

134437

NCJRS

FEB 18 1992

ACQUISITIONS

**SELECTED SOURCE MATERIALS  
FOR  
CAREER CRIMINAL/REPEAT OFFENDER PROGRAM  
EXPERT SYSTEM**

- 1. Request Form**
- 2. Factors for Developing Plans**
- 3. Example of Rules and Text Files**

134437

U.S. Department of Justice  
National Institute of Justice

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**JEFFERSON INSTITUTE FOR JUSTICE STUDIES**

1910 K STREET, N.W. SUITE 601  
WASHINGTON, D.C. 20006

(202) 659-2882

**REQUEST FOR CAREER CRIMINAL/REPEAT OFFENDER PROGRAM PLAN**  
**from the ROPES Expert System**

Requestor name:

Date of Request:

Title:

Agency:

Address:

Phone:

City/State

Fax:

1. Do you have an on-going CC/ROP program?

2. Will you review and critique the plan submitted to you for our use in refining the expert system?

Thank you for your help,

Joan Jacoby  
Executive Director

**FACTORS USED IN THE EXPERT  
SYSTEM FOR DEVELOPING A PLAN  
FOR CAREER CRIMINAL/REPEAT  
OFFENDER (CC/RO) PROGRAMS**

*(Circle applicable answers)*

**A. TARGET POPULATION**

**1. Age Group**

- Adult  
 Juvenile  
 Adult and Juvenile

**2. Record of criminal activity**

- Extensive  
 Some  
 Not important to program

**3. Predominant type of crimes CC/RO's  
involved in:**

- Violent  
 Against person  
 Against property  
 Other  
 Not important to  
the program

**4. Nature of CC/RO activity**

- Highly active  
 Not important to program

**B. MOST TYPICAL OFFENSES COMMITTED BY  
CC/RO's**

1.

2.

3.

4. Not important to program

**C. NUMBER OF OFFENDERS YOU ESTIMATE TO  
BE IN TARGET POPULATION.**

**D. MOST PERSISTENT CRIME PROBLEM  
FACING YOUR JURISDICTION.**

**E. ARE YOU PRESENTLY SATISFIED WITH HOW  
THIS CRIME PROBLEM IS BEING HANDLED  
WITH RESPECT TO APPREHENSION AND  
PROSECUTION?**

**0. WHICH TYPE OF CC/RO PROGRAM ARE  
YOU CONSIDERING?**

- 01 Prearrest - CC/RO program  
begins before arrest
- 02 Postarrest - CC/RO program  
begins upon or after arrest
- 03 Combination - Both of the  
above in tandem

**1. WHO WILL DIRECT THE PROGRAM?**

- 301 Police only  
302 Prosecutor only  
303 Police and prosecutor

**2. WHAT IS THE LEVEL OF COOPERATION  
BETWEEN POLICE AND PROSECUTOR?**

- 5201 Extensive  
5202 Some  
5203 None

**3. WHICH PROGRAM TYPE WILL YOU BEGIN  
WITH?**

- 01 Pre-arrest - CC/RO program  
begins before arrest
- 02 Post-arrest - CC/RO program  
begins at or after arrest

**4. PLEASE CHARACTERIZE THE SUPPORT YOU EXPECT TO RECEIVE FROM THE FOLLOWING AGENCIES AND UNITS. (Use these codes for this assessment: Positive (P); Neutral (N); Resistant (R); Not applicable (NA)).**

(enter code)

- [ ] 1. Police criminal records and identification  
 [ ] 2. Police dossier preparation  
 [ ] 3. Police warrant squad  
 [ ] 4. Bond setting/magistrate or judge  
 [ ] 5. Pretrial release agency  
 [ ] 6. Felony or higher court  
 [ ] 7. Chief Judge - lower court  
 [ ] 8. Chief Judge - felony court  
 [ ] 9. Presentence investigators  
 [ ] 10. Probation supervision  
 [ ] 11. Sheriff/jail  
 [ ] 12. Department of corrections  
 [ ] 13. Parole supervision  
 [ ] 14. Warrants

**5. WILL YOUR SELECTION CRITERIA BE BASED ON:**

- 101 Offense  
 102 Offender  
 103 Offense/Offender combination

**6. IF YOU SELECTED AN OFFENSE BASED PROGRAM WITH SOME OFFENSES IN MIND, ARE YOU PRESENTLY SATISFIED WITH THE WAY THEY ARE BEING HANDLED?**

- 4101 Yes  
 4102 No

**7. WHAT WILL BE THE PRIMARY BASIS FOR DEVELOPING SELECTION CRITERIA?**

- 501 Internal guidelines or formula  
 502 Legislation  
 503 Sentencing guidelines

**8. WHAT TYPE OF PROGRAM DO YOU WANT?**

- 4201 Proactive  
 4202 Reactive

**9. WHERE IN THE PROCESS DO YOU EXPECT MOST OF THE CC/RO DESIGNATIONS TO BE MADE?**

- 201 Before prosecutor charging  
 202 At time of prosecutor charging  
 203 After prosecutor charging

**10. DO YOU WANT TO INCLUDE IN YOUR PROGRAM:**

(circle for yes)

- 4301 Threshold offenders  
 4302 Juveniles  
 4303 Youthful offenders  
 4304 Warrants

**11. WILL YOU USE SURVEILLANCE ON TARGETED REPEAT OFFENDERS?**

- 4401 Yes  
 4402 No

**12. PLEASE IDENTIFY THE TYPE OF BAIL RELEASE MECHANISM IN YOUR JURISDICTION.**

- 5301 Police bail/bond schedule  
 5302 Bail commissioner or magistrate  
 5303 Pretrial release or bail agency or program

**13. WILL YOUR PROGRAM BE LOCATED:**  
 (Check all applicable)

Law Enforcement

- 401 In a separate unit  
 402 Integrated with all the other operations

Prosecution

- 403 In a separate unit  
 404 Integrated with all the other operations

**14. HOW WOULD YOU RATE THE SUFFICIENCY OF THE INFORMATION FORWARDED TO THE PROSECUTOR BY THE POLICE DEPARTMENT WITH THE LARGEST NUMBER OF ELIGIBLE CC/RO's.**

- 6301 Excellent  
6302 Acceptable  
6303 Not acceptable

**15. WHAT TYPE OF ACCUSATORY PROCESS IS MOST OFTEN USED?**

- 7001 Preliminary hearing with bindover to grand jury for indictment  
7002 Grand jury indictment  
7003 Preliminary hearing for bill of information  
7004 Direct filing of bill of information, no preliminary hearing

**16. IS THIS THE SAME ROUTE YOU PROPOSE FOR THE CC/RO?**

- 7009 Yes  
7010 No

**17. IF NO, WHAT ROUTE WILL YOU USE MOST OFTEN FOR CC/ROP CASES?**

- 7001 Preliminary hearing with bindover for grand jury for indictment  
7002 Grand jury indictment  
7003 Preliminary hearing for bill of information  
7004 Direct filing of bill of information, no preliminary hearing

**18. DOES YOUR JURISDICTION HAVE:**

*(circle for yes)*

- 6201 Sentencing guidelines  
6202 No consecutive sentencing  
6203 Career criminal legislation  
6204 Habitual offender legislation  
6205 No parole

**19. WILL THE CC/RO PROGRAM OPERATE:**

- 6501 From a centralized location  
6502 In decentralized locations

**20. WILL THE CC/RO PROGRAM INCLUDE:**

More than one law enforcement agency?

- 6601 Yes  
6602 No

More than one branch of the prosecutor's office?

- 6603 Yes  
6604 No

If more than one branch office, is their jurisdiction:

- 6605 Limited to felony intake and accusatory only  
6606 Full-service, intake to sentencing

**21. WHAT TYPE OF FELONY COURT DOCKETING SYSTEM IS USED?**

- 5401 Master calendar assignment  
5402 Individual judge dockets  
5403 Courtroom docketing

**22. WHAT TYPE OF CASE ASSIGNMENT WILL YOU USE FOR CC/ROP CASES?**

- 1101 Vertical, individual attorney  
1102 Teams  
1103 Courtroom  
1104 Horizontal, master calendar assignments

## SAMPLE OF RULE-BASED TEXT FILES FOR ROPES

4.0

01/not 302/4201

Section 4. Apprehension and Pretrial Release

### INTRODUCTION

When RO's are targeted, the law enforcement agency's work begins. To successfully remove RO's from the streets, cases have to be built for the prosecutor and the court; for, it makes little sense to apprehend RO's only to have them granted pretrial release or their case declined by the prosecutor or dismissed by the court for legal insufficiencies.

