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AN EXPERIMENTAL EVALUATION OF THE PHOENIX
REPEAT OFFENDER PROGRAM

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ABSTRACT

A randomized field experiment was utilized to evaluate the impact of post-arrest case enhancement efforts by a special Repeat Offender Unit of the Phoenix Police Department. Analysis of case disposition patterns showed no significant increase in conviction rate for the experimental (ROP) cases but significant increases in the likelihood of prison commitment and the length of term imposed. These increases appeared attributable to the ROP officers' success in developing additional charges against the defendants and documenting their prior records.

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INTRODUCTION

HISTORICAL OVERVIEW

Historically, police departments have relied on reactive, victim initiated procedures. They have waited for victims to report crimes, and only then tried to identify, locate and apprehend the culprits (Gay and Bowers, 1985). Furthermore, they have usually focused on arrests and bookings rather than filings and convictions as a measure of investigative success (Greenwood, Chaiken, and Petersilia, 1977).

In recent years, a number of departments have begun to use proactive, police initiated procedures in patrolling the community and apprehending offenders. Some examples of proactive patrol techniques include community policing, crackdowns, and focusing on hot spots (Sherman, Gartin, and Buerger, 1989).

Among these new approaches, Repeat Offender Programs (ROPs) involve police and prosecutors working together to identify, convict, and incarcerate (not just arrest and book) offenders who are likely to be committing crimes--especially serious crimes--at very high rates. Such programs may involve: (1) pre-arrest intensive surveillance, so as to catch the offender "in the act," (2) warrant service, to locate and arrest those wanted on felony warrants, (3) post-arrest case enhancement, to build as strong a case as possible after the offender is arrested for some offense, in order to increase the likelihood of conviction and incarceration (Gay and Bowers, 1985). The program described here falls in this third category.

The justification for police departments engaging in proactive programs like these is based on one general observation about modern police work, and on recent research findings about what the population of criminal offenders is like. The basic observation about police work that motivates more targeted efforts is that demand for police services has grown much faster than the resources needed to provide the service. Ideally, victims might wish that the detective assigned to their case would have the time to devote to it that what many readers of a certain age will remember Joe Friday seemed to have. In reality, detectives are few but criminals and active cases are legion. If each police officer were to devote equal time to each crime reported or to each offender arrested, only a few hours, at best, would be devoted to each case, and only the easiest or most obvious would be solved. In order to devote more time to the more serious cases and chronic offenders, many police departments have devised policies for screening cases and focusing more effort on those judged to be most important (Eck, 1983).

The research finding that supports the concept of targeting on repeat offenders is that a small number of chronic or repeat offenders appear to commit a disproportionately large amount of crime (for a general review of the literature on this topic, see Blumstein et al. 1986). Thus, incapacitating repeat offenders is likely to be an especially efficient use of law enforcement resources, and getting such offenders off the street even for less serious offenses may thereby produce a significant community wide reduction in major crimes.

Since the police must make choices about how best to spend their time, devoting some time to the goal of eventually incapacitating repeat offenders seems to be a logical choice. Whether it is an effective one is a matter of empirical research.

The first modern systematic attempt to evaluate the effects of proactive police investigation effort was the Perpetrator-Oriented Patrol (POP) project in Kansas City. That experimental project, which attempted to increase the likelihood of arresting suspected serious offenders (Pate, Bowers and Parks, 1976) ran into numerous implementation problems.

Lack of cooperation and conflicting objectives between police and prosecutors was first documented in a study of police investigation practices by Greenwood, Chaiken and Petersilia (1977). That study found that the police generally lost interest in cases after the suspect was arrested, and that prosecutors often had a difficult time getting investigators to collect additional information. These findings were generally confirmed in a study of police-prosecutor relationships (McDonald et al, 1981) which concluded that part of the blame for the apparent lack of cooperation lay with the prosecutors who often failed to communicate clearly to the police exactly what types of information they needed to have.

Post-arrest enhancement efforts were one of several means employed by police and prosecutors in attempting to increase the conviction rate and sentence severity for chronic offenders targeted by Career Criminal Prosecution units in the 1970s. However, an evaluation of four of the first group of these units funded by LEAA did not find that they

increased conviction or incarceration rates, but did find that they increased the seriousness of the final conviction charges (Chelimsky and Dahmann, 1981). A later evaluation (non-experimental) of Career Criminal Units operating in California (Springer and Phillips, n.d.) concluded that the units did increase pre-trial detention, conviction and incarceration rates. Another evaluation of Career Criminal Units concluded that their convictions consumed between five and seven times as many attorney hours as other convictions (Rhodes, 1980).

In the late 1970s the Vera Institute initiated an experimental felony case enhancement project in one precinct in New York where police detectives were trained to conduct thorough investigations following all felony arrests, prior to presenting the case to the prosecutor. The effort was designed to screen out weak cases more quickly and improve the success rate for those that survived. An evaluation of efforts in the experimental precinct (McElroy et al. 1981) showed dramatic increases in indictment, conviction, and prison commitment rates; however, later attempts to expand the project to other precincts and target career criminal cases did not produce the same large increase in outcome measures.

More recently Gay and Bowers (1985) favorably describe post-arrest enhancement programs operating in Baltimore County and New York City. Without comparing their results to any reasonably matched control groups, Gay and Bowers attribute success to these units on the basis of their high conviction and pre-trial detention rates, without considering the possibility that these rates might be quite high for the type of offenders targeted by these units, even without any special case

enhancement efforts. Indeed, a recent multi-site comparison of outcomes for armed robbers and residential burglars (Klein et al. 1991) concluded that conviction and incarceration rates were extremely high in all sites, regardless of the emphasis given to this particular type of case.

The most well-known police initiated Repeat Offender Program was established by the Metropolitan Police Department in the District of Columbia in 1982. The objective of the Washington ROP unit was to increase the apprehension rate of offenders targeted on the basis of informants, previous crime patterns, and other types of police "intelligence." When their initial attempts at direct surveillance proved too frustrating and time-consuming, the Washington ROP unit shifted the majority of their attention to serving outstanding warrants on their targeted offenders. An evaluation by Martin and Sherman (1986a,b) found that the ROP treatment did increase the likelihood of arrest, prosecution on a felony, felony conviction, and length of term for those sentenced to prison. However, problems in maintaining the integrity of the random assignment process raise some questions about the reliability of the findings.

The present study contributes to this body of research. In short, using a well-controlled, scientifically based experimental design, it finds that a Repeat Offender Program developed and executed by officers of the Phoenix Police Department and the Maricopa County Attorney's office did increase the likelihood of a conviction and subsequent incarceration of repeat offenders targeted by the program.

GENESIS OF THE PHOENIX ROP EXPERIMENT

In the spring of 1987, a group of officers in the Phoenix Police Department began a pilot test of a post-arrest, case enhancement, Repeat Offender Program in one of its six precincts. Procedures established in that pilot study have remained, in broad outline anyway, largely the same for the ROP experiment reported here.

