

## A Policy Analysis for Decision Makers

October 28, 1996

# HOW STATE AND LOCAL OFFICIALS CAN COMBAT VIOLENT JUVENILE CRIME

## INTRODUCTION

Congress is considering how to help state and local officials combat violent teenage crime. In the House of Representatives, the most prominent proposal is the Violent Youth Predator Act of 1996 (H.R. 3565), sponsored by Representative Bill McCollum (R-FL), Chairman of the House Judiciary Subcommittee on Crime. The McCollum bill would change the federal criminal justice system by mandating that juveniles who commit two types of federal crime—serious violent crimes or major drug trafficking offenses—will be tried as adults in federal courts; it also would impose mandatory minimum sentences on juveniles who use firearms in the commission of a federal crime. In the Senate, the Violent and Repeat Juvenile Offender Act of 1996 (S. 1854), sponsored originally by Senator Orrin Hatch (R-UT) and former Majority Leader Robert Dole (R-KS), would make similar improvements in federal law.

Both the Hatch and McCollum bills would give states financial assistance to help them combat juvenile crime. The McCollum bill would replace the Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP) with a new Office of Juvenile Crime Control. In addition to serving as a clearinghouse for information disseminated to state officials, this office would make \$500 million available to the states: \$250 million in the form of "incentive grants" to help the states adopt needed reforms—for example, tougher sanctions on juvenile criminals, mandatory restitution, and greater public availability of juvenile delinquency records—and another \$250 million in the form of block grants for the states to use as they think best in combating and preventing juvenile crime.

**State and Local Responsibility.** While Congress can assist local officials with block grants, however, taxpayers know that violent juvenile crime, like street crime in general, is primarily a state and local responsibility. And while the capacity of all government officials to cope with the broader cultural and social changes that appear to be driving in-

creased juvenile criminal behavior is limited, state and local officials still can take decisive steps to curb violent juvenile crime.<sup>1</sup> They can do this by using their police forces more effectively and by integrating innovative community police work with the efforts of community leaders and other agencies in the criminal justice system. This is happening already in such localities as New York City and Charleston, South Carolina. The McCollum bill would help the states by removing the federal mandates that prevent them from adopting many innovative solutions and by providing funds for effective new programs, including the Serious Habitual Offenders Comprehensive Action Program (SHOCAP).

SHOCAP is one of the most effective ways to attack the juvenile crime explosion. With sophisticated information technology, local officials can develop and share crime analysis and case management files on the most serious violent offenders in the community: serious habitual offenders. This pioneering effort to combine police work with emerging information technology, developed by a team of experts in the Justice Department during the Reagan Administration, combines the modern microelectronic revolution, sophisticated data collection and crime analysis, and community police work. Through computer analysis and effective local policing, it enables state and local law enforcement officials to identify, target, arrest, and incarcerate violent teenage criminals.

In order to institute SHOCAP, state and local officials should:

- **Establish** an interagency council chaired by the chief of police and comprised of the CEOs of SHOCAP component agencies—juvenile probation departments, prosecutors, juvenile judges, schools, social services, and public housing.
- **Create** or enhance crime analysis units within local police departments.
- **Enlist** the cooperation of state and local agencies in collecting and analyzing data, updating the case files of serious habitual offenders (SHOs), and establishing a strategy for dealing with this class of offenders.
- **Identify** serious habitual offenders. Approximately 6 percent of all juvenile offenders are responsible for up to 63 percent of violent juvenile crime.<sup>2</sup> The procedure used to identify and classify these offenders should be rigorous; it should include, for example, an examination of previous offenses, arrest and court records, and social and family histories. Responsible officials then should use the information developed through this process to create sophisticated, computerized case management files.
- **Share** these case management files with police officials, judges, prosecutors, state probation and parole agencies, and (as needed) schools and social service agencies.

---

1 For an excellent discussion of the range of options available to state and local officials, see Mary Kate Cary, "How States Can Fight Violent Crime: Two Dozen Steps to a Safer America," Heritage Foundation *State Background* No. 944/S, June 7, 1993. See also Hon. George Allen, "The Real War on Crime: States on the Front Lines," Heritage *Lecture* No. 497, August 10, 1994.

2 Research for the initial SHOCAP project during the Reagan Administration indicated that the percentage of juveniles responsible for the majority of violent crime may be as low as 2 percent. See Robert O. Heck, SHOCAP Project Manager, U.S. Department of Justice, Washington, D.C., unpublished reports. See also Paul E. Tracey, Marvin E. Wolfgang, and Robert M. Figlio, *Delinquency Careers in Two Birth Cohorts* (New York: Plenum Press, 1990).

In addition, states should reform the juvenile justice system by enacting laws to try violent juvenile criminals as adults when necessary, and by passing truth-in-sentencing laws that apply to violent juvenile offenders tried as adults.

## THE NEW FACE OF JUVENILE CRIME

Violent teenage criminals are increasingly vicious. John DiIulio, Professor of Politics and Public Affairs at Princeton University, says that “[t]he difference between the juvenile criminals of the 1950s and those of the 1970s and early 1980s was the difference between the Sharks and the Jets of *West Side Story* and the Bloods and the Crips. It is not inconceivable that the demographic surge of the next ten years will bring with it young criminals who make the Bloods and the Crips look tame.”<sup>3</sup>

According to the Council on Crime in America, a bipartisan commission chaired by former Attorney General Griffin Bell and former White House Drug Policy Director William J. Bennett, crimes committed by males ages 14 to 17 will increase by 23 percent between 1995 and 2005. Because of the deterioration of family life, and also because of their easy access to guns, these juveniles are likely to commit more vicious crimes than their predecessors, targeting strangers as well as known enemies.<sup>4</sup> Louis Freeh, Director of the Federal Bureau of Investigation, believes that continuation of current trends in juvenile crime “portends future crime and violence at nearly unprecedented levels.”<sup>5</sup> Recent reports of juvenile crime dropping are of little comfort in light of the coming demographic surge of juveniles in their crime-prone years from dysfunctional families.<sup>6</sup>