This section discusses the activities involved in preparing ROP packages, apprehension strategies, obtaining pretrial detention and supporting the prosecution of the case. They include:

1. Packaging information about each target;
2. Developing an apprehension and post-arrest plan;
3. Certifying RO cases to the court; and
4. Controlling the arrest and bail release processes.

### PACKAGING AND CASE PREPARATION PROCEDURES

Packages should be prepared for each individual target. These packages should include official records and documents, and police intelligence information.

The type of information you can put in the package includes:

#### Official records:

1. Criminal history (FBI, state and local);
2. Out of state convictions, failures to appear, or escapes;
3. Information from the prosecutor's case files;
4. Other pending cases or warrants;
5. Incident and supplemental reports;
6. Pre-sentence information; and,
7. Probation and/or corrections reports.

#### Intelligence information:

1. Field contact reports;
2. Other intelligence data; and,
3. Newspaper accounts.

Much of the information is readily available from official files. It usually is just not gathered together in a package. The most difficult and time-consuming to obtain is, of course, the most important; that is the certification of out-of-state convictions or FTA's.

Fortunately, most departments and agencies with ROP programs are part of an informal network which will assist you in obtaining these certifications. This avoids using the more formal letter of request and dealing with anonymous bureaucrats. We suggest that you call the local police department in the area before you make formal request of the court to seek their assistance.

Prepare a checklist form for all the information you will need about each target so that important documents will not be overlooked. Place the checklist on the left side of your case folder (or outside if the folder is pre-printed) and keep its status up to date. Packaging can be done by clerical staff if they are available. If not, then each ROP detective should be assigned a target and made responsible for the packaging.

Because the contents may include intelligence information, or raise issues of privacy and confidentiality, the packages should be developed in conjunction with the prosecutor, or reviewed by them after development.

4.5

02

#### Section 4. Apprehension and Pretrial Release

##### INTRODUCTION

Successful CC/RO programs make the earliest possible intervention in the case processing system and focus on three areas of activity:

- (1) Developing arrest and post-arrest procedures to handle the bail/bond hearing;
- (2) Certifying cases as CC/ROP cases; and
- (3) Establishing controls for this part of the program.

4.01

01/301/4201/5203

If the prosecutor is not willing to assist you in reviewing the packaging procedures and the proposed contents, then we suggest that you seek the advice of police counsel. If that option is not open, then you should separate the intelligence information from the official records information.

4.02

01/not 302/4201

Once completed, the package should be held by the ROP detective in charge of the target. It will be his or her responsibility to deliver the package to the prosecutor as soon as the arrest is made. This is especially important for the bail hearing.

4.03

01/301/4201/5203

If the prosecutor is not present at the bail setting or is unwilling to make strong arguments for the pretrial detention of the RO or a high bail setting, it is even more important that the ROP detective be present to argue for this based on the materials contained in the package.

4.1

01/not 302/4201

#### DEVELOPING AN APPREHENSION PLAN

An apprehension plan for each target utilizes all the resources available in the department including:

- \* Information flyers

Developed for each of the targets and distributed to all patrol and detective personnel. They include pictures, identification, descriptors, crime/MO patterns, known associates and hangouts, suspected activity and progress reports. They are used to update the status of the target, especially if he is arrested or otherwise detained.

- \* Crime laboratory involvement

Require the fingerprints of every targeted RO to be searched against outstanding latents in unsolved crimes.

- \* Crime analysis

Compare the previous and current MO patterns against the targeted RO's MO characteristics.

- \* Patrol briefings and assistance

Urge uniformed field officers to know targeted offenders and their associates. Have them submit field contact/interrogation reports whenever they come in contact with the targeted offender or known associates.

- \* Investigative support

Review all outstanding cases in an all-unit's effort to link outstanding cases and investigations to targeted RO's. Contact all outstanding informants and arrestees to determine if they know or have worked with the targeted offender.

- \* Vice/narcotics investigations

Notify vice and narcotics of targets and ask them to include targeted RO's in day-to-day investigation efforts when contacting informants or building up cases. Make arrangements about apprehension plans if these persons are already under vice/narcotics investigations. Establish procedures for handling these cases that are satisfactory to both programs.

- \* Special units involvement

Review active and prior cases to determine whether RO has been a victim/witness or suspect in investigations, or in any other way involved in a case. This can include spouse abuse, child abuse, juveniles, gangs and so forth.

- \* Records and communications support

Flag all alpha and vehicle indices and notify inquiring officers that the name or associate or vehicle is involved with an RO target. Notify state-automated CJIS to flag and notify assigned detective when a "hit" is made, or an arrest is made in another jurisdiction. Constantly check new arrests, warrant and want lists.

- \* Fugitive inquiries

Make contact with jurisdictions where RO target previously resided, worked or committed crime. Determine if target is wanted, or a possible suspect in an on-going investigation.



**\* Crime prevention**

Make personal contact with and disseminate information to neighborhood watch groups where targeted RO has or might have operated. If available, use such techniques as "crime stoppers".

If reasonable, use surveillance, eavesdropping, wiretaps, grand jury subpoenas, financial records evaluation and other investigative techniques to develop charges of conspiracy to avoid prosecution.

4.1.1sc

01/not 302/4201

Will you use surveillance on targeted repeat offenders?

- 4401 Yes
- 4402 No

4.1.1

01/not 302/4201/4401

If you use surveillance, first, set a time limit for how long you will commit your detectives on each target. (This will vary). Second, keep records for each target that identify:

- \* Date surveillance started
- \* Date surveillance ended
- \* Results and reasons for ending
- \* Number of man-hours spent each day
- \* Number of these man-hours that were in overtime pay status
- \* Costs avoided by the apprehension of the target.

Produce statistics from these records to help you monitor the activity and surveillance costs of your program. If they become very large, you will be able to reduce the activity without unknown consequences.

The statistics for cost avoidance are important because they estimate the amount of loss to the public which was avoided by arresting the target. This can be based on estimates derived from interviews with the RO's about their activity and the amount of money they received from each offense.

4.1.2

01/not 302/4201

An effective apprehension plan for an RO target will be multi-faceted. The exact mix of activities will depend on the RO and how much of your resources have been committed to other RO cases. This is another reason for keeping the targets small in number and setting cut off dates that define when targets are to become inactive, thereby making room for new targets.

4.2

01/4202

Section 4. Apprehension and Pretrial Release

INTRODUCTION

In pre-arrest, reactive ROP programs the selection criteria identify the RO candidates by name or characteristics. For example, if the criteria specified three prior felony convictions, then a records check would determine his eligibility. If the criteria were based on known offenders active in the community, then the records check would be against the name to see if it is flagged as a RO.

All suspects should be compared and matched to the selection criteria or to the posted names to determine eligibility. If the checks are not performed consistently, then some RO's may slip through the cracks.

In this section we will look at:

1. The activities involved in developing an arrest and post-arrest plan to argue against releasing RO's once they are apprehended;
2. Certifying ROP cases for prosecution;
3. Establishing controls for this part of the program.

#### PREPARING FOR ARREST AND POST ARREST ACTIVITIES

Once an arrest has been made, the first crucial decision is that of release on bail. Obviously, for RO's, this is not an option you would like to exercise. However, the very brief time span between booking and release works against you. Therefore, it is important that you examine every aspect of this area with a single purpose.

4.2.1sc

Please identify the type of bail release mechanism in your jurisdiction.

- 5301 police bail/bond schedule
- 5302 bail commissioner or magistrate
- 5303 pretrial release or bail agency or program

4.2.1

01/4202/5301

Even though bail is routinely set by the police from a schedule, procedures need to be taken to reduce the chances that the RO is released, the following activities are recommended:

- \* Obtain in writing a policy that states the department's opposition to the release of CC/RO's on bail or bond, and establishes procedures to implement the policy;
- \* Compile a complete criminal history and other related materials;
- \* Justify in writing the reason for the suspect's designation as RO;
- \* Notify the jail of the CC/RO status of prisoner;
- \* If the CC/RO is released, notify all units of release and conditions attached, if any.

4.2.2  
01/4202/5302

To reduce the chances that the RO is released, the following activities are recommended:

- \* Compile a complete criminal history and other related materials;
- \* Justify in writing the reason for the suspect's designation as RO;
- \* Argue for high bail or detention to the commissioner or magistrate based on the CC/RO status. Or if that is not forthcoming, argue for release with conditions;
- \* Notify the jail of the CC/RO status of prisoner;
- \* Make arrangements for the ROP coordinator or detective to be at the bond review hearing to argue against reduction in bail or the release of the defendant;
- \* If the CC/RO is released, notify all units of the release and the conditions attached, if any.