The pilot test established that this ROP was indeed feasible, and in addition, it supported a subjective conclusion among the officers involved that it was also effective. The proven feasibility of the program and the enthusiasm of the officers involved led to a decision to expand the program city-wide. As these plans to expand the program were going forward, the Department asked RAND to conduct an independent and objective evaluation.

On the basis of this request, RAND was awarded a grant from the National Institute of Justice to conduct a scientifically based, random assignment experiment to examine the effectiveness of the Phoenix ROP in getting high-rate offenders off the street. This report is the result of the study.

EXPERIMENTAL DESIGN OF THE STUDY

The Phoenix ROP experiment involved assigning offenders randomly to two groups, referred to in the statistical literature as (1) experimentals and (2) controls. The experimentals coincided with the offenders assigned as targets of the ROP, whose cases were to receive special attention by the ROP unit. This unit worked closely with the Maricopa County Attorney's office, thoroughly documenting prior criminal

records, conducting follow-up investigations, and devoting extra effort obtaining and maintaining victim and witness cooperation. In the event controls were arrested, they were to be given no special treatment by the ROP group, but were to be handled through whatever normal departmental procedures they happened to receive. They would be booked, the case forwarded to the prosecutor's office through the normal channels, and police officers would do no more than respond to whatever requests the prosecutor assigned to the case made of them. In particular, no extra effort beyond the normal routine was made to obtain and present detailed prior criminal record data or to link different types of crimes to the same offender.

When a ROP officer became aware of information that led him to believe that an offender met the program's eligibility requirements, the officer presented information about the candidate to a ROP targeting committee established within the program, and if the committee agreed with the officer, that candidate was graduated to the status of "ROP nominee." At this point, however, the experimental design of the study intervened.

Using a computer first installed at RAND and later in the ROP office,¹ the ROP nominee was assigned, at random, to either the experimental (the ROP program) or control group (left out of the ROP program). If assigned to the ROP program, the offender got the full ROP treatment, if arrested. If assigned to the control group, he or she was left alone by the ROP unit and, if arrested, all post-arrest activities went through normal channels.

On or about the time the computer was installed in the ROP office, we also formalized somewhat the collecting and recording of information known to the ROP unit at the time of assignment. For all assignments after this date, a Candidate Status Form and a Candidate Background and Targeting Criteria Checklist were filled in for each nominee.

Once an offender was assigned to the experimental or control group, he or she remained in that group for the remainder of the study, even if the Department decided to remove the offender from the target group.

The assignments lasted a year and a day: the last one was made on December 7, 1988, and the program ended with 480 assignments in all, 257 to the experimental group, and 223 to the target. These numbers exceeded our initial plans, which called for 200 cases in each group.

From December 1988 through June of 1989, we allowed the latest assignments to "mature," so that every case would have at least six months exposure to whatever effects either the ROP program or normal operating procedures would cause. Then in June of 1989, we sent a data-collection team to Phoenix to collect information concerning the follow-up outcomes. Members of this team were trained and instructed to use Maricopa County law enforcement information sources to look up each nominee, print out his or her record, and fill out a coding form. The same data were collected for each nominee whether he or she was assigned to ROP or to the control group, and to avoid any possible bias from expectations the data collectors might have had, the data collection instrument contained no information about the experimental group (ROP or control) to which the nominee had been assigned.

PROGRAM OPERATION AND DATA COLLECTION METHODS

IMPLEMENTATION OF THE ROP PROGRAM

Pre-assignment targeting

The process by which potential candidates for the ROP experiment were eventually assigned to either the ROP program or control status involved three steps. First, a potential *candidate* would be identified by a ROP officer on the basis of data from any number of different sources. Second, the candidate would be reviewed by a special ROP targeting committee of at least three ROP representatives. Finally, if a candidate was accepted as a nominee by the ROP targeting committee, the nominee's name was entered into a computer provided and programmed by RAND. The computer randomly assigned the nominee either to the ROP group or to the control group. If assigned to ROP, any arrests following assignment were to be enhanced by members of the ROP team. If assigned to the control group, any arrests following assignment were to be ignored by members of the ROP team.

Potential candidates were identified by individual officers who used data from a number of sources, including uniformed officers on the street, undercover officers, Phoenix Police Department General Investigations Bureau, Special Investigations Bureau, Organized Crime Bureau, Patrol Bureau, other law enforcement agencies, informants (including Silent Witness), Maricopa County Attorneys, contacts in the Department of Corrections and the Maricopa County Probation Department, field interrogation cards, warrant lists, and information from pawnshops.

The prosecutors and ROP officers met and agreed upon nine criteria which would be used as a basis for identifying potential ROP candidates.

Current activity. Current activity involves participation in criminal events, either as a perpetrator or accomplice.

Substance abuse. A drug or alcohol problem may be suggested by failure in a treatment program, a prior record of illegal sales of drugs or association with known substance abusers.

Life styles. A candidate may apparently be living beyond his or her means, have no job or obviously legal means of support, or have associates who are heavily involved in crime.

Probation failure. While not by itself conclusive evidence of a high-rate offender, probation is a factor often associated with high-rate offending.

Felony convictions. Prior felony convictions in the last ten years.

Prior juvenile record. At what age did the candidate come to the attention of the criminal justice system?

Past Informants. High-rate offenders often make excellent informants, but the Phoenix Police Department has adopted a policy that prohibits use of a ROP target as an information source without prior approval of a captain or higher authority. But *past* informant activity is used as one criterion for the program.

Family background. Has the candidate committed property crimes against family members? Is the candidate married? Are any family members involved in crime?

Method of Operation. What types of arrest have been made in the past? Does the candidate attract attention because of the brazen nature of the crime committed? Is the candidate willing to confront victims directly?

A targeting committee was designated to decide upon the suitability of each candidate nominated for ROP. The committee consisted of a minimum of three members, representing both detectives and prosecuting attorneys. No one person could designate a candidate for ROP. This was a safeguard against unsuitable candidates being brought into the program.

During a typical targeting committee meeting a candidate's total criminal record and salient characteristics were discussed. Furthermore, for candidates who eventually became ROP targets, the committee often brought out creative ideas on ways to conduct subsequent investigation, arrest and processing of the case.

The Targeting Committee could reach one of three possible decisions for each candidate. First, the committee could decide not to accept the candidate as a potential ROP target, for any of a number of reasons. For example, the candidate may have been recently convicted and was about to be sentenced, so that the ROP program would have no effect. Or, the candidate may have had some of the salient characteristics of a high-rate offender, but no indications of current criminal activity. Or, the ROP officer may have presented a candidate to the committee without a strong belief that the candidate was a high-rate offender. This typically was a device used by officers to enable them to say that the "committee" made the decision not to target the offender, because

many times a ROP officer would have to argue with other detectives that an offender was not "high-rate enough" for the program. When the committee made the choice, the argument evaporated.

Second, the committee could decide to make the candidate an *exceptional case*, and assign the candidate immediately to the ROP program. Instances of such decisions involved candidates whose potential for violence was so great that it was deemed inappropriate to allocate anything less than the maximum effort for removing them from the street.² Candidates entered into the ROP program as exceptional cases were not treated as part of the ROP experiment--no follow-up data were analyzed or even collected. But the existence of this class of exceptional cases does have implications about inferences derived from the study: the ROP experiment involves a class of offenders that may be somewhat less dangerous than the class to which the entire ROP program applies.

