Technical Assistance Report
for
A Career Criminal/Repeat Offender Program
St. Paul Police Department
and
Office of the Ramsey County Attorney

TECHNICAL ASSISTANCE REPORT

Bureau of Justice Assistance
CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
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Technical Assistance Report
for
A Career Criminal/Repeat Offender Program
St. Paul Police Department
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Technical Assistance No.: 096
Requesting Jurisdiction: Ramsey County, Minnesota
Requesting Agency: Ramsey County District Attorney's Office
Requesting Official: Mr. Thomas Foley
Dates of On-Site Study: August 27-28, 1987
Consultant Assigned: Ms. Joan Jacoby
Mr. Kai Martensen
Central Focus of Study: To Determine the Feasibility of Integrated Report Offender Program in Ramsey County, Minnesota

This report was prepared in conjunction with the EMT Adjudication technical Assistance Project under a cooperative agreement with the Bureau of Justice Assistance of the United States Department of Justice.

Organizations undertaking such projects under federal government sponsorship are encouraged to express their own judgments freely. Therefore, points of view or opinions stated in this report do not necessarily represent the official position of the Department of Justice. EMT is solely responsible for the factual accuracy of all material presented in this publication.
I. INTRODUCTION AND BACKGROUND

The generally agreed to objective underlying the St. Paul/Ramsey County interest in career criminal/repeat offender programs is increasing public safety by removing from the community the most active offenders for the longest time possible.

Crime and the Environment

The Saint Paul Police Department (SPPD) perceives its major crime concerns to be with crimes against persons, residential burglaries, and narcotics.

The Ramsey County Attorney's office perceives the major crime issues to include burglary and theft, drugs, and forgery. Narcotic cases present difficult evidentiary problems when the incident involves multiple owners and common possession. The office is also pursuing a focus on white collar crime and public corruption independent of this career criminal program.

Robberies have tended to decrease because of mandatory sentencing (1 year without a weapon, 3 years with). Burglaries, especially residential burglaries, dominate the crime statistics although 40 percent are burglaries of garages or sheds. Narcotics involves crack, cocaine and some heroin. Forty-six percent of Part I offenses involve juveniles.

1. Criminal Population

St. Paul and Ramsey County enjoy a relatively stable criminal population, most of whom are known to the police. The majority of offenders are from St. Paul and they tend to be active in their own neighborhood. As they mature, they will move between Minneapolis and St. Paul and into the outlying suburban areas of Washington and Dakota Counties. As a result, the most frequent offenders and the most active criminals are known to SPPD and many of the other 16 law enforcement agencies in the county.

Because St. Paul has a proportionately small minority population (7 percent black and Asian), active, minority offenders are also more easily identified.
The Asian population of about 15,000 is dominated by the Mung Culture who typically are victims rather than suspects.

The police department reports that the only transients in this crime picture are black gangs who tend to specialize in narcotics and theft of checks; however, they do not operate with a tight organizational entity. There are immigrant criminals from St. Louis and Chicago who are attracted by the state's better welfare benefits. Some of these come from families which are criminally active in their last city of residence.

The County Attorney's Office believes most of the criminal activity in the County can be traced to about 12 families. They believe that if their activity could be curtailed, the frequency of crime would be significantly decreased.

2. Criminal Justice System and Operations

The SPPD has just promoted and reassigned its top administrators and moved into a completely refurbished headquarters facility. The department has strong investigative operations under the command of a deputy chief. SPPD engages in proactive policing through the use of surveillance and informants; has MCI in place; and utilizes automated fingerprint identification with varying quality of results.

SPPD has a crime analysis unit of 1-1/2 persons which primarily prepares crime statistics. The unit is not very large or operations oriented. The usual crime analysis functions (e.g. crime pattern recognition, known offenders identification, etc.) are dispersed among the units. Identifying career criminal/RO's will have to come from patrol officer and investigator knowledge.

SPPD works with the Ramsey County Sheriff's office and the Washington and Dakota County law enforcement agencies. The department is actively involved in the various tricounty and metro area investigators' and chiefs' associations.

The court system has been recently unified and includes a District and County Court. The unification did not extend to the prosecutor. As a result, there
are two prosecutorial systems: the City Attorney who prosecutes misdemeanors and city ordinance violations; and the County Attorney who prosecutes felonies. The Attorney General handles appeals.

