Career Criminal Program Workshop
College Station, Texas
June 27, 1988
Part II: (A) Program Presentations

TECHNICAL ASSISTANCE REPORT

Bureau of Justice Assistance
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A Joint Program of the Bureau of Justice Assistance, U.S. Department of Justice, and
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Career Criminal Program Workshop
College Station, Texas
June 27, 1988
Part II: (A) Program Presentations

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I. INTRODUCTION

A. Background of this Assignment

After attending several of the national career criminal program workshops sponsored by the Bureau of Justice Assistance (BJA) and conducted by the National Center for State Courts/Institute for Court Management and the National District Attorney's Association, representatives from the Brazos County, Texas District Attorney's Office requested BJA's Adjudication Technical Assistance Project (ATAP) at the EMT Group, Inc. to conduct a follow-up workshop for local officials. The purpose of this workshop was to explain the concept of a career criminal program to local prosecutors and police officials and to discuss how such a program might be organized and operated in Brazos County.

At the time of the request Brazos County had been operating a limited career criminal program in Bryan, but had very few defendants selected for processing. In addition to reviewing the operations of this program, local officials were also considering the desirability of expanding it county-wide. Among the specific issues which Brazos County officials wanted to explore at the workshop were (a) the appropriate focus which the program should take and how it would be organized; (b) appropriate information which might be used to select career criminal program subjects, such as sheriff's information, etc; and (c) the benefits which such a program could have if the County in terms of coordination among local law enforcement agencies and the criminal justice process.

The ATAP assigned two consultants who had served as faculty at the Career Criminal Program workshop which Brazos County officials attended to provide this assistance: Tim Kenny, formerly Director of the Repeat Offender Bureau of the Wayne County (Detroit), Michigan Prosecutor's Office; and Kai Martensen, Assistant to the Chief of Police in Baltimore, County, Maryland and the Chief Staff Member of the Maryland statewide Repeat Offender Task Force. Both of these individuals were familiar with the Brazos County program and concerns.

The workshop was held in College Station, June 27, 1988 and cosponsored by the Brazos County District Attorney's Office and the Bryan Police Department. The technical assistance report of this workshop is presented in two parts: Part I addresses specific
issues and recommendations relating to career criminal program operations in Brazos County; Part II presents a summary of the workshop discussions and materials distributed. In addition to these materials, each session was videotaped by the workshop sponsors.
8:00 - 8:30 Sign-in and Registration of Participants

8:30 - 9:45 Overview of Career Criminal Tracking Concepts; Specific Problems in Identifying the Career Criminal
Kai Martensen, Assistant to the Chief of Police, Baltimore County, Maryland

9:45 - 10:00 Break

10:00 - 11:15 Investigation and Prosecution of Career Criminals --- Specialization and Communication within the Program; The Importance of Support Within the Judiciary
Tim Kenny, former Director of Repeat Offender Bureau, Detroit, Michigan

11:15 - 12:00 Genesis of Career Criminal Tracking in Brazos County, Lt. John Boyd and Major Lee Freeman, Bryan Police Department, Bryan, Texas

12:00 - 1:15 Lunch

1:15 - 2:30 Problems in the Implementation of a Career Criminal Tracking Program - A Policeman's Perspective
Lt. Ken Lybrand, Officer in Charge, Target Offender Program, Dallas Police Department, Dallas, Texas

2:30 - 2:45 Break

2:45 - 4:00 Tailoring the Program to fit your needs: Variations of Career Criminal Tracking Programs
Sgt. Tommy Ingram, Arlington, Texas Police Department

4:00 - 5:00 Long term benefits of the Career Criminal Program
Mark Luitjen, Assistant District Attorney, Bexar County District Attorney's Office, San Antonio, Texas
C. Workshop Participants

KAI MARTENSEN

Kai R. Martensen is Assistant to the Chief of Police in Baltimore County, Maryland. He is the Chief Staff Member of the Maryland Statewide Repeat Offender Task Force.

Mr. Martensen has an extensive law enforcement background. He spent eight years as Commanding Officer of the Planning and Research Division of the Oakland, California Police Department. For three years Mr. Martensen was a consultant with the International Association of Chiefs of Police and later became Executive Director of the California Council on Criminal Justice. In recent years, his work has focused on career criminals. He coordinated national conference on both adult and juvenile repeat offenders and he has served as an advisor to the National Institute of Justice. Mr. Martensen co-authored the publication, "Repeat Offender Programs Experient (ROPE) Guidelines and Programmatic Alternatives."
TIM KENNY

Timothy Kenny was chief trial attorney for the Wayne County Prosecutors Office in Detroit, Michigan. He is the former Director of the Repeat Offender Bureau and was one of the original members of Detroit's Career Criminal Unit. Mr. Kenny has prosecuted criminal cases for thirteen years and has directed the Repeat Offender Bureau during the last five years. Mr. Kenny is now in private practice in Michigan.
MAJOR LEE FREEMAN
AND
LT. JOHN BOYD

Both Major Freeman and Lt. Boyd are active members in the Brazos County Career Criminal Project. Each has contributed to the growth of the program from an idea to a county-wide exercise.
LT. KEN LYBRAND

Lt. Lybrand is the director of the Target Offender Program for the Dallas Police Department. The program has been in existence for about one and a half years and is based on selective offenders rather than focusing on the offense committed.
LARRY BLOOM

Mr. Bloom is with the career criminal program for Arlington Police Department in Arlington, Texas. The program has been in existence for about two years. It has often served as a model for other programs around the state.
MARK LUITJEN

Mr. Luitjen is an Assistant District Attorney for the Bexar County District Attorney's Office in San Antonio, Texas. His program has the oldest record of programs currently existing in the State of Texas.
II. WORKSHOP PRESENTATIONS
A. Overview of Career Criminal Programs: Selection Criteria & Operational Procedures

SELECTION CRITERIA & OPERATIONAL PROCEDURES
BRAZOS COUNTY, BRYAN TEXAS
JUNE 27, 1988
TENTATIVE OUTLINE

WHY DO WE NEED CAREER CRIMINAL PROGRAMS?

• Better utilization of limited resources
• Career criminal research and studies
• Achieves reasonable objectives

WHY DO WE HAVE DIFFICULTIES ESTABLISHING & MAINTAINING CAREER CRIMINAL PROGRAMS?

• Confusion between major offense unit and career criminal program
• Don't have time or resources
• Preconceived ideas/hide agenda
• Requires collaboration between criminal justice agencies
• Difficulty associated with change

WHAT IS THE DIFFERENCE BETWEEN VARIOUS CAREER CRIMINAL PROGRAMS?

• Brief description of career criminal program models
• Comparison between pre-arrest and post-arrest model

HOW DOES ONE FORMULATE THE SELECTION CRITERIA AND PROCESS?

• Determine minimum qualification
• Use of subjective criteria
• Key issues in formulating criteria
• Implementation strategies

WHAT ARE THE KEY POINTS IN DEVELOPING OPERATIONAL PROCEDURES?

• Form working team
• Identify key steps in process
• Design specific procedures
• Assign specific persons or positions

WHAT SHOULD OCCUR AT EACH MAJOR STEP IN THE CRIMINAL JUSTICE PROCESS?

• Pre-arrest procedures
• Arrest (planned & unplanned) procedures
• First appearance (bail)
• Preliminary hearing/grand jury
• Case preparation and trial
• Conviction
• Post conviction

HOW DOES ONE GET STARTED?

• Commitment
- Planning
- Testing and modification
- Monitoring and reporting
B. Overview of Police Career Criminal Tracking Concepts: Specific Problems in Identifying the Career Criminal

WHY DO WE NEED CAREER CRIMINAL PROGRAMS?

The Police Have Limited Resources

The police cannot be expected to apprehend all criminals nor solve all crimes. A career criminal program allows a department to focus on those criminals who most frequently commit crime and thereby make better use of its resources. By contrast, law enforcement agencies have substantially more resources than the criminal justice agencies (e.g., prosecutor, courts, corrections, etc.). If the police begin to arrest many more criminals (e.g., street drug groups) the other criminal justice agencies could not handle this major increase in workload; many more criminals would fall through the cracks, further reducing the public confidence in the criminal justice system. Career criminal programs allow the police department to work smarter not harder.

Criminal Justice Research Results

Criminal justice research has proven that a small number of criminals commit a disproportionate amount of crime. Some of the more notable research findings include:

- Professor Marvin Wolfgang's cohort study (1972) of male juveniles born in Philadelphia in 1945 showed that over 6% of these males had at least five police contacts before the age of 18; they accounted for over 50% of the crimes committed by the total study population.

- RAND corporation's self-reporting study (1982) of over 2100 inmates in California, Texas and Michigan showed a small percentage (10%) committed substantially higher number of crimes than other inmates; they were identified as "violent predators."

- INS/LAW's longitudinal study (1979) of felony arrests in the District of Columbia revealed that 20% of the repeat felons arrestees amounted to 80% of all felony arrests.

Helps Focus the Criminal Justice System

These programs help coordinate resources within a single police department (particularly departments that are specialized) and direct these resources to the repeat offender. With limited resources, law enforcement agencies within a county or region can work together to identify, apprehend and prosecute those criminals who disregard jurisdictional boundary lines and commit a high rate of offenses. Career criminal programs can bring about a level of cooperation (preferably collaboration) between the various criminal justice disciplines not normally achieved during the regular criminal justice process. Career criminals are those individuals everyone wants to incapacitate for long periods of time.
Police Objectives Can Be Achieved

A career criminal program can assist the department to achieve general police objectives such as:

- Improve the management of the police agency. Career criminal programs allow a manager to better utilize his/her resources.
- Enhance the criminal justice operation. All criminal justice agencies are working toward a common objective; barriers are eliminated. This harmony may be just sitting down and talking with one's counterparts in other criminal justice agencies, or exchanging of information, or working together on specific cases.
- Insure appropriate incapacitation of those criminals who create the worst havoc. Career criminal programs can assist in obtaining pre-trial detention, reducing or eliminating plea bargaining, insuring the career criminal gets his "just desserts," and applying available enhanced sentences (e.g. three time loser statutes).
- Increase a public's safety by targeting the career criminal/repeat offender. The public expects the police to use their resources wisely and target the frequent offender. While career criminal programs will not impact on the crime rate, the police department can show the necessary diligence by having such a program.

WHY ARE CAREER CRIMINAL PROGRAMS DIFFICULT TO ESTABLISH AND MAINTAIN?

Confusion With Major Crimes Unit

Many police and prosecutors operate what amounts to a major crimes unit. Most jurisdictions show that defendants arrested for serious crimes are usually dealt with more harshly than those who commit less serious crimes. They believe this function handles their career criminal population. While such units handle the heinous cases, these units often overlook the repeat burglar, robber, thief, etc. who does not kill, maim or assault the victim. The career criminal program focus is not only on the instant case but on the past criminal activity by the defendant.

Police Lack the Time and Resources

This statement is not unique to career criminal programs. If a jurisdiction has a repeat offender problem, and very few do not, then the department must reallocate resources to attack the problem. Police departments can adopt and implement various ICAP (Integrated Criminal Apprehension Programs) such as managing police calls, managing criminal investigation (MCI), managing patrol operations, differential police response (DPR) to help free up the time and resources needed for a career criminal program.
Preconceived Program

Unfortunately, people do have misconceptions which create difficulties when designing, implementing and maintaining a career criminal program. The most frequent misconception is that a large scale surveillance function is necessary to catch targeted criminals. Career criminal programs do not necessarily require such large expenditures of resources.

Only A Single Department or Agency Is Involved

The police or prosecutor cannot carry the entire program. The early experience of career criminal programs (i.e. LEAA’s career criminal programs were limited to prosecutors) showed such programs were limited in scope, effectiveness, and usually could not be maintained after the prime mover left. These programs were limited to a single criminal justice function and results were limited to either arrests or convictions. What happened after conviction (e.g., sentencing or afterward) was not important to those early career criminal programs. Who was targeted was more associated with the instant offense and not the person’s criminal history or frequency of current criminal activity.

Resistance to Change

As with any new idea or program, one has to expect resistance. Logic and rational arguments do not by themselves effect the inertia of the status quo. It takes commitment and work to implement a career criminal program. The real test is to sustain the program after its initial implementation period.

WHO ARE THE CAREER CRIMINALS?

The Wolfgang Cohort study, previously mentioned, showed that a small number of youths (i.e. chronic delinquents) commit the most crime and are the most often arrested. Almost three-fourths of these chronic delinquents turn out to be chronic adult criminals based on a follow-up study. Only 22% of the casual delinquents (i.e., four or less police contacts) and 2% of the non-delinquent became chronic adult criminals. Therefore, we can say career criminals start their careers early in life.

Peter Greenwood of the RAND corporation, using the Rand study results, identified seven criteria which he postulated were indicative of a "career criminal":

1. convicted (adjudicated) for a felony prior to age 16;
2. committed to a state juvenile detention/correctional facility;
3. used drugs (heroin or barbiturates) as a juvenile;
4. has prior adult conviction for same charge (robbery or burglary);
(5) incarcerated for more than one-half of the proceeding two years;

(6) used drugs (heroin or barbiturates) within two years of the current arrest; and

(7) employed less than 50% of the time during the preceding two years.

Dr. Greenwood's research suggested that if any four of these criteria are present, then one could classify the person as a chronic offender.

HOW OFTEN DO CAREER CRIMINALS COMMIT CRIMES?

The RAND study of inmates showed that the chronic criminal committed substantially more crime than the average criminal. For example, one half of the burglars reported they committed five or fewer burglaries a year while the chronic burglars (top 10%) committed over 200 burglaries a year averaging 516 burglaries per year. Another example, one-half of the robbers reported they committed five or fewer robberies a year while the top 10% committed 87 robberies a year. The average number of robberies committed by these chronic robbers was 135.

WHAT IS A POLICE CAREER CRIMINAL PROGRAM?

There are two basic police career criminal program models. These are the pre-arrest and post-arrest models. There are various combinations. Some police departments have adopted what has been identified as the "warrant" career criminal program model (i.e., identifying career criminals based on outstanding warrants). There is no single correct career criminal program. The State of Maryland's Repeat Offender Program (ROPE) recommended jurisdictions develop their own career criminal programs but required each program address seven objectives (e.g., early identification, apprehension and adjudication of repeat offenses, enhanced sentence, etc.).

Pre-Arrest Model - This model requires career criminals be identified before their arrest. These targeted career criminals are then subjected to extra police attention ranging from notification of all field units to specialized surveillance efforts. The objective of this model is to apprehend the target in the commission of a crime, preferably a serious crime.

Some examples of pre-arrest career criminal programs include:

(1) District of Columbia repeat offender program which includes a unit of 60 police officers who use various methods (informants, stakeouts, surveillance) to apprehend the target in the commission of an offense.

(2) Colorado Springs, Colo. career criminal program which utilized the dissemination of career criminal profiles to all police officers for their use in targeting and apprehending,
or exchanging information. A similar effort is Minneapolis, Minn. "TARGET 8" program.

Post-Arrest Model - This model starts after an arrest for selected crime occurs. All arrestees are screened against a specific definition (usually a combination of past criminal activity and instant offense). Those meeting the definition are then given extra attention (e.g., enhanced investigation, high or no bail to insure pre-trial incarceration, limited or no plea bargaining to insure prosecution on highest charge, etc.). The principal effort of a post-arrest model is collaboration between the police and prosecutor to obtain the longest sentence to an institution as possible. Some post-arrest models continue this collaboration into institutional and community correction agencies.

Some examples of the post-arrest model are:

(1) Baltimore County, Maryland, where two repeat offender detectives review all arrests for crimes of violence and make preliminary identification of qualified candidates. Working with the prosecutor, those detectives assist the principal police investigator (arresting officer or detective) to enhance their case, collect all necessary records of previous corrections and incarcerations to insure sentencing for subsequent offender statutes and pass on information to others, such as the detention center, pre-sentence investigators, reception center, etc.

(2) Eugene, Oregon has an automated information system that notifies the inquiring or arresting officer that the person he just arrested or contacted is a qualified career criminal. The officer then takes appropriate action and he notifies other units (e.g., investigators, prosecutors, etc.) that a career criminal is in the system.

WHAT ARE THE ADVANTAGES AND DISADVANTAGES OF THE PRE- AND POST-ARREST CAREER CRIMINAL MODEL?

A comparison can be made by using several factors that impact on the success of a case or on the consumption of resources.

Early Identification

The pre-arrest model requires career criminals to be identified before arrest, while the post-arrest model waits until an arrest is made. Targeting a person before arrest allows for the preparation of a dossier (intelligence package). This package is useful for: apprehending the target; identifying outstanding cases and previous criminal activity, thereby justifying no or high bail; etc. The post-arrest model requires a fairly rapid, complete, and accurate information system to quickly identify potential career criminals.
Appropriate Instance Crime

The post-arrest model is usually activated by an arrest for selected crimes which usually insures a charge for a serious felony crime. The pre-arrest model depends on whether the target is arrested according to a plan or whether it was an unplanned event, usually for a minor crime. The prosecutor has less problem of justifying committing resources if a career criminal is arrested for a serious crime.

Quality of Instant Case

If the targeted career criminal is arrested based on a predetermined apprehension plan, then there is usually no difficulty associated with prosecuting the case (e.g., the case is legal sufficient, police observed the crime being committed, etc.). An unplanned arrest (pre- or post-arrest) depends on the thoroughness and competency of the arresting officer. Usually these cases require some form of case enhancement.

Coordination with Other Criminal Justice Agencies

The post-arrest model is primarily connected with other CJ agencies. The definition of what qualifies as a career criminal is usually agreed to beforehand by both the police and prosecutor. The pre-arrest model can be implemented without much coordination. The biggest difficulty is getting the prosecutor to give special attention to a target when the instant offense is a misdemeanor or minor felony. Both models should require the identification and mutual agreement of roles, responsibilities and accountability by the police and the prosecutor.

Required Resources

Most often the post-arrest model is seen as requiring the least amount of new resources. A limited reallocation of resources together with appropriate procedures allows the police to implement a career criminal program. The pre-arrest model, particularly if some form of extra effort is given to implementing an apprehension plan (e.g., surveillance), will require additional resources (or reallocation and additional resources). Surveillance, particularly moving surveillance, requires substantial number of trained personnel for long periods of time.

The more effective career criminal programs follow the career criminal through the entire criminal justice system, insuring that all existing policy and procedures are brought to bear on the case to keep the career criminal incapacitated for the maximum time possible. The appendix includes a chart of the various stages of the criminal justice process and identifies examples of how the career criminal program can support each stage.

It is recommended those responsible for the career criminal program make every effort to know the criminal justice system from beginning to end; understanding the laws, policies, procedures and practices
impacting each criminal justice discipline. The police can then work the criminal justice system, seeing to it that every consideration be given to incarcerate and keep incapacitated the targeted career criminal. After sufficient experience is gained and difficulties are identified, then the police can begin work to change the criminal justice system. Not all changes require legislation; many worthwhile changes can come about through negotiation and thorough preparation.

HOW DO YOU IDENTIFY CAREER CRIMINALS?