Finally, the third decision the targeting committee could make was to accept the candidate as a ROP *nominee*. If accepted, the candidate's name was entered into the computer provided by RAND, which made a random choice beyond the control of members of the ROP team, as to whether the candidate was to be made a ROP target, or assigned to the control group.³

Post-assignment, pre-arrest activities

Once a candidate had been selected as a ROP target, either by the RAND computer or as a special exception, a "file stop card" was sent to Phoenix Police Identification Bureau (PPIB). Instructions on the card informed other police officers to call a ROP detective if the person was

arrested. In addition to this file stop, a "flash warning" was entered into the Arizona Criminal Information Center (ACIC) that warns officers on a mobile digital terminal or any other terminal screen accessing the ACIC computer that they are dealing with a ROP target, and asking them to call PPIB for the file stop instructions. The system also generates a message to the ROP office recording the date, time, and computer address of any warrant checks made against ROP cases. Also following assignment as a ROP target, a check is made with all area agencies to determine if any open cases are currently outstanding.

ROP detectives respond to any request for assistance (callouts), but they do not directly investigate crimes because that is the responsibility of the Property or General Investigations detectives. ROP attorneys also respond to requests for assistance. A digital pager is rotated among the ROP attorneys on a weekly basis, and ROP investigators can rely on ROP attorneys to come out, even at night.

Earlier arrests of several targets were effected when warrants seeking them under other names were found to exist in other jurisdictions. When a target was found to have a warrant, the detective would contact uniformed officers to make the arrest. Some targets also were found to have charges that had not been adjudicated. By finding these charges and turning them over to ROP attorneys for prosecution, the ROP detectives were able to arrest and convict targets earlier. This worked out to ROP's advantage because the prosecution team did not have to wait for a new crime or arrest.

When a target was brought into the program and was already in custody, several contacts had to be made as soon as possible. First, it was determined which trial group of the Maricopa County Attorney's office the cases were being assigned to. There are four groups which assign cases, determined by the geographic location of the first arrest of a defendant. (This was usually done by the time the candidate was brought to committee because the detective had to find if previous agreements had been made between the non-ROP prosecuting attorney and defendant that would negate any influence that a ROP detective might have on the case). Once the group was discovered, the detective contacted the group's ROP attorney in order to discuss the case and see if it was possible to get the case transferred to the ROP attorney. The detective made sure that the prosecutor was aware of the full criminality of the defendant.

The detective also had to contact the regular case detectives in order to notify them that they had a ROP target. This was done so that the detective would submit the paperwork through ROP. The ROP detective hand-carried the report to the appropriate attorney. This insured that a full copy of the report was delivered on a timely basis. Normal paper flow tends to lose parts of the report.

Post-arrest enhancement activities

After a ROP target is arrested and a ROP investigator is notified of the arrest, he in turn notifies the ROP attorney. The attorney is informed of the arrestee's known criminal activities and prior convictions.⁴ The merits or weaknesses of the case are discussed, and

some strategy planned. The ROP investigator determines if any further information is needed⁵ and provides it as soon as possible. The attorney is kept apprised of any new or newly found charges that may develop during the investigation, e.g. additional file stop calls, or checks of outstanding warrants.

The ROP attorney makes any requests for further information by telephone, rather than via the traditionally slow paper route. By doing this, an answer may be obtained or additional investigation done quickly: the traditional communication has an average turn-around time of 30 days, but ROP inquiries took between an hour to a day, depending on the complexity of the request.

The ROP attorneys and detectives work as a team in the prosecution efforts. In many instances, the ROP detective would walk a warrant or additional charges through the system to the judges in order to obtain a higher bond to insure a target did not get released. On occasion the detective went to trial with the attorney. The detective many times sat in the gallery of the courtroom in order to not appear conspicuous. The purpose of this was to have the detective observe the jury for reaction during various parts of prosecution or defense questioning. The jury's reaction to points made or items of evidence presented was observed, and the detective then pointed out to the attorney issues about which jurors probably were confused.

ROP detectives usually do not have contact with victims or witnesses, but in a few instances provided emergency baby-sitting or transportation services.

Input to the pre-sentence report

Once a ROP target is convicted, either by a pre-trial agreement, guilty plea, or trial, the person at the Adult Probation Department assigned to write the pre-sentence report is contacted by a ROP detective. Generally, the ROP detective has already researched the target's prior record,⁶ and thus can be a significant influence on the pre-sentence report. This contact between the police department and the probation department normally is severely neglected because police officers work different hours from pre-sentence investigators.

RESOURCES DEVOTED TO THE ROP

Six detectives were assigned to the ROP experiment during its year of operation, devoting approximately 84 percent of their time specifically to the ROP experiment. The balance of the time was split about evenly between ROP tasks not specifically related to the experiment, (e.g., promotion and implementation of the ROP program), and non-ROP activities (general department meetings, processing of offenders targeted before the start of the experiment, etc.).⁷

DATA COLLECTION PROCEDURES

Criminal history data

Detectives in the Repeat Offender Program provided us with information about candidates' criminal records as of the time of assignment to the program. This form was then used by the targeting committee to record the reason a candidate was chosen as a target and proved very useful to document and defend ROP's decision to target an individual.

Post-assignment activity data

The Post-Assignment Follow-up Form

This form was designed to record detailed information about processing and disposition of all new arrests, probation and parole revocation, and arrests with disposition pending at the time of assignment to the program. A separate coding form was completed for every case that had an activity recorded since the date of the candidate's assignment to the program. An "activity" could be an arrest, a warrant issued, a conviction, a sentence, a probation or

parole revocation, or an admission to the DOC (Department of Corrections).*

Sources for post-assignment follow-up data

The Maricopa County Attorney's office provided RAND staff with access to data about the candidates' recent criminal activity. Recent criminal activity was identified through bookings and cases, both pending at the time of a candidate's assignment to the program and newly booked or filed since assignment. Along with these records, the Maricopa County Attorney's office provided access to several criminal justice data bases that can be queried from terminals in the County Attorney's Office. This included the Arizona Department of Corrections' summary of an offender's history and current status in the state's corrections system, and a statewide and national "wants" bulletin that provides information about an offender's status regarding outstanding warrants in Arizona and other states.

RESULTS

CASE ASSIGNMENTS

When the assignment period ended on December 7, 1988, 480 cases had been nominated and assigned, 257 to the Repeat Offender Program, 223 to the control group. The slight overabundance of ROP cases (53.5 percent) is not statistically significant and is well within the expected range. As will be outlined in the next few paragraphs, subsequent events tipped the balance of cases in favor of the ROP program, so we ended up with 473 cases, 270 assigned to the ROP, and 203 controls, resulting in a somewhat greater overrepresentation (57.1 percent) of ROP cases. However, this imbalance poses no threat to the validity of the research findings.