Growing numbers of young people, often from broken homes or so-called dysfunctional families, are committing murder, rape, robbery, kidnapping, and other violent acts. As John DiIulio and others argue, these emotionally damaged young people, growing up without faith, fathers, or families, often are the products of sexual or physical abuse. They live in an aimless and violent present; have no sense of the past and no hope for the future; and act, often ruthlessly, to gratify whatever urges or desires drive them at the moment. They commit unspeakably brutal crimes against other people, and their lack of remorse is shocking. They are what Professor DiIulio and others call urban “superpredators.” They are the ultimate urban nightmare, and their numbers are growing. The number of juveniles arrested for violent crimes has increased nearly 60 percent over the last ten years.<sup>7</sup>

- From 1985 to 1993, the number of murder cases involving 15-year-old juveniles increased 207 percent. Arrests of 18-year-old to 20-year-old males for murder over the same period increased 119 percent.<sup>8</sup>

<sup>3</sup> The Bloods and Crips are notorious gangs in Los Angeles; see, for example, John J. DiIulio, Jr., cited in Council on Crime in America press release, January 5, 1996, p. 2. Professor DiIulio also has gone on record as supporting H.R. 3565; see John J. DiIulio, Jr., “How to Deal with the Youth Crime Wave,” *The Weekly Standard*, September 16, 1996, p. 30.

<sup>4</sup> *Ibid.*

<sup>5</sup> Quoted in Neal R. Pierce, “How Goes the Crime Rate—Why?,” *The Baltimore Sun*, January 15, 1996, p. A9.

<sup>6</sup> See notes 9-11 and accompanying text.

<sup>7</sup> Howard N. Snyder and Melissa Sickmund, *Juvenile Offenders and Victims: A National Report*, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, August 1995, p. 112.

Table 1

### Males Arrested for Murder and Nonnegligent Manslaughter

	1985	1990	1991	1992	1993	Percent Change: 1985 and 1993
12 Years and Younger	0.1	0.1	0.2	0.1	0.1	0%
13 to 14 Years	4	8.8	9.6	8.1	10.5	162%
15 Years	11.8	31	37.4	29.8	36.2	207%
16 Years	22.4	56.5	57.7	59.3	66.4	197%
17 Years	34.5	72.4	76.1	77.7	84.8	146%
18 to 20 Years	41.8	73.5	89	91.9	91.3	119%

Note: Arrests per 100,000 males in each age group.

Source: U.S. Department of Justice, *Department of Justice Sourcebook*, p.404, Table 4.20.

- From 1988 to 1992, the number of juveniles involved in aggravated assaults increased 80 percent to 77,900; the number involved in robberies went up 52 percent to 32,900; and the number involved in rapes rose 27 percent to 5,400. Overall, juvenile court cases increased 26 percent.<sup>9</sup> If trends of the past ten years continue, arrests of juveniles for violent crimes will double by the year 2010.<sup>10</sup>
- From 1989 to 1993, transfers of juveniles to adult court because of delinquency increased 41 percent to 11,800 cases; for crimes against persons, the number of transfers increased 115 percent to 5,000 cases.<sup>11</sup>
- Of 1,471,200 juvenile court cases in 1992, personal offenses were up 56 percent to 301,000; property offenses were up 56 percent to 842,000; and public order offenses were up 21 percent to 255,900.<sup>12</sup>

**Young Victims.** Young people ages 12 to 17 are the most frequent victims of violent crime. They are raped, robbed, or assaulted at five times the rate of adults 35 years old or older. In 1992, one juvenile in 13 was the victim of violent crime—up 23 percent from 1987.<sup>13</sup> Also in 1992, 23 percent of the victims of the 6.6 million violent crimes committed in the United States were juveniles; the juvenile victimization rate was 74.2 cases per 1,000 juveniles, compared to 13.9 cases per 1,000 adults 35 years old or older.<sup>14</sup> Overall, the sad fact is that

8 *Ibid.*, p. 109.

9 J. Butts *et al.*, *Juvenile Court Statistics 1992*, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, 1995.

10 Snyder and Sickmund, *Juvenile Offenders and Victims: A National Report*, p. 111.

11 J. Butts *et al.*, *Juvenile Court Statistics 1993*, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, forthcoming 1996; cited in Howard N. Snyder, Melissa Sickmund, and Eileen Poe-Yamagata, *Juvenile Offenders and Victims: 1996 Update on Violence*, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, February 1996, p. 28.

12 Butts *et al.*, *Juvenile Court Statistics 1992*, 1995.

13 Associated Press, "Violence Hit 1 in 13 Youths in 1992," *The Washington Times*, July 18, 1994, p. A3.

14 *Ibid.*

Crime has seriously affected teenagers' lives, especially those who live in neighborhoods seriously hurt by crime, drugs and gangs. The effects are insidious and long-standing. Teenagers protect themselves by carrying weapons, skipping school, changing their routes to and from classes, changing friends or letting their grades slip. For many young Americans, the carefree days of adolescence are a nostalgic fantasy.<sup>15</sup>

Even more shocking than the sheer volume of violent juvenile crime is the brutality of the crime committed for trivial motives: a pair of sneakers, a jacket, a real or imagined insult, a momentary cheap thrill. For example:

- A 59-year-old man out on a morning stroll in Lake Tahoe was fatally shot four times by teenagers "looking for someone to scare." The police say the four teenagers—just 15 and 16 years old—were "thrill shooting."
- A 12-year-old and two other youths were charged with kidnapping a 57-year-old man and taking a joy ride in his Toyota. As the man pleaded for his life, the juveniles shot him to death.
- A 14-year-old boy was murdered while trying to reclaim a \$2,500 stereo system he had received from his grandfather. Five juveniles, ranging in age from 15 through 17 years, were charged with the crime.