There are several options open to a police department to identify career criminals; not all of them very satisfactory. We identified a possible model definition based on research studies (i.e., Dr. Peter Greerward's seven factors). When one looks at these factors, one notices that some, if not most, of these factors are difficult to obtain with existing police/criminal justice records (e.g., juvenile records may not be available; drug usage requires self-reporting; and the employment record is politically very sensitive). Nevertheless, we have learned that juvenile delinquency records and previous adult criminal records are valid indicators of future criminal activity. Another method is to utilize the state's definition of a subsequent offender as defined in sentence enhancement statutes (i.e., three time loser laws). The advantage to this technique is that there is a legal basis for the definition and the department can go for additional punishment. Unfortunately, most of these statutes are too restrictive (e.g., limited types of crimes, only adult convictions, require a number of priors, etc.). The result is that very few criminals qualify and those that do are either past their prime of criminal activity, are already incarcerated for a long sentence. These definitions should not be summarily dismissed but incorporated into the department's final definition.

Most effective career criminal programs have adopted a hybrid determination that meets their jurisdiction's particular need. The jurisdiction should take into consideration such additional factors as the crime problem, present response by the criminal justice system, criminals who are slipping through the criminal justice system, etc.

HOW DO YOU DEVELOP THE CAREER CRIMINAL SELECTION CRITERIA?

There are four steps required to develop the selection criteria:

Step 1 Form a Target Selection Committee

This committee is different from the career criminal program steering committee that is primarily interested in the policy, procedures, and resources necessary to carry out the career criminal program. The target selection committee should be comprised of persons who know the potential targets (e.g., detectives, patrol officers, crime analysts). The committee should also have representatives from the prosecutor's office, probation, parole, and other criminal justice agencies having field staff. Other neighboring law enforcement agencies should be considered.
Step 2 Determine the Minimum Qualifications

The career criminal selection criteria must have a minimum set of factors that every target should meet. A popular starting place is having the career criminal have at least one conviction and incarceration, as an adult, for a serious crime. Some jurisdictions define serious crime as those listed in their respective subsequent offender statutes. Some jurisdictions allow juvenile adjudications and commitment to a juvenile facility for those serious crimes as a substitute for adult criminal identify if the instant offense has occurred within several years after the target turns 18 years of age.

Step 3 Add the Local Jurisdiction's Criteria

Usually in pre-arrest career criminal programs, the jurisdiction will add several criteria they believe allows them to better select active targets. Some of these factors include:

- currently active on the street based on such information as informants, field contacts, suspect in a crime pattern, reported by the target's probation or parole agent, etc.
- arrestability determined whether there is an outstanding warrant, there is probably cause to arrest, a current predictable crime pattern, etc.
- current status in the criminal justice system may provide some leverage to keep career criminal target under pre-trial incarceration.
- propensity to violence towards victims justifies that this target be selected over comparable targets.
- There are a number of other local criteria that a department can look at, such as drug involvement, known to other law enforcement agencies, etc.

Step 4 Refine the Career Criminal Selection Criteria

A jurisdiction must work at refining its selection criteria. Effective programs allow for a certain amount of flexibility but have good documentation on which and how each criteria is defined and applied to each selected target.

One technique used to refine the selection criteria is to ask the field personnel (patrol, detectives, etc.) to submit persons who meet the tentative selection criteria. Names must be submitted with appropriate documentation to support the recommendation.

Conduct a one-on-one matched comparison between the submitted nominations (at least ten names). The ultimate conclusion is to be able to prioritize this list based on specific criteria and the relative
weight for each criterion. It will take time to get to a standard set of definitions for each criterion and the relative merits for each.

The goal is to keep the list of criteria small and accurately reflect the reason for selecting one candidate over another.

The Career Criminal Status Hierarchy

There is a large base of known or not so known repeat offenders in most communities. The object is to select those whom a department wants to target. The process is basically a winnowing one. Potential career criminals are screened for meeting the minimum qualifications. These, in turn, are reviewed against each other using the local (interim) criteria, a few make it to the top and are selected for targeting. Others are placed on hold. Over time there will be a decay factor. There will be continuous competition to reach the top status of being a target career criminal. Qualified career criminals will be targeted, caught and then placed on the inactive status. Others will be caught or found no longer active, so they will also be placed inactive and return to the potential pool of repeat offenders.

The key points to remember of any career criminal program are:

(1) **Keep the Number of Targets Small**

Having a large number of targets dilutes the resources available to concentrate on those chosen. Placing a large number of career criminals into the criminal justice system overloads the system, causes frustration in the other criminal justice agencies, and ends up duplicating the present criminal justice response, thereby defeating the purpose of the program. Some of the larger departments process 100-150 career criminals per year; smaller departments may target 2 or 3 career criminals at any given time.

(2) **Keep the Target Current**

This point is primarily for pre-arrest career criminal model. Selected targets should be monitored and routinely evaluated as to whether their chance of being apprehended has diminished (e.g., no longer in area, stopped committing crimes, etc.). If, after a reasonable amount of time, the career criminal hasn't been apprehended, the name should be removed from the active list.

(3) **Keep the Information Exchange Active**

Career criminal target status information should be disseminated on a frequent and regular basis. Additional leads, status changes and arrests should be disseminated to all participant agencies, units and persons. This way, the targets are continually the point of discussion and focus. The communication must include credits to those who contribute information and/or apprehend the target; recognize good work.
C. What are the Operational Steps in a Career Criminal Program?

The basic steps of a career criminal program must be integrated with the criminal justice system (see appendix). Each jurisdiction has to tailor its own program to meet the legal, administrative and political constraints of its own criminal justice system. The basic steps are:

Step 1  Pre-Arrest Procedures
- The target selection committee selects target.
- The target is assigned to one person (detective, officer, analyst) who is responsible for appropriate data collection and communication.
- A dossier (intelligence package) is prepared on each target.
- An apprehension strategy is prepared and executed.

Step 2  Arrest Procedures
- The assigned person makes preliminary determination if arrestee is a potentially qualified career criminal.
- All appropriate police, prosecutor and other criminal justice agencies are notified.
- Available dossier information is provided to prosecutor and court.
- The prosecutor attends the bail hearing.

Step 3  First Court Appearance Procedures
- Career criminal should be held on no or high bail; if released, the assigned officer shall prepare and disseminate an updated flyer.
- Case enhancement should be identified and assigned.

Step 4  Preliminary Hearing
- Other cases, detainers, warrants, etc. from within and outside the department should be identified and worked into the charges.
- Neither police or prosecutor should waive or plea bargain case; carry through with highest charge.
- Subsequent offender status should be pursued and documented.
- Case enhancement should be completed.
- Victims and witnesses are kept informed.
Step 5  Case Preparation and Trial

• Case should be thoroughly prepared; police should help identify and rebut possible defenses.

• Subsequent offenses (arrest, conviction and incarceration) should be well documented and enhanced sentences pursued.

• Victims and witnesses coached on what will occur during the trial and provided assurances regarding the progress of the case.

Step 6  Sentencing

• Require pre-sentence report for all career criminal cases; police should provide complete criminal history records, instant offense data, and other background data to the pre-sentence investigator.

• The police should prepare a community impact statement which describes in sufficient detail the prior criminal activity and associations of the convicted person.

• Assist in obtaining a victim impact statement.

Step 7  Incarceration

• Provide the correctional institution (e.g., reception center) with copies of all the documents on the case (e.g., case reports, summaries and supplemental reports, criminal history, etc.) as soon as defendant is transferred to the detention (e.g., state) facility.

• Request rapid notification of any major status change of inmate (e.g., weekend furlough, transfer to minimum security facility, etc.)

• Keep in touch with Parole Commission and supply them with appropriate case documents. Write letters recommending the inmate not be released by the Parole Commission.

WHAT ARE THE BASIC POLICE CAREER CRIMINAL APPREHENSION ACTIVITIES?

A police department, without major increases in staff or changes in procedures, can marshal substantial resources to direct at career criminals. The following list identifies some of the activities a police department can engage in to help apprehend targeted career criminals. An important reminder is to keep the list of career criminals small and current.
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<td>Written procedures outlining career criminal goals, objectives, policy and procedures (e.g., police will not make deals with target; required special attention/priority attention to career criminal inquiries).</td>
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<tr>
<td>Career Criminal Detective</td>
<td>Assembles background package including criminal history, certified out-of-state convictions, PSI reports, intelligence data, correctional information. Gathers reports, coordinates enhancement investigations, liaison between assigned prosecutor and department.</td>
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<tr>
<td>Information Exchange</td>
<td>Prepare department career criminal flyer (pictures, identification descriptors, crime/MO patterns, known associates and hangouts, suspected activity, etc.) and keep up-to-date progress reports.</td>
</tr>
<tr>
<td>Crime Laboratory</td>
<td>Require targeted career criminal fingerprints to be searched against outstanding latents; based on career criminal detective info, search old outstanding MO pattern latent prints.</td>
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<td>Crime Analysis</td>
<td>Compare previous, current and future MO patterns against target career criminal MO characteristics.</td>
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<td>Crime Prevention</td>
<td>Make personal contact and disseminate information to neighborhood watch groups where target career criminals have operated or might operate. If opportunity, use such techniques as &quot;crime stoppers.&quot;</td>
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<tr>
<td>Patrol and Traffic</td>
<td>Urge uniformed field officers to know targeted career criminals and their associates, and to submit field contact/interrogation report whenever they come in contact with targeted career criminal.</td>
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<td>Fugitive</td>
<td>Make contact with outside jurisdictions where career criminal target previously resided, worked, or committed crime to determine if target is wanted or a possible suspect in an ongoing investigation.</td>
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<tr>
<td>Records/Communication</td>
<td>Flag all alpha and vehicle indices and notify inquiring officers that the name or associate or vehicle is involved with target career criminal. Notify state automated criminal justice to flag and notify assigned career criminal detective when a &quot;hit&quot; is made. Constantly check new arrests, warrant and want lists, etc.</td>
</tr>
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<td>Investigators (all units)</td>
<td>Review all outstanding cases in an effort to link outstanding cases and investigations to targeted career criminal. Contact all outstanding informants and arrestees to determine if they know or have worked with targeted career criminal.</td>
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<tr>
<td>Vice/Narcotics</td>
<td>Include targeted career criminal in day-to-day investigation efforts when contacting informants or building up cases.</td>
</tr>
<tr>
<td>Specialized Units (Spouse abuse, victim-witness, juvenile, etc.)</td>
<td>Review active and prior cases to identify if targeted career criminal is or has been a subject of an investigation or in any other way involved in a case.</td>
</tr>
</tbody>
</table>
D. Career Criminal Program Issues

1. **WHY DO WE NEED CAREER CRIMINAL PROGRAM?**

   - Police have limited resources
   - Research has identified few criminals commit most of the crime
   - Focuses the criminal justice system
   - Reasonable objectives can be achieved
2. WHAT ARE THE OBJECTIVES OF A CAREER CRIMINAL PROGRAM?

- IMPROVE MANAGEMENT OF THE POLICE AGENCY
- ENHANCE CRIMINAL JUSTICE SYSTEM OPERATIONS
- APPROPRIATE INCAPACITATION
- INCREASES PUBLIC SAFETY
3. WHY DO WE HAVE DIFFICULTIES FORMING CAREER CRIMINAL PROGRAMS?

○ CONFUSION WITH MAJOR CRIMES UNIT

○ POLICE BELIEVE THEY DON'T HAVE THE TIME/RESOURCES

○ PRECONCEIVED IDEA ON TYPE OF PROGRAM

○ POLICE OR PROSECUTOR CANNOT DO IT ALONE

○ ANY CHANGE CAUSES RESISTANCE
4. WHO ARE THE CAREER CRIMINALS?

Based on 1945 Philadelphia birth cohort and follow-up.
5. **How Often Do Career Criminals Commit Crimes?**

**Number of Crimes Committed/Year While on the Street by Crime Type of Instant Offense**

<table>
<thead>
<tr>
<th>Crime Type of Instant Offense</th>
<th>Median Crimes Committed (Mid-Point)</th>
<th>90 Percentile (Most Chronic)</th>
</tr>
</thead>
<tbody>
<tr>
<td>BURGLARY</td>
<td>5</td>
<td>232</td>
</tr>
<tr>
<td>ROBBERY</td>
<td>5</td>
<td>87</td>
</tr>
<tr>
<td>ASSAULT</td>
<td>2</td>
<td>13</td>
</tr>
<tr>
<td>THEFT</td>
<td>9</td>
<td>425</td>
</tr>
<tr>
<td>FORGERY/CREDIT CARDS</td>
<td>5</td>
<td>206</td>
</tr>
<tr>
<td>FRAUD</td>
<td>5</td>
<td>258</td>
</tr>
<tr>
<td><strong>ALL CRIMES EXCEPT DRUG DEALING</strong></td>
<td>15</td>
<td>605</td>
</tr>
</tbody>
</table>

Based on 1979 Rand study of 2100 male prison and jail inmates from California, Texas and Michigan.
6. COMPARISON BETWEEN PRE AND POST ARREST CAREER CRIMINAL PROGRAM

<table>
<thead>
<tr>
<th>FACTORS</th>
<th>PRE ARREST</th>
<th>POST ARREST</th>
</tr>
</thead>
<tbody>
<tr>
<td>EARLY I.D. OF CAREER CRIMINAL</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>INSTANT CASE INVOLVES SERIOUS CRIME</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>INSTANT CASE IS OF HIGH QUALITY</td>
<td>YES/NO</td>
<td>YES/NO</td>
</tr>
<tr>
<td>DOSSIER CAN BE PREPARED BEFORE ARREST</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>REQUIRES MORE RESOURCES</td>
<td>YES/NO</td>
<td>YES/NO</td>
</tr>
</tbody>
</table>
7. **HOW DO YOU IDENTIFY CAREER CRIMINALS?**

- UTILIZE DEFINITION BASED ON RESEARCH FINDINGS
- UTILIZE SUBSEQUENT OFFENDER (3X LOSER) STATUTE
- UTILIZE POLICE DEPARTMENT’S DEFINITION
8. RESEARCH SELECTION CRITERIA

- PRIOR CONVICTION FOR SAME CHARGE (ROBBERY OR BURGLARY)
- INCARCERATED MORE THAN 50% OF LAST TWO YEARS
- ADJUDICATED (CONVICTED) BEFORE AGE 16
- SERVED TIME IN STATE JUVENILE FACILITY
- DRUG USE IN PRECEDING TWO YEARS
- DRUG USE AS A JUVENILE
- EMPLOYED LESS THAN 50% OF PRECEDING TWO YEARS

Based on Rand study including self-reporting by 2100 male prison and jail inmates in California, Michigan, and Texas.
9. HOW DO YOU DEVELOP A CAREER CRIMINAL SELECTION CRITERIA?

STEPS

(1) DETERMINE YOUR MINIMUM QUALIFICATIONS

CONSIDER:

- STATE STATUTE DEFINITION OF CRIMES OF VIOLENCE
- BRAZOS COUNTY CAREER CRIMINAL EXPERIENCE
- SHOULD HAVE AT LEAST ONE CONVICTION & INCARCERATION FOR SERIOUS CRIME AS ADULT

(2) DEVELOP YOUR OWN LOCAL CRITERIA

CRITERIA CAN INCLUDE:

- CURRENT STREET ACTIVITY
- ARRESTABILITY
- CURRENT STATUS IN CRIMINAL JUSTICE SYSTEM
- CURRENT DRUG INVOLVEMENT
- PRIOR ARREST/CONVICTION RATE
- PRIOR JUVENILE DELINQUENCY HISTORY
- PROPENSITY TO VIOLENCE
10. **HOW DO YOU REFINE YOUR CAREER CRIMINAL SELECTION CRITERIA?**

**STEPS**

(1) SELECT 10 OR SO NAMES OF PERSONS WHO MEET CRITERIA

(2) CONDUCT A MATCH COMPARISON BETWEEN SUBMITTED CANDIDATES

(3) CLARIFY (WRITE DOWN DEFINITIONS) EACH LOCAL CRITERIA

(4) IDENTIFY THE RELATIVE WEIGHT FOR EACH CRITERIA
11. CAREER CRIMINAL STATUS HIERARCHY

TARGETED RO's

QUALIFIED REPEAT OFFENDERS
(Those who meet the minimum qualifications placed into three sub categories)

POTENTIAL REPEAT OFFENDERS
(Those identified by Police/CJ agencies as currently active)

KNOWN REPEAT OFFENDERS
(The large population base of known and not so known RO's)

SELECTIVITY OF PERSONS

TIME
12. **WHAT ARE THE OPERATIONAL STEPS IN A CAREER CRIMINAL PROGRAM?**

**STEPS**

- **PRE ARREST PROCEDURES**
  - SELECT TARGET
  - ASSIGN TARGET
  - PREPARE DOSSIER
  - DEVELOP APPREHENSION STRATEGY
  - INSTITUTE RESPONSE

- **ARREST PROCEDURES**
  - IMPLEMENT RESPONSE FOR EITHER PLANNED OR UNPLANNED ARREST
  - NOTIFICATION OF ASSIGNED POLICE, PROSECUTOR AND OTHER APPROPRIATE CRIMINAL JUSTICE AGENCIES
OPERATIONAL STEPS (cont'd.)

○ FIRST APPEARANCE
  - HOLD ON NO OR HIGH BAIL
  - IF RELEASED, PREPARE UPDATE FLYER
  - DETERMINE CASE ENHANCEMENT REQUIREMENTS

○ PRELIMINARY HEARING
  - DETERMINE AND DOCUMENT SUBSEQUENT OFFENDER STATUS
  - IDENTIFY OTHER CASES, DETAINERS, WARRANTS
  - NO WAIVERS OR PLEAS
  - FOLLOW-UP ON CASE ENHANCEMENT
  - KEEP VICTIM/WITNESS INFORMED

○ CASE PREPARATION AND TRIAL
  - IDENTIFY AND REBUT POSSIBLE DEFENSES
  - THOROUGH CASE PREPARATION (PHYSICAL AND TESTIMONIAL EVIDENCE)
  - DOCUMENT SUBSEQUENT OFFENSES
  - HANDHOLD VICTIM/WITNESS
OPERATIONAL STEPS (cont'd.)

- **SENTENCE**
  - PROVIDE ALL INFORMATION TO PRE-SENTENCE INVESTIGATOR
  - PREPARE COMMUNITY IMPACT STATEMENT
  - ASSIST IN OBTAINING VICTIM IMPACT STATEMENT AND STATE'S VERSION

- **INCARCERATION**
  - PROVIDE INSTITUTION (RECEPTION CENTER) WITH ALL INFORMATION AND DOCUMENTS ON CASE AND HISTORY
  - REQUEST NOTIFICATION ON MAJOR STATUS CHANGE
  - NOTIFY PAROLE COMMISSION
13. **BASIC POLICE CAREER CRIMINAL APPREHENSION ACTIVITIES PLAN**

**POLICE FUNCTIONS**

- DEPARTMENT POLICY
- CAREER CRIMINAL DETECTIVE
- INFORMATION EXCHANGE
- CRIME LABORATORY
- CRIME ANALYSIS
- CRIME PREVENTION
- PATROL AND TRAFFIC
- FUGITIVE
- RECORDS/COMMUNICATION
- INVESTIGATORS (ALL)
- VICE AND NARCOTICS
- SPECIALIZED UNITS
## BASIC POLICE ROP APPEHENSION ACTIVITIES PLAN

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<td>ROP Detective</td>
<td>Assembles background package including criminal history, certified out-of-state convictions, PSI reports, intelligence data, correctional information. Gathers reports, coordinates enhancement investigations, liaison between assigned prosecutor and department.</td>
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The Criminal Justice System and the Criminal Justice System

How to navigate the stages of the Criminal Justice System

The Criminal Justice System and the Criminal Justice System

Objectives

Tasks

Technologies

Information

Support

Communication

Confidentiality

Privacy

Security

Justice

Warrant

Arrest

No Warrant

Charged

Commenced

Convicted

Criminal

Justice

System

System
The Criminal Justice System

THE CAREER CRIMINAL PROGRAM AND THE CRIMINAL JUSTICE SYSTEM

CUSTOMARY AND CONDITIONAL RELEASE

Diagram showing the flow of the career criminal program.