After removing seven cases (six misclassified into both groups; one control reclassified to treatment on ground of extreme dangerousness), we were left with 218 unique persons assigned to the control group, and 255 to the Repeat Offender Program, for a total sample of 473 cases in all. The resulting imbalance of ROP cases (now 53.9 percent) was still not statistically significant from an even split of cases, although it was suggestive of one that is (significance was 0.08).

Assignments changed

During the course of the follow-up period, a number of persons assigned to the control group were discovered to be "connected" to persons assigned to the Repeat Offender program (and vice versa) in ways that made it difficult to enhance the ROP case without similarly

enhancing the control case. That such a connection existed was based on a rather loose and subjective judgment on the part of the ROP officers -- it could mean the two offenders were both arrested for the same incident, or that it became known that they "hung out together." When such cases were discovered, the assignment of one of the cases was changed so the two "connected" persons were in the same group. The rule used for this reassignment was that all connected offenders would assume the assignment of the first offender to be assigned. As a result, 25 persons originally assigned to the control group were reassigned to the ROP group, and 10 who were originally assigned to the ROP group were reassigned to the control group, for a net reduction of 15 control cases and a like increase of 15 ROP cases.⁹ Thus we ended up with 270 ROP cases and 203 controls. Statistically, this imbalance (57.1 percent ROP cases) would have been statistically significantly different from an even split had it happened by chance.

CONTROL GROUP/ROP SIMILARITIES

The outcomes in the current study include, among other things, the rate at which offenders are convicted and sentenced, and the length of whatever sentences are imposed. The experiment tests whether such outcomes are sensitive to the features of the ROP. But clearly, they could also be sensitive to other differences among offenders. In particular, the prior record of the offenders, (reflected in the number of prior arrests, custody and parole status), as well as the mix of cases that occur after assignment. In addition, processing takes time. A nominee assigned towards the end of the assignment period would have a shorter follow-up period, and thus less likelihood of conviction.

We compared the control group to the ROP group on prior record at the time of assignment, probation/parole status, pretrial custody status, and case mix, and found no statistically significant differences with respect to prior record, case mix and time of assignment.

DIFFERENCES IN OUTCOMES

The purpose of the ROP program is to increase the likelihood that once arrested, a high-rate offender will be convicted and given a longer prison sentence. We found that offenders assigned to the ROP group were somewhat more likely to be convicted, were substantially more likely to be sent to prison, and were given prison sentences that were about 18 months longer than those in the control group. Since the analysis reported above suggests there were no differences between the ROP and control groups at the time of assignment that could otherwise explain these differences in outcomes, we can express some confidence that the ROP program achieved its intended effect.

In addition, offenders assigned to the ROP program were either arrested or had their probation revoked a little earlier.¹⁰ Overall case processing times were about the same between the two groups, with some indication that the time between arrest and eventual disposition may be a little longer for ROP offenders.

Pre-trial release

A general belief that has been confirmed by the majority of sentencing studies (Blumstein, et al. 1983) is that pre-trial custody increases the likelihood of conviction and sentence severity. This is because a defendant in custody is usually more eager to have his case

resolved, less able to participate in preparing his defense, and less able to engage in what might appear to be mitigating activities--like making restitution, getting a job, or attending a drug program. Thus, one way to "enhance" the prosecution of a case involving a high-rate offender is to prevent (or at least, impede) pre-trial release.

The evidence that the ROP program succeeded in reducing pre-trial release among ROP targets is not statistically significant, but it is suggestive. Among all ROP follow-up cases, ROP offenders were released on their own recognizance in about 29 percent of the cases, while non-ROP offenders were released in about 36 percent of the cases. ROP offenders were detained because they could not raise bail about 22 percent of the time, while non-ROP offenders were detained in about 18 percent of the cases. ROP offenders were held without bond in about 39 percent of the cases; non-ROP offenders in about 37 percent.

Convictions and sentences

Figure 1 compares the "fall-off" of the two groups in the more-or-less traditional format. Each bar represents the percent of the entire group that passed through the indicated disposition point. Of the entire control group, 88 percent were eventually arrested, 87 percent had arrests accepted for filing by the prosecutor, 75 percent were eventually convicted of at least one case, 70 percent were incarcerated, 48 percent were sent to prison, and 18 percent received "long" prison sentences (by definition, a sentence that exceeded the median sentence among all offenders in the study, both control and ROP cases). In every case, the percentage of the ROP group that passed through the indicated point was higher. However, the gap is small at

the left-hand side of the figure, and indeed, we will show below that it is not significantly different. It widens considerably (and becomes statistically significant) at the right.

Figure 2 displays the results in a different way. Each bar represents the offenders who passed the indicated disposition point, expressed as a percentage of those at risk. For example, it shows that 90 percent of the ROP group *who were arrested and whose cases were accepted for prosecution* were convicted. This figure shows that the ROP group is not uniformly treated more severely at every disposition point.

[Figure 1 -- Disposition Fall Off]

[Figure 2 -- Percent "Passed On" To Next Disposition Point]

Table 1, which summarizes the disposition findings, suggests a small increase in the likelihood that there will be any follow-up arrest or revocation for a ROP case at all.¹¹ Subsequently, there is no difference between the two groups with respect to the rate at which their cases are accepted for prosecution (virtually all cases are), or convicted. Once convicted, however, offenders in the ROP group are much more likely to be sentenced to prison, and if sentenced to prison, they receive substantially longer sentences.

[Table 1 -- Disposition Outcomes]

At the disposition points where the two groups do not appear to differ very much (acceptance by the prosecutor and conviction), the probability of a "favorable" (from the standpoint of the prosecutor) outcome is remarkably high. As we could have noted when we compared the prior records of the two groups, most nominees for the ROP program appear to have lengthy records already, and therefore are likely to be severely prosecuted under normal procedures. Thus, at these particular disposition points, there is not much room for improvement.

There *is* room at the prison/jail decision where only about 68 percent of the control group is sent to prison, and in the sentence length where the judge has some room to maneuver within the sentencing guidelines (especially for a well-researched case). At these points, the ROP program shows its effect. A suggestion of how this effect is brought about is described in the next section.

Charge severity

Arizona has a determinate sentencing law under which every offense has a statutory "presumptive sentence," which can be adjusted up or down on the basis of other factors such as the offender's prior record and indications of "dangerousness" with respect to the offense. While sentences are constrained on the basis of the charges for which the offender is convicted, there is no statutory constraint on the particular charges that may be brought against an offender (in Arizona or any other state). The choice of what charges to file is a professional judgment call by the deputy prosecuting attorney involved and is guided by office policy.

We recorded penal code charges at three points along the adjudication of each case: (1) the offenses for which the offender was arrested; (2) the offenses for which the offender was charged by the prosecutor; and, (3) the offenses for which the offender was convicted. We then computed the presumptive sentence associated with each set of charges, taking into account the number of counts associated with each case.¹² This gave us a scalar variable, expressed in months, with which to compare the overall seriousness of the offenses for which each offender was charged.

