Recommendations to the Brazos County, Texas District Attorney’s Office Regarding Career Criminal Program Operations

Career Criminal Program Workshop
Brazos County, Texas

June 27, 1988

Part I

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
Recommendations to the Brazos County, Texas District Attorney's Office Regarding Career Criminal Program Operations

Career Criminal Program Workshop
Brazos County, Texas

June 27, 1988

Part I

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The American University
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Dates of On-Site Study: June 27, 1988
Consultant Assigned: Tim Kenny and Kai Martensen
Central Focus of Study: Career Criminal Programs

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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. EMT is solely responsible for the factual accuracy of all material presented in this publication.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>II.</td>
<td>WORKSHOP OVERVIEW</td>
<td>2</td>
</tr>
<tr>
<td>III.</td>
<td>MAJOR ISSUES</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>A. Collaboration Between Agencies</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>B. Selling the Program</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>C. Selection Criteria and Volume of Cases</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>D. Information in Support of Program</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>E. Limited Negotiations</td>
<td>4</td>
</tr>
<tr>
<td>IV.</td>
<td>RECOMMENDATIONS</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>A. Internal Integration</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>1. Review and expand patrol's involvement to insure their input is meaningful for both the department and patrol</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>2. Review and modify the role and responsibilities of the career criminal investigator (CC Inv.)</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>B. Lateral Integration</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>1. Involve other law enforcement agencies in the career criminal program</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>2. Before mandating that the SCORE program be unconditionally accepted by all law enforcement, have each department review and comment on the SCORE program</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>C. Vertical Integration</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>1. Expand the involvement of the prosecuting attorneys</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>2. Involve other criminal police agencies</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Attachment:</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Brazos County, Texas Career Criminal Program Workshop:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Attendance Breakdown by Department and Title/Rank</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>iii</td>
</tr>
</tbody>
</table>
I. INTRODUCTION

After attending several of the national career criminal program workshops sponsored by the Bureau of Justice Assistance (BJA) and conducted by the National Center for State Courts/Institute for Court Management and the National District Attorney's Association, representatives from the Brazos County, Texas District Attorney's Office requested BJA's Adjudication Technical Assistance Project (ATAP at the EMT Group, Inc.) to conduct a follow-up workshop for local officials. The purpose of this workshop was to explain the concept of a career criminal program to local prosecutors and police officials and to discuss how such a program might be organized and operated in Brazos County.

At the time of the request a limited career criminal program had been operating in Bryan, Texas but had very few defendants selected for processing. In addition to reviewing the operations of this program, local officials were also considering the desirability of expanding it county-wide. Among the specific issues which Brazos County officials wanted to explore at the workshop were (a) the appropriate focus which the program should take and how it would be organized; (b) appropriate information which might be used to select career criminal program subjects, such as sheriff's information, etc; and (c) the benefits which such a program could have if the County in terms of coordination among local law enforcement agencies and the criminal justice process.

The ATAP assigned two consultants who had served as faculty at the Career Criminal Program workshop which Brazos County officials attended to provide this assistance: Tim Kenny, formerly Director of the Repeat Offender Bureau of the Wayne County (Detroit), Michigan Prosecutor's Office; and Kai Martensen, Assistant to the Chief of Police in Baltimore, County, Maryland and the Chief Staff Member of the Maryland statewide Repeat Offender Task Force. Both of these individuals were familiar with the Brazos County program and concerns.

The workshop was held in College Station, June 27, 1988 and cosponsored by the Brazos County District Attorney's Office and the Bryan Police Department. The technical assistance report of this workshop is presented in two parts: Part I addresses specific issues and recommendations relating to career criminal program operations in Brazos County; Part II presents a summary of the workshop discussions and materials distributed. In addition to these materials, each session was videotaped by the workshop sponsors.
II. WORKSHOP OVERVIEW

The "Career Criminal Tracking Workshop" was sponsored by the Brazos County District Attorney's office, the Bryan Police Department and the College Station Police Department and held at the College Station Community Center on June 27, 1988. The session was attended by 58 police, law enforcement and prosecutor representatives (See Attachment I for attendance breakdown).

The workshop program included: an overview of career criminal programs and the police involvement; the prosecution's role in career criminal programs, and descriptions and explanations of the following ongoing career criminal programs: (1) Bryan/Brazos County, Texas SCORE program; (2) Dallas, Texas TOP program; (3) Arlington, Texas COP program; (4) San Antonio, Texas ROP program. (See Part II of this report which includes the outline and/or synopsis of each presentation, and the handout material given to each attendee.)
III. MAJOR ISSUES

There were several recurring issues raised during the various presentations. These issues should be considered critical to career criminal programs since they were individually raised based on the prosecutor's experience with career criminal programs and what he considered most important to the success of his career criminal program. Briefly, these issues are as follows:

A. **Collaboration Between Agencies**
   
   Career criminals do not respect jurisdictional boundaries; therefore, law enforcement agencies must work together on targeted career criminals. Just as important is the commitment of both the police and the prosecutor to the career criminal program. The most successful career criminal programs involve all criminal justice agencies.

