Review of the Northern Nevada
Repeat Offender Program

TECHNICAL ASSISTANCE REPORT

Bureau of Justice Assistance
CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
A Joint Program of the Bureau of Justice Assistance, U.S. Department of Justice, and
American University School of Public Affairs
Review of the Northern Nevada
Repeat Offender Program

October 1990

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**ASSIGNMENT DATA SHEET**

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<td>Requesting Jurisdiction:</td>
<td>Washoe County, Nevada</td>
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<td>Captain Ron Glensor</td>
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<td>Career Criminal Program Review</td>
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*Organizations undertaking such projects under Federal Government sponsorship are encouraged to express their own judgment freely. Therefore, points of view or opinions stated in this report do not necessarily represent the official position of the Department of Justice.*
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      b. Provide an organizational structure to the ROP Steering Committee.
      c. Create a Target Selection Team that will be separate from the Action Team (ROP Unit) and responsible for target selection decisions.
d. The Reno Police Chief and Washoe County Sheriff should personally meet with the newly elected District Attorney to explain the program and request continued participation and designation of an ROP coordinator in the District Attorney's office.

e. The NNROP program should place more emphasis on targeting those persons who are "active" rather than just those with the highest scores. The active list should not exceed five with one or two alternatives.

2. Identification of Targeted Offenders

a. The identification of Targeted Offenders should be primarily by referrals and should not exceed a maximum number of five active cases at any one time.

b. The program should adopt a case management approach that holds the ROP officers accountable for their assigned targets throughout the adjudication and post-conviction process.

c. Although cases are individually assigned to an ROP officer they should be handled on a team basis to allow the assigned ROP officer to gain knowledge and experience from other officers.

3. Support Services

a. ROP officers should be provided with equipment necessary to allow them to function as case managers. This includes cellular phones, assigned vehicles, dictating equipment, and a fax machine.
b. New space should be found for the ROP unit so that every person in the unit has their own desk.  

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g. The ROP officer should make arrangements to be present at the initial appearance to argue for high bail or pre-trial detention.

h. The ROP director and officers should set aside enough planning time to work out procedures and policies with Adult Parole and Probation regarding pre-sentence investigations, community impact statements, sentencing, releases and revocations.

i. Procedures should be developed with the Department of Prisons and the Parole Commission to provide them with all relevant information regarding NNROP offenders.

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1. ROPES - REPEAT OFFENDER PROGRAM EXPERT SYSTEM: Preliminary Plan for a Career Criminal/Repeat Offender Program for Reno Police Department.

I. INTRODUCTION

A. Assignment Background

In August, 1990 Captain Ron Glensor of the Reno, Nevada Police Department (RPO) requested technical assistance from the Bureau of Justice Assistance Adjudication Technical Assistance Project (ATAP) at The American University to review the program plan and initial pilot implementation experience of the Department's Northern Nevada Repeat Offender (ROP) Program. The program had been implemented in June after several years of planning on the part of local law enforcement agencies, the District Attorney's Office, Adult Parole/Probation Department and the Bureau of Alcohol, Tobacco and Firearms. Local officials became interested in developing the repeat offender program after attending a Bureau of Justice Assistance sponsored Career Criminal Program Workshop in Eugene, Oregon in November 1988.

In requesting the ATAP study, Captain Glensor was particularly concerned that the initial pilot implementation experience be adequately reviewed so that the ROP team minimize future mistakes and enhance the program's quality prior to full implementation. The RPO was also concerned that adequate cooperation of the courts and the prosecutor be obtained for the program.

In response to this request, the ATAP assigned Joan Jacoby and Kai Martensen of the Jefferson Institute for Justice Studies in Washington D.C. to conduct a site visit and meet with program officials. Both consultants have had extensive experience with the development and operation of career criminal programs and could provide the "global perspective" Reno officials desired.

B. Focus of the Technical Assistance

The ATAP study team conducted its site visit on October 3 - 7, 1990. After initial discussions with Captain Glensor and other ROP officials, the specific objectives of the visit were defined as follows:

(1) To assist the ROP team in developing working procedures with those agencies that handle an ROP case after arrest so that an ROP case would not fall through the cracks and the career criminal be released to inflict more harm on the community;
(2) To provide direction for future procedures that would need to be established at the post-conviction stage; and

(3) To assess the current program in terms of its ability to sustain itself over time, i.e. to become institutionalized within the department.
II. ANALYSIS OF EXISTING SITUATION

A. Description of the Washoe County Criminal Justice System

Reno is a major urban area in Washoe County and is the second largest county in the state. Its major industry is gaming. Uniquely it is known as "The Biggest Little City in the World", but, like most major metropolitan areas, it is overwhelmed by the increase in drug offenses and the crimes that are associated with drug abuse.

1. Police Departments

The Reno Police Department has 313 authorized sworn officers and 170.5 civilians, for a total of 483.5 personnel. The Reno and Sparks Police Departments operate within Washoe County. The Washoe County Sheriff’s Office provides patrol and investigative services to the unincorporated areas in the county. It also operates the county jail, books prisoners, and provides transportation and security to the courts. Pretrial release is provided through release on bail, based upon a bail schedule, or through personal recognizance (ROR) unless the release is opposed by the District Attorney’s office.

2. County Jail

The county jail is housed in a new facility which has a rated capacity of 600 offenders and currently houses 650 inmates, 70 percent of whom are in pretrial status. One reason for this high percent of pretrial defendants is due to a state statutory prohibition against permitting work release for defendants who are not employed before coming into the jail. In fact, state law prohibits any prisoner from leaving the jail unless accompanied by a guard. These requirements limit access to work-release and community release programs. For information tracking purposes, the booking system lacks a unique identification number for prisoners that is assigned each time they are arrested and booked.
3. Court System

The court system includes the Municipal Court, which has jurisdiction over city misdemeanors; the Justice Court, which has jurisdiction over misdemeanors and gross misdemeanors that occur in the county, and felony preliminary hearings; and, District Court, which handles felonies, misdemeanor appeals and appeals. The District Attorney is not present at Municipal Court hearings which are handled by the City Attorney.

The District Court has nine departments, soon to be expanded to ten. Each month, two departments are designated as criminal courts which process an estimated 6,000 to 10,000 felonies a year. If overflow develops, it is sent to other courts. There does not appear to be any case tracking mechanisms. A state statute requires trial within 60 days of the filing of an information. The court does not have a backlog. The court is open seven days a week and is supported by a duty judge, three justices of the peace and two deputy district attorneys who alternate duty assignments.

4. Public Defender

The public defender is appointed by the county and represents all cases unless a conflict of interest exists which are contracted out to private counsel. The public defender is not entitled to discovery until after the arraignment in District Court. The use of an open file is left to the discretion of the Deputy District Attorney. Depositions are rarely taken, and the public defender is not required to disclose his witness list.

5. District Attorney

The District Attorney's office receives ROP cases and assigns them to teams. The team supervisor assigns cases to individual attorneys who assume total responsibility for the case, from charging to sentence recommendation. If possible, ROP cases are assigned to the same prosecutor who handled previous matters involving the defendant. The prosecutor has 15 days after preliminary hearing to file an information. Once filed, the defendant is arraigned one week to ten days later. Within the office, Ron Rachow acts as ROP coordinator. He is aware of the ROP status of the cases and knows the teams to which these cases are assigned.
6. **Adult Parole and Probation**

Adult Parole and Probation, a state agency, performs presentence investigations (PSI's) and has an active intensive supervision program. PSI's are usually completed within 30 days after conviction. If a PSI has been prepared within the last 5 years, it is updated rather than prepared again. Adult Parole and Probation officials play a major role in the ROP operation and will have a significant influence on its success.

B. **Description of The Northern Nevada Repeat Offender Program**

1. **Program Focus**

The Northern Nevada Repeat Offender Project (NNROP) is a pre-arrest program that uses proactive methods to apprehend repeat offenders. Its goal is to identify, arrest and incarcerate the small proportion of career criminals who are responsible for committing a disproportionate number of crimes. The program involves a number of agencies in the County of Washoe and Northern Nevada who coordinate their activities through an ROP committee.

   The program is modelled after a similar program developed by the Albuquerque Police Department which uses a complex weighting scale for offenders as part of its selection criteria. The main thrust of the ROP program is upon repeat offenders involved in burglaries and property crimes, and offenders already known to the system.

2. **Agencies Involved**

The Reno Police Department acts as the central depository for all ROP targeted individuals, and provides supporting services to other law enforcement agencies, as needed and requested. The Sheriff of Washoe County has agreed to assist the program by reducing the likelihood of pretrial release, in addition to providing extra attention to security during transportation and courtroom activities involving ROP defendants. The District Attorney's office has agreed to cooperate with the ROP program, and the Adult Parole and Probation has assigned personnel to work with the program. Also involved in the program are Sparks Police Department, federal Alcohol, Tobacco and Firearms and the Nevada Department of Motor Vehicles.
3. **Program Organization**

The NNROP program is organizationally located in the Investigative Services Division of the Reno Police Department and reports to the Assistant Chief of Police heading the Support Services Bureau. The program is operated in the SORT (Special Operations Response Team) unit which conducts undercover and surveillance activities. The NNROP unit is headed by Sergeant Randy Saulnier who reports to Lieutenant Douglas Cardwell, head of the SORT unit. ROP program direction is the responsibility of Captain Ron Glensor who heads the Station Command. The NNROP team consists of four officers who are experienced in surveillance and apprehension techniques, and are enthusiastic supporters of the program objectives.

4. **Program Development Phases**

The Reno Police Department has had a long-standing interest in ROP programs. As noted above, Captain Ron Glensor attended a Bureau of Justice sponsored Career Criminal Program training conference in Eugene, Oregon conducted by the Police Executive Research Forum (PERF) in 1988. Based on the knowledge gained from this conference, he formed an *ad hoc* planning committee composed of representatives from the Reno and Sparks Police Departments and the District Attorney's office to discuss the formation of the Northern Nevada Repeat Offender Program. Over the course of the next year, these officials discussed the objectives of the program, made presentations to the local Chiefs of Police and began to plan for the program's operation.

In June, 1989, they produced a rough draft of a program plan. Lt. Douglas Cardwell was assigned to the project and the action team was created. Visits were made to Eugene, OR, Las Vegas, NV and Sacramento, CA Police Departments to examine how their programs worked. In January, 1990, the ROP committee was formed which then established the necessary interagency coordination and liaison mechanisms needed to finalize the program plan.

A decision was made to model the ROP effort after the Las Vegas program which was a pre-arrest, proactive program that used a list of eligible or "qualified" ROP candidates. In order to develop the Northern Nevada list of ROP candidates, the RPD used a variety of search techniques, including computer records, referrals from the police,
sheriff's office, parole and probation, and others. The development of the list of qualified ROP candidates took approximately two months and produced 200 names.

In July, 1990 the operational committee was established, composed of street level working representatives from police departments, sheriff's office, probation and parole and the district attorneys office. An action team was located within the Reno PD Special Operations Response Team (SORT) to review referrals, qualify candidates, conduct surveillances and make apprehensions. The action team are also members of the ROP operational committee. In September, 1990 the prototype program was activated, and was implemented in a test phase.

C. Program Status at the Time of the TA Study

When the technical assistance team visited in October, 1990, the program was just being implemented in its test phase. Two hundred fourteen persons had been identified by the computer as meeting the ROP criteria (based on the formula developed by Albuquerque and adopted by Las Vegas MPD). Thirty-four ROP qualified persons had been arrested during the two months of the program's operation. Seventeen of these arrests were made by the action team using surveillance techniques. Additional arrests were in the immediate offing.
III. COMMENTS REGARDING THE INITIAL PILOT PROGRAM OPERATION

A. Program Status at the Time of the TA Study

Despite all the activity generated by the program during the initial test phase, at the time of the TA site study, little attention had been given to the administrative support needed to manage the program and the cases in the system. There is no clerical support for the action team and no documentation of the procedures developed and/or being developed during the first stage. In addition, no planning time has not been set aside for developing and implementing the next phase of the program. Although the ROP officers have been very successful in apprehending qualified, active repeat offenders, the status of these cases in the courts was not known.

