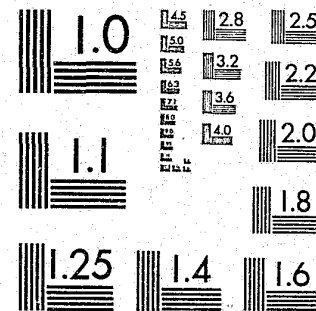


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Washington, D. C. 20531

9/25/85

CR-Sent  
5-23-85

REPORT OF RECOMMENDATIONS

FOR

REPEAT OFFENDER PROGRAM EXPERIMENT (ROPE)

Prepared For:

MARYLAND CRIMINAL JUSTICE COORDINATING COUNCIL

NCJRS

FEB 27 1985

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By:

ROPE Subcommittee

Date:

November 20, 1984

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## EXECUTIVE SUMMARY

The ROPE Subcommittee has been asked to provide recommendations on improving Maryland's response to the repeat offender problem to the Maryland Criminal Justice Coordinating Council. The recommendations on the following pages are intended to identify the actions, procedures, legislative role, and resources which the Subcommittee believes are necessary to bring the existing Repeat Offender Program Experiment — ROPE — to its next stage of activity and to further expand, promote, and develop the program.

ROPE is designed to increase the safety of Maryland citizens by improving the way adult and juvenile repeat offenders are identified, apprehended, adjudicated, confined, and treated. It is an approach which emphasizes consensual decision-making and shared program authority, as well as a high degree of cooperation, coordination, and collaboration. Timely availability of accurate juvenile and criminal justice records and methods for information-sharing are also key to ROPE.

Seven recommendations, detailed in the following pages, have been carefully developed for presentation to the Council. These are:

1. Expand ROPE to at least five additional political subdivisions during the next two years;
2. Prepare and coordinate a presentation on ROPE for use in explaining the program to public interest groups, local subdivisions, professional associations, and others;
3. Introduce a Joint (Senate/House) Resolution to the 1985 General Assembly which requests local subdivisions to establish ROPEs;
4. Update, monitor, and research legal issues concerning ROPE;
5. Prepare a ROPE technical assistance manual to support new ROPE efforts;
6. In order to expand ROPE to five more Maryland subdivisions and to provide technical assistance necessary to further develop and refine existing ROPEs, \$150,000 should be targeted for ROPE planning and policy development; and
7. Establish, fund and coordinate a comprehensive ROPE case and activity data collection system that can measure and respond to questions about ROPE's effectiveness.

Recommendation 1-6 form an interrelated package. Indeed, Recommendation 6 is critical to the accomplishment of the first five objectives outlined. Finally, Recommendation 7, to be accomplished in a thorough and integrated manner, will require special funding either through grants to local subdivisions or an additional State CJIS appropriation.

## ROPE SUBCOMMITTEE REPORT OF RECOMMENDATIONS TO THE MARYLAND CRIMINAL JUSTICE COORDINATING COUNCIL

### BRIEF HISTORY OF ROPE

#### Background of Subcommittee

The Maryland Criminal Justice Coordinating Council originated by Executive Order on June 30, 1967 for the purpose of developing new approaches to resolving Maryland's crime and delinquency problems. The Council's functions were revised by 5 successive Executive Orders which enabled it to administer Federal funds, renewed its leadership role in justice policy development and coordination, and gave it its current name emphasizing its coordination function. Under the Hughes administration, the Council's leadership role in justice policy development and coordination was reaffirmed. Earlier this year, the Governor appointed the Lt. Governor, J. Joseph Curran, Jr., to chair the Council and provide it the highest level of accountability.

In response to Governor Hughes' charge, the Council adopted four crime and delinquency priorities in July 1980. One of these was the repeat offender, and a Task Force was formed to tackle the problem. The Task Force's membership has since been revised, although the Baltimore County Police Chief has remained Chairman and the Anne Arundel State's Attorney as well as representatives of the Judiciary and State Juvenile Justice Advisory Committee have remained constants in the ROPE effort. Renamed the ROPE Subcommittee, the membership is:

- Chief Cornelius J. Behan, Baltimore County Police Department, who serves as Chairman;
- Lt. Governor J. Joseph Curran, Jr.;
- Chief Bernard Crooke, Montgomery County Police Department;
- Honorable Warren B. Duckett, Jr., State's Attorney for Anne Arundel County;
- Commissioner Arnold Hopkins, Division of Corrections;
- Ms. Clementine Kaufman, Chair of the Juvenile Justice Advisory Committee;
- Mr. Paul Leuba, Director of the Data Center for the Department of Public Safety and Correctional Services;
- Honorable Robert C. Murphy, Chief Judge of the Court of Appeals;
- Commissioner Bishop Robinson, Baltimore City Police;
- Ms. Mary Ann Willin, Mayor's Criminal Justice Coordinator for Baltimore City; and
- Honorable Floyd E. Wilson, President of the Prince Georges County Council.

After reviewing the literature on repeat offenders, the original Task Force concluded:

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

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

A small amount of Federal LEAA funding was available to each of these five subdivisions to assist them in their initial planning and implementation efforts. These monies were used for studying the local repeat offender problem and staff support, and provided the catalyst to organize local Repeat Offender Steering Councils.

Two state agency ROPE programs are also being developed by the Department of Public Safety and Correctional Services and the Juvenile Services Administration. The programs envisioned by these agencies are innovative, especially the Division of Correction's deterrent "threshold offender" program currently being implemented, and the Maryland State Police effort.