Adjudication for felony cases flows from District Court for first appearance where bail decisions and assignment of counsel is made, through a probable cause/omnibus hearing or to grand jury, then to trial and sentencing. The accusatory route may use either a probable cause hearing (which is more commonly waived) or grand jury. There is a Project Remand that makes bail recommendations to the court. Presentence investigations are ordered routinely but they tend to be brief because the court uses sentencing guidelines. However, victims and the County Attorney have the right to make comments about sentencing, especially when there are grounds for an aggravated sentence.

Because sentencing guidelines are in place, there is no parole. However, probation can include one year in the workhouse. Both police and prosecutor complained about the leniency of guidelines and, as noted later in this report, the guidelines may become a serious impediment to the operation of a career criminal/repeat offender program.

The County Attorney operates a victim-witness unit but its focus is on domestic assaults and rapes. Unless this focus were changed and its personnel trained to deal with a different type of victim or witness, it presently offers little support for enhancing a ROP program.

The County Attorney is working with the SPPD to assign a liaison attorney who would be on-site at police headquarters several days a week. The purpose of the liaison attorney, who will be a senior attorney, is to assist investigators in identifying strengths and weaknesses in cases, review cases for legal sufficiency, and advise on complex evidentiary issues before cases are forwarded to the County Attorney's office for action.
TA Visit and Procedures

On August 27-28, 1987, a technical assistance team consisting of Joan Jacoby, Jefferson Institute for Justice Studies, and Kai Martensen, Assistant to the Chief of Police, Baltimore County Police Department, were sent by EMT Group who are technical assistance providers under a BJA grant to Ramsey County, St. Paul, MN.

The purpose of this visit was to assist the Ramsey County Attorney and the St. Paul Police Department in the design and development of a career criminal/repeat offender program (ROP). The County Attorney had previously attended the National District Attorneys Association's Career Criminal Prosecution Workshop in Arizona; however, representatives of the police department were unable to attend. Since both agencies were interested in moving forward with a local program, the County Attorney requested assistance from EMT in providing knowledge and information about these programs.

Participating in this two-day meeting were:

Ramsey County Attorney's Office:
Tom Foley - County Attorney
Susan Haigh - ACA - Chief Deputy
Chuck Balch - ACA - Deputy Intake
Jim Konen - ACA - Charging Deputy

St. Paul Police Department:
Theodore P. Brown - Deputy Chief, C.O. Detective Division
Tony Policano - Captain, C.O. Special Investigations
Larry Winger - Captain, Executive Officer, Detective Division
John C. Nord - Deputy Chief, C.O. Patrol Division

The meeting began with a discussion about the crime situation in St. Paul and Ramsey County as perceived by both agencies, and extended to a presentation by the TA team of the different types of ROP's in use, their benefits, limitations and differences in selection criteria, and their impact on operations. The purpose of this latter discussion was to give the participants an idea of the choices that were available to them with respect to different types of ROP programs.
The "post-arrest" and "warrant" models were presented to the group for their discussion and their benefits and limitations were explained. Both police and prosecutor opted to try the "target" model.

Once the participants expressed interest in the "target" ROP model as opposed to the "post-arrest" or "warrant" ROP model, then the discussion centered on the various program components required by this approach. A detailed discussion of the steps needed for program development and implementation was held, the required interaction of the prosecutor and police was outlined, and a schedule of events presented.

The result of this meeting was a decision by all participants to proceed with the planning and development steps, and then test the program for four or more months using a few RO targets to determine whether the program should be given operational status, modified or scrapped.

Organization of the Report

This report summarizes and documents these steps and acts as a planning guide for the St. Paul/Ramsey County Repeat Offender Program. It presents first the consultant's findings and perceptions about the environment within which the program will operate and some of the significant factors which might support, or impede, its successful operation. Following this is a discussion of the activities needed to develop the program, a schedule, and time table for implementation.
II. FINDINGS

Communication and Collaboration need Strengthening

There is a need for increased communication and collaboration between police and prosecutor if a ROP program is to succeed as a fully integrated program in Ramsey County.

There has always been cooperation among justice agencies, but usually only when it was in the best interest of each agency. Cooperation suggests working together, but respecting the other's "turf." Coordination, on the other hand, suggests working in accommodation with another party; in essence, each part willingly works around the other. The highest level of this kind of relationship is collaboration, where the extra step is taken to commit to a joint venture, to give up part of one's autonomy or prerogatives for the greater good, and to accept responsibility for results. Neither coordination nor collaboration has been traditionally accepted by police agencies or the justice system.