In essence, the program was still in the first phase of the planning and development process, including such tasks as establishing the organization for the program, identifying selection criteria, and performing surveillance and apprehension functions. With 17 cases in the adjudication stream, the TA site visit was an opportune time to move to the second stage of the program and begin developing operational procedures for pre-trial release, adjudication, and pre-sentence investigation functions. The 17 cases can serve as the core around which these procedures are developed.

It was also an opportune time to step back and examine the operations of the selection and apprehension stage in order to identify where management and organizational supports are needed. By taking these steps now, the ROP team gains experience and establishes working relationships which can be transferred to the third and final, post-conviction stage which will be reached in two to four months, as the cases start coming through the courts.

B. Focus of the Technical Assistance Effort

1. Monthly ROP Committee Meeting

The ATAP team attended the monthly meeting of the ROP Committee which was well-attended by representatives from the major criminal justice departments and agencies. It was obvious from the meeting that this program enjoys substantial support from the criminal justice community which increases the likelihood of its long-term success.
At this meeting, a variety of activities occurred. The ROP director distributed a procedures manual, and the list of qualified candidates (214) to the committee. Discussion was held about various procedures that still needed development, including communications between the ROP officers and the street-level commanders. For example, it was agreed that it was just as important for the ROP action team to notify watch commanders when they leave an area as when they enter it.

Because the ROP Committee is a valuable resource for the program, its activities and decisions should be documented. Minutes should be taken at these meeting to make sure what was agreed upon is understood by all. These minutes later can form the basis for an updated procedures manual.

2. Site Interviews

Following the ROP Committee meeting, appointments were made for ATAP team members to meet with officials in various agencies involved in the ROP program. Normally, these meetings would be conducted without the presence of the ROP officers. However, in this case, members of the ROP program were invited to attend because the purpose was to assist them in developing procedures and setting the direction for future working relationships. Thus, it was important that the ROP supervisor be present during these meetings so the first exchanges about the “next steps” would directly involve the two interested parties. Sergeant Randy Saulnier, for example, was present when the team met with the Sheriff’s representatives to discuss pre-trial release procedures, classification methodologies and the need to document jail infractions and disciplinary measures.

In addition to the meetings with criminal justice agency representatives, the study team met with Chief of Police Robert Bradshaw, Assistant Chief of Police Richard Kirkland and Deputy Chief Nile Carson to assess their respective understanding of the special characteristics of these programs and identify the level of support that could be expected.

The technical assistance team also met with the following individuals:

- Reno Police Department
  Captain Ron Glensor
  Lieutenant Doug Cardwell


Lieutenant Phil Galeoto
Officer Mike Cleveland
Officer Dave Ponte

- Adult Parole and Probation
  Warren Lutzow
  Alan Barnes
  William Callahan
  Martin Stepina

- District Attorney's Office
  Ron Rachow

- Washoe County Sheriff's Office
  Captain Jesch
  Lieutenant Chris Smith
  Sergeant Lopey
  Sergeant Rutherford
IV. FINDINGS AND RECOMMENDATIONS

A. Principal Findings

1. ROP Program Will Work Well

Based on the team's site meetings and review of the ROP program to date, the team concludes that this program will work, and will continue to work well in the future once it becomes institutionalized within the department and the related criminal justice agencies.

   a. Necessary Departmental Commitment Exists

   There are two basic reasons for this conclusion. First, the Reno Police Department, through its Chief, Robert Bradshaw, is committed to the concept of community policing. This commitment pervades the top levels of the Department, ensuring its adoption at the lower levels. Because of community policing, the Department emphasizes creative problem solving. Therefore, it is not difficult for this Department to adopt an arrest and case management policy that permits individual ROP officers to penetrate deep within the criminal justice system to ensure that the arrests of ROP offenders have meaningful dispositions. In contrast to this community policing policy is the more traditional response, i.e. to declare a case closed by arrest or clearance, which is antithetical to ROP program objectives.

   b. Necessary Interagency Support Exists

   Second, the program receives active support from key members of the criminal justice system, including the Washoe County Sheriff's Office and the Adult Parole and Probation. For example, during the team's site interviews, representatives of the Sheriff's office suggested practical ways to reduce the likelihood of ROP defendants being released pretrial. They also suggested notification and transportation procedures that would keep attention focused on the ROP defendant as he/she is transported to the courtroom. It is this type of involvement that will bring the ROP program into successful operation.
Similarly, the Adult Parole and Probation Department provided substantive help while discussing the procedures necessary to ensure a comprehensive PSI; and to establish notification procedures when, and if, the defendant is released from prison or placed on parole. These are two critical parts of an ROP program. Based on the enthusiastic support of Adult Parole and Probation, the procedures should be relatively easy to develop and maintain.

The District Attorney's office also supports the ROP program and has designated Ron Rachow, an experienced trial attorney, as ROP coordinator. However, this assignment and current operating procedures are unsettled because a new prosecutor has been elected in November. As a result, until the successor is in office, the ROP team should expend only minimal time on the development of procedures that coordinate law enforcement and prosecutor activities. Once the newly elected District Attorney takes office in January, then the Police Chief, Sheriff and other high officials should meet with the prosecutor to voice support for the program, and ask for the prosecutor's participation.

2. Need to Orient the Court and the Public Defender to Program Goals and Characteristics

The public defender and the courts had not been officially informed of the program. The team recommends that Captain Glensor, Lt. Cardwell and Sgt. Saulnier meet, as soon as possible, with both representatives from both organizations to describe the program and discuss its impact on the court and the public defender's office. While it is not essential that these two components become actively involved in the details of the ROP program, it is essential that they understand how the program will affect their operations (e.g. increased trials, no plea bargains, convictions at the highest levels, etc.) so that they can make the necessary adjustments in their own workload.

The most important feature of the ROP program is that the number of active, pending ROP cases will never be large, perhaps four to eight per month. Only by limiting the volume of cases, can they be given the necessary, special attention they need without overwhelming the resources of any of the agencies they touch. If the numbers are permitted to increase, then the program simply can not be sustained under present conditions of limited resources, overwork and overcrowding.
B. Principal Recommendations

The recommendations presented below are designed to have sufficient detail to provide a guide for ROP program officials. Each recommendation is followed by a brief explanatory justification or commentary.

In considering these recommendations, local officials are encouraged to consult ROPES (Repeat Offender Program Expert System), an expert system that captures the knowledge of experts in repeat offender programs, and displays it as a program plan tailored to meet a local jurisdiction's requirements. The ROPES system was developed by the Jefferson Institute for Justice Studies in 1988, under a grant from the Bureau of Justice Assistance (Grant number: 87-SA-CX-K082). The Reno Police Department was the first agency to evaluate the latest development in this expert system technology which is a form of artificial intelligence. Prior to the team's visit, a summary of the plan, titled "Quick Check", was mailed to the NNROP director for review. The results indicated that the plan developed by the expert system was consistent with the program being established. Accompanying this Technical Assistance report is a copy of the program plan developed by ROPES and the "Quick Check" report which summarizes the major tasks and decisions needed for successful program implementation.

The following are detailed and specific recommendations which supplement the more general instructions presented in the ROPES plan. Many of these recommendations have already been discussed with the ROP officers during the site visit.

1. Organization
   a. Form an executive policy board comprised of the chief administrators from appropriate Reno, Washoe County and state law enforcement and criminal justice agencies.

      The purpose of this committee is to demonstrate the commitment at the highest policy level. Consideration might be given to having the City Manager or County Administrator chair the committee. Judges should be invited to attend. The committee should meet annually to reconfirm their commitment to the program and set policy if necessary.
b. **Provide an organizational structure to the ROP Steering Committee.**

Criteria for membership, attendance, frequency of meetings, designation of alternates, etc. should be set forth. Committee objectives and responsibilities should be documented in writing so that all members can sign off on them. Most importantly, the committee should be provided with clerical support so that pre-meeting agenda materials are available and the minutes written up after the meeting.

At the present time, the ROP committee reflects good intentions and a spirit of cooperation. However, unless some thought is given to its organization and some clerical support provided for its meetings, the procedures and agreements reached at these meetings will fade from memory over time and jeopardize the continuing support for the program. The decisions made during these meetings about problems and issues must be recorded for future reference.

c. **Create a Target Selection Team that will be separate from the Action Team (ROP Unit) and responsible for target selection decisions.**

The Target Selection Team should be responsible for reviewing and qualifying targets, designating qualified targets to be placed on the active list, and creating a backup list of targets to be used as needed. The Target Selection Team should represent the interests of the RPD's patrol and investigation functions, other metro law enforcement agencies, the Sheriff's Office, Parole and Probation, and the District Attorney's office.

At the present time, the selection decision is in the hands of the NNROP's unit supervisor and the action team. These officials determine who is a good candidate for surveillance and apprehension. While this is a legitimate decision for law enforcement agencies to make, it does not work well in comprehensive and coordinated ROP programs where the supervisor can be criticized for selecting only his/her targets for apprehension and ignoring the interests of other agencies. Therefore, it is better to delegate responsibility for this decision to an independent body in which Reno PD's interests can be represented along with those of the other participants who are actively involved in the program.
d. The Reno Police Chief and Washoe County Sheriff should personally meet with the newly elected District Attorney to explain the program and request continued participation and designation of an ROP coordinator in the District Attorney's office.

At the present time, the participation of the District Attorney's staff is uncertain. Since a new prosecutor takes office in January, the meeting should be held as soon after the November elections. The ROP team can use the interim time to work up procedures in time for January.

e. The NNROP program should place more emphasis on targeting those persons who are "active" rather than just those with the highest scores. The active list should not exceed five with one or two alternatives.

2. Identification of Targeted Offenders

a. The identification of Targeted Offenders should be primarily by referrals and should not exceed a maximum number of five active cases at any one time.

The purpose of the NNROP program is to incarcerate the most active repeat offenders, those inflicting the most harm on the community. The identification of these persons is best performed by referrals and these should be the primary identification method used. The amount of work involved on these cases should not exceed the team's resources. With only four ROP officers and one Supervisor, five ROP targets should be the maximum number active at any one time.

b. The program should adopt a case management approach that holds the ROP officers accountable for their assigned targets throughout the adjudication and post-conviction process.

This recommendation deviates from normal law enforcement procedures in which an individual police officers' involvement ceases once a case is in the courts except for their testimony. For NNROP cases, it is very important that all the work that went into the apprehension of the ROP defendant not be lost because of a lack of attention, missing information or some other accident that lets the case slip through the criminal justice net later on. Any negative or unanticipated
decision occurring with a specific case should be identified and documented for discussion about changes in procedures or policy.

c. Although cases are individually assigned to an ROP officer they should be handled on a team basis to allow the assigned ROP officer to gain knowledge and experience from other officers.

The ROP Unit should adopt a case review and critique procedure where individual apprehension plans, ROP active case status reports, etc. are discussed by all members. The assigned ROP officer presents his/her case or issue. The Unit supervisor acts as a facilitator to help draw out the concerns, suggestions of the group and seek a consensus. The sergeant retains the ultimate decisionmaking responsibility.

3. Support Services

a. ROP officers should be provided with equipment necessary to allow them to function as case managers. This includes cellular phones, assigned vehicles, dictating equipment, and a fax machine.