Explanations and conditions for release.

System interactions and objectives.

Diagram and text detailing the process and decision points.
E. Prosecution of Career Criminal

1. OUTLINE FOR JUNE 27, 1988 WORKSHOP ON CAREER CRIMINAL PROGRAMS
   BRAZOS COUNTY, TEXAS

INVESTIGATION AND PROSECUTION OF CAREER CRIMINALS

1. Historical Background of Prosecution Based Career Criminal Programs

2. Career Criminal Program Priorities from the Prosecutor's Perspective:
   a. What the prosecutor needs from the police;
   b. What the prosecutor needs from the courts;
   c. What the prosecutor needs from the sheriff/department of corrections.

3. Communication Within the Program
   a. Selection criteria;
   b. Quality of investigation;
   c. Plea and sentence policies;
   d. Post-sentence communications.

4. Common Problems in Implementation
   a. Criteria too narrow or too broad;
   b. Perceived elitism in the prosecutor's office and/or the police department;
   c. Resistance from the judiciary;
   d. Defendants who want to "deal".

5. Legal Issues: Meeting the Challenges by the Defense
   a. Equal protection;
   b. Due process.
INVESTIGATION AND PROSECUTION OF CAREER CRIMINALS

HISTORICAL BACKGROUND OF PROSECUTION BASED CAREER CRIMINAL PROGRAMS

A review conducted in the early 1970's in the way the criminal justice system handled career criminals revealed that career criminals were not receiving special prosecutorial action; in fact, career criminals benefited from the clogged court dockets, long delays, and frequent exchanges of cases among prosecutors. This review found that inadequate prosecutorial resources resulted in:

- Dismissals and inappropriate charge reductions due to insufficient case preparation and dilution of case strength over time;
- Increased risk of pre-trial recidivism as a result of long delays between indictment and trial; and
- Decreased public confidence in a system that allows repeat offenders to escape swift and stringent punishment for their offenses.

The Law Enforcement Assistance Administration (LEAA) created the Career Criminal Program to address this problem by establishing within prosecutor's offices specialized prosecution units aimed at career criminals. The central tenet of the program was to focus law enforcement and prosecutive resources to increase the probability of early identification, enhanced investigation, priority prosecution, conviction on the most serious charges, and lengthy incarceration of individuals who have repeatedly demonstrated a propensity to commit violent crimes. Focusing resources usually involved forming a team of senior prosecutors who, because of reduced case loads, could concentrate extraordinary efforts in adjudicating their cases.

Over 45 jurisdictions received LEAA discretionary funds to implement prosecutorial career criminal units. By 1980, over 100 prosecutor's offices across the country had instituted some form of career criminal program. The LEAA career criminal program ended with mixed results. A number of the career criminal programs were terminated once funding ceased. The principal reason was the perceived low case load assigned to career criminal prosecutors. Another major difficulty was the lack of police involvement. Without police involvement, the entire burden rested with the prosecutor's office. They did not have ready access to complete case records and criminal history information. However, some prosecutor's offices continued to fund their career criminal programs after federal funding ceased. California and New York legislatures passed state appropriation bills to continue and increase career criminal programs in their respective states.
CAREER CRIMINAL PROGRAM PRIORITIES FROM THE PROSECUTOR'S PERSPECTIVE

What the Prosecutor Needs from the Police:

- Early identification of probable career criminal candidates;
- Complete and accurate criminal history records;
- Identification of all open or pending cases associated with career criminals;
- Thorough investigation of instant case;
- Maintaining an ongoing relationship with victim and witnesses; and
- No or minimal amount of negotiations over charges.

What the Prosecutor Needs from the Courts:

- Accurate records on convictions and bail;
- Expedite trial dates;
- Reduce the number of continuances; and
- High quality of pre-sentence investigations on all career criminals.

Note: (Even the judges are interested in all the information about a defendant; (e.g., his criminal and juvenile delinquency background, details about the instant case, etc.)

What the Prosecutor Needs from the Sheriff or Department of Corrections:

- Immediate high security detention for career criminals and not to be placed on any work release or other out-of-institution program;
- Accurate and complete institutional adjustment records; and
- Notification of any major status change of career criminal.

Summary

The prosecutor relies heavily on the various criminal justice records and information systems. He has to build up an effective two-way communication link with other criminal justice administrators that will cultivate into a strong relationship. The prosecutor cannot mount up and maintain a viable career criminal program on his own.

COMMUNICATIONS WITHIN THE CAREER CRIMINAL PROGRAM

Selection Criteria

Establishing a practical selection criteria is difficult. Most often the criteria is a combination of the instant case and the defendant's criminal background. The key points associated with any criteria are:

- The selection criteria, once agreed upon, should be written and promulgated to all attorneys and police officers.
• The prosecutor must show by example (and salesmanship) that qualified career criminal candidates will get fair consideration in the selection process.

• The final decision by the prosecutor, in collaboration with the police, and its reason should be communicated as soon as possible to the involved police officer(s).

Quality of Investigation

The success of any career criminal program rests with the police department providing the prosecutor with as thorough and accurate investigation into the instant offense as is possible. Some key issues include:

• Early notification of the prosecutor by police department on status and strength of instant case.

• A single contact point within both agencies to expedite discussions, respond to requests, etc.

• Routine meetings, and regular monitoring and followup efforts on all aspects of instant case (e.g., case preparation, results of physical evidence examination, victim/witness, possible defense moves, etc.).

Plea and Sentence Policies

Another important concern is agreement on the policies governing how a case will be disposed of. Both the police and prosecutor must agree on limiting the amount and type of negotiation in career criminal cases. These restrictions, by both the police and prosecutor, will show good faith and result in each buying into the program. Any deviation from the written agreement should be documented with reasons and appropriately disseminated.

Post-Sentence Communications

The prosecutor and police should make available as much information as possible to the correctional agency (e.g., reception/diagnostic center) regarding the convicted career criminal's background and instant offense. The police should prepare a well thought out statement (not a form letter) why the career criminal should remain incarcerated.

COMMON PROBLEMS IN IMPLEMENTING A CAREER CRIMINAL

Implementing a career criminal program within a prosecutor's office creates both internal and external resistance. Based on the discussion points above, the police are one of the principal agencies the prosecutor must work with to develop a high degree of collaboration.
Resistance from the Judiciary

The judges must be brought into the program early in the planning process. They may resist becoming specifically involved in planning the program, but they must be given ample information about the program. The prosecutor, with the Chief of Police, should plan to sit down and talk with the judges. Some issues for discussion include:

- Career criminal programs tend to increase the number of jury trials.
- The court docket will increase.
- There will be more prosecutor requests to expedite court scheduling and a similar increase in the defense bar requesting continuances, etc.
- The judge may have his own career criminal list and not agree with those who are identified by the program.
- Increase utilization of mandatory sentencing statutes is seen as taking away the judge's discretion in specific cases.

Defense Attorneys Want to Deal

It is crucial that the prosecutor have written policies regarding the strict limitations against "dealing" identified career criminal defendants.

Internal Issues

The prosecutor must balance his/her workload assigned to the career criminal attorneys. If the career criminal selection criteria is too narrow, the assigned cases will be too low and expectations will not be achieved. On the other hand, establishing the criteria too broadly can easily inundate the career criminal attorneys, thereby negating the benefits of specifically assigned attorneys.

As with any other specialized unit or function, other attorneys perceive career criminal attorneys as being "elitest", handling only the more difficult and glamorous type cases. This image could cause disharmony in a prosecutor's office.

CONSTITUTIONALITY OF CAREER CRIMINAL PROSECUTIONS

(See following item.)
Career Criminal Program Workshop
College Station, Texas

June 27, 1988

Part II: (B) Appendices

Consultants:

Tim Kenny
Kai Martensen

Prepared Under BJA Cooperative Agreement No. 87-DD-CX-KO61
III. APPENDICES
1. Constitutionality of Career Criminal Prosecutions
May 22, 1986

TO: ALL DISTRICT ATTORNEYS

Career Criminals

At the suggestion of Frank H. Trinkl of the Public Law Research Institute at the Hastings College of Law, I am sending on to you a copy of the Institute's April 1986 report entitled "The Constitutionality of Career Criminal Prosecutions".

The Institute's analysis leads to the conclusion expressed on page 16:

"No court that has ever considered the question has found that any aspect of any career criminal program is unconstitutional. Such programs do not impinge upon the rights of equal protection or due process guaranteed by the federal Constitution."

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

Original Signed By

STEVE WHITE
Chief Assistant Attorney General

SW: cac

cc: Frank H. Trinkl

bcc: Assistants
    Greg Thompson
    OCJP
    Pete Wilkinson (FYI Re: Possible Brief Bank Utility)
THE CONSTITUTIONALITY OF CAREER CRIMINAL PROSECUTIONS

Jeffrey Steele

April, 1986
In 1982, the California Legislature established the Career Criminal Prosecution Program. (Cal. Penal Code sections 999(b) - 999(h). See Appendix A.) The purpose of the program is to support efforts by local prosecutors to target individuals identified as career criminals for selective prosecution. (Penal Code sec. 999(b).) To date, the constitutionality of the program has not been challenged in the courts; however, similar programs in other states have been attacked on the grounds they violate the Due Process Clause and/or the Equal Protection Clause of the Fourteenth Amendment to the federal Constitution. This paper will examine the nature of those challenges and their relevance to California.

THE FOURTEENTH AMENDMENT

The Fourteenth Amendment states, in relevant part, that no state shall "deprive any person of life, liberty, or property, without due process..." In criminal cases, procedural due process requires adequate notice and a reasonable opportunity to be heard. Beyond this, "only oppressive and arbitrary state procedural rules command federal review. (Stump v. Bennett, 398 F.2d 111, 114 [1968].)

In addition, the Amendment forbids a state to "deny to any person within its jurisdiction the equal protection of the laws." Generally speaking, this requires that all persons similarly situated be treated alike. (Plyler v. Doe, 457 U.S. 202, 216 [1981].) Legislation involving "suspect classifications" or touching on fundamental interests are subject to strict scrutiny, and will be upheld only upon a showing of a compelling state interest. (Id. at pp. 216-217.) A classification is suspect if it is "more likely than others to reflect deep-seated prejudice rather than legislative rationality in pursuit of some legitimate objective[,]" or if it pertains to a group which has "historically been 'relegated to such a position of political powerlessness as to command extraordinary protection from the majoritarian political process.'" (Citations.)" (Id. at p. 416, n. 14.) Legislation which does not involve such classifications, and which does not touch upon a fundamental interest, will be upheld if it "bears some fair relationship to a legitimate public purpose." (Id. at p. 216.)

IT IS NOT A DENIAL OF DUE PROCESS OR EQUAL PROTECTION FOR THE TRIAL JUDGE TO BE AWARE OF DEFENDANT'S ASSIGNMENT TO THE CAREER CRIMINAL PROGRAM.
Some jurisdictions that maintain career criminal programs set aside special courtrooms for trial of career criminal cases, and assign special judges thereto. By virtue of their assignment to the program, these judges are aware that the defendants who appear before them have criminal records, although they might not know the specific nature of the prior convictions. In 2 jurisdictions, defendants have claimed that they were denied equal protection and/or due process of law when they were unable to obtain a trial before a judge who was unaware of their prior convictions.

In People v. Peterson, 398 N.Y.S. 24 (1977), defendant was accused of first degree robbery and related offenses. Before trial he moved to dismiss the charges. His moving papers mounted a broadside challenge to the career criminal program of the Bronx District Attorney's office, under which he was prosecuted. As part of that challenge, defendant claimed that he was deprived of due process of law by virtue of the fact that the trial judge knew of his prior convictions. The court considered and rejected the claim.

The court cited Spencer v. Texas, 385 U.S. 554 (1967) as controlling authority. In Spencer, the defendant was tried under a statute that imposed a heavier

2. In New York, the program is known as the "major offender" program, because it encompasses both serious recidivists and suspects accused of particularly heinous crimes.
sentence upon recidivists than upon first-time offenders for the same crime. Through the charges in the indictment and introduction of evidence at trial, the jury was made aware of defendant's priors. The trial court instructed the jury that the priors were not to be considered in determining defendant's guilt of the current charges. Defendant contended that this procedure denied him due process. The United States Supreme Court affirmed the conviction, holding that the procedure involved furthered a valid state purpose—the enforcement of habitual criminal statutes—and that the limiting instruction to the jury adequately protected defendant's rights. (See also McGautha v. California, 402 U.S. 183, 209-210 [1971]; Evans v. Cowan, 506 F.2d 1248 [1974].)

The court stated in Peterson, "It follows, of course, that if no constitutional infirmity attaches in instances where the trier of the fact, i.e., the jury, is aware of the defendant's prior record then certainly none exists if the court is made aware." (Peterson, supra, at p. 420.)

Moreover, the court noted that in New York, "the trial court to whom application is made must rule in advance of trial as to what, if any, convictions...may be elicited on cross-examination should the defendant testify in his own behalf (People v. Sandoval, 34 N.Y.2d 371 [1974].) At this juncture the court is made aware of the prior record. This court is hard put to recall the case in which a defendant having a criminal record did not make the Sandoval application."
California has a virtually identical procedure. See People v. Thompson, 175 Cal.App.3d 1012, 1017-20 (1985).

In Philadelphia, defendants assigned to the career criminal program by the District Attorney's office are tried before one of three judges who serve the program. In Commonwealth v. Carter, ___ Pa. Super. ___ (1985), defendant claimed that he was unable to exercise his right to waive a jury trial because the judge before whom he would be tried was aware of his prior convictions. The court ruled that defendant had no right to a non-jury trial under either the state or federal constitutions. (Singer v. United States, 380 U.S. 24, 34 [1965]; Smith v. Zimmerman, 768 F.2d 69 [1985]; Commonwealth v. Hailey, ___ Pa. Super. ___, 480 A.2d 1240, 1242-43 [1984].)

In Singer, the U.S. Supreme Court found no basis in either the history or language of the Constitution to support appellant's contention that he had a right to a non-jury trial. "In light of the Constitution's emphasis on jury trial, we find it difficult to understand how the petitioner can submit the bald proposition that to compel a defendant in a criminal case to undergo a jury trial against his will is contrary to his right to a fair trial or to due process." (380 U.S. at p. 36.)

Article I, section 16 of the California Constitution (see Appendix B) grants to defendants in criminal proceedings the right to a trial by jury. This section
also provides, in relevant part, "A jury may be waived in a criminal cause by the consent of both parties expressed in open court by the defendant and the defendant's counsel." The prosecutor, as a party to the action, may refuse to consent to the waiver. (See People v. Coleman, 86 Cal.App.3d 746 (1978).) Thus, as a matter of state law, a criminal defendant is not entitled to demand a non-jury trial.

Moreover, "the fact that the trial judge is aware of an accused's prior convictions does not automatically require that judge's recusal." Trial judges are presumed to disregard inadmissible evidence." (Carter, supra, quoting Hailey, supra, at p. 1243.)

Finally, in Commonwealth v. Kellum, 339 Pa. Super. 512: 489 A.2d 758 (1985), the court indicated that, in ruling on defendant's motion for a non-jury trial, the court may take into account considerations of judicial economy. Thus, the court held that it is proper to deny defendant's motion where it appears that the purpose of the motion is to obtain a transfer out of the career criminal program by obtaining a bench trial, and then forcing the judges in the career criminal program to recuse themselves because of their knowledge of defendant's prior convictions.

There is, however, one reported case in which a defendant successfully challenged the impartiality of a
judge assigned to a career criminal program. In Commonwealth v. Simmons, 335 Pa. Super. 57; 483 A.2d 953 (1984), defendant stood accused of robbery, criminal conspiracy, and theft. After a psychiatric examination, defendant was found incompetent to stand trial on November 24, 1981. He was committed to the Forensic Unit of the Philadelphia Detention Center. On January 5, 1982, he was again examined, and this time he was found competent to stand trial. On March 2, 1982, defendant appeared before the trial court to plead guilty. The trial judge conducted an on the record colloquy in order to determine whether defendant understood the consequences of his plea. At first defendant admitted his guilt, but upon closer examination he claimed he had not committed the acts with which he was charged. (Id. at p. 61.) Eventually, he withdrew the guilty plea and elected to stand trial, waiving his right to a jury. (Id.) Defense counsel asked the trial judge to recuse himself because of his knowledge of the abortive guilty plea. The judge replied, "Well, I would be very glad to recuse myself if some other judge in the program [career criminal program] would take the case as a waiver judge. However, there are no particular judges available at this time." (Id. at p. 62.)

On appeal, the court held that the trial judge should have recused himself. The court relied in part upon Pennsylvania cases holding that a judge must recuse himself
if he has knowledge of highly prejudicial information that would be inadmissible at trial. (Commonwealth v. Goodman, 454 Pa. 358, 311 A.2d 652, 654 [1973]; Commonwealth v. Conti, 236 Pa. Super. 488, 345 A.2d 238 [1975]; Commonwealth v. Walls, 261 Pa.Super. 321; 396 A.2d 419, 421 [1978].) "Appellant's right to be tried before an impartial judge should not have been subordinated to the administrative matter of the availability of another judge assigned to a particular program." (Simmons, supra, at p. 62.)

The court also relied upon A.B.A. section 1.7 Standards Relating to the Function of the Trial Judge, which states, "The trial judge should recuse himself whenever he has any doubt as to his ability to preside impartially in a criminal case or whenever he believes his impartiality can be reasonably questioned." In California, similar language may be found in Canon 3 of the Code of Judicial Conduct (A copy of which is attached hereto as Appendix C), as well as Code of Civil Procedure section 170, subdivision 5 (A copy of which is attached hereto as Appendix D).

To summarize: A defendant who is tried pursuant to a career criminal program is not deprived of either equal protection of the laws or due process of the law because the trial judge knows that he has prior convictions. The requirement of Penal Code section 999h that the
characterization of a defendant as a "career criminal" not be communicated to the trier of fact is satisfied when the jury is not apprised of this fact. The defendant has no right under either the federal or state constitutions to have his case tried to a judge. Even if he did, the judge's knowledge of defendant's priors would not be grounds for recusal, for the reasons set forth above. However, where recusal is called for on other grounds, the fact that the judge is the only one available among those participating in the program is irrelevant.

DENIAL OF A PRELIMINARY HEARING IN CAREER CRIMINAL CASES IS NOT A DEPRIVATION OF DUE PROCESS OR EQUAL PROTECTION.

Cal. Penal Code section 999(f) subdivision 4 states, "All reasonable prosecutorial efforts will be made to reduce the time between arrest and disposition of charge (sic) against an individual meeting career criminal selection criteria." In states that authorize initiating criminal proceedings by indictment or information, many prosecutors have turned to the grand jury as a means of reducing the amount of time between arrest and disposition of career criminal cases. To date, this use of the grand jury has survived every legal challenge mounted.