Traditionally, in Ramsey County, the criminal justice agencies have tended to operate more independently of one another than we have observed in other jurisdictions. As a result, part of the favorable response to the TA meetings between police and prosecutor was due to an increased understanding of the different roles the two agencies play in criminal justice; another part was due to the demonstration by example and discussion of how the interactions and interfaces between the two agencies could and would work.

A ROP program operating in the Ramsey County environment will require changes and modifications in existing operational procedures for police and prosecutor alike. In addition, it will place heavy emphasis on the collaboration between these two agencies. The interaction of the prosecutor and police has to move from cooperation to collaboration in the development of procedures. Each of the participants should be able to state their own expectations and know the expectations of the others.
This is not a familiar role to the participants and it should be approached cautiously with clearly established and articulated, even written, procedures. Accountability in the form of assignments and responsibility will also make the collaboration easier.

A Target Model is Feasible

The environment in the Ramsey County area allows adopting the target model for a career criminal program.

As one of the prosecutors pointed out, if he could banish 12 families, he could substantially reduce the crime problems in Ramsey County. The police agree there are readily-identifiable active crime contributors. In one sense, crime in Ramsey County is still basically a homegrown product and its offenders are known to both police and prosecutor. This is not the case with many larger urbanized areas (even Minneapolis) that have a large pool of relatively anonymous, mobile criminals.

In addition, SPPD's experience with police surveillance techniques by their Special Investigations unit suggests an appropriate sophistication for pre-arrest tactics. However, even without this capability, a police department can activate many other resources to apprehend a targeted repeat offender. (Specific police activities are presented later in this report. See Table 1).

The Program is Integrated Into Operations

There are essentially two ways to organize a new program, create separate organizational units to do the work, or integrate the ROP activities with other ongoing operations and procedures. By selecting a target model for ROP, the participants also agree to limit the number of targets to 5-10 persons at any given time. The size of this population does not justify the establishment of separate organizational units.

The reason why the target population is kept to a manageable size is to allow the individual agencies to spend the required time and resources without adding staff. While a police agency can usually form a special unit to go after a large number of offenders, the other criminal justice components, particularly the prosecutor, does not have the
same flexibility. This imbalance would defeat the long-term purpose of ROP, making sure RO's are kept off the streets.

Integrating ROP into current operations argues for the development of a set of procedures that can be accepted within the department or office and carried out by different persons at different stages of the arrest/prosecution process.

The Goal of Incapacitation is Acceptable

The consultants found the goals of incapacitation and reduction in the opportunity to commit crime were acceptable to both police and prosecutor alike.

Accepting this goal spotlights two major process points in the adjudication system that may result in a decision to detain or incarcerate the target. The first is at booking and initial appearance where high bail or bond can increase the likelihood of pretrial detention. It is at this point that the police and prosecutor will have to be strong advocates for detention. Fortunately, jail overcrowding is not a significant problem.

The second process step occurs at post-conviction where presentence investigation reports are prepared and the prosecutor has the opportunity to argue for incarceration outside of the sentencing guidelines under special aggravating circumstances. Both of these areas should receive special attention. However, as realistically observed by a prosecutor at the meeting, "the prosecutor can't make magic happen."

Sentencing Guidelines Pose a Potential Problem

Minnesota's sentencing guidelines place a major constraint on the operation of a repeat offender program unless its impact is taken into consideration in the design stage. As the Deputy Chief rightfully asked, "can the tremendous expenditures of time and resources demanded by a ROP program be justified if the target is not incarcerated?"

To adjust to this reality, two target categories should be identified and target selection should consider whether the potential target is "incarceratable" as defined by the guidelines; or whether he or she is on the "threshold" and it is important to build a
criminal history (i.e. convictions for serious offenses) that will lead eventually to incarceration.

These considerations identify two categories of RO targets: very active, known, repeat offenders who are above the sentencing guidelines incarceration line; and known repeat offenders who fall below the line.

The sentencing guidelines do permit the court to go outside the range under certain conditions. Unfortunately, the conditions are not particularly relevant to active, nonviolent offenders with few convictions, such as burglars who will be the most likely targets of ROP. Nevertheless, there is consensus among the participants that the prosecutor, to the extent possible, could and should argue aggravation for ROP cases. It was also noted that a sentence of probation could include up to one year in the workhouse, effectively removing the RO from the streets.