The case management duties of ROP officers require them to be immediately available to law enforcement officers, prosecutors, probation and parole, among others. Without the means for rapid communication like cellular phones, or transportation in the form of assigned cars for the NNROP officers, they cannot perform their duties. Since good working relationships with the prosecutor and other criminal justice agencies, including out-of-state courts, and law enforcement agencies is essential, a fax machine for the transmission and receipt of records and information should be assigned high priority.

b. New space should be found for the ROP unit so that every person in the unit has their own desk.

At the present time, available space is totally inadequate. Two officers share a single desk. This may have been tolerable when the officers were only engaged in surveillance and apprehension activities. But the case management approach required by the NNROP program, necessitates follow up, files creation, and working space which includes file cabinets and space for clerical support staff.
c. The ROP unit should have a personal computer (PC) to support the program's case management responsibilities and should, also, have easy access to other existing police and criminal justice information data bases via terminal.

The ROP case management approach requires continual update on ROP target status in the criminal justice system, and a tickler system to respond to the next major step in the criminal justice system. These files can be best maintained on a PC using off-the-shelf software for word processing and relational data base files for case management.

d. The ROP unit should be provided with a separate informant fund.

At the present time, the funds available for informants are too small to be effective. A separate fund will allow the unit to more effectively utilize informants thereby reducing expensive surveillance activities.

4. Operations

a. The referral card submission procedures currently used should be refined and expanded to include sufficient supporting information to assist the target selection process.

At the present time, the action team has to examine each referral card and check records on the referrals to determine whether they are eligible as targets. This is a time-consuming process, a minimum of 30 minutes per referral. Much of this initial qualifying work could be eliminated if the referral cards were accompanied by a justification for the referral accompanied by minimum background information such as the criminal history. Each submission should be acknowledged by the ROP unit, along with a notification of the decision made about the qualification and status of the referral.

b. Building the ROP dossier should begin as soon as the candidate is selected as a ROP target and the dossier should contain information needed for the critical processing points, i.e. apprehension, no bail, jail classification and security, enhancing the prosecutor's case, assisting in the pre-sentence report, and providing notification of ROP status to corrections.
The present dossier primarily collects information needed for the qualification decision, i.e. the computation of the score. The contents of the dossier, and a checklist of reports should be designed in conjunction with the other components of the program to ensure their usefulness. (Please see the ROPES plan for the description of these items.)

c. **The apprehension planning process should be better structured so that arrests can be made safely and effectively.**

At the present time, NNROP unit targeted arrests are based on informant information and surveillance activities which are over-time-consuming; difficult to plan and safely execute; and, may result in arrests for less than serious crimes. Other techniques should be considered as part of the apprehension planning process, e.g. serving warrants, revoking parole or probation. The more information in the dossier, the better the planning effort. The plan should be presented and discussed among the ROP team and the results should be documented by the ROP officer assigned the case.

d. **The District Attorney should place in writing the office’s stated opposition to the release of any ROP arrestee, and communicate this policy to the Sheriff.**

At the present time, Felony OR through the Court Services deputy or the Sheriff’s Office deputy does not release on recognizance of any arrestee if the release is opposed by the District Attorney. Extending this policy to all NNROP arrestees would significantly improve the likelihood of achieving the program’s goals.

e. **Adult Parole and Probation should request that the Sheriff’s Booking Sergeant supply them with the behavior record of the ROP offender.**

If there are any infractions or violations in the jail, this information can be included in the PSI report. It will strengthen the arguments for incarceration and the length of sentence.
The ROP coordinator should work with the District Attorney's office to develop acceptable justifications for requests for bail that are higher than the schedule. There are circumstances in which bail can be set higher than on the schedule. The ROP officers should be trained by the District Attorney's ROP coordinator in this regard. They should then work with the District Attorney's staff to develop appropriate justifications for requests for higher bail.

The ROP officer should make arrangements to be present at the initial appearance to argue for high bail or pre-trial detention. At the present time, the initial appearance is heard 72 hours after arrest. No prosecutor is present, and the proceedings are conducted by video. This is a good example for one of the holes in the net. The ROP officer assigned to the case should be present to influence the decision and should have made contact with the Deputy District Attorney handling the case prior to the hearing.

The ROP director and officers should set aside enough planning time to work out procedures and policies with Adult Parole and Probation regarding pre-sentence investigations, community impact statements, sentencing, releases and revocations. This is the Last Phase in the cycle for processing ROP offenders. Adult Parole and Probation hold the key to the success of the program at this point in the system. It is imperative that procedures be placed in writing and implemented in order to keep the net tight around the ROP offender. All ROP officers should participate in developing procedures that keep this noose tight.

Procedures should be developed with the Department of Prisons and the Parole Commission to provide them with all relevant information regarding NNROP offenders. Too often the identification of the prisoner as a repeat offender is lost upon imprisonment and/or parole. Worse yet, some of the documents are not legible by the time they reach prison classification. The NNROP officer should prepare a package for the prison and parole commission and ensure that it is received by them. In addition,
notification procedures should be established to inform NNROP when targeted individuals are released into the community.

5. Extending the Power of the NNROP Program: Asset Forfeiture Procedures
a. The ROP officers should be trained in the principles and procedures for asset forfeitures and make seizures whenever possible in conjunction with CNU officers.

Whenever possible, the assets of the ROP target should be seized, thereby depriving him of some of the profits associated with his criminal activity. Each of the NNROP officers should be trained in the techniques and principles vital to the identification of assets and work with the Consolidated Narcotics Unit (CNU) to increase seizures.
V. CONCLUSION

The NNROP program being developed by the Reno Police Department enjoys the support of all the critical components of the criminal justice system and perhaps, most importantly the Chief of Police. As stated earlier, the prognosis for this fledgling program is excellent. However, now it is important that the NNROP unit be given the opportunity to develop working relationships with the other agencies involved in adjudication and detention functions. Equally important is obtaining the Department's commitment to supply the NNROP unit with essential equipment and adequate space. If these two conditions are met, this NNROP program should be a model for other agencies who are contemplating the implementation of prearrest, proactive repeat offender programs.
VI. ATTACHMENTS

1. ROPES - REPEAT OFFENDER PROGRAM EXPERT SYSTEM: Preliminary Plan for a Career Criminal/Repeat Offender Program for Reno Police Department.

ROPES — REPEAT OFFENDER PROGRAM EXPERT SYSTEM

PRELIMINARY PLAN

FOR A

CAREER CRIMINAL/REPEAT OFFENDER PROGRAM

FOR

RENO POLICE DEPARTMENT

JEFFERSON INSTITUTE FOR JUSTICE STUDIES

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(202) 659-2882
PRELIMINARY PLAN FOR A CAREER CRIMINAL/REPEAT OFFENDER PROGRAM

FOR
RENO POLICE DEPARTMENT

October 22, 1990

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The development of this program plan was supported by Grant Number 87-SA-CX-K082 from the Bureau of Justice Assistance to the Jefferson Institute for Justice Studies. The views and opinions expressed here are those of the Jefferson Institute and do not represent the official position or policies of the U.S. Department of Justice, or the Bureau of Justice Assistance.
This plan presents a preliminary design for a career criminal/repeat offender program which has been developed from information provided by its preparers. 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.
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Section 1. BACKGROUND AND OBJECTIVES

BACKGROUND

Career criminals and repeat offenders account for an extraordinarily large number of crimes, both against property and persons. These habitual criminals begin committing crimes well before the age of 16 and continue on into adulthood. The activities of these offenders have important implications for criminal justice policy and operations. Targeting the criminal justice system's resources on this population is an important way to improve the quality of life in a community.

Career criminal and repeat offender programs have been in operation in many jurisdictions since the early 1970's. But it has been only the last decade which has produced more sophisticated responses to the problems created by repeat offenders and improved methods for dealing with this group.

This program plan reflects these advances. It is produced by technical assistance providers, and it utilizes the most advanced technology available to produce the plan, namely expert systems.

The expert system which produced this plan utilizes the knowledge and experience of persons who have advised numerous other local jurisdictions in the establishment of career criminal/repeat offender programs, and have conducted training programs for state and local agencies.

The experts include:

Honorable Peter Gilchrist, District Attorney, Mecklenberg County (Charlotte), NC;

Mr. Dan Fox, Chief, Career Criminal Program, District Attorney's Office, San Diego County, CA;

Mr. Kai Martensen, Assistant to the Chief, Baltimore County Police Department, Towson, MD;

Mr. William Gay, University City Science Center, Herndon, VA;

Mr. Edward Ratledge, University of Delaware, Newark, DE; and

Ms. Joan Jacoby, Jefferson Institute for Justice Studies, Washington, DC.
The expert system was designed and developed by Edward Raaldegs and William Graham, UCSC, Newark, DE. The expert system that has produced this preliminary program plan reflects your decisions and priorities. It should, of course, be reviewed and modified as necessary.

If you have any questions or would like further clarification about some of the components of the plan, please refer to the "Guidebook for the Establishment of Career Criminal/Repeat Offender Programs" published by the Bureau of Justice Assistance as part of its Technical Assistance Project. More detailed questions can be referred to Joan Jacoby at the Jefferson Institute for Justice Studies, 1910 K St NW, Suite 601, Washington DC 20006. Telephone (202) 659-2882.

OBJECTIVES

The purpose of career criminal/repeat offender programs is straightforward. Simply stated, these programs are designed to:

- PROTECT the community by
- REMOVING from the streets
- MOST ACTIVE criminals for
- LONGEST time possible.

The objective is to provide public safety through incapacitation. Incapacitation is achieved either in the short-term by pretrial detention, or in the long-term by jail and prison sentences.

How this is accomplished and by what means is the subject of this plan.

Career criminal/repeat offender programs can take many forms and shapes depending on the environment, the policies of the agencies involved and the resources available. The plan described below, meets the above program objectives, and is based on the decisions made by the preparers and the information provided to the expert system. (Different decisions might have produced a different plan.)

ORGANIZATION OF THE PRELIMINARY PLAN

This plan is organized into sections which relate to the steps needed for program planning, development, implementation and evaluation phases.

As a short-cut for those who are already operating career criminal/repeat offender programs, Section 8, QUICK CHECK, summarizes each of the tasks necessary for each part of the plan in checklist form. This section can be used as a control to ensure that all activities required by the program are undertaken.

Section 2, Program planning, discusses the first steps that need consideration to ensure a successful program. This includes verifying the need for a career criminal/repeat offender program; assessing the levels of support that are available; deciding which type of program will best meet your objectives; and, establishing working groups or task forces to assist in the development and operations of the program.
Section 3, Selection criteria, discusses selection criteria and how they are to be monitored and modified.

Section 4, Apprehension and pretrial release, focuses on the work steps needed at the apprehension stage and to increase the likelihood of pretrial detention.

Section 5, Case processing after arrest, follows the program from prosecutorial review and charging, through adjudication, post-conviction activities and release.

Section 6, Program organization, describes the organization, management and staffing requirements in relation to the office and the criminal justice environment within which the program will operate.

Section 7, Program reporting, monitoring and evaluation, presents a plan for monitoring and assessing the impact of the program over time.

Section 8, QUICK CHECK, summarizes the tasks that need to be undertaken in each of the above sections and acts as a checklist for the program planner. The Quick Check is printed as a separate document.
Section 2. PROGRAM PLANNING

This section addresses those activities that are the foundation for career criminal/repeat offender programs.

They include:
1. identifying the problem;
2. deciding which program type to utilize;
3. building support for the program; and,
4. organizing the planning process.

IDENTIFYING CRIME PROBLEMS AND THE TARGET POPULATION

Law enforcement agencies tend to rank crime problems by their levels of violence or high volume. The prosecutor's office may share these same priorities unless there are other policy considerations that shift the prosecutor's emphasis elsewhere. For example, the prosecutor may give priority to consumer fraud, white collar crimes, child abuse or drunk driving offenses rather than burglaries or drug cases.