The juvenile component of the ROPE effort is at an earlier stage of development than the adult program. Difficult issues such as classification and treatment of juvenile repeat offenders, and legal and administrative access to and use of juvenile records must be clarified before appropriate strategies to handle youthful repeat offenders can be more fully developed. The Institute of Criminal Justice and Criminology at the University of Maryland, the Maryland Criminal Justice Coordinating Council, and the Juvenile Justice Advisory Committee took significant steps to begin to tackle these issues when they co-sponsored a conference on juvenile repeat offenders on December 8, 1983. The progress made at that Conference and the difficulties which remain to be resolved are detailed in the Proceedings of the Conference on Juvenile Repeat Offenders which has been widely distributed to all co-sponsors and participants. Despite these difficulties, several ROPE jurisdictions have established fairly comprehensive juvenile ROPE efforts involving the various juvenile justice agencies (Police, JSA, SAO and Juvenile Court).

The present Subcommittee and staff, with cooperation from local criminal justice and ROPE coordinators, have also established a rudimentary data collection effort to use in monitoring ROPE's progress; considerable additional work is necessary to make this basic data more consistent across subdivisions and more easily retrievable.

Finally, the present Subcommittee is encouraged by the National Institute of Justice's intention to study several research questions pertaining to ROPE targeting and the use of Article 27, Section 643B.

#### Repeat Offender Steering Councils

The five local Repeat Offender Steering Councils have been instrumental in ROPE's success to date. During ROPE planning, the original Task Force determined that systemwide coordination and cooperation among all criminal and juvenile justice agencies are essential to target and incapacitate repeat offenders. On the other hand, the original Task Force did not believe that this could result from a single, statewide direction mandating one particular program for all subdivisions.

Instead, a framework for a ROPE program whose actual substance is determined by each subdivision was developed. This allows each subdivision to focus on its particular repeat offender problem and develop a program responsible to its needs and resources. ROPE's framework is a series of six objectives, which the subdivisions addressed in designing the local ROPEs. These objectives include the following:

- to improve repeat offender identification, apprehension, and adjudication;
- to improve repeat offender conviction and/or finding of delinquency;
- to improve repeat offender sentencing and disposition;
- to improve correctional and treatment programs for repeat offenders;
- to improve the timeliness and availability of information about repeat offenders; and
- to assure that the developed ROPE program can meet legal challenges.

A Repeat Offender Steering Council was created in each of the five subdivisions to plan strategies to meet these objectives. The Steering Councils, which continue to meet periodically, are composed of representatives of all state and local agencies in each subdivision which have responsibility for repeat offender processing; law enforcement, prosecutors, public defenders, courts, corrections, parole and probation, and juvenile authorities. This planning methodology, and assistance by local criminal justice coordinators and representatives of the top elected official in each subdivision, fulfilled the original Task Force's recommended systemwide, coordinated approach at the local level. Additional cooperation from state-level agencies enhanced the planning effort.

Four other conditions for successful ROPE implementation were identified: top executive commitment, information-sharing, reallocation of resources, and sufficient planning time. These are discussed at length in earlier ROPE reports.



#### STRUCTURE OF THIS REPORT

In the pages that follow, seven major recommendations which the Subcommittee is proposing are enumerated for Council approval. These are followed by a rationale for each suggested action. The anticipated time frame for completion of many of these action items is from the present through the end of calendar 1985, however, many will continue into 1986 and beyond.

More complete information about ROPE's guidelines and objectives may be found in the Repeat Offender Program Experiment (ROPE): Guidelines and Programmatic Alternatives report. A more complete description of the ROPE efforts currently in operation in the five participating ROPE subdivisions can be found in the Statistical Analysis Center Bulletin entitled Maryland's Repeat Offender Program Experiment: Research and Operations.

RECOMMENDATION #1. Expand ROPE to at least five additional political subdivisions during the next two years.

Repeat offenders are a major problem facing criminal and juvenile agencies throughout the state. Based on the Subcommittee's study, there is a need for statewide support for ROPE that will target repeat offenders and develop appropriate intervention and treatment strategies. ROPE, from its early formative stages, was planned for expansion throughout the State. The success of ROPE in the initial five subdivisions strongly suggests expanding ROPE into other subdivisions.

#### Rationale

The present Subcommittee decided it was necessary to limit the expansion of ROPE to ensure the quality of programming. The successful experience of the initial ROPE Subdivisions suggests this approach. The selection of the next five subdivisions was based on several factors such as the frequency of index crime arrests, geographic location, and relation to jurisdictions already operating ROPE.

#### Limiting Expansion of ROPE

The success of the ROPE model was contingent upon the adherence to several principal factors. These factors included:

- Systemwide and systematic coordination and cooperation among all justice agencies.
- Top executive support to achieve the changes necessary to strengthen and improve links between justice agencies.
- Timely and accurate information-sharing among all agencies.
- Sufficient time and flexibility to allow each subdivision to define its repeat offender problem and to develop its ROPE program.

These features must be adhered to when expanding ROPE to other subdivisions. However, their achievement requires assistance and support. By phasing in ROPE expansion, the necessary assistance and guidance by the Subcommittee and staff can be properly applied. This phase-in of ROPE expansion complements the Maryland State Police effort, part of the Department of Public Safety and Correctional Services' ROPE Program. The Maryland State Police component is directed at working with State's Attorneys by assisting in preparing cases and prosecuting defendants qualified under the subsequent offender statute (Article 27, Section 643B). The Maryland State Police ROPE plan will be implemented statewide through their various barracks.