In Peterson, supra, defendant challenged the use of

3. In California, the grand jury is created by California Constitution art. I, sec. 14, and Penal Code sec. 888 et. seq.
grand jury indictments in career criminal cases. The New York court treated defendant's somewhat rambling arguments as a due process challenge (91 Misc.2d at p. 417), which it rejected on both state and federal grounds. "There is no paucity of State or Federal decisional law to support the proposition that a preliminary hearing is not constitutionally required where there has been a Grand Jury indictment[,]" stated the court. (Id.) "In United States v. Caesar (368 F. Supp. 328, 333 [1973]), the court stated: 'it [the Grand Jury] remains a legitimate method of initiating criminal proceedings. It is an alternative to the complaint and preliminary examination method of determining probable cause to hold a person for trial. Therefore, preliminary examinations, which are intended to accomplish the same end, are unnecessary following the presentation of as true bill.' (See, also, e.g., United States ex rel. Walker v. Henderson, 492 F.2d 1311, 1314, cert. denied 417 U.S. 972; Harris v. Estelle, 487 F.2d 1293, 1296; United States v. LePera, 443 F.2d 810, 811, cert. denied 404 U.S. 958.)" (Id. at 417-418.) Since the defendant did not claim that the speed with which the indictment was returned deprived him of sufficient time to present an adequate defense (Id. at p. 417), the court held that the procedure did not offend the concept of due process.

4. The court noted that 99% were returned within 72 hours of arraignment. (Id. at p. 417.)
In State v. Lamp, 59 Ohio App.2d 125 (1977), appellant appealed from his convictions for aggravated burglary and grand theft. He claimed that his classification as a career criminal deprived him of his right to a preliminary hearing, and thus equal protection of the law. The court began its analysis by noting that appellant had no constitutional right to a preliminary hearing; therefore, no fundamental interest was implicated. (Id. at pp. 126-127.) The court gave no reason why the defendant had no such right under the federal constitution; however, see the federal cases noted in Peterson above. Next, it held that the career criminal program generally is not based upon a suspect classification, and that it is rationally related to a legitimate legislative objective. "The program bears a reasonable relationship to the legitimate interest of the state in the speedy, but fair, prosecution of those who have demonstrated a propensity for crime. (Citations.)" (Id. at p. 128.)

The reasoning of the Lamp decision was approved without discussion by the Court of Appeal for the Sixth Circuit in Flournoy v. Gabalac, 652 F.2d 57 (1981).

In State v. Wash, 69 Or. App. 93, 684 P.2d 18 (1983), defendant was indicted for first-degree robbery. He filed a motion in the trial court for a post-indictment preliminary hearing, or, in the alternative, for dismissal
of the charges. At the hearing on the motion, the deputy
district attorney testified that it is the policy of the
career criminal unit to take all cases to a grand jury,
although individual deputies have discretion to utilize a
preliminary hearing. He testified that the reason for this
policy is that use of the grand jury is a more expeditious
method of charging a defendant than the preliminary
hearing, and that this shortens the arrest-to-trial time.
(Id. at pp. 95-96.) Defendant brought suit under Article
I, section 20 of the Oregon Constitution, which states that
no law shall grant "any citizen or class of citizens
privileges, or immunities, which upon the same terms, shall
not equally belong to all citizens." He presented evidence
that other first-degree robbery cases had gone to
preliminary hearings, and claimed that the use of grand
jury indictments in career criminal cases deprived him of
equal protection of the laws.

The court cited State v. Clark, 291 Or. 231, 630 P.2d
810 (1981) for the proposition that, while a criminal
defendant has no right to a preliminary hearing, it is a
privilege of "significant importance" to the accused. An
equal protection claim under Art. I sec. 20, therefore, is
made out where there is a showing that preliminary hearings
are permitted or denied in a haphazard or arbitrary
fashion. (State v. Freeland, 295 Or. 367, 374 (1983).)
Since it was the policy of the District Attorney's office
to seek indictment in all career criminal cases, the court in Clark found that there was no danger of "ad hoc" use of the preliminary hearing. (Wash, supra, at p. 97.) The fact that individual deputies have discretion to seek a preliminary hearing is not fatal, unless the defendant can show that such discretion is exercised in an arbitrary fashion. (Id. at pp. 97-98.)

In sum, the use of grand juries to reduce the amount of time between arrest and disposition in career criminal cases has been upheld in every jurisdiction in which it has been challenged. Criminal defendants have no federal constitutional right to a preliminary hearing, although at least one state considers it a privilege of "significant importance." (Wash, supra.) However, the cases suggest two ways in which due process or equal protection might be violated: (1) Shortening the time between arrest and trial so drastically that the defendant does not have time to prepare an adequate defense (Peterson, supra, at p. 417), and (2) Permitting or denying preliminary hearings in an arbitrary or capricious fashion. (Wash, supra, at p. 97.)

OTHER CHALLENGES TO CAREER CRIMINAL PROGRAMS

A

Cal. Penal Code section 999(f) subdivision (b) states, in relevant part, "The prosecution shall not negotiate a
plea agreement with a defendant in a career criminal prosecution..." In *Peterson*, the defendant challenged this aspect of the New York career criminal program as a denial of equal protection. The court held that the defendant had no constitutional right to plea bargain. "If there is a certain intransigence in the position of the prosecutor as regards his plea offer in a major offense case, it is due to the fact that his case is relatively strong, well prepared and free of the debilitating effect of delay."

(*Peterson* at p. 411. See also *State v. Rudolph*, 39 N.C.App. 293; 250 S.E.2d 318 [1979].)

B

In *State v. Stilling*, 31 Or. App. 703, 571 P.2d 184 (1977), the defendant claimed that the policies of the career criminal unit (minimizing the arrest-to-trial period, avoiding plea bargains, advocating maximum punishment, participation in sentencing, probation, and parole proceedings, and funding from the federal Law Enforcement Assistance Administration) conferred a "prosecutorial advantage" of sufficient magnitude to deprive defendant of equal protection and due process. These policies were upheld by the court on the grounds that they are rationally related to the valid public policy of protecting the public from career criminals, and applied in
a non-discriminatory fashion. By contrast, California receives no federal funding for its career criminal program. Moreover, starting June 1, 1986, the state will provide $0.75 million to county public defenders for the defense of career criminal cases, in order to offset any perceived imbalance between the resources of the prosecution and defense. 5

C

Finally, in Peterson, supra, the defendant claimed that his very classification as a career criminal was discriminatory and a denial of equal protection. The court noted that the career criminal program involves selective prosecution, not selective enforcement. That is, the district attorney decides to prosecute certain individuals by means of a procedure different from that used for the majority of those accused of felonies. The district attorney does not decide to prosecute only certain crimes or certain individuals. (91 Misc. 2d at p. 412.) Prosecutorial discretion is "by its very nature exceedingly broad" (Washington v. United States, 401 F.2d 915, 925 [1968]; see also Oyler v. Boles, 368 U.S. 448, 456 [1962]; United States v. Gainey, 440 F.2d 290, 291-292

[1971]; Newman v. United States, 382 F.2d 479, 480.

[1967].) The court reasoned that the classification of individuals as career criminals for purposes of selective prosecution is no more invidious than the classification of individuals as habitual criminals for purposes of punishment under habitual criminal statutes. (McDonald v. Massachusetts, 180 U.S. 311 [1901]; Spencer v. Texas, 385 U.S. 554 [1967]; Oyler v. Boles, supra.)

CONCLUSION

No court that has ever considered the question has found that any aspect of any career criminal program is unconstitutional. Such programs do not impinge upon the rights of equal protection or due process guaranteed by the federal Constitution.
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2. Brazos County, Texas Career Criminal Programs
The Bryan P.D. and Brazos D.A. SCORE Program (Serious Career Offender Removal Exercise) became operational during the Summer of 1987. SCORE is primarily a patrol oriented, pre-arrest career criminal model, directed at collecting extensive criminal intelligence data on targeted career criminals. Once the career criminal is arrested, the case is assigned to the career criminal investigator. This investigator works closely with the designated career criminal prosecutor to make the final determination on whether the defendant will be handled as a career criminal. Case enhancements are handled through the career criminal investigator.

The SCORE career criminal definition includes both offense (instant arrest) and offender criteria. Their procedures call for the selection of five career criminal targets who are kept on a list for six months or until they are arrested. After six months, their case is reviewed and a determination made on whether to continue them as targets or place them on inactive status.

**KEY POINTS BASED ON THEIR EXPERIENCE**

- A career criminal program has to be sold to the rank and file. It is important the program continue to be mentioned and talked about during roll call, in-service training, conferences, etc.

- Everyone must receive the material on the targeted career criminals. Information should be as complete as possible, accurate, and constantly brought up to date. It is important to include pictures and complete descriptions of target, vehicle, etc.

- Keep target list small, don’t overburden the officers or the assigned investigator or prosecutor with a large number of career criminals. Fortunately, with good selection criteria, targeted career criminals will be quickly apprehended. (Bryan's first career criminal target committed suicide just before he was arrested.)

- Without active support from the prosecutor’s office, a career criminal program will not function effectively.
3. SCORE: An Exercise in Career Criminal Tracking
SCORE

AN EXERCISE IN CAREER CRIMINAL TRACKING
TABLE OF CONTENTS

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I. THE CONCEPT OF CAREER CRIMINAL TRACKING

The idea behind a career criminal tracking program lies in the repetitive nature of some criminal offenders. For example, if 20% of the offenders repeat their conduct enough to account for 80% of the crime, it makes good law enforcement sense to focus investigative efforts on that small 20%. The trick, it seems, is to accurately identify the 20%. Studies show that this small block of offenders, the career criminal, can be identified by use of certain selective criteria, common characteristics of long term criminal offenders. Some of these criteria are (1) crime being committed by the offender at an early age; (2) ragged employment figures for the years immediately preceding the year of arrest; (3) multiple arrests for the same or similar crime; and (4) chronic alcohol or drug abuse in the years preceding arrest.

Career Criminal Tracking Programs follow basically two models. One is a Proactive or pre-arrest scheme and, the other is a Reactive or post arrest scheme. Proactive models tend to identify offenders by name and center on surveillance teams actually "tracking" the named offenders. Sooner or later the offender is caught in the act. Frequently, though not necessarily, these programs involve large sums of money often from Federal grant systems. Central to the operation of Proactive systems is the commitment of both police and prosecution alike to a higher level of investigation and prosecution. Plea bargaining is highly discouraged if not out right banned.

Reactive forms center on the offense rather than the offender. Rather than target a person, each and every case investigated by the police is a possible career criminal case. If the suspect/offender fits the criteria, the case is submitted to the prosecuting authorities for special consideration as a career criminal case. The same commitment required in a Proactive form is necessary to a Reactive program. A Reactive form is more time consuming in that channels of communication between police and prosecution often are confusing and disjointed. For this reason, vertical prosecution is encouraged and probably beneficial no matter what system is employed. Vertical prosecution is the concept of a single prosecuting attorney responsible for a set of cases from intake through grand jury through conviction and appeal.

II. SCORE: THE BEGINNINGS

In October, 1986, Lt. John Boyd of the Bryan Police Department and Rod Boyles of the Brazos County District Attorney’s Office attended a conference in Kansas City, Missouri, for instruction in the basic implementation of a tracking program. In the summer of 1987, Lt. Boyd
II. SCORE: THE BEGINNINGS (con't)

devised and implemented SCORE: Serious Career Offender Removal Exercise. SCORE is a patrol oriented exercise, wherein each patrol unit is given access to the identity of previously identified career offenders. With time, patrol can set up surveillance at known places of residence or a residence of frequent associates. The goal of SCORE is to gather information on each offender in an intelligence file so that when a case is made, the file information can quickly be assembled to obtain higher bonds, quicker trial settings, and hopefully, higher sentences.

In September, 1987, Lt. Boyd, Boyles, John Crenshaw and Lee Freeman attended a conference in Breckenridge, Colorado, to discuss development, problems in existing programs. At that time, it was decided a major hindrance to the existing Bryan Police Department program was the lack of a program in effect at any other police department in the County. For this reason, the county-wide program was sought to be implemented.

III. CURRENT PROGRAM OBJECTIVES

A. To develop a systems approach to the identification of serious career offenders with a focus on property offenses coupled with drug use or abuse leading to criminal charges.

B. To name a governing board to identify the serious offenders and implement the focus of investigation at both the patrol and criminal investigation division.

C. To utilize intelligence files on each career offender to obtain the longest pre-trial incarceration possible, the longest sentence after conviction possible, and the longest sentence served prior to parole possible.

D. To evaluate the program after six (6) months to retire unarrested but identified offenders from the program and re-evaluate criteria for selection.

E. To petition for federal funding of special investigators and surveillance teams to enhance the effectiveness of existing programs.
IV. PROGRAM OPERATION

A. Board Organization

The Board shall consist of the following heads of departments and/or their designated spokespersons:

(1) Robert Wiat, University Police
(2) Charles Phelps, Bryan Police
(3) Michael Strope, College Station Police
(4) Rick Stewart, Department of Public Safety, Narcotics
(5) Fred Forsthoff, Department of Public Safety
(6) Clyde Collins, Texas Alcohol and Beverage Commission
(7) Ronni Miller, Sheriff, Brazos County

Responsibilities of the Board will be to meet monthly to decide to broaden or narrow selection criteria, select and identify offenders, and to generally identify problems dealing with investigation and prosecution of named offenders.

B. Board Member Responsibilities

Each Board Member is urged to designate the following in his law enforcement agency:

(1) One Career Criminal Investigator
(2) One Career Criminal Lieutenant (CID)
(3) One Career Criminal Lieutenant (Patrol)
(4) One Career Criminal Major

Designees are necessary for the free flow of information and for the replacement of Board Members at monthly meetings. Each CID Lieutenant and/or investigator is responsible for the gathering of SCORE information sheets from his department on a daily basis. Bryan Police Department, whose parent program is now in operation, will serve as a gathering place for all intelligence and the building of individual files on selected offenders. Each career criminal investigator is responsible for the investigation of each career criminal, if that career criminal commits the offense in the investigator's jurisdiction.

C. Selection Criteria

(1) The program will use the offender-based approach on identified targets with prior convictions or more than one arrest for the same crime, and demonstrate a propensity or desire for a life of crime indicated by prior juvenile arrests.
IV. PROGRAM OPERATIONS (con't)

(2) The target offender meeting the above criteria should be at least 15 years of age.

(3) The offender must have a felony criminal history, namely a final felony conviction either suspended or penitentiary time.

(4) The offender must be active in one or more of the target offenses in the Bryan/College Station metropolitan area.

(5) The offender must be involved in the targeted offenses set below:
   (a) Robbery or Aggravated Robbery
   (b) Burglary
   (c) Theft
   (d) Motor vehicle theft
   (e) Narcotics

D. Program Operation

(1) After selection criteria is determined, a search of the records is completed and offenders designated, all personnel will receive a classified copy of pertinent data regarding each offender. The data on the offender will include the following: name, address, date of birth, race, sex, driver's license number, height, weight, hair color, eye color, vehicle, remark, and a small photo of targeted offender. (See attached sample).

(2) Any incident that arises involving selected individuals should be noted in detail by the responding officer and forwarded through channels on the proper form.

(3) The proper form will be: (sample attached)
   A SCORE sheet titled--Targeted Offender Field Contact Report
   (a) For officer's Memo pocket book. With space for information for: Offender's name, situation encountered, location, time, date, vehicle (where either the offender is the driver or occupant), associates, comments, reporting officer, and badge number.

(4) When arrests are made of offenders the on duty patrol supervisor should be notified immediately to ascertain the situation and determine if the CCP investigator should be contacted at that time.

(5) When offenders are arrested the CCP investigator will be assigned the case, will make contact with the CCP prosecutor and a determination made as to the probabilities of enhancement and if the case should be handled as a career criminal case.
IV. PROGRAM OPERATIONS (con't)

(6) Master books.
(a) Four large three (3) ring binders will be kept updated at the Bryan Police Department.
(b) One kept for CID, similar binders with basis information should be kept at each department's CID.
(c) One kept by each shift commander.
(d) The master books will be updated by the assigned patrol Lt. (Information will be updated when information is received).

(7) Officer's Memo pocket books.
(a) Each officer will be issued an officer's Memo pocket book with score sheets.
(b) The Memo pocket book will be used only for information on offenders.
(c) The information will be turned in directly to a supervisor by the patrol officers. The patrol supervisor will make sure the information is passed on through proper channels to CCP investigators.

(8) SCORE Serious Criminal Offender Removal Exercise
Criteria for our program is to select 5 known repeat offenders
A. The five offenders will be kept under surveillance for a period of six (6) months.
(a) If offender is not involved in a criminal activity for six (6) months he or she may be dropped as a career offender.
(b) If he is arrested and is incarcerated until his trial, he may also qualify for removal from the list.
(c) The criteria to be put on the list will be derived from the repeat offender's criminal record, at Board considerations.
(d) The Board will review all five (5) offenders every six (6) months.
(e) All officers will keep the names of offenders strictly confidential. However, if anyone thinks he might be on the list, he can ask the police department. He or she must be seen by a CCP investigator. Two reasons—One is to assure the proper identification of the person making the inquiry. Two is a unique opportunity that flows from the identification process.
V. PROGRAM MANAGEMENT

The management of the career criminal program is the responsibility of the CID lieutenant who should make certain all criteria is met and stay in close contact with all components to assure maximum effort is being made.

1. Be ready to approve overtime for valid cases.
2. Have an alternate CCP investigator for periods when the initial CCP investigator is not available, such as, vacation, emergencies, etc.
3. Assist CCP investigator if needed.

VI. CRIMINAL JUSTICE INTERFACE

The harmonic relationship between the Bryan Police Department and other agencies of the system ultimately will be the responsibility of the designated Major in the career criminal program. Hopefully, the CID Lieutenant will be able to guarantee a smooth and effective working relationship with everyone involved.

VII. PROGRAM EVALUATION

The criteria for evaluation should be designed by the Major in charge of CCP. The focus of that evaluation might be in the area of:

1. Number of repeat offenders identified.
   a. From contact with officers on the street.
   b. From information from SCORE sheets in officers pocket book.
   c. From information from informants.
2. Number of repeat offenders detained until trial.
   a. From CCP investigators effort working with prosecutors.
3. Increase in quality of investigations of targeted offenders.
4. Number of repeat offenders indicted on most serious crimes.
5. Number of repeat offenders convicted of most serious crimes.
6. Number of repeat offenders sentenced to prison.
7. Number of repeat offenders who received a habitual sentence due directly to the efforts expended in the CCP.

VIII. MINIMUM ESTIMATE COST FOR MATERIALS

Figures from News Office Supply 2015 S. Texas Ave. Bryan, Texas

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<tr>
<td>Pocket Memo books</td>
<td>70</td>
<td>$2.90</td>
<td>$203.00</td>
</tr>
<tr>
<td>Ring binders (master books)</td>
<td>4</td>
<td>$4.20</td>
<td>$16.80</td>
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<tr>
<td>Fillers</td>
<td>70</td>
<td>$1.15</td>
<td>$80.50</td>
</tr>
<tr>
<td>Total this section</td>
<td></td>
<td></td>
<td>$300.30</td>
</tr>
</tbody>
</table>
VIII. MINIMUM ESTIMATE COST FOR MATERIALS (con't)

Pictures of career criminal.

Offender printed in page of officers pocket book and master book.

1 Picture of five target offenders $5.00 ea
$25.00
For reprint from picture (no negative)
4 large 4x4 pictures for master books
$4.00
70 Memo officer pocket book pictures
5 pictures (2x2) of criminal offenders
in each memo book = 350 pictures @ .65 ea
$227.75
Total this section $236.75

If negatives are available the rate will be .50 for each photo. Figures from: Parker Photo Processing
1735 A Booneville Rd.
Bryan, Texas 77802
Phone No. 779-6269

TOTAL ESTIMATED COST
$557.05
CAREER CRIMINAL TRACKING

RESPONSIBILITIES-----

Lt. Figgs---------Has overall responsibility for the Career Criminal Tracking program.