4.2.3  
01/4202/5303

To reduce the chances that the RO is released, the following activities are recommended:

- \* Compile a complete criminal history and other related materials for the agency;
- \* Justify in writing the reason for the suspect's designation as RO;
- \* Provide the pretrial release agency with all background materials and even police intelligence which would support their recommendations for detention or high bail;
- \* Establish procedures whereby the pretrial agency will inform you if the RO has failed to appear or requested bail/bond review, and the outcome of these reviews; and,
- \* Make arrangements for the ROP coordinator or detective to be at the bond review hearing to argue against reduction in bail or the release of the defendant;
- \* Notify the jail of the CC/RO status of prisoner;
- \* If the CC/RO is released, notify all units of the release and the conditions attached, if any.

4.2.4  
01/4202  
CERTIFYING CC/ROP CASES

Since your program will not be activated until an arrest has been made, you should establish procedures for two common situations:

1. When a CC/RO is arrested for a serious crime;
2. When a CC/RO is arrested for a trivial offense (misdemeanor, violation, etc.), or under circumstances which cast doubt on the evidentiary strength of the case (e.g. questionable searches, no corroboration, etc.)

The second situation may produce cases that may not be worth prosecution or worth the extra effort associated with CC/RO prosecutions. This illustrates the decision you will need to make about going forward with a person or a case, and certifying it for the CC/ROP program.

The RO persons are the ones for whom you argue detention or high bail based on past experiences and current activities. However, if the offense is trivial, then even this short-term goal may not be attainable.

Your choices are:

1. Drop the CC/ROP designation for the case and allow it to be prosecuted in an ordinary fashion;
2. Certify the case for CC/ROP treatment recognizing that the sanctions may be lighter than you would like;
3. Keep the case without certification but impose stricter prosecution guidelines such as charging at the most serious level, charging all offenses, prohibiting plea bargaining, banning dismissals of other pending cases or charges, and making recommendations for the strongest sentence possible.

There are two ways to certify ROP cases. The best is to have the CC/ROP prosecutors evaluate the strength and importance of each case linked with a CC/RO. An alternative is to establish rules and procedures for certification. Most likely, these would be based on the nature of the offense (e.g. felony vs. misdemeanor).

The CC/ROP prosecutor (or duty prosecutor) present at the detention center or station house can certify the case as a CC/ROP case based on a review of the instant offense. This includes the decision to prosecute and the level of the charges (e.g. felony or misdemeanor).

4.2.4.1  
01/4202/not 5203

If the prosecutor designates a duty prosecutor, then that person or the ROP prosecutor should be notified so that the prosecutor can be at the jail or station house as soon as possible to review the instant offense, decide whether to prosecute and at what level, determine the expected sentence and re-assess the handling of the case.

If the case is trivial, then certification can be withheld and the case can be prosecuted routinely.

4.3  
01/not 302/4201

ARRESTS AND CERTIFYING RO CASES

There are two types of arrests that can occur: one is the planned arrest which results from a successful apprehension strategy; the other is an unplanned, accidental arrest. Procedures should be developed for both types.

The planned arrest usually involves intercepting a crime through the use of surveillance, informants, decoy operations or even stings and reverse stings. The cases resulting from these arrests generally have strong evidence, and are less likely to be lost for constitutional or evidentiary reasons.

#### 4.3.1

01/not 302/4201/not 5203

The chances of these cases surviving in court increase if the prosecutor is involved in the apprehension plan. This involvement can range from reviewing the proposed strategy for constitutional problems (like search and seizures) to preparing search warrants, or providing advice on the conduct of wiretaps or surveillance. It also can involve the early screening of cases as soon as arrests occur.

#### 4.3.2

01/not 302/4201

The unplanned, accidental arrest may present problems for two reasons:

1. The identity of the suspect as an RO target may not be known to the arresting police officer, and he may be released on bail;
2. The circumstances under which the RO target was arrested may be trivial or weak from a prosecution view.

The general procedure is for an arresting police officer to notify the ROP detective as soon as an arrest has been made. The ROP detective, then, is present at the bail/bond hearing to argue for pretrial detention using the materials in the ROP package.

If the identification is not known, then the RO may be released on bail. To avoid this situation, you need to establish backup procedures to keep the identification of these few targets available. This means that the flyers should be available at the arrest and booking desk, at the jail, and even at pretrial release if such an agency exists.

It also means that the flyers should be kept up-to-date showing whether the RO is on the active list or the inactive one; the identity of the detective in charge of the target; and how the ROP duty detective can be reached. There is no other solution to this problem except to keep all who come in contact with the RO target informed of his or her status.

The second problem which may occur with an unplanned arrest is that it is for a trivial offense or has very weak evidence. The apprehension plans should have contingencies for this occurrence. The RO for example, could be arrested for shoplifting, attempted larceny, possession of marijuana, etc.; offenses which usually would be treated as a misdemeanor; or the evidence in the case may not be strong.

Under these circumstances, you need to make a distinction between an RO target and a ROP case. An RO target will retain RO status because of the selection criteria. But the ROP case will exist only if it can be prosecuted at some level of seriousness acceptable to the prosecutor. If it cannot be certified, then it should be processed like

any other non-ROP case although you may want to argue for high bail or detention, and not allow plea bargaining.

There are two ways to certify ROP cases. The best is to involve the prosecutors and use their evaluations of the strength and importance of the case. An alternative is to establish rules and procedures such as distinguishing between felony and misdemeanor arrests.

#### 4.3.2.1

01/not 302/4201/not 5203

The prosecutor should designate a CC/ROP duty prosecutor who is notified of arrests and is present at the jail or station house to review the instant offense, decide whether to prosecute and at what level, determine the expected sentence and re-assess the handling of the case.

If the case is trivial, then certification can be withheld and the case can be prosecuted routinely or within other pre-specified guidelines.

#### 4.3.2.3

01/not 302/4201

There is no best way to handle the accidental arrest. You need to devise fallback strategies, develop backup systems and, in one sense, hope for the best. The important thing is that you are aware of the problem and can develop procedures to minimize its potential damage to your program.

#### 4.4

01/not 302/4201/401

### ESTABLISHING CONTROLS FOR THE ARREST AND APPREHENSION PROCESS

If a separate ROP unit is to be created in the police department, the assigned personnel perform four basic activities associated with case preparation and apprehension. They include:

- \* Target selection;
- \* Packaging;
- \* Status monitoring; and,
- \* Apprehension.

Except for the selection committee's initial involvement in making target decisions, the first three activities are primarily clerical in nature. We recommend that one full time clerical person be assigned to perform these duties. If clerical staff are not available, the ROP detectives should be assigned to targets and be responsible for these activities.

The last activity is operational. It includes developing the apprehension plan and making the arrest. The number of active targets at any given time will determine the number of ROP detectives needed to staff the unit. Even though these may vary in number, the need for a ROP coordinator or director and an administrative assistant is constant.

To avoid isolation or charges of elitism, the members of the ROP unit should actively solicit cooperation and coordination with all the parts of the department, especially those who may be involved in the apprehension activities.

Most important are the uniform patrol who are the eyes and ears of a targeted ROP program. If they have not bought into the program, or are not involved with it at the street level, the program will suffer without them. Units should not be allowed to operate independent of the other resources in the department.

4.4sc

Will your program be located:

Law enforcement:

401 in a separate unit?

402 integrated with all the other operations?

Prosecution:

403 in a separate unit?

404 integrated with all the other operations?

4.4d

An integrated program spreads all the RO activities throughout the office.

4.4.1

01/not 302/4201/402

#### ESTABLISHING CONTROLS FOR THE ARREST AND APPREHENSION PROCESS

It is more economical to integrate ROP activities throughout the police department without establishing a separate unit. These activities include:

- \* Target selection
- \* Packaging
- \* Status monitoring
- \* Apprehension.

Except for the selection committee's initial involvement in making the target decisions, the first three activities are primarily clerical in nature. The last activity (apprehension) requires coordination through the ROP coordinator.

Integrated programs require a full-time ROP coordinator and a full-time clerical assistant. The ROP coordinator assigns targets to detectives who are responsible for the development of the case against their assigned target; monitors the status of the targets and their time in active status; and coordinates police activities with the prosecutor.

