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Law Enforcement Bulletin



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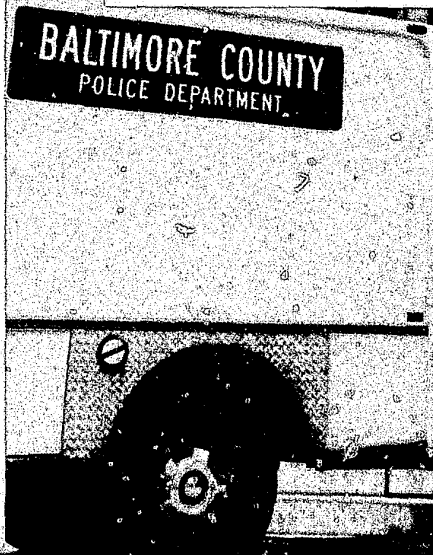
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REPEAT OFFENDERS DATA BASE COPY

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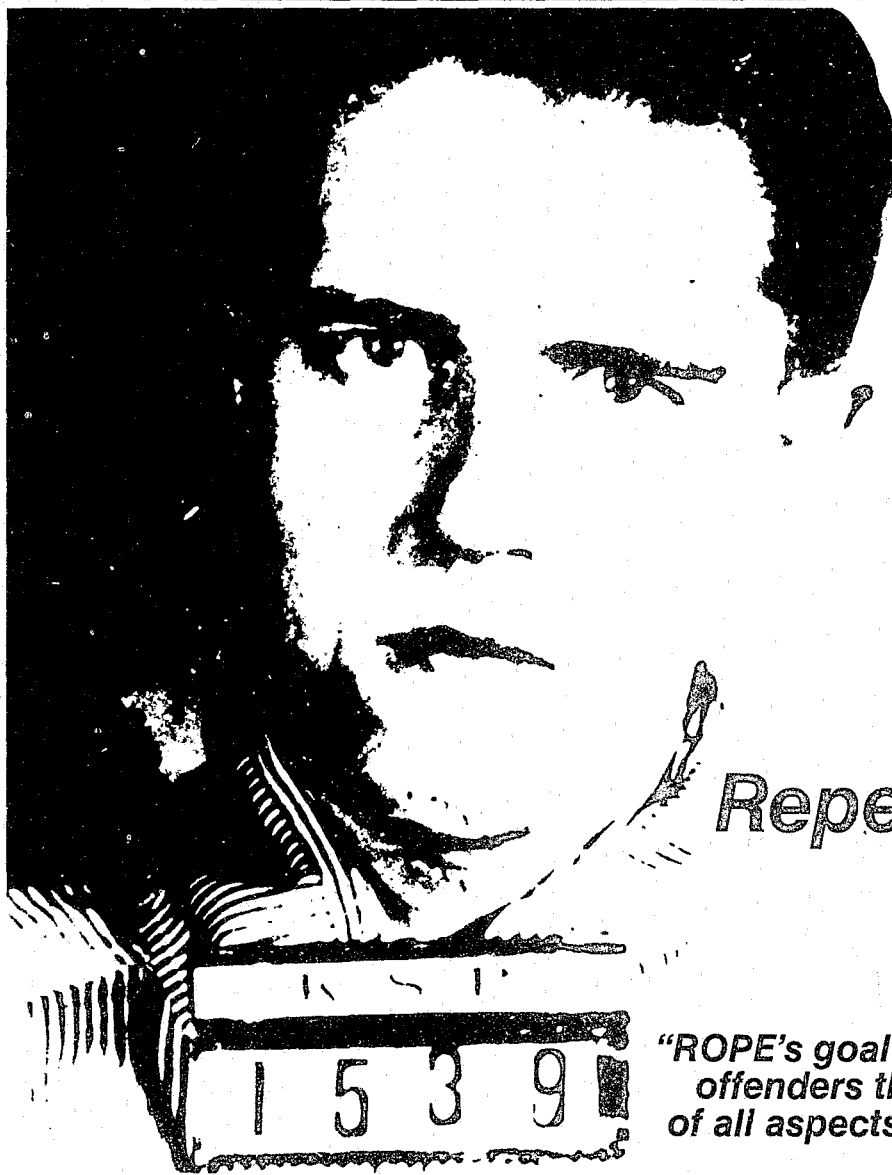
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The Cover:

The Baltimore County Repeat Offender Program is a united effort of all elements of the criminal justice system to neutralize the repeat offender. See article p. 1. (Cover by Dave Knoerlein)

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ROPE Repeat Offender Program Experiment

"ROPE's goal is to incapacitate repeat offenders through the improvement of all aspects of criminal and juvenile justice processing."

