Arapahoe County, Colorado
Aurora City, Colorado

CAREER CRIMINAL 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
ADJUDICATION TECHNICAL ASSISTANCE PROJECT

Technical Assistance Report No. 57

Arapahoe County, Colorado
Aurora City, Colorado

CAREER CRIMINAL PROGRAM

May 1987

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BJA Cooperative Agreement No. 86-SA-CX-K010
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 U.S. Department of Justice.

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TABLE OF CONTENTS

I. INTRODUCTION ........................................... 1
II. BACKGROUND OF THE STUDY ......................... 3
III. FINDINGS ............................................. 7
IV. RECOMMENDATIONS ..................................... 9
V. Appendices

Appendix I Persons/Agencies Interviewed .......... 13
Appendix II Recommended Implementation Plan Major Milestone 14
Appendix III Organizational Chart .................... 15
I. INTRODUCTION

The Eighteenth Judicial District of Colorado includes the Arapahoe County District Attorney’s Office and the Adams County District Attorney’s Office.

The larger police agencies within the Eighteenth Judicial District include the Aurora Police Department, the Englewood Police Department, the Littleton Police Department, the Glendale Police Department, the Arapahoe County Sheriff’s Office, and the Douglas County Sheriff’s Office.

The city of Aurora, a suburb of Denver, has a population of 200,000, with a city police force of approximately 350 sworn officers and 135 civilians. The department is organized into three major divisions: Uniform; Investigations and Services; and, Staff Services.

The Investigations Division, commanded by Division Chief Sloan, is divided into four major bureaus: Investigations, Special Assignment, Community Services, and Crime Lab.

The Investigations Bureau, commanded by Captain F.L. McCarty, has the following units, each commanded by a sergeant: Burglary, Crimes Against Persons, Checks and Fraud, Juvenile, and Major Crimes and Career Criminal Unit.

There are over 17,000 index crimes reported annually to the police, and the department arrests approximately 3,000 adults for index crimes. Specifically, adult arrests for 1986 include 92 for robbery, 184 for burglary, and 775 for aggravated assault.

Mr. Robert Gallagher, Arapahoe County District Attorney, is interested in implementing a Career Criminal program in the Eighteenth Judicial District of Colorado. Thomas Dunn, Chief Deputy District Attorney of Arapahoe County, Ronald Sloan, Division Chief of the Aurora Police Department, Lynn Spears, Captain of the Arapahoe Sheriff’s Department, and Allen Stanley, Chief of the Englewood Police Department, attended the National District Attorneys’ Association Career Criminal Workshop in Kansas City, Missouri, on October 26-28, 1986. Both Thomas Dunn and Ronald Sloan were highly enthusiastic about implementing some form of Career Criminal program in the Eighteenth Judicial District.

During this same period, Chief Deputy Thomas Dunn submitted a grant application to obtain a block grant for a Chronic Offender Program under the Victim’s Assistance and Law Enforcement Fund. Their application was denied as not specifically providing victim assistance services. However, Chief Deputy Dunn wants to implement a modified Career Criminal program using existing resources. If successful, the District Attorney will request additional resources in the next fiscal year’s budget.
In addition, the Aurora Police Department has just formed a Career Criminal Unit within the Investigations Bureau. The police department wants to ensure that their planned Career Criminal program and the District Attorney's modified Career Criminal program are compatible (e.g. criteria for selecting career criminals, roles and responsibilities for conducting investigations, obtaining appropriate records, decisions on charging, etc.).

A detective from the Crimes Against Persons Unit was transferred to the Career Criminal Unit to direct its mission. However, there is no clear mission statement for the Career Criminal Unit, and there are mixed signals as to the type of Career Criminal operation the department wants.

The department has prepared a draft memorandum identifying the tentative duties of the Career Criminal Unit, including the definition of the Career Criminal Unit, the selection criteria of the career criminals, the duties and responsibilities of the Career Criminal Unit and related agencies, and a Proposed Career Criminal Research Request Form.
II. BACKGROUND OF THE STUDY

Joseph A. Trotter, Jr., Director, Adjudication Technical Assistance Project (ATAP), EMT Group, Inc., corresponded with Chief Deputy Thomas Dunn, and agreed upon the technical assistance objective of "proceeding with design and implementation of a modified version of your originally contemplated program using existing resources." A tentative schedule was worked out that covered:

(a) Meeting with appropriate local officials of the Arapahoe County Criminal Justice System.

