., tax liability). Unit commanders emphasize that it is not sufficient that the informant merely sign the agreement. Officers in the departments must explain the rules so informants will have a clear understanding of the code of conduct and their duties and responsibilities. To be on the safe side, these rules are reviewed periodically with the informant.

**Signed Work Agreements** - Exhibit 15 contains a typical informant work agreement. Formal agreements like these are more likely to be executed when the informant has a case pending before the prosecutor and the agreement is part of a plea bargaining process. An agreement usually is executed between the informant and the prosecutor, rather than the police, because it is the prosecutor who has the authority to engage in plea bargaining.

The execution of a written agreement, forces both the officers involved and the informant to confront the full impact of their actions. At the very outset it specifies what the department will do if the informant performs specific duties. Furthermore, it provides superior officers in the



## EXHIBIT 13

### INFORMANT POLICY - SAN DIEGO, CA

#### I. POLICY

The use of informants is acknowledged as an important, legal and effective method of combating crime. The San Diego County Grand Jury in 1974 said, "An important source of information for all law enforcement agencies is informants with access to varying groups or elements of society engaged in criminal activity. Although police receive great help from the average citizen who volunteers information, the true informant, **because of his associations**, is able to furnish more detail, frequently on a continuing basis, both of crimes in the **planning stage** and of **illegal acts that have been committed**."

All **officers are encouraged to develop sources of information** and should take full advantage of their potential.

All **officers may recruit informants**; however, field officers are necessarily restricted in their ability to handle informants because of their limited areas and demands of their time. An officer in the field who develops an informant and finds he cannot properly use the individual to his fullest potential is encouraged to **refer** him to an investigator.

#### II. PROCEDURES

- A. **Coercion shall never** be used in recruiting informants. The potential informant must express a desire or willingness to work with the officer.
- B. Neither implied, nor **direct promises of freedom** from arrest and/or prosecution, reduction of charges or modification of sentence shall be made to an informant.
- C. **Evidence against informants shall never be destroyed** or disposed of as an inducement to encourage recruitment or continued flow of information.
- D. **Active or potential informants charged with a felony offense shall be prosecuted.** Clemency may be sought at the time of sentencing with permission of the responsible investigations section commander and the concurrence of the district attorney and the courts.
- E. **Misdemeanor charges against an active or potential informant shall not be dropped nor modified, as a reward,** without the approval of the responsible investigations section commander, the city attorney and the courts.
- F. **Informants assigned to infiltration of organizations or groups should be admonished not to engage, or become involved in any illegal activity.** Additionally, they should be instructed not to initiate, lead or provoke illegal activities.



## EXHIBIT 14

### POSSIBLE CONFIDENTIAL INFORMANT (CI) AGREEMENT CLAUSES

#### FALSE REPRESENTATION

An informant may not be an employee or representative of the police department.

An informant has no police power, and no special privileges will be conferred because of the informant's association with the department.

An informant has no authority to carry a weapon while performing as a criminal informant.

An informant must pledge:

- to use neither the department's phone number nor address for personal use,

- not to carry documents or equipment that connote a police function.,
- not to divulge his status as a criminal informant to anyone unless required by the court.

#### ILLEGAL ACTIVITIES

An informant must agree:

- not to break any laws or commit any crimes while working for the police department,

- not to participate in any investigative activities unless directed by the controlling officer,

- not to handle any stolen property or drugs unless authorized to do so by the controlling officer,

- not to use sex or sexual activity to persuade anyone to provide information or commit any crime.

#### OPERATIONAL PROCEDURES

Officers must explain entrapment and informant must pledge not to engage in any activity that would constitute entrapment.

An informant must agree:

- to maintain contact with control officer until all cases are disposed of in court,

- to carry recording devices if requested to do so,

- not to release buy funds prior to receiving property or drugs,

- not to purchase property or drugs from anyone that cannot be identified,

- not to purchase property or drugs from the same person twice without advanced authorization,

- not to attempt to make any arrests.

#### TERMS OF THE AGREEMENT

Violation of provisions of the contract will be grounds for immediate termination of any and all agreements.

The informant must state that he entered agreement freely and voluntarily without distress.

The informant must be advised of his rights to remain silent and to have an attorney present.

The informant must pledge that statements and representations made to officers will be truthful.

Officers must take appropriate steps to protect the criminal informant.

The agreement will be null and void if the criminal informant takes any actions to obstruct, delay or hinder the investigation.

Informants must be made aware that testimony may be required in court.

#### FINANCIAL ARRANGEMENT

Informant must agree:

- to pay all local, state and federal taxes on income received from the department,

- that he is not entitled to workman's or unemployment compensation because of police association,

- not to hold the department liable for any injury or damage sustained as a result of the investigation.

## EXHIBIT 15

### SAMPLE INFORMANT WORK AGREEMENT

1. Informant agrees that he will plead guilty to a felony burglary violation of the State Code.
2. Informant will set up and participate in the purchase of stolen property from a known source identified to the district attorney.
3. It is understood that if the transaction for stolen property including the arrest of the individuals does not take place, the whole of this agreement is null and void and neither party shall have any obligation to the other under this agreement.
4. It is understood that if the transaction described above does not take place for reasons beyond the informant's control, this agreement shall remain in full force and effect.
5. The district attorney agrees that the informant shall not receive a state prison commitment or be incarcerated in jail but shall be placed on probation as a result of his plea for a term not to exceed three (3) years. Should informant thereafter violate any term of probation, however, he may be sentenced by the court to the full punishment prescribed by law. It is also agreed that Informant may receive courtesy probation supervision out of the State of California.
7. The district attorney agrees that any statements made by Informant to district attorney or investigating officers or made in connection with testimony pursuant to this agreement, shall not be used against him as he shall be accorded use immunity as to any such statements.

department with a clear picture of what their officers are doing in working informants.

Informant records are treated with substantial confidentiality. Access is usually restricted to career criminal officers. All informant information is kept in locked files, and officers are careful in handling these records when they are being used. Officers are reluctant to reveal the identity of their informants to anyone outside the unit including other command staff of the department. On the other hand, there is a need for the unit's commander to routinely review the officer-informant relationship.

The general consensus among the study departments is that someone on the command staff should have the responsi-

bility for monitoring the use of informants. This is indispensable, given the tendency for criminal informants working for pay or consideration to abuse the system. Unless someone is responsible for reviewing and monitoring informant use department-wide, officers in one unit might be unaware of an informant's dealings and perhaps abuses of his agreements with other units. San Diego has formalized its informant review process so that problem informants can be identified.

#### Informant Management

In addition to the signed work agreements, each of the departments developed protocols to manage the day-to-day activities of their informants. Some of the more significant

management issues addressed by each of the pre-arrest units are: who controls the informant, performance standards, compensation, information verification, and maintaining informant confidentiality. These issues are discussed below.

Who informants "belong to" and who controls them are major issues in informant control. Informants can belong to individual officers, a group of officers, or the entire career criminal unit. In the extreme example of an **officer-controlled system**, substantial authority is given to individual officers to recruit and use informants. The officer will work the informant by himself and there may be neither informant files nor detailed records of confidential fund expenditures. Such systems have the potential for abuse since there is little peer or command knowledge of the officer-informant relationship. In **unit-controlled systems**, although informants are developed and worked by one officer, there is substantial sharing of information as officers work together on cases.

The tendency in the career criminal units we reviewed is to allow the officer substantial day-to-day responsibility for recruiting and managing informants as long as the unit's supervisor is kept informed of these activities. While officers initially work informants alone, as an investigation moves beyond the suspect identification stage, there is a need to share information and work assignments.

**Information Verification** - Officers in each of the pre-arrest targeting units emphasize that all informant information has to be verified. This verification usually occurs on two levels. The first assessment involves the general **reliability** of the informant. A primary factor is past experience with the informant. Those departments with a central informant file routinely check the file for the informant's past performance and as the investigation progresses, update the file. Officers also sometimes test their informants by giving them assignments that can be easily monitored. If the informant performs properly, it is viewed as an indication that he can be trusted.

The second part of the verification process involves **confirming the validity of the information** being provided. Officers stress the need to proceed slowly with informant information so this can be done. Content validation is accomplished by several methods, including records review, surveillance and information from other informants or officers. If the information can be confirmed by one or more independent sources, the investigation usually proceeds.

Pre-arrest units usually establish informal guidelines to govern pay and other considerations for informants. Departments generally establish a fee system that accords greater amounts of money for more dangerous or more productive informant activities.

The units developed procedures to control and monitor the flow of money to informants. Officers in most units are required to maintain a log of all expenditures. The logs typically list the name of the recipient, the date, time and place of the transaction. The report also describes the purpose of the expenditure. In most of the agencies informants are required to sign a receipt.

While officers can generally dispense small amounts of money (\$10 to \$25) without prior approval, larger amounts require prior supervisory authorization. For example, lieutenants may be able to approve expenditures up to \$200, captains anything between \$200 and \$500. Since most of the units have limited confidential funds, the monies are spent parsimoniously. If a large amount of money is needed to conduct a drug or large property transaction, it is not uncommon for the units to seek a federal partner in the investigation.