Seasoned big-city homicide detectives have a hard time coming to grips with the horror of these kinds of cases: The crimes are senseless, the motives banal, and the perpetrators all so young. These shocking incidents—which occur in America's suburbs as well as its inner cities—are creating a growing consensus among the American people: They have had enough. Lenient sentencing based strictly on age is no longer acceptable for crimes of this magnitude.<sup>16</sup>

**Loss of Public Confidence.** Polls show that Americans are unhappy with the system as it is: 49 percent believe rehabilitation programs for juveniles are not successful, 52 percent believe the punishments juveniles receive should be the same as those given adults, and 83 percent think juveniles who commit two or more crimes should receive the same sentencing as adults.<sup>17</sup> A 1995 Gallup poll found that 72 percent of Americans also advocate the death penalty for juveniles who commit murder, as opposed to 24 percent in 1957.<sup>18</sup>

Teenagers themselves take a hard stance on how their peers should be treated if they commit violent crimes. Over 93 percent believe that those accused of murder or rape should be tried as adults. Moreover, they do not believe these offenders should receive special consideration because of their age.<sup>19</sup> This is consistent with broad public, judi-

---

15 Sara Engram, "Respect and a Challenge," *The Baltimore Sun*, January 14, 1996, p. E3.

16 Betti Jane Levine, "New Wave of Mayhem; Juveniles Are Increasingly Committing Violent Crimes—And Experts Don't Know Why or How Best to Stop Them," *Los Angeles Times*, September 6, 1995, p. E1.

17 David W. Moore, "Majority Advocate Death Penalty for Teenage Killers," *The Gallup Poll Monthly*, September 1994, p. 2.

18 *Ibid.*, p. 3.

19 George Gallup, Jr., and Alec Gallup, "Teens Say Youths Should Be Tried as Adults for Serious Crimes," *The Gallup Youth Survey*, March 8, 1995.

cial, and law enforcement sentiment, which generally has favored holding juveniles more accountable for their criminal actions in recent years.

The juvenile justice system that prevails in many states today does juvenile criminals no favors by being lenient. According to a 1985 Rand Corporation study, "[w]aiting for chronic offenders to build a record of many arrests and minor dispositions only compounds the problems that must be dealt with later."<sup>20</sup>

## WHY TODAY'S JUVENILE JUSTICE SYSTEM IS FAILING

Since 1899, when Illinois adopted the first Juvenile Court Act, America's juvenile courts have been unable to deal effectively with the violent juvenile criminal. Law enforcement officers and a growing number of private citizens realize that this continuing failure undermines the credibility of the whole juvenile justice system.

The ultimate price for this failure, of course, is paid by innocent citizens. For example, only hours after returning home from a special school program in Costa Rica, Cindy Del Carmen Villalba, an honor student at Rutgers University, was killed in a botched robbery attempt. Corie Miller, age 17, and two accomplices were charged in her death. Miller had been eluding police for about a week when the slaying occurred. He had fled a Paterson, New Jersey, "get-tough" rehabilitation program that was supposed to be a "last ditch effort to reform him." In the case of this habitual juvenile offender, it took the murder of a young, intelligent girl with a bright future to force the justice system to take a second look and finally adopt a tougher stance.<sup>21</sup>

**Failure to Target Serious Habitual Offenders.** In many states, the greatest single weakness of the effort to combat juvenile crime is a simple failure to target the most dangerous young offenders. This weakness arises from a reluctance on the part of juvenile justice officials to admit that there is a point at which a delinquent youth becomes such a threat to the community that he or she must be held accountable and incarcerated. Under the current system, the seriously violent juvenile can become invisible by being mixed in with the general population of non-violent and non-habitual juvenile offenders. Overwhelmingly, most urban young people who get arrested for a crime get arrested only once; seldom are they a serious or long-term threat to the safety of other citizens. Put another way, not all juvenile delinquents are alike, and very few are serious habitual offenders. The official failure to discriminate between minor offenders and hard-core criminal youth undermines the effectiveness of the entire system.

The most active juvenile delinquents also are the most dangerous. Often invisible to the officials who preside over the system, they are painfully visible to the victims they assault, rob, and kill. Official failure to develop credible control measures to suppress habitual juvenile offenders also sows the seeds of racial prejudice. With the rise of juvenile crime, an increasingly angry and insecure public tends to look upon all juveniles, particu-

---

<sup>20</sup> Rand Corporation, "One More Chance: The Pursuit of Promising Intervention Strategies for the Chronic Offender," May 1985.

<sup>21</sup> David Glovin, Frederick Kunkle, and Seamus McGraw, "Suspects Have Extensive Records," *The Record*, July 18, 1995, p. A1.

larly black male teenagers, as threats to the community. Most juvenile offenders, however, are not: 58 percent of young black males never have any contact with the police; and of the other 42 percent, an overwhelming majority do not go on to become SHOs.<sup>22</sup> It is therefore vital that state and local officials, as well as taxpayers, begin to think and act differently toward the occasional juvenile delinquent. The SHO, on the other hand, is a career criminal in the making.

**The Information Gap.** Chronic offenders usually can be identified solely on the basis of their juvenile records. This evidence, however, normally does not accumulate until after the youth's 16th birthday. If additional factors describing the youth's school performance and home situation are included, the age at which youthful chronic offenders can be identified and an intervention mounted may be moved up several years.