The County Attorney expressed great interest in making a "Community Impact Statement" for these cases which, unlike a victim impact statement which deals with the injury and loss to the victim, addresses the injury and loss of safety to the community.

The Program Should Be Tested Before Adoption

Most commonly, in many jurisdictions, there is a definite need to test and modify procedures, but rarely is there a need to question the viability of the program itself. This is not the case in Ramsey County where the viability of the program needs to be assessed.

Sentencing guidelines are not driven by goals of public safety and incapacitation. Rather, they are developed to ensure uniformity and consistency in sanctioning. As a result, they give little or no weight to the danger of the offender to the community because of his antisocial activity. Instead, they look at the violence associated with criminal behavior, not the frequency of criminal behavior. Burglars are rarely violent and even more rarely caught. When their background is placed against the sentencing grid, they usually fall above the incarceration line. Yet these are the offenders who are most likely to be in a ROP program.
If the prosecutor and police cannot get a "bigger bang for their buck" with a ROP program, then the ROP program is not worth the effort in Ramsey County.

Therefore, the evaluation of success will depend on whether the suspect was detained pretrial (kept off the streets); whether the highest possible sanction was achieved; whether aggravating arguments were accepted, and whether the sentence involved incarceration (either workhouse or prison). Against all of this is the final question, would the same effects have been achieved without a ROP program? The consultants suspect that with careful attention to detail and proper enhancement, the results will be positive.

Administrative Support is Needed by Both Agencies

It became clear that both agencies needed assigned or additional staff resources; not more attorneys or police officers, but administrative personnel who can focus on the assembling of papers and records, the scheduling and coordination of activities and the monitoring of the operations. Both the police and the prosecutor are deficient in this area.

This is not an expensive item. The consultants believe that the prosecutor will require the addition of one-and-a-half staff persons -- a full-time administrative assistant supported by half a clerical person; and the police will need to add two persons who would coordinate the development of the packages, monitor the activity levels on targets and assist in preparing materials for the selection committee's consideration.

III. REPEAT OFFENDER PROGRAM ACTIVITIES

Development of Selection Criteria and Process

There are two tasks associated with the development of selection criteria. The first is the identification of the criteria; the second is establishing a selection process which results in the identification of targets.

1. Identifying Selection Criteria

   Just as the goals of the program influence the type of selection criteria
adopted, so do other factors such as sentencing guidelines.

For reference, the following criteria were discussed during the TA visit:

(1) First cut:
- Suspect eligible for incarceration under sentencing guidelines.
- Suspect eligible for threshold.
If neither of these conditions apply, then suspect should not be considered a candidate for ROP. He/she may be worthy of other attention or procedures, but not ROP.

(2) Second cut:
- Known active
- High crime contributor
- Recently released from incarceration
- Arrestability
- Prior felony convictions
- Institutional time
- Prior juvenile adjudications
- Juvenile institutional time
- Current CJ status (probation)
- Prior drug involvement
- Current drug involvement
- Known to multi departments/officers
- Meets instant offense (e.g. burglary)
- Instant offense with violence
- Personal reasons

The selection of criteria for use in ROP must consider size of the eligible population that it produces. If the program can only handle 5-10 targets, then the criteria should distinguish the top 10-20 targets for selection, not 50-150 targets. The criteria need to be dynamic but stringent in acceptance.
One way to identify which criteria are most selective and which ones have a higher priority than others is to obtain nominations from the SPPD, the County Attorney, the Sheriff, and other law enforcement agencies as to ROP candidates.

Then select from the list those candidates who have been nominated more than once (known to many agencies). A list of about 10 names should be sufficient for the test.

Set up a matrix table with the criteria running on the side column and two candidates beside it. Complete the criteria questions with yes/no or number answers for each candidate. Then, once done, look at the table and answer the question:

If only one candidate can be selected, which one would I choose and why?

The answer to that question will identify the important criteria used in making the choice. Officials may note that the reason is not on the criteria list. If it is not, then the issue is whether it should be added.

