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## PRACTITIONERS' ATTITUDES TOWARD THE CAREER CRIMINAL PROGRAM

JOHN S. BARTOLOMEO\*

Prior studies of career criminal programs have sought to measure program success by obtaining proof of stronger convictions, longer sentences, or increased conviction rates.<sup>1</sup> This study, however, sought to measure success by surveying prosecutors' attitudes toward the program. The survey had three goals: (1) to determine perceptions of program success in a general sense and to measure these perceptions against the goals that prosecutors regard as most important; (2) to determine prosecutors' perceptions of the ingredients of program success; and (3) to record any changes in prosecutive practices that have resulted from the program.<sup>2</sup>

### METHODOLOGY

The first task was to generate a list of all jurisdictions in the country with career criminal programs. This was accomplished by requesting the state planning agency (SPA) of each state to identify career criminal jurisdictions and the chief prosecutor and career criminal program director in each of those jurisdictions. Replies were received from all fifty SPAs.

In June 1979 questionnaires were mailed to the chief prosecutor and the program director in each of the career criminal jurisdictions that the SPAs identified. Respondents were provided with a stamped return envelope and a stamped postcard containing their name and jurisdiction, which they

were asked to return separately when they returned the questionnaire. This allowed a determination of the identity of respondents and nonrespondents while preserving the anonymity of replies. Those who failed to return a postcard were telephoned and urged to participate in the survey. Seventy-two percent of the chief prosecutors and 73% of the program directors returned completed questionnaires.

### FINDINGS

#### OVERALL SATISFACTION

The survey findings generally were favorable to the program. Virtually all of the respondents reported satisfaction with the program. As reported in table 1, nine out of ten respondents rated the program as excellent or very good. Those who indicated satisfaction with the program believed that it was achieving its primary goals, especially the goals of crime control through effective prosecution of career criminal defendants and development of improved prosecutive techniques and practices. However, there was a negative side to the report. Prosecutors claimed that police, courts, and correctional officials are less than cooperative and that this lack of cooperation often blunted program effectiveness.

#### PROGRAM GOALS

Practitioners generally had high expectations for the program. As they saw it, the program has five major goals: (1) enhancing crime control; (2) stimulating improvements in prosecutive techniques and practices; (3) enhancing the public image of the criminal justice system; (4) decreasing the crime rate; and (5) improving relations between the prosecutor and other officials involved in the criminal justice system.

Eighty-nine percent believed that enhancing crime control through effective prosecution of career criminals was either an absolutely essential or very important goal of the program. This goal entails practical, tangible results, such as increases in the conviction rate, the incarceration rate, the number of top-charge convictions, and sentence lengths, as well as reduction in case processing

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<sup>1</sup> See Chelimsky & Dahmann, *The MITRE Corporation's National Evaluation of the Career Criminal Program: A Discussion of the Findings*, 71 J. CRIM. L. & C. 102 (1980); Phillips & Cartwright, *The California Career Criminal Prosecution Program One Year Later*, 71 J. CRIM. L. & C. 107 (1980).

<sup>2</sup> The survey was conducted as part of a Career Criminal Technical Assistance Contract awarded to the Institute for Law and Social Research (INSLAW) by the Adjudication Division, Office of Criminal Justice Programs, LEAA. The author, an INSLAW staff member when the survey was conducted, wishes to acknowledge the support and assistance provided by various INSLAW staff members: Jim Dimm, Bill Hamilton, Jim Kelley, Jim McMullin, Charles Schacter, and Jean Shirhall. I owe a particular debt to Peter Giordano for his assistance in both the design and analysis of the survey.

TABLE 1  
OVERALL SATISFACTION WITH THE PROGRAM

Program is	Total	Role	
		Project Director	Chief Prosecutor
Excellent	57%	52%	62%
Very good	34	35	30
Good	8	11	8
Unsatisfactory	1	2	--
Poor	--	--	--

time. Table 2 reports the relative importance of each of these items.

The second goal, stimulating improvements in prosecutive techniques and practices, generally was regarded as a means to the first. As recorded in table 3, about eight out of ten practitioners regarded this as key to a successful program.

Third, prosecutors expected the program to enhance the public's image of the criminal justice system. Eighty-seven percent attached great importance to the program's ability to improve citizen confidence in the system, and 83% wanted the program to demonstrate the system's ability to address the recidivism problem.

Eighty-four percent of the prosecutors expected the program to result in a decrease in the crime rate. More specifically, 93% believed that it is essential, or at least very important, for the program to reduce future crime; 80% wanted the program to provide an added general deterrent to crime; and 79% expected the program to reduce the amount of crime committed while defendants were out on bail.

Finally, practitioners expected the program to improve relations between the prosecutor and other officials in the criminal justice system, especially the police. For example, 81% said it was essential or at least very important for the program to improve working relations with the police, and 70% expected the program to increase police officer morale. This second figure has added significance in light of the fact that only 35% expected the program to enhance the morale of the prosecuting attorneys.