In reality, these young criminals are shunted in and out of state and local agencies by bureaucrats who are supposed to be running the system but who often seem to lack a collective awareness of the kind of young people they are processing. Too often, they are oblivious to the repeated and increasingly serious nature of the behavior of these young criminals. This official failure to share information can occur for many reasons: because it is not required by state law, because of bureaucratic inertia or lack of imagination, or even because of simple negligence. It is a key weakness in the current system. Most of the juvenile codes in the United States contain statutory language indicating that the juvenile judge should consider police reports; field interview reports; citations; social history information (such as data on school, family, and work); drug involvement information; motor vehicle operation information; associates' history; offense digests; victim accounts; and other relevant information, including medical and juvenile victimization data. Only rarely, however, is this information used or shared among youth service agencies; it often is not even made available to the presiding judge.

**Declining Police Morale.** The continuing failure of the juvenile justice system in many states contributes to defeatism and low morale among local police. Police officers frequently do not treat juvenile crime the same as they treat crime committed by adults. Since no one else in the criminal justice system seems to be serious about punishing juvenile criminals, police officers often feel they will be wasting their time if they pursue these cases with the same zeal they display in pursuing adult criminals. They have learned from painful and frustrating personal experience that spending street time trying to suppress juvenile crime by arrests is futile; nothing will be done to the young criminals, who will just be allowed back out on the streets.<sup>23</sup> As a result, many patrol officers shift juvenile crime problems to the local department's juvenile unit, transferring both the problem and the responsibility to a specialized unit that already is overloaded.

---

<sup>22</sup> Snyder and Sickmund, *Juvenile Offenders and Victims: A National Report*, p. 49.

<sup>23</sup> This problem unfortunately has not been confined to juvenile criminals, and its impact on the police is no less devastating to their morale. On this point, see Robert E. Moffit and Edwin Meese III, "Getting Backup: Twenty-One Steps Public Officials Can Take to Support Their Local Police," Heritage Foundation *Backgrounder* No. 1089, August 21, 1996, pp. 8-9.

## WHY STATES AND LOCALITIES SHOULD ADOPT SHOCAP

The SHOCAP system has been employed successfully in over 150 communities in the United States and Canada, including Oxnard, California; Colorado Springs, Colorado; Tallahassee, Florida; Prince William County, Virginia; and Tampa, Florida (Hillsborough County Sheriff's Office). SHOCAP works in these communities because it provides accurate, documented support to police in tactical operations focused on their most active criminals. SHOCAP enables law enforcement officials to give direction to police in the field so that they can use their patrol activities to prevent and suppress the criminal activities of SHOs. Through computers and information sharing, SHOCAP provides field forces with comprehensive information on a SHO's criminal activities beyond beat or shift boundaries. The system works because a computerized case file—either on-line in a police cruiser or accessible by police dispatchers—can be punched up by the police within seconds.

Perhaps the most dramatic example of SHOCAP's effectiveness is Oxnard, California. Despite having one of the lowest police-to-population ratios in the country, over a three-year period in the 1980s, Oxnard experienced a 38 percent reduction in violent crime and a 60 percent drop in the murder rate. It did this by targeting and successfully incarcerating a greater number of SHOs than were targeted and incarcerated in jurisdictions not using SHOCAP. Recognizing that most crime is committed by a small minority of felons, Oxnard officials used SHOCAP to remove 30 of these hard-core juvenile offenders from the streets.<sup>24</sup>

But SHOCAP is more than an effective short-term anti-crime program; it also has longer term preventive effects when employed consistently by local police officials and social service agencies. SHOCAP has received several evaluations in both the United States and Canada. Since 1983, for example, the Office of Juvenile Justice and Delinquency Prevention has evaluated the program three times. The first evaluation process lasted from May 1, 1983, until July 1, 1986, and served as the basis for later implementation of the program. Additional studies began on January 1, 1985. These evaluations indicated that most project cities which remained in the program exceeded their expectations and reduced crime rates in neighborhoods from which SHOs were removed. The Canadian government's 1993-1994 evaluation of the Calgary SHOCAP program led the Solicitor General of Canada to recommend that SHOCAP be considered by other Canadian jurisdictions.<sup>25</sup>

---

24 Eugene H. Methvin, "An Anti-Crime Solution: Lock Up More Criminals," *The Washington Post*, October 27, 1991, pp. C1, C4.

25 See Joan Fisher, *Police Policy and Research*, Solicitor General of Canada, Report No. 1993-23, February 26, 1994.



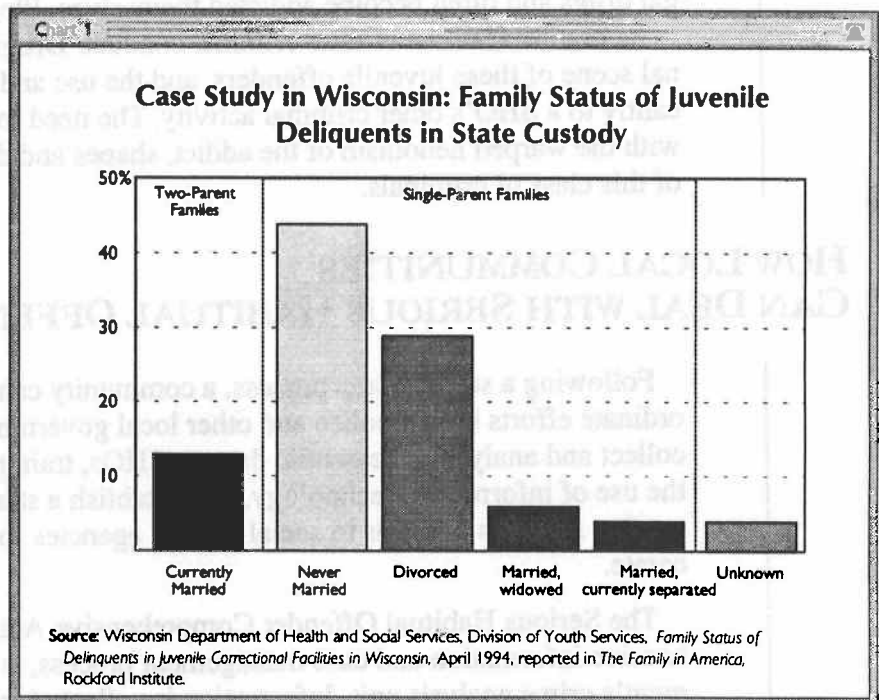
## HOW TO IDENTIFY SERIOUS HABITUAL OFFENDERS