- Receives all offenses, supplements, "SCORE" sheets and other paperwork pertaining to career criminals.
- Insures Sgt. Crenshaw receives a copy of all paperwork pertaining to career criminals.
- Insures Sgt. Crenshaw is assigned all cases involving a listed career criminal. Should Sgt. Crenshaw be on an extended leave, the case will be assigned to another investigator and a copy left for Sgt. Crenshaw.
- Maintains career criminal books and ensures all paperwork pertaining to career criminals is placed into the appropriate book.
- Reviews each book periodically in order to maintain complete familiarity with career criminal suspects.
- Upon arrest of a career criminal suspect, insures the career criminal prosecuting attorney or the DA's office is notified.
- Upon determination that a suspect will be held without bond or after one has been sentenced to TDC. decides upon a replacement suspect. This decision should be made with the input from other patrol and CID personnel. The name or the next suspect should be available immediately after sentencing or the present career criminal.
- Insures all paperwork and the appropriate book information is gathered on new suspects. Areas of checking are our files. Municipal Court, BC30, CSPD, UPD. TDC, DPS, teletype and any other area which might provide useful information.
- Forwards all the above information to the
CID Clerk for correlation after checking for accuracy. Also insures appropriate information sheets are prepared for patrol and CID personnel.

After completion of the above, places information into the career criminal book and forwards an appropriate number of copies of information sheets to patrol OICs.

Maintains a complete tracking system or record concerning who was placed into the program, significant events while in the program, results after arrest (charges, bonds, and court results), and final disposition of the suspect.

Forwards a monthly report to Major Freeman which at minimum should contain a listing of all persons on the career criminal list, number of contacts made with those persons during the month and any significant events concerning those persons (such as becoming a suspect in a particular case, being arrested, etc.).

Notifies Major Freeman of the arrest of any career criminal suspect and keeps him advised of proceedings through the criminal justice system.

Insures the career criminal prosecutor is familiar with the current target lists as it changes.

Makes daily checks of county jail records to ascertain if a target has been or is in jail.

Makes periodic checks of local agencies to insure intelligence on targets is up to date.

After reviewing all SCORE data, insures any changes in address, vehicles or associates are forwarded to patrol OICs for dissemination to line officers.

Insures any and all fingerprints recovered at any crime scene are compared to the targets.
Insures the CID clerk and CCT investigator perform their responsibilities.

Makes recommendations for changes in the program design.
JID Clerk---------Assists in gathering information, typing appropriate forms and reports, running copies, etc.

Patrol UICs-------Responsible to insure all of their personnel receive information sheets on designated career criminal suspects.

Personally reviews patrol officers career criminal booklets on at least a monthly basis checking for updated accuracy and completeness.

Reviews the persons on the career criminal lists with all personnel at least every two weeks in order to insure personnel are familiar with those career criminals.

Forwards all information to CID concerning listed career criminals.

Immediately notifies the Career Criminal Investigator of any arrest of a listed career criminal.

Reports to Major Freeman on a monthly basis, through the use of the computer, as to significant changes or problems with the program, results of personnel checking concerning information contained in career criminal booklets.

Recommends names to Lt. Riggs of additional persons suspected of being involved in career criminal activity.

Insures a copy of information concerning any listed career criminal is placed on the shift meeting board for dissemination to other patrol personnel.

Sgt. Crenshaw------Designated as the Career Criminal Investigator.
Maintains a close working relationship with the Career Criminal Prosecutor of the DAs office.

Provides the Career Criminal Prosecutor with information concerning any changes in the persons in the career criminal books.

Immediately notifies the Career Criminal Prosecutor of the arrest of any listed career criminal suspect.

Receives all information and cases concerning listed career criminals.

Provides constant feedback to patrol supervisors concerning the status of all listed career criminals and their suspected activities.

Reports to Lt. Riggs every 15 days concerning the status or cases involving listed career criminal suspects.
1. Familiarize yourself with the targets, target vehicles, target a preferred crimes or M.O. and target's home addresses.

2. Utilize the SCORE SHEET to document any contact with targets if will be completed regarding the contact, such as arrest records, accident reports, citations or supplemental records.

3. If citations are issued to any targeted offender a copy will be to your supervisor.

4. Upon completion of a SCORE SHEET forward it directly to your sup
SCORE SHEET
TARGETED OFFENDER
FIELD CONTACT REPORT

TARGET'S NAME: ________________________________

SITUATION ENCOUNTERED: ______________________
_____________________________________________
_____________________________________________
_____________________________________________
_____________________________________________

LOCATION: ____________________________________
_____________________________________________
_____________________________________________

TIME: __________________

DATE: __________________

VEHICLE (Driver or Occupant): __________________

ASSOCIATES: __________________________________
_____________________________________________
_____________________________________________

COMMENTS: __________________________________
_____________________________________________
_____________________________________________

_____________________________________________

Reporting Officer ____________________________ Badge No. __________________
4. Dallas, Texas Career Criminal Program
PROGRAM OVERVIEW

The Dallas Police Department's TOP program (Targeted Offender Program) has been in operation for approximately two years. TOP's objective is to identify, coordinate enforcement, apprehend, and impact the disposition of career criminals. The program emphasis has been on crime patterns (i.e., geographical focus); tracing career criminals to patterns of crime. Their method of operation includes execution of warrants, limited surveillance, conducting reverse stings (i.e., trying to sell "hot" goods to known fences) and use of confidential informants. The program has a staff of 20 including 14 investigators, 3 sergeants, 1 lieutenant, and 2 analysts. Each investigator is assigned up to 10 targets; they are required to develop and prepare a complete dossier on each target. The list of targets undergoes a 90-day review to determine whether they should be retained or not.

TARGET SELECTION

The selection criteria is divided between targets eligible for enforcement efforts and those eligible for prosecution. The enforcement list is broader in scope to allow more participation by the rank and file police officers. This wider definition allows the criminal record to be built on "threshold" offenders. The objective is to expedite targets who are eligible for enforcement to move them into prosecution targets.

A special segment of the definition for target offenders for prosecution is directed at receivers of stolen property. These are difficult cases to prove and most fences don't have lengthy or serious criminal histories. The TOP prosecution criteria also allows juveniles to be selected if they are eligible for adult certification (i.e., waived to adult court).

Target Committee

The TOP target selection procedure requires a target to be submitted to the target committee which is comprised of the three TOP sergeants, three investigators and one analyst. The new candidates are compared against the existing master list; however, there are always vacancies because targets keep dropping out. The target committee assigns the newly accepted target to one of the TOP investigators.

The objective of the target committee is to ensure the quality of targets, not push for numbers. This may require the committee to finesse other units' requests to accept their candidates as TOP targets.
A major function of the TOP program is collecting complete and accurate information on all targets. This data begins with requiring that each target candidate have an information sheet completed on him/her by the submitting officer. This data helps the target committee make their decision. The TOP investigators assigned targets are also required to develop information on their targets. A complete array of information resources is necessary (e.g., patrol and investigators, crime analyst, planning & research, confidential informants, other law enforcement agencies, records and warrants, etc.).

The department’s entire information resources is open and accessible to everyone working on TOP targets. The data collection procedures include check-off lists, color coded notification cards, etc. The TOP unit is responsible for maintaining the appropriate files and records on each target. The TOP investigator is required to insure the data contained in the dossier is accurate, legal, etc.

RESULTS

The TOP unit has to date:

- targeted 246 individuals
- arrested 144 targets and 312 others
- filed 260 cases
- cleared 255 cases
- seized $2.3 million in property including recovered 241 vehicles

KEY POINTS BASED ON THEIR EXPERIENCE

- A career criminal program requires constant selling. Not only must the rank and file be sold about the program and kept informed on its progress (particularly submitted target candidates), but the TOP leadership of the department must be sold on TOP and constantly show its support.
  - TOP goals and objectives must clearly be identified and understandable
  - Measureable reduction in crime rates will not occur.

- Personnel selected as TOP investigators and supervisors must be enthusiastic, dedicated team players, experienced and trained. They have to be flexible, realizing the 5-day/8-hour workday is not appropriate for their method of operation.
  - It takes time for investigators to learn that the end product of TOP is not the arrest of the target and the case
clearance. They must think in terms of case prep trial and convictions.

- Funds must be available for: paying confidential info, purchasing property used for fencing, buying stolen pro purchasing covert vehicles, surveillance equipment, etc
## Targeted Offender File - Check List

**The Following Information Is Needed For Consideration**

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

If the subject is selected, a supervisor will date and sign the information sheet.

This target is assigned to Investigator ____________________.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

- Information Sheet
- Criminal History
- County I. D. Jacket
- Target Criteria noted on information sheet
- Ticket Check
- Tax Record Check
- Wanted Information
- Intelligence Files Bulletin
- Nickname File
- Photo
- Entered on A.C.E.S
- D. L. Search
- Memo from Lt. to submitting officer.
- High Bond sheet forwarded to Detention Services, with a copy of Judicial page of Criminal History attached.
Memorandum

CITY OF DALLAS

DATE

TO

SUBJECT Target Offender Program

On _________________, you submitted _______________
_____________ as a possible target. Your request
was reviewed by investigator _____________________.

☐ Your target was approved and is assigned to
Inv. _____________________.

☐ Your target was denied, at this time, because:

☐ Target is currently enroute to T.D.C.

☐ Target is currently in jail.

☐ Target does not fit the T. O. P. criteria.

☐ Other

Thank you for your recommendation.

K. W. Lybrand
Lieutenant of Police
Specialized Services Section
Intelligence Division
TARGETED OFFENDER PROGRAM
SPECIAL INVESTIGATION UNIT
INTELLIGENCE DIVISION

Information Sheet

OFFENDER'S NAME __________________________ LAI # __________ DATE SUBMITTED __________

RACE __________ SEX __________ D.O.B. __________ HAIR __________ EYES __________

SOCIAL SECURITY # __________ OPERATOR LICENSE STATE __________________________

OPERATOR LICENSE # __________

HOME ADDRESS __________________________ CITY __________ PHONE __________

BUSINESS ADDRESS __________________________ CITY __________ PHONE __________

BUSINESS NAME __________________________

VEHICLE DESCRIPTION: YEAR __________ MAKE __________ MODEL __________ COLOR __________

LICENSE NUMBER __________________________ STATE __________________________

ASSOCIATES _________________________________________________

TYPE OF OFFENSE ____________________________________________

TARGET MODE (PROSECUTION OR ENFORCEMENT) ____________________________

APPLICABLE CRITERIA (BY NUMBER) ________________________________________

CAUTION INDICATED _______________________________________________

OUTSTANDING WARRANTS: YES __________ NO __________

WARRANT NUMBER __________________________

OFFENSE __________________________

AGENCY __________________________

LAST DATE OF INFO/CONTACT: __________________________

COMMENTS: ___________________________________________________

_________________________________________________________

SUBMITTING OFFICER __________________________ ID # __________ DATE __________

AGENCY/DIVISION ____________________________________________
Target Criteria for Prosecution

1) Any individual who has two or more felony convictions and has been to the penitentiary for any violent crime, Residential Burglary, Business Burg. or Theft or;

2) Four or more felony arrests in past five years (to deal with offenders with multiple arrests no convictions) or;

3) If the offender was charged with delivering a controlled substance or possession of a controlled substance with intent to deliver or manufacture and such offense is a second degree felony or greater and the offender has been to the penitentiary for these offenses or;

4) Any offender who is currently on parole or felony probation and has two felony arrests in past two years or;

5) Offenders who support criminal activity by their purchasing with money, drugs, or other items of value stolen or suspected stolen property; or who sell, for the renumeration of money, drugs or other items of value, stolen property or suspected stolen property or;

6) Juveniles who are eligible for adult certification.

Note:

All Prosecution Targets will be tracked through the court system. High or no bonds, restricted plea bargaining and maximum sentences will be encouraged. When a case is filed on a prosecution target the case will be filed on a blue prosecution report.

Target Criteria for Enforcement

1) Police officer receives information from two or more reliable sources that a subject is active in a targeted offense or;

2) Police Officer receives information from one reliable source that a subject is active in a targeted offense and the subject has been arrested for that specific offense or;

3) Offender is wanted for a targeted offense.

Note:

The number of subjects targeted for enforcement should be kept to a minimum on the Targeted Offender List. If it is determined that a subject should be targeted for enforcement it should be under taken with the intent to move the subject to a prosecution status as soon as the subject meets prosecution criteria.

When a case is filed on an enforcement target the case will be filed on the normal prosecution form.
INTELLIGENCE DIVISION

DATE_________________   PLACE_________________

RECEIVED OF _________________________ THE SUM
(Name of Officer Making Payment)

OF _________________________ DOLLARS (____________) FOR INFORMATION

RECEIVED OR EVIDENCE OF VIOLATIONS OF THE PENAL CODE OF THE
STATE OF TEXAS, WHICH AMOUNT WAS AGREED UPON BY THE PAYEE AND
THE INTELLIGENCE OFFICER WHO RECEIVED THE INFORMATION.

(Signature of Officer) _______________________ (Signature of Payee) _______________________

CI#: _______________________

WITNESS:

________________________________________ (Name and Title)

THE ABOVE AMOUNT OF MONEY WAS USED FOR THE FOLLOWING REASON:
INCLUDE ARREST NUMBERS, SERVICE NUMBERS CLEARED, AND ARRESTED
PERSONS NAME, RACE, SEX, AND DOB.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
INTELLIGENCE DIVISION
CONFIDENTIAL INFORMANT FILE SHEET

DATE ______________________

NAME: ___________________________ CI# ______________________

AKA: _____________________________

DOB: ___________ RACE: _______ SEX: _______

HEIGHT: ___________ HAIR: ___________ WEIGHT: _______ EYES: ______

ADDRESS: _______________________________________________________

DRIVER'S LICENSE _______________ SOCIAL SECURITY # _______________

BUSINESS ADDRESS ___________________________ OCCUPATION ___________

VEHICLE: _______________________________________________________

SCARS & MARKS: _________________________________________________

REASONING FOR INFORMING: _______________________________________

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________

REMARKS: _______________________________________________________

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________

PICTURE

5.14 1/31/85
I. A Review of Research

In recent years, several research projects have been published which allow police practitioners to refine their knowledge and opinions about career criminals. Before launching into a discussion of this Targeted Offender Program, it is beneficial to briefly review the available research that makes career criminal programs such potentially effective tools.

In 1972, Criminologist Marvin Wolfgang, at the University of Pennsylvania, published a study in which he tracked all of the males born in the City of Philadelphia in the year 1945. The total number of males included in this study was 9945. Wolfgang discovered that 627 (6.9%) of these males had at least 5 arrests before the age of 18.

Additionally, this 6.9% group had some other interesting attributes. These individuals accounted for 2/3 of all violent crimes committed by the entire study population. This group also admitted that for each arrest they had, they got away with from 8 to 11 other serious crimes. Even with a total of 14 murders being committed by this 6.9% group, the average time spent in detention was only four years.

Wolfgang (and associates) then repeated the study for all males born in Philadelphia in the year 1958. This time 13,160 males were researched. Similar to the first
group, 982 (7.5%) of the group had 5 or more arrests prior to the age of 18. The startling change in this group was their inclination toward violent crime. When compared with the first group, the 982 repeat offenders had twice the rapes and aggravated assaults, triple the murders, and five times the number of robberies.

Naturally, if this ratio of around 7% held true nationwide, this country would have to double its current inmate population to accommodate the load. Dallas could have about 35,000 of these repeat offenders in its jurisdiction. Researchers and criminologists have further refined their selection criteria in an effort to identify a more manageable number.

Other studies, such as the one conducted in Columbus, Ohio by Donna Hamparian (The Violent Few) demonstrate that a substantial proportion of these juvenile offenders continue their chronic criminal behavior as adults.

In a 1978 Rand Corporation study, 2190 prisoners were subjected to a structured interview. The results of these interviews further refine the large numbers of offenders previously identified:

-nearly all admitted that they had committed more crimes than they were convicted of.
-1/2 of the burglars interviewed averaged fewer than 6 burglaries a year, while 10% committed more than 230 burglaries a year.

-1/2 of the robbers committed fewer than 5 robberies per year, while 10% averaged 87 robberies a year.

-1/2 of the drug dealers averaged less than 100 deals a year, while 10% averaged 3251 deals a year.

Not only does this help to conceptualize a group of superfelons, but it makes one wonder about the involvement of drugs in criminality and crime rates. Criminologists from Temple and Maryland Universities studied 243 drug addicts and found that collectively they had committed about 500,000 offenses over an 11 year period. This is an average of 187 offenses per year per addict. In identifying superfelons, Marvin Wolfgang felt that the most important single factor to consider was the age at which an offender committed his second offense. If the second offense was done prior to age 15, the probability was greatest that the individual would become a superfelon.

In 1982, Criminologist Peter Greenwood developed and tested a superfelon profile using Rand Corporation
research. He considered a person a superfelon if any four of these seven criteria applied:

1. conducted prior to age 16.
2. committed to a juvenile facility.
3. used heroin or barbiturates within 2 years of the current arrest.
4. used heroin or barbiturates within 2 years of the current arrest.
5. held a job less than 2 years prior to the current arrest.
6. has a prior conviction for burglary or robbery.
7. spent more than 1/2 of the proceeding two years in jail.

Greenwood and associates tested validity of the profile against the interviews conducted in the Rand Corporation study. For robbers, this profile miscast as high rate offenders only 4% of the intermittent offenders and mislabeled as low-rate offenders only 3% of the superfelons. In the actual sentencing of these offenders, judges tended to give longer sentences to low-rate offenders, and shorter sentences to superfelons. While he was successful in profiling robbers and burglars, his success in other crime prediction was limited.

Research seems to indicate that a small portion of the known offenders create policing problems that far
outweigh their numbers. Drug involvement with offenders is high, they start at an early age, and probably do not specialize in only one type of crime. Additionally only about 15% of people sent to prison are these chronic offenders.

Most important, from the standpoint of this proposal, is that targeting criteria can be developed that will work for police departments seeking to impact crime.

Dr. Lawrence Sherman and Susan Martin examined Washington, D.C., Repeat Offender Program (ROP). The two year study of this special unit culminated in a 26 week experiment in which 212 pairs of randomly assigned targets were placed into 2 groups. The group that received ROP attention resulted in 106 of the 212 (50%) arrested. The control group, which was left alone except for normal departmental processing, had only 8 arrests (4%). Normal processing also accounted for 17 arrests (8%) of the experimental group. This difference was significant. Many other police departments have initiated career criminal programs including Arlington, Tx. The Washington, D.C., evaluation remains the best report discovered to date. While the volumes of research is quite complex, the fact that career criminals produce so much crime, indicates that proactive focus on these criminals may be an extremely productive use of departmental resources.
References

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

Greenwood, Peter W., with Abraharnse, Allan.
**Selective Incapacitation**
Santa Monica: Rand Corporation 1982

Martin, Susan, **Catching Career Criminals: A Study of the Repeat Offender Project.**

Pate, Tony; Bowers, Robert A and Parks, Ron.
**Three Approaches to Criminal Apprehension in Kansas City: An Evaluation Report.**

Petersilia, Jean; Greenwood Peter; and Lavin, Marvin.
**Criminal Careers of Habitual Felons.**

The fact that the Dallas police have felt compelled to set up a program to track repeat offenders is an indictment of the state's underfunded and understaffed prison and probation systems. Despite what the police may say in touting the new program, the sad reality is that they would not have to resort to such a questionable tactic if the other elements of the criminal-justice system were functioning properly.