ACHIEVING GOALS

Most prosecutors believed that the program was achieving its goals. However, as illustrated in table 4, the prosecutors differed considerably on the degree of the program's success. The goals that prosecutors believed were achieved most often had

TABLE 2  
PROGRAM GOAL: CRIME CONTROL THROUGH EFFECTIVE PROSECUTION

	Regarded as Absolutely Essential/Very Important	Overall Mean
Increase conviction rate	97%	89%
Increase incarceration rate of adult offenders (18+)	96	
Increase sentence lengths	96	
Increase incarceration rate	90	
Increase top-charge convictions	79	
Reduce case-processing time	77	

TABLE 3  
PROGRAM GOAL: IMPROVE QUALITY OF PROSECUTION

	Regarded as Absolutely Essential/Very Important	Overall Mean
Improve overall quality of prosecution	93%	83%
Develop improvements in prosecutive techniques	73%	

TABLE 4  
ACHIEVING GOALS

Goal	Extent to Which High Expectations Are Usually Met
Crime control through effective prosecution	83%
General improvements in the quality of prosecution	68
Improving public image	62
Improving relations with other criminal justice system components	50
Diminishing future crime	44

a direct bearing on day-to-day prosecutive activities and yielded specific, tangible results. These include crime control through effective prosecution and general improvements in the quality of prosecution. The goals that were achieved less often were those that were beyond the prosecutor's direct control. Thus, the program least often satisfied the desire for crime reduction and improved relations with other components of the criminal justice system. This latter point is given fuller treatment in the discussion of program needs and problems below.

The survey allowed a more detailed examination of the second goal, improvements in the quality of prosecution. Several questionnaire items determined the specific innovations and improvements that have resulted from the program. These specifics support the general finding that the program is

enhancing the quality of prosecution. The changes that have occurred most frequently in career criminal prosecution range from improvements in screening to the development of investigative resources (See table 5).

The program's impact, however, was not limited to the career criminal unit—many of these improvements "spilled over" into noncareer criminal prosecutions. Table 6 indicates the most common "spillovers." (The survey indicated that the program generally had not resulted in a conversion to vertical prosecution outside the career criminal unit; only 17% reported this "spillover" effect.)

#### PROGRAM NEEDS

Career criminal programs do not operate in a vacuum. Program operation depends on effective coordination with and support from other personnel in the criminal justice system. Police were perceived as the most important other group, but the program also required successful interaction with courts and corrections. Prosecutors reported that they relied on the cooperation of others in four

TABLE 5  
PROGRAM'S MOST FREQUENT EFFECTS ON CAREER  
CRIMINAL PROSECUTIVE TECHNIQUES

	Jurisdictions In Which Change Has Occurred
Improving case intake screening	83%
Curtailing case continuances	79
Improving attorney morale	76
Converting from horizontal to vertical prosecution	75
Generally improving trial techniques	73
Developing/enhancing victim-witness cooperation programs	69
Developing/improving case tracking and monitoring	69
Developing/improving internal investigative resources	66

TABLE 6  
MOST COMMON "SPILLOVER" EFFECTS ON NONCAREER  
CRIMINAL PROSECUTIVE TECHNIQUES

	Jurisdictions In Which Change Has Occurred
Improving case intake screening	53%
Generally improving techniques	47
Developing/improving case tracking and monitoring	42
Developing/improving internal investigative resources	42
Developing/enhancing victim-witness cooperation programs	40

TABLE 7  
FOUR PRINCIPAL NEEDS

Needs	Regarded As Absolutely Essential/ Very Important
Resources External (financial) Internal (personnel)	65% 54
Case building/enhancement	59
Speed At intake To disposition	58 57
Ability to affect bail, sentencing, and parole decisions	54

principal areas: providing resources, building and enhancing cases, increasing speed, and affecting bail, sentencing, and parole decisions. Table 7 presents an overview of these need areas.

The first factor—providing resources—concerned both funding and the availability of a pool of talented attorneys for the unit. The results of the survey are shown in table 8.

The key to case building and enhancement is effective police-prosecutor relations. This perceived need included such elements as the need for complete and adequate evidence, victim-witness cooperation, good police investigation before a case is given over to the prosecutor, police cooperation in postarrest investigations, and accurate crime lab reports. These survey results are summarized in table 9.<sup>3</sup>

Speed, the third perceived need, included speed in intake and in case disposition. The former depends on cooperation with the police, while the latter hinges upon coordination with the courts. Table 10 presents this factor.

The ability to affect bail, sentencing, and parole decisions is the final perceived need. It reflects the degree to which vertical prosecution has taken hold. Attorneys were concerned about defendants at key decision points up to and beyond case disposition. See table 11 for these findings.