The units are quite imaginative in developing both informal and formal agreements with informants for other types of compensation. If a case against an informant is weak or it is a type which the prosecutor routinely **nolle prosses**, the officer may make an informant arrangement with the arrestee that he will speak to the prosecutor about pending misdemeanor

arrests or traffic tickets or that he simply will indicate that the suspect is cooperating with an investigation. While the officers are not able to guarantee any special treatment, they leave the impression that their inquiries can be helpful. If the case is of a more serious nature and sufficient evidence is available to insure an indictment, the bargaining is conducted with the prosecutor. In general, the officers attempt to minimize what they would give up to the suspect.

Payment or assistance on a case usually is made only after the informant has performed his assignments completely and properly. Officers view this as a primary technique to keep the informant in line. Generally, if the informant does not perform as specified, agreements are nullified.

#### **4. OPERATIONAL PROCEDURES**

Procedures used in pre-arrest targeting programs differ little from routine investigative practices. The units tend to draw upon well established procedures used by narcotic and organized crime investigative units.

Pre-arrest programs are not tied to any particular suspect or crime at the initiation of an investigation; the investigators choose their own targets. These choices, however, depend heavily on information provided by others, primarily citizen informants and other officers in the department.

Surveillance is a valuable tool in pre-arrest targeting. It is used in the beginning of many investigations to learn more about the habits, movement and associates of targets. Surveillance also is used toward the end of an investigation to observe the commission of a crime and to verify the location of a suspect before an arrest. While informants frequently lead the investigators to the criminals and crime scenes, surveillance provides officers with first-hand knowledge of a crime and the evidence needed to make an arrest.

Because proactive investigators initially lack evidence of a particular crime,

they must spend considerable time - and often money - defining a suspect's criminal activity and developing a chain of evidence. Confidential funds are critical to the pre-arrest investigations. The use of money to purchase information not only speeds case development, but also provides key information that can be obtained in no other way. Because of the time and money costs, pre-arrest units handle smaller case-loads than either case enhancement units or warrant service units.

#### **Surveillance**

Surveillance is a standard technique used by each of the units. Surveillance is used in two ways. First, it is used to gather background information about suspects as part of an ongoing investigation. Second, it is an integral part of the apprehension process when it is used to observe the commission of a crime.

Whether it involves physical observation or electronic monitoring surveillance, is a time-consuming, labor-intensive operation. Because of the uncertainty of when criminal activity is likely to occur, surveillance teams must be capable of moving with the suspect and must be prepared to work long hours. A good moving surveillance demands, at a minimum, at least three police units in order to cover various positions and to remain undetected. Because the movements of suspects is frequently unpredictable, the units must be prepared to spend considerable time waiting for the suspect to do something.

**Covert physical surveillance** is the most common technique used by the units reviewed. Its purpose is to discover associates, movement patterns, places visited, and activities engaged in by the suspect. Physical surveillance has certain limitations. Although it can indicate a pattern of movement and identify associates, it provides less information about the specifics of the criminal activities themselves. In most instances physical surveillance must be supplemented with other information. During an investigation physical surveillance

with other information. During an investigation physical surveillance is used to corroborate informant information and to identify potential associates or enemies of the target who might provide information about the suspect.

**Electronic surveillance** is used sparingly by the career criminal units we visited. This may be accounted for by the nature of the criminals and crimes that are targeted. Most of the suspects are street criminals involved in property offenses, rather than in organized criminal conspiracies. While some of their business may be conducted by phone, most of their activity involves only a limited need for planning and coordination. The units seldom, personnel resources to monitor one wire tap for an extended period.

On occasion, body wires and recordings are used. These devices are placed on informants who are willing to purchase drugs or stolen property or to sell stolen property to suspected fences. Body recorders are used in a similar way of officers when they are introduced by informants to criminal operators. However, units are reluctant to use body recorders for fear that a search of an informant or officer might occur.

Instead, the units prefer to photograph criminal incidents and visually monitor informant offender interactions. Each of the units makes extensive use of photographs to document the activities of their suspects. These photographs are usually introduced as evidence in criminal proceedings. Pictures of crimes in progress are particularly effective in solidifying cases.

Because of the pressure to make arrests, surveillance is regarded as a luxury to be used in small doses when it is the only way to gather information, or when sufficient information is available to almost guarantee that a crime will be committed during the surveillance.

### **Sting Operations**

Only San Diego uses fixed-based "sting" operations as part of its career

criminal program.<sup>2</sup> Because the evidence generated by stings is so strong, most cases are easily plea-bargained, and stolen property is often returned to its owners.

Despite positive effects of a sting, there are some costs. Fixed-site sting operations are personnel intensive and hence, expensive. Furthermore, while Stings have traditionally arrested persons with records, they may be neither career criminals nor the most dangerous suspects available. Because the San Diego stings did not target specific individuals, there was little control over who was encountered and arrested. Efforts to control clientele focused only on the location of the sting site, the type of property or drugs the unit handled and a refusal to deal with certain clients such as juveniles.

The San Diego Repeat Offender unit has conducted two sting operations. The first operation resulted from the arrest of a suspect on stolen weapons and property charges. The suspect agreed to cooperate with the police by hiring an undercover officer to work in his auto repair garage where he routinely bought stolen property. During a several month period the undercover officer bought stolen property from criminals who had sold property to the owner on previous occasions, or who knew the business was involved in fencing. Because the officer was working in someone else's business, some of the electronic recording of transactions and the high level of security normally provided in a police-run sting operation were not implemented. As a result, the costs for this operation were minimal.

The second operation involved a more traditional storefront setup. The fencing site was operated as a laundry. Four officers were assigned

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<sup>2</sup>For a discussion of sting operations see Robert A. Bowers and Jack W. McCullough, **Assessing the "Sting": An Evaluation of the LEAA Property Crime Program**, Washington, D.C.: University City Science Center, 1982.



laundry. Four officers were assigned to the storefront. Two worked the counter, one was concealed in a back room where he worked the sound and video equipment, and a fourth usually manned an observation post outside the store. Approximately \$50,000 was spent in this operation to buy property.

## 5. SUMMARY RECOMMENDATIONS

Pre-arrest targeting has the advantage of being able to target police resources at the hard-to-apprehend repeat offender who is not routinely arrested by other units in the department, but who is nonetheless active in crime. Cases developed by pre-arrest units are unusually strong and easily prosecuted. This is because the officers either observe the criminal activity or participate in it. The latter usually occur when the officers buy or sell stolen property or purchase drugs.

There are some disadvantages to pre-arrest targeting of career criminals. First, the operations are labor-intensive and hence costly. Although we made no cost-benefit comparisons, our overall impression is that post-arrest case enhancement and warrant service programs are less costly. Second, unless a unit selects their targets very carefully, the caseload will involve both career criminals and noncareer criminals. While this bothers some prosecutors, commanders do not seem to be overly concerned about working non-career criminal suspects, since all their targets are actively involved in crime. With these comments in mind, the following recommendations are made.

- As a general rule departments should implement post-arrest and warrant service career criminal initiatives before implementing a pre-arrest program. This is based on two observations. First, everything possible should be done to finalize cases already in the system before attempting to generate an additional caseload for the department, the prosecutor and the courts. Second, per case costs are generally lower for post-

arrest case enhancement and warrant service programs.

- If a community has a particular career criminal problem that can be adequately addressed only by pre-arrest targeting, then a unit should be established. As we have noted, some crime problems may only be amenable to pre-arrest targeting.
- Pre-arrest targeting units should work with the prosecutor in establishing suspect and case selection criteria. While it is possible for the police to work alone, unit commanders and prosecutors are generally more satisfied with the programs if they reach an agreement on which cases should receive special attention.
- Periodic program monitoring should be done to ensure that the proper targets are being apprehended.
- Departments should consider combining warrant service and pre-arrest strategies into a single program. The tactics used by each method are similar and compatible. Furthermore, one department found that warrant service is a good morale booster for officers involved in the tedium of more difficult pre-arrest operations.
- Safeguards should be built into the program to manage and control the use of informants. These controls should contain written policies and training for police officers. Furthermore, informants should be requested to sign a statement outlining a code of conduct for their behavior and specifying what they will do. In developing an informant program, the department should work closely with the prosecutor.



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## CHAPTER 6

### PROGRAM FEEDBACK

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- Program monitoring provides a means to assess career criminal activities and measure the extent to which the program is achieving its stated objectives. While monitoring may, at first, appear as an unnecessary expense, it can be conducted with economy and can support the policy and operational concerns of law enforcement officials. At the policy level, monitoring allows key decisionmakers to review program activities to determine whether or not expenditures are a good allocation of resources. At the operational level it provides information which can be used to improve functioning.

After providing a brief overview of program monitoring, this chapter provides samples of the application of such techniques to each of the career criminal program types.

#### Developing a Feedback Program

The development of feedback procedures should take place during the planning stage of a project. This facilitates the smooth collection of data, the timely preparation of reports, and the generation of background data against which to judge a project's impact. It also enables administrators to closely monitor a project's progress from the very outset.

There are two important parts to a monitoring system. The first is a clear statement of the objectives of the program. Objectives indicate what will be done to accomplish the overall goals of a program. For example, while the goal of post-arrest case enhancement is the successful prosecution of targeted cases there are a series of objectives leading to this outcome. Among the objectives of post-arrest case enhancement may be pre-trial incarceration and victim-witness assistance.