However, the Maryland State Police effort cannot be expected to supplant the proposed expansion of ROPE to five additional subdivisions. For example, local ROPE repeat offender definitions are broader to allow for "record building", also they address juvenile repeat offenders. Furthermore, the local programs, policies, and procedures adopted as a result of ROPE are more varied and tailored to the needs of each subdivision.

#### Criteria

After reviewing the list of remaining subdivisions, the Subcommittee targeted the following five:

- Carroll
- Cecil
- Frederick
- Harford
- Prince Georges

The selection of these five subdivisions was based on the volume of Part 1 arrests, geographic location, and proximity to already established ROPE subdivisions.

Volume of Part 1 Arrests. The selected subdivisions generally had the highest frequency of arrests for Part 1 offenses after the original ROPE subdivisions. With the addition of these five counties to the original five subdivisions, the percent of total Part 1 arrests in Maryland that will be addressed by ROPE subdivisions will increase from 67.3% to 89.2%, thereby having the best opportunity to direct their ROPE programs at the most serious offenders.

Geographic Location. These five new ROPE subdivisions encompass the Greater Baltimore/Washington Metropolitan area. They form the Maryland portions of the Northeast corridor. As such, they include the growth areas and the subdivisions most subject to transit criminal activity.

Close Proximity to Established ROPE Jurisdictions. Most of these five counties are in juxtaposition to a subdivision already having an established ROPE program. These new subdivisions have already established working relationships with their counterparts, or are served by the same court or regional office (e.g. JSA, P&P, etc.) This existing cohesiveness will build up more quickly because of the need to exchange information. The existing staff involved in ROPE can provide some assistance.

RECOMMENDATION #2. The Subcommittee should prepare and coordinate a presentation on ROPE for use in explaining the program to public interest groups, local subdivisions, professional associations, and others requesting it.

#### Rationale

The Subcommittee realizes that it has not spent sufficient effort "getting the word out" on ROPE to professional associations and other groups. This is evident because, although the Subcommittee and staff consistently receive positive responses when the program is explained, many state and local officials and agency personnel still do not know about its objectives, how it works, and what they can do to implement or strengthen ROPEs in their agencies. Further, detailed information must be available to the five subdivisions targeted for ROPE expansion.

In response to this situation, the Subcommittee has asked staff to:

- Prepare a detailed outline and "script" for public presentation on ROPE, which can be adopted to the interests and concerns of various groups;
- Coordinate formation of a "Speakers Bureau" of ROPE Subcommittee members and local Repeat Offender Steering Council representatives who are willing to devote time to public speaking engagements;
- Arrange for ROPE to be placed on the agendas of public meetings, professional associations, and other groups; and
- Coordinate public presentations by developing the content of each speaker's remarks, handling logistics, preparing visual and graphic aids as well as hand-out materials and other tasks.

To have maximum effect, the Subcommittee has suggested that a range from 1/2 hour to two-hour presentations be developed to address the needs and concerns of the various groups targeted for public presentations. Subcommittee staff are already working on the tasks outlined above.

RECOMMENDATION #3. A joint (Senate/House) resolution be introduced requesting local subdivisions to establish ROPEs in their jurisdictions.

The executive branch has already made a commitment to ROPE and will assist during the next phase of ROPE expansion. The passage of legislation will demonstrate to local officials and the citizens of Maryland that the General Assembly is equally as concerned about the repeat offender problem and endorses the ROPE approach.

#### Rationale

The use of the legislative route has advantages since it further focuses the appropriate attention to the problem, suggests a standard approach to solving the problem, and provides some form of accountability. The passage of legislation will further legitimize existing ROPEs and provide impetus to continue their Repeat Offender Steering Councils. Statewide legislation will also alleviate growing concerns that ROPE, being restricted to only five Maryland jurisdictions, may be subject to "equal protection" challenges.

The Subcommittee adopted the joint resolution approach rather than introducing a bill which would result in a new statute. A joint resolution is generally thought to be less binding on subdivisions, and therefore it may be more acceptable to subdivisions not now operating ROPEs.

It is anticipated that once ROPE is more fully established within the State, specific legislation will be passed to codify ROPE. This development has been the typical experience of programs initiated through joint resolutions.

#### Contents

The Subcommittee agreed that the resolution should cover the following topics and information:

##### 1. Rationale for the resolution.

- The seriousness of the repeat offender problem.
- Repeat offenders' criminal and juvenile activities span jurisdictional lines.
- The need for all subdivisions to address the problem.
- The success of ROPE.

##### 2. Organization and Accountability - Local Subdivisions.

- Each subdivision shall establish a Repeat Offender Steering Council (ROSC) comprised of the top administrators of the criminal and juvenile agencies in or serving their subdivision.
- The chief elected official (county executive, mayor, or president of the county commission) shall chair each ROSC.
- The ROSC will undertake a study of the local repeat offender problem and the present justice system response, design a ROPE program that addresses the guidelines prepared by the ROPE Subcommittee, and oversee the implementation of the ROPE program.

- The ROSC will submit routine reports to the local governing body and the ROPE Subcommittee on the results of their ROPE planning and implementation efforts.
3. Organization and Accountability - ROPE Subcommittee, staff and existing ROPEs.
- The Subcommittee will be responsible for providing local ROSCs with ROPE's guidelines and programmatic alternatives, and technical assistance.
  - The ROPE Subcommittee shall report annually to the Maryland Criminal Justice Coordinating Council, the Governor, the General Assembly and the Chief Executive of the participating ROPE Subdivision on the status and progress of local ROPE programs.
  - The ROPE Subcommittee staff will monitor the local ROSCs' activities and coordinate the requested technical assistance to support the local ROPE planning and implementation efforts.
  - Existing state and local ROPE subdivisions will provide, where practical, technical assistance to local ROSCs during their ROPE planning and implementation phases.