(b) Conducting a mini-seminar for appropriate staff of Arapahoe and Adams County prosecution and law enforcement agencies.

(c) Agency focused meetings and discussions on administrative and operational issues related to the Career Criminal programs in the District Attorney's office and Aurora Police Department.

(d) An exit meeting with appropriate representatives to discuss findings, impressions, and initial recommendations.

The consultants discussed this initial objective with Chief Deputy Thomas Dunn and Detective Steven Koncny, of the Career Criminal Unit of the Aurora Police Department. No further objectives were identified. The consultants received selected materials prior to the on-site visit (i.e. Chronic Offender Program application, draft Aurora Police Department Career Criminal Unit memorandum, Colorado's Habitual Offender Criminal Statute, and 1986 Aurora Police Department adult arrest statistics).

The initial meeting involving both consultants was with selected members of the Arapahoe District Attorney's Office and the Aurora Police Department, with representatives from the Adams County District Attorney's Office and the Englewood Police Department. The subjects discussed encompassed a brief description of the two agencies and the efforts to establish a Career Criminal program, an explanation of the plans to initiate a modified Career Criminal program that could evolve into a more comprehensive program, and responses by the clients to the consultants' description of options for the various Career Criminal program components (e.g. program objectives, selection criteria, operations management, etc.).

The next phase of the on-site effort was to split the consultants between the Arapahoe District Attorney and the Aurora Police Department. The work with the Police Department involved obtaining further information about the department and their crime reporting and investigation process as well as learning the background of the initial
efforts creating the Career Criminal Unit and their concepts and plans for the Unit.

Selected Investigative Bureau managers were interviewed to discuss the proposed Career Criminal program selection criteria, the potential volume of defendants, and their interest and support for the Career Criminal program.

A conceptual framework of a department Career Criminal program was drafted around the tentative Career Criminal program objectives of early identification of career criminals, pre-trial incapacitation, improved prosecution through enhanced case preparation, verification of records, and enhanced coordination. Under each objective, specific tasks and assignments were identified and discussed.

Modifications of the Career Criminal selection criteria were made, based upon rough estimates of the volume of qualified Career Criminal defendants. Sources of Career Criminal candidates were identified and a general concept design of a Career Criminal monitoring system was provided.

During the meetings at the District Attorney's Office on April 6 and 7, the sessions were structured to resolve five career criminal program areas: selection criteria, intake procedure, resource allocation, plea policy, and statistics. Prosecutorial personnel were able to resolve all five issues.

It should be noted that the resolutions reached by the District Attorney's staff were sound and realistic, given their current staffing levels.

Selection Criteria

(a) Two prior violent felony convictions for a crime listed in the definition of "crime of violence" in section 16-11-309, Colorado Revised Statutes, as amended, or conspiracies or attempts to commit said crimes exclusive of the case now being investigated.

(b) Two pending felonies for a crime listed in the definition of "crime of violence" in section 16-11-309, Colorado Revised Statutes, as amended, or conspiracies or attempts to commit said crimes exclusive of the case now being investigated.

(c) Any combination of a and b (e.g. one prior felony conviction plus one pending felony, exclusive of the case now being investigated).

(d) The underlying case now being investigated shall be in at least one of the two following categories of crime:

- Aggravated Robbery
- First or Second Degree Burglary
Intake Procedures

The District Attorney's Office decided that all potential career criminal cases would be screened at intake by Chief Deputy Thomas Dunn (or in his absence, Supervising Chief Deputy John Jordan). By centralizing the intake procedure, the career criminal program would be able to enhance uniformity expectations.

No career criminal case would be accepted for special prosecution unless the evidence at time of intake was sufficient to establish proof beyond a reasonable doubt.