Modeled after successful efforts in Washington and Arlington, Dallas' new Targeted Offender Program will use search and arrest warrants, covert surveillance and confidential information to keep close tabs on a number of ex-convicts and probationers. The thinking is that these are the people who are most likely to commit crimes and that, by watching them, the police will be in an excellent position to get a grip on the city's frighteningly high crime rate.

The idea of a police force continuing to tail former inmates is somewhat repugnant to us: supposedly, these people have paid their debt to society and are free to begin new lives. But we are not so naive as to think that such a program is not necessary. Faced with an overcrowded prison system compelled to release convicts early, and a probation system that cannot keep track of many of its wards, the police department has little in the way of alternatives.

The best way for society to deal with recidivism is not by following ex-convicts around town in anticipation of their committing another offense but, rather, by making sure that the criminal-justice system does its job in the first place. Criminals who show remorse for their wrongdoing need to be rehabilitated and helped to lead productive lives. And those who are beyond rehabilitation should be locked up for however long they present a danger to society.

Of course, the catch to all this is that building enough prisons and hiring a sufficient number of probation officers would cost considerable money; and convincing the public of the merit of those additional expenditures would be no small task, even in better economic times. As experience has shown, people's eagerness to lock up criminals greatly exceeds their willingness to dig down into their pockets to provide the necessary construction funds.

Until the public agrees to pay the price for fighting crime effectively, the best one can hope for is that the police exercise caution in tailing repeat offenders. Such surveillance should be kept to a minimum and used only when it is supported by substantial information that an ex-convict may be engaged in crime.
5. Arlington, Texas Career Criminal Programs
ARLINGTON POLICE DEPARTMENT

CAREER OFFENDER PROJECT

BRAZOS COUNTY CAREER CRIMINAL SEMINAR

06/27/88

PRESENTED BY:
DETECTIVE LARRY A. BLOOM #494

CAREER OFFENDER PROJECT CONTACTS:

SGT. TOMMY INGRAM (917) 459-5695
DET. JIM HOLLINGSWORTH 459-5691
DET. LARRY BLOOM 459-5693
DET. MIKE SIMONDS 459-5692
Recently released convict charged in woman’s slaying

By Steve Polilli
Fort Worth Star-Telegram

A capital murder charge was filed yesterday against a man arrested earlier this week in San Antonio on a warrant in the slaying of an elderly Fort Worth woman, police said.

Bobby Ray Garrett, 27, was being held in the Tarrant County Jail in lieu of $350,000 bond on the capital murder charge. He also is being held without bond on a parole violation charge, said Fort Worth police homicide Detective L.T. Steffler.

Garrett was released May 18 on mandatory parole from the Texas Department of Corrections. He had been previously paroled after a 1982 burglary conviction for which he had been sentenced to seven years in prison. But his parole was revoked after he was arrested on new charges in 1987, said Barbara Slaughter, spokeswoman for the state Board of Pardons and Paroles.

San Antonio police arrested him Tuesday on a misdemeanor charge of urinating in a public place. The Fort Worth warrant for him was discovered later, and he was returned to Fort Worth.

The body of Erma Campbell, 78, was found May 27. She had been beaten and was partly unclothed, investigators said.

Police said they believe a man had mowed and raked the lawn at her house at 2509 N.W. 27th St. before attacking her.

She was found wrapped in a bedcover on the floor of her living room, police said. Her purse had been emptied on the floor nearby and about $400 was missing, police said.

The Tarrant County Medical Examiner’s Office ruled the death a homicide caused by blows with a blunt object.

Why was ‘habitual’ criminal freed?

Austin police were outraged recently when they learned that a man charged with breaking into a woman’s home there had been paroled just four months before from a life sentence as a habitual criminal. Their outrage is understandable. And justified.

The arrested man, Marvin Hargrow of Bastrop, first went to prison in 1976 after being connected to at least 25 break-ins involving rapes or attempted rapes in the Austin area. He was paroled in 1980 but returned to prison later the same year to serve a life sentence after conviction as a habitual criminal for burglary.

He was paroled from that sentence last January. Police and other citizens shocked by the state’s rising crime rate have a right to ask why. Does the Board of Pardons and Paroles not know what the word habitual means?

When someone is imprisoned as a habitual criminal, it is for a reason. Habitual criminals habitually commit crime. That is why they are put away.

Prison overcrowding is a serious problem, but there has to be a better way to address it than by releasing people who are known to be dangerous. If parole officials do not understand that, our society is in deep trouble.
## CAREER OFFENDER PROJECT
### MONTHLY REPORT
### MAY 1988

<table>
<thead>
<tr>
<th>Classification</th>
<th>This Month</th>
<th>Year To Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAREER OFFENDERS ARRESTED</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>OTHER ARRESTS</td>
<td>2</td>
<td>22</td>
</tr>
<tr>
<td>WARRANTS CLEARED</td>
<td>3</td>
<td>37</td>
</tr>
<tr>
<td>CASE ENHANCEMENTS</td>
<td>36</td>
<td>118</td>
</tr>
<tr>
<td>(Investigative case preparation/</td>
<td></td>
<td></td>
</tr>
<tr>
<td>followup on arrests of parolees and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>probationers)</td>
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<td></td>
</tr>
<tr>
<td>OUTSIDE AGENCY ASSISTANCE</td>
<td>14</td>
<td>62.5</td>
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<tr>
<td>MANHOURS</td>
<td></td>
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<tr>
<td>TECHNICAL SURVEILLANCE SERVICES MANHOURS</td>
<td>82</td>
<td>640.5</td>
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<tr>
<td>SEARCH WARRANTS CONDUCTED</td>
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<td>1</td>
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<tr>
<td>NARCOTICS ARRESTS</td>
<td>0</td>
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<tr>
<td>NARCOTICS SEIZED (VALUE)</td>
<td>0</td>
<td>$1,500.00</td>
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<tr>
<td>STOLEN PROPERTY RECOVERY</td>
<td>0</td>
<td>$4,500.00</td>
</tr>
</tbody>
</table>
CID Clerk--------Assists in gathering information, typing appropriate forms and reports, running copies, etc.

Patrol UICs--------Responsible to insure all of their personnel receive information sheets on designated career criminal suspects.

Personally reviews patrol officers career criminal booklets on at least a monthly basis checking for updated accuracy and completeness.

Reviews the persons on the career criminal lists with all personnel at least every two weeks in order to insure personnel are familiar with those career criminals.

Forwards all information to CID concerning listed career criminals.

Immediately notifies the Career Criminal Investigator of any arrest of a listed career criminal.

Reports to Major Freeman on a monthly basis, through the use of the computer, as to significant changes or problems with the program, results or personnel checking concerning information contained in career criminal booklets.

Recommends names to Lt. Riddle of additional persons suspected of being involved in career criminal activity.

Insures a copy of information concerning any listed career criminal is placed on the shift meeting board for dissemination to other patrol personnel.

Sat. Crenshaw------Designated as the Career Criminal Investigator.
Maintains a close working relationship with the Career Criminal Prosecutor of the DA's office.

Provides the Career Criminal Prosecutor with information concerning any changes in the persons in the career criminal books.

Immediately notifies the Career Criminal Prosecutor of the arrest of any listed career criminal suspect.

Receives all information and cases concerning listed career criminals.

Provides constant feedback to patrol supervisors concerning the status of all listed career criminals and their suspected activities.

Reports to Lt. Riggs every 15 days concerning the status of cases involving listed career criminal suspects.
PATROL OFFICER RESPONSIBILITIES

1. Familiarize yourself with the targets, target vehicles, target associates, preferred crimes or M.O. and target's home addresses.

2. Utilize the SCORE SHEET to document any contact with targets if no other paperwork will be completed regarding the contact, such as arrest records, offense reports, accident reports, citations or supplemental records.

3. If citations are issued to any targeted offender a copy will be made and forwarded to your supervisor.

4. Upon completion of a SCORE SHEET forward it directly to your supervisor.
SCORE SHEET
TARGETED OFFENDER
FIELD CONTACT REPORT

TARGET'S NAME: ________________________________

SITUATION ENCOUNTERED: ________________________________

LOCATION: ________________________________________

TIME: __________________ DATE: __________________

VEHICLE (Driver or Occupant): __________________

ASSOCIATES: ______________________________________

COMMENTS: ______________________________________

Reporting Officer __________________ Badge No. ____________
4. Dallas, Texas Career Criminal Program
PROGRAM OVERVIEW

The Dallas Police Department's TOP program (Targeted Offender Program) has been in operation for approximately two years. TOP's objective is to identify, coordinate enforcement, apprehend, and impact the disposition of career criminals. The program emphasis has been on crime patterns (i.e., geographical focus); tracing career criminals to patterns of crime. Their method of operation includes execution of warrants, limited surveillance, conducting reverse stings (i.e., trying to sell "hot" goods to known fences) and use of confidential informants. The program has a staff of 20 including 14 investigators, 3 sergeants, 1 lieutenant, and 2 analysts. Each investigator is assigned up to 10 targets; they are required to develop and prepare a complete dossier on each target. The list of targets undergoes a 90-day review to determine whether they should be retained or not.

TARGET SELECTION

The selection criteria is divided between targets eligible for enforcement efforts and those eligible for prosecution. The enforcement list is broader in scope to allow more participation by the rank and file police officers. This wider definition allows the criminal record to be built on "threshold" offenders. The objective is to expedite targets who are eligible for enforcement to move them into prosecution targets.

A special segment of the definition for target offenders for prosecution is directed at receivers of stolen property. These are difficult cases to prove and most fences don't have lengthy or serious criminal histories. The TOP prosecution criteria also allows juveniles to be selected if they are eligible for adult certification (i.e., waived to adult court).

Target Committee

The TOP target selection procedure requires a target to be submitted to the target committee which is comprised of the three TOP sergeants, three investigators and one analyst. The new candidates are compared against the existing master list; however, there are always vacancies because targets keep dropping out. The target committee assigns the newly accepted target to one of the TOP investigators.

The objective of the target committee is to ensure the quality of targets, not push for numbers. This may require the committee to finesse other units' requests to accept their candidates as TOP targets.
INFORMATION

A major function of the TOP program is collecting complete and accurate information on all targets. This data begins with requiring that each target candidate have an information sheet completed on him/her by the submitting officer. This data helps the target committee make their decision. The TOP investigators assigned targets are also required to develop information on their targets. A complete array of information resources is necessary (e.g., patrol and investigators, crime analyst, planning & research, confidential informants, other law enforcement agencies, records and warrants, etc.).

The department's entire information resources is open and accessible to everyone working on TOP targets. The data collection procedures include check-off lists, color coded notification cards, etc. The TOP unit is responsible for maintaining the appropriate files and records on each target. The TOP investigator is required to insure the data contained in the dossier is accurate, legal, etc.

RESULTS

The TOP unit has to date:

- targeted 246 individuals
- arrested 144 targets and 312 others
- filed 260 cases
- cleared 255 cases
- seized $2.3 million in property including recovered 241 vehicles

KEY POINTS BASED ON THEIR EXPERIENCE

- A career criminal program requires constant selling. Not only must the rank and file be sold about the program and kept informed on its progress (particularly submitted target candidates), but the TOP leadership of the department must be sold on TOP and constantly show its support.
  - TOP goals and objectives must clearly be identified and understandable
  - Measureable reduction in crime rates will not occur.

- Personnel selected as TOP investigators and supervisors must be enthusiastic, dedicated team players, experienced and trained. They have to be flexible, realizing the 5-day/8-hour workday is not appropriate for their method of operation.
  - It takes time for investigators to learn that the end product of TOP is not the arrest of the target and the case
clearance. They must think in terms of case preparation, trial and convictions.

- Funds must be available for: paying confidential informants, purchasing property used for fencing, buying stolen property, and purchasing covert vehicles, surveillance equipment, etc.
<table>
<thead>
<tr>
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<th>NO</th>
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<tr>
<td>Information Sheet</td>
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<td></td>
</tr>
<tr>
<td>County I. D. Jacket</td>
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</tr>
<tr>
<td>Target Criteria noted on information sheet</td>
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If the subject is selected, a supervisor will date and sign the information sheet.

This target is assigned to Investigator _______________________

<table>
<thead>
<tr>
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<tr>
<td>Ticket Check</td>
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<td>Tax Record Check</td>
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<td>Intelligence Files Bulletin</td>
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<tr>
<td>Nickname File</td>
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<td>Photo</td>
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<tr>
<td>Entered on A.C.E.S</td>
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<tr>
<td>D. L. Search</td>
<td></td>
</tr>
<tr>
<td>Memo from Lt. to submitting officer.</td>
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</tr>
<tr>
<td>High Bond sheet forwarded to Detention Services, with a copy of Judicial page of Criminal History attached.</td>
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</table>
Memorandum

On ________________, you submitted ________________
____________ as a possible target. Your request
was reviewed by investigator ________________.

☐ Your target was approved and is assigned to
Inv. ________________.

☐ Your target was denied, at this time, because:

☐ Target is currently enroute to T.D.C.

☐ Target is currently in jail.

☐ Target does not fit the T. O. P. criteria.

☐ Other

Thank you for your recommendation.

K. W. Lybrand
Lieutenant of Police
Specialized Services Section
Intelligence Division
<table>
<thead>
<tr>
<th>OFFENDER'S NAME</th>
<th>LAI #</th>
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| OPERATOR LICENSE # | |
|--------------------| |

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<table>
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</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>AGENCY/DIVISION</th>
</tr>
</thead>
</table>
Target Criteria for Prosecution

1) Any individual who has two or more felony convictions and has been to the penitentiary for any violent crime, Residential Burglary, Business Burg., or Theft or;

2) Four or more felony arrests in past five years (to deal with offenders with multiple arrests no convictions) or;

3) If the offender was charged with delivering a controlled substance or possession of a controlled substance with intent to deliver or manufacture and such offense is a second degree felony or greater and the offender has been to the penitentiary for these offenses or;

4) Any offender who is currently on parole or felony probation and has two felony arrests in past two years or;

5) Offenders who support criminal activity by their purchasing with money, drugs, or other items of value stolen or suspected stolen property; or who sell, for the renumeration of money, drugs or other items of value, stolen property or suspected stolen property or;

6) Juveniles who are eligible for adult certification.

Note:

All Prosecution Targets will be tracked through the court system. High or no bonds, restricted plea bargaining and maximum sentences will be encouraged. When a case is filed on a prosecution target the case will be filed on a blue prosecution report.

Target Criteria for Enforcement

1) Police officer receives information from two or more reliable sources that a subject is active in a targeted offense or;

2) Police Officer receives information from one reliable source that a subject is active in a targeted offense and the subject has been arrested for that specific offense or;

3) Offender is wanted for a targeted offense.

Note:

The number of subjects targeted for enforcement should be kept to a minimum on the Targeted Offender List. If it is determined that a subject should be targeted for enforcement it should be under taken with the intent to move the subject to a prosecution status as soon as the subject meets prosecution criteria.

When a case is filed on an enforcement target the case will be filed on the normal prosecution form.
INTELLIGENCE DIVISION

DATE_________________________ PLACE_________________________

RECEIVED OF ___________________________ THE SUM
(Name of Officer Making Payment)

OF_________________________ DOLLARS (___________) FOR INFORMATION
RECEIVED OR EVIDENCE OF VIOLATIONS OF THE PENAL CODE OF THE
STATE OF TEXAS, WHICH AMOUNT WAS AGREED UPON BY THE PAYEE AND
THE INTELLIGENCE OFFICER WHO RECEIVED THE INFORMATION.

(Signature of Officer)_________________________ (Signature of Payee)_________________________

CI#:_________________________ WITNESS:_________________________

(Name and Title)_________________________

THE ABOVE AMOUNT OF MONEY WAS USED FOR THE FOLLOWING REASON:
INCLUDE ARREST NUMBERS, SERVICE NUMBERS CLEARED, AND ARRESTED
PERSONS NAME, RACE, SEX, AND DOB.

_____________________________________________________________________

_____________________________________________________________________

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INTELLIGENCE DIVISION
CONFIDENTIAL INFORMANT FILE SHEET

DATE __________________________

NAME: ___________________________ CI# ________________

AKA: _____________________________

DOB: ___________ RACE: _________ SEX: _______

HEIGHT: ___________ HAIR: ___________ WEIGHT: _______ EYES: ___

ADDRESS: __________________________

DRIVER'S LICENSE _________________ SOCIAL SECURITY # _____________

BUSINESS ADDRESS ___________________ OCCUPATION _______________

VEHICLE: __________________________

______________________________

SCARS & MARKS: ________________________________

REASONING FOR INFORMING: _________________________________________

_________________________________________________________________

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REMARKS: _________________________________________________________

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PICTURE
I. A Review of Research

In recent years, several research projects have been published which allow police practitioners to refine their knowledge and opinions about career criminals. Before launching into a discussion of this Targeted Offender Program, it is beneficial to briefly review the available research that makes career criminal programs such potentially effective tools.

In 1972, Criminologist Marvin Wolfgang, at the University of Pennsylvania, published a study in which he tracked all of the males born in the City of Philadelphia in the year 1945. The total number of males included in this study was 9945. Wolfgang discovered that 627 (6.9%) of these males had at least 5 arrests before the age of 18.

Additionally, this 6.9% group had some other interesting attributes. These individuals accounted for 2/3 of all violent crimes committed by the entire study population. This group also admitted that for each arrest they had, they got away with from 8 to 11 other serious crimes. Even with a total of 14 murders being committed by this 6.9% group, the average time spent in detention was only four years.

Wolfgang (and associates) then repeated the study for all males born in Philadelphia in the year 1958. This time 13,160 males were researched. Similar to the first
group, 982 (7.5%) of the group had 5 or more arrests prior to the age of 18. The startling change in this group was their inclination toward violent crime. When compared with the first group, the 982 repeat offenders had twice the rapes and aggravated assaults, triple the murders, and five times the number of robberies.

Naturally, if this ratio of around 7% held true nationwide, this country would have to double its current inmate population to accommodate the load. Dallas could have about 35,000 of these repeat offenders in its jurisdiction. Researchers and criminologists have further refined their selection criteria in an effort to identify a more manageable number.

Other studies, such as the one conducted in Columbus, Ohio by Donna Hamparian (The Violent Few) demonstrate that a substantial proportion of these juvenile offenders continue their chronic criminal behavior as adults.

In a 1978 Rand Corporation study, 2,190 prisoners were subjected to a structured interview. The results of these interviews further refine the large numbers of offenders previously identified:

-nearly all admitted that they had committed more crimes than they were convicted of.
-1/2 of the burglars interviewed averaged fewer than 6 burglaries a year, while 10% committed more than 230 burglaries a year.

-1/2 of the robbers committed fewer than 5 robberies per year, while 10% averaged 87 robberies a year.

-1/2 of the drug dealers averaged less than 100 deals a year, while 10% averaged 3251 deals a year.

Not only does this help to conceptualize a group of superfelons, but it makes one wonder about the involvement of drugs in criminality and crime rates. Criminologists from Temple and Maryland Universities studied 243 drug addicts and found that collectively they had committed about 500,000 offenses over an 11 year period. This is an average of 187 offenses per year per addict. In identifying superfelons, Marvin Wolfgang felt that the most important single factor to consider was the age at which an offender committed his second offense. If the second offense was done prior to age 15, the probability was greatest that the individual would become a superfelon.