Figure 3 compares the average charge severity (measured in terms of the presumptive months of confinement associated with the charge) of the control group to the ROP group at the three points where charge information was obtained, as well as the final sentence. Each value is expressed as an average over all cases for which the figure applies. Thus among all those ROP cases who were arrested, the average charge severity was 264 months; of all ROP cases accepted by the prosecutor, the average charge severity was 181 months; and of all ROP convictions, the average charge severity was 60 months. At each disposition point, the difference between the ROP charge severity and the control group charge severity is statistically significant although, except for the conviction offense, not particularly strongly.¹³

[Figure 3 -- Charge Severity at Each Disposition Point]

One interesting feature of Figure 3 is the substantial drop-off in charge severity as the cases pass through the system. The drop-off is remarkably similar for both the control and ROP groups, as is shown in Table 2 where charge decay is measured as the presumptive months for all charges remaining after a decision point divided by the presumptive months for all charges that were initially brought in for a decision.

The process can be viewed as a series of transactions: (1) the police bring in a set of charges "worth" a certain sentence, (2) the prosecutor deflates the original "value" by about one-third, (3) the offender is convicted of about one-third of the prosecutor's charge (4) various enhancements inflate the final sentence by about two-thirds. In the end, the offender gets a sentence that is about one-third of that associated with the original charges.

[Table 2 -- Charge Decay]

Figure 4 suggests that such a model is an oversimplification. It is similar to Figure 3, but its calculations are confined to only those offenders who ultimately received sentences of some sort. Note that while the ROP cases are more severely charged by the police and by the prosecutor, the two groups are convicted of charges which severity, on the average, reflect virtually the same severity. This fact suggests that more ambitious charging by the police for ROP cases is largely mitigated by the time the case is settled by plea or trial. Nevertheless, although convicted of charges of about the same severity, the ROP offenders are given much longer sentences. Thus, while any "overcharging" *might* have affected the greater rate at which ROP cases

were sent to prison, it apparently does not affect sentence length since both control and ROP groups are convicted of about the same severity of charges.

[Figure 4 -- Charge Severity at Each Disposition Point

Sentenced Offenders Only]

One of the services the ROP officers provided to the prosecutor was a thorough researching of each offender's prior criminal history. This information is included in the pre-sentencing report of any convicted offender, and can be used to adjust the presumptive sentence upwards in cases involving offenders with severe prior records, which as we saw above, many of the ROP nominees *did* have. In point of fact, it does take significant time and effort to assemble all of the documentation to prove a prior record in court. In many jurisdictions it is the usual practice of the prosecutor to "swallow" or ignore the defendant's prior record in return for a plea of guilty. Part of the effect observed here probably is due to the extra effort expended obtaining such records, and part is probably due to a resolve on the part of ROP prosecutors to see that they are used.

As outlined above, in Arizona every convicted offender must be given a "presumptive" sentence based on the charges of which he or she is convicted. The presumptive sentence must be increased by a fixed amount if it is not the first offense. We see this mechanism in action in the follow-up data shown in Table 3.

[Table 3 -- Conviction and Sentence Serenity for Those Sentenced

Offenders with No Priors Added to the Conviction Sentence]

Seventy-six percent of the control cases versus 60 percent of the ROP cases *did not* have an enhancement for priors added to their term. Even among this group, ROP offenders got sentences that were one-third longer than those received by the controls. These numbers suggest that the ROP increases the sentences of *offenders without priors* as follows:

- a. In both the ROP and control group, offenders without priors got an actual sentence that was about equal in severity to the conviction charge.
- b. Since the ROP group faced more numerous or more severe conviction charges they got higher sentences.

Among offenders *with* prior enhancements added to the conviction sentence, the situation is considerably different as is shown in Table 4. The conviction severity in this table is based on the presumptive sentence for the conviction charges. All the cases in this table, both control and ROP, had priors noted in the record. Those priors served to add over two years to the presumptive sentence of both groups.

We know that both the control group and the ROP group had comparable prior records, so we can attribute to the ROP the fact that more of the ROP group (40 percent) than the control group (24 percent) had priors added to the conviction sentence, so that a greater fraction received "enhanced" sentences.

[Table 4 --Offenders with Priors Added to the Conviction Sentence]

Case processing time

In addition to sending high-rate offenders to prison for longer periods of time, another goal of the ROP program was to take them off the street earlier. The data suggest that ROP offenders were arrested a little sooner than members of the control group.¹⁴ The processing time from arrest to conviction, however, was slightly longer for ROP cases.

CONCLUSIONS AND POLICY IMPLICATIONS

The Phoenix Repeat Offender Program (ROP) was initiated to increase the likelihood of conviction, incarceration, and long sentences for suspected serious and high-rate offenders targeted by the Department. Many other police departments have implemented similar programs in the past, but few were subjected to rigorous evaluation. The few that had been evaluated did not show strong positive results on either conviction rates or sentence severity.

Observations of the ongoing case assignment procedures and comparison of the ROP/experimental and non-ROP/control cases both indicated that the experimental procedures in this study were successfully implemented. There was no evidence that the assignment process was sabotaged and there were no statistically significant differences between the ROP and control groups. Thus, we can safely assume that differences in outcomes between the ROP and non-ROP samples are due to differences in how the cases were treated.

Analysis of follow-up criminal history records for the first 6 to 18 months after the initial assignment indicated that offenders designated as eligible for ROP treatment were in fact high-risk individuals, with about 90 percent arrested during the follow-up period. Analysis of the dispositions and sentences for control cases revealed that conviction and incarceration rates for the target group were already quite high at 86.4 percent and 93.5 percent (of those convicted), respectively.

Over the course of a year's operation, the ROP unit's six detectives, and cooperating attorneys in the Maricopa County Attorney's Office, handled 257 plus cases assigned to the target group. Overall, the conviction rate for these offenders was increased by 3.5 percent (from 86.4 to 89.8 percent), meaning that an additional 9 offenders were convicted. The fraction of convicted offenders that ended up in prison increased by 9.2 percent (from 63.4 to 72.7 percent)--an additional 21 offenders committed to prison.

Average sentence length for ROP offenders increased by 18 months (from 73 to 91). Assuming that the average inmate serves about 60 percent of his prescribed term, the ROP unit's effect on sentence severity translates into an additional 10.4 months per inmate or 222.5 years for the entire sample of 257, a significant incapacitation affect resulting from the work of only 6 police officers.

Several aspects of the ROP program appeared to contribute to its impact on case outcomes. Chief among these were: The unit's efforts to develop information on additional charges and the defendant's prior record; the close and cooperative relationship ROP detectives developed with the prosecutors handling their cases; and the willingness of the prosecutors to hold out for tougher agreements in negotiating case settlements.

There do not appear to be any reasons why similar units could not be implemented in other police departments. Their ultimate success will depend on the quality and amount of information they have to identify target offenders, the degree of cooperation already existing between police and prosecutor, and the degree to which cooperation is increased.

Their success will also depend on determinacy of their sentencing law and the degree to which it provides discretionary means for enhancing the sentences of targeted offenders.