See Attachment #1 for an initial draft of a proposed joint resolution.

ROPE Subcommittee staff will work with the Governor's legislative staff to refine the wording and coordinate appropriate testimony and other needed support necessary for passage of the resolution.

RECOMMENDATION #4. The Subcommittee should update, monitor, and research legal issues concerning ROPE.

#### Rationale

As stated in the ROPE Guidelines Report, subdivisions must be cognizant of the legal implications of ROPE. One of the ROPE requirements is that the Public Defender's Office should participate in local ROPE planning in order to scrutinize proposed program components for legal sufficiency and to assure their constitutionality. ROPE is not intended to undermine the legal rights of defendants. However, several issues have been identified as having potential impact on ROPE, including the differences among subdivisions' definitions of a "repeat offender" as well as the constitutionality of Article 27, Section 643B.

The Subcommittee expects that NIJ's research into ROPE targeting and the use of 643B may provide helpful guidance on these legal issues, although in all likelihood it will focus more on operational issues. However, it is expected that the NIJ project will be a longer-term effort occurring over the next several years. There are a few questions and tasks which require more immediate attention and which the Subcommittee and staff should address. These are:

- Updating procedural information and researching case law on 643B;
- Creating an operational guide for use by law enforcement and prosecutors in preparing cases for 643B prosecution; and
- Monitoring action on 643B cases by the Maryland Court of Appeals.

The Subcommittee is aware the Office of the Attorney General is completing a review of Article 27, Section 643B including a review of recent case law, a discussion of the procedure and proof necessary to seek 643B convictions, the appeal and review process, and other aspects of the law. The Subcommittee will build on that effort. We also will coordinate this task with the Maryland State's Attorney's Coordinator.

The Subcommittee intends to tap the resources (interns) of the University of Baltimore and/or the University of Maryland Law Schools to complete these tasks, with assistance and coordination provided by Subcommittee staff. The Subcommittee is currently determining the most likely organizational placements for these interns — probably the State's Attorney's offices or the offices of the chief elected officials in participating ROPE subdivisions. Following this, staff will approach the law schools to identify suitable students for placement. The Subcommittee and staff will then guide and monitor these students' activities. It is expected the students will be assigned to research and update "shepardizing" case law on 643B and to prepare an operational manual on how to prosecute under 643B. Currently, we intend to carry out this effort during the 1985 Spring and Summer semesters.

Simultaneously, Subcommittee staff will monitor the Court of Appeals' review of Article 27, Section 643B. A motion has been filed by the Baltimore County Public Defenders Office, submitting that a 25-year sentence without the possibility of parole under 643B is unconstitutional. The Public Defender is suggesting that 643B denies due process and is cruel and unusual punishment because it is an unconstitutionally disproportionate sanction. Since 643B serves as the cornerstone of ROPE in many subdivisions, the Court of Appeals' action in this case will be extremely important to ROPE, the Subcommittee and the five participating subdivisions. The case has been filed very recently and may require monitoring in the immediate future.

RECOMMENDATION #5. Prepare a ROPE technical assistance manual to support new ROPE efforts.

The experience with the initial five ROPE subdivisions suggests that some form of procedural manual is necessary to aid in the design and implementation of ROPE. This manual should provide sufficient information about a variety of ROPE techniques, yet not dictate any one specific course of action.

#### Rationale

The ROPE Guidelines and Programmatic Alternatives Report was extensively used by the ROSCs in the initial five ROPE subdivisions. This report laid out the ROPE concept, prerequisites for implementing ROPE, objectives and subobjectives that needed to be addressed, and a number of program alternatives directed at these objectives. Since we now have successful local ROPE experiences, this report should be updated and tailored for Maryland agencies. This revised report should better assist the new ROSCs with their ROPE planning efforts. Further, it should form the basis of a ROPE training package for the various justice components (i.e. police, prosecutor, courts, JSA, etc.) Developing the training package via the revised report will more formally document successful policies and procedures and improve communication and coordination among all justice agencies.

#### Preparation

The Subcommittee staff will work closely with local ROSCs and local and state ROPE practitioners to identify successful policies and procedures. One suggested technique to accomplish this is to form peer review panels of justice professionals who will review and evaluate procedures used in the five existing ROPEs. The peer panels will then present some suggested standardized methods of operating, and would provide various alternatives to allow for differences in local needs, size, organization, justice philosophy, etc.

A significant segment of this manual will be clarification of the legal issues involved in ROPE (see Recommendation #4), specifically those relating to cases involving Article 27, Section 643B. Another major part of this manual will be guidance for improving information sharing and coordination. It is also anticipated that the manual will provide more specific recommendations in the area of ROPE monitoring (this is discussed in more detail in Recommendation #7 regarding data collection).

#### Use (Training Purposes)

This manual will provide the basis to formalize the ad hoc training efforts that have developed among ROPE law enforcement agencies. Primarily, the technical assistance manual will be used by the planners and practitioners of the new ROPE subdivision to aid them during their ROPE development efforts. Secondly, the manual will provide the basis for preparing orientation and awareness training to operational personnel. It is anticipated that some type of a training program, possibly through the Maryland Police/Correctional Training Commission, be developed that would acquaint all justice practitioners with the ROPE concept, objectives and general procedures. This effort is in addition to local training program used to acquaint operational personnel on their respective ROPE policies and procedures.

RECOMMENDATION #6. In order to expand ROPE to five more Maryland subdivisions and to provide technical assistance necessary to further develop and refine existing ROPEs, \$150,000 should be targeted for ROPE planning and policy development.