As a first step, in program planning it is necessary to identify the nature of your crime problem and the population which is to be targeted by the CC/ROP program. Based on your responses, the characteristics of your target population are:

Age of target population: ADULT
Criminal History of target population: EXTENSIVE
Nature of crimes in target population: AGAINST-PROPERTY
Activity of target population: HIGHLY-ACTIVE

The types of offenses considered are:

Burglary
Grand Larceny
Robbery

It is estimated that the target population consists of about 500 offenders. The most persistent problem(s) facing Reno Police Department are:

Burglary
Larceny
NIL

PROBLEM IDENTIFICATION MEMO

To avoid creating false expectations and to make sure that all participants agree on the problems to be addressed by the CC/RO program and what it will achieve, you should prepare a problem identification memo which:

1. specifies the problem (e.g. habitual offenders, active burglars, drugs and guns, etc.);
2. describes the scope of the problem in terms of:
   a. geographic area (one precinct, county, regional, state, highway transportation routes, etc.);
   b. impact on the community (loss of property, victimization, fear, etc.);
   c. target population (adult, juvenile, adults on supervised release, youthful offenders, etc.)

3. states the specific anticipated effects of the CC/RO program;

4. identifies which of the effects in 3 above can be measured.

This memo should be circulated to all participants for review, modification and ultimately, a sign-off.

PROGRAM MODELS AND TYPES

Introduction

There are two basic models for career criminal(CC)/repeat offender(RO) programs: pre-arrest or post-arrest.

The pre-arrest model identifies repeat offenders prior to their apprehension and often targets them for surveillance or special attention if surveillance is not feasible.

The post-arrest model is activated after an arrest has been made. It may identify the repeat offender prior to arrest, but the program does not begin until the offender has been arrested.

The choice of model, or program type, has a direct bearing on the levels of police activity, the selection criteria, and the number of repeat offenders processed through the criminal justice system.

It is possible to operate both types of programs in tandem. This usually occurs when the police target pre-selected repeat offenders for apprehension based on one set of criteria; while, at the same time, the prosecutor adopts a different set of criteria for its prosecution effort (beginning after arrests have been made). Clearly, this type of situation must enjoy the full cooperation of both agencies.

If this is a new program, we recommend that you start with one model and make it operational before installing the second type.

Pre-arrest Programs

Pre-arrest programs typically target a small number of repeat offenders who are actively committing crimes. Their goal is quite simple: to remove these persons from the community as quickly as possible for as long as possible.
To do this, RO's are identified prior to arrest. Dossiers are prepared which contain records and information about out-of-state convictions, failures to appear, criminal justice status, prison performance and field intelligence, among others. This information has a dual use: (1) it supports requests for pretrial detention, and (2) it may increase the length of the sentence imposed.

Law enforcement agencies assume the responsibility for the direction, operations and coordination of the program. However, all their work will have little long term impact if the prosecutor is not sensitive and responsive to the program; and the other criminal justice agencies are not in general accord with its objectives.

To successfully operate a pre-arrest program, the agency should commit to the following activities:

1. Have the support and approval of the chief who has also signed off on the problem identification memo;
2. Work closely with records and warrants;
3. Coordinate with other special units (such as narcotics, vice, etc.) and establish working relationships with these units;
4. Train and involve patrol officers in the program;
5. Designate a strong ROP coordinator and liaison person;
6. Provide adequate clerical support for the dossier;
7. Become active in the network of CC/ROP programs operating throughout the U.S.

Management also has to recognize that these programs are suspect-oriented, not case oriented. These types of programs require creativity and innovation in using existing criminal justice resources. If the above activities cannot be accomplished, then the planning process should stop until they can be.

Once accomplished, then the next step is to assess the levels of support you will expect to find both within the department and in other criminal justice agencies or units.

The number of offenders you estimated for the target population may exceed the capacity of your program. The department should not have more than 5-10 active targets at any one time. Therefore, if this number is exceeded, you should make sure that this problem is addressed in the planning process, and procedures created to keep the target size under control.

**BUILDING SUPPORT FOR THE PROGRAM**

Experience has indicated that the most successful programs operate in environments having the 3 C's: cooperation, communication and collaboration. This section addresses these activities.
Assessment of Program Support

During the planning stages, it is important to determine how much external support for the program is available. For example, even though a law enforcement agency can operate a repeat offender program, to do so without the cooperation of the prosecutor invites a short term success.

Your analysis of the type of support or resistance that you expect to encounter from other agencies is summarized as follows:

The codes used in the following table are as follows:

P = Positive, N = Neutral, R = Resistant, NA = Not Applicable

<table>
<thead>
<tr>
<th>Agency or Unit</th>
<th>Expected Support</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police criminal records and Identification:</td>
<td>p</td>
</tr>
<tr>
<td>Police dossier preparation:</td>
<td>p</td>
</tr>
<tr>
<td>Police warrant squad:</td>
<td>p</td>
</tr>
<tr>
<td>Bond setting magistrate or judge:</td>
<td>p</td>
</tr>
<tr>
<td>Pretrial release agency:</td>
<td>p</td>
</tr>
<tr>
<td>Felony or higher court:</td>
<td>p</td>
</tr>
<tr>
<td>Chief judge - lower court:</td>
<td>p</td>
</tr>
<tr>
<td>Chief judge - felony court:</td>
<td>p</td>
</tr>
<tr>
<td>Presentence Investigators:</td>
<td>p</td>
</tr>
<tr>
<td>Probation supervision:</td>
<td>p</td>
</tr>
<tr>
<td>Sheriff/jail:</td>
<td>p</td>
</tr>
<tr>
<td>Department of Correction:</td>
<td>p</td>
</tr>
<tr>
<td>Parole supervision:</td>
<td>p</td>
</tr>
<tr>
<td>Revocation Warrants:</td>
<td>p</td>
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Each area identified with an R in the above list needs your attention in the planning process. One cannot expect unanimous support for CC/RO programs. Courts may wish to remain impartial, public defenders may argue with the program’s objectives, probation may disagree with the sanctions sought. The fact that there is resistance should not stop the planning process. The planning process should address ways to overcome or avoid resistance by using those procedures which are under your own control, or enlisting the help of program supporters.

For example, the police can influence a number of operations indirectly to the benefit of the ROP program. They can prepare extensive dossiers on the RO which include out-of-state certifications, information on failure to appear, or outstanding warrants. This not only strengthens the prosecutor’s case but it may influence arguments for pretrial detention. Problems with witness appearances or subpoena service can be influenced by the ROP detectives’ follow up work, e.g. telephone calls prior to court appearances, monitoring the jail release lists or prison releases even if there is little communication or cooperation between the agencies, keeping track of warrants and revocations.
In one sense, each resistant agency you have identified tells you where to focus your planning attention to make sure there are no loopholes in the procedures through which the repeat offender can slip.

Prepare Strategy Memos

You should prepare a strategy memo which identifies all likely problem areas, and proposes strategies to overcome them. This should be shared and expanded as new ideas occur.

Police/Prosecutor Cooperation

The fact that there is extensive cooperation between the law enforcement agencies and the prosecutor lets you develop the CC/RO program under the most advantageous circumstances. However, the program still needs the development of procedures, the setting of priorities and the coordination of activities. As the program is developed, these areas need to be discussed and formalized so there is no confusion when it is finally implemented.

It is recommended that staff persons from each agency be designated as CC/RO planning coordinators and given responsibility for the planning effort including adequate time away from their other duties to conduct these planning functions.

ORGANIZING THE PLANNING PROCESS

The major objectives of the planning process are to:

1. reach agreement about the nature and scope of the problem;
2. decide what type of program to adopt; and,
3. establish procedures which will make the program work.

Since no single agency can control the outcomes of the entire criminal justice system, the planning process should consider all the agencies which will be affected by the program. Agencies can be classified into three groups: one group of agencies will actively support the program; another group will be resistant; and a third, will be affected by it but will retain a neutral stance. All groups should have an understanding of the program's goals and objectives, and be made aware of the procedures that ultimately are adopted for implementation.

The key to building support is to establish a network of involvement among all the agencies important to the program. This network should be established as early as possible and include in addition to the prosecutor and law enforcement agencies, judges, court personnel, pretrial release personnel, presentence investigators, the sheriff, probation, corrections and parole.

The organization of the planning process should be reflect the different levels of interaction and work.
A permanent, inter-agency coordinating committee reflects the highest level of interest. It guides the overall direction and coordination of the program. Initially this committee develops plans and procedures. Later, after the program is operational, it addresses long-range planning; budget and personnel needs; the ability of the criminal justice system to respond to the work generated by the program; and, areas where legislative change is desirable. It may include representatives from the courts, the county administrative office, state police, corrections, parole and others. Even citizens groups (like MADD or SADD) should be considered as members if they can assist in the long-term viability of the program.

Ad hoc working committees, which are temporary in nature, may be created to address specific problems or issues, and assist the program director on a short term basis. These problems may occur when present operating procedures conflict with the program's goals (e.g. shifting from a case clearance mode to a ROP arrest mode), coordinating procedures between pretrial release agencies, the prosecutor and the police, establishing simplified procedures for obtaining out-of-state certifications, or even setting priorities between narcotics or robbery units who are interested in the same ROP's.

CC/ROP coordinators should be designated by the agencies working with the program to provide continuity and liaison to the planning (and later, operational) effort. This core group will translate the objectives of the program into operational reality.

The CC/ROP program director and the CC/ROP staff coordinators are the focal point for the planning process. Specifically, their duties include:

1. Specifying realistic and attainable goals and objectives, obtaining agreement among those participating in the program, and their sign-offs on the problem identification memo;
2. Identifying all work internal to the agency, making assignments and setting deadlines for completion, making decisions about the organizational structure and manning of the program;
3. Locating all areas in the criminal justice system where the CC/RO can slip through the net through interviews with criminal justice personnel in these areas;
4. Developing procedures with the other agencies to tighten these loopholes or eliminate them;
5. Establishing a communication and coordinating mechanism which can put out fires and monitor progress;
6. Providing the ability to make changes in direction, scope or priorities as the program shakes down;
7. Developing reporting and accountability systems which will allow for the evaluation of the program and its performance, and indicate where improvements are needed; and,
8. Establishing selection criteria for entrance into the program.
The development of selection criteria is not the last step in the planning process. It actually occurs somewhere between steps 1 and 2. This task distinguishes one program from another and it is so important that it is discussed in detail in the next section.

In many jurisdictions, the work performed by the program director and the CC/ROP coordinators may cross all the units described above. Some work may be interagency in nature, other work may be policy driven. What is important is that the activities described in each of the organizational units be performed; not that a unit be created to perform the activities. With the exception of the coordinating committee whose creation we strongly recommend, it is the substance of the work not the form that is important.
Section 3. SELECTION CRITERIA

OVERVIEW

Selection criteria are the factors that determine eligibility and identify the offenders or cases eligible for CC/ROP treatment. Establishing selection criteria is the first important task after the planning process has been organized.

The criteria established for your program defines:

* the priority you place on certain offenders or cases;
* the number of cases eligible for CC/ROP selection and review; and ultimately,
* the size of your program.

Most jurisdictions have major offense bureaus (MOB) which handle heinous, violent and high-media cases. These should NOT be included in a CC/ROP program because, by definition, they already receive special attention.

The selection criteria should match your program's objectives and your community's crime problem. They should identify repeat offenders, who are criminally active in the community and whose incarceration would provide the public with an added measure of safety.

If the selection criteria are too broad, your program will become unmanageable. Conversely, if they are too narrow, you may have a program with too little work. Striking the balance between the two extremes is the work of the selection criteria.