Traditionally, resources have been applied to handling calls for service, investigating crimes, and clearing cases. Today, it is recognized that few criminals are responsible for much of our society's criminal activity. The concentration of resources against these repeat offenders has been successful within many jurisdictions. However, maximum effectiveness will only be achieved when all elements of the criminal justice system are coordinated in a united effort to neutralize repeat offenders. Also, this united effort must exist on a statewide basis, if it is to have a real impact on the crime problems rather than

just chasing criminals from one jurisdiction to another.

It was with these facts in mind that the Maryland Criminal Justice Coordinating Council was originated by a Governor's Executive Order on June 30, 1967, for the purpose of developing new approaches to resolving Maryland's crime and delinquency problems. The council's functions were revised by five successive executive orders, which enabled it to administer Federal funds, renewed its leadership role in justice policy development and coordination, and gave it its correct name emphasizing its coordination function.

By
CORNELIUS J. BEHAN
*Chief of Police
Baltimore County, MD*



Chief Behan

In July 1980, the council adopted four crime and delinquency priorities. One of these was the repeat offender, and a task force was formed to tackle the problem. After reviewing the literature on repeat offenders, the task force concluded:

- 1) Nationally, a small number of offenders accounts for a substantial percentage of offenses committed;
- 2) Maryland's repeat offender problem appears to be similar to that of other States across the Nation; and
- 3) There were no conclusive findings as to the overall effectiveness of so-called "career criminal" programs.

For these reasons, the original task force developed a program called the Repeat Offender Program Experiment (ROPE), which was subsequently endorsed by the Criminal Justice Coordinating Council in January 1982. ROPE's goal is to incapacitate repeat offenders through the improvement of all aspects of criminal and juvenile justice processing. Its rationale and principal features were outlined in *Repeat Offender Program Experiment (ROPE): Guidelines and Programmatic Alternatives*, which formed the centerpiece for the First National Conference on Repeat Offenders held at College Park, MD, in October 1982. In December 1983, a second National Repeat Offender Conference was held, which focused on juvenile repeat offenders. Local ROPEs are now in place in five Maryland subdivisions—Baltimore City and Anne Arundel, Baltimore, Howard, and Montgomery Counties.

The principal features of ROPE include:

- Systemwide Coordination*—Repeat offenders had to be a priority for all justice agencies. System-

wide and systematic coordination and collaboration among all criminal and juvenile justice agencies are essential to target and incapacitate repeat offenders.

- Executive Support*—Top executive support is a prerequisite to achieving the changes necessary to strengthen and improve the formal and informal links among the State and local agencies who have traditionally been fragmented and not change oriented.

- Information Sharing*—To incapacitate repeat offenders successfully, the requisite coordination among involved agencies must be supplemented by timely and accurate information sharing.

- Reallocation of Resources*—The ROPE concept gave substantial flexibility to local subdivisions in defining their repeat offenders and designing programs to meet general ROPE objectives. This latitude in program design was necessary because no new funds accompanied the implementation of the local ROPEs.

- Planning Time*—Sufficient planning time was allocated to ensure complete involvement by all components of the justice system. Small, one-time planning grants were awarded to five major subdivisions in the State. These subdivisions were given 6 months to a year to plan thoroughly for the implementation of their ROPEs.

The Baltimore County ROPE Experience

In the spring of 1982, Baltimore County applied for and received a small grant from the State to support research and planning for a repeat offender program. This project had two fairly distinct phases—conducting a re-

search study of the repeat offender problem in the county and interviewing juvenile and adult justice officials to learn their perception of the repeat offender problem and their suggestions for dealing with it.