The ultimate question to be considered, now that we know what a ROP unit can accomplish is-- is this a good use of police resources? At the same time the police were building up charges and evidence of prior convictions on ROP offenders charged with fairly modest crimes, all in hopes of getting them into prison and serving longer terms, other Arizona criminal justice officials were devising alternatives to incarceration for just such offenders. Most states are now beginning to feel a real financial bite from the past ten years of continuing prison population growth and new construction. Just this past year, the Arizona Legislature appropriated \$500,000 for a consultant to review their current sentencing and corrections policies, and to suggest ways of increasing the use of alternative sanctions.

The fundamental premise behind the ROP concept is that dangerous offenders can be identified by their prior records or police intelligence. At this point, we should note that opinions differ on the extent to which it is ethically proper for predictive considerations to influence bail and prosecution decisions (Blumstein et al, 1986, Vol. 1). Strict adherents to a just-deserts philosophy would exclude predictions altogether, basing case decisions only on the gravity of the instant offense.

Those who adopt a more utilitarian perspective would argue that since the public expects the criminal justice system to offer them some protection from crime, it is appropriate to base some case decisions on

predictions of future risk (Moore, 1986). Under the latter stance, the appropriateness of risk-based decisions depends on the accuracy of the predictive criteria and the harm prevented by its use. In the case of the Phoenix ROP it would appear that the program does target a group of offender who do indeed present a substantial risk of future criminal behavior.

The success of the Phoenix Police Department's ROP emphasizes the critical policy choices that state and local jurisdictions must make regarding how much prison space they are going to support and how it is going to be used. Are prison sentences to be based primarily on the seriousness of the conviction offense (in which cases many ROP defendants would not be sentenced to prison), or is prison space also going to be used to keep chronic offenders off the street for as long as possible?

For many years commentators have written about prosecutors' discretion in filing and dropping charges (Greenwood, et al, 1976; McDonald, 1978; Jacoby, Mellon, and Smith, 1982). The Phoenix ROP experiment demonstrates that in critical cases the police also have a significant discretionary role to play: they choose whether to develop case enhancement information on which the prosecutor can act.

Finally, the impact of the Phoenix ROP's case enhancement efforts are, in a strange way, consistent with findings regarding defense-oriented pre-sentence reports (Clarke and Wallace, 1987). Just as the ROP unit tries to convince the court to impose a harsh sentence by documenting additional charges and prior convictions, some defense attorneys commission private pre-sentence reports which seek a lesser

(or in their terms, "more appropriate") sentence by documenting mitigating circumstances (employment record, character references, evidence of mental illness, or earlier abuse, etc.) and offering what they consider to be more constructive sentencing alternatives (community service, restitution, electronic monitoring, etc.).

Given the pattern of assembly line justice that now is characterized in many big city court systems, it should come as no surprise that a modest investment in quality case enhancement, on either side, pays big dividends to the interests of the investors. It now appears that in many jurisdictions, extra efforts on the part of the police or prosecutors to document the seriousness and chronicity of the defendant's behavior, or on the part of the defense to document his salvageability, can both have a significant effect on sentences. Now, one big question remains: who decides which defendants will receive this type of special attention, and will prosecutors' and defense efforts eventually cancel each other out?

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FOOTNOTES

¹ The experimental program began on December 7, 1987. For the first six weeks, random assignments were made by RAND over the telephone. This procedure was replaced on January 12, 1988 with the installation of an on-site personal computer containing a program written at RAND to make the assignments. This program allowed the ROP staff to nominate offenders on a 24-hour, 7-days-a-week basis. The software also automatically recorded each assignment on its hard disk and printed a paper record on the attached printer. It also had a number of other built-in mechanisms to discourage and detect tampering with the assignment process. These protections were installed to allay concerns reviewers of our research might have even though we had no objective reason to believe any such tampering would occur.

² One group classified as exception was a valley-wide ring involved in child prostitution, child pornography, narcotics dealing, and auto theft. The leader of the ring was suspected of murdering his 14 month old son in order to commit the boy's soul to the devil.

³ Interaction with this computer was interesting to observe. The detectives grew to hate it, because of the frustration that resulted when a candidate was assigned to the control group. The detectives wanted to go after a candidate whose qualifications for the ROP program they had taken so much time to develop and defend before the targeting committee. In addition, they had to face peer pressure from other members of the Department who had suggested the candidate.

⁴ Since the prosecutor's position is severely weakened when a defendant is also an informant, ROP targets cannot generally be used as informants. The prosecutor's position is significantly weakened because the courts look favorably upon the target for cooperating with the state. Charges are likely to be severely reduced or even dropped, depending upon the severity of the information. Phoenix ROP detectives actually found some of the high-rate recidivists targeted had been getting arrested at high-rates for years. These same targets had no prior felony convictions because, by selling information to the police, they were able to have charges reduced to misdemeanors or dismissed. Not wishing to promote these criminals' careers any further, the Phoenix police adopted a policy prohibiting ROP targets from being used as an information source. Only a commander of the rank of captain or higher may override this policy.

⁵ If there are fingerprints that need to be analyzed the ROP detective will have it done. On fingerprint analysis, the ROP detective has the ability to have a priority put on the case, which has the effect of cutting turn-around time from three months to as little as 30 minutes.

Other items may include witness interviews that need to be done or need clarification. The original report may be unclear as to method of operation of the suspect or crime scene description.

⁶ A record of these bookings and cases is available from Maricopa's county-wide LEJIS computer system, which served as our primary source of data on candidates' post-assignment criminal activity in Maricopa County.

⁷ Much of the time spent on the ROP experiment (about 60 percent of the total work time) was devoted to the discovery and documentation of new ROP targets. The ROP detectives spent about 22 percent of their time in meetings with the ROP targeting committee, and about 30% investigating possible candidates. About 8 percent of the time was consumed by computer data-entry tasks and related paperwork required to assign targets to the program.

The remaining 24 percent of the detectives' time was split about evenly between pre-arrest activities (tracking targets, updating files, calling other law-enforcement agencies) and post-arrest activities (crime scene investigations, consultation with ROP attorneys about specific cases, court appearances, etc.).

While data collected from the ROP detectives enabled us to report the time fractions in the previous paragraphs, we, unfortunately, did not collect similar data from non-ROP detectives. Thus, it is difficult to say how much extra time the ROP program took. Clearly, the ROP detectives would have performed many of the same tasks had they not been assigned to the experiment. They spent about a fifth of their time with the ROP targeting committee, something other detectives didn't do, but

we don't know the extent to which this committee work relieved the ROP detectives from other departmental duties not directly connected with "solving crimes" and "catching criminals".

⁸ To avoid overcounting actual length of term when recording sentencing information on multiple cases with concurrent sentences, we included a variable in the coding form for indicating concurrent sentences across multiple cases.

⁹ We considered removing the "connected" pairs altogether from the experiment, but didn't for two reasons. First of all, no doubt there were similarly "connected" pairs assigned to the same program -- we made no effort to check this, since such "connected" pairs would be a naturally occurring phenomenon in the program that has subsequently become standard operating procedure. Second, since we knew about the pairs, we could analyze the results with them removed to see if it made any difference. During the analysis, in fact, we found virtually no difference in results when we used the full set of cases and when we eliminated the "connected" cases.

¹⁰ Approximately 10 percent of the post-assignment arrests were for robbery or assault, 25 percent were for burglary, another 25 percent were for theft and 16 percent were for drugs.