At the time of case intake, the District Attorney's Office would expect the detective in charge of the case and Aurora Police Sgt. Steven Konecny to be present. Both officers would inform Chief Deputy Dunn about the strengths and weaknesses of the case; both officers would also assume responsibility for any additional work needed by the District Attorney's Office.

Once a case was accepted by the career criminal project, Chief Deputy Thomas Dunn, James Peters, or Robert Chappell would appear at the first bail hearing. At that hearing, a high bond or remand would be requested to supply information on the following issues:

- defendant's criminal history
- defendant's failure to appear at other court hearings
- defendant's record of escape attempts
- defendant's employment history
- whether the defendant is on probation or parole
- threats to witnesses
- pending cases or investigations in Arapahoe County or other jurisdictions
- PROMIS Information

Resource Allocations

Recognizing the high priority of career criminal cases, the District Attorney's Office has decided to assign only experienced trial prosecutors to the project. Cases would be assigned based on a) complexity of the case, b) seriousness of the defendant's records and c) the trial schedule of the experienced prosecutors. Whenever possible, cases would be assigned to trial division chief deputies James Peters and Robert Chappell.

Plea Policy

The District Attorney's Office has developed the following plea policy:

- absent some extraordinary circumstances, career criminal defendants must
plead to the highest charge. Reduced pleas would not be offered.

- There would be a presumption that charges under the Colorado Habitual Offender Statute would not be dropped as a part of plea negotiations.
- Negotiations with the defense would be with regards to sentence only.
- Plea proposals and sentence dispositions would be discussed with the victims. Victims would be given an opportunity to provide input on dispositions.
- Proposed plea and/or sentencing recommendations would be handled by committee. Committee members would include Assistant District Attorney Roger Allott, Chief Deputies James Peters and Robert Chappell, and the trial prosecutor assigned to the case.

Statistics

In order to ensure that the career criminal project goals are achieved, statistics are essential to monitor project progress.

The following statistics were viewed as essential to the successful monitoring of the project.

- Defendant's age
- Amount and type of bail
- Length of time cases were in the system (from intake until sentencing)
- Percentage of pleas
- Percentage of trials (waiver and jury)
- Percentage of defendants convicted as charged
- Percentage of defendants convicted of lesser charges
- Sentence imposed

Statistics would be gathered by Assistant District Attorney Roger Allott and shared with the District Attorney, Chief Supervising Attorney, and the Chief Deputies.

The last phase of the on-site visit was reconvening the ad hoc 18th Judicial District Career Criminal Advisory Committee to review the Arapahoe District Attorney's and the Aurora Police Department's refined Career Criminal program. The objectives and general division of effort were very similar and a consensus was reached. There were some differences in the Career Criminal selection criteria. These were hammered out and will remain until experience suggests modification.
II. FINDINGS

The Aurora Police Department made the commitment to a Career Criminal program by assigning a detective to a newly created unit, the Major Crimes Unit. He was given the written materials Chief Sloan obtained at the National District Attorneys’ Association Career Criminal Workshop and was told to design a Career Criminal program. Some problems associated with this action are:

1) The unit supervisor, who is also in charge of major crimes, will have difficulty establishing and maintaining the autonomy and priority of the Career Criminal function. Major crimes by definition demand instant and continuous attention. The tendency will be to use the Career Criminal staff to supplement major crime detectives (this already occurred on the first several Career Criminal Unit assigned cases).

2) The interest, support, and commitment by Chief Sloan must filter through two levels of hierarchy, if one adheres to the unity of command, before it reaches the assigned detectives. The assigned detective is now getting mixed signals from various persons regarding the extent of the Career Criminal program, its operation, and its acceptance within the Department.

3) There was no clear indication whether the Career Criminal Unit detective would completely take over Career Criminal cases (as with major crimes) or operate as a coordinator, expeditor and facilitator of Career Criminal cases.

The draft memorandum outlining the general Career Criminal Unit operations, while a respectable beginning, did not identify the mission of the program nor its objectives. The listed duties and responsibilities could not be tied back to specific objectives and once objectives were identified, there were a number of omitted activities. One of the difficulties was the incompleteness of identifying the specific responsibilities for the various Police Department units and the Arapahoe District Attorney Office.