Furthermore, since the criminal population will change over time, either in number, activity or offenses, the CC/ROP program has to be flexible. This also should be reflected in the criteria you develop for your program.

In this section, we will:

1. propose selection criteria suitable for your program;
2. discuss ways to reach consensus on the criteria;
3. recommend procedures for utilizing the criteria; and,
4. discuss procedures for keeping the selection a relevant and up-to-date.

DEVELOPING SELECTION CRITERIA

Selection criteria depend on the type of program you choose. Pre-arrest programs can use criteria which relate to the characteristics of known offenders such as the level of their criminal activity on the street. Post-arrest programs tend to use criteria which are based on criminal records, such as the number of prior felony convictions. The difference is due to the fact that the post-arrest programs are more reactive than the pre-arrest programs where individuals can be targeted prior to arrest. Most of the
criteria established by jurisdictions includes a mixture of qualitative and quantitative information if it is easily accessible.

A combination of offender and offense criteria provides the program coordinator with the ability to regulate the flow of work through the system. It also introduces flexibility into the program because the offenses can be changed as necessary.

**Basis for Selection Criteria**

Selection criteria can be based on a number of sources: internal guidelines or formula; existing legislation; or even sentencing guidelines. It is not unusual to find a combination used in some CC/ROP programs.

Since your selection criteria will be based on internal guidelines, they can reflect a wide range of factors. You are not limited in your choice of factors; but your choices should reflect your criminal justice environment and the nature of the crime and criminals in your community. For example, you would not want to include as a factor in the selection criteria prior juvenile adjudications if these were not available for use.

Additionally, the factors should be readily available for all CC/RO's. For example, if one criteria is prior convictions for specific crimes, the conviction records of all offenders should be reviewable for this piece of information.

The benefit of using both offenses and offenders as the criteria for your program is that it allows you to better control the size of the target population and focus on troublesome crime problems which are not receiving satisfactory attention.

A pre-arrest program is designed to target offenders who are currently active and known to law enforcement agencies. This type of program does not work very well if the criminal population is transient or generally not known to police.

Pre-arrest programs allow you great flexibility in developing criteria. The first step is to identify those factors of importance. Following is a list of those which have been used by other jurisdictions and which you might want to consider as you begin your program.

**Selection Criteria Factors for Consideration**

- 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.
REACHING CONSENSUS ON SELECTION CRITERIA

As you can see, many of these factors depend on the intelligence of law enforcement agencies. However, this knowledge may not be shared by all law enforcement personnel. Other agencies in the CJ environment may have additional insights that should be considered. The basic principle is to select factors that are acceptable to the largest number of personnel.

Establish a selection criteria committee.

This committee can be informally constituted or not. Its primary purpose is to discuss which of the factors best represent the CC/RO universe you want to target, and which can be used to keep the program manageable.

For example, arrestable is an essential factor because if the CC/RO is not likely to be arrested within a short time period after selection, the department will waste valuable resources unnecessarily. However, the committee has to resolve what arrestable means, and how long a time elapses before the CC/RO is not arrestable.

Each member of the committee should be given a Selection Criteria List which includes some or all of the factors presented above, and asked:

1. to add or delete factors on the list;
2. to justify any changes to the list in terms of the program and its goals; and
3. to rank their factors in order of priority.

Based on this work, a meeting should be held to discuss the results of this exercise. This is the first important step in establishing selection criteria. It also provides you with an opportunity to further discuss and clarify the objectives of the program.

MAKING TARGET SELECTIONS

Principles

The major hazard facing proactive pre-arrest programs is designating too many candidates as targets. This is especially true if targeting includes surveillance. But even without surveillance, working up the papers on pre-designated targets is time-consuming. You should err on the small side with respect to the number of targets, even though the success of the program will push for its expansion.

You can think of your RO population as forming a pyramid. At the bottom are all potential candidates whose names have been submitted by the selection committee; midway to the top are those who are qualified as RO's; and at the very top, are the 5-10 who are selected for targeting.

Very few RO's make it to the top. And, most importantly, they do not stay at the top very long. RO's who have not been successfully apprehended move back to qualified status, making room for a new target.
Once you have decided how many targets you can handle at one time, you should not increase the number. If you want to add a new RO, then an active one will have to yield its place to a new one. This should be a hard and fast rule to control the size of the program.

**The Selection Process**

The selection process has two purposes:

1. it qualifies RO's by ensuring that the candidates meet minimum qualifications; and
2. it selects a smaller group which is placed in active target status. There are three activities involved in this process:
   - initial selection;
   - add-ons to the candidate list; and,
   - changes to the list (either movement or deletions).

Initial selection can be made by formula or by committee. In either case, the final review of the initial selection is needed.

**Selection by Formula**

Selection by formula is done by applying objective criteria to potential RO candidates who are identified from:

- arrest and booking lists which should be reviewed daily;
- criminal records which supplies names of repeat offenders;
- probation and parole supervision; and,
- releasees from jail, halfway houses or corrections.

You should use any list which helps you identify active RO's. Applying the formula to these names will identify RO offenders. Keeping these lists up to date is not difficult if the screening is done on a regular (daily) basis.

To delete names from the lists requires the existence of a notification procedure which informs you of apprehensions or convictions. You should develop these procedures with other agencies if they do not exist.

**Selection by Committee**

Selection by committee is a better vehicle when the candidates are recommended by those who know of their activity in the community. This type of selection relies heavily on intelligence about the candidates, and the committee is useful in selecting one candidate over another.

Recommendations for targets should be forwarded by patrol, detectives, investigators and others who are represented on the committee. The committee should meet on a regular basis and develop the target pyramid.
Regardless of how the candidates are nominated, the selection committee should have responsibility for:

- designating targets when openings occur;
- adding new candidates to the RO pool;
- monitoring the status of targets; and
- moving targets or RO's into inactive status.

Openings on the target list are created when:

1. The planned arrest program does not produce reasonable results within a given time period (24 weeks, for example). At this time, the committee designates the target inactive, transfers him to qualified RO status, and does not actively monitor him.

2. The target is arrested and is in pretrial detention. Then the target is transferred to inactive status.

3. A very important target emerges who was not considered before and is allowed to "bump" another target who is placed back in the qualified stage.

Because targeting is so dynamic, and because if left unattended, it can waste valuable resources, it has to be monitored on a daily basis. The status of each target should ALWAYS be known to the ROP coordinator.

**SPECIAL CATEGORY - WARRANTS**

By creating a special category for that group of offenders for whom there are outstanding warrants of a designated type, you will have the ability to smooth out the workload in your program while seeking out repeat offenders with outstanding warrants.

Thus, in addition to the selection criteria developed for the CC/ROP program, you should establish criteria for the types of offenders and types of warrants that will qualify a person for the CC/ROP program. This may be based on prior convictions, specific types of crimes, types of warrants outstanding, number of warrants and so forth.

You should go through a similar selection criteria process for this group much as you did for the other.

It goes without saying that you should establish procedures for checking warrants AT LEAST daily.
MONITORING AND MODIFYING SELECTION CRITERIA

It is important that the selection criteria are kept relevant to the CC/RO population. Thus, the selection committee should interview a sample of persons involved in designation and processing to determine whether they are satisfied with the criteria and the designations it produces.

The interviews should be scheduled on a monthly basis at first, then reduced to a quarterly schedule.

If there is general dissatisfaction, then the selection criteria establishment process should be repeated.
Section 4. APPEHENSION 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

Proactive CC/ROP programs are work-intensive because successful targeting and case follow up depends on having thorough background information about the RO's, their habits, associates and activities. The goal is to apprehend them in the shortest time possible so that your resources can be shifted to the next target.

Packages should be prepared for each individual target. These packages should include official records and documents, and police intelligence information. Generally, the intelligence information is removed from the package when it is given to the prosecutor.

The purpose of this package is to provide information which will:

* assist in the apprehension of the target;
* support arguments for high or no bail decisions; and,
* assist the prosecutor in obtaining a conviction and the longest sentence,
* affect probation supervision or prison classification and treatment programs.

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.

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.

DEVELOPING AN APPREHENSION PLAN

The reasons for developing an apprehension plan are to make the most efficient use of your resources in the shortest period of time. You should not spend weeks following suspects or leads if proper planning could reduce this time significantly.

Additionally, since you have more than one RO designated or targeted and others are waiting in the queue, you want each target in line to move up as quickly as possible.

An apprehension tactic should be developed for each target. The key to success in implementing these plans lies in utilizing all the resources available in the department through the coordination of activities and good communication. Some of the procedures for supporting this include:

* Information flyers

These should be developed for each of the targets and distributed to all patrol and detective personnel. These flyers should include pictures, identification, descriptors, crime/MO patterns, known associates and hangouts, suspected activity and progress reports. They should also be used to update the status of the target, especially if he is arrested or otherwise detained. (Recognition should always be given to the arresting police officer or detective).
* 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. Try to 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".

The use of surveillance, eavesdropping, wiretaps, grand jury subpoenas, financial records evaluation and other investigative techniques to lead to charges of conspiracy to avoid prosecution, should be employed if available, necessary or reasonable.

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 ROs about their activity and the amount of money they received from each offense.

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.

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.

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.
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 RO 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.

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.

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.
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 implement successful apprehension plans, you need to be sensitive to the negative effects which might result from the establishment of a specialized unit supporting a program that reaches across the entire department. 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.
Section 5. CASE PROCESSING AFTER ARREST

INTRODUCTION

Once CC/RO's have been apprehended and their pretrial status determined, the focus of case processing shifts to the prosecutor and the many agencies that interface with the adjudication process, including the police, public defender, sheriff, court, probation and corrections.

Successful CC/ROP programs integrate the activities of each of these actors into a coordinated strategy which results in the incarceration of the CC/RO for the maximum amount of time.

Some of the agencies involved in the adjudication process will be supportive of your program, others will be either neutral or resistant. Additionally, there are other external constraints imposed by state legislation, local criminal justice practices and policies, the crime problem and the status of criminal justice funds which affect your program and its operations.

This section recommends techniques and procedures that take these factors into account. Its goals is to examine each point in the adjudication process where the CC/RO could slip through the net, and establish procedures that will reduce this chance. Just as the first appearance/pretrial release decisions were examined in the previous section, this section examines the rest of the adjudication process, from preliminary hearings or grand juries to incarceration and post-conviction appeals will be examined here.

You should review the procedures recommended for each of the steps identified in the following sections and strengthen or refine them for your program as necessary.

ADJUDICATION

In the following sections, we will follow the CC/ROP cases through the major process steps in adjudication and discuss techniques and procedures that enhance the likelihood of successful dispositions. For each step, two questions should be asked:

1. How can a CC/RO escape from the system at this step?
2. What can I do to stop it?

Charging

The charging process is responsible for reviewing the case presented for CC/ROP treatment. The case should meet the selection criteria and satisfy prosecution guidelines. The packaged information should also be reviewed for its ability to strengthen either the prosecution of the case or the sentence imposed. This should become part of the prosecutor's work file. If any materials are subject to discovery that should not be, such as police intelligence information, they should be removed from the package.
Charging attorneys should have extensive trial experience so they can properly assess the likely disposition of the case and the expected sanction. The attorneys should also discuss both the expected disposition and the sanctions with the detectives or officers to avoid unrealistic expectations about disposition and sentencing.

These expected outcomes should be placed in writing and become part of the CC/ROP file. Capturing it now will provide a useful basis for case management and evaluation purposes later on. If changes occur in either the expected disposition or the length of sentence imposed, the reasons should be fully explained by the CC/ROP attorney, signed off by the CC/ROP coordinator, and made part of the prosecutor’s file.

The charging attorney should place IN WRITING any additional information requested of the police and state expected completion or due dates. This request becomes part of the case tickler system.