¹¹ It might be noted that in the analysis of these results when the "connected cases" were eliminated, the statistical significance of this difference increased to 0.08.

¹² We did not consider or take into account any adjustments that judges might make to the charge on the basis of the offender's prior record and "dangerousness," as provided by Arizona's sentencing law. We used the sentence for any given charge that would be associated with an offender with no prior record who was not "dangerous."

¹³ The p values for the arrest, accepted and convicted cases are 0.03, 0.03 and 0.003 respectively. These were calculated by performing what essentially amounts to a t-test.

¹⁴ We have no evidence that ROP officers engaged in activities designed to increase targeted offenders' likelihood of arrest. This effect may be due to the extra notoriety they receive among regular patrol officers by being on the ROP list ("I caught me a ROP!").

Table 1
DISPOSITION OUTCOMES

Group at risk	Outcome	Control	ROP	Statistical
				Significance
All cases	N	203	270	
	% arrested	88.2	93.3	.05
Arrested	N	179	252	
	% accepted	98.9	98.4	
Prosecuted	N	177	248	
	% convicted	86.4	89.9	
Convicted	N	153	223	
	% incarcerated	93.5	91.5	
Incarcerated	N	143	204	
	% to prison	67.8	79.4	0.02
To prison	N	97	162	
	Sentence (months)	73	91	0.0001

Table 2
CHARGE DECAY

Severity ratio	Control	ROP
Charge/Arrest	0.67	0.69
Conviction/Charge	0.30	0.33
Sentence/Conviction	1.67	1.52
Sentence/Arrest	0.34	0.34

Table 3

CONVICTION CHARGE AND SENTENCE SEVERITY FOR THOSE SENTENCED
OFFENDERS WITH NO PRIORS ADDED TO THE CONVICTION SENTENCE

	Severity of conviction charges	Actual Sentence
Control	65 months	59 months
ROP	77	79

Table 4

CONVICTION CHARGE AND SENTENCE SEVERITY FOR THOSE SENTENCED
OFFENDERS WITH PRIORS ADDED TO THE CONVICTION SENTENCE

	Severity of conviction charges	Actual Sentence	Percent of group with priors proved
Control	88 months	116 months	24%
ROP	78	109	40%

