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Volume II

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INTRODUCTION

The project on "Public Danger, Dangerous Offenders, and the Criminal Justice System" was begun in July, 1981 with support from the National Institute of Justice. The major aim of the study was to develop a research agenda to evaluate and guide criminal justice system policies regarding particularly dangerous offenders. Questions regarding the relative "dangerousness" of offenders arise throughout the criminal justice system and affect police and prosecutor resource allocation, bail policies (e.g., preventive detention efforts) and sentencing policy (e.g., selective incapacitation policies).

As part of the project, a conference on criminal justice system responses to dangerous offenders was held in February, 1982 and brought together researchers, judges, prosecutors, federal governmental personnel, and others to discuss the complex issues involved in shaping criminal justice policy and research in this area. Conference participants prepared papers on a wide variety of topics, and panels addressed issues ranging from the nature of criminal careers to specific policy responses towards particularly dangerous offenders.

The papers presented at the conference are reprinted in this volume, and the volume is organized as follows:

Section 1: Selective Incapacitation and Dangerous Offenders

Two papers are presented in this section of the report. Blumstein's paper on "Research Perspectives on Selective Incapacitation as a Means of Crime Control" provides a general introduction to the topic of selective incapacitation and notes the

premises underlying such a policy. Wolfgang and Tracy's paper provides a discussion of the extent of delinquency in two birth cohorts, and provides valuable information regarding the distribution of offending across individuals in the cohorts. To be effective, a policy of selective incapacitation requires that some individuals contribute a disproportionate share of offenses. Wolfgang and Tracy provide evidence of such disproportionate contributions to criminality in their paper: a relatively small proportion of individuals in their cohorts committed the majority of the offenses traceable to the cohorts.

Section 2: Sentencing Practices

Sherman's paper provides recommendations for sentencing policy in light of the current "prison crisis" in America. The paper provides a thoughtful review of alternative correctional strategies and places the question of sentencing policy in the context of available and possible correctional resources. Greenwood's paper indicates the "tradeoffs between prediction accuracy and selective incapacitation effects." A policy of selective incapacitation requires the ability to adequately discriminate high rate from low rate offenders. Greenwood uses data from his Rand Corporation research to indicate variations in the likely impact of a selective incapacitation policy given the use of varying predictive scales.

Section 3: Bail/Pretrial Detention Practices

This section provides an overview of major issues involved in improving bail decision-making to reduce criminality while on bail.

Feinberg's paper reviews Congressional efforts at bail reform and notes various proposals for pretrial detention. Goldkamp provides a detailed discussion of a bail reform experiment currently in operation in Philadelphia, Pennsylvania. Bail guidelines that incorporate both charge severity and the probability of the defendant failing to appear at trial or committing crimes while on pretrial release are discussed. The final paper in this section by Toborg presents a detailed discussion of the potential value of increased selectivity in pretrial detention decisions. Data from the National Evaluation of Pretrial Release are presented to indicate the significance of crime committed on bail, the criteria used in making pretrial release decisions, the characteristics of persons who are detained or released, and the likely impact of increased pretrial detention on crime.

Section 4: Alternatives to Jail and Prison

Smith's paper provides a useful review of "alternative forms of punishment and supervision for convicted offenders." He notes the present lack of credible options for punishment other than incapacitation and explores possibilities for the improved use of fines, probation and conditional discharge, community services sentencing, and other approaches. Smith concludes that "we need to develop enforceable punishments short of jail." Monahan's paper presents a review of the "current and potential use of the mental health system to control dangerous behavior." Monahan indicates the major issues needing attention in this area and explores the barriers to the mental health system serving as an agency for the control of dangerous behavior.

Section 5: Prosecutorial Decision-Making

Feeney's paper reviews current prosecutorial practices for selectivity focusing attention on dangerous offenders. He concludes that prosecutors place relative little special emphasis on charging and convicting dangerous offenders but do emphasize increased severity in the level of convictions and sentence length. He notes major possible reforms to increase the prosecutor's focus on dangerous offenders. Forst provides a further discussion of prosecutorial selectivity in case processing. Forst focuses upon prosecutorial policies for screening arrests and allocating resources to their prosecution. He notes the shortcomings of existing "career criminal" program efforts to target prosecution on serious repeat offenders.

Section 6: Police Investigative and Apprehension Methods

Eck reviews "investigative strategies for identifying dangerous repeat offenders." Data are presented from the Police Executive Research Forum's research on investigative techniques used by the police. Eck suggests that "proactive investigative strategies appear to have greater potential than post-arrest investigations" for the effective targeting of serious repeat offenders. Gay presents a summary of major options available to the police in targeting serious habitual offenders. His article focuses on police post-arrest identification and prosecution support, intensive post-arrest identification and targeting of offenders. Findings from Gay's research on the Integrated Criminal Apprehension Program are presented to support the article's conclusions.

Section 7: Criminal History Records

Boland provides an interesting discussion of the problems involved in identifying serious offenders. Major problems experienced with existing criminal information records systems are reviewed and considered for both the adult and juvenile justice systems. Ohlin provides further discussion of issues involved in using juvenile records for adult case prosecution. He makes a proposal for "limited access to juvenile records for adult felony prosecution and sentencing," and the proposal is intended to maintain the chief advantages of the present confidentiality of juvenile records while allowing access to the records under highly specified conditions for use in adult prosecutions.

Section 8: Relative Effectiveness of Policy Options

Spelman provides a discussion of the most commonly recommended policies for targeting serious repeat offenders and then presents the findings of a study simulating the impacts of varying policies upon one thousand offenders over the entire length of their careers. The simulation includes estimates for major variables based upon the findings of recent empirical research. Spelman's study provides an interesting test of the likely relative effectiveness of varying criminal justice policies.

In addition, project staff members have developed a separate report assessing criminal justice policies toward dangerous offenders. The report explores the assumptions that underlie policies in this

area, discusses empirical evidence regarding the potential effectiveness of policies targeting criminal justice system resources on dangerous offenders, and assesses the proper role and limitations of such "selective" policies in light of our legal traditions. The report presents a research agenda for work in this area and suggests further investigation of discriminating tests to distinguish high rate from low rate offenders, exploration of the current selectivity of criminal justice system agencies, and studies of variations in rates of offending within the offending population. Suggestions are provided for designing and experimenting with programs to enhance selectivity at different stages of criminal justice system processing.