The second part of a monitoring system is the development of measures to indicate whether or not the objectives are being achieved. To accomplish this it is necessary to custom fit measures to program objectives. Thus, the number of suspects released on recognizance, held on bail or held without bail are measures of a program's pre-trial incarceration objective. The monitoring steps outlined in this chapter involve efforts to measure the activities units engage in as well as the outcome of cases in the courts.

**Measures of law enforcement activities** or process measures are used to gauge the manner in which a planned program is actually being implemented. In most cases, these measures are tallies of activities carried out by law enforcement agencies and the time spent conducting these activities. Although they tell program managers what is being done they do not indicate program effectiveness. Process measures enable managers to identify program elements that are not being fully implemented and to take corrective action. Examples of process measures are a profile of the characteristics of the career criminals handled, the amount of time investigators spend conducting various tasks (records assembly, victim-witness assistance, surveillance, etc.), the number of investigations opened and the number of cases referred to the prosecutor.

**Case outcome measures** are used to monitor the disposition of cases after they leave the hands of law enforcement agencies and give insight into the program's effectiveness. Although traditionally law enforcement agencies have tended to focus on law enforcement outcome measures such as apprehensions and clearance rates, many career criminal programs tend to expand their measures to include the outcome of cases downstream in the criminal justice system, including pre-trial detention and bail hearings, prosecutorial charge

decisions, pleadings and trials. Concern with downstream case outcomes is an explicit recognition that law enforcement agencies can assist the prosecutor and other elements of the criminal justice system in bringing the full force of the law to bear on the career criminal. It also recognizes the fact that unless the prosecutor and the courts give these cases adequate attention the extra effort made by law enforcement personnel may be wasted.

In the sections which follow, objectives and companion measures are developed for each program type. Several features of the suggested monitoring system are worth noting. First, because of the nature of career criminal programs, a case/suspect tracking system which measures the movement of the arrestees through the criminal justice system is an appropriate monitoring tool. Second, because the ultimate success of a career criminal program is usually measured in terms of incapacitation, prosecutorial and court outcomes are usually measured. Finally, examples are provided of the way the career criminal units have used feedback information to strengthen their programs.

## 1. POST-ARREST CASE ENHANCEMENT

The primary objective of post-arrest case enhancement programs is to ensure that when a career criminal is apprehended everything possible is done to support the suspects prosecution and incarceration. Exhibit 16 lists the objectives of the Baltimore County program. As can be seen, the objectives span the criminal justice system. Thus the department not only monitors the major activities it engages in (case screening, records, verification, investigative enhancements) but also the disposition of the cases as they move through the judicial system. This is done for two reasons. First, the department recognizes that a successful case outcome is dependent upon police as well as prosecutorial, court and correctional actions.

Second, the department understands that some justice system agencies have substantial discretion in the priority they give to cases and the decisions

they make. The department seeks to influence these discretionary decisions by keeping system participants informed about these high priority cases and by identifying weak spots in the system so that corrective action can be taken. Thus Baltimore County career criminal investigators have utilized their monitoring data to make programmatic changes.<sup>1</sup> Based upon the information provided by program monitoring the unit has found it useful to:

- supply prosecutors with criminal history information prior to bail hearing to increase the rate of pretrial detention,
- counsel victims and witnesses, reminding them of court dates and provide transportation to judicial proceedings,
- collect official copies of prior conviction and incarceration documents to facilitate filing of the state's sentence enhancement law,
- enter into suits with the prosecutor against judges who fail to implement the state's career criminal sentence enhancement law.

While it may have been possible to undertake the above activities without program monitoring it is likely that the deficiencies they address may never have been detected without a feedback system.

## 2. WARRANT SERVICE

Career criminal warrant service programs are established in departments to address two primary concerns. First, to clear the unserved serious offender warrant backlog and second, to ensure that the extra effort to serve these warrants has a pay-off downstream in the criminal justice system. Thus warrant service programs monitor their

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<sup>1</sup>Appendix A contains examples of data collected by the Baltimore County police department to monitor and evaluate its career criminal program.

EXHIBIT 16  
OBJECTIVES AND MEASURES OF THE  
BALTIMORE COUNTY CASE ENHANCEMENT PROGRAM

**Objective #1: Identify repeat offenders as early as possible.**

- number identified pre-arrest (time warrant issued)
- number identified at arrest (prior to bail hearing)
- number identified post arrest

**Objective #2: Prevent repeat offenders from returning to the street until trial.**

Disposition at bail hearing

- number receiving recognizance
- number receiving bail
- amount of bail
- number held without bail

Disposition at bail review

- number of cases in which bail was:
  - raised
  - remained same
  - reduced

Pre-trial release

- number released prior to trial

**Objective #3: Enhance the investigation of all repeat offender cases for presentation to the prosecutor.**

- number of cases enhanced by repeat offender detectives, type of enhancement provided

**Objective #4: Work with the state's attorney in preparing and presenting cases for timely prosecution.**

- lapse time between arrest and trial
- assignment of prosecutor to review all cases
- plea bargain policy

**Objective #5: Certify criminal history before sentence hearing.**

- number of records certified before sentence hearing
- point within criminal justice system records are certified

**Objective #6: Seek positive case disposition**

- number of cases dismissed
- number of indictments for instant offense/lesser offense
- number found innocent
- plea bargain - charge
- number of convictions for instant offense/lesser offense

## EXHIBIT 16 (cont'd)

**Objective #7: Seek maximum penalty allowed by law.**

- number of sentence enhancements filed
- number of sentence enhancements imposed
- incarceration imposed (length of)
- probation

**Objective #8: Document and establish a list of repeat offenders and establish a central location for directing inquiries about them.**

- develop repeat offender case file system
- develop a central records procedure for marking repeat offender case jackets
- develop a case evaluation system

**Objective #9: Establish a liaison with state Parole and Probation and, Juvenile Services and correctional agencies to facilitate the exchange of information.**

- establish a list of contacts for records information
- develop a system to notify State Reception, Diagnostic and Classification Center
- provide records to State Corrections Department upon conviction
- develop a procedure to request revocation of parole probation

own arrest productivity as well as the disposition of cases in the courts. Exhibit 17 lists some objectives and measures the units use to monitor their warrant service programs. The objectives can be grouped into two categories. The first three objectives deal with the warrant unit's activities while the fourth objective deals with the systemwide outcome of law enforcement efforts.

The use of monitoring data from these objectives and their measures had led to many different activities:

- Based on information provided by monitoring data the unit commander in St. Louis has found it useful to routinely review the criminal history of potential targets to ensure that resources are targeted on the most dangerous offenders.
- By comparing warrant arrest outcomes to case strength, issuing agency and instant offense, profiles of those warrant cases that will yield the best results have been developed. For example, based on monitoring data, priority is often assigned to failure to appear for sentencing rather than probation violation warrants because the former are more likely to result in immediate incarceration.
- Officers in New York City and St. Louis County review original warrants with prosecutors to ensure that sufficient evidence is available to prosecute a case.
- From a resource allocation perspective, information program monitoring about case outcomes (convictions, incarceration, parole/probation revocations) can be used by career criminal warrant service

## EXHIBIT 17

### REPEAT OFFENDER WARRANT SERVICE OBJECTIVES AND MEASURES

**Objective #1: Develop liaison with other parts of the criminal justice system.**

- prosecutor, probation and parole, juvenile and correctional authorities

**Objective #2: Review and screen warrants for program inclusion.**

- number and type of warrants reviewed
- number and type of warrant cases accepted for service
- number and type of warrant cases rejected for service
- characteristics of accepted, rejected warrant cases

criminal record  
prosecutorial interest  
types of warrant

case quality  
victim/witness interest

**Objective #3: Locate and apprehend suspect.**

- number of suspects apprehended by type of warrant
- number of suspects not apprehended  
(reasons not apprehended)
- amount of time spent on each case

**Objective #4: Track outcome of warrant cases through disposition**

- number held prior to pre-trial/judicial history release decision
- trial outcome
- number of parole/probation revocations
- number of case convictions
- number of suspects incarcerated

units to justify the expenditure of limited resources upon a relatively small number of warrant cases.

- The existence of program monitoring data allows for periodic reviews of locate and apprehend tactics therefore allowing units to develop and improve their standard operating procedures. For example, warrant service is seldom attempted in New York City unless a visual sighting of the suspect is made at a location.

### 3. PRE-ARREST TARGETING

Pre-arrest targeting programs have many of the same monitoring needs as other

career criminal initiatives. Pre-arrest units are concerned not only with what is done to develop a case but also with what the prosecutor and courts do with a case.

Exhibit 18 lists various objectives and measures that might be used to track pre-arrest cases. The objectives address the selection of cases, the tactics used by the units to apprehend suspects and the outcome of cases as they move through the judicial system. Careful tracking of this information can lead to useful insight concerning the effectiveness of various apprehension strategies, as well as the kinds of evidence needed to support strong judicial outcomes. Monitoring data is used in the following ways:

## EXHIBIT 18

### REPEAT OFFENDER PRE-ARREST TARGETING OBJECTIVES AND MEASURES

Objective #1: Identify repeat offenders for special targeting.

- number of suspects screened
- characteristics of suspects accepted
  - criminal record
  - drug dependency
- method used to select suspects for targeting:
  - career criminal list      investigation
  - informants                      departmental recommendation

Objective #2: Apprehend targets in the act of committing a crime.