In every community, there is the potential for only 2 percent of the juvenile offender population to be responsible for up to 60 percent of the violent juvenile crime.<sup>26</sup> These serious repeat offenders, who all too often eventually become adult career criminals, bleed the life from the community, endangering public safety and undermining economic stability.

In general, only 25 to 35 juveniles in every 100,000 members of the population will engage in criminal activity that matches the Serious Habitual Offender pattern. Based on criteria developed by the Reagan team at the Department of Justice, this means that 0.03 percent to 0.04 percent of all juveniles between 14 and 17 years old will be SHOs. At the same time, for each SHO, four other juveniles are at risk of becoming SHOs themselves.<sup>27</sup>

**Profile of a SHO.** Data collected and analyzed by the Reagan Administration team at the U.S. Department of Justice in the 1980s presents a graphic portrait of the serious habitual offender. The typical SHO is male, 15 years and six months old. He has been arrested 11 to 14 times, exclusive of status offenses, and five times for felonies. He comes from a dysfunctional family; and in 46 percent of cases, at least one of his parents also has an arrest history. He has received long-term and continuing social services from as many as six different community service agencies, including family, youth, mental health, social services, school, juvenile, or police authorities,<sup>28</sup> and continues to drain these resources for years before he is finally incarcerated as a career criminal.

The typical SHO's family history follows a classic pattern of social pathologies: 53 percent of his siblings also have a history of arrest; and in 59 percent of these cases, there is no father fig-



26 See note 2.

27 See note 2.

28 Heck, unpublished reports.

ure in the home. The absence of a father is particularly destructive for boys; only 2 percent of SHOs are female. Furthermore, 68 percent of these offenders have committed crimes of violence, 15 percent have a history of committing sex crimes, and 51 percent have a reported missing or runaway record. If a broken family characterized by physical or sexual abuse is an early indicator of criminal behavior, then virtually all of these serious habitual offenders fit this category. Not surprisingly, these findings are consistent with the Heritage Foundation's widely reported analysis of the true root causes of violent crime, particularly the criminogenic conditions associated with broken or dysfunctional families.<sup>29</sup>

In fact, SHOs do not consider the crimes they have committed to be all that bad.<sup>30</sup> Forty-five percent are gang members, 64 percent associate with other serious habitual offenders, and 75 percent abuse drugs. School, social, and employment experiences are not good experiences for SHOs,<sup>31</sup> who invariably have no moral compass. The SHO seems to feel that, no matter what he does, the system barely notices. The effect inevitably is to reinforce his criminal inclinations; when released from a state prison, for example, one in 30 of these offenders probably will commit murder.<sup>32</sup>

Recent empirical evidence shows that illegal drug use among the young is on the rise.<sup>33</sup> It is worth noting, therefore, that a significant majority of all SHOs use or sell illegal drugs and often become addicted themselves. Illegal drug use and alcohol abuse tend to be regular features of their criminal conduct. Drugs, in particular, are part of the criminal scene of these juvenile offenders, and the use and sale of drugs contributes significantly to a SHO's other criminal activity. The need to purchase illegal drugs, combined with the warped hedonism of the addict, shapes and drives much of the criminal activity of this class of criminals.

## HOW LOCAL COMMUNITIES CAN DEAL WITH SERIOUS HABITUAL OFFENDERS

Following a step-by-step process, a community can set up an interagency council to coordinate efforts by the police and other local government and social service agencies to collect and analyze the essential data on SHOs, train police and local government staff in the use of information technology, and establish a strategy for dealing with these offenders that includes referrals to social service agencies for use in a judge's decision to incarcerate.

The Serious Habitual Offender Comprehensive Action Program, essentially a comprehensive information and case management process, is directed by the police department's crime analysis unit. Information is collected from and shared with prosecutors,

---

29 See Patrick F. Fagan, "The Real Root Causes of Violent Crime: The Breakdown of Marriage, Family, and Community," Heritage Foundation *Backgrounders* No. 1026, March 17, 1995.

30 Heck, unpublished reports.

31 *Ibid.*

32 *Ibid.*

33 John Walters, "The Clinton Administration's Continuing Retreat in the War on Drugs," Heritage Foundation *Backgrounders Update* No. 279, July 12, 1996.

schools, probation officials, judges, correctional departments, and social service and welfare agencies. When community leaders initiate this process, however, they must remember their target: The purpose of SHOCAP is not to curb public nuisances, disorderly conduct among teenagers, or general property crime, but to identify, isolate, and control a very small group of serious habitual juvenile offenders—only about 35 per 100,000 in the general population. Through SHOCAP, the community can concentrate its law enforcement and criminal justice resources on apprehending and incarcerating these juveniles.

SHOCAP also can lay the groundwork for appropriate intervention by public or private social service or welfare agencies participating in the program. As Professor DiIulio and others argue, the best weapon against violent crime is one that stops juveniles who are at risk of becoming career criminals in the first place. With early, targeted intervention by dedicated local community organizations—especially religious or faith-based institutions with a social service capacity—such children can be taught to tell right from wrong, can acquire personal discipline and moral virtues, and can learn to respect both themselves and others.