By analyzing the county's arrest data from 1980, it was determined that of the adults arrested for serious crimes (UCR's Part I Index Crimes), 70 percent had prior adult arrests, 27 percent had prior adult incarceration, and 40 percent were rearrested by July 1982. For juveniles apprehended for serious crimes, 50 percent were younger than 16 years of age, 35 percent had prior delinquency referrals, 2 percent had prior juvenile institution commitments, and 26 percent were referred again to the State juvenile services by July 1982.

The results of the research study showed that the county justice system did treat serious offenses and repeat offenders more seriously; yet, a number of repeat offenders did slip through the cracks. For example, too often the defendant was allowed to plead guilty to the second or third charge, which are lesser crimes; usually, first-time adult offenders received community supervision; and very few repeat offenders were sentenced under Maryland's Mandatory Sentence and Subsequent Offender's Statute.

The second phase of the study helped determine a definition of repeat offenders and identified a number of programmatic suggestions. The county's ROPE program was adopted in April 1983.

Key Program Strategies

Target violent and repeat offenders

County and State agencies agreed to focus on adults arrested for crimes of violence (as defined in Article 27, Section 643B) and on juveniles apprehended for violent felonies (Article 27, Section 441e). Initially targeted for special attention were those juveniles and adults arrested for robbery, and adult arrestees who qualify for mandatory sentences under 643B. From the 20 percent 1980 sample, about 300 robbery arrests are estimated annually, along with 30 arrestees per year who qualify for 643B mandatory sentences.

Document prior records

The prior adult and juvenile records of targeted offenders were documented, and this information was used in decisionmaking throughout the system.

Limited plea bargaining

A concerted effort was made for all adult crime of violence cases, and especially for targeted offenders, to obtain conviction on the most serious sustainable charge. This means better investigations and case preparation, limited plea bargaining, and avoidance of those verdicts (e.g., STET, probation before judgment) that do not qualify as convictions.

Formal handling of serious juvenile cases

As mandated by recent State legislation, any complaint charging a 16- or 17-year-old juvenile with a violent felony under Section 441e was forwarded immediately to the State's attorney. Uniform Delinquency Treatment Standards (UDTS), implemented by Juvenile Services Administration, increased formal handling of repeat juvenile offenders.

Tighten community supervision

Those adult or juvenile offenders on probation, parole, or other forms of community release for crimes of violence were placed under the maximum level of supervision and were held strictly accountable for any violations of the terms of their release.

The Police ROPE Program

Early in the county's ROPE planning effort, the police department created a ROPE project team comprised of representatives from various units affected (Records, Youth Services, Operational Analysis, etc.) and headed by a senior command officer from the Field Operations Bureau. The project team's original mission was:

- To work with the county's consultant and Repeat Offender Steering Committee in the planning and research effort to design a countywide ROPE, and
- To complete the development of an in-house (police department) program that will quickly identify and remove repeat offenders from the community through apprehension, case enhancement, and incapacitation through high or denied bail.

The Repeat Offender Unit was formally placed into operation in July 1983. The specific activities of this unit include:

- 1) Identifying and targeting repeat offenders, flagging their cases for special attention;
- 2) Providing complete and timely documentation of prior criminal history records for decisionmaking throughout the criminal justice system (i.e., arrest, prosecution, sentencing, and jail and prison classification);

***"The department recognized the need for
incapacitating juveniles who repeatedly commit
delinquent acts."***

- 3) Reviewing and enhancing the pretrial investigation of the instant offense to ensure chances of attaining a conviction through such efforts as answering the questions of the prosecutor, maintaining contact with the victim/witness, obtaining physical/testimonial evidence, etc.;
- 4) Establishing close working relationships among all criminal justice agencies so that repeat offenders will be kept off the street through high or denied bail, will be convicted of the most serious charge (limited to plea bargaining), will be restricted from access to pre-release or minimum security program, etc.; and
- 5) Informing targeted offenders of the severe mandatory penalties that will be imposed if they continue to commit crimes, as a result of the county's special program directed at repeat offenders.

The first 2 year's efforts (1983 and 1984) exceeded the expectations based on the county's ROPE plan. The unit was successful in qualifying 169 offenders for repeat offender status—27 percent for prosecution under the State's mandatory sentencing statute and 73 percent under the department's broader repeat offender definition. A large percentage—51 percent—of those targeted were arrested for robbery.