- apprehension method (sting, buy/bust, observation)
- apprehension charge
- number of targets/non-targets apprehended
- time between targeting and apprehension
- amount of time spent on case

Objective #3: Prevent repeat offender from returning to the street

#### Disposition at bail hearing

- number receiving recognizance
- number receiving bail
- amount of bail
- number held without bail

#### Disposition at bail review

- number of cases in which bail was:
  - raised
  - remained same
  - reduced

#### Pre-trial release

- number released prior to trial

Objective #4: Seek special handling of the suspects by the prosecutor.

- number of cases receiving special handling
  - type of special handling
- number of cases not receiving special handling
  - reason for decision



## EXHIBIT 18 (cont'd)

### Objective #5: Seek positive case disposition

- cases dismissed  
reason for dismissal
- found innocent  
reason for finding
- plea bargain  
charge
- conviction  
charge

### Objective #6: Seek maximum penalty allowed by law.

- number of sentence enhancements filed
- number of sentence enhancement imposed
- incarceration period  
prison, jail
- probation imposed  
length, type

- Criminal history information is used to select targets and to urge the prosecutor and the courts to take stronger action on targeted cases.
  - Monitoring data confirmed that prosecutors in San Diego and Albuquerque are interested in felonies rather than drug arrests. As a consequence the units in these jurisdictions focus upon property crime in developing cases. In targeting drug addicts surveillance is used to catch them committing burglary and robbery.
  - After discovering that criminal history data was not adequate to identify some of the community's dangerous criminals the police and prosecutor in St. Louis County expanded their selection criteria to include street information. This street information allows the unit to target offenders who would not normally qualify as career criminals but who are actively involved in crime.
  - By monitoring cases officers in Washington, D.C. learned that prosecutors were more likely to assign priority to what is often regarded as minor criminal activity (shoplifting, receiving/selling stolen property) if more than one incident is reported. As a consequence, it is not uncommon for personnel in Washington, D.C. to observe or engage suspects in several transactions before making an arrest.
  - Program monitoring provides information to keep others in the department aware of a unit's arrest productivity. This arrest information as well as case outcomes in the courts is used to garner internal support for the units.
- #### 4. CONCLUSIONS
- This Issues and Practices Report has reviewed law enforcement efforts to target career criminals, focusing specifi-

cally on programs in eight jurisdictions. While programs designed to target the career criminal for apprehension and prosecution are still in a formative and developmental stage, experience to date suggests that agencies are making progress in dealing more effectively with the repeat offender. Career criminal efforts by law enforcement agencies can complement prosecutorial initiatives. Hence, we strongly recommend that special efforts be made to develop a working relationship with the prosecutor on issues of case selection and processing procedures.

Career criminal programs are designed to target law enforcement resources in an effort to more effectively deal with a small portion of the criminal population. The tactics utilized in such programs are not significantly different from those used in other law enforcement activities. However, career criminal programs attempt to ensure that these "normal" or "traditional" law enforcement tactics (e.g., investigation, prosecution) are vigorously applied to career criminal cases.

We caution that special career criminal programs may not be necessary in all jurisdictions. Career criminal programs do for a minority of cases involving serious offenders that which optimally should be done in many cases. The programs merely apply the full force of the law to particularly important cases -- those involving the repeat offender. Accordingly, such programs may be most appropriate in jurisdictions with heavy caseloads which mandate that hard choices be made in allocating scarce enforcement resources.

We expect that as more is learned about career criminality, all segments of the criminal justice community will intensify their efforts to target the repeat offender. One of the most useful tools in developing stronger programs is a comprehensive monitoring system. As illustrated in this chapter the units have used information about the functioning of their programs to develop strategies and tactics that not only lead to apprehensions but also yield positive outcomes in the courts. Much of the information needed to improve

programs would not have been available without a feedback system.

Law enforcement administrators have considerable choice in the type of career criminal program they can implement. Our general recommendation is that a conservative approach be adopted; agencies should start on a relatively small scale with a simple program. A review of the career criminal problem in the community can help focus the developmental effort. In general we recommend that post-arrest and warrant service programs be implemented before moving to pre-arrest targeting. This is based upon the high costs of pre-arrest targeting and our belief that limited resources should be targeted on cases already in the system before attempting to generate a new caseload. This recommendation is tempered by the recognition that there is no single best way to solve the crime problem and that if pre-arrest targeting appears as the only viable strategy then it should be used.

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## APPENDIX A

### CAREER CRIMINAL MONITORING SYSTEM BALTIMORE COUNTY, MARYLAND

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The purpose of this appendix is to display the case tracking system developed by the Baltimore County Police Department to monitor its career criminal program. The Department is using the system to track case outcomes as well as to identify problems in case handling at the police prosecutorial and court levels of the criminal justice system. Prosecutorial and court outcomes are monitored in order to enhance the chances that repeat offenders will receive the maximum sanctions permitted by law. The appendix contains the following items:

1. Statistical summary of repeat offender cases (January 1983-December 1984)
  - a. Suspect characteristics
  - b. Program objectives
2. Repeat offender unit task analysis
3. Notes on program progress and problems

#### 1. STATISTICAL SUMMARY OF REPEAT OFFENDER CASES

Since implementation of the Repeat Offender Program Experiment (ROPE) in January 1983, 203 offenders have been identified as potential repeat offenders. ROPE detectives verified 162 (80%) of the offenders as qualifying for prosecution under the State Subsequent Offender Statute (Article 27, Section 643B) or fulfilling the broader requirements of the repeat offender definition established by the Department which targets offenders on the threshold of qualifying under the State Statute. Thirty-six (18%) of the offenders did not fulfill either State or Department criteria. Verification of criminal history records is pending on five (2%) offenders.

The following is a statistical summary of the 162 offenders verified as repeat offenders. Figures are totaled to represent program occurrences since the inception of ROPE.

## A. SUSPECT CHARACTERISTICS

	2 Yr Total	Percent of Total
<b>Type of Repeat Offender</b>		
• Qualified for Article 27, Section 643B	44	27%
• Qualified under the Police Department's broader definition	118	73%
<b>Instant Offense (Crime for which the offender was most recently arrested)</b>		
• Robbery	94	58%
• Burglary/daytime housebreaking/attempts	46	28%
• Assault with intent to murder	10	6%
• Murder	4	3%
• Rape	2	1%
• Kidnapping/abduction	2	1%
• Mayhem	1	1%
• Assault with intent to rape	1	1%
• Attempt 643B offense	2	1%
<b>Offender's Age</b>		
<b>Age</b>		
• 26 years of age or older	84	52%
• 18 to 25 years of age	75	46%
• Under 18 years of age (juvenile)	3	2%
Average age of repeat offenders	27.5	-
<b>Offender's Criminal Justice Status At Arrest</b>		
• On parole	59	36%
• On probation	49	30%
• Already incarcerated for another unrelated offense	5	3%
• Escapee/fugitive	1	1%
• None/unknown	48	30%

## B. PROGRAM OBJECTIVES

### OBJECTIVE 1: TO IDENTIFY REPEAT OFFENDERS AS EARLY AS POSSIBLE

Total Number Verified as Repeat Offenders	162	100%
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Point of Initial Identification (Point in relation to the instant offense the offenders were initially identified as potential repeat offenders)

• Before the arrest	21	13%
• Incident to the arrest	8	5%
• After the arrest	133	82%

	2 Yr Total	Percent of Total
<b>Origin of Referral</b> (Agent/Agency referring the offender to the Repeat Offender Unit)		
• Self initiated by Repeat Offender Unit	55	65%
• State's Attorney's Office	11	13%
• Non-Uniformed Police Operation	10	2%
• Uniformed Police Operation	3	4%
• Central Records (Warrant)	5	6%

**OBJECTIVE #2: PREVENT REPEAT OFFENDERS FROM RETURNING TO THE STREET UNTIL THE TRIAL**

**Bail Hearing**

• Held in detention without bail	27	17%
• Assessed monetary bail	128	79%
• Other/unknown	7	4%

**Amount of Bail** (Percentages based on the 128 defendants known to be assessed a monetary bail)

• Under \$50,000	51	40%
• \$50,000 to \$99,999	30	23%
• \$100,000 to \$199,999	33	26%
• \$200,000 or more	8	12%
• Unknown	2	2%

**Bail Review**

• No change in bail status	124	77%
• Bail reduced	2	1%
• Bail raised	5	3%
• Other/unknown	31	19%

<b>Total Number Released Before Trial</b>	23	14%
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**OBJECTIVE 3: TO ENHANCE THE INVESTIGATION OF ALL REPEAT OFFENDER CASES FOR PRESENTATION TO THE PROSECUTOR**

<b>Case Enhancement</b> (Cases requiring investigative enhancement by repeat offender detectives)	18	11%
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	2 Yr Total	Percent of Total
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**Type of Enhancement** (Percentages based on the 18 cases requiring enhancement. Some cases required more than one enhancement.)