An example of a completed table would look like this:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Jones</th>
<th>Smith</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incarceratable</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>Known active</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>High crime contributor</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>Recently released</td>
<td>yes</td>
<td>no</td>
</tr>
<tr>
<td>Arrestability</td>
<td>good</td>
<td>fair</td>
</tr>
<tr>
<td>Prior felony convictions</td>
<td>3</td>
<td>12</td>
</tr>
<tr>
<td>Institutional time</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>Prior juv. adjudication</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>Juvenile institution</td>
<td>no</td>
<td>yes</td>
</tr>
<tr>
<td>Current CJ status</td>
<td>no</td>
<td>yes</td>
</tr>
<tr>
<td>and so on</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The purpose of this exercise is to identify the factors given the most weight in making decisions. If there is more than one factor used, then they should be rank-ordered by the importance attached to them.
If this exercise is done for every pair combination possible, and if more than one person makes these decisions, then the resulting information should be very useful in identifying the FACTORS used in making selections (the criteria); and the IMPORTANCE given to one factor relative to others (the ranking of the criteria). Some of the factors will never be used in making decisions and, for the time being, they should just be discarded and not used. The goal is to keep the list of criteria as small as possible, but as accurate as can be in reflecting the reasons for selecting one candidate over another.

A final review of the criteria should be made by police and prosecutor and its reasonableness should be tested against another, new set of candidates to see how well it works.

After minor adjustments, the criteria can be adopted for use.

2. The Selection Process
To place the ROP selection process into a conceptual framework, Figure 1 presents the repeat offender status hierarchy. As one can observe, very few repeat offenders make it to the top of the pyramid (i.e. targeted RO status). This targeted group is selected from the qualified RO's who meet the minimum qualifications through a further winnowing process. The passage of time also changes the RO status. New cases are always competing to move upward. RO cases that are not successful or have been successfully completed move to inactive status and eventually move back to the base of the pyramid. The selection process consists of three activities:

(1) Initial selection.
(2) Add-ons to update list.
(3) Deleting or transferring targets on list.
FIGURE 1

REPEAT OFFENDER STATUS HIERARCHY

TARGETED RO's

New
Hold
Inactive

QUALIFIED REPEAT OFFENDERS

(Those who meet the minimum qualifications placed into three sub categories)

POTENTIAL REPEAT OFFENDERS

(Those identified by Police/CJ agencies as currently active)

KNOWN REPEAT OFFENDERS

(The large population base of known and not so known RO's)
Once the criteria are accepted by the police and prosecutor, a selection committee should be convened comprised of representatives from police, prosecution, sheriff, probation and others. The selection committee has a two-fold purpose: (1) to qualify RO's (i.e. verify that the RO meets the minimum qualifications); and (2) to specifically target those RO's where police and prosecutor resources will be committed.

The nominations for selection and accompanying background materials such as criminal histories and other field contact information should be prepared by SPPD and submitted along with a criteria matrix that shows how each nominee ranks according to criteria. After discussion, the selection of 5-10 targets will be made.

Those RO's who are qualified but not targeted will be placed on hold status pending an opening, or on inactive to be returned to a lower status if no new compelling information is received to justify placing RO candidates into "hold status."

There will be subsequent pressures to add targets to the list because of exceptional circumstances. Unless the process is controlled and obeyed, the acceptance of additional targets without displacement of current targets will ultimately destroy the program.

The only acceptable add-on procedure is for the selection committee to approve the addition and this is permitted only if there is an opening on the target list.

Openings on the list may be created in a number of ways:

1. The targeted RO case is going nowhere. The basic and/or intensive planned arrest program does not produce results within a reasonable, predetermined time. The selection committee decides no further effort should be made. In this event, the targeted RO is designated inactive
and transferred to qualified RO status. The target retains ROP identification but is not under active monitoring.

(2) The target was arrested and is in pretrial detention. Again the target is transferred to inactive status. (He/she may reappear after serving the term.)

(3) A very important RO target emerges who was not considered before, and does not have "hold" status. This RO then displaces a current target who moves into the qualified hold status.

In no instance should add-ons be allowed so that the number of targets is increased.

Nominations for ROP designation should be submitted to the selection committee who will determine their eligibility, priority for ROP, and make decisions about transfers to inactive status.

Specific selection procedures (e.g. criteria, process, procedures) must be developed and promulgated. All criminal justice agencies and staff should be aware of how a RO is selected, what information is required, and how a candidate moves from one RO status category to another.

Developing Operational Procedures

Operational procedures for ROP must be developed by a police/prosecutor ROP working team. All procedures should identify specific persons or positions responsible for each process in both offices so they can be held accountable. For example, ROP cases should be assigned to individual detectives whose identity is known to the County Attorney prosecutor in charge of ROP cases.