#### Rationale

All of the action items outlined earlier in this report will require adequate resources for completion. The \$150,000 identified here for ROPE planning and program development will permit the next stages of ROPE activity to be completed in a timely and thorough manner. Absent these new resources, it is doubtful that the Subcommittee would be able to sustain more than a minimal level of effort, which would lead to all-but-assured program failure.

The \$150,000 request is for two sets of activity: \$100,000 for program expansion into five more subdivisions and \$50,000 for technical assistance to existing and new efforts.

#### \$100,000 for ROPE Expansion

In 1981, the Maryland Criminal Justice Coordinating Council allocated its remaining LEAA money to support ROPE planning in five Maryland subdivisions. Approximately \$20,000 was awarded to each of five subdivisions: Baltimore City, and Anne Arundel, Baltimore, Howard and Montgomery Counties. Each subdivision used these funds to study its repeat offender problem, analyze current responses to the problem, and plan a more effective, coordinated approach to solving it. The subdivisions accomplished this by hiring outside consultants and bringing on temporary staff to identify problems, conduct research, and plan ROPE programs.

Under the conditions of their grant awards, the five subdivisions also established Repeat Offender Steering Councils (ROSCs), composed of all major criminal and juvenile justice officials, to plan local ROPEs, oversee their implementation, and monitor their progress. The planning grants also were used to provide the ROSCs with staff support in many subdivisions, which gave them a firm foundation and provided an impetus for their continuation. Once the local subdivisions and committee members recognized the value of their ROSCs in local crime control efforts, provisions were made to continue these committees after the planning grants ended. It is over two years since the termination of these planning grants and yet all ROSCs continue to meet periodically. This surely serves as a positive measure of the ROSCs' usefulness to local communities.

As discussed earlier, under Recommendation #1, Carroll, Cecil, Frederick, Harford, and Prince Georges Counties have been identified for ROPE expansion. The Subcommittee now wants to repeat the successful procedure used in 1981 (with LEAA funds) in these counties. The ROPE research and planning process and value of the ROSCs are well established. This model should be replicated in the identified subdivisions to further improve the safety of Maryland citizens.

#### \$50,000 for Technical Assistance to Existing and Planned ROPEs

There is a wide range of functions which must be performed under the aegis of ROPE technical assistance. The continued success of ROPE depends upon a centralized resource to complete numerous tasks.



It should be noted that while it is expected specific work products will be completed in each of the technical assistance areas outlined below, the ambitious agenda will not be finished within a one-year period at the requested funding level. If the funds can be found, a detailed work plan will be prepared and presented to the Subcommittee for approval and to assure accountability. This work plan will be used to guide periodic progress reports. ROPE's progress will also be accelerated or slowed by the extent of "volunteer" staff provided by other agencies involved in these efforts.

Staff Support. The ROPE Subcommittee needs at least one full time staff person to administer Subcommittee meetings, provide staffing papers, coordinate the activities of volunteer staff, and represent the State effort at meetings of the local ROSCs and DPSCS and JSA meetings. It should be noted that this request of one staff person is a "bare bones" estimate. When the ROPE Subcommittee evaluated its requirements for FY 1985, it identified a need for 3 1/2 full time staffers to accomplish ROPE tasks for that period. Since the Subcommittee has not had full time staff until recently (and that staff is only temporary), most of the tasks spelled out in that FY 1985 agenda remain to be accomplished. For your information, the staffing analysis referred to is attached (see Attachment #2).

Support to New ROPEs. The preceding discussion about planning new ROPEs in five additional Maryland subdivisions overlooks the fact that a central administration function must be in place to administer and monitor the State's ROPE planning grants. The success of the five earlier ROPE planning efforts was due to the stringent requirements which were attached to the grant awards and the fact that the original Task Force staff constantly monitored the locals' progress and "rode herd" on them to assure compliance with these requirements. In short, it cannot be expected that the ROPE planning process will work as effectively as it did for the original five subdivisions if there is not a strong administrative link between the State ROPE Subcommittee and the newly formed local Repeat Offender Steering Councils. Simply awarding the planning funds without having available the requisite administration and support will not yield the desired results. Indeed, the need for administrative support to new local planning grants is so significant that we recommend the \$100,000 funding for planning grants and the \$50,000 for technical assistance be considered as a package.

Development of ROPE Training. The ROPE Subcommittee intends to formalize and further encourage and support the ad hoc efforts that have developed among law enforcement, criminal and juvenile justice personnel across ROPE subdivisions. A great deal of technical assistance in setting up ROPE procedures, forms development, training, and inter- and intra-subdivision information-sharing of criminal records has occurred courtesy of committed and interested professionals. In order for these efforts to continue and to be expanded further, ROPE training programs should be developed. The Subcommittee proposes to set up peer review panels of justice professionals who will evaluate each of the five original subdivisions' ROPE procedures, suggest improvements, and determine standardized methods of operating. A side product of developing training package in this way is the strengthening of working relationships among justice agencies across subdivisions. This outcome supports ROPE's goals for improved communication and coordination.

Technical Assistance Manual. As discussed more extensively in Recommendation #5 the ROPE Guidelines and Programmatic Alternatives report will be revised and updated. Now that ROPE procedures are being developed, implemented, and are functioning in several Maryland subdivisions, it is timely to prepare a document outlining these specifics. The training package described immediately above will also contribute to updated ROPE report-cum-manual. The manual will allow new subdivisions beginning ROPE planning to progress more rapidly by building upon proven techniques.