Other ROPE objectives were also achieved. Targeted offenders were kept off the streets; only 15 percent gained their release before trial. The targeted offenders were prosecuted and convicted for the instant offense (limiting plea bargaining). Of those who reached trial, 78 percent were prosecuted for the instant offense and 79 percent were convicted of the instant

offense. In addition, 72 percent of the offenders qualifying for mandatory sentencing received the mandatory sentence allowed by law.

Results

In the last 3 years, 37 subjects have been sentenced under 643B in Baltimore County—32 to a mandatory 25 years without parole and 5 to life without parole. Also, 124 subjects who fit our departmental definition of threshold offenders have been found guilty. Fifty-three have been sentenced to 10 years to life. The remaining have been sentenced from 1 year to 10 years.

Juvenile ROPE Program

In 1983, the project team mounted an effort to develop a juvenile ROPE program (JROPE), which became fully operational on October 1, 1984. The police department's criteria for a juvenile repeat offender is that any juvenile taken into custody will be treated as a repeat offender when:

- 1) The juvenile's instant (present) delinquent act is a violent offense as defined by Article 27, Sections 643B or 441e, and the juvenile has previously been charged with four or more delinquent acts that are felony offenses, or
- 2) The juvenile is presently being charged with five or more separate delinquent acts that are felony offenses, of which at least one is a violent offense as defined by Article 27, Sections 643B or 441e.

The department recognized the need for incapacitating juveniles who repeatedly commit delinquent acts. It is imperative that the department work closely with the Juvenile Services Ad-

ministration (JSA) and the State's attorney's office (SAO) to carry out the following general objectives:

- To ensure that the police department, JSA, and SAO identify and give maximum attention to those juveniles who have become a danger to themselves and the general public as defined by the juvenile ROPE definition;
- To remove juvenile repeat offenders from the community as soon as possible after being taken into custody for a delinquent offense and detail them in a strictly governed environment (e.g., the Maryland Training School or Montrose School) until the detention hearing the next court day;
- To seek continued detention until the time of adjudicatory or waiver hearings through the authorization of the juvenile court;
- To obtain waivers to adult court on repeat offender juveniles who are taken into custody for a violent offense (i.e., offense listed under Article 27, Sections 643B/441e, for the purpose of obtaining a conviction for the instant offense and incapacitation); and
- To ensure that all cases involving juvenile repeat offenders are complete and legally sufficient, in order to obtain a conviction if waived to adult court or a finding of delinquency by the juvenile court.

The procedures require that when handling juvenile repeat offender cases, the department must identify and target juvenile repeat offenders and flag their cases and histories for special attention. These juvenile records are searched whenever a juvenile is taken into custody for a delinquent act and a request for detention from

JSA for all verified juvenile repeat offenders is made. Every effort is made to ensure that the juvenile court has all the juvenile's prior delinquent/criminal history records to justify continued detention of each juvenile. The department also works with JSA and SAO and seeks waivers to adult court on each juvenile identified as a repeat offender. Accurate records are kept on juvenile repeat offenders, including records with other juvenile justice agencies, in order to ensure that each juvenile repeat offender case has been thoroughly investigated and is ready for prosecution.

Results

During the initial tracking period, the juvenile ROPE unit identified 63 juveniles who fulfilled the juvenile repeat offender definition. Of the 913 juvenile contacts made by the police department for felony delinquent acts during the 14-month tracking period ending in 1984, 80 (9 percent) involved juveniles who fulfilled the criteria of the department's JROPE definition. This finding supports the premise that only a small percentage of the juvenile population committing serious crimes are repeat offenders.

While small in number, juvenile repeat offenders are responsible for a disproportionate amount of crime. Of the 1,462 felony charges placed against all juveniles during the tracking period, 281 (19 percent) were filed against the 63 juveniles identified as repeat offenders. Furthermore, delinquency history records indicate that these 63 juveniles have a combined total of 723 prior police contacts or charges, of which 336 (46 percent) were for violent delinquent acts included under Article 27, Section 643B or 441e.