Both the Arapahoe District Attorney and Aurora Police Department had formulated separate draft Career Criminal selection criteria. There was an agreement on the criteria with some major differences. The Aurora Police Department Career Criminal Unit staff was fearful of having too wide of a definition creating an unmanageable workload. There was a strong interest to start conservatively and, if necessary, later expand the definition/criteria.

Solid statistical information on potential Career Criminal caseload was not immediately available. The Aurora police Department arrest data for 1986 did not provide enough information to determine potential caseload. Interviews of Investigation Bureau
supervisors resulted in receiving estimates of Career Criminal caseloads that appear to be too high.
III. RECOMMENDATIONS  
(Appendix II)

1. Create a Career Criminal program organization structure which includes forming (a) an overall Judicial District Career Criminal Advisory Committee and forming within the police department (b) a Career Criminal Steering Committee; and (c) a Career Criminal Selection Team.

Purpose: To allow for more formal input and commitment from those agencies and units who are directly and indirectly affected by the Career Criminal program during its development, implementation, and continued operations.

Recommended Structure and Membership: (See Appendix III)

Rationale:

1a) Form an 18th Judicial District Career Criminal Advisory Committee: This committee already exists on an ad hoc basis. They met with the consultants during their on-site portion of this technical assistance. Formalizing this committee and broadening its membership will help establish the kind of commitment and collaboration necessary for a successful Career Criminal program. The committee can oversee the development and implementation of the program; initially with just Aurora Police Department and Arapahoe District Attorney, and later as the program expands to include other police departments and the Adams County District Attorney's office. This committee can also be a forum to help resolve operational issues and to monitor how well the program is meeting its objectives. The advisory committee should meet at least quarterly during program development and implementation.

1b) Form an Aurora Police Department Career Criminal Project Steering Committee: The department should create a committee comprised of representatives from the major operational units to gain a department-wide perspective on how the Career Criminal Unit should function. The Steering Committee can ensure the Career Criminal Unit receives the required input and services from the various departmental units, (i.e. operational, support, and staff.) The committee should monitor implementation and guide the expansion of the selection criteria. The Steering Committee becomes the department's advocate for the Career Criminal program by seeing that there is coordination between the various departmental units and the criminal justice agencies as related to the Career Criminal program. The committee makes sure difficulties are identified and resolved. If necessary, unresolved issues are presented to the Career Criminal Advisory Committee for discussion and resolution.

The Steering Committee should meet regularly and remain in effect until the Career Criminal program becomes "institutionalized" within the Aurora Police Department organization.

1c) Form an Aurora Police Department Career Criminal Selection Team: There needs to be in place a Career Criminal Selection Team to review newly requested Career Criminal candidates and to purge those candidates not meeting the criteria or who are no longer valid Career Criminal candidates. By involving other police
units in selecting Career Criminal Candidates, there will be a broader pool of potential Career Criminals from which to choose. Involving other units causes them to "buy" into and support the Career Criminal program.

2. Prepare written guidelines outlining the Aurora Police Department Career Criminal policy, objectives and procedures.

Purpose: To allow units within the department to thoroughly understand the Career Criminal program and each unit's role, responsibilities, and commitment(s).

Rationale: Written guidelines detail the nature and extent of units' involvement and commitment. The written guidelines allow for better planning and execution of the project. At the same time, such guidelines, as are developed can always be modified to accommodate changes in priorities and respond to the demands of the "real world" conditions.

Development & Implementation: Based on the discussions and assistance given to the Aurora Police Department's Career Criminal staff, a draft tentative Career Criminal written policy and procedures should be prepared and disseminated to selected departmental units and persons for general comment (Recom. 2a). These comments and other Career Criminal documents researched by the Career Criminal Unit staff should provide the basis for a more detailed Career Criminal guidelines which more specifically identifies the Career Criminal selection criteria and process; the Career Criminal program operation (e.g., record building, case enhancement, and preparation, etc.); and case monitoring and disposition. This detailed draft of the Career Criminal program must be reviewed by the department's Steering and Selection Committees and others outside the department, at least the Arapahoe District Attorney office (Recom. 2b). Based on the returned comments, results from testing the Career Criminal selection criteria, and a review of the Arapahoe District Attorney's office policy and procedures, a final written guideline can be prepared and disseminated (Recom. 2d). Since the Career Criminal program is experimental, these policies and procedures will go through further refinement as experience is gained (Recom. 2e).