• Obtaining defendant's statement	2	11%
• Obtaining witness statement	3	17%
• Locating witnesses	2	11%
• Assisting witnesses to attend court	2	11%
• Conducting line-ups	5	28%
• Obtaining additional physical evidence	4	22%
• Obtaining search warrants	5	28%
• Obtaining arrest warrants	1	5%

**OBJECTIVE 4: TO WORK WITH THE STATE'S ATTORNEY IN PREPARING AND PRESENTING CASES FOR TIMELY PROSECUTION**

**Average number of lapsed days between arrest and trial**

156	--
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**OBJECTIVE 5: TO CERTIFY CRIMINAL HISTORY BEFORE SENTENCE HEARING**

**Point of Verification** (Point in the criminal justice system at which records necessary for sentencing were verified)

• Before arrest (at time warrant for the instant offense is issued)	12	7%
• Between arrest and bail hearing	7	4%
• Between the bail and felony review hearings	115	71%

**OBJECTIVE 6: TO SEEK POSITIVE CASE DISPOSITION**

**Trial Results - Instant Offense**

(Percentages based on defendants reaching trial)

• Convicted of instant offense	94	70%
• Convicted of lesser offense	13	9%
• Acquitted/nol pros/stet	19	14%
• Unknown	8	6%

**Conviction rate for instant offense of defendants actually tried (119 offenders tried)**

• Convicted	94	79%
• Not convicted	25	21%



2 Yr Total	Percent of Total
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# OBJECTIVE 7: TO SEEK MAXIMUM PENALTY ALLOWED BY LAW

Sentence enhancement filed (Percentages based on the 34 offenders targeted as 643B offenders that reached trial)

• Addendums filed	24	71%
• Addendums not filed - offenders qualified for 643B sentencing but no addendum filed based on police-prosecutor's decision	3	9%
• Other	7	20%

## Sentences Received

• Probation	4	4%
• 1 to 9 years	37	34%
• 10 to 19 years	25	23%
• 20 or more years	14	13%
• Mandatory 25 years	15	13%
• Mandatory life	2	2%
• Death	2	2%
• Pending unknown	11	10%

## 2. REPEAT OFFENDER UNIT TASK ANALYSIS

### Activity Definitions:

- **Case Screening** - Performing activities during the initial identification of potential repeat offenders.
- **Records Screening** - Securing criminal history records necessary to verify defendants as repeat offenders.
- **Case Preparation** - Reviewing the investigation of the instant offense and providing case enhancement when needed.
- **Trial and Follow-Up** - Performing activities to assist the prosecutor during trial and to perform a 90-day post-trial investigation on offenders.

	Total Manhours	% of Total	Average Hours Per Case
<u>All Repeat Offenders</u> (115 cases)			
• Case screening	157	5%	1.3
• Records verification	391	31%	3.4
• Case preparation	239	19%	2.1
• Trial and follow-up	463	37%	4.0
<b>TOTAL ALL ACTIVITIES</b>	<b>1250</b>	<b>100%</b>	<b>10.8</b>

### 3. COMMENTS/OBSERVATIONS

1. Four of the twenty 643B addendums filed have been dismissed since the inception of ROPE. The reasons for these dismissals were:
  - **Judge's Action** - complied with defense's request for immediate sentencing thereby preempting the prosecutor's opportunity to file a 643B addendum.
  - **Judge's Interpretation** - opinion that 643B addendums must be filed 15 days before trial, not sentencing. (Appeal filed by the State, 10-21-83).
  - **Judge's Interpretation** - opinion that prison time served as a result of a violation of probation (i.e., probation being served for a suspended sentence originally imposed for a violent offense) does not fulfill the requirements for 643B sentencing. (Appeal filed by the State, 11-21-83).
  - **Past Record Not Applicable** - a prior conviction used in seeking 643B sentencing involved a pre-1971 Baltimore City case in which the defendant, then a juvenile, was tried and convicted as an adult. From 1943 to 1971, persons 16 years or older arrested in Baltimore City were considered to be adults and tried as such without benefit of a waiver hearing. To align its practices with the rest of the State, Baltimore City in 1971, raised the age of an adult to 18 and required waiver hearings for anyone under 18 prosecuted as an adult. The courts have ruled that Baltimore City convictions prior to 1971 involving 16 and 17 year old defendants cannot be used for enhanced sentencing (Long vs. Robinson).
2. Although not included under the responsibilities originally established by the ROPE Project Team, ROPE detectives investigated and verified criminal history records of 11 repeat narcotic offenders. While not eligible for sentencing under 643B, these offenders do qualify for enhanced sentencing under a separate statute, Article 27, Section 286, which sets mandatory sentences for repeat offenders of narcotics violations.
3. A recent Court of Appeals decision in the case of Garrett vs. State may impact ROPE by lowering the number of repeat offenders qualifying for sentencing under Section 643B. The Garrett Decision deals with the sequence of occurrence of prior criminal convictions. In short, the courts have ruled that an offender's prior violent criminal acts **and** the convictions for those acts must have occurred prior to the arrest for the instant violent act in which the prosecution is seeking the application of 643B sentencing. It would appear that this ruling is concerned more with the sequence of violent crimes committed and not the issued under which 643B was originally legislated, that is, to incapacitate offenders who repeatedly commit violent crimes. As a result of the Garrett Decision, six offenders having prior records which heretofore would have qualified them for 643B sentencing were instead classified as threshold offenders.
4. ROPE detectives verified 8% more repeat offenders during 1984 than during 1983 (84 were verified in 1984 vs. 78 in 1983). However, this increase contains 43% **fewer** 643B offenders (28 verified in 1983 vs. 16 in 1984) and 36% more threshold offenders (50 in 1983 vs. 68 in 1984). Recent court decisions (e.g., Garrett vs. State and Long vs. Robinson) which place additional restrictions on prior criminal history records that can be used to qualify a defendant for 643B sentencing may account for the change.

5. Case dispositions that are detrimental to the objectives of ROPE are occurring more frequently among 1984 offenders than 1983 offenders, i.e., cases resulting in nol pros, pre-trial dismissals, indictments on reduced charges, and convictions for non-643B offenses. Consider the following:

- Eleven (19%) of the fifty-eight 1984 offenders reaching final disposition resulted in nol pros or pre-trial dismissal, significantly more than the three (4%) out of 77 recorded for 1983 offenders.
- With 30% of the 1984 offenders still pending indictment, it is apparent that substantially more 1984 offenders will be indicted on reduced charges (non 643B offenses) than 1983 offenders. Seven 1984 offenders were indicted on reduced charges in comparison to two 1983 offenders.
- Eight 1984 offenders were indicted for 643B offenses, but ultimately convicted of less serious crimes (non-643B offenses), twice the number recorded (4) for 1983 offenders.
- Of the total 35 offenders receiving the above dispositions (i.e., nol pros, indictment on reduced charge, or conviction for non-643B offense) since the inception of ROPE, 31 (89%) qualified under the Department's threshold definition. As a result, each of these offenders upon arrest for a 643B arrest in the future will continue his status as a threshold offender, rather than graduate to the status of 643B offender as originally intended.

Why these particular dispositions occurred more frequently among offenders identified in 1984 is a question being pursued by the ROPE Project Team. An analysis performed by the Repeat Offender Unit Supervisor of the eleven 1984 nol pros cases revealed the following reasons for the cases ending nol pros:

- Case 1: Armed Robbery - The ROPE offender was arrested in Baltimore City. Upon searching him, credit cards taken in the offense were found. Later, victim was unable to identify the ROPE offender at a line-up. Case dismissed at Preliminary Hearing.
- Case 2: Breaking and Entering - The ROPE offender was charged on information from a witness and possible co-defendant. The complainants, after receiving some of their property back, became reluctant witnesses. It was also found that the ROPE offender had lived with the complainant at one time. State's Attorney's Office was not comfortable with case. Case dismissed at Preliminary Hearing.
- Case 3: Breaking and Entering - The ROPE offender was charged on information from two co-defendants who confessed and were found guilty. The State's Attorney nol pros the case because a co-defendants statement alone is not sufficient evidence in State courts.
- Case 4: Armed Robbery - The ROPE offender's auto was used in this offense. Two other suspects were also charged; both were found guilty. The ROPE offender could not be identified and we could show he was a party to this offense.
- Case 5: Assault and Robbery. The ROPE offender was charged as a result of a photo identification. However, the victim could not identify the ROPE offender in a line-up. The State's Attorney nol pros the case.

- Case 6: Assault with Intent to Rape - Police pulled onto the scene. Victim stated the ROPE offender attempted to rape her. After further investigation, victim did not want to prosecute. Case nol pros.
- Case 7: Armed Robbery - The ROPE offender was identified on a photo show and arrested by Baltimore City on a similar charge. Baltimore County placed detainers on him. Further investigation revealed a second suspect who admitted to this offense and gave statements on a third party, who was also arrested. The second and third suspects were found guilty. The case for the ROPE offender originally identified through a photo show was nol pros for misidentification.
- Case 8: Armed Robbery - The ROPE offender was one of four suspects charged with this offense on co-defendant information. Three of them were convicted on confessions and testimony of an ex-girlfriend. The only evidence on the ROPE offender was the co-defendant's statement, which was not sufficient to obtain a conviction.
- Case 9: Armed Robbery - The ROPE offender was identified through a photo identification after the offense, and a warrant was obtained. The warrant was not served until six years later at which time the victims could not make an identification. State's Attorney nol pros the case.
- Case 10: Armed Robbery - The ROPE offender was arrested with his brother in Baltimore City in a stolen car that was used in the offense. Police were able to identify the brother, who confessed, but were unable to obtain a witness identification of the ROPE offender.
- Case 11: Armed Robbery - The ROPE offender was identified through a photo show. A warrant was obtained but the suspect was not arrested until four years later. The witness was unable to pick the suspect out of line-up. The case was nol pros.