Nearly two-thirds of the repeat offenders identified were less than 14 years of age upon their first contact with

the juvenile justice system. Fourteen (22 percent) were less than 12 years of age. The young age at which repeat offenders become active in crime makes early identification, record building, and effective treatment essential when dealing with the repeat offender problem.

During the development stages of JROPE, it was found that prior criminal/delinquency history records were often missing, incomplete, or of questionable accuracy. For example, the type of treatment or sentence imposed for prior adjudications of delinquency were indeterminable for nine (14 percent) of the juveniles identified. Records indicating the current status of offenders within the criminal justice system were incomplete or unavailable for 44 (70 percent) of the 63 juveniles identified. Whether a juvenile repeat offender was able to secure his release before trial/adjudication hearing could not be determined for 24 (38 percent) of the juveniles identified.

Other ROPE objectives achieved were:

- Keeping targeted offenders off the street; in 38.8 percent of the cases, the juvenile was initially detained by JSA and detention was continued at the review hearing.
- Prosecuting the targeted offenders for the instant offense (limiting informal disposition); in 46 percent of the cases, petitions were filed and 31 percent of the cases were waived to adult court.
- Convicting the targeted offenders for the instant offense; of those who reached trial (petition cases) in juvenile court, 94 percent were

found delinquent, and 72 percent of the cases waived to adult court were prosecuted. The most frequent sentence was supervised probation.

Updated Results

As of April 1986, 102 juveniles have been identified and tracked as repeat offenders. Of the 102 identified, 71 have reached their 18th birthday. Tracking continues, and should they be rearrested, the information is used at adult hearings. Thirty-one (31) remain in the juvenile system.

Detectives present records at hearings, and both judges and court commissioners use these records when making decisions regarding juvenile repeat offenders. All juvenile repeat offenders have been entered into the computerized juvenile records keeping and tracking system to eliminate them from slipping through any cracks and to provide field officers with accurate up-to-date information.

During 1985, of the 40 separate waivers requested on 25 juvenile repeat offenders, 28 resulted in the juvenile being waived to adult status, 8 were withdrawn by the State's attorney, 3 were denied by the juvenile court, and 1 was reversed by the adult court.

Summary

Baltimore County's Repeat Offender Program is unique in that it has been operationalized within the police department. This is an important aspect of the program as it provides 24-hour availability of information on repeat offenders, which enables police officers to identify them at the earliest, initial contact with the justice system. The earlier repeat offenders are identified, the less chance there is for them to slip through a crack in the justice system.

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Mandated Training for Private Security

“Mandated training worked for law enforcement, and as such, law enforcement believes that it will work for private industry.”

By
SA JOSEPH G. DEEGAN (Ret.)
General Supervisor
Loss Prevention
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Mr. Deegan

Should training be mandated for the private security industry? This was the question addressed at the third annual Maryland Chiefs of Police Association/Baltimore Chapter of the American Society for Industrial Security Symposium sponsored by the Johns Hopkins University, which was attended by 118 representatives of local law enforcement, private security, and the educational community. The agenda addressed the issue of mandated training from three perspectives — the interface of law enforcement with private security, the users of private security, and the private security industry itself.

Public law enforcement was represented by the chiefs of police of Montgomery County and Howard County, the commissioner of the Baltimore, MD, Police Department, and a Maryland State Police lieutenant. The opinions collectively stated by law enforcement can be categorized into one word — training. It was noted that from a professionalism perspective, private security is in the same position as was law enforcement 35 years ago. A recent edition of the *FBI Law Enforcement Bulletin* demonstrated this position by reporting that many years ago, a city mayor was asked why he appointed an individual to be the chief of police. The mayor replied, "The new chief has been my personal tailor for many years, and because he was such a good tailor, I knew he would be a good chief of police."

Law enforcement executives attribute the significant strides made in eliminating this attitude and professionalizing law enforcement to effective training and education. The growth of police academies, the encouragement of police officers to attend college, and

the recruitment of candidates from college campuses have been three factors that have upgraded law enforcement. No longer is the idea of pairing off a rookie police officer with a seasoned veteran considered to be the only effective method of training. Mandated training worked for law enforcement, and as such, law enforcement believes that it will work for private security.