#### PERCEIVED PROBLEMS

Prosecutors reported that because many of their needs were not being met by the program, they faced serious and recurring problems.<sup>4</sup> Forty-three

<sup>3</sup> These findings are reflected in other research, most notably B. FORST, J. LUCIANOVIC & S. COX, *WHAT HAPPENS AFTER ARREST?: A COURT PERSPECTIVE OF POLICE OPERATIONS IN THE DISTRICT OF COLUMBIA* (INSLAW Publication No. 4, 1977).

<sup>4</sup> Percentages indicate the proportion who claimed that the problem was very serious or serious and that it occurred all or most of the time.

TABLE 8  
PRINCIPAL NEEDS: RESOURCES

	Regarded as Absolutely Essential/Very Important	Overall Mean
External/Financial Persuading state/local officials to fund the program Having adequate funding (general)	66% 64	65%
Internal/Personnel High-quality CCP attorneys Adequate number of CCP attorneys Stable group of CCP attorneys	61 55 46	54%

TABLE 9  
PRINCIPAL NEED: CASE BUILDING/ENHANCEMENT

	Regarded as Absolutely Essential/Very Important	Overall Mean
Complete/adequate evidence	67%	59%
Victim-witness cooperation	61	
Good police investigation before case is given to prosecutor	59	
Police cooperation on post-arrest investigations	58	
Adequate crime lab reports	54	
Ability to monitor/track cases	53	

TABLE 10  
PRINCIPAL NEED: SPEED

	Regarded as Absolutely Essential/Very Important	Overall Mean
Intake Speedy access to defendant's criminal record Quick police identification of potential career criminal defendant	66% 50	58%
To disposition Brief time from arrest to disposition Priority docketing Quick crime lab reports	66 56 48	57%

TABLE 11  
PRINCIPAL NEED: AFFECTING BAIL, SENTENCING, AND PAROLE DECISIONS

	Regarded as Absolutely Essential/Very Important	Overall Mean
Having courts accept the prosecutor's sentence recommendation	57%	54%
Having courts accept the prosecutor's bail recommendation	54	
Influencing parole decisions	51	

percent of the prosecutors claimed that the poor quality of police investigation and that the time required to gain access to defendants' criminal

records were serious problems. Thirty-seven percent complained that they received incomplete or inadequate evidence and that judges failed to give

sufficient weight to prosecutors' bail and sentence recommendations. Thirty-five percent noted that the difficulty in obtaining adequate funding from state and local officials and in influencing correctional officials concerning parole decisions were significant problems.

This list of perceived problems is not exhaustive. However, its message is clear. Prosecutors perceived the criminal justice environment as recalcitrant, or even hostile. This contrasts with their perception that activities in their own offices function smoothly. For example, only 6% regarded case tracking as a serious, recurring problem; difficulty in recruiting high quality attorneys for the program was a serious problem for only 13%. Morale-related issues generally were seen as minor problems: only 9% were concerned that career criminal attorneys had become isolated from their colleagues, and only 16% feared that career criminal attorneys were perceived as a "privileged" group by their peers in the criminal division.

#### SOME IMPLICATIONS FOR FUTURE EVALUATION OF THE PROGRAM

The survey furnished several insights into prosecutors' perceptions of program success, their conception of the goals implicit in success, and the problems they encounter in performing their job. However, the full impact of the survey is larger than any of its individual findings, for it suggests an approach to the empirical evaluation of the program that differs markedly from current evaluation research efforts.

The principal strategy of current evaluation research is to compare the outcomes in a four-cell matrix. The outcomes that evaluation researchers study are similar to those that concern prosecutors,

*e.g.*, incarceration rate and sentence length. Nevertheless, the survey suggests that this approach is truncated and ultimately unconstructive.

<u>Reference Period</u>	<u>Career Criminal Status</u>	
	<u>Noncareer Criminal</u>	<u>Career Criminal</u>
Preprogram		
Postprogram		

Four-Cell Matrix

The unconstructive quality of evaluation research stems from its failure to appreciate the complex processes that govern program success. The net effect of evaluation research (though certainly not its intention) is to vote a program up or down. Should the vote be negative, the research cannot suggest policies that might reverse program failure. A positive vote, while satisfying to prosecutors, is not particularly helpful since the research cannot identify the reasons for program success and, thus cannot indicate the ways in which prosecutors might build on their accomplishments in the future.

This is not to say that evaluation research should be abandoned as an unworthy enterprise. Quite to the contrary, this type of research addresses the essential question of the program's efficacy. The survey's message is that the design of evaluation research is incomplete and should be enhanced to answer the next logical questions: Why does the program fail or succeed, and what can be done about it? Until this enhancement occurs, these studies cannot avoid generating frustrations among practitioners and policymakers alike, no matter how favorable their results.