From the reasons given in the above 11 cases it is apparent that the main cause for nol pros is the lack of corroborating evidence, particularly in cases where probable cause to arrest is built upon the suspect's identification by a witness/victim (e.g., photo show, line-up), or the statement of a co-defendant. Alone, suspect identifications or co-defendant statements are normally insufficient to acquire a conviction and are, therefore, nol pros by the State's Attorney. The Project Team will review these cases further to determine what, if any, further police investigation could have been performed.

6. The volume of cases requiring investigative enhancement by ROPE detectives has significantly decreased during the past year. Three cases required enhancement during 1984 in comparison to 15 in 1983. The ROPE detectives feel this decrease comes as a result of more open communications between themselves and the detectives assigned to the organizational units that investigate robberies and burglaries. These crimes account for the instant offenses committed by repeat offenders. Furthermore, enhancement needs are being worked out on a more informal basis. Verbal suggestions by ROPE detectives are usually sufficient to encourage principle investigating officers to enhance their own cases. Cases requiring enhancement may increase in the future as ROPE officially expands in January 1985, to all violent crimes and certain narcotics offenses.

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## APPENDIX B

### CAREER CRIMINAL BIBLIOGRAPHY

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Ball, John C.; Rosen, Lawrence; Flueck, John A.; and Nurco, David N. "Annual and Lifetime Criminality of Heroin Addicts in the United States." Philadelphia, PA: Department of Psychiatry, Temple University, October 26, 1981.

This paper discusses the link between heroin addiction and criminality. The paper is based upon a study of 243 heroin addicts in Baltimore, Maryland over an 11 year period. By using self-reported data and official criminal records, the study estimates both the amount and type of crime the addicts were involved in. During this period the addicts committed an average of over 178 crimes per year. The 11 year lifetime average approached nearly 2,000 crimes. Although most of this criminal activity involved theft, the addicts were also involved in drug selling, robbery, forgery, pimping, assault and murder. Most of the addicts studied had been arrested numerous times (12 per addict) and had been incarcerated on the average of three times. The paper notes that the periods of incarceration had little noticeable effect upon their criminal careers. The continuity and persistency of the addict's criminal behavior stands out as a major conclusion of the study.

Blakey, G. Robert; Goldstock, Ronald; and Rogovin, Charles H. **Rackets Bureaus: Investigation and Prosecution of Organized Crime.** Washington, D.C.: National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, March 1978.

Although this volume focuses upon the investigation and prosecution of organized crime cases by a prosecutorial office, many of the issues discussed are relevant to police efforts to operate specialized career criminal units. Issues

regarding resource allocation, investigative planning, training, police-prosecutor relations, intelligence, analysis and sentencing enhancement are discussed and recommendations offered.

Blumstein, Alfred. "Research Perspectives on Selective Incapacitation as a Means of Crime Control," in Daniel McGillis, et al, **Dealing with Dangerous Offenders - Volume II, Selected Papers.** Cambridge, MA: Harvard University, February 1983.

This article presents a brief overview of the major policy issues surrounding the selective incapacitation of dangerous, repeat offenders. Incapacitation concerns the period of time an offender is incarcerated. The article discusses the problems inherent in identifying offenders who are best candidates for incarceration in order to maximize the crime reduction potential of incapacitation. While current research has described the characteristics of dangerous repeat offenders, it has been less successful in prospectively identifying which will continue their criminal activity. The inability to accurately predict who will continue to commit crimes and the difficulty of avoiding "false positives" raise several policy questions regarding police targeting, prosecutorial case selectivity and sentencing decisions.

Blumstein, Alfred, and Moitra, Soumyo. "The Identification of 'Career Criminals' from 'Chronic Offenders' in a Cohort." **Law & Policy Quarterly.** Vol. 2, No. 3, July 1980, pp. 321-334.

Boland, Barbara. "Identifying Serious Offenders." in Daniel McGillis, et al., **Dealing with Dangerous Offenders - Volume II,**

**Selected Papers.** Cambridge, MA:  
Harvard University, February 1983.

This article discusses the problem of identifying career criminals by using criminal history records. Two factors seriously constrain the ability of police and prosecutors to identify the career criminal - crime versatility and unavailability of juvenile records. Hence, the tendency of many career criminal selection criteria to focus upon felony arrests and convictions as a primary selection criteria ignores the extent to which habitual offenders are involved in a variety of both felony and misdemeanor crimes. Furthermore, the prosecutorial tendency to downgrade some felonies to misdemeanors for evidentiary and caseload factors underestimates the serious nature of some criminal records. The article focuses particular attention upon the extent to which the absence of juvenile crime records adversely affect the ability of the police and the prosecutor to accurately identify a substantial portion of the career criminal population. The article notes that the greatest impediment to juvenile record availability is not legal but the fact that in most cases no single agency is responsible for collecting and providing juvenile records to the adult court. By analyzing juvenile and adult records in New York State the authors demonstrate the extent to which juvenile records enhance the ability to identify career criminals.

Bowers, Robert A. and McCullough, Jack W., **Assessing the "Sting": An Evaluation of the LEAA Property Crime Program.** Washington, D.C.: University City Science Center, November 1982.

Abseam and other well publicized "Sting" operations had their modern roots in an LEAA funded program. During the mid to late 1970's federal money was provided to many local police agencies who worked with federal "partners" in conducting relatively elaborate undercover operations. In these Sting projects, officers posed as fences to buy stolen property from thieves or other

real fences. Videotape was often used to record these transactions. Numerous arrests and unusually high conviction rates were a reported result of these operations. This report reviews an evaluative assessment of the LEAA-funded program. The study relies upon interviews with project officers, federal agents and local prosecutors, and analyses of data pertaining to over 1,800 suspects and 2,500 individual property transactions. The report highlights various aspects of the Sting approach, some of which are likely to be adopted by police career criminal units, and discusses the pros and cons of Sting-type operations as well as their probable future as law enforcement tools.

Chaiken, Jan M. and Chaiken, Marcia R. **Varieties of Criminal Behavior.** Santa Monica, CA.: Rand Corporation, October 1982.

This study analyzed self-reported crime and social data from a sample of nearly 2200 inmates from prisons and jails in California, Michigan and Texas. The study sheds considerable light upon the criminal careers of various felons and the personal characteristics associated with these criminal patterns. The study has implications for police and prosecutors in designing career criminal selection criteria that are not based solely upon suspects' arrest and conviction history. The authors caution that although the combination of criminal history and self-reported data enhanced their ability to identify the most serious offenders, the method will also label some less serious offenders as dangerous violent predators. The study constructs a continuum of 10 varieties of criminal behavior, the most serious of which is the "violent predator" who is involved in robbery, assaults and drug dealing. Some of the factors distinguishing the violent predator from less dangerous criminals are youth, onset of



violent crime before age 16, multiple commitments to state juvenile facilities, not being married, lack of job stability, and both juvenile and adult drug dependencies.

Chambers, Marcia. "How the Police Target Young Offenders." **New York Times Magazine**, September 20, 1981.

This article overviews some of the issues surrounding the development of the need for the police to focus upon the repeat offender. The article briefly describes the felony augmentation program of the New York City Police Department. The New York program maintains a list of repeat robbery offenders which enables the department to intensify post-arrest investigative follow-up and to a lesser extent, monitor the activity of persons on the list. In addition, the article discusses the need to address the problems of repeat juvenile offenders, and the need to provide victims and witnesses with support as their cases are processed. This article provides a useful introduction to career criminal issues and police strategies for dealing with the career criminal.

Cohen, Jacqueline, **Incapacitating Career Criminals: Recent Research Findings**. Washington, D.C.: National Institute of Justice, Research in Brief, December 1983.

This brief paper contains a review of the key findings of research on the effects of various incapacitation strategies. It concludes that the research issues are difficult and that while selective incapacitation policies offer the possibility of achieving greater reductions in crime, their success depends on the ability to accurately identify high rate offenders, early and prospectively. This has not been accomplished to date.

Connelie, William G. and Wallace, John W. "New York State Police: Violent Felony Warrant Enforcement Program." **The Police Chief**. June 1980, pp. 34-35.

This article briefly outlines the establishment of a state-wide violent felony warrant service program in New York State. Development of the program was fostered in 1979 by the New York State Division of Criminal Justice Services in conjunction with the state police. The objective of the program was to locate and arrest wanted persons who had fled their local jurisdictions prior to scheduled court appearance or have violated the terms of parole or probation. Although the state police will transport prisoners to the warrant issuing jurisdiction, that has not been a major activity of the program. During the first year of the program the nearly 30 officers assigned to the unit in 9 regional offices throughout the state served nearly 1000 felony warrants from a caseload of approximately 1,500.

Dahmann, Judith S., Russell, L. Sue; and Tracy, Paul. **Law Enforcement Aspects of the Career Criminal Program**. McLean, VA.: Mitre Corporation, May 1979.

The police play an important role in the career criminal incapacitation process because they gather and collate the evidence needed to arrest suspects and support court processing. This report examines the ways in which the police supported prosecutorial career criminal programs in four jurisdictions and examines possible areas of expansion of the law enforcement role and the contingencies surrounding such expansion. None of the police agencies studied operated particularly aggressive career criminal initiatives. One agency had a special major violator unit to followup on cases in which a career criminal was apprehended. In addition, this agency and one other used criminal history information to identify and bring to the prosecutor's attention any recidivists who were arrested. The remaining two jurisdictions handled career criminals like all other arrestees.