Certain conditions are essential to the success of any local SHOCAP program:

**CONDITION #1: Establish the local police as the lead agency in tracking serious habitual offenders.** The police department is the logical lead agency in a SHOCAP program. Police officers have the first contact with criminals in the community. Police work is a 24-hour, 365-day-a-year job that involves the front-line responsibility and experience needed to handle criminal information. The police therefore have the ability to gather, organize, and analyze a SHO case file; they are familiar with SHOs and their case histories, as well as the kinds of crimes they commit and how they operate. On patrol in the neighborhoods, they will know where SHOs live and who their associates are, as well as their family and criminal histories.

Functional crime analysis by police is essential to SHOCAP, but local officials in each case will have to review the capacity of their own police agency to function as primary collector and analyzer of the basic SHOCAP information. This capacity varies from department to department; only two-thirds of all local police departments use computers, but many have a separate crime analysis unit.

With regard to the police department's role, a cautionary note is in order: SHOCAP must be a department-wide responsibility. Placing the responsibility, particularly for data collection and analysis, with the juvenile division sends the signal that this unit can take care of the problem, and the rest of the police force need not concern itself with this juvenile project. Such an approach cuts off the agency's most important tactical muscle—the cop on patrol in the neighborhood.

**CONDITION #2: Require local government agencies to share information on serious habitual offenders.** The adoption of a Serious Habitual Offender Comprehensive Action Program is predicated on gathering and analyzing data, and then planning an appropriate response to SHOs. The SHOCAP process improves operational coordination among the police, prosecutors, courts, probation departments, schools, correctional agencies, social and family services, and other public and private community organizations. Computerized case management procedures for tracking serious habitual juvenile offenders allow the police to identify the warning signs of po-

tential SHOs, such as a home characterized by domestic violence or sexual and physical abuse. Then, using the information gleaned from these routine police reports, local officials can assign responsibility for intervention or monitoring to public or private social service agencies.

This is why it is essential that welfare agencies and schools be included in the information gathering process. The families of serious habitual offenders often receive various types of public assistance.<sup>34</sup> At the state and local levels, where many of these welfare programs are administered, social service workers who know the welfare histories and family structures of potential and active SHOs can provide important information on child abuse, neglect, or domestic violence.

Because of the 1996 federal welfare reform, which includes block granting of welfare assistance and responsibilities to the states, cooperation among state welfare or social service agencies should improve significantly. Vital child victim and abuse information collected by social service agents in the course of their routine duties can give particular direction to law enforcement, probation, court, and corrections officers. Public housing authorities or managers also have tremendous potential to assist law enforcement officers in developing a database of serious habitual offenders. A juvenile growing up in public housing is four to five times more likely to become a SHO than is a juvenile growing up in non-public housing.<sup>35</sup>

School officials, especially administrators, also can play a significant role in monitoring SHOs because SHOs invariably disrupt the classroom and are poor candidates for continuing in public school.<sup>36</sup> School officials get to know who the serious habitual offenders are because of the pressures of trying to maintain order and discipline in the classroom, and usually have to spend more time monitoring them than they do with other students. Under certain circumstances, specialized schools designed to handle disruptive students should be an integral part of the intervention plan for these juveniles.

In the 1980s, juvenile justice files and crime, school, welfare, social service, and probation records rarely were shared between agencies. State and local officials, misconstruing the Family Educational Rights and Privacy Act of 1974 (FERPA),<sup>37</sup> frequently overreacted by withholding even basic "juvenile information." Law enforcement and other agencies strained to keep secret common street information regarding a juvenile's conduct or the receipt of social services or welfare benefits. Before SHOCAP was implemented, juvenile judges and prosecutors in current SHOCAP jurisdictions often had access to less than 30 percent of the information needed for filings or court dispositions. In places like Colorado Springs and Oxnard, for example, there

---

34 Under the 1996 congressional welfare reform bill signed into law by President Clinton, law enforcement officials will have access to welfare records.

35 This information is contained in SHOCAP closeout documents in federal grant file storage.

36 Even though the SHO is likely to be the most disruptive person in the school setting, school officials often do not have access to records of past patterns of criminal behavior. For an excellent discussion of this problem and the related problem of juvenile violence in schools, see Stephen Wallis, "How State and Local Officials Can Restore Civility and Discipline to America's Public Schools," Heritage Foundation *State Backgrounder* No. 1018/S, February 9, 1995.

37 Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §1232g.

was little, if any, sharing of information between agencies. Where SHOCAP has been implemented, however, there has been remarkable progress in breaking down barriers to the gathering of appropriate information on juvenile criminal conduct. A new consensus has been emerging, both on sharing juvenile records and on what information within these records ought to be considered relevant.

A SHOCAP case file should include the following types of information: biographical data; a description of prior and current offenses, including criminal history; a listing of known and suspected associates and confederates; any gang or drug involvement; a description of any "fencing" activity; a concise, comprehensive narrative portrait; field investigation data (FI cards); motor vehicle ownership and violation information; whether the subject has been named as a suspect in other crimes; victimization history; the status offense history of the victim as well as the SHO; any active warrants; school, employment, and family histories; social and medical services history; and prior conduct in detention and correctional facilities.

Some states, however, may need to enact SHOCAP enabling legislation, which allows the sharing of juvenile records and information before SHOCAP can be established.<sup>38</sup> Such legislation helps establish working relationships among law enforcement and local government agencies so they can build an effective database and case management system. To date, seven states have adopted or are working on SHOCAP enabling legislation.<sup>39</sup>

**Condition #3: Establish local criteria for identifying serious habitual offenders.**

Each local jurisdiction must tailor its SHO criteria to fit its own crime problems, keeping in mind the capacity of its own law enforcement agencies. The criteria for identifying and tracking juvenile crime should focus on the worst juvenile offenders—those who repeatedly have displayed serious criminal misconduct. Local officials must resist the temptation to broaden the net to include less serious offenders. Without this discipline, the program's focus will be lost, and the system will be swamped with marginal threats to community safety.