In 1982, Criminologist Peter Greenwood developed and tested a superfelon profile using Rand Corporation
research. He considered a person a superfelon if any four of these seven criteria applied:

1. conducted prior to age 16.
2. committed to a juvenile facility.
3. used heroin or barbiturates within 2 years of the current arrest.
4. used heroin or barbiturates within 2 years of the current arrest.
5. held a job less than 2 years prior to the current arrest.
6. has a prior conviction for burglary or robbery.
7. spent more than 1/2 of the proceeding two years in jail.

Greenwood and associates tested validity of the profile against the interviews conducted in the Rand Corporation study. For robbers, this profile miscast as high rate offenders only 4% of the intermittent offenders and mislabeled as low-rate offenders only 3% of the superfelons. In the actual sentencing of these offenders, judges tended to give longer sentences to low-rate offenders, and shorter sentences to superfelons. While he was successful in profiling robbers and burglars, his success in other crime prediction was limited.

Research seems to indicate that a small portion of the known offenders create policing problems that far
outweigh their numbers. Drug involvement with offenders is high, they start at an early age, and probably do not specialize in only one type of crime. Additionally only about 15% of people sent to prison are these chronic offenders.

Most important, from the standpoint of this proposal, is that targeting criteria can be developed that will work for police departments seeking to impact crime.

Dr. Lawrence Sherman and Susan Martin examined Washington, D.C., Repeat Offender Program (ROP). The two year study of this special unit culminated in a 26 week experiment in which 212 pairs of randomly assigned targets were placed into 2 groups. The group that received ROP attention resulted in 106 of the 212 (50%) arrested. The control group, which was left alone except for normal departmental processing, had only 8 arrests (4%). Normal processing also accounted for 17 arrests (8%) of the experimental group. This difference was significant. Many other police departments have initiated career criminal programs including Arlington, Tx. The Washington, D.C., evaluation remains the best report discovered to date. While the volumes of research is quite complex, the fact that career criminals produce so much crime, indicates that proactive focus on these criminals may be an extremely productive use of departmental resources.
References

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

Greenwood, Peter W., with Abrahamsen, Allan.
Selective Incapacitation
Santa Monica: Rand Corporation 1982


Pate, Tony; Bowers, Robert A and Parrs, Ron.

Petersilia, Jean; Greenwood Peter; and Lavin, Marvin.
Criminal Careers of Habitual Felons.

The fact that the Dallas police have felt compelled to set up a program to track repeat offenders is an indictment of the state's underfunded and understaffed prison and probation systems. Despite what the police may say in touting the new program, the sad reality is that they would not have to resort to such a questionable tactic if the other elements of the criminal-justice system were functioning properly.

Modeled after successful efforts in Washington and Arlington, Dallas' new Targeted Offender Program will use search and arrest warrants, covert surveillance and confidential information to keep close tabs on a number of ex-convicts and probationers. The thinking is that these are the people who are most likely to commit crimes and that, by watching them, the police will be in an excellent position to get a grip on the city's frighteningly high crime rate.

The idea of a police force continuing to tail former inmates is somewhat repugnant to us: supposedly, these people have paid their debt to society and are free to begin new lives. But we are not so naive as to think that such a program is not necessary. Faced with an overcrowded prison system compelled to release convicts early, and a probation system that cannot keep track of many of its wards, the police department has little in the way of alternatives.

The best way for society to deal with recidivism is not by following ex-convicts around town in anticipation of their committing another offense but, rather, by making sure that the criminal-justice system does its job in the first place. Criminals who show remorse for their wrongdoing need to be rehabilitated and helped to lead productive lives. And those who are beyond rehabilitation should be locked up for however long they present a danger to society.

Of course, the catch to all this is that building enough prisons and hiring a sufficient number of probation officers would cost considerable money; and convincing the public of the merit of those additional expenditures would be no small task, even in better economic times. As experience has shown, people's eagerness to lock up criminals greatly exceeds their willingness to dig down into their pockets to provide the necessary construction funds.

Until the public agrees to pay the price for fighting crime effectively, the best one can hope for is that the police exercise caution in tailing repeat offenders. Such surveillance should be kept to a minimum and used only when it is supported by substantial information that an ex-convict may be engaged in crime.
5. Arlington, Texas Career Criminal Programs
ARLINGTON POLICE DEPARTMENT

CAREER OFFENDER PROJECT

 Brazos County Career Criminal Seminar

06/27/88

PRESENTED BY:
DETECTIVE LARRY A. BLOOM #494

CAREER OFFENDER PROJECT CONTACTS:

SGT. TOMMY INGRAM (817) 459-5695
DET. JIM HOLLINGSWORTH 459-5691
DET. LARRY BLOOM 459-5693
DET. MIKE SIMONDS 459-5692
Recently released convict charged in woman's slaying

BY STEVE POLILLI
Fort Worth Star-Telegram

A capital murder charge was filed yesterday against a man arrested earlier this week in San Antonio on a warrant in the slaying of an elderly Fort Worth woman, police said.

Bobby Ray Garrett, 27, was being held in the Tarrant County Jail in lieu of $350,000 bond on the capital murder charge. He also is being held without bond on a parole violation charge, said Fort Worth police homicide Detective L.T. Steffler.

Garrett was released May 18 on mandatory parole from the Texas Department of Corrections. He had been previously paroled after a 1982 burglary conviction for which he had been sentenced to seven years in prison. But his parole was revoked after he was arrested on new charges in 1987, said Barbara Slaughter, spokeswoman for the state Board of Pardons and Paroles.

San Antonio police arrested him Tuesday on a misdemeanor charge of urinating in a public place. The Fort Worth warrant for him was discovered later, and he was returned to Fort Worth.

The body of Erma Campbell, 78, was found May 27. She had been beaten and was partly unclothed, investigators said.

Police said they believe a man had mowed and raked the lawn at her house at 2509 N.W. 27th St. before attacking her.

She was found wrapped in a bed cover on the floor of her living room, police said. Her purse had been emptied on the floor nearby and about $400 was missing, police said.

The Tarrant County Medical Examiner's Office ruled the death a homicide caused by blows with a blunt object.

Why was 'habitual' criminal freed?

Austin police were outraged recently when they learned that a man charged with breaking into a woman's home there had been paroled just four months before from a life sentence as a habitual criminal. Their outrage is understandable. And justified.

The arrested man, Marvin Hargrow of Bastrop, first went to prison in 1976 after being connected to at least 25 break-ins involving rapes or attempted rapes in the Austin area. He was paroled in 1980 but returned to prison later the same year to serve a life sentence after conviction as a habitual criminal for burglary.

He was paroled from that sentence last January. Police and other citizens shocked by the state's rising crime rate have a right to ask why. Does the Board of Pardons and Paroles not know what the word habitual means?

When someone is imprisoned as a habitual criminal, it is for a reason. Habitual criminals habitually commit crime. That is why they are put away.

Prison overcrowding is a serious problem, but there has to be a better way to address it than by releasing people who are known to be dangerous. If parole officials do not understand that, our society is in deep trouble.
CAREER OFFENDER PROJECT
MONTHLY REPORT
MAY 1988

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SPECIAL INVESTIGATIONS DIVISION
CAREER OFFENDER PROJECT

I. Criteria for Targeting

A. Offender must be at least seventeen (17) years of age, and
B. Offender must have a prior felony criminal history by either conviction or two or more arrests, and
C. Offender must be active in one or more of the targeted offenses in the Arlington metropolitan area within the past six (6) months, based on intelligence information.
D. The offender must also meet at least one of the following criteria:
   1. Active in two or more targeted offenses per month based on criminal intelligence information,
   2. A fugitive (wanted) for a targeted offense, or
   3. A felony probationer or parolee active in one or more targeted offenses per month.
E. Offenders meeting above criteria will be reviewed by investigators to assign status as "Targeted Offender".

II. Targeted Offenses Are Defined As:

Robbery, Burglary, Theft, Motor Vehicle Theft, Forgery, Property Offenses, Weapons and Explosives Offenses, Narcotics Offenses, and other offenses as targeted on an individual basis.

III. TARGET INFORMATION SHEET

Name ____________________________ APD R# ____________ Date ________
Race __________ Sex ________ D.O.B. ________ State/D.L. #________________________
Home Address __________________________ City ____________ Ph# ________________
Busi. Address __________________________ City ____________ Ph# ________________

Veh. #1: Yr. ______ Make ________ Model ________ Color ________
   Lic# __________________ St. ________
   Identifiers ______________

Veh. #2: Yr. ______ Make ________ Model ________ Color ________
   Lic# __________________ St. ________
   Identifiers ______________

Felony CCH (Arrest or Conviction, See Attached) Yes __ No __
Active locally within past six (6) months in a targeted offense: YES __ NO __
   Offense __________________ Information Source ______________

On felony probation or parolee and active in targeted offense: Yes __ No __
   Offense __________________ Info. Source ______________

Warrant Information:
   Warr. # ________ Offense __________________ Agency __________________

__________________________________________________________________________

Associates __________________________

Submitted By ________________ Date ________________
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Enter key field data on F2=Scan Fwd, F3=1st Record, F4=Last Record, F7=SetScan
ARLINGTON POLICE DEPT.

CAREER OFFENDER PROJECT

TARGETED OFFENDER

DATE _____ _____
The defendant featured in the attached case file has been targeted as a career offender by the Career Offender Project of the Arlington Police Department. Please notify the case agent of the Career Offender Project for any clarification on this particular offender or case, or if any further investigation is needed. Thank you for your special attention to this specific defendant.

Career Offender Project Detective;

Phone number:
Beeper number:
TARGET OFFENDER INFORMATION SHEET

NAME: ___________________________ APD#__________________________

RACE ___ SEX ___ DOB _______ HEIGHT ______ WT. _______ HR. _______ EYE _______

TATTOOS/SCARS ________________________________

P.O.B.: ___________________________ ACTIVITY: __________________________

ALIAS NAMES: _______________________________________________________

LAST ADDRESS: _______________________________________________________

VEHICLES: Color _______ Yr. ______ Mk. _______ Mod. _______ LP _______

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BUSINESS: _________________________________

OCCUPATION: ____________________________

____________ FRIENDS/RELATIVES _______________________________

Spouse: ________________________________

Children: ______________________________

Parent(s): _____________________________

Brother(s): ____________________________

Sister(s): ______________________________

Friend(s): ______________________________
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SUFFIX: BUT

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SEX: M
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HT: 
WT: 
HAIR: 
EYE: 

FINGERPRINT CLASS: LEFT:
RIGHT:

LAST FINGERPRINT DATE: 
LAST MUG SHOT DATE: 

FBI NUMBER: 
DPS NUMBER: 0000000
SHERIFF NUMBER: 
TYPE: 

SS NUMBER: 353403167
MISC NUMBER: 

DL NUMBER: 
DL STATE: 
STATE: 
CITIZENSHIP: N

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AKA-3: BLOOMBERG

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CAREER OFFENDER STATUS: Y
PROB: PAR
TYPE OFFENSE: ASSAULT

PF8-RETURN TO LIST
PF9-RETURN TO MENU
PF10-UPDATE
6. Career Criminal Articles
NEW YORK City Deputy Police Inspector John J. Hill was fuming as he studied the map of his new command, a two-square-mile, 130,000-population precinct in Brooklyn. He saw hundreds of red pins, each one denoting a robbery.

In October 1981, Hill ordered 90th Precinct officers to collect photographs and records of everyone arrested in the previous two years for robbery, or any other serious felony, who was now back "on the street." To focus more effectively on these criminals, the officers divided their rogues' gallery into seven neighborhood albums and added indexes of physical characteristics, aliases and residences.

Analyzing these data, officers realized they were arresting the same offenders repeatedly, usually in the same neighborhoods. Soon robbery victims, instead of waiting days to view thousands of photos at the central police headquarters, were whisked to the 90th Precinct to study a few dozen pictures. Almost overnight, the precinct's officers were making arrests in an astounding half of all reported robberies, 2½ times the New York Police Department's average.

Within six months, the 90th Precinct's robberies dropped over 40 percent. The plunge has now continued for four straight years, from 2223 in 1981 to 1187 in 1985.
glories and rapes have also declined sharply.

NATIONWIDE, America experienced an 11.5-percent drop in serious crime reported in the three years 1982-84—believed to be the largest decrease since FBI uniform crime reporting began more than 50 years ago. Several factors are involved in this decline. One is the Neighborhood Watch program in which citizens throughout the country are helping police fight crime. Another is that the crime-prone population of 15- to 19-year-olds has declined in the last decade. Most important, however, is our increasing attention to career criminals—identifying them as early as possible and locking them up. We have almost doubled our prison population in the last ten years.

But crime is still outrageously high. The rate per 100,000 people is nearly 50-percent greater than it was 20 years ago. Why? Because our legislators and law-enforcement officials have been slow to respond to new and proven methods of crime control. The nation has learned a number of strategic lessons about coping with lawlessness, and evidence suggests that we can achieve even greater reductions if we act vigorously.

Nasty, Brutal. Ten years ago, little was known about the rates at which individual criminals commit crimes. Since then, research has revealed that far more crime is committed by a smaller fraction of offenders than anyone had suspected. This knowledge has helped police, prosecutors and judges sharpen methods for nailing these violent predators.

In 1958, University of Pennsylvania criminologist Marvin Wolfgang completed a first-of-a-kind study of virtually the entire population of 9945 males born in 1945 and raised in Philadelphia. Wolfgang's findings electrified the law-enforcement world: 627 of these young men, just under seven percent of the group, had collected at least five arrests before age 18, and they accounted for nearly two-thirds of all the violent crimes committed by the "Class of '45." Worse, these hard-core criminals admitted that, for each arrest, they got away with from 8 to 11 other serious crimes. Incredibly, even the 14 murderers among them averaged only four years behind bars.

When Wolfgang repeated the study on the 13,160 Philadelphia males born in 1958, the proportion of chronic offenders was virtually the same: 982 young men, 7.5 percent, collected five or more arrests before age 18. But there was a difference. The "Class of '58" was far more violent. Compared with the Class of '45, these youths had almost double the offense rate for rape and aggravated assault, triple for murder and a whopping five-fold for robbery. They are, says Wolfgang, "a very violent criminal population of a small number of nasty, brutal offenders. They begin
early in life and should be controlled equally early."

Superfleons. It would seem simple to say, "Lock 'em up," but the fact is the nation cannot afford to put them all away. If the Philadelphia ratios hold for the entire nation, we would have to keep 1.23 million young men in prison—more than double the present crowded population.

But research by the Rand Corporation indicates a way out of this dilemma, by providing a further breakdown of the crime-prone minority. Of 2190 prisoners questioned by Rand researchers, nearly all admitted to many more crimes than those for which they were convicted. But a tiny fraction of these career criminals proved to be extraordinarily high-rate offenders—superfelons. Half the burglars averaged fewer than six burglaries a year, while ten percent committed more than 230. Half the robbers committed five robberies a year, but ten percent averaged 87.

Drug dealing was the most radically skewed: half the offenders averaged 100 deals a year; the upper tenth averaged 325.

Thus, even chronic criminals are not a homogeneous lot; locking up one high-rate burglar for a year will prevent as many crimes as locking up 40 of the intermittent burglars.

Can we tell them apart? Experts say yes. The age at which offenders enter a life of crime and their use of drugs are two keys to identifying superfelons:

Males under age 18 commit perhaps as much as half of all serious crime in the United States. Arrest-record analyses and prisoner surveys demonstrate that high-rate predators begin by age 13 and hit their peak rates as robbers and burglars around 16. To Wolfgang, the factor that jumps out is the age at which these high-rate offenders commit their second serious offense. If they do it before 15, the probability is high they will commit dozens of offenses by age 30. He concludes: "After the third conviction, serious juvenile offenders should be considered adult criminals and treated accordingly."

Add Ian and Marcia Chaiken, who researched criminal behavior for Rand, "Offenders who support $50-a-day heroin addictions or who use both alcohol and barbiturates heavily are especially likely to be persistent, serious, high-rate criminals."

Criminologists from Temple and Maryland universities agree. They found that 243 Baltimore addicts committed about half a million crimes over 11 years, averaging 2058 apiece, 187 a year.

Using the inmate responses from the Rand survey, criminologist Peter W. Greenwood has refined the superfelon profile. He believes that a convicted robber or burglar should draw long-term imprisonment if he matches any four of these seven variables: 1. Convicted prior to age 16. 2. Committed to a juvenile facility. 3. Used heroin or barbiturates.
within two years before the current arrest. 4. Used heroin or barbiturates as a juvenile. 5. Held a job less than one of the two years before his current arrest. 6. Had a prior robbery or burglary conviction. 7. Spent more than half the preceding two years in jail.

Greenwood tested the validity of his seven-point profile against the sentences judges had given the 781 convicted robbers and burglars among Rand interviewees in California. His scale miscast as high-rate offenders only four percent of the intermittent offenders (who averaged five robberies a year) and mislabeled as low-rate offenders only three percent of the superfelons (who averaged 87 robberies a year).

The judges, however, gave many more low-rate offenders long terms and superfelons short terms. Greenwood argues that his strategy of "selective incapacitation" would have allowed California in 1981 to keep 700 fewer convicted robbers behind bars, while reducing street crime by 27,150 robberies and saving $10 million.

Encouraging Results. Impressed by the Rand and Wolfgang studies, many police departments and prosecutors are intensifying their efforts to arrest and convict young "heavies" who fit the violent-predator profile. Though some are resisting the idea, legislators in 20 states and the District of Columbia have made it easier to try young criminals as adults, subjecting them to tougher prosecution and longer incarceration. The new emphasis is paying off. Consider these successes:

Washington State legislators, infuriated by cases such as the Seattle youngster released by juvenile judges 35 times after felony arrests, enacted a strict code in 1978. They ordered youngsters fingerprinted and photographed at each felony arrest, opened juvenile-arrest records to adult-court prosecutors and judges, and imposed stern sentences for repeaters. Before the 1978 reform, juveniles ran up an average of 7.5 felony arrests before incarceration. Now they go to prison after 3.5 arrests, and the number behind bars has doubled.

In 1983 the Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP) enlisted five police departments and 13 prosecutors in a campaign to identify and incarcerate high-rate juvenile offenders. Police interview school authorities and social workers, then consolidate police, court and probation records, and identify teen-agers who have multiple arrests but so far have managed to slip through the revolving-door juvenile-court and family-services systems. The preliminary results are encouraging.

The five police departments—ranging from Oxnard, Calif., (pop. 121,000) to Jacksonville, Fla., (pop. 578,000)—find they are repeatedly arresting a tiny minority of very active young criminals: only about 30 per 100,000 population. These individuals average just under 16
years old, generally have their first police contact at age 9, and rarely go three months without some collision with police. More than half commit violent crimes. A majority come from "crime families," in which parents and siblings have criminal records, and a large proportion are on drugs.

In Oxnard, for example, crime analyst Lynne Thayer traced robberies, burglaries and assaults for three months on a map of a 35-block high-crime neighborhood, using orange dots to represent residences of five identified high-rate juvenile offenders. Toward the end of the period, four of the five repeaters were jailed; the fifth went to jail two months later. In the second three months, the neighborhood's robberies, burglaries and assaults plummeted from 69 to 27.

Prison Works. City College of New York sociologist Robert Martinson tracked 400,000 criminals who went through special rehabilitation programs over a 25-year period. His stunning finding: seven out of ten who are convicted and then imprisoned or put on probation will never be arrested again; but none of the rehabilitation programs themselves curbed recidivism.

A century ago, Americans sent virtually every felon to prison. Today, even with our increasing use of imprisonment, only nine out of a hundred who are caught and convicted land behind bars. Declared Martinson: "That's where we went wrong. We abandoned a largely successful system of certain punishment in favor of all kinds of happy experiments where we told ourselves we did not have to be so nasty as to punish anybody."