Using an integrated approach permits a department to have a ROP program at minimal cost. However, it requires the utilization of all department resources especially patrol. Uniform patrol are the eyes and ears of a targeted ROP program. If they have not bought into the program, or are not involved with it at the street level, the program will suffer without them.

4.4.2

01/not 302/4202/401

## ESTABLISHING CONTROLS FOR THE ARREST AND APPREHENSION PROCESS

Establishing a separate ROP unit in the police department for a post-arrest program is feasible under any one of the following circumstances:

- \* The CC/RO's are predesignated on records or files
- \* The program uses warrants as its basis
- \* The selection criteria are disseminated to the detectives and/or patrol.

The number of detectives assigned to the unit will vary according to the number of CC/ROP cases. At a minimum, however, the unit should be staffed by a full-time ROP coordinator and a full-time clerical assistant. The ROP coordinator assigns targets to detectives who are responsible for the development of the case against their assigned target; monitors the status of the targets and their time in active status; and coordinates police activities with the prosecutor.

Even with a separate unit, the ROP coordinator should involve all department resources especially patrol. Uniform patrol are the eyes and ears of a targeted ROP program. If they have not bought into the program, or are not involved with it at the street level, the program will suffer without them.

4.43

01/not 302/4202/402

## ESTABLISHING CONTROLS FOR THE ARREST AND APPREHENSION PROCESS

Integrating the activities required by this program into the on-going activities of the department is a recommended organizational model. However, it requires every officer involved in apprehension to be trained to check whether the suspect meets CC/ROP criteria. To do this, the ROP coordinator should check the arrest lists daily to determine whether CC/RO's have escaped identification. The reasons for this occurring should be identified so that corrective action can be taken.

4.5

02/not 301

## Section 4. Apprehension and Pretrial Release

### INTRODUCTION

One of the fundamental principles guiding successful CC/RO programs is for the prosecutor to make the earliest possible intervention in the case processing system. This tends to produce the best quality investigations and strengthens case preparation.

Since this program begins after the arrest of the suspect, the implementation of this principle focuses on three areas of activity:

1. Develop post-arrest procedures for bail/bond hearings and pretrial release;
2. Certify the cases as CC/ROP cases; and



### 3. Establish controls for this part of the process.

4.5.1

02/201/not 301/not 5301

#### DETENTION HEARINGS AND PROSECUTION

Since the designation of the CC/RO occurs either prior to charging or at charging, the program is in a favorable position to assess the case and influence the bail release decision.

This should be done by using any or all of the following procedures:

- \* Establish notification procedures whereby police notify the CC prosecutor or duty prosecutor when an arrest has been made of an eligible candidate.
- \* Have a CC prosecutor available either at the detention center or the court (depending on the hour) to review the arrest, CC/RO selection criteria, and any other additional information available about the case or the offender.
- \* Have the CC prosecutor in court with police arguing for high bail or pretrial detention.

The power of the police and prosecutor, united in opposing pretrial release for the CC/RO should not be underestimated.

#### CERTIFYING CC/ROP CASES

Since your program will not be activated until an arrest has been made, you should establish procedures for two common situations:

1. When a CC/RO is arrested for a serious crime;
2. When a CC/RO is arrested for a trivial offense (misdemeanor, violation, etc.), or under circumstances which cast doubt on the evidentiary strength of the case (e.g. questionable searches, no corroboration, etc.)

The second situation may produce cases that may not be worth prosecution or worth the extra effort associated with CC/RO prosecutions. This illustrates the decision you will need to make about going forward with a person or a case.

The RO persons are the one for whom you argue detention or high bail based on past experiences and current activities. However, if the offense is trivial, then even this short-term goal may not be attainable.

Your choices are:

1. Drop the CC/ROP designation for the case and allow it to be prosecuted in an ordinary fashion;
2. Certify the case for CC/ROP treatment recognizing that the sanctions may be lighter than you would like;
3. Keep the case without certification but impose stricter prosecution guidelines such as charging at the most serious level, charging all offenses, prohibiting plea

bargaining, banning dismissals of other pending cases or charges, and making recommendations for the strongest sentence possible.

There are two ways to certify ROP cases. The best is to have the CC/ROP prosecutors evaluate the strength and importance of each case linked with a CC/RO. The other way is to establish rules and procedures which are most likely based on the nature of the offense (e.g. felony vs. misdemeanor) so that the police or charging prosecutors can evaluate the cases against these guidelines.

The CC/ROP prosecutor (or duty prosecutor) present at the detention center or station house can certify the case as a CC/ROP case based on a review of the instant offense. This includes the decision to prosecute and the level of the charges (e.g. felony or misdemeanor).

4.5.2

02/201/5301

#### DETENTION HEARINGS

If the designation of the CC/RO occurs prior to charging, and the police conduct the initial bail/bond decision, pretrial detention for CC/RO's can be established as a matter of policy by the law enforcement agencies.

However, to reduce the chances that the CC/RO is released because the CC/RO status is not known to the arresting police officer, procedures for checking all arrests against the CC/RO criteria should be in place and required at booking. A certification by the officer that a check has been made should be incorporated into the arrest reporting or transmittal forms.

Once the suspect has been identified as a CC/RO, then the policy of the department against release should be implemented.

The police should notify the CC prosecutor or duty prosecutor when a CC/RO arrest has been made and that the suspect is in custody.

A CC prosecutor should be available either at the detention center or the court (depending on the hour) to review the arrest, CC/RO selection criteria, and evaluate the case.

The sheriff or the head of the jail should be notified of the status of the prisoner, and be asked to notify either the police or prosecutor when a bail/bond review hearing is scheduled.

Both CC/ROP detectives and prosecutors should appear at the bail review hearing to argue against release.

#### CERTIFYING CC/ROP CASES

Since your program will not be activated until an arrest has been made, you should establish procedures for two common situations:

1. When a CC/RO is arrested for a serious crime;

2. When a CC/RO is arrested for a trivial offense (misdemeanor, violation, etc.), or under circumstances which cast doubt on the evidentiary strength of the case (e.g. questionable searches, no corroboration, etc.)

The second situation may produce cases that may not be worth prosecution or worth the extra effort associated with CC/RO prosecutions. This illustrates the decision you will need to make about going forward with a person or a case.

The RO persons are the one for whom you argue detention or high bail based on past experiences and current activities. However, if the offense is trivial, then even this short-term goal may not be attainable.

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2. Certify the case for CC/ROP treatment recognizing that the sanctions may be lighter than you would like;

3. Keep the case without certification but impose stricter prosecution guidelines such as charging at the most serious level, charging all offenses, prohibiting plea bargaining, banning dismissals of other pending cases or charges, and making recommendations for the strongest sentence possible.

There are two ways to certify ROP cases. The best is to have the CC/ROP prosecutors evaluate the strength and importance of each case linked with a CC/RO. The other way is to establish rules and procedures which are most likely based on the nature of the offense (e.g. felony vs. misdemeanor) so that the police or charging prosecutors can evaluate the cases against these guidelines.

The CC/ROP prosecutor (or duty prosecutor) present at the detention center or station house can certify the case as a CC/ROP case based on a review of the instant offense. This includes the decision to prosecute and the level of the charges (e.g. felony or misdemeanor).

4.53

02/not 201/not 301

#### CASE SCREENING AND CERTIFICATION

Case screening is the gateway to CC/ROP programs. It is at this point that the selection criteria are applied to the case and the designation is made.

There are two questions that allow you to judge the effectiveness of case screening:

1. How many defendants were not identified as CC/RO's and should have been?

2. How many defendants were identified as CC/RO's and should not have been.

Those who have the intake screening function should be provided with a checklist of the information needed. If designations are made based on incomplete information (not all the selection factors were available for the designation), then this should be noted on the records.

If over time, it appears that information about some of the factors is consistently not available or incomplete, then a recommendation should be made to the selection criteria committee to drop them from use.

### **CERTIFYING CC/ROP CASES**

Since your program will not be activated until the case is presented for charging, or even later in the adjudication, you should establish procedures for two common situations:

1. When a CC/RO is arrested for a serious crime;
2. When a CC/RO is arrested for a trivial offense (misdemeanor, violation, etc.), or under circumstances which cast doubt on the evidentiary strength of the case (e.g. questionable searches, no corroboration, etc.).

The second situation may produce cases that may not be worth prosecution or worth the extra effort associated with CC/RO prosecutions. This illustrates the decision you will need to make about going forward with a person or a case.

The RO persons are the ones for whom you argue detention or high bail based on past experiences and current activities. However, if the offense is trivial, then even this short-term goal may not be attainable.