3. Establish and refine Career Criminal selection criteria and process.

Purpose: To provide a manageable caseload of individuals who are found to be major threats to the community's safety and to provide for broad input from those police units knowledgeable of the active career criminals in the community.

Rationale: The Career Criminal selection criteria and process should be understood by all departmental personnel, so any member can submit a Career Criminal candidate for consideration. The selection criteria can be modified as experience is gained to ensure a manageable number of Career Criminals are targeted for increased activity. Consideration must be given to the limited resources within the Career Criminal Unit and the Arapahoe District Attorney's office. Feedback on the status (e.g., acceptance, rejection, current status, disposition, etc.) of Career Criminal candidates must be given to any member who submits a name.

Development and Implementation: Because hard statistical data is unavailable to determine accurate workload projections based on the various proposed Career Criminal selection criteria, the Career Criminal Unit should conduct a study of last
year's arrestees using the tentative criteria agreed to at the April 8, 1987 meeting. The study should determine the "best guess" volume of Career Criminal cases (Rec. 3a.). Refining the Career Criminal selection criteria based on the study results, a further test should be undertaken using the four sources of Career Criminal candidates: Burglary and Crimes Against Persons "top 10" list, past arrest of persons meeting Career Criminal criteria, parolees living in Aurora who meet the criteria, and outstanding state warrants for persons meeting the criteria. This test should provide a fairly accurate picture of the volume of cases that will be referred to the Career Criminal Unit. The test will provide an understanding of the activities and resources necessary to carry out the Career Criminal program (Recom. 3b). Once this selection criteria and process has been accepted and incorporated into the guidelines, the Career Criminal Selection Committee can begin its formal operation, understanding as they gain experience the criteria will be modified (Recom. 3c).

4. Design a Career Criminal Project Monitoring System

**Purpose:** To provide a valid data base of Career Criminal program activities and results which can be used to measure how well the Career Criminal program objectives are being achieved and where program procedures and resources need to be modified.

**Rationale:** The initial enthusiasm for a new program tends to diminish over time unless accurate data reveals success (i.e., achievement of anticipated results). The Career Criminal monitoring system is the foundation for such an assessment. It will provide the data to determine the procedures, resources, and activities are turning into acceptable results; if not, then the data may help determine necessary modification of policy, objectives, procedures, and resources.

**Development and Implementation:** The Career Criminal Unit staff should prepare a draft monitoring system based on discussions and illustrations conducted during the on-site consultants' activity, and the material forwarded from the Baltimore County Police Department Repeat Offender Program Experiment (ROPE) monitoring system. This draft should identify data collection requirements (e.g., type data, by whom, when, how, etc.); data processing techniques (e.g., manual at first, later automated); and output reports (e.g., frequency, format, interpretation, etc.). This draft should be thoroughly discussed with the Steering Committee and affected units (Recom. 4a.). Based on the results of this review and refinement, a commitment needs to be obtained from all units and persons responsible for collecting, submitting or entering data. The monitoring system will constantly change as new questions/issues surface. The bare minimum monitoring system should be able to report if the Career Criminal program objectives have been achieved (e.g., early identification of Career Criminal; pretrial incapacitation; improved case preparation; enhanced cooperation, etc.); and what activities occurred, and how the resources were used (Recom. 4b).

Further consideration should be given to conduct a more formal evaluation of the Career Criminal program using a control and experimental design. While this is difficult to accomplish in an operational mode, it will provide substantial proof of the success of the Career Criminal program.
5. **Prepare and initiate a Career Criminal program training and orientation program.**

**Purpose:** To inform departmental personnel and other criminal justice agencies' staff about the Career Criminal program and to provide more detailed instruction to those departmental units and individuals who are actively involved in the Career Criminal program (e.g., submitting Career Criminal candidates; enhancing investigations; searching records; etc.)