The charging attorney should also make notes to follow-up attorneys about the case if necessary.

Accusatory Process

The accusatory process sets the path for the prosecution of the CC/RO. It is important because CC/ROP programs tend to change routine processing procedures. For example, preliminary hearings usually serve as a major dispositional outlet for the volume of cases sent over for felony prosecution. These dispositions are generally in the form of pleas to reduced charges, or dismissals for a plea to other pending cases.

CC/ROP programs run counter to this practice. CC/ROP cases should not be disposed at preliminary hearing unless it is by plea to the highest count for all cases. You should expect to see these cases move forward to the trial stage, and you should expect to see expedited trial calendars.

If the defendant is out on pretrial release, then your tactic is to go to trial as soon as possible. The objective is to reduce the amount of time the CC/RO is free in the community.

If the CC/RO is in detention, then moving expeditiously is not quite as imperative except for two factors. First, the speedy trial clock should always be under control in these cases (dismissals for lack of speedy trial is not acceptable).

Second, since the CC/RO is receiving credit for time served in the overcrowded local jail, you may wish to expedite the adjudication process to move him out of that environment into a prison environment as soon as possible. This tactic also reduces the chance that he is released inadvertently on bail to alleviate the overcrowding.

Under no circumstances should these cases be moved forward for the sake of efficiency. Adequate time for case preparation should always take priority.
The CC/ROP coordinator should review each case to determine:

1. How important it is to expedite the accusatory process (i.e. is the CC/RO out on bail?);
2. What controls need to be established so cases are not disposed at preliminary hearings by plea, or even dismissal pending a plea to other cases;
3. Who will authorize dispositions at the preliminary hearing and based on what reasons; and,
4. Who will handle the preliminary hearing, the CC attorney or the regularly assigned attorneys?

The police also have responsibilities in this area. For them, the following steps are recommended:

1. ROP detectives should meet with the prosecuting attorneys to determine what additional evidence or investigations are needed for the preliminary hearing. Find out which attorney will be handling the case;
2. Set up a tickler system (a file ordered by days and months) to calendar events pertaining to the case, e.g. court hearing dates, crime lab report due dates, etc. Use this to make sure all materials are present and prepared when needed;
3. Follow up on the service of subpoenas to ensure that civilian witnesses received them, and that they understand the importance of their appearance at the hearing;
4. If there is a victim-witness bureau, check with them to determine how you can help;
5. Not all witnesses are non-criminals or "nice". Track down witnesses associated with the defendant and verify their availability for court hearings; and,
6. If the CC/RO is on pretrial release, determine whether the conditions of release, if any, are being violated.

Pretrial Conferences

Pretrial conferences should be held for CC/ROP cases even if they are not routinely conducted by the court. CC/ROP cases are expected to be tried, and they should be on an expedited trial track. Therefore, pretrial conferences are efficient and generally effective.

By this time, the evidence and investigations should be completed. The pretrial conferences with the judge and defense counsel should be scheduled to anticipate motions, jury trial demands and scheduling difficulties and negotiate plea dispositions. The court especially should be made aware of the special status of these cases.
We recommend that the prosecutor facilitate dispositions by adopting an open file policy with defense counsel as often as the circumstances warrant.

Trial Preparation and Trials

A high proportion of CC/ROP cases will move to a jury trial. Therefore, the CC/ROP coordinator should take this into consideration making case assignments to trial attorneys.

Since it is critical that CC/ROP dispositions be favorable to the prosecution, regardless of route, the prosecutor and police should be thoroughly prepared. This means that the following steps should be considered:

1. Prosecutors should establish close working relationships with the detectives and review their testimony before the trial date;

2. Police and prosecutor should make sure that all witnesses are informed of the importance of this case and that their appearance will be essential. Use the victim-witness bureau or coordinator to help if one exists;

3. Police should do special follow-ups on other witnesses who are associated with the defendant. This is the universe of people consisting of snitches, informants and criminals;

4. Obtain out-of-state certifications, prepare the necessary papers for the court, and make sure the dossier is complete;

5. Check the status of all physical evidence and reports. Make sure the chain of evidence is intact, the crime lab reports will be ready on time, and other lab reports have been ordered;

6. Keep your tickler system up-to-date so important dates will not be missed;

7. Decide on a trial strategy and use it;

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

9. Notify the court and defense counsel that this is a CC/ROP case, and that it will not be reduced or dismissed.

10. Attempt to have motions heard pre-trial and as early in the adjudication process as possible.

Plea Bargaining and Other Negotiated Dispositions

Plea negotiations:

Plea bargaining is rejected by many CC/ROP programs as a dispositional strategy based on the argument that CC/RO's should not receive any lesser sanction than available. But this blanket prohibition relies on some questionable assumptions, and
you may want to consider the use of plea negotiations under controlled circumstances as a legitimate way to achieve your goals.

First, plea bargaining does not necessarily reduce the severity of the sentence imposed because there are other incentives operating in addition to sentence or charge reductions. These include: reducing time spent in overcrowded pre-trial detention facilities; the availability or treatment programs after adjudication; or even imprisonment in a more desirable facility.

Second, even if plea bargaining reduces or drops some charges, it still may not result in a loss of sanctioning. For example, if mandatory minimums for gun possession or habitual offender laws exist, these sanctions may be more powerful than those attached to the offense charged (e.g., larceny or burglary). Finally, if sentencing guidelines exist, it is possible to bargain with reference to the matrix to produce the desired results.

Thus, you can consider plea bargaining as an option under the following conditions:

1. It does not reduce the potential sanction, especially if it includes incarceration;
2. It builds a record of felony convictions which will make the CC/RO eligible under habitual offender laws at a later date;
3. There is no loss of protection to the community. One year in the work house under a probation sentence can be just as effective as a year in jail; perhaps even more so if the good time credit systems differ.

The major problem occurs when the CC/RO wants to "turn" on others for a "deal". This usually occurs in drug-related incidents when the CC/RO says he knows the higher-ups and can get them for you.

Beware! Many good programs have floundered on this reef.

It is crucial that police and prosecutors alike sit down and forge an agreement in principle and in writing about how these situations are to be handled.

Dismissals for Other Pending Cases

Dismissals negotiated with respect to other pending cases, both within the jurisdiction and outside it should be subject to control. By their very nature, CC/RO's are active. As a result, it is not surprising to find them wanted in other jurisdictions on other charges. Under normal conditions, the typical response is to dismiss the pending cases for a plea to others.

If you follow this procedure, the damage to your program may be more extensive than you think!

The prosecutor should establish guidelines and policy prohibiting the dismissal of other pending cases without specific approval.
The prosecutor and police should also work with surrounding jurisdictions so that charges there are not dropped because of the CC/ROP program's interest stemming from another jurisdiction.

A strategy should be devised by the two jurisdictions which will maximize the sanctions available to the CC/ROP. If, for example, only one more felony conviction is needed to qualify the RO under a habitual offender's act, then that should be sought.

Deviations from policy and guidelines will occur. But each one points up the need for open communication between the police and prosecutor. The resolution of differences between the police and the prosecutor, and the adoption of a shared trial strategy is the only way to reduce the tensions that will be created.

To the extent possible, the police and prosecutor should work as a team with one goal in mind, the incapacitation of the CC/ROP.

Presentence Investigations and Sentencing

The PSI report and representations made at sentencing represent the last opportunities for the police and the prosecutor to make their voices heard about CC/ROPs. These two events should be as carefully prepared for as the trial if an acceptable sanction is to be obtained.

Unfortunately, sentencing guidelines may work against your objectives and even create conflicts between the police and the prosecutor if the instant circumstances do not warrant incarceration and the arguments for aggravation do not apply.

Sentencing guidelines focus more on victim impact than community impact. As a result, the active, recidivist burglar who victimizes the community regularly may not fall within the incarceration matrix.

Sentencing guidelines also may subject the prosecutor to criticism by the police if they do not understand the restrictions the guidelines set for who is imprisoned and for how long.

It is important that every arresting police officer and detective involved in a CC/ROP case be shown how the guidelines work and what their limits are. The CC/ROP prosecutor should brief the police on this subject.

With sentencing guidelines, it is essential that:

1. you carefully control the charging process to ensure the most serious charges possible are placed;
2. restrict plea bargaining to only those situations which do not reduce the sanction; and
3. monitor the dismissals that might occur in other pending cases internally or in other jurisdictions.
4. prepare victim impact and community impact statements where appropriate.
Even though a specific CC/ROP case may not meet the incarceration level, it is important that you take a long view of your program, recognizing that each conviction at the highest level ultimately will produce a more severe sentence.

It is also important that the police and prosecutor have a clear understanding of the habitual offender legislation, the range of sentences available under the act, and what materials are needed to support the designation and maximum sentence.

The police should submit all the materials compiled for the ROP package to the prosecutor. In addition, they should provide:

* intelligence briefings to the PSI officer (either written or oral);
* records of previous convictions and certifications from out-of-state courts;
* correctional classification and behavior reports (depending on confidentiality restrictions);
* probation and parole officer reports
* performance reports about other programs such as treatment programs, diversion, community service, fines, restitution, etc.

The prosecutor and/or the police should assist the victim in preparing a victim impact statement and support his or her appearance at the sentence hearing.

Procedures should be worked out between the police and the prosecutor with respect to which agency will be responsible for what documentation. In many jurisdictions, the paperwork and certifications are conducted by police because they generally have more resources and a better network with other police departments.

Police networking overcomes many of the bureaucratic delays which ensue when you officially request out-of-state courts for certified copies of convictions.

Whenever possible, the prosecutor should brief the sentencing judge about the CC/RO's high level of criminal activity.

For every sanction imposed other than incarceration, the police should have in place procedures which will track the activities of the CC/RO in the community. This can be a paper chase, via warrants, arrests and jail lists; or it can be with surveillance.

At the least, the police should issue a flyer notifying all members of the department about the RO's release, ask for their attention to his or her activities.

**Community Impact Statements**

Because of the guidelines assumptions, it is very important that you emphasize the impact that the CC/RO has had on the community. Even though the sentencing guidelines emphasize victim impact, this is no reason why your program cannot emphasize community impact. The adverse impact of sentencing guidelines on CC/ROP objectives cannot be discounted but you should continue to meet with the court and probation to educate them about the goals of the CC/ROP program.
Community impact statements should be prepared by the two agencies showing the damage the CC/RO inflicts on the community and the cumulative dollar loss in property or injury. For example, while one burglary may not seem important except to the victim, the fact that this CC/RO is burglarizing at the rate of 40-50 a month and at a cost of thousands of dollars, makes his career important to the community.

The police can provide important information to the community impact statement since they are more knowledgeable about the street activity of the CC/RO. They can estimate the amount of loss and damage this one person is creating.

The package the police have prepared and any additional information should be forwarded to the PSI officer or used as a basis for briefing the sentencing judge.

Together, the police and prosecutor should not be afraid to argue for sentences outside the guidelines.

For every sanction imposed other than incarceration, the police should have in place procedures which will track the activities of the CC/RO in the community. This can be a paper chase, via warrants, arrests and jail lists; or it can be with surveillance.

At the least, the police should issue a flyer notifying all members of the department about the RO's release, and ask for their attention to his or her activities.

The impact of sentencing guidelines may be mitigated by obtaining habitual offender status for the CC/RO. The police and prosecutor should work closely to get out-of-state certifications, and prepare the necessary documents. All the effort required for this certification is worth it for the CC/ROP program.

Additionally, the prosecutor and police who operate the CC/ROP programs should work with surrounding jurisdictions who do not have these resources and assist them in obtaining a habitual offender designation. This would include giving the jurisdiction the police package and even lending attorneys or detectives if necessary to assist in preparing the paperwork.