Your choices are:

1. Drop the CC/ROP designation for the case and allow it to be prosecuted in an ordinary fashion;
2. Certify the case for CC/ROP treatment recognizing that the sanctions may be lighter than you would like;
3. Keep the case without certification but impose stricter prosecution guidelines such as charging at the most serious level, charging all offenses, prohibiting plea bargaining, banning dismissals of other pending cases or charges, and making recommendations for the strongest sentence possible.

There are two ways to certify ROP cases. The best is to have the CC/ROP prosecutors evaluate the strength and importance of each case linked with a CC/RO. The other way is to establish rules and procedures which are most likely based on the nature of the offense (e.g. felony vs. misdemeanor) so that the police or charging prosecutors can evaluate the cases against these guidelines.

### **ESTABLISHING CONTROLS FOR INTAKE AND SCREENING**

The intake and charging activities are the key to a successful program and need special attention. If the decisions for case selection are made by intake attorneys, there should be a second level review to ensure that the cases are properly designated. This should be done by either the chief of intake or the CC coordinator.

It is important that you also establish procedures for recording why cases are rejected. A memo should be placed in the files spelling out the reasons for rejection and a copy should be forwarded to the arresting police officer or detective.

Cases that are not certified but are to be given special treatment because they have viable CC/RO's, should also be identified. A memo written by either the intake attorney or the CC coordinator should spell out the expected method of processing.

Copies of all memos should be filed with the CC coordinator for later use in statistical reports, evaluations and budget justifications.

4.6.1

02/201/not 5301

#### ESTABLISHING CONTROLS FOR INTAKE AND CHARGING

The three critical areas needing controls are:

1. Notifications of CC/RO's arrests;
2. Appearances at the bail/bond hearing to argue for pretrial detention; and,
3. The screening and certification of the case as CC/ROP.

These activities require the assignment of prosecutors to be responsible for each activity and to develop procedures which will not let the CC/RO slip through the net.

\* The CC/ROP prosecutor and police should meet to develop procedures for these activities.

\* The prosecutor should make arrangements for CC/ROP duty prosecutors to service off-hour arrests.

\* The arresting police officers should notify the ROP detective or coordinator and assist in collecting all records and information available to justify the CC/RO designation. These should be given to the CC/ROP prosecutor.

\* The prosecutors should review cases for certification; provide the police with the written results of their reviews, and recommend their processing based on their classification. They should also estimate the sanctions they expect to obtain. This information should be made available to the police in addition to its inclusion in the prosecutor's file.

4.6.2

02/201/5301

#### ESTABLISHING CONTROLS FOR THE INTAKE AND CHARGING PROCESS

Even though the bail release decision can be controlled (initially) by the police, there are still three areas that need control:

1. Determination of CC/RO status by the law enforcement agencies;
2. Notifications to the prosecutors and the detention center (jail) when CC/RO's are arrested; and,
3. Screening and certification of cases for the program.

Accountability for these activities should be firmly established so that the CC/RO will not slip through the net. To do this, the following should be undertaken:

- \* The CC/ROP prosecutor and police should meet to develop procedures for all activities.
- \* The prosecutor should make arrangements for CC/ROP duty prosecutors to service off-hour arrests.
- \* Arresting police officers should be responsible for checking the status of their arrestees against the CC/RO criteria, and for notifying the ROP detective or coordinator when a hit is made.
- \* The ROP detective should assist in collecting all records and information available to justify the CC/RO designation. These should be given to the CC/ROP prosecutor.
- \* The department should promulgate a policy for detaining all suspects who meet the CC/RO criteria.
- \* The prosecutors should review cases for certification; provide the police with the written results of their reviews, and recommend their processing based on their classification. They should also estimate the sanctions they expect to obtain. This information should be made available to the police in addition to its inclusion in the prosecutor's file.
- \* The jail should be notified of the CC/RO status of the prisoner and procedures established to notify either the police or the prosecutor when bond review hearings are scheduled.

4.7

02/not 5203

#### COORDINATION

The CC/ROP prosecutor can provide law enforcement agencies with valuable assistance which will have the greatest impact on the quality of the investigation and case preparation.

This can be done by:

1. Assisting in protecting the crime scene
2. Preserving the chain of evidence
3. Advising or preparing search warrants
4. Improve the investigators' understanding of the law during the interrogation of witnesses
5. Being present at lineups.

The program coordinator should establish links with the network of other CC/RO programs nationwide so that you can take advantage of fast and informal methods of

obtaining certified copies of convictions, failures to appear and information about other pending cases.

Formal working arrangements should be made between other law enforcement agencies in the state or region and other prosecutors so that the coordination of concurrent prosecutions can be worked out.

Too often some prosecutions may be dropped because of cases pending in other jurisdictions. Since it is important to build the record of the CC/RO, this strategy does not fit with a CC/ROP program. All efforts should be made to keep all prosecutions alive and viable. Police and prosecutors should provide as much information as possible to the other jurisdictions including out-of-state certifications if they have them.

4.7sc

How would you rate the sufficiency of the information forwarded to the prosecutor by the police department with the largest number of eligible CC/RO's.

- 6301 Excellent
- 6302 Acceptable
- 6303 Not acceptable

4.7.1

02/302/5203/6303

**CAUTION!!!** You are attempting to operate a program under unsatisfactory conditions. You stated you had no police cooperation and you rated the sufficiency of information they sent you as unacceptable.

Under these conditions, we strongly recommend that you do not attempt to make your program operational until you review the information needed by the selection criteria, determine where it will come from, and whether it will be consistently available to you.

If your review is unsatisfactory, you should be working on these problems first before attempting to start the program. You might want to consider selection criteria which is routinely available (probably offense and criminal history data) and see if changing the criteria will help.

4.8

#### PACKAGING AND CASE PREPARATION

This section summarizes the procedures that need to be developed and the activities that need to be conducted to assist in a successful apprehension and to avoid pretrial release of the CC/RO.

Develop procedures to:

4.8.1

4201

[ ] Prepare packages for each target containing:

1. Criminal history

2. Out-of-state convictions, failure to appear, escapes
3. Prosecutor file information
4. Identification of other pending cases
5. Incident and supplemental reports
6. Pre-sentence information
7. Probation/parole reports
8. Corrections reports
9. Police intelligence reports
10. Newspaper accounts
11. Other information showing activity in community.

- Become active in participating in informal CC/ROP network.
- Prepare a checklist of information needed for each target so none is overlooked.
- Have packages reviewed by prosecutor or police legal advisor for legal sufficiency and to protect confidential information.

< > Decide who should be responsible for maintaining each package.

- \* Program coordinator
- \* Detectives
- \* Administrative or clerical staff

#### APPREHENSION AND PRETRIAL RELEASE

- Design an apprehension tactic for each target.
- Utilize all resources in the department to apprehend the target including:
  1. Information flyers
  2. Crime lab for fingerprint comparisons of target to unsolved crimes
  3. Crime analysis for MO patterns
  4. Patrol briefings and field intelligence assistance
  5. Investigation of outstanding cases, use of informants and arrestees to link them to target
  6. Coordinate with vice/narcotics investigations
  7. Check with special units dealing with spouse/child abuse, juveniles, gangs, etc. for information about target
  8. Flag all alpha and vehicle files with ROP status. Notify inquiring officers to contact ROP detectives if a "hit" occurs
  9. Flag state CJIS systems with ROP designations. Establish notification procedures for ROP detectives when arrests made in another jurisdiction
  10. Daily, check all arrests, warrants and want lists for the targets
  11. Make personal contact with neighborhood watch groups or local businesses, and disseminate information about ROP candidates in their areas. If available use crime stoppers.
- Notify ROP detective of arrests.
- Make arrangements for having the package available at the bail/bond hearing.
- Make arrangements for transmitting the package to the prosecutor.



4.8.1.1  
4201/4401

Keep records on surveillance activities including:

1. Date surveillance started
2. Date ended
3. Results and reason for ending
4. Number of man-hours spent each day
5. Number of these man-hours in overtime pay status
6. Estimates of costs avoided by apprehension and incapacitation of the RO.

4.8.2  
4202

Make sure every arrest is checked against the selection criteria or the pre-designated list of CC/RO candidates

Design a technique to monitor these procedures to make sure that all arrests are reviewed and matched to criteria.

Document cases where:

1. incorrect identifications were made (not CC/RO but labelled as such); or,
2. where CC/RO candidate was not identified.

Identify the reasons and make plans for correcting problems.