More and more, studies like Martinson's are showing that while prisons may not rehabilitate, they do work as a deterrent. They also reduce crime by keeping the worst criminals away from society.

Concludes Alfred Regner, administrator of the OJJDP: "The criminologists have given us important knowledge about who commits crime. If police, prosecutors and judges put it to work, we can vastly improve the fairness and effectiveness of our criminal-justice system, ease prison crowding and enjoy safer streets and homes."
Career Offenders

A Nontraditional Approach to Investigative Policing

by Lt. Michael J. Heldingsfield

In November of 1985, Chief David M. Kunkle of the Arlington, Texas Police Department, made the decision to target career offenders. What followed was four months of intensive research to review professional literature in the field and to examine the existing enforcement programs, their methodology and success rates in an attempt to organize an enforcement-oriented career criminal program.

As a result, in March of 1986 the Career Offender Project (COP) was formed as one of four operational units within the newly created Special Investigations Division. This Division was organized to maintain, under the Office of the Chief of Police, the most sensitive categories of criminal investigations. These were characterized by an overriding need for confidentiality, a reduced chain of command for responsive operational control, and procedural/investigative flexibility for undercover operations and complex criminal conspiracies.

The Division was to include the Vice, Narcotics and Organized Crime Unit, Crime Stoppers Unit and the COP.

Based on staffing constraints and an environment of budget austerity, it was critical from the outset that the COP unit be small, efficient and staffed with senior criminal investigators possessing extensive backgrounds in criminal intelligence gathering, surveillance, computer, and undercover operations and not serve as an apprentice training ground for new investigators. Following the selection of officers which consisted of a Detective Sergeant and three criminal investigators, the program was begun.

Based on the premise that a relatively small group of repeat felony offenders are responsible for a disproportionate amount of serious crime, the next sixty days were dedicated to a selection of criteria by which a continuous pool of repeat felony offenders could be properly screened and a target group identified.

Very Selective

This criteria selection quickly became the most exhaustive preparatory effort required to make the COP unit functional and remains a critical factor today. The offender must:

- be at least 17 years of age,
- have a prior felony criminal history (arrest or conviction),
- be active in one or more of the targeted offenses in the Arlington metropolitan area within the past 12 months.

The offender must also meet at least one of the following criteria:

- be active in two or more targeted offenses per month.
- be a fugitive (wanted) for a targeted offense.
- be a felony probationer or parolee involved in one or more targeted offenses per month.
- be on felony bond and involved in one or more targeted offenses.

Targeted offenses are defined as:

- U.C.R. Part I Offenses (Homicide, Rape, Robbery, Aggravated Assault, Burglary, Theft, Motor Vehicle Theft, and Arson)
- selected U.C.R. Part II Offenses (Forgery, Counterfeiting, Stolen Property Offenses, Weapons and Explosives Offenses, Sex Offenses, Narcotics Offenses, and any other Part II Offenses as targeted on an individual basis by the COP).

Second only to the criteria determination was the selection of strategies to be employed against targeted offenders. In the formative stages of early 1986, the two basic enforcement strategies employed in the Washington, D.C., and San Antonio (TX) repeat offender projects were adopted: surveillance of identified active career offenders for the amount of time necessary to apprehend them in the act of committing a felony crime and pursuing identified career offenders already wanted on criminal charges.

The nine months of field operations that followed however, demonstrated that the surveillance strategy was far too labor intensive and demanding to be efficient except in the most unusual of circumstances. Conversely, the warrant target strategy quickly became a major tool of the COP.

It was found that although the wanted offenders may have successfully evaded traditional methods of arrest and continued to perpetrate their crimes, the COP unit’s ability to dedicate an investigator or team of investigators and the necessary resources to the tracking and apprehension of that particular fugitive was highly successful.

A third enforcement strategy, which evolved during 1986, which had not been anticipated, was the clearing-
house role of COP investigators who could actually coordinate other agencies' efforts to locate offenders or to initiate parole or probation revocation proceedings. By operating as an area focal point for the pursuit of career offenders, investigators would quickly build sufficient information to warrant review by parole or probation authorities or direct multi-agency tactics for use in the arrest and prosecution of targeted offenders.

Some Essentials

Essential to the operation of the COP, beyond those measures discussed already, is a satisfactory level of expertise in electronic surveillance techniques/operations and computerized case management systems. The former is in near constant demand due to the nature of surveillances and covert methods often used by investigators. The latter became a matter of practical necessity to insure that current targeted offenders were properly catalogued, identified and tracked as they proceeded through the criminal justice system and to provide monthly program reports of measurable activity.

From 15 months of field operations three interesting phenomena have become apparent. First, with each arrest of a career offender, an average of 1.95 peripheral arrests of non-targeted criminal associates are made during the investigation, greatly increasing the level of field activity originally projected.

Secondly, a clear profile of the typical Arlington career offender and his criminal involvement has emerged after the screening of 1,661 identified felony offenders which has produced 257 targeted career offenders to date:

one of every 6.4 felony offenders screened qualifies as a career criminal seven of every 10 are white males with an average age of 25.
the offender is typically unemployed, but lists his occupation as the construction industry.
over 50% of offenders actually reside in Arlington.
over 50% of offenders have recent (within 12 months) felony arrests for narcotics, weapons and property offenses (in that order).
788 of the offenders are on parole or probation for prior offenses, most probably narcotics or burglary violations.

Finally, the COP program has spurred a great deal of law enforcement interest in the Dallas-Fort Worth Metroplex.

As a result both the Dallas and Fort Worth Police Departments have recently formed similar units based on Arlington guidelines. But the greatest interest has been shown by the local office of the Bureau of Alcohol, Tobacco and Firearms.

The U.S. Treasury Department’s role in the newly-created federal Armed Career Criminal program coincided closely with the objectives of the COP and as a result the BATF asked to contribute one field agent to office at the Arlington Police Department as part of the COP staff. This has proven to be a significant asset in terms not only of staffing, but expertise and investigative skill particularly in the pursuit of federal firearms violators and as a conduit for federal prosecution.

Good Statistics

Since its inception, the COP has made 185 total arrests, the vast majority of which were felony offenses. Some 63 career offenders have been apprehended, 213 criminal warrants served or cleared, $403,577 in illicit narcotics seized, $1,441,400 in stolen property recovered, 85 criminal cases filed and 389 criminal cases cleared.

We are satisfied that the COP approach to investigative policing is successful tool for the Arlington Police Department. It also has the potential for even greater impact if a strong and dedicated relationship with the criminal district attorney can be developed for post-arrest case enhancement.

An experimental system is now in place to highlight career offender cases filed which calls for no bond reduction or plea negotiations without investigator concurrence. Additionally, an agreement which requires felony trial court chiefs to prosecute all career offender cases is also in effect serving to further prosecutorial enhancement.

Further efforts to strengthen the program for 1987-88 will include the critical areas of administrative support, expanded electronic surveillance capabilities and the use of tactical firearms, all of which are designed to increase the time and quality of field operations, which are valued commodities in an operation as small and efficient as the Career Offender Project. L&O

Lt. Michael J. Heidingsfeld is Commander, Special Investigations Division for the Arlington Police Department.
Repeat Offenders Put Away

Target 8

by Reed Hildreth

The Minneapolis Police Department has declared war on the hardened recidivist, and the department is winning the opening skirmishes. If you're a repeat offender in Minneapolis who wants to push his luck, the odds are better than average that you're headed back to the slammer.

On the street, the reason has a name. They call it Target 8. The word in Minneapolis' underworld circles is that when you qualify for Target 8 you've arrived in the big leagues of local crime. Whatever sense of pride that may generate in the criminal mind, it is clearly overshadowed by the special attention Target 8 individuals receive from Minneapolis Police.

At police headquarters, the official department title is, on the surface, more prosaic: "FINIS" for Field Integrated Neutralization Information System. With a knowing grin, though, those involved with Target 8 will tell you that even its acronym has a more subtle meaning that must tickle the police officer's sense of humor. FINIS is French for "The End." That's literally been true for some who have qualified for the Target 8 list by their insistence on living outside the law. For them, it has been the end of their freedom and the beginning of another long stretch behind prison walls. Even the program's logo, an eight ball, was selected with a touch of humor.

Stated simply, Target 8 is a legal surveillance program that permits keeping close track of repeaters without violating their constitutional rights. The program takes its popular name—Target 8—from the number of people under surveillance at any given time.

Target 8 is one of several programs in communities throughout the country that strive to track the activities of recidivists located within their borders. While each program is based to some degree on a common concept, they differ somewhat in its application. The New York City Police Department makes its major effort to gather evidence after a career criminal is rearrested. At Colorado Springs, police focus on those who appear to be sliding back into a life of crime. Minneapolis police use a formula and select targets for surveillance based on their criminal history.

Each of these programs is based on a theory developed by the Rand Corp. called "selective incapacitation." This study concludes that a repeater's documented record is sufficient to predict his future behavior. A profile is used to indicate the likelihood of their committing additional crimes. The study recommends that a repeater should be incapacitated with a stiff sentence if apprehended, if convicted and if he fits the profile.

The Minneapolis police agree. They believe that neutralizing these repeaters can significantly reduce the crime problem within the city. Administration of Target 8 is the responsibility of the department's Special Investigations Division, but it's accomplished in close cooperation with the Uniformed Division whose officers do most of the watching and reporting in the normal course of their patrols.

"We've tried to make all phases of the program as compatible with the uniform division as possible," Sgt. Robert Skomra, Target 8's administrator in SID said. That puts much of the focus on such areas as robbery, burglary and violent crime.

SID's definition of organized crime is a great deal broader than the public image of the professional gangster. Any group of individuals, tightly or loosely knit, that derives all or part of a living from criminal activity would fit SID's definition. And the loner doesn't escape SID's purview if he qualifies under the Target 8 formula and profile.

Naturally, civil rights watchdogs were quick to challenge the program's constitutionality. The department wasn't caught off guard. Target 8 had been placed before a battery of five lawyers in the city attorney's office who carefully scrutinized questions about program legality. Privacy rights was one of the issues raised. It was concluded that because of the way Target 8 was formatted and administered there were no legal obstacles to its use.

Organizing and Implementing

Captain Bernard Jablonski, commander of the city's 5th precinct, is credited by his peers for pushing hardest to bring a legal surveillance program to the Minneapolis Department. Once the concept received a "go," Jablonski got the job of organizing and implementing. Under Jablonski, Target 8 quickly grew into a departmentwide effort to develop a meaningful system for the identification and neutralization of selected criminal recidivists.

A committee was established to assist in project design and to provide continuing support of project objectives. Members of that committee include: one captain and two investigators from SID, one investigator from homicide/robbery, one officer from street crimes, one investigator and three patrol officers from each of the city's four precincts, one investigator from juvenile. The captain who heads SID also serves as committee chairman.

To obtain the broadest possible base of support, approval from all precinct captains was sought and received.
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A key responsibility for the project committee was selection of the initial eight
recidivists for the first Target 8 list. It continues to perform this role as vacancies
occur through arrest and incarceration for new offenses, people leaving the area,
deaths, people establishing through their actions that they no longer belong on the
list.

The Target 8 Program was finalized in
October 1982. It was publicized departmentwide through an internally produced
videotape presentation.

How Target 8 Works

Target 8 has been described as perhaps
the most systematic of the surveillance
systems being used around the country. No
one finds himself listed on Target 8 simply
because someone said “put his name
down.” A repeater gets on Target 8 the old
fashioned way. He qualifies by what he’s
done and continues to do.

Here’s how the process starts. Any Min-
nneapolis police officer can nominate a can-
didate. A printed form is provided that
indicates whether:
• the potential target has had at least two
  felony convictions and served time within
  the last 10 years,
• the potential target has been involved
  in criminal activities of a serious enough
  nature to indicate a state of mind consistent
  with that of a major offender,
• the potential target is a juvenile with a
  record that includes murder, robbery or
  aggravated assault.

One of Sgt. Skomra’s tasks is to verify
and document the candidate’s record at each
step of the process. If the nominee’s docu-
mented record puts him in one of the de-
scribed categories, he is assigned a certain
number of points dictated by a formula.

The nominee earns additional points if he:
• has more than two prior felony convic-
tions,
• was an escapee at the time of arrest for
  any prior felony,
• was on bail or pre-trial release status
  when arrested for a prior felony.

Points are also added if there’s evidence
of additional crimes which have not yet been
charged.

If a candidate tries hard there are more
ways to run the point total up. These include:
• possession or use of a weapon during
  commission of a felony,
• engaging in forced sexual contact or
  intentionally inflicting bodily harm,
• victimizing a stranger, anyone younger
  than 12 or older than 60 years,
• stealing or destroying valuable prop-
  erty.
A precise schedule of property values is used to assign points.

After the nominating officer's claim has been documented, the Target 8 Committee meets to determine which candidates have what Capt. Jablonski calls a "magic score." Those with a score that high are placed in a basic pool of nominees. From this pool the Target 8 Committee selects replacements by a majority vote.

Only the SID and the Target 8 Committee members know how many points are attached to each category and what constitutes the magic score. This secrecy is maintained to prevent anyone from padding scores.

The First Eight

The efficacy of Target 8's selection process was borne out by the list of the original eight. The list included seven men and a 17-year-old who "selected themselves" because of repeated convictions and criminal activity, Capt. Jablonski said.

Here's what the group looked like:

The first had been arrested for third degree murder. A conviction for robbery and burglary resulted from the same case. He was also convicted of a second burglary and of unauthorized use of a motor vehicle.

A second had been twice convicted of breaking and entering and of assault and battery. Possession of an injection device for narcotics had led to another arrest.

The 17-year-old had been charged with assault, theft, burglary and armed robbery.

No. 4 was convicted for tampering with a witness and third degree assault. A charge of aggravated arson was pending. This nominee started his criminal career with a juvenile record.

Two convictions for receiving stolen property, two convictions for robbery, two charges of attempted burglaries and one for unlawful possession of a weapon constituted the record of another.

There was a convicted kidnapper with additional convictions for receiving and concealing stolen property, illegal possession of firearms, robbery and two burglaries.

Another successful nominee had been convicted of assault, two burglaries, unauthorized use of a motor vehicle and a series of misdemeanors.

Conviction for the final member of this August group included assault on an officer and robbery.

For someone trying to get his act together and turn his back on a life of crime, Target 8 isn't forever. The Target 8 Committee reviews all targets every six months. Five of the original eight were taken off the list within two weeks after the program began.

Three individuals either had their parole removed or were arrested and incarcerated again.

Jablonski said he expected others to be removed from the list because they show no evidence of engaging in criminal activity.

"When targets drop off the list," Jablonski said, "the committee replaces them. The magic score is the key. It may be done with previous candidates who didn't quite make it before because of slightly lower scores or by new "fast comers" who are making a quick name and score for themselves."

Confidentiality is another key feature of Target 8. Officers are under orders to keep the identities of the eight targets secret. However, anyone who thinks that he might be on the Target 8 list can ask the police department. The deputy chief of investigations insists, however, that he see in person those making the inquiry. There are two reasons. One is to assure proper identification of the person making the inquiry. The second is a unique opportunity that flows from the identification process.

Capt. Jablonski reported, "If a person comes in to see if they're on the list, they must believe they qualify or they wouldn't ask. We then do an intensive check to see if the person is engaged in an ongoing criminal activity we don't know about. So, in

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Access to, their Minneapolis police numbers and their FBI numbers.

Minneapolis has clearly been successful, but one of the hardest problems encountered internally with Target 8 has been getting everyone to communicate—make that report, write that memo, get on that telephone—but that’s also a problem that applies to almost all phases of police work. “It’s something you’ve got to constantly emphasize,” Sgt. Skomra said. “Something you’ve got to make people feel a little guilty about when they don’t.”

A synopsis of these details and smaller photographs go into blue pocket notebooks. Discrimination and inspection of Target 8 materials is conducted by the Inspectional Services Division.

Surveillance of those on the Target 8 list is described as “informal.” Officers are not assigned to constantly watch these people. Instead, officers are instructed to keep a record of where and when the person was observed, what the person was doing, who the person was with, vehicles involved—either owned or operated by the individual or in which the person is a passenger.

What the officers observe is also reported to a special telephone number that feeds a large-capacity tape recorder, system that gone out and gotten a haircut,” Jablonski said. “However, I do want to know if he goes into a tipping house at a certain location, because we may want to be aware of the activities and the clientele that may be in that particular area.”

Significant information may be passed on through SID to all commands by roll call crime bulletins, updates to the three ring binders, etc.

Rights Protected

If a person listed on Target 8 is arrested in the commission of a felony, his constitutional rights are carefully protected. It has been Jablonski’s experience that arresting officers become extra meticulous in promptly dotting every “i” and crossing every “t,” procedurally and substantively, so the strongest possible case is handed to prosecutors. The provisions of Target 8 also mesh with a habitual criminal program in the county attorney’s office, thus further strengthening prosecution efforts.

Officers instrumental in a Target 8 program arrest are recognized by a breakfast with Chief Anthony Bousa and a tie tack with a symbolic eight ball on it. Chief Bousa has been a 110 percent supporter of Target 8 from the day it was first suggested.

As one might expect, critics were quick to label the program as “harassment,” an “invasion of privacy” and “unconstitutional,” although the challenges were surprisingly muted. Bousa was immediate and to the point in his defense.

He said he’s concerned with just one question: “Is it legal or isn’t it?” Everything involved in Target 8 is legal, he insists that it is.

“I refuse to apologize for an aggressive posture. I’m in the business of making society safe,” he said.

Now in its fourth year, Target 8 is making its point—one that repeaters don’t like.

L & O

Circle 39 on Reader Service Card
Study suggests hunting repeat offenders

By LARRY MARGASAK
Associated Press Writer

WASHINGTON — Urban police departments could substantially increase the arrest, prosecution and conviction of career criminals by establishing special units to hunt down repeat offenders, a new study concluded Sunday.

The study, based on the experience of the Washington, D.C., police department, said such units may be the answer to combating career criminals — those who commit five or more serious crimes a week.

But the report cautioned that a new unit could be costly, and warned its undercover tactics may threaten civil liberties if not carefully supervised.

The operation also could reduce total arrests — usually the barometer for a police department's performance, the study said.

The conclusions were based on a two-year study of the Repeat Offender Project in Washington, established in May 1982. Financed with a $216,000 Justice Department grant, the study was conducted by the Police Foundation, a non-profit research organization established by the Ford Foundation.

Established with 88 officers, a number later reduced to 60, the Washington unit focused on two types of recidivists: those wanted on one or more warrants who could be arrested on sight; and those believed to be criminally active, but not currently wanted.

The unit's resources included 20-year-old cars, surveillance equipment, and a computer terminal linked to the department's main computer. The unit routinely received copies of a daily major violators list, criminal histories of recent arrestees, daily crime reports from each district and printouts of all persons wanted on three or more felony warrants. Officers built informal "street" information networks.

It cost about $60,000 in direct expenses to equip the Washington unit. Using a formula devised by the researchers, the study found that during a six-month period in 1983, there were 5.7 arrests per officer in the unit.

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TODAY'S FOCUS

The study of the Repeat Offender Project found:

- The project substantially increased the likelihood of arrest of the persons it targeted.
- Those arrested by the unit had "longer and more serious" prior arrest records than those apprehended by officers not in the unit.
- Criminals picked up by the unit were more likely to be prosecuted and convicted on felony charges, and more likely to be imprisoned, than those arrested by other officers.