Resources are also required to publish this manual. We intend to print 750-1000 copies for distribution statewide. It should be noted that the original ROPE Guidelines report was prepared on a word processor contributed by the Noxell Corporation, and the printing was paid for with LEAA monies. For the revised and updated manual, these resources will not be available and must be provided from State funds.

Coordinate Presentations and Prepare Graphic Displays. As discussed in Recommendation #2, considerable staff effort must be expended to prepare, coordinate, and participate in numerous public presentations that are planned to encourage and explain ROPE's expansion.

#### Funding Sources

Governor Harry Hughes and Council's Chairman, Lt. Governor J. Joseph Curran, Jr., have indicated they wish to designate the funds from the new Federal Office of Justice Programs, Bureau of Justice Assistance (BJA) to support the Maryland Criminal Justice Coordinating Council's four priority areas. One of the 18 eligible program-activities specified in the Justice Assistance Act of 1984 is identifying and processing persons (including juvenile offenders) with a history of serious criminal conduct. Funds awarded under this program must be matched on a 50/50 basis. BJA is also authorized to make discretionary grants to state and local governmental units for training, technical assistance, and demonstration programs.

The ROPE Subcommittee intends to fully explore these options and make every effort to tap these funds to support the planning and technical assistance activities outlined above.

RECOMMENDATION #7. Establish, fund and coordinate a comprehensive ROPE case and activity data collection system that can measure and respond to questions about ROPE's effectiveness.

ROPE will come under scrutiny by local and state officials. They will be interested in ROPE results and its relative effectiveness. Local ROPE subdivisions and State ROPE programs must be ready to answer such questions as:

- Is ROPE really targeting repeat offenders?
- Are ROPE defendants being kept off of the streets?
- Has plea bargaining been reduced or eliminated in ROPE cases?
- Are ROPE defendants receiving maximum sentences?



#### Rationale

Several superficial attempts have been made to collect ROPE data. The result has been less than satisfactory. The largest difficulty is the lack of standardization in data collection efforts by the various ROPE subdivisions; one ROPE subdivision collects data on an aggregated basis, while another subdivision collects data on each ROPE defendant and case. Local ROPE subdivisions are constrained by the lack of resources to design and implement a major ROPE data collection effort. It is anticipated that some accommodation can be made so that common data elements will be collected by all ROPE subdivisions.

National Institute for Justice (NIJ) Interest. Members and staff of the Subcommittee have met with NIJ staff and consultants to identify the possibilities of developing research and evaluation designs for ROPE. At the October 30, 1984 Subcommittee meeting, a NIJ representative stated that that agency intends to let a request for proposals in early 1985 for approximately \$300,000 to study ROPE. This sizeable research allocation indicates the value this prestigious Federal agency accords to the ROPE effort. Maryland ROPE staff will be asked to serve upon the NIJ ROPE Review Committee evaluating submitted proposals, and provide coordination during this study process. We will obtain highly valuable information from nationally prominent researchers about ROPE targeting and the use of 643B as a cornerstone. Further, Maryland will receive a great deal of national exposure during and following the study's completion. The collection of ROPE data will be an important factor in this research effort.

#### Information Requirements

Earlier this year, subcommittee and MCJCC staff prepared an optimum list of ROPE data items. These data items were divided into five basic types of information.

- Case Identifying Information. Data items that help keep track of the ROPE cases/defendants (e.g. tracking numbers).
- Offender Information. Data items that describe ROPE defendants. This information will allow for cross-subdivision comparisons of defendants and will allow us to compare Maryland repeat offender data with national repeat offender data.
- Offense Information. Data items that help describe the type of offenses that are involved in ROPE cases.
- Offense Processing Information. Data items that identify how a ROPE case is processed through the justice system (e.g. time it takes, steps and dispositions, etc.)
- Program Procedures. Data items that document procedures used to facilitate the processing of ROPE defendants.

Most ROPE subdivisions are collecting some items of ROPE data in conjunction with their case preparation and monitoring activities. It would be desirable to design a data collection scheme that captures this data from its inception.

The Subcommittee will continue its efforts to obtain agreement on the required data elements and whether this data should be collected and processed at a central source or through individual ROPE subdivisions.

#### Funding

The Subcommittee realizes this data collection effort will require additional resources. The specific amount of funds and its allocation will depend upon the agreed upon scheme. The Subcommittee will look to such funding sources as the discretionary funds from the Federal Justice Assistance Act of 1984; additional allocation to the State Criminal Justice Information System, state subsidy to local criminal justice information efforts (e.g. PROMIS) etc.

JOINT (SENATE/HOUSE) RESOLUTION

Repeat Offender Program

Experiment (ROPE) Expansion

FOR the purpose of providing that the Repeat Offender Program Experiment (ROPE) be expanded to local political subdivisions; creating a Repeat Offender Steering Council (ROSC) in each political subdivision; providing for the membership of each ROSC; providing that the ROSC addresses certain issues related to implementation of ROPE; requiring certain reports; and generally relating to a statewide repeat offender program.