Based on the experience of local SHOCAP sites and an analysis conducted by Justice Department officials during the Reagan Administration, the following criteria conform to the case histories of the 35 most serious juvenile offenders per 100,000.<sup>40</sup>

- Five arrests, with three chargeable as felonies, and three arrests within the last 12 months; or
- Ten arrests, with two chargeable as felonies, and three arrests within the last 12 months; or
- One arrest for three or more burglaries, robberies, or sexual assaults within the preceding 12 months; or

---

38 The state legislature may need to enact SHOCAP enabling legislation in order to begin the program. Model legislation is available from the authors.

39 The states are California, Florida, Illinois, Oklahoma, Texas, Virginia, and Washington.

40 Heck, unpublished reports.

- Ten total arrests, with eight or more for misdemeanor crimes of theft, assault, battery, narcotics, or controlled substance abuse, or for possession of weapons, and three arrests within the preceding 12 months.

By using such criteria, local officials can estimate the caseload for all components of the criminal justice system, including the arrest, detention, and prosecution of serious habitual offenders and the extent of supervision to be provided by corrections officers after a SHO is released from prison. On the basis of this projected caseload, local officials also can inventory the resources available to concentrate on these juveniles (including both public and private social service agencies desiring to participate in the prevention aspects of the SHOCAP program) and allocate those resources accordingly.

**Condition #4: Require that information on serious habitual offenders be shared with the courts and their officers.** In court proceedings, as well as in probation and parole hearings, the comprehensive case management files developed through SHOCAP can be invaluable. Juvenile judges can be assured that whatever judicial decisions they make are based on the best information available. The same is true for judges in adult criminal courts who have access to such files.

Similarly, prosecutors will have the sort of comprehensive information they need to prosecute serious habitual offenders successfully. In fact, once a jurisdiction's SHOCAP program matures, and depending on caseload, the local prosecutor's office should consider creating a specific case management position, both to manage these cases more efficiently and to support vertical prosecution of SHOs.<sup>41</sup> In addition, SHOCAP gives prosecutors a ready-made case priority and assignment schedule. A complete SHOCAP file ensures that SHOs are charged with the highest legally provable offense, prevents the inappropriate pretrial release of such offenders, and prevents the sealing or destroying of the records of juveniles designated as SHOs.

Juvenile probation officers will find that the case file preparation generated by the SHOCAP process can lessen their casework and fortify their recommendations to the courts on the disposition of juvenile cases. They can develop specialized individual programs and custody levels for such offenders, making a sharp distinction between SHOs and other juvenile delinquents. The most important task is to develop specialized control measures for the SHO on probation or back on the streets after release from prison.

---

<sup>41</sup> Under a vertical prosecution, a specific prosecutor is assigned consistently to cases involving a specific SHO; thus, every time a SHO comes to court, the same prosecutor will be dealing with him. This both guarantees that the prosecutor will possess in-depth knowledge of the SHO's history and current crime and helps ensure that a SHO does not fall through the cracks of an overworked court system.

## CUTTING SHORT A CRIMINAL CAREER

For law-abiding citizens, the career criminal is Public Enemy Number One. By using modern information technology and case management as embodied in Serious Habitual Offender Comprehensive Action Programs, law enforcement officers and local government officials can target and track society's most dangerous criminals. Almost without exception, the adult career criminal was a serious habitual offender as a juvenile. Once again, this is a very small minority of the population: 94 percent of the juveniles arrested for a criminal offense are never arrested again, 4 percent are arrested on a regular basis, and only 2 percent are arrested repeatedly and go on to become serious habitual offenders and career criminals.<sup>42</sup> Career criminals exhibit common patterns of behavior, as well as a relationship between age and criminal behavior. Unfortunately, however, today's juvenile justice and adult criminal justice systems are not adequately linked.<sup>43</sup>

Since both the volume and intensity of juvenile crime have increased and are likely to escalate in the future, it is no longer feasible to wait until these career criminals reach adulthood to protect society from their actions.<sup>44</sup> There are stages in the life of the typical career criminal.<sup>45</sup> By channeling resources on the basis of a comprehensive case management system, SHOCAP can play a crucial role in stifling a criminal career at each stage. State and local officials therefore should adopt a SHOCAP program and try some juvenile offenders 18 years old and under as adults.

**Stages of Development.** In the first stage of criminal development, as amply documented by Patrick Fagan, these serious habitual offenders come from abusive, broken, or neglectful homes.<sup>46</sup> Looking backward through the SHOCAP telescope, local law enforcement and criminal justice officials can trace the pattern of abuse and neglect that often results in a delinquent and criminal lifestyle. Based on the SHOCAP criteria and amplified by indices of negative social conditions identified by the Heritage Foundation, state and local officials can design an early intervention strategy for juveniles who are at risk of becoming serious habitual offenders and career criminals. Such a strategy can focus community resources, including private-sector charitable, social, and religious institutions, on potential and active SHOs and stop their criminal careers before they gain momentum.

In the second stage of the criminal's development, from 13 to 18 years of age, the SHOCAP process helps judges and other state and local criminal justice officials answer a critical question: Is the offender, based on his record, likely to respond to intensive intervention by social service agencies, or is he in fact a youthful career criminal who cannot be rehabilitated and should be locked up? State corrections officials simply do not know how to rehabilitate some violent young criminals who pose such a clear danger to society that they must be separated from the community and controlled. SHOCAP can

---

42 Heck, unpublished reports.

43 Public Administration Service, *SHOCAP Program Implementation Guide*, Office of Juvenile Justice Programs, U.S. Department of Justice, January 1992, p. 11.