The work before the ROP team is complex, time-consuming, and covers many details. It cannot or should not be given a short time span for completion. The procedures can be divided into three major areas: pre-arrest, arrest, and post-arrest.
I. **Pre-arrest Procedures**

a. Each target should be assigned to a specific ROP detective, one who is knowledgeable about the target. This detective will be responsible for preparing the ROP package, developing the apprehension plan, monitoring the activity on the case and reporting the status to the selection committee (if inactive, the name should be replaced with another target). If an arrest is made by someone other than the detective, the detective should be instantly notified and have responsibility for the transmittal of the packaged materials to the prosecutor.

The assignments should be made known to the prosecutor so that communication is facilitated.

b. The assigned ROP detective prepares the ROP package which contains information from:

- prosecutor's case files;
- criminal histories (FBI, state, local);
- field contact reports;
- incident and supplemental reports;
- other intelligence data;
- newspaper accounts;
- presentence information; and
- Department of Corrections information.

Some of these data may have already been collected as background for the target selection meetings.

The purpose of this package is to have available as much information about the target to: (1) facilitate his arrest; (2) justify a high or no bail decision; and (3) optimize the probability of obtaining the longest sentence possible.

The contents and use of the package should be developed with the advice and assistance of the prosecutor to ensure that privacy and confidentiality issues are handled appropriately. The use and distribution
of this package (or parts of the package) need to be clearly defined and agreed upon.

c. SPPD flyers should be developed for each of the targets and distributed to all patrol and detective personnel. They should also be used to update the status of the target (for example, notification of his arrest).

d. The assigned ROP detective and the prosecutor should review the ROP package materials and develop an apprehension strategy or plan which will maximize the achievement of ROP goals. This means that there will be as many plans developed as there are ROP targets.

e. The SPPD response to a ROP target should be multifaceted. The operations of the agency should be conducted with a high sensitivity to ROP targets. Table 1 identifies the type of activity the police department should consider on all targeted RO’s. The extensiveness supports the need to keep the target RO list to a manageable size.
### Basic Police ROP and Apprehension Activities Plan

<table>
<thead>
<tr>
<th>Police Functions</th>
<th>Suggested Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dept. Policy</td>
<td>Written procedures outlining ROP goals, objectives, policy and procedures (e.g. police will not make deals with target; required special attention/priority attention to ROP inquiries).</td>
</tr>
<tr>
<td>ROP Detective</td>
<td>Assembles background package including criminal history, certified out-of-state convictions, PSI reports, intelligence data, correctional information. Gathers reports, coordinates enhancement investigations, liaison between assigned prosecutor and department.</td>
</tr>
<tr>
<td>Information Exchange</td>
<td>Prepare department RO flyer (pictures, identification descriptors, crime/MO patterns, known associates and hangouts, suspected activity, etc.) and keep up-to-date progress reports.</td>
</tr>
<tr>
<td>Crime Laboratory</td>
<td>Require targeted RO fingerprints to be searched against outstanding latents (based on ROP detective info, search old outstanding MO pattern latent prints).</td>
</tr>
<tr>
<td>Crime Analysis</td>
<td>Compare previous, current and future MO patterns against target RO's MO characteristics.</td>
</tr>
<tr>
<td>Crime Prevention</td>
<td>Make personal contact and disseminate information to neighborhood watch groups where target RO has or might operate. If opportunity, use such techniques as &quot;crime stoppers.&quot;</td>
</tr>
<tr>
<td>Patrol and Traffic</td>
<td>Urge uniformed field officers to know targeted RO's and their associates, and to submit field contact/interrogation report whenever they come in contact with targeted RO.</td>
</tr>
<tr>
<td>Fugitive</td>
<td>Make contact with outstanding jurisdictions where RO target previously resided, worked, or committed crime to determine if target is wanted or a possible suspect in an ongoing investigation.</td>
</tr>
<tr>
<td>Records/Communication</td>
<td>Flag all alpha and vehicle indices and notify inquiring officers that the name or associate or vehicle is involved with target RO. Notify state-automated CJIS to flag and notify assigned ROP detective when a &quot;hit&quot; is made. Constantly check new arrests, warrant and want lists, etc.</td>
</tr>
<tr>
<td>Investigators (all units)</td>
<td>Review all outstanding cases in an effort to link outstanding cases and investigations to targeted RO. Contact all outstanding informants and arrestees to determine if they know or have worked with targeted RO.</td>
</tr>
<tr>
<td>Vice/Narcotics</td>
<td>Include targeted RO in day-to-day investigation efforts when contacting informants or building up cases.</td>
</tr>
<tr>
<td>Specialized Units (spouse abuse, victim-witness, juvenile, etc.)</td>
<td>Review active and prior cases to identify if targeted RO is or has been a subject of an investigation or in any other way involved in a case.</td>
</tr>
</tbody>
</table>
2. **Arrest Procedures**