Ensure the presence of ROP detectives at all bond review hearings.

Prepare a package for each CC/RO candidate upon arrest which includes:

1. complete criminal history and other related information about activities
2. written justification for suspect's designation as a CC/RO

Notify the jail of the CC/RO status of the prisoner

Notify the prosecutor of the arrest and arrange for a review of the case.

Develop notification procedures if the CC/RO is released and other monitoring procedures, if released on conditions.

< > Decide what standards will be used to certify cases as CC/RO cases and how these standards will be implemented.

< > Decide whether cases that cannot be certified for CC/RO processing should be prosecuted under different guidelines; develop these guidelines.

Make arrangements for a duty CC/RO prosecutor.

4.8.2.1  
5301

Obtain a written department policy opposing the release of CC/RO's on bail or bond and attach it to bail/bond schedule.

4.8.2.2

5302

Develop procedures for the presence of ROP detectives at the detention hearing to argue against pretrial release.

4.8.2.3

5303

Establish procedures with the pretrial release agency to provide them with background information needed to recommend against release.

4.9

#### ESTABLISHING CONTROLS FOR THE PROCESS

Designate the CC/ROP coordinator for the program.

Designate the administrative assistant to the program.

4.9.1

4201

< > Decide who will be responsible for:

- \* target selection
- \* case preparation and packaging
- \* monitoring of target status

< > Decide who develops the apprehension plans for targets.

4.9.2

4202

< > Decide who will be responsible for:

- \* Case preparation and packaging
- \* Case monitoring and status

4.9.3

not 302

Develop procedures for working with all the divisions and special units in the departments.

< > Decide how patrol will be integrated and used in the apprehension process.

< > Decide whether your program will be

- \* located in a separate unit
- \* integrated with all other operations.

Determine what is the earliest possible point in the arrest/adjudication process for the prosecutor to be involved in the program.

4.9.4

not 301

< > Decide who in the prosecutor's office will review CC/ROP cases and at what point in time.

Develop procedures for the CC prosecutor to appear at the bail/bond hearing and subsequent bond review hearings.

< > Decide whether non-certified ROP cases will be treated differently with respect to the following:

- \* no plea bargaining
- \* charge at the most serious level
- \* charge all offenses
- \* no dismissals of other cases or charges
- \* recommendations for highest sanctions

Establish procedures for recording the reasons why cases were declined for CC/ROP prosecution. Disseminate this information to the police department and the CC/ROP coordinator.

Develop procedures for prosecutorial assistance in the following areas:

1. investigation of crime scene
2. protecting the chain of evidence
3. assisting in the preparation of search warrants
4. legal advice and counsel
5. presence at line-ups
6. list of additional information or evidence needed
7. certifications for out-of-state convictions

Develop formal working relationships with other police departments and prosecutors in the state or region so that concurrent prosecutions can be coordinated.

Review the sufficiency of information forwarded to the prosecutor by the police department and recommend improvements where necessary.

## QUICK CHECK

### PRELIMINARY PLAN

FOR A

### CAREER CRIMINAL/REPEAT OFFENDER PROGRAM

*Prepared for*

**Reno Police Department**

September 11, 1990

prepared for:

Ronald W. Glensor  
Captain, Station Command  
Reno Police Department  
702-334-3889  
FAX:702-785-2157

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**QUICK CHECK****for****Career Criminal Repeat Offender Program Plan**

This plan presents a preliminary design for a career criminal/repeat offender program which has been developed by **ROPES**, an expert system developed by the Jefferson Institute for Justice Studies, based on information provided by the Reno Police Department.

It is expected that this plan will be reviewed carefully by each agency's program and policymaking staff to identify areas needing further clarification or modification. Until the plan has been approved, this document is not for distribution or dissemination without the written approval of the preparers.

## QUICK CHECK

### PURPOSE

QUICK CHECK has been designed as a summary and reference check of decisions and activities cited in the plan.

QUICK CHECK is intended for use by program officials who are already familiar with the operations and management of career criminal/repeat offender programs.

Its purpose is to let you make sure that you have completed all the necessary components of the program plan and development stages.

### INSTRUCTIONS

Decisions are indicated by the symbol < >.

They are followed by choices identified by the symbol \*.

You should *circle your choice* once you have made your decision.

Tasks are indicated by the symbol [ ] They should be *checked off* AFTER you have:

- (1) determined it applies to your program;
- (2) assigned the responsibility to a named person; and,
- (3) designated a completion date for the development of the procedures or the completion of the activity.

QUICK CHECK is organized in the same order of the program plan. If you are uncertain about a particular checklist, please refer to the program plan for more detailed discussion.

## PROGRAM PLANNING

### PROBLEM IDENTIFICATION

- Prepare PROBLEM IDENTIFICATION MEMO that describes:
1. the crime problem
  2. the scope of the problem with respect to
    - a. geographic areas
    - b. impact on the community (loss of property, victimization, fear, etc.)
    - c. target population  
(adult, juvenile, adults on supervised release, youthful offenders, etc)
  3. the anticipated effects of the CC/ROP program.
- Circulate the memo to all participants for review and modification.
- Obtain signoffs, in principle, from each of the participants.

### PROGRAM TYPE

< > *Decide what type of program to initiate.*

- \* pre-arrest which identifies repeat offenders prior to their apprehension and targets them for special attention
- \* post-arrest which is activated on or after an arrest is made although, the offender may be designated as a CC/RO prior to the arrest.

< > *Decide who will direct and run the program*

- \* Police only
- \* Prosecutor only
- \* Police and prosecutor

- Obtain, in writing, the support and approval of the Chief of Police.
- Coordinate plan and procedures with records and warrants.
- Establish communication and develop operational procedures with special units that work on the street and with other investigations (e.g. narcotics, vice, domestic assaults, etc.).
- Set procedures for training and involving patrol officers.
- Designate a strong ROP program coordinator, and name liaison personnel in the other units who will participate in the planning process.
- Provide the ROP coordinator with adequate clerical staff.
- Become active in the network of CC/ROP programs operating throughout the U.S.

**DO NOT TAKE ANY FURTHER ACTIONS UNTIL THE ABOVE HAS BEEN ACCOMPLISHED!**

**ASSESS PROGRAM SUPPORT**

Identify those agencies and units in the criminal justice system where the program will find:

1. positive support
2. a neutral reaction
3. resistance.

With the planning coordinators, develop a STRATEGY MEMO identifying likely problem areas where RO can slip through net, and the program's proposed strategies to overcome or avoid them.

**ORGANIZING THE PLANNING PROCESS**

Develop an organization chart for the program.

Identify staff and coordinators by name, agency and telephone number.

< > *Decide what type of committee(s) to use in the planning process:*

- \* a permanent, inter-agency coordinating committee for overall direction and coordination of the program and representing a broad spectrum of interests, public and even private.
- \* ad hoc working committees which, temporary in nature, address specific problems or issues to assist program director.

< > *Decide whether the program will operate as:*

- \* a special unit with its own chief and support staff.
- \* an integrated operation within the agency requiring a program coordinator and administrative staff.

Develop a schedule of meetings identified by subject matter and participants. Disseminate to all participants.

Prepare a work schedule of tasks, list them in order of priority and identify the names of persons responsible for each task and the date due.



## SELECTION CRITERIA

### BASIS FOR SELECTION CRITERIA

< > *Decide whether selection criteria is based on:*

- \* Offenses
- \* Offenders
- \* Offense/offender combination

< > *Decide whether your selection criteria will be based on:*

- \* Internal guidelines or formula
- \* Legislation
- \* Sentencing guidelines

### FACTORS FOR USE IN SELECTION CRITERIA

< > *Decide which of the following factors should be included in the criteria (add or subtract as necessary):*

- \* Known offender currently in community;
- \* High crime contributor;
- \* Recently released from incarceration;
- \* Current CJ status (probation, parole, pretrial release);
- \* Arrestable;
- \* Known to multiple departments/officers;
- \* Current drug involvement;
- \* Prior felony convictions;
- \* Prior drug involvement;
- \* Institutional time;
- \* Prior juvenile adjudications;
- \* Juvenile institutional time;
- \* Possession or use of gun.

Select factors that are acceptable to the largest number of personnel

### SELECTION CRITERIA COMMITTEE

Establish a selection criteria committee to decide which factors best represent the CC/RO universe you want to target.

< > *Decide on the composition of the committee:*

Internal: Representatives from

- \* patrol
- \* detective/investigative units
- \* crime analysis
- \* special street units such as narcotics and vice
- \* warrant squad
- \* records.