Eck, John. "Investigative Strategies for Identifying Dangerous Repeat Offenders," in **Dealing With Dangerous Offenders - Volume II, Selected Papers**. Cambridge, MA: Harvard University, February 1983.

This paper explores ways in which the police might contribute to habitual offender identification and incapacitation. Two techniques to address police incapacitation efforts are discussed in the paper. They are: investigative efforts to obtain information from arrestees about other crimes they may have committed and the prospective investigation of known offenders. Eck believes prospective investigative techniques have two major advantages. They allow greater control over the quality of the information gathered and lead to more rapid incapacitation of the targeted habitual offender.

Fairbanks, Arthur F. and Smith, Joe N. "Major Offender File." **The Police Chief**. September 1981, pp. 32-35.

This article describes the development of videotape files of major offenders by the Tempe, Arizona Police Department. All tapings occur at the time a suspect is arrested. A computer file containing suspect physical descriptors, MO, and nicknames is part of the system which provides police officers with information about major arrestees. Only the police version of the tape contains criminal history information about the arrestee. The article discusses procedures needed to protect the confidentiality and security of the videotapes as well as case law confirming their admissibility as evidence in the courtroom and for line-up purposes.

Familton, Sally and Martensen, Kai. **Repeat Offender Program Experiment (ROPE): Guidelines and Programmatic Alternatives**. Maryland Criminal Justice Coordinating Council, September 1982.

This guide presents a comprehensive plan for the development of a system-wide approach to incapacitate both

juvenile and adult repeat offenders. The guide was prepared by a task force of state and local criminal justice planners and practitioners in the state of Maryland and makes specific recommendations for the participation of each component of the criminal justice system in a career criminal program. Among the topics discussed in the guide are: research rationale for a career criminal initiative; objectives of the program; criminal justice system component responsibility; evaluation strategy; and implementation planning. The ROPE program outline is being used by the state to guide development of the program in several local jurisdictions.

Feeney, Floyd. "Prosecutorial Selectivity: A View of Current Practices," in Daniel McGillis, et al., in **Dealing With Dangerous Offenders - Volume II, Selected Papers**. Cambridge, MA: Harvard University, February 1983.

This paper is based upon a qualitative review of prosecutorial practices in several dozen prosecutorial offices around the country and a review of the literature dealing with prosecutorial decisionmaking. The overall conclusion is that prosecutors currently place relatively little emphasis on the front end of the prosecutorial process (charging and convicting dangerous offenders), but many do emphasize actions at the back end of the system that increase the severity of the conviction and the sentence. The article discusses impediments to greater prosecutorial focus upon the dangerous offender, recognizes the critical role that police actions play in successful prosecution and suggests operational changes prosecutors might implement to focus more attention upon the dangerous offender.

Forst, Brian. "The Prosecutor's Case Selection Problem: 'Career Criminal' and Other Concerns." in **Deal**

ing With Dangerous Offenders - Volume II, Selected Papers. Cambridge, MA: Harvard University, February 1983.

Forst, Brian; Rhodes, William; Dimm, James; Gelman, Arthur; and Mullin, Barbara. **Targeting Federal Resources on Recidivists: Final Report of the Federal Career Criminal Research Project.** Washington, D.C.: INSLAW, Inc., April 6, 1982.

Gannon, James P.; Grassie, Richard P.; Burrows, James W.; and Wallace, William D. **Managing Criminal Warrants.** Washington, D.C.: National Institute of Law Enforcement and Criminal Justice, December 1978.

Failure to properly manage the warrant service process detracts substantially from the ability of the police to arrest offenders charged with a major crime as well as those who fail to appear for court proceedings. This volume describes some of the problems which ineffective warrant service poses for the criminal justice system and describes methods that can be used by police agencies to better manage the warrant service process. The methods described for improved warrant service are useful to jurisdictions with either manual or automated warrant record systems. The system can enhance the service of warrants to habitual offenders.

Goldkamp, John S. "Room for Improvement in Pretrial Decisionmaking: The Development of Judicial Bail Guidelines in Philadelphia." in Daniel McGillis, et al., **Dealing with Dangerous Offenders - Volume II, Selected Papers.** Cambridge, MA: Harvard University, February 1983.

Greenwood, Peter W., with Abrahamse, Allan. **Selective Incapacitation** (Santa Monica, CA: Rand Corporation, 1982).

This is part of the Rand studies of career criminality. Using data from a survey of prison inmates in California and Texas, the study estimates how the crime rate would be affected by sentencing decisions

based upon how active a criminal is. The authors conclude that incapacitation theory based upon increased incarceration for high rate offenders and shorter sentences for low and medium rate offenders might provide a rational means for allocating scarce prison space. The authors also found that current sentencing policy fails to adequately distinguish between low and high rate offenders.

Halper, Andrew, and Ku, Richard. **New York City Police Department Street Crime Unit: An Exemplary Project.** Washington, D.C.: National Institute of Law Enforcement and Criminal Justice, 1975.

New York's Street Crime Unit has been highly successful in using stakeouts, "old clothes" patrol, and decoys to combat street crime in high crime areas of the city. This volume presents a detailed description and careful assessment of the unit's operation. It covers organization, management, personnel, deployment, equipment and facilities, cost, tactics, and performance evaluation. Despite the fact that the size and complexity of both New York City's police operations and the crime problems facing the department are somewhat unique, this report should be immensely helpful to all departments interested in specialized patrol. It is one of the most practical and thorough reports of specialized patrol presently available.

Institute for Law and Social Research. **Assessing the Extent of Your Career Criminal Problem. Career Criminal Program, Briefing Paper No. 2.** Washington, D.C.: INSLAW.

This paper presents a number of issues that a prosecutor might review in order to determine the need for a special career criminal focus. The needs assessment process and criteria evaluated to justify a special career criminal focus have some general applica-

bility to determining the need for the police to develop a similar focus. The article points out that the assessment should be made in terms of the impact of a program upon the police, courts and corrections. Among the criteria used to evaluate the need for a program are: the availability of criminal history information; the extent and seriousness of the recidivist problem; the current outcome of career criminal cases; and the need for workload prioritization because of a heavy caseload.

Institute for Law and Social Research.  
"Recidivism Among Youthful Offenders." **Career Criminal Program, Briefing Paper No. 5.** Washington, D.C.: INSLAW.

This article reviews the way in which the handling of juveniles and juvenile records impedes the imposition of sanctions upon the juvenile and young adult offenders who have high offense rates. The article provides examples of how prosecutors can review juvenile decisions and gain access to juvenile records.

Institute for Law and Social Research.  
**Responses to Legal Challenges, Career Criminal Program, Briefing Paper No. 6.** Washington, D.C.: INSLAW.

A number of legal challenges have been filed by defendants against intensive prosecution efforts aimed at the career criminal. "Due Process" and "Equal Protection" challenges to the serious habitual offender processing procedures regarding the right to bail, elimination of the preliminary hearing, limitations upon plea bargaining, speedy trial, sentencing enhancement, assignment to particular career criminal program judges have been denied. In two states (Massachusetts and New York) where the entire career criminal program has been challenged, the special prosecutorial actions have been upheld. Finally, the courts have ruled that selective prosecution does not violate equal rights protection as long as the prosecutor does not use his selective enforcement and prosecution powers in a vindictive manner.

Kleinman, David. "Out of the Shadows and Into the Files: Who Should Control Informants?", **Police Magazine**, November 1980.

This article discusses the pros and cons of the registration and administrative control of informants by departmental authorities rather than allowing officers to work informants independently of their supervisors. The article discusses ways in which informants by themselves and in collusion with corrupt officers can violate law enforcement processes. Various law enforcement officials at the local and federal level are interviewed regarding the ways in which they have implemented systems to monitor and control the use of criminal informants.

Lombardo, Robert M. "Narcotics Use and the Career Criminal," **The Police Chief**, June 1980, pp. 26-31.

Martin, Susan, **Catching Career Criminals: A Study of the Repeat Offender Project.** Washington, D.C.: Police Foundation, 1985.

This is an intensive evaluation of the Washington, D.C. warrant service pre-arrest repeat offender project. The evaluation involved an experimental design to test the effectiveness of police efforts to target career criminals. The experiment showed that the program substantially increased the likelihood of arrest for the persons it targeted. Furthermore, the targeted arrestees were more likely to be prosecuted and convicted on felony charges and more likely to be incarcerated. Based upon the results of the study the author recommends that other large urban departments consider creating specialized units to focus on repeat offenders.

McDonald, William F. with Rossman, Henry H. and Cramer, James A. **Police Prosecutor Relations in the United States: Executive**

**Summary.** Washington, D.C., National Institute of Justice, 1981.

Using a communications theory approach, this study analyzed police/prosecutor relations in 16 urban jurisdictions exceeding 100,000 population. Generally, police-prosecutor relations were characterized by interpersonal animosity and interorganizational conflict owing to mutual doubt and cynicism. The report stresses the need for better cooperation aimed at improved handling of serious cases based upon mutually agreed local standards. From a police standpoint, the report recommends redefinition of the police role to end at conviction rather than arrest.

Moore, Mark H. **Buy and Bust: The Effective Regulation of the Illicit Heroin Market.** Lexington, MA.: Lexington Books, 1977.