The law enforcement representatives also noted the following factors as they apply to private security:

- Police manpower is being reduced because of fiscal factors, and as manpower is being reduced, so are the functions performed by the police. Private security may have to begin performing these functions.
- Private security and law enforcement must work together in the common objective of preventing crime. This would include sharing information and developing mutually beneficial training programs.
- Upgraded security training, improved communications, and a better understanding of roles are needed for the police and private security to work together more effectively.
- Business and industry prefer to hire moonlighting police officers rather than contract security officers. The police are considered to be professional, while the private security officer is not. Training is the key to professionalism.
- Governmental contracts with security firms to provide security services now contain very stringent and certifiable training programs. The training requirements and associated costs have prevented many private security companies from bidding on the contracts.

—Public law enforcement and private security are sharing jurisdiction through memorandums of agreement at colleges, universities, shopping malls/centers, business complexes, and industrial parks. With the decrease in law enforcement personnel, the trend will continue.

Representatives of the private security industry presented differing opinions regarding the training issue.

The chief executive officer of the Federal Armored Express Company suggested that while he is not opposed to training, a mandate to train will not be beneficial to the private security industry. He noted that jurisdictions where mandated training legislation has been enacted have not experienced an upgrading in private security personnel. In one State where mandated training legislation was enacted, the State, after the fact, came to the private security industry to determine the type and quantity of training that should be required. Additionally, after examining the training issue, it was determined that the training required by the State was already being provided by the individual private security companies. It was his contention that the function to be performed should determine the type of training provided and that the requirement for training should be left in the hands of the individual security company, since the private security industry in general, and the armored car industry in particular, is one of the most heavily regulated sectors of the American economy. This regulatory force is not governmental or industry based; it is the insurance industry, the most stringent of all regulative forces. Without insurance, the private security industry cannot operate, and before an insurance company issues a policy accepting the liability for literally millions of

dollars, they ensure the employees are trained to the highest possible standards.

In lieu of mandating training, the public sector can best assist the private security industry by authorizing extensive background checks on potential employees. It has been verified that 80 percent of all armored car losses are thefts committed by employees. The private security industry does not need help from the public sector in training, but in screening employees before training begins.

The executive vice president of the American Society for Industrial Security (ASIS) and the security director of the American Can Company cited a series of examples in their presentations that essentially encourage upgrading training requirements for private security. It was noted that standards of performance are, in fact, regulated by governmental agencies, municipal ordinances, insurance rates, and generally accepted practices by security professionals. Additionally, it was noted that guards lacking security training can create legal problems if a serious incident occurs and improper or inappropriate actions follow that can be traced to the lack of training. The difficulty is determining how much training is enough. One recommendation of the ASIS standards committee was the formation of a national committee that would include the Department of Justice and law enforcement representatives to establish realistic standards for the private security industry.

The manager of the Facilities Management Department, Baltimore Gas and Electric Company, presented the user perspective of the program, whose responsibilities cover the overall security operation at the Baltimore Gas and Electric Company, including both contract and proprietary security forces.

He cited several examples of guard force failure to perform that can be traced to the lack of training. In one specific incident, an individual attempted to enter an area without showing proper identification. When stopped by a security officer, the individual became very aggressive and physically attacked the officer who happened to be a female. A second security officer observed the situation from less than 10 feet away but offered no assistance whatsoever. When questioned about his lack of action, the guard responded, "I didn't know what to do." Appropriate training and retraining could have made the difference in this situation. He also cited examples of positive and appropriate action by security personnel that included a recent incident involving an employee having a heart attack in the main lobby of the corporate headquarters. A security officer initiated CPR, which he had learned in company training, and other security personnel performed crowd and traffic control functions. His summary included comments that businesses hiring security personnel assume incorrectly they are well-trained. The private security industry should establish stringent standards for itself, and if the industry does not, the government will.

Conclusion

The issue of mandated training is being researched nationally by such groups as the International Association of Chiefs of Police, the American Society for Industrial Security, and other related organizations. The Maryland Chiefs of Police Association and the Baltimore Chapter of ASIS will continue to develop meaningful and relevant programs at the State level aimed at solving problems associated with training and private security industry.

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