External: Representatives from

- \* prosecutor's office
- \* probation
- \* parole
- \* sheriff or jail.

[ ] Each selection criteria committee member should add to, or delete from the list above and assign priority rankings for the factors (most important to least important).

[ ] Each selection criteria committee member should nominate 10 RO's as targets and use the information needed by the draft criteria.

[ ] Compile all nominations. Compare every pair of candidates based on the question, If only one of these two candidates could be selected, which one would you choose and why?

[ ] Record reasons for selection and rejection of candidates. Adjust the selection criteria list based on these reasons.

#### TECHNIQUES FOR SELECTING CANDIDATES

< > *Decide whether your program is:*

- \* proactive
- \* reactive

[ ] Establish a pyramid which has:

1. at the base, the number of candidates for targeting;
2. in the middle, the number of qualified, inactive targets;
3. at the top, the number of active targets (not to exceed 10 at any given time)

[ ] Place in writing rules for:

1. nominating candidates as RO's
2. designating active targets
3. length of time allowed to be active
4. method for dropping to qualified, inactive status
5. not adding new active targets UNLESS new target REPLACES an existing active target.

[ ] If a formula is used to select candidates, establish procedures and assign responsibility for the DAILY review of:

1. arrest and booking lists
2. criminal records
3. new releases to probation or parole
4. releasees from jail, halfway houses, or corrections.

If a committee makes the selection, establish a schedule for its (weekly or biweekly) meetings to:

1. designate new candidates
2. review the status of all candidates, active and inactive
3. changing the status of candidates.

#### VALIDITY OF SELECTION CRITERIA

Test the criteria for one month by asking prosecutors at intake and charging to use them and record the following information:

1. number of cases evaluated
2. number designated as CC/RO and number of times attorneys disagreed with the designation. Identify cases
3. number not designated as CC/RO and number of times attorneys disagreed. Identify cases
4. number of cases with insufficient information to permit designation. Identify information missing
5. suggestions for improvement.

Conduct selection criteria meeting to review results of test and make final adjustments to criteria.

Establish procedures that actively solicit suggestions for improvements to the selection criteria.

**TO AVOID PREMATURE RELEASE, SEEK TO HAVE THE CC/ROP DESIGNATION MADE AS EARLY IN THE PROCESS AS POSSIBLE.**

If the final designation occurs after prosecutorial charging, establish a two-level review process. The first level is for an initial designation before charging which can protect against pretrial release, early dismissals or plea bargains; the second is for final designation for prosecution.

#### SPECIAL PROGRAM CATEGORIES

< > *Decide whether to include special categories in your program for:*

- \* Threshold offenders
- \* Juveniles
- \* Youthful offenders
- \* Warrants

Develop procedures for handling these categories focusing on areas where they differ from the CC/ROP offenders.

**PACKAGING AND CASE PREPARATION**

Prepare packages for each target containing:

1. Criminal history
2. Out-of-state convictions, failure to appear, escapes
3. Prosecutor file information
4. Identification of other pending cases
5. Incident and supplemental reports
6. Pre-sentence information
7. Probation/parole reports
8. Corrections reports
9. Police intelligence reports
10. Newspaper accounts
11. Other information showing activity in community.

Become active in participating in informal CC/ROP network.

Prepare a checklist of information needed for each target so none is overlooked.

Have packages reviewed by prosecutor or police legal advisor for legal sufficiency and to protect confidential information.

< > *Decide who should be responsible for maintaining each package.*

- \* Program coordinator
- \* Detectives
- \* Administrative or clerical staff

**APPREHENSION AND PRETRIAL RELEASE**

- Design an apprehension tactic for each target.
- Utilize all resources in the department to apprehend the target including:
  1. Information flyers
  2. Crime lab for fingerprint comparisons of target to unsolved crimes
  3. Crime analysis for MO patterns
  4. Patrol briefings and field intelligence assistance
  5. Investigation of outstanding cases, use of informants and arrestees to link them to target
  6. Coordinate with vice/narcotics investigations
  7. Check with special units dealing with spouse/child abuse, juveniles, gangs, etc. for information about target
  8. Flag all alpha and vehicle files with ROP status. Notify inquiring officers to contact ROP detectives if a "hit" occurs
  9. Flag state CJIS systems with ROP designations. Establish notification procedures for ROP detectives when arrests made in another jurisdiction
  10. Daily, check all arrests, warrants and want lists for the targets
  11. Make personal contact with neighborhood watch groups or local businesses, and disseminate information about ROP candidates in their areas. If available use crime stoppers.
- Notify ROP detective of arrests.
- Make arrangements for having the package available at the bail/bond hearing.
- Make arrangements for transmitting the package to the prosecutor.
- Keep records on surveillance activities including:
  1. Date surveillance started
  2. Date ended
  3. Results and reason for ending
  4. Number of man-hours spent each day
  5. Number of these man-hours in overtime pay status
  6. Estimates of costs avoided by apprehension and incapacitation of the RO.
- Obtain a written department policy opposing the release of CC/RO's on bail or bond and attach it to bail/bond schedule.

### ESTABLISHING CONTROLS FOR THE PROCESS

Designate the CC/ROP coordinator for the program.

Designate the administrative assistant to the program.

< > *Decide who will be responsible for:*

- \* target selection
- \* case preparation and packaging
- \* monitoring of target status

< > *Decide who develops the apprehension plans for targets.*

Develop procedures for working with all the divisions and special units in the departments.

< > *Decide how patrol will be integrated and used in the apprehension process.*

< > *Decide whether your program will be*

- \* located in a separate unit
- \* integrated with all other operations.

Determine what is the earliest possible point in the arrest/adjudication process for the prosecutor to be involved in the program.

< > *Decide who in the prosecutor's office will review CC/ROP cases and at what point in time.*

Develop procedures for the CC prosecutor to appear at the bail/bond hearing and subsequent bond review hearings.

< > *Decide whether non-certified ROP cases will be treated differently with respect to the following:*

- \* no plea bargaining
- \* charge at the most serious level
- \* charge all offenses
- \* no dismissals of other cases or charges
- \* recommendations for highest sanctions

Establish procedures for recording the reasons why cases were declined for CC/ROP prosecution. Disseminate this information to the police department and the CC/ROP coordinator.

Develop procedures for prosecutorial assistance in the following areas:

1. investigation of crime scene
2. protecting the chain of evidence
3. assisting in the preparation of search warrants
4. legal advice and counsel
5. presence at line-ups

6. list of additional information or evidence needed
7. certifications for out-of-state convictions

Develop formal working relationships with other police departments and prosecutors in the state or region so that concurrent prosecutions can be coordinated.

Review the sufficiency of information forwarded to the prosecutor by the police department and recommend improvements where necessary.

## CASE PROCESSING AFTER ARREST

### ACCUSATORY PROCESS - PROSECUTION

< > *Decide which accusatory route CC/ROP cases will follow.*

< > *Decide how important it is to expedite the accusatory process:*

- \* Is the CC/RO out on pretrial release?
- \* If not, could an unwanted release be made because of jail overcrowding?

Establish procedures that control accidental dispositions at reduced levels or by dismissals.

Designate who should authorize dispositions and for what reasons.

### ACCUSATORY PROCESS - LAW ENFORCEMENT

Establish procedures for meeting with the prosecutor to prepare for testimony prior to the hearing.

Design a tickler system which will keep track of court dates, report due dates, and obtaining other needed materials.

If the CC/RO is on release, have procedures ready to

1. verify the conditions of release
2. monitor whether they are being violated.

Designate persons and procedures for tracking down witnesses and make sure they are available for court hearings.

### PRETRIAL CONFERENCES

Develop procedures with the court to hold pretrial conferences with defense counsel about motions, jury trial demands, scheduling and other matters.

Facilitate dispositions by adopting an open file policy with defense counsel as often as the circumstances warrant.

### TRIAL PREPARATION AND TRIALS

Establish assignment and case preparation procedures based on the assumption that the case will be tried by jury.



Establish a schedule for meetings with ROP detectives prior to each court hearing to:

1. make sure witnesses are available
2. review officer's or detective's testimony
3. check the status of physical evidence
4. insure the chain of evidence is intact
5. monitor the status of lab reports.

Establish procedures for keeping the tickler system up to date.

< > *Decide on a trial strategy, share it with the police and use it.*

Inform the arresting police officer or detective of the expected outcome and the reasons why they are likely to occur.

Establish procedures for notifying court of CC/ROP cases and the prosecution's policy of controlled dispositions.