There are two types of arrests for which procedures need to be developed. One is the planned arrest which is anticipated according to a plan. The other is an unplanned, accidental arrest. Each requires different responses and, therefore, different procedures.

a. The planned arrest, since it is anticipated, should produce the strongest case if the prosecutor is collaboratively involved. Usually the planned arrest involves intercepting a planned crime, the use of surveillance or decoy operations, or informants. This means the prosecutor and the ROP detective have reviewed the case, agree on strategy, and, when appropriate, the prosecutor has done the search warrant. Both know, to the extent possible, the strength of the case. When the arrest is made, all participants are ready and prepared. There should be few surprises under this condition.

b. The unplanned, accidental arrest is another story and the chances of failure increase significantly if controls and procedures are not in place or followed.

The first hours are most important because this is where release on bail or bond can be argued against and the first step of incapacitation achieved. During these initial hours, procedures need to be developed that will ensure the arresting police officer identifies the suspect as a ROP target or failing that, provide some fall back system which will identify the target and:

- notify jail of defendant's ROP designation;
- notify assigned ROP detective who will pull prepared package on ROP offender;
- notify prosecutor so that assignments can be made to the case and the prosecutor can be at the jail or station house as soon as possible to review instant offense, agree on whether to prosecute, at what level, and determine expected sentence and reassess the strategy for this target;
- instruct police to give no bond.
The intensity of activity and case review at this point allows the program to respond and reassess the situation given an unexpected event. It keeps the program individualized for each ROP offender and flexible enough to maximize the likelihood of incapacitation.

3. First Appearance
At this court hearing, the prosecutor, assigned ROP detective, and arresting police officer should be present to inform the court of the ROP status of the offender and argue for high bail or pretrial detention using the packaged information provided by the police detective assigned to the ROP target.

If the offender is released, then SPPD should issue another flyer to the department informing them of the events and the suspect's release. The planned RO arrest strategy should be updated and, if appropriate, implemented.

4. Preliminary Hearing
If possible, the victim or witness should be informed by the police or prosecutor about the ROP status of the offender.

Preparation for this hearing involves the ROP detective, the arresting police officer and the prosecutor. The prosecutor agrees to no waivers and no pleas to reduced charges and informs the court and the public defender of his/her intention to prosecute this case to the fullest.

5. Case Preparation and Trial
Again the collaboration between the police and prosecutor is important for successful prosecution of the instant case. The police investigator and assigned ROP detective must think beyond case clearance and determine what is necessary to strengthen the case. Tasks coming under case enhancement include such activities as expediting the collection and examination of physical evidence; locating, interviewing and handholding witnesses; and anticipating and responding to defense strategies.
The County Attorney needs to recognize that additional work will be generated by the fact that the defendant is targeted. These cases normally will produce more motions by defense counsel, more jury trials, and additional effort at sentencing hearings.

6. Conviction
Upon conviction or a plea of guilty, the police notify the state so that the record can be updated. The prosecutor prepares for sentencing including aggravating arguments or a community impact statement; probation is informed of the ROP status, and the PSI probation officer is given selected materials from the prepared package. All the resources of the police and prosecutor are marshalled here to enhance the likelihood of incarceration for the longest time period.

7. Post-conviction
Records transferring the prisoner to the workhouse or prison should contain information about the ROP status of the defendant or, if a threshold case, its status. It is important that the state reception and diagnostic center be made aware that the ROP designation is not lost after conviction, but remains important. When the prisoner is released, the police should be informed of his/her availability in the community.

The purpose of all of these enhancements is to ensure that a ROP target does not slip through the net; rather, to keep the net as tight as possible, thereby rendering the ROP suspect as harmless to the public as possible.