Post-conviction and Release

There is no reason to believe that highly active criminals will stop their careers just because they are convicted. Thus, the scope of a CC/ROP program extends beyond conviction and sentencing to the release of the CC/RO back into the community.

The location of CC/RO's needs continuous monitoring even though they are labelled incarcerated. They may be released to half-way houses, community release programs or special treatment programs. They may be furloughed or even placed on parole. These releases have become increasingly likely because of prison overcrowding.

Whenever a CC/RO is in a position to inflict harm on the public, the authorities should be notified so that appropriate preventive action can be taken.

Thus, there are two tasks crucial to this part of your program: notification and action.
Notifications

Notification of release into the community can only occur if the prison or probation authorities know that they are releasing a CC/RO.

The police and prosecutor should inform the jail, the reception or classification center of the Department of Corrections and the probation office of this status. This is most easily done by developing procedures which will label the criminal history, or the case file with this status.

If the procedure has to be performed on an ad-hoc basis, then a package from the ROP detectives or prosecutors should be given to the appropriate authority. This can accomplish the same objective.

The package should include:

- the PSI report;
- local and FBI criminal histories;
- habitual offender designation, if any;
- community impact statement and other relevant information;
- status of other pending cases, local or outside the jurisdiction;
- the name and telephone number of the responsible ROP detective or prosecutor; and
- a cover letter requesting that the CC/ROP detective or prosecutor or both be notified when the defendant will be in the community.

There are indirect benefits to this notification procedure. It alerts the jail and prison authorities that this prisoner is a high risk to the community, and thus should be given special attention in the classification process, or restricted opportunities for community release programs.

If there are other pending cases, the prosecutor should notify the jurisdiction of the status of the defendant; request that the other jurisdiction go forward with the charges; and offer any assistance possible including the packages developed for the defendant.

More recently because of prison overcrowding, the prosecutor may receive notices from the correctional authorities asking whether there is any objection to putting the defendant in a special program.

The prosecutor should check each request against the files to determine whether it involves a CC/RO. If it does, written opposition should be made.

Revocations

The ROP coordinator should tap into the warrants issued by parole or probation for violations. Many times they are not served because of the press of business. The ROP detective should review these warrants to determine whether CC/RO's are included, and then assist in serving them if possible. If violations of parole or probation occur, or if an arrest is made for a new offense, 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 so that he isn't released.
Both the police and the prosecutor should be present at the revocation hearings, arguing for the full imposition of the original sentence.

It is very clear that the stronger the working relationship between the police and parole officers, the better your program will work.
Section 6. PROGRAM ORGANIZATION

INTRODUCTION

CC/ROP programs should be integrated into the agency's activities so they can take advantage of other agency resources and operations. Therefore, you should consider: (1) the organization of the program itself; and (2) how this organization fits within the total agency.

Because CC/ROP cases demand extra attention, they generate more work above than normal or routine. Additional work eats into the resources in an agency. This is why emphasis has been placed on keeping the volume of cases reasonable and workable. If they become too numerous, they may swamp existing resources. This is especially likely to occur once the program's initial success is established.

In this section, we assume that your program is now designed to handle a reasonable number of CC/RO cases as determined by the selection criteria and the personnel available. Now, we will look at how the available personnel can be used. In other words, how the program will be organized.

After you decide what type of organization you want, we will discuss how it should be integrated into the agency's operations within a criminal justice environment.

ORGANIZATION

Law Enforcement Agencies

This section describes the organization and functions of the law enforcement personnel. This information should help you decide about the qualifications of the personnel needed for your program, and, additionally, suggest the number of personnel required.

ROP Program Director:

A ROP program director should be available to supervise and direct program activities on a full-time basis.

These programs require a full-time ROP coordinator to provide direction, coordination and support for the overall program.

The coordinator should be involved in the following activities:

1. Target selection in conjunction with the selection committee.

The ROP coordinator has to be responsible for all aspects of target selection including reviewing and verifying the eligibility of RO's, and monitoring their status as targets (on hold, active, inactive).
2. Case assignment, preparation and monitoring.

The number of active cases at any one time will never be very large (5-10), but they need continuous monitoring and preparation. The ROP coordinator should assign targets to detectives and work with them to develop an apprehension plan.

3. Court case scheduling and evidence.

After the arrest and during the adjudication of the case, the Coordinator's office should monitor the delivery of subpoenas, the receipt of lab reports and other evidence for trial, and keep track of the schedules for court hearings.

4. Post-conviction activities.

After the case has been disposed, and the target incarcerated, the Coordinator should monitor the release status of the prisoner and be informed when he is back in the community. At that time, the Coordinator can assign the case to a detective if the prisoner becomes a viable target again.

ROP Detectives

Although the size of the unit will vary, a typical one is supported by a commander and four to five detectives. Each of the following operational functions should be assigned to specific individuals. Not all of these functions require full-time work, therefore, some of the detectives will perform more than one function.

The ROP detectives should be involved in the following activities:

1. Developing the ROP package.

The detective should develop the ROP package with the assistance of the ROP administrative assistant. Once the packaging is complete, the file can be held by the detective assigned to the case, or given to the coordinator's office for holding until the target is apprehended. Much of the success of a CC/ROP program is due to good paperwork and coordination.

(If there are other resources available to assist in the developing the package, then they should be tapped. For example, victim-witness bureaus could be very helpful for the out-of-state certification work.)

2. Developing the apprehension plan.

The ROP detectives, in conjunction with the coordinator, should develop an apprehension plan and supervise the activities involved including the distribution of flyers; the monitoring of fingerprint checks; collating information from patrol and intelligence. The ROP detectives should be responsible for the apprehension plan, implementing it, and even cancelling it, if necessary.
3. Monitoring the status of the case.

The amount of surveillance will be the primary determinant for the status of the case. If there is no activity on the target within 30 to 60 days (or some other time as specified by the plan), then the ROP detective should recommend replacing the target.

4. Coordinating with other law enforcement units.

The ROP detectives should coordinate their apprehension activities with patrol officers, crime lab technicians, fingerprint experts and other specialized units which also may have an interest in the target.

5. Implementing arrest and booking procedures.

Once the target is apprehended, the ROP detective should be immediately notified so that the package can be delivered to the prosecutor at the bail/bond setting; the ROP detective should also notify the jail, prison and probation as necessary.

6. Assisting in presentence investigations.

The ROP detective should make materials available for the PSL. Since the detective may not be available when the RO completes his or her sentence, the detective is relieved of his duties at this time, and the package is filed with the Coordinator.

7. Tracking the RO's upon release.

Whenever RO's are released into the community, the ROP detective is responsible for keeping track of their location, conditions of release and activity.

8. Selection activities.

The ROP detectives assigned target selection duties will be responsible for meeting regularly with the selection committee to select targets as openings occur; to review prospective targets and certify them as eligible or not; and to propose new targets for consideration.

The number of active targets should not exceed ten; although whether you use surveillance will be the primary determinant for your caseload. (Surveillance will reduce the caseload).


The ROP detectives will maintain the information about the targets and their status. The most important function of the ROP detectives will be to prepare the package for each target which will be used for prosecution and sentencing.
10. Apprehension activities.

The ROP detectives are responsible for developing an apprehension plan, implementing it, and even cancelling it, if necessary. The detectives should coordinate their apprehension activities with patrol officers, crime analysis, crime lab technicians, fingerprint experts and other specialized units which also may have an interest in the target.

When a target has been apprehended, the ROP detective and the prosecutor should be immediately notified to guide the case through the established procedures.

11. Training and briefing activities.

ROP detectives should train and brief patrol and other detectives about the program, its procedures and operations. They should regularly brief the uniformed officers at roll call about the objectives and operations of the ROP program, the presently active targets, and the contribution patrol can make to the success of the program. It is important that patrol and other units assisting in arrests be recognized and publicized within the department.

12. Liaison with other agencies.

ROP detectives should maintain continuous liaison with other parts of the criminal justice system both within the jurisdiction and outside of it to keep track of the targets, their location and activities.

**ROP Detective Qualifications and Training**

The detectives assigned to ROP should be experienced in investigations and surveillance. Training should emphasize the latest developments in:

- surveillance
- electronic eavesdropping
- photography
- accounting and financial analysis
- records search and documentation.

Specialized in-service courses are offered by the IRS, FBI, ATF, DEA, Postal Service, Customs and the U.S. Attorney. ROP detectives should continue their education in investigations as much as possible.

Additionally, training and education in the areas of prosecution and criminal justice operations should also be undertaken since the ultimate success of the ROP program lies in obtaining convictions and incarceration. Lectures and classes about the criminal justice system should be attended whenever possible.

**Administrative and Clerical Support**

Clerical staff to support these functions should number two or three depending on the amount of coordination needed with other agencies.
Much of the success of a CC/ROP program is due to good paperwork and coordination. These functions do not have to be supported by detectives, rather by capable and imaginative, clerical and administrative personnel.

The ROP unit should divide the administrative and clerical functions among the two or three personnel as follows:

* an administrative assistant to the ROP director who coordinates the program, assembles management and budget reports, provides the statistics, monitors the personnel assignments including hours on overtime, and generally coordinates all the management aspects of the program and its relation to the rest of the criminal justice system.

* one clerical person to be responsible for all aspects of target selection including reviewing and verifying the eligibility of RO's, their status as targets (on hold, active, inactive); and to build the ROP package including obtaining out-of-state certifications, FTA's and other local criminal justice agency reports.

* one clerical person to coordinate the activities of the apprehension plan including the distribution of flyers; the monitoring of fingerprint checks; collating information from patrol and intelligence; monitoring the delivery of subpoenas, the receipt of lab reports and other evidence for trial, and the schedules for court hearings; making materials available for the PSI; notifying the jail, prison and probation as necessary, and following up on notifications of release.

**Location of Unit**

Since the ROP unit will operate from a central location in the department, the ROP detective should recognize that it will have to create and maintain a strong emphasis on coordination and communication with the other decentralized parts of the department. Much of this emphasis should be on gaining the involvement and support from uniform police and the work done in precincts and divisions. Without their active involvement, the full potential of your program will never be achieved. ROP detectives cannot and should not be expected to do all the work of the program.

**Prosecutor's Office**

The organization and functions of the prosecutor's personnel are described to help you decide about the qualifications of the personnel needed for your program, and, additionally, suggest the number of personnel required.

Establishing a separate organizational unit for the CC/ROP program requires attention to the volume of cases coming into the office. The difficulty occurs when the caseload is uneven or not predictable, and the selection criteria are so inflexible that they cannot be relaxed or modified to adapt to changes in the volume and types of crime.
Staffing

The CC/ROP director should be a senior trial attorney who can set program policy, evaluate the strength of the evidence and predict the likely outcomes and sentences for cases in the program. The chief should establish a close working relationship with the police. Similarly, all CC/ROP attorneys should be actively involved with the detectives handling CC/ROP cases.

The unit should be supported by attorneys, investigators and clerical or paralegal staff.

The number of attorneys will vary according to the caseload; one investigator should support two to three detectives. One clerical or paralegal should support the work of about 3-4 attorneys.

The prosecutor's unit should be kept as small as possible, perhaps two to four attorneys depending on the caseload. There should be flexibility, however, to increase the staff size by temporarily designating CC/ROP attorneys from the trial attorney staff if the caseload increases unexpectedly.

Size of Unit

The size of the unit depends on how early it is involved in the adjudication process. If the unit reviews and screens all cases at intake prior to charging, then CC/ROP attorneys are needed to perform this task in addition to monitoring the requests for additional investigations from the police. If, on the other hand, cases are not assigned to the CC/RO attorneys until after felony arraignment, then the pretrial attorney staff is not needed.