#### PLEA BARGAINING AND NEGOTIATED DISPOSITIONS

Examine carefully the benefits of plea bargaining under controlled conditions for the following purposes:

1. It does not reduce the potential sanction;
2. It builds a record of felony convictions which will make the CC/RO eligible under habitual offender acts at a later date;
3. There is no loss of protection to the community. E.g. one year in the work house on a probation sentence can be just as effective as a year in jail.

Forge an agreement in principle and establish IN WRITING a policy about how to handle CC/RO's who want to "turn" for a deal. Make sure that the law enforcement agencies (especially vice and narcotics) are aware of this policy.

Establish guidelines and policy prohibiting the dismissal of other pending cases without specific approval.

Set up communications with other jurisdictions so that charges pending there are not dropped.

Develop a strategy to assist the prosecution in other jurisdictions including:

1. sharing police intelligence and information
2. providing out-of-state certifications
3. help in applying for habitual offender status
4. lending personnel and resources if needed.

**PRESENTENCE INVESTIGATIONS AND SENTENCING**

- Police officers and detectives should be briefed on sentencing guidelines, how they work and the limits they impose on incarceration.
- Develop strategies to use the charging process to ensure the highest possible sanctions.
- Even if incarceration is not possible, take a long view of your program, recognizing that each conviction at the highest level ultimately produces a more severe sentence.
- Help victim prepare a victim impact statement.
- Prepare community impact statements showing the dollar loss and damage done to the community by the CC/RO.
- Utilize community resources like neighborhood watch, or crime groups, MADD or SADD, etc. to support the community impact statements and sentence recommendations of the prosecutor.
- Forward the police package to the PSI officer or the sentencing judge.
- Brief PSI officer and sentencing judge about activities of the CC/RO.
- Argue for sentences outside the guidelines.
- Work out agreements between police and prosecutors regarding which agency will be responsible for what documentation.
- Participate in the informal network of CC/ROP programs to facilitate obtaining out-of-state certifications of convictions.
- For sentences NOT involving incarceration develop procedures to:
  1. track the CC/RO in the community
  2. have police issue a flyer notifying members of the department about the RO's release
  3. check arrests, warrants and jail lists daily.

**POST-CONVICTION AND RELEASE**

- Identify all the different types of release from jail or prison possible, and develop strategies to oppose these decisions.

Notify the classification center of the prison or jail of the status of the CC/RO and provide the following:

1. PSI report
2. local and FBI criminal histories
3. habitual offender designation, if any
4. community impact statement
5. other relevant information including press releases.

Establish notification procedures between corrections, probation and parole to inform you when the CC/RO is in a position to victimize the community, e.g work release, furloughs, half-way houses, parole, probation, treatment programs, etc.

Oppose any requests for correctional institutions that might place the CC/RO in the community whether for treatment programs or other special projects.

When a release occurs, police should:

1. pull the package and make sure its up to date
2. notify the appropriate precinct or division about the release
3. alert other personnel in the department who may be interested in the CC/RO.

#### PAROLE

Parole should be asked to develop procedures for informing the police and the prosecutor of:

1. releasees
2. expected date of release
3. approved residence
4. employer's name, address and telephone
5. special conditions of release.

Police should offer assistance to parole and probation to assist in the processing of warrants or arrests.

Check arrest reports, warrants and jail lists DAILY to see if the CC/RO has been re-arrested for another crime or a violation of release.

Police should keep package available and up-to-date.

#### REVOCATIONS

If violations of parole or probation occur, or if an arrest is made, the ROP detective should inform the jail, prosecutor and parole or probation officer of the circumstances.

The prosecutor should invoke a hold on the CC/RO to prevent a release.

Both police and prosecutor should be present at the revocation hearings, arguing for the full imposition of the sentence.

## PROGRAM ORGANIZATION

< > *Decide whether the program should operate as:*

- \* a separate unit with its own organizational identity;
- \* an integrated program utilizing the resources of the office or department as needed but not as a separate unit.

### SEPARATE UNITS - LAW ENFORCEMENT AGENCIES

Unit should have a director, an administrative assistant, and up to two clerical personnel.

A typical ROP unit is supported by a commander and four to five detectives depending on the caseload.

The following duties should be delegated to the administrative staff:

1. administration
2. program coordination
3. assemble management and budget reports
4. collect statistics
5. monitor personnel assignments including overtime
6. coordinate the management aspects of the program.

The operational staff should perform the following duties:

1. review and verify the eligibility of targets
2. monitor status of the target (active, inactive, on hold)
3. build the ROP package including out-of-state convictions
4. obtain other local CJS reports
5. coordinate the activities of the apprehension plan, monitor the distribution of flyers
6. review fingerprint checks
7. collate information from patrol and intelligence
8. monitor the delivery of subpoenas, receipt of lab reports and other evidence
9. keep court schedules up-to-date
10. make materials available for PSI reports
11. notify the jail, prison and probation of the status, follow up on release notices

Assign the following responsibilities to ROP detectives:

1. target recommendations and selection
2. preparation of packages
3. apprehension plan development
4. coordination of apprehension activities with other department resources
5. conduct training and briefings about program

**QUALIFICATIONS AND TRAINING**

- Use ROP detectives experienced in surveillance, electronic eavesdropping, photography, accounting and financial analysis, records search and documentation.
- Provide training to keep qualifications up to date
- Establish a "headquarters" for the ROP director and administrative assistant to coordinate activities with special emphasis on the prosecution and post-conviction phases.
- Develop policy to protect ROP director from pressure to apply different criteria to different areas of the jurisdiction.
- Develop plans and tactics for actively involving patrol officers in the apprehension and prosecution phases of the program.

**SEPARATE UNITS - PROSECUTOR'S OFFICE**

- Organize the unit with:

1. a full-time CC/ROP director,
2. attorneys, whose number is based on the anticipated caseload
3. investigators, one for each 2-3 attorneys
4. clerical or paralegal, one for each 3-4 attorneys

*< > Decide when to assign cases to CC/ROP cases based on principle that the earliest point in the adjudication process produces the tightest control over the case.*

- Establish policies for attorney rotation to reduce burn-out, counteract elitism, and develop sufficient resources for the program.
- Train attorneys in the special policies and procedures that relate to the program (e.g. no plea bargaining, charging, dismissals, pending cases, etc.)
- Make the case assignment procedure consistent with the court's docketing system.
  1. Do not use individual, vertical prosecution, if the court uses master calendar assignments.
  2. Use teams as often as possible to avoid conflicts.

**MULTIPLE POLICE DEPARTMENTS**

- If more than one law enforcement agency is involved, give more emphasis to the coordination activities of the director and the staff.
- Plan for the phasing in of law enforcement agencies starting with the largest and/or most supportive agency and ending with the most resistant. Be prepared for some non-participants.
- Be prepared to resist pressure to tailor selection criteria to the local areas. Keep to a single uniform set of criteria.

**PROGRAM REPORTS AND EVALUATION****OPERATIONAL INFORMATION**

Does your reporting system produce:

- a list by date of each CC/ROP file needing action and the type of action needed.
- an index of the location of each CC/RO and status in the criminal justice system.
- a list of all cases assigned to each detective or prosecutor and their status in the criminal justice system.

Can you measure:

- the number of CC/ROP cases declined for prosecution;
- the number of CC/ROP cases sent back for additional investigation;
- the rate of cases lost for dismissals.
- the rate of pretrial release for CC/ROP cases;
- the use of plea negotiation;
- rates of conviction to the most serious charges;
- conviction rates;
- the use of sentencing enhancements available in the state penal code;
- the levels of post-conviction revocations;
- the service of outstanding warrants;
- the number of oppositions to parole or probation;
- case processing time for arrest to disposition.

**PROGRAM IMPACT**

Can you answer the following questions from the data you collect?

- How many CC/RO's were in pretrial detention and not available to inflict harm on the public?
- How many were released, and how much criminal activity were they associated with during this time? How many were actually re-arrested during this period?
- What were the dispositions of CC/RO cases compared to all felony dispositions?
- What was the distribution of sentences, and if incarceration was involved, the length of sentence? If probation, what was the type of probation?

How many CC/RO's were in a position after sentencing to commit crimes against the public?

What are the major reasons for dissatisfaction with outcomes of cases by police and prosecutor?

How many crimes were avoided because the CC/RO was not at liberty to commit them? Can you put a dollar value on the estimated loss avoided?

**PROGRAM MANAGEMENT AND BUDGETING**

Have you made plans for the issuance of an annual report?