This is an important source of information about the tactics police can use to target drug dealers. Although the book specifically addresses narcotics enforcement, it has implications for police efforts to pro-actively target known offenders. Discussion of police tactics in the book are particularly informative because they are coupled with descriptions of the counter-tactics drug dealers use to protect themselves from police detection and possible arrest. Some of the investigative areas discussed are: detecting offenses; patrol and retrospective investigative tactics; and prospective investigation of known offenders.

Moore, Mark; Estrich, Susan and McGillis, Daniel. **Report of the Project on Public Danger, Dangerous Offenders and the Criminal Justice System: Volume I, Final Report.** Cambridge, MA. Harvard University, August 1982.

This volume is a comprehensive review of the policy and operational issues surrounding efforts by the criminal justice system to deal with the repeat and dangerous offender. The report grapples with the issue

of the extent to which it is justifiable, useful and feasible to focus the attention of the criminal justice system more selectively on dangerous offenses and dangerous offenders. The report suggests a number of research topics that would address key policy and operational questions about how best to deal with dangerous offenders. The report contains a discussion of selective incapacitation issues and then reviews how each component of the criminal justice system might target the dangerous offender.

New York City Police Department. "Felony Case Deterioration: Process and Cause." The Manhattan Complaint Room Project, Office of the Deputy Commissioner for Legal Matters, December 1981.

Ohlin, Lloyd E. "Limited Access to Juvenile Records for Adult Felony Prosecution and Sentencing." in Daniel McGillis, et al., **Dealing with Dangerous Offenders - Volume II, Selected Papers.** Cambridge, MA: Harvard University, February 1983.

This paper discusses some of the problems involved in making juvenile records available to prosecutors and judges while processing adult offenders. The paper recognizes that early age juvenile arrest and court appearances, and prior juvenile commitment to an institution, are some of the most useful predictors for identifying violent habitual offenders. Since juvenile records are not available to the prosecutor, however, serious high rate offenders may actually appear as first offenders on their initial appearance in adult court. The article discusses factors which have limited the availability of juvenile records such as legal restrictions, the informal nature of juvenile proceedings and the rather unsystematic way in which juvenile records are recorded. The article suggests mechanisms to open some of these records under controlled conditions which



would protect adult offenders with minor juvenile records, yet provide the police and prosecutor with information they need to identify the serious habitual offender. Ohlin suggests that the commission of a major violent felony might trigger the opening of juvenile records, but that only records relating to offenses which would be equivalent to major adult felonies be open for review.

Pate, Tony; Bowers, Robert A.; and Parks, Ron. **Three Approaches to Criminal Apprehension in Kansas City: An Evaluation Report.** Washington, D.C.: The Police Foundation, 1976.

This study reports the results of a Police Foundation evaluation of three strategies used to target career criminals (robbers and burglars). One strategy tested the arrest effectiveness of proactive deployment of tactical personnel to high crime areas or areas where career criminals were believed to "hang out" (Location Oriented Patrol, LOP). A second strategy tested the arrest effectiveness of tactical teams targeting specific offenders (Perpetrator Oriented Patrol, POP) using extensive surveillance and other aggressive methods (car/pedestrian checks). The third strategy involved providing patrol officers with mugbooks showing the designated target subjects. The analyses found that providing mugbooks to patrol was effective, but LOP and POP showed mixed results. LOP was slightly more effective than POP but both were only slightly more effective than regular patrol activities. This report provides some useful insights into the problems encountered by officers assigned to proactive career criminal strategies.

Petersilia, Joan; Greenwood, Peter; and Lavin, Marvin. **Criminal Careers of Habitual Felons.** Washington, D.C.: Government Printing Office, NILECJ, LEAA, July 1978.

This report traces the criminal careers of 49 recidivists incarcerated in California for robbery who had served at least one other prison term. Information about criminal activity and lifestyle were gathered from the inmates via interviews. To estimate the accuracy of the self reported data, comparisons were made between self reports and official records of arrests, convictions and incarcerations. The report describes the characteristics of these recidivists in terms of criminal motivation, drug and alcohol abuse, employment, etc. The study found that although the length and seriousness of an inmates' prior record gives an indication of future crime propensity, it has weak predictive value.

Rhodes, William; Tyson, Herbert; Weekley, James; Conly, Catherine; and Powell, Gustave. **Developing Criteria for Identifying Career Criminals.** Washington, D.C.: INSLAW, Inc., March 22, 1982.

This paper discusses some of the problems inherent in predicting future criminality by using available federal criminal history and probation/parole data bases. The paper indicates that the prediction of the type of crimes which serious habitual offenders are likely to be arrested for in the future is only marginally related to the types of crimes they have committed in the past. Their conclusions support the findings of other researchers that habitual offenders are likely to be involved in a variety of criminal activity. The authors suggest that the most relevant research problem is to identify people who are the most likely to be arrested, without identifying the nature of these arrests beyond the fact that they were for serious crimes.

Schack, Stephen; Schell, Theodore H.; and Gay, William G. **Prescriptive Package: Improving Patrol Produc-**



**tivity - Volume II - Specialized Patrol.** Washington, D.C : National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistant Administration, U.S. Department of Justice, July 1977.

As agencies consider the development of more intensive efforts to target career criminals in a prospective manner, the use of specialized patrols will need to be considered. The volume defines specialized patrol as the activities of officers who are relieved from service call responsibility to concentrate on specific crime problems. The primary purposes of specialized patrol are the deterrence of crime and the apprehension of offenders. The volume includes a thorough discussion of the planning, implementation, deployment, tactics and evaluation of specialized patrol operations. Many of the tactics discussed in the volume are particularly applicable to the development of offender oriented apprehension programs.

Spelman, William. "The Crime Control Effectiveness of Selective Criminal Justice Policies," in Daniel McGillis, et al, **Dealing with Dangerous Offenders - Volume II, Selected Papers.** Cambridge, MA: Harvard University, February 1983.

Toborg, Mary A. "Potential Value of Increased Selectivity in Pretrial Detention Decisions." in **Dealing with Dangerous Offenders - Volume II, Selected Papers.** Cambridge, MA: Harvard University, February 1983.

Williams, Jay; Redlinger, Lawrence and Manning, Peter, **Police Narcotic Control: Patterns and Strategies,** Washington, D.C.: National Institute of Justice, 1979.

The excellent review of the tactics used by police narcotics units is based upon an in-depth review of narcotic unit operations in six jurisdictions. The report reviews policy and procedures in each of the units and strongly emphasizes the need for departments to closely monitor and control these undercover operations.

The report contains an extensive discussion of the use of informants including both the contribution they make to successful investigations and the dangers they can pose to a law enforcement agency.

Williams, Kristen M, **The Scope and Prediction of Recidivism.** Washington, D.C.: INSLAW, Inc., July 1979.

This report examines the official records of arrestees in the District of Columbia in order to determine who the repeat offenders are and what characteristics are associated with repeat offending. The purpose of the study was to develop predictions of recidivism that could be used by criminal justice personnel in making case processing decisions. The research found that a small number of arrestees (7%) were responsible for a large proportion of the arrests (25%). The research used information about the current case and the criminal history and social background of arrestees to make predictions. The predictions had a large amount of error.

Wilson, James Q. **The Investigators.** New York, NY: Basic Books, 1978.

Wilson examines investigative tasks and their management, as performed by the FBI and DEA. Agency differences are ascribed primarily to political maintenance needs of the two organizations. Yet, Wilson points out, to change agency performance requires changing the tasks that are performed. The utility of this book to a study of police career criminal units is two-fold. First, it suggests focusing attention on how the tasks performed by such units differ from police routine. Second, it presents an interesting look at the use of informants in an investigative manner (the normal DEA approach). This is a mode of usage that some proactive police career criminal units may adopt.

Wilson, James Q., **Dealing with the High Rate Offender**, The Public Interest.

This article reviews various research efforts to more accurately define and describe the criminal careers of convicted felons. The objective of the article is to discuss what is known about the criminal pursuits of individuals and examine how this knowledge affects the ability of policy-makers to deal with incapacitation as a crime prevention strategy. The basic problem in making decisions regarding incapacitation periods is that some of the better predictors of career criminality (juvenile records, drug use and employment patterns) are not available to criminal justice decisionmakers. While the article is primarily concerned with sentencing decisions made by judges the discussion is relevant to police officials concerned with the allocation of scarce investigative resources.

Wolfgang, Marvin E.; Figlio, Robert M.; and Sellin, Thorsten. **Delinquency in a Birth Cohort**. Chicago, IL: University of Chicago Press, 1972.

This is a longitudinal study of a cohort of boys born in Philadelphia in 1945. The study, by using school and police records, describes which members of the cohort had official "contacts" with the police. The study also compared delinquents and non-delinquents and traces the volume, frequency and character of their delinquent careers up to age 17. This seminal study was important to the development of a notion of career criminality because it documented the existence of a small group of boys, labeled "chronic offenders", who were responsible for a large proportion of all crime committed by the cohort.

Wolfgang, Marvin E. and Tracy, Paul E. "The 1945 and 1958 Birth Cohorts: A Comparison of the Prevalence, Incidence, and Severity of Delinquent Behavior." in Daniel McGillis, et al, **Dealing With Dangerous Offenders - Volume II, Selected Papers** (Harvard University, February 1983).

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