WHEREAS, repeat offenders are a major problem facing criminal and juvenile justice agencies throughout the state and there is a need for a statewide program to target repeat offenders and develop appropriate intervention and treatment strategies; and

WHEREAS, research studies show that only a few criminals are repeat offenders, but those who are career criminals commit an average of 50 to 100 crimes per year; and

WHEREAS, in Maryland it is estimated that 50 to 60% of the inmates in the Division of Correction qualify as threshold offenders (i.e., if released and commit another "crime of violence" they would qualify for prosecution under Article 27 Section 643B, thereby receiving a sentence of 25 years without parole) and that 10% of persons committed to Division of Corrections would presently qualify for prosecution under Article 27 Section 643B; and

WHEREAS, in two Maryland jurisdictions, studies have found that a small group of juveniles (i.e., 7-10%) account for a disproportionate amount of the violent delinquent acts committed by juveniles and over half were 14 years old or younger when they first came into contact with the juvenile justice system; and

WHEREAS, in one ROPE jurisdiction during the first nine months of 1984 the 59 juveniles identified as repeat offenders, 88% had previously committed 302 violent delinquent acts included under Article 27, Section 441(e); and that nearly two thirds (38-64%) had three or more contacts for these types of crimes; and

WHEREAS, these adult and juvenile offenders do not respect geographical boundaries, thereby making it difficult for the justice systems which operate at various levels of government to collaborate and coordinate various activities; and

- (3) The ROSC report results of ROPE planning efforts to the ROPE Subcommittee one year after the ROSC is formed;
- (4) The ROSC oversee the implementation of the local ROPE program and report semi-annually to the local governing body and the ROPE Subcommittee on the progress and results; and be it further

RESOLVED, that

- (1) The Repeat Offender Steering Council (ROSC) in each political subdivision be comprised of at least nine members who shall include:
  - (a) The chief elected official of the political subdivision who shall chair the ROSC;
  - (b) The chief police official(s) of the political subdivision;
  - (c) The State's Attorney of the local political subdivision;
  - (d) The local jail administrator who serves the political subdivision;
  - (e) A representative from each of the following agencies:
    - (i) The Maryland State Police;
    - (ii) The Juvenile Services Administration;
    - (iii) The Division of Parole and Probation;
    - (iv) The Public Defender;
  - (f) The Administrative Judge(s) of the circuit and district court which serves the political subdivision who shall serve in an ex officio capacity to advise the ROSC and may be represented by a court administrator; and be it further

RESOLVED, the ROPE Subcommittee will monitor and provide assistance to the local ROSCs and submit regular reports to the Governor and the General Assembly; and be it further

RESOLVED, that copies of this resolution be sent to: The Honorable Harry Hughes, Governor of Maryland; the Honorable Melvin Steinber; President of the Senate of Maryland; the Honorable Benjamin L. Cardin, Speaker of the House of Delegates; . . . etc.

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WHEREAS, the Maryland Criminal Justice Coordinating Council (MCJCC) made repeat offenders a priority issue and created the ROPE Subcommittee which studied the repeat offender problem and developed and oversaw the implementation of the Repeat Offender Program Experiment (ROPE) in five major Maryland subdivisions; and

WHEREAS, these local subdivisions planned and successfully implemented their ROPE programs which coordinated the criminal and juvenile agencies to focus their resources, policies, and procedures on repeat offenders to achieve improvement in the early identification, apprehension, and adjudication of repeat offenders; conviction and/or finding of delinquency of repeat offenders; the sentencing and disposition of repeat offenders; the correctional and treatment programs for repeat offenders; the timeliness and availability of information about repeat offenders; and that these ROPE programs meet legal challenges; and

WHEREAS, the ROPE program was originally planned for expansion to subdivisions throughout the state, and there is sufficient information available to assist local areas in planning and developing a repeat offender program, including the ROPE Subcommittee report "Repeat Offender Program Experiment (ROPE): Guidelines and Programmatic Alternatives"; and

WHEREAS, in the first six months in 1984, 300 adult repeat offenders were identified by these five local ROPE subdivisions and it is estimated, based on previous ROPE experience, that 78% will be found guilty and 87% of those will receive long prison terms, which can be translated into over 10,000 fewer crimes per year depending on the age of the offenders, in the Baltimore/Washington Metropolitan areas while these repeat offenders are serving time; and

WHEREAS, local governments require technical support and resources to implement successful repeat offender programs, and the unique problems associated with a subdivision's specific population of repeat offenders requires definitive planning to initiate an effective program; now, therefore be it

RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND that each Maryland political subdivision or regional combinations of subdivisions shall establish a Repeat Offender Steering Council (ROSC) to address the repeat offender problem in its area following the guidelines and programmatic alternatives provided by the MCJCC ROPE Subcommittee; and be it further

RESOLVED, that

- (1) Each political subdivision establish a Repeat Offender Steering Council (ROSC);
- (2) The ROSC undertake a comprehensive study of its repeat offender problem including the present justice system response, and design a repeat offender program that addresses the objectives, guidelines, and alternatives prepared by the ROPE Subcommittee;



HARRY HUGHES  
GOVERNOR  
NATHANIEL E. KOSSACK  
CHAIRMAN

ATTACHMENT #2

EXECUTIVE DEPARTMENT  
MARYLAND CRIMINAL JUSTICE COORDINATING COUNCIL  
SUITE 700, ONE INVESTMENT PLACE  
TOWSON, MARYLAND 21204-4182  
(301) 321-3836 TTY FOR THE DEAF 486-0677

RICHARD W. FRIEDMAN  
EXECUTIVE DIRECTOR

TO: Repeat Offender Task Force  
FROM: Sally F. Familton  
SUBJECT: 1984-85 Repeat Offender Task Force Agenda Activities

Attached are the agenda activities which the Task Force began to discuss at January's meeting. Added to each task item is an estimate of the resources necessary to accomplish the task.

Proposed Tasks Include:

- I. Monitoring and Staffing ROPE/ROTF
- II. 1984 ROPE data collection
- III. Identify and research possible legal issues caused by ROPE
- IV. ROPE operating procedures
- V. ROPE impact evaluation
- VI. Clarify crimes of violence (643B)
- VII. Training and orientation of ROPE operational personnel (existing and new ROPE jurisdictions)
- VIII. Other ROTF projects

We present the attached for your review and discussion today.