IV. ORGANIZATION AND STRUCTURE

The Ramsey County/St. Paul ROP program should be viewed as a total criminal justice effort. Any single agency or criminal justice component does not have the wherewithal by itself to carry out a successful ROP program. The key actors in the early development stage will be the St. Paul Police Department and Ramsey County Attorney's office. Therefore, it is important that these two agencies are in harmony with the ROP concept and developed procedures.
Meetings Between the Chief and County Attorney

There should be a meeting between the chief and prosecutor to go over the concept suggested in this TA report and to commit their respective agencies to at least the completion of the test phase of the ROP program. This is critical since both agencies haven't had experience working collaboratively on a major project such as ROP.

ROP Coordinator

There needs to be one person who is responsible for the myriad tasks associated with designing, developing, testing and modifying a major project like ROP. The ROP project coordinator should be located in SPPD and be staffed by a sufficiently high ranking officer who has access to the top police and prosecutor's managers.

The coordinator is responsible for the coordination and preparation of materials and for the supervision of staff to do this. The purpose is to ensure accountability and interagency coordination. Project administration includes memos, schedules, reports, etc.

The County Attorney should assign one senior prosecutor as the ROP liaison person from his office. This liaison would be the key contact point in the prosecutor's office during the development and testing phases of the ROP program.

ROP Working Team

The ROP coordinator and County Attorney's liaison prosecutor would head up the ROP working team. Since individual agency procedures are complex and impact on each other, a joint working team is essential during the early months of the program. The team must understand that the ROP program impacts most on their respective agency's operations.

Procedures must insure that the police department has assigned responsibility for targets, and utilizes all its resources to support the program with the Chief of Police's continuing support. The prosecutor's office provides assigned liaison, enhanced early case review (especially prearrest), no waivers or plea bargains, and will state the anticipated sanctions for each RO.
Establish Ramsey County Ad Hoc Committee

An ad-hoc committee comprised of all the components of the criminal justice system who may assist in enhancing the ROP program or who may be impacted by it should be established. The purpose of this committee is two-fold:

1. To inform the members of the purpose and goals of the program and apprise them of the effects of the proposed procedures on the various parts of the system; and
2. To obtain, where possible, support and assistance in the processing of offenders so as to maximize incapacitation.

The Committee should be called together after the criteria, selection, and procedural steps have been completed and the program is about to enter its test phase.

Establish Oversight Committee

The police and prosecutor representatives who attend the ad hoc committee meeting should also act as an oversight committee for the project. Regular meetings of this team are important to determine the progress of the design and development stage of ROP; to identify and resolve issues that could not be hammered out by the working team; and to provide support to those persons working on the project.

V. TESTING AND SCHEDULES

Testing and Assessing ROP Results

It has been stated several times that the ROP program should be phased in and viewed as an experiment until appropriate field tests validate the assumptions and procedures are proved to work.

Since questions remain about whether the resources and work associated with this program are worth it relative to the goals of incapacitation and the constraints imposed
by the sentencing guidelines, the program should be made operational and tested for a specified period of time.

All procedures should be activated starting with nominations for ROP, through selection, and strategy planning. A small number of targets should be selected (approximately 4) and the test should run until a few have gone through the entire adjudication process and sentencing.

Logs, diaries, and appropriate documentation should be kept so that the time spent on ROP cases can be documented and evaluated later.

After the test period, the police and prosecutor should reassess the program, listen to or review reports from the participants in the program (from patrol officers through probation and corrections officials), and decide whether continuation is feasible and/or what modifications are necessary.

Sequencing and Timing For Implementation

The following schedule outlines the sequence and timing of the activities required to establish a ROP program. The timetable projects a start-up date in October.

<table>
<thead>
<tr>
<th>Month</th>
<th>Task</th>
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<tr>
<td>Oct</td>
<td>1. Meeting between Chief of Police and County Attorney.</td>
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<td>2. Designate ROP coordinator and prosecutor liaison.</td>
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<td>3. Detectives select criteria with prosecutor.</td>
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<td>Nov</td>
<td>4. Establish ad hoc committee and hold briefing about program.</td>
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<td>5. Establish police/prosecutor team to develop procedures and do work.</td>
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<td>Dec/Jan</td>
<td>6. Develop PD in-house procedures and assign responsibility to units, detectives and officers.</td>
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<td>7. Procedures reviewed and concurred by oversight committee.</td>
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<td>8. Establish procedures for monitoring, modifying and updating operating procedures.</td>
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<td></td>
<td>9. Procedures reviewed and concurred by oversight committee.</td>
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<td>Jan/Feb</td>
<td>10. Hold selection criteria committee meeting and select 4 ROP targets.</td>
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<td>Event</td>
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<td>Oct</td>
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