The following questions may help you decide when to assign cases to CC/ROP attorneys:

1. Is a CC/ROP attorney needed at the bail/bond first appearance?
2. Is a CC/ROP attorney needed to review cases and screen for eligibility at charging?
3. Is a CC/ROP attorney needed to handle preliminary hearings, indictments or arraignments?

For each yes answer, the CC/ROP director should develop assignment policies so that the CC/ROP case does not slide unattended through important court hearings.

Qualifications and Training

Only the most experienced prosecutors should be assigned to CC/ROP programs because these are the cases which are generally trial bound. However, the office should establish policy for rotation in and out of the unit to avoid burn-out and sustain a vigorous and enthusiastic program.
The prosecutors should be trained in the objectives of the program, and should be knowledgeable about the program's policies especially those that differ from routine (e.g. plea bargaining, sentence reductions, dismissals, open files, etc.).

The chief should utilize the training programs presented by the National College of District Attorneys, and the Criminal Law Section of the ABA to upgrade the skills of the attorneys.

In addition to trial tactics, the attorney staff should become attend training programs supported by the Bureau of Justice Assistance. They should also be aware of the literature which exists about career criminals and the law enforcement benefits of selective prosecution and incarceration.

Case Assignments for Prosecution

The program’s organization also has to look at the case assignment procedures and court docketing systems. The type of case assignments you choose is directly related to the type of docketing that the felony court employs. You need to be careful that you do not attempt to use a case assignment system which is in conflict with the court's docketing system.

The use of prosecutor teams are the most efficient and effective ways to gain the benefits of vertical prosecution without encountering scheduling conflicts created by the court's docketing system.

There is no magic number to the size of the teams, some are composed of two attorneys, others can be as large as small law firms with three or four attorneys, investigators and paralegals. The choice is yours and depends on your resources.

We recommend the addition of investigators or paralegals to the teams to assist in the extra work which these cases require.
Section 7. PROGRAM REPORTING, MONITORING AND EVALUATION

INTRODUCTION

Program information provides the basis for both program monitoring and evaluation.

Program monitoring focuses on individual cases. It describes the nature of work being done on cases, and the immediate outcome of that work. It is necessary for operations and management.

Evaluation focuses on the program as a whole. It provides information about how well the program is operating in relation to its goals and its impact on the community. Evaluations basically sum up the information obtained from monitoring and applies it to the question of whether the program is "successful".

In this section, we recommend the basic types of information that you should be collecting to monitor cases. Then, we show how the data can be aggregated for program evaluations. Obviously, you should add other items of information particular to your jurisdiction and program.

THIS INFORMATION SHOULD BE COLLECTED FROM THE FIRST DAY OF OPERATION!

This means that forms and reporting procedures should be developed in the planning stages so that they will be available on day one.

Monitoring Case Status and Program Operations

For operations, you can think of case status reporting systems as a tickler systems which files all events by date. Since most of the steps in case processing are dependent on dates and times, they also provide information about the operations of the program since they record each transaction for the case and its results.

Tickler systems are files classified by date. For example, the file dated September 30th contains a list of targets whose active status of 60 days is due to expire on that date if no arrests have been made. Tickler systems remember when a particular action is due to be taken to change the status.

As a result, they have the ability to check whether criminal histories, warrants, and information about other pending cases are ready before court hearings; or whether certifications for out-of-state convictions are available before sentencing. They are a safeguard against cases being lost because an officer was not notified of his appearance date, or speedy trial limits were violated.

Operational information is used to produce case status reports. It should be captured each time the case is handled. This transaction information can be summarized on a regular basis (monthly, quarterly and annually) to describe the activities of the program as it relates to major milestones such as arrest, pretrial detention, conviction, and sentencing.
In practical terms, this means that the following information should be collected for each CC/ROP case where applicable:

A. Target status

1. Name and identification of target.
2. ROP detective assigned case.
3. Date qualified as active target.
4. Date status changed if no arrest.
5. Man-hours spent on surveillance (including overtime hours).

B. Target background materials

6. Pre-arrest status (bail, parole, probation, etc.).
7. Checklist of materials available such as: out-of-state convictions, offense, date, sentence, failures to appear, outstanding warrants, other pending cases.
8. Field intelligence information, known associates etc.

C. Arrest and pretrial release information

10. Date of arrest, location and offense.
11. Arresting police officers or detective.
12. Bail/bond date, amount and result.
13. Pre-trial release conditions.
14. Location, if detained.
15. Date of notification of ROP status to jail or detention.

D. Evidence

16. Dates evidence are needed (lab reports, fingerprints, etc.) required and due dates.
17. Property used for evidence, location, due dates.
18. Testimonial evidence (names, location of witnesses); results of contacts (negative, positive, etc.).
19. Dates witnesses are needed and location.

E. Court information

20. Name of prosecutor.
21. Name and type of defense counsel.
22. Dates for each court hearing, results, next scheduled hearing date.
23. Results of each hearing (i.e. disposed, continued, moved to next process step).

F. Disposition information

24. Location of disposition (e.g. dismissed at preliminary hearing, plea at arraignment, guilty by jury trial, etc.).
25. Sentencing judge.
26. Date PSI ordered.
27. PSI officer, contact date.
28. Date of sentence.
29. Type of sentence.

G. Post-conviction

30. Location of prisoner by date.
31. Date corrections or probation notified of CC/RO status.
32. Dates of release into community, authority of release, and conditions.
33. Date violated or arrested.
34. Date revocation hearing, outcome.

This is a sample of the case status information that should be kept for the CC/RO defendants. In addition to the tickler file which is ordered by date, alphabetical files (by name of CC/RO) should also be kept to hold the package information. When the file information is transferred to the prosecutor, or other agencies (e.g. PSI officers), much of this information should be transferred too.

For reporting purposes, personal computers (PC’s) can be used to capture the data. Standard relational database and spreadsheet software packages can be purchased which are suitable for this purpose.

This type of system can operate on a stand-alone basis if necessary. It does not have to be integrated into a larger database management system. This is a decision you will have to make depending on your circumstances.

REPORTS

Some of the reports you should generate from this information are:

1. a list, by date, of each CC/RO file needing action and the type of action needed including a checklist of materials needed by specific dates, such as crime lab reports, certifications, etc.

   This should be given to the CC/ROP detective or prosecutor depending on the action required;

2. an index of the location of each CC/RO and status in the criminal justice system if still being adjudicated.

   This should be compiled weekly and used as a basis for discussion at CC/ROP meetings;

3. a list of all cases assigned to each detective or prosecutor and their status in the criminal justice system. (e.g. scheduled for arraignment, motions, PSI, sentencing due).

   This should be used by the CC/ROP director to keep the caseload assignments as equitable as possible.
Program Evaluation

The purpose of program evaluation is to determine whether the program is doing what it is supposed to do, and whether it is worth doing. Therefore, CC/RO program evaluations can be made with reference to the following questions:

1. Are the most active, repeat offenders being:
   a. arrested
   b. incapacitated
   c. incapacitated for the longest period of time?

2. Has there been a positive effect on the community?

These questions are not quite as simple as they seem on the surface. They represent a number of more specific goals that can be measured. These should show as a:

1. Decrease in the number of CC/ROP cases declined for prosecution;
2. Reduction in the number of CC/ROP cases sent back for additional investigation;
3. Reduction in the rate of cases lost for dismissals.
4. Reduction in the levels of pretrial release for CC/ROP cases;
5. Reduction in or elimination of the use of plea negotiation if it reduces the likelihood of incarceration or the length of incarceration;
6. Increase in rates of conviction to the most serious charges;
7. Increase in conviction rates;
8. Increase in the use of sentencing enhancements available in the state penal code;
9. Increase in the levels of post-conviction revocations;
10. Increase in the service of outstanding warrants;
11. Increase in opposition to parole or probation;
12. Reduction in case processing time for arrest to disposition.

The effects of the program can be seen both on the criminal justice system and the community. In describing program effectiveness, the following questions should be included:

1. What was the volume of the program? How many CC/RO's were processed and within what average time span?
2. How many cases were accepted for prosecution, rejected and for what reasons? How many were sent back for additional information or investigations?
3. 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?
4. How many jury trials were conducted as a percent of all CC/RO prosecutions, as a percent of all jury trials. What was the impact on the courts and public defender?
5. What were the dispositions of CC/RO cases compared to all felony dispositions? Where in the adjudication process did the CC/RO cases exit? How many were lost because of dismissals and for what reasons?

6. What was the distribution of sentences, and if incarceration was involved, the length of sentence? If probation, what was the type of probation (supervised, unsupervised) and was there any incarceration involved?

7. How many CC/RO's were in a position after sentencing to commit crimes against the public (namely, on probation, out on the street because of work release, halfway houses, community corrections, etc.)?

8. How many times was the maximum sentence imposed? If not, how much time was added to the community's risk by the lesser sentence?

9. How many times were the police and prosecutor satisfied with the outcome of the case? What are the major reasons for dissatisfaction?

10. 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?

The answers to these questions should be available from the information forms which are used to monitor the program. For additional discussion and examples of forms used by other jurisdictions, please refer to Chapter VII of BJA’s Guidebook for the Establishment of Career Criminal Programs.

Measuring the impact of the program on the system and the community should be described in an evaluation report (issued annually). In addition to describing the effect of the program, the report should also identify areas needing improvement, and justify the expenditures of money and effort on this program.

**Program Management and Budgets**

Good program managers know how much the program costs in addition to its effectiveness. They also are able to incorporate the program into the budget stream once it has proven effective.

CC/RO programs are labor-intensive. They utilize experienced personnel who may also incur overtime expenses. They involve the resources of the entire agency, from clerks who process the papers to the CC/RO coordinator who sets the policy and directs the program.

The costs incurred by these programs are not unusual, but they may be disproportional to ordinary operations.

CC/RO programs are not necessarily expensive; many can be established and operated within the funding levels of the existing agency. Others may require an infusion of funds for development and operational purposes.

The use of surveillance is very costly, however. Resources are limited and overtime may become exorbitant. These costs should be added to the basic program costs as a separate item. By this technique, the department can, and should, monitor expenditures on a weekly or monthly basis.
The department should also consider the use of less expensive alternatives such as the increased use of informants, better patrol awareness and contacts with known associates or friends.

Establishing a separate unit for the CC/ROP program is a costly option as compared to integrating the function within the agency. Estimating the budget for this unit will depend where the program starts (pre-arrest, at arrest, at first appearance). For every process step added, the work of the unit increases.

Therefore, you should determine when, the CC/ROP case will initiate the program and the amount of work it entails.

**Tactics for Reducing Program Costs**

Total program costs can be reduced in a number of ways. The following should be considered if your costs are too high:

1. Reduce the size of the career criminal caseload by changing the selection criteria.

2. Change the program's starting point to later in the process.

This reduces manpower but it also may reduce the effectiveness of the program. The critical decision of pretrial release is particularly jeopardized by this action.

3. Change plea and dismissal policies to encourage earlier dispositions.

Again, this may indirectly affect the chances of incarceration and the likelihood of incarceration.

4. Utilize open file policies with defense counsel. When feasible, this expedites case processing, thereby creating more openings for new cases.

The point you cannot ignore is that there are limits to the amount of funds and resources available to support this program. Adjustments may be necessary.
ROPES — REPEAT OFFENDER PROGRAM EXPERT SYSTEM

QUICK CHECK

PRELIMINARY PLAN

FOR A

CAREER CRIMINAL/REPEAT OFFENDER PROGRAM

FOR

RENO POLICE DEPARTMENT

JEFFERSON INSTITUTE FOR JUSTICE STUDIES

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QUICK CHECK

PRELIMINARY PLAN FOR A CAREER CRIMINAL/REPEAT OFFENDER PROGRAM

Prepared for
Reno Police Department

September 11, 1990

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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 CIS 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 tailo 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?
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[ ] 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?