44 *Ibid.*

45 *Ibid.*

46 See Fagan, "The Real Root Causes of Violent Crime."

help state and local judges and other responsible officials determine who among a larger class of young offenders are the incorrigibles.

From the vantage point of public safety, the best that state and local officials can do with the incorrigible juvenile SHO when the crime is serious is to try him as an adult, sentence him as an adult, and require him to serve at least 85 percent of his sentence, as specified by the truth-in-sentencing laws called for in recent federal legislation and enacted in 22 states.<sup>47</sup> This would mean that a 15-year-old serious habitual offender who is given 20 years for second degree murder would serve at least 17 years before being released at age 32. Thus, the serious offender would have spent his highest crime years locked up, unable to prey on more victims.

During the third stage of a criminal's career, from 18 to 30 years of age, SHOCAP gives state and local criminal justice officials complete criminal histories of career offenders at the time they are arrested. The police, prosecutors, and judges know instantly that they are dealing with a SHO and not a petty or first time offender. Currently, however, an adult criminal's previous juvenile records are not available to the system in most jurisdictions. As a result, 18-year-olds with lengthy records of serious and violent crime frequently are treated as first-time offenders.

## A NEW POLICY TO COMBAT VIOLENT JUVENILE CRIME

America's juvenile and criminal justice system still works too slowly to be effective in identifying and incarcerating career criminals. Congress can assist state and local officials with money, technology, and advice—and by removing federal mandates in the juvenile judicial system—but controlling and combating serious crime remains the responsibility primarily of state and local government. State and local leaders can take a variety of concrete steps to combat the scourge of violent crime, especially crimes committed by juveniles. Innovative police methods like those implemented in cities like Houston and New York are reducing the rate of violent crime.<sup>48</sup> Beyond adopting an information management system like SHOCAP, state and local leaders can take three other steps to stop these criminal careers before they run their destructive course:

- **Target and track serious habitual offenders.** Enact legislation at the state level that enables local officials to share crucial juvenile case files and establish an effective Serious Habitual Offender Comprehensive Action Program in their local jurisdictions. SHOCAP can make available to police and state law enforcement officers, as well as judicial and corrections officials, the information they need to identify and respond to the most dangerous young criminals in their communities.
- **Try as adults all juveniles who commit heinous crimes.** Enact state laws to try juvenile offenders as adults for specific violent offenses. Under Title I of Representative McCollum's Violent Youth Predator Act of 1996, a juvenile criminal 14 or more years of age who is convicted of a serious federal violent crime or "a major

---

47 See James Wootton, "Truth in Sentencing: Why Should States Make Violent Criminals Do Their Time," Heritage Foundation *State Backgrounder* No. 972/S, December 30, 1993.

48 See Moffit and Meese, "Getting Backup."



drug trafficking offense" automatically can be tried as an adult. States should consider similar legislation for state offenses.

- **Enact truth-in-sentencing laws.** Pass legislation requiring all violent offenders, including juveniles tried as adults, to serve at least 85 percent of their sentences.<sup>49</sup> Thus far, 22 states have adopted such laws. As the bipartisan Council on Crime in America has concluded, probation, parole, and other forms of non-incarceration often take the place of prison, even for violent offenders. More than half of convicted violent felons still are not sentenced to prison.<sup>50</sup> This must end.

## CONCLUSION

Congress can encourage state and local officials in their efforts to combat juvenile crime. The Violent and Repeat Juvenile Offender Act of 1996 sponsored by Senator Orrin Hatch and former Senate Majority Leader Robert Dole would allow states to try the most serious violent juvenile offenders (those charged with federal offenses) as adults. In many respects, this bill complements the Violent Youth Predator Act of 1996 sponsored by Representative McCollum. Both bills also give financial assistance to the states.

Ultimately, however, the war to defeat the growing menace of violent juvenile crime must be fought and won by state and local officials who are smart, tough, and tenacious. The SHOCAP process is a valuable weapon for communities fighting the war on crime. It combines the advances of the modern microelectronic revolution with sophisticated crime and data analysis to target and track America's most crucial crime perpetrator: the violent habitual juvenile offender.

By providing instant access to shared information and a complete case file with relevant information, SHOCAP not only will improve the capability of the local police, but also will enhance the quality and caliber of decisions made by key officials in the criminal justice system. Courts, probation and parole departments, correctional officials, and social service and welfare agencies all will benefit from a strong database on juvenile offenders and from shared access to case management files.

Today's serious habitual offenders are tomorrow's career criminals. Children who look more like victims of abuse and neglect than criminals at age 13 may well be engaged in repeatedly committing the community's most serious and violent offenses from ages 14 to 17. They are a serious and growing threat to public safety. Fortunately, if adopted, SHOCAP and the other reforms advocated in this paper can help America's communities make their streets, schools, and neighborhoods safe again.

Prepared for The Heritage Foundation by  
James Wootton and Robert O. Heck<sup>51</sup>

<sup>49</sup> See Wootton, "Truth in Sentencing."

<sup>50</sup> Council on Crime in America press release, January 5, 1996.

<sup>51</sup> James Wootton, President of the Safe Streets Alliance, served as Deputy Administrator of the Office of Juvenile Justice and Delinquency Prevention at the U.S. Department of Justice during the Reagan Administration. Robert O. Heck, a partner in Moore, Bieck, Heck & Associates, was SHOCAP Project Manager at the Department from 1982-1994. Robert E. Moffit, Deputy Director of Domestic Policy Studies at The Heritage Foundation, contributed to this paper.