SFF:1kg  
Enclosure

I. Title: MONITORING AND STAFFING ROPE/ROTF

Objectives:

- To maintain momentum and insure ROPE's progress
- To provide ROTF with necessary support so they can guide and direct ROPE
- To provide a communication link between local and state ROPE and the Repeat Offender Task Force

Who:

- Local ROPE steering councils
- Local ROPE coordinators
- State (JSA and DPSCS) ROPE committees
- ROTF/ Maryland Criminal Justice Coordinating Council

Activities:

- Attend local and state ROPE meetings
- Attend ROTF meetings
- Prepare synopsis and present progress report
- Disseminate appropriate documents
- Conduct necessary research and report results
- Assist in formulating and carrying out annual agenda

Resources Required:

- Approximately 46-50+ man-days (9-10 weeks)

II. Title: 1984 ROPE DATA COLLECTION

Objectives:

- To profile ROPE defendants
- To determine success of ROPE cases (meeting ROPE objectives)
- To determine disposition within state agencies

Who:

- Each local jurisdiction and MSP
- JSA, DOC, P&P

Activities:

- Identify data elements
- Design data collection form
- Monitor data collection
- Develop procedures for data reduction
- Test data input
- Analyze and interpret data
- Prepare report

Resources Required:

- Approximately 154 man-days (31 weeks)



III. Title: IDENTIFY AND RESEARCH POSSIBLE LEGAL ISSUES CAUSED BY ROPE

Objectives: • To prepare materials in anticipation of possible legal challenges to ROPE  
• To create an awareness by ROPE jurisdictions of legal challenges

Who: • State's Attorney -- local ROPE jurisdictions  
• DPSCS Attorney General representatives

Activities: • Survey ROPE jurisdictions, particularly defense attorney, judges  
• Undertake research to identify initial issues raised in other states  
• Conduct necessary research  
• Prepare position papers

Resources Required: • Approximately 100 man-days (20 weeks)

IV. Title: ROPE OPERATING PROCEDURES

Objectives: • To identify successful procedures that can be transferred to other jurisdictions  
• Evaluate what local ROPE jurisdictions implemented and compare to planned activities

Who: • Local ROPE jurisdictions  
• State agencies

Activities: • Develop data collection scheme  
• Design data collection forms and interview guides  
• Conduct interviews, collect data  
• Analyze and interpret data  
• Prepare ROPE implementation guide

Resources Required: • Approximately 115 man-days (23 weeks)

V. Title: ROPE IMPACT EVALUATION

Objectives:

- Establish baseline for ROPE evaluation purposes
- Undertake initial ROPE evaluation using 1984 available data

Who:

- Local ROPE jurisdictions
- State agencies

Activities:

- Develop data collection scheme with support of academia/researchers
- Design data collection forms and interview guides
  - initiate self reporting
  - match groups, ROPE and non-ROPE
- Conduct interviews, collect data
- Develop procedures for data reduction
- Test data input
- Analyze and interpret data
- Prepare interim report
- Modify subsequent data collection effort

Resources Required:

- Approximately 160 man-days (32 weeks)

VI. Title: CLARIFY CRIMES OF VIOLENCE (643B)

Objectives:

- Identify and standardize the statutes that can be used under "crimes of violence"
- Provide guidance to law enforcement and state's attorneys
- Combat possible legal and legislative efforts at reducing 643B impact.

Who:

- Local ROPE jurisdictions
- Maryland State's Attorneys' Association
- Administrator of the Court and Attorney General

Activities:

- Review successful 643B cases to determine which statutes are used as "crimes of violence"
- Determine legislative intent
- Establish task force to determine "crimes of violence" and prepare appropriate legislation
- Work with Maryland State's Attorneys' Association to establish agreed upon definition of "crimes of violence"

Resources Required:

- Approximately 90 man-days (18 weeks)

VII. Title: TRAINING AND ORIENTATION OF ROPE OPERATIONAL PERSONNEL  
(EXISTING AND NEW ROPE JURISDICTIONS)

- Objectives:
- To formalize and standardize training efforts
  - To develop a forum for exchanging ideas

- Who:
- Local ROPE jurisdictions, state agencies
  - Other police, prosecutors, P&P agents, JSA representatives

- Activities:
- Review results of "ROPE Operating Procedures" task (IV)
  - Review existing training efforts (e.g. BCPD)
  - Identify key issues and subjects
  - Work with local/state ROPE agencies to identify appropriate trainers
  - Assist in preparation of teaching materials
  - Formulate schedule of instruction

- Resources Required:
- Approximately 65 man-days (13 weeks)

VIII. Title: OTHER REPEAT OFFENDER TASK FORCE PROJECTS

- Objectives:
- Review and Prepare Legislation
    - (1) Juvenile Records - usage
    - (2) Opposition to further expanding 643B
  - Patuxent Youthful Offenders Study
    - (1) ROTF representation on Study Oversight Committee
    - (2) Possibility of Task Force/SAC monitoring effort
  - Develop, Disseminate and Maintain Resource List
    - (1) Establish need and restrictions
    - (2) Prepare procedures for maintaining list
  - Expand ROPE to Other Jurisdictions
    - (1) State Police
    - (2) General awareness
    - (3) Planned expansion (counties adjacent to existing ROPE jurisdictions).
  - Conference on Maryland ROPE

- Resources Required:
- Approximately 80 man-days (16 weeks)

**END**