**Rationale:** Once the Career Criminal program is sufficiently developed and refined, the word must be disseminated to department members so they can make use of the program, understand the process and be aware of the commitment. An effective Career Criminal program requires support and involvement by all units within the department. The Career Criminal Unit staff will have the primary responsibility for the initial training efforts. Another component of this recommendation is providing orientation to other criminal justice agencies (e.g., Arapahoe District Attorney's office, judges, etc.). The more other agencies are aware of the Career Criminal program, the better the chance of their cooperation and assistance.
## Appendix 1

**HOMICIDES INVESTIGATED**

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<th>Name</th>
<th>Title</th>
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**APD** - Aurora Police Department  
**CCU** - Career Criminal Unit  
**Intel.** - Intelligence  
**PD** - Police Department  
**ADAO** - Arapahoe District Attorney Office  
**CAP** - Crimes Against Persons  
**Inv. Bur.** - Investigations Bureau  
**Inv. Div.** - Investigations Division
RECOMMENDED IMPLEMENTATION PLAN MAJOR MILESTONE CHART
Aurora Police Department Career Criminal Program
April 29, 1987

Appendix II

Prepare Draft of C.C. Project Monitoring System
Rec. 4a

Refine, Test & Supplement Initial C.C. Project Monitoring System
Rec. 4b

Initiate Selection of C.C.'s Based on Revised Criteria
Rec. 3c

Continue Refining Police C.C. Procedures
Rec. 2e

Continue to Monitor Police C.C. Program & Coordinate With C.C. Advisory Committee
Rec. 1b

Continue to Conduct Meetings of C.C. Advisory Committee
Rec. 1a

Form Police C.C. Steering Committee
Rec. 1b

Coordinate Police C.C. Program With Other C.J. Agencies
Rec. 1b

Form Police C.C. Selection Team
Rec. 1c

Conduct Study of C.C. Criteria Using Last Year’s Arrestees
Rec. 3a

Draft Tentative C.C. Policy & Procedures
Result of 4/8/87 Meetings
Rec. 2a

Prepare Detailed Police C.C. Policy & Procedures
Rec. 2b

Review Detailed District Attorney’s C.C. Policy & Procedures
Rec. 2c

Refine & Test Police C.C. Selection Criteria
Rec. 3b

Continue Refining District C.C. Advisory Committee
Rec. 1a

Rec. 1a

C.C. - Career Criminal

Timeline:
- Start
- 1 month
- 2 months
- 4 months
- 6 months
- 10 months
Appendix III

18th JUDICIAL DISTRICT
ARAPAHOE COUNTY DISTRICT ATTORNEY/AURORA POLICE DEPARTMENT
PROPOSED CAREER CRIMINAL PROJECT
ORGANIZATIONAL CHART
April 29, 1987

18th Judicial District
Career Criminal Advisory Committee

Co-Chair - Robert Gallagher, District Attorney
Co-Chair - G.L. Williams, Chief of Police

Representatives

- District Attorney Career Criminal Steering Committee Director (Tom Dunn)
- Aurora Career Criminal Steering Committee Director (Ron Sloan)
- Chief Judge
- Court Administrator
- District Court Administrative Judge
- Chiefs of Police of District Representative
- Probation Department Administrator
- Parole Regional Office Supervisor
- Pre-Trial Release Administrator
- Adams County District Attorney Office Representative

Aurora Police Department
Career Criminal Project Steering Committee

Director - Ron Sloan, Division Chief

Representatives

- Investigation Bureau Commander
- Watch Commander, Patrol Bureau
- Major Cases Unit Supervisor
- Special Assignments Supervisor
- Data Services Coordinator
- Community Services Commander

Aurora Police Department - Career Criminal Selection Team

Leader - Jim Russell,
Supervisor - Major Crimes Unit/Career Criminal Unit

Representatives

- Burglary Unit Supervisor
Crimes Against Property Unit Supervisor
Special Assignments Bureau Representatives
Juvenile Unit Supervisor
Police Area Representative

Aurora Police Department Career Criminal Unit

Supervisor - Jim Russell
Detective - Steve Konecny