Fig - 1 Disposition Falloff

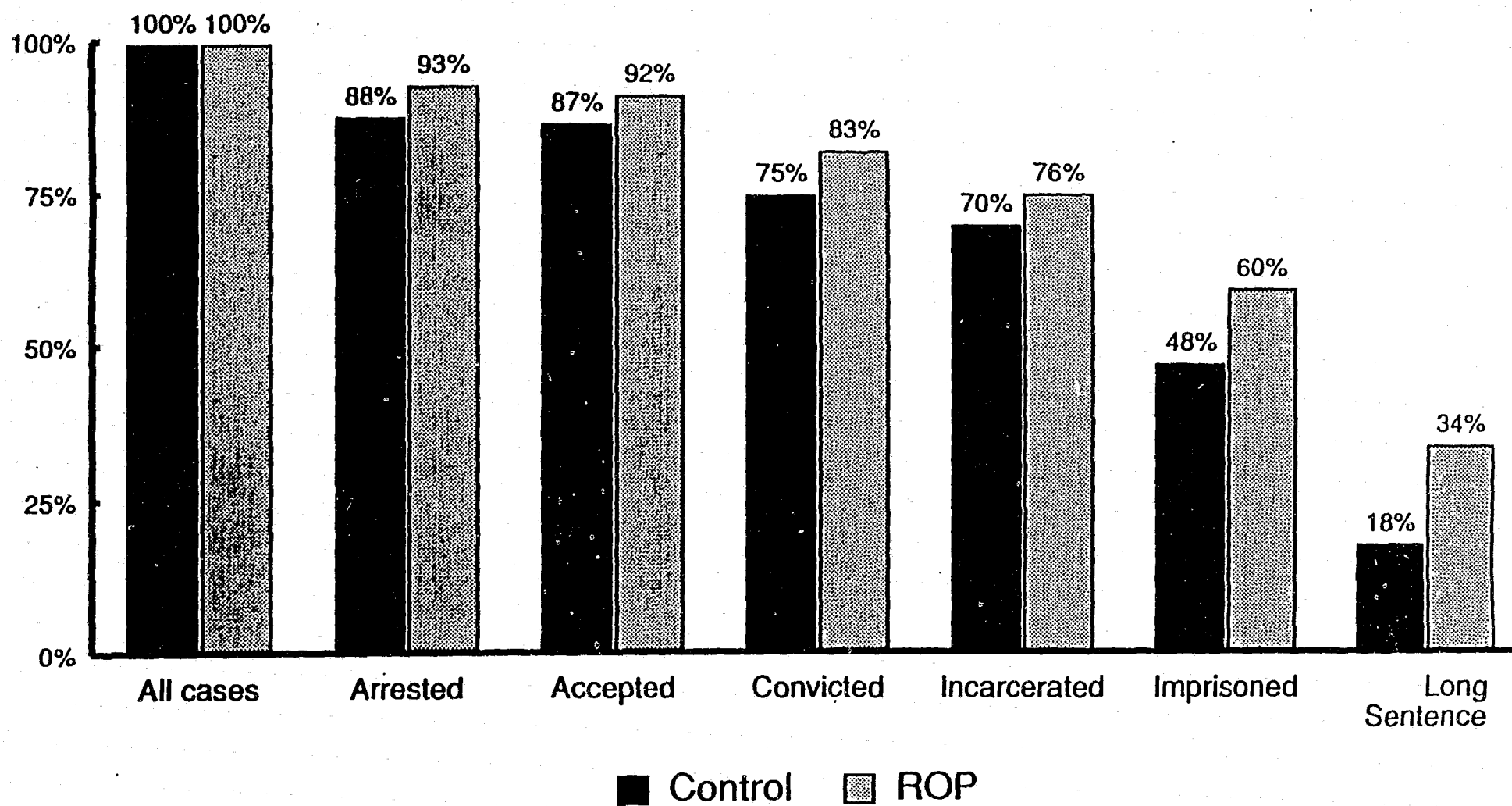


Fig - 2 Percent "Passed on" to Next Disposition Point

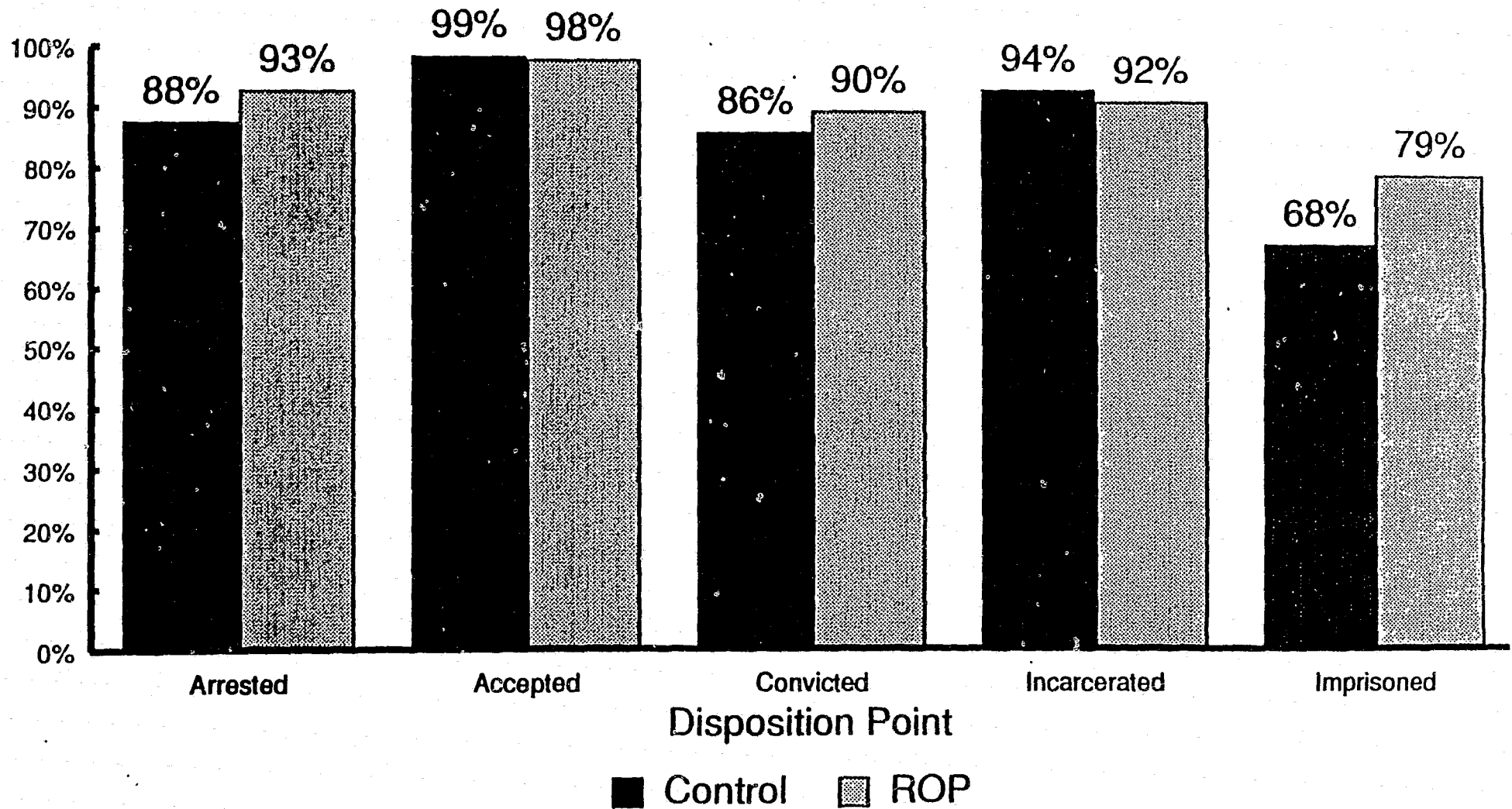


Fig - 3 Charge Severity at each Disposition Point

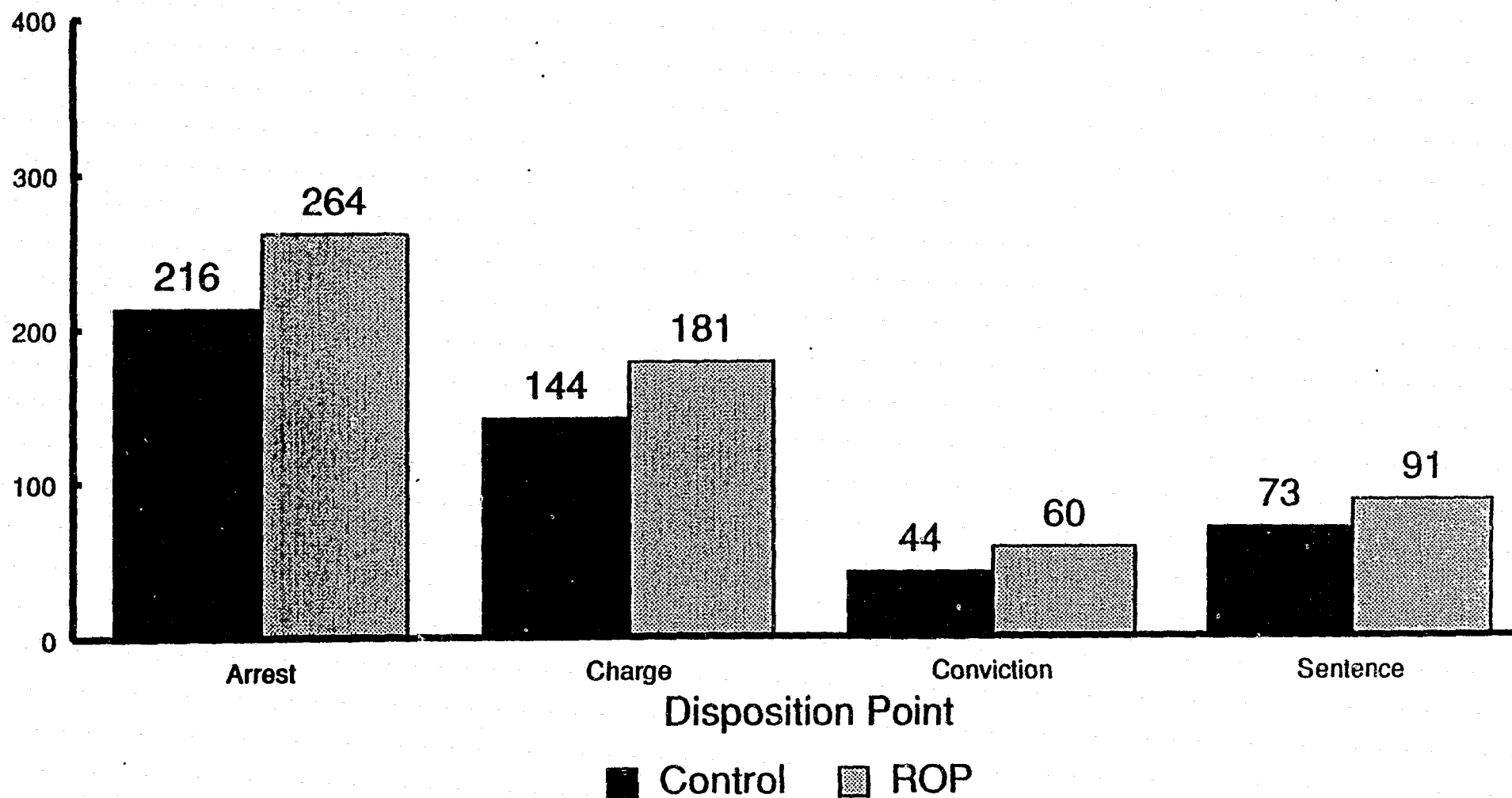


Fig - 4 Charge Severity at each Disposition Point
Sentenced Offenders Only