B. **Selling the Program**

   Career criminal programs must be described, explained, and constantly brought to the attention of the rank and file. Too often, new programs are "kicked off" with substantial amount of management enthusiasm, but very little consideration given to informing line officers. Career criminal programs rely on field units' activities and information. It is incumbent to show all departmental staff the objectives and subsequent benefits of a career criminal program.

C. **Selection Criteria and Volume of Cases**

   The need to keep a career criminal program small and simple was another major theme of the presenters. Too complex and cumbersome selection criteria (e.g., scoring systems, lengthy list of factors) create an unwieldy and counter productive selection process. The attendees were advised that too broad of a definition would cause the volume of career criminal cases to quickly overwhelm the resources assigned to the program. Police must realize their resources can easily swamp the prosecutor, courts and corrections. Target the worst, keep focus on the target from selection, through apprehension and conviction, until released from a lengthy sentence is the key to a career criminal program.
D. Information in Support of Program

The smooth functioning of any career criminal program relies on information. Accurate and complete information is needed for: deciding who will be a target; apprehending the target; obtaining successful prosecution; and insuring lengthy incapacitation. Information must be shared between units within a police department and other agencies within the criminal justice system. A key element of information sharing is feedback to the rank and file; keeping them informed of the status of targets, recognizing good work, etc.

E. Limited Negotiations

A career criminal program is not "business as usual." One area requiring change from the normal business practice of criminal justice is reducing the negotiations with the defendant, the defense, the police, the prosecutor, etc. There should be written agreements between the police and prosecutor to curtail either agency from negotiating a plea or other consideration with the career criminal target. If circumstances dictate (e.g., key witness dies or disappears, etc.), then both the police and prosecutor should work out a joint decision on that particular case.
IV. RECOMMENDATIONS AND TASKS

Since this technical assistance was more of a training/workshop effort than a consulting project, the consultants lacked the specific information usually associated with conducting a study of a program. However, the consultants were able to identify several areas where the Brazos SCORE program can be improved. The recommendations are divided into three areas: internal integration, lateral integration, and vertical integration.*

A. Internal Integration: A career criminal program should be thoroughly integrated into the entire police operations

1. Review and expand patrol's involvement to insure their input is meaningful for both the department and patrol
   - Patrol should be involved in designing and executing an apprehension plan directed at target career criminals.
   - Information about career criminals should flow both ways. Patrol should receive frequent updates on targeted career criminals.

2. Review and modify the role and responsibilities of the career criminal investigator (CC Inv.)
   - The CC Inv. should become more of an expeditor, coordinator, and liaison person of career criminal cases rather than assuming total control over the case.
   - The normal follow-up case assignment should be practiced with career criminal cases. These cases should involve increased thoroughness and speed.
   - Career criminal investigation and case preparation guidelines and "check-off" lists should be designed and implemented to insure thorough follow-up.

* The concept of internal, lateral and vertical integration was developed by William Spelman as part of the Police Executive Research Forum's Repeat Offender Demonstration Project.
The CC Inv. should review with the career criminal prosecutor the appropriate intelligence information, records and documents on each target to aid in pre-trial incarceration, identify multiple charges, counter possible defense arguments and defendant alibis, and to obtain legally required documents for subsequent offense (3x loser) laws.

B. **Lateral Integration:** The relative isolation of Brazos, Texas makes it ideal to create a regional career criminal program. A career criminal program just involving the Bryan Police Department is limiting and ineffectual

1. Involve other law enforcement agencies in the career criminal program

   o Using the recent career criminal tracking workshop as a starting point, from the proposed Governing Board. This proposed Board is comprised of the Chiefs and executives of local/State law enforcement agencies.

   o Modify the Governing Board's mission to act more as a steering body responsible for committing their respective agency to the program, guiding the program to meet its objectives, review progress, and resolving problems. Reduce the frequency of meeting to quarterly.

   o Create a career criminal target selection committee comprised of operational persons who know the targets best.

2. Before mandating that the SCORE program be unconditionally accepted by all law enforcement, have each department review and comment on the SCORE program

   o Allow departments to have input on changing the existing SCORE procedures. Agencies are organized and function differently, thereby requiring modified procedures.

   o The larger law enforcement agencies should take on the responsibility for coordinating the exchange of information, making sure even the smaller departments receive all the information. Some modification to the selection criteria may be necessary to allow smaller departments the opportunity to have one of their career criminal candidates chosen as a target.

   o Consider changing the program's title (SCORE) if it will help bring other law enforcement agencies into the program.
C. Vertical Integration: The SCORE program shows the excellent relationship that exists between the Bryan Police Department and Brazos County District Attorney's office. This spirit of cooperation and coordination should be expanded to all law enforcement departments and other criminal justice agencies.

1. Expand the involvement of the prosecuting attorneys

   o Consider adding the District Attorney to the Governing Board.

   o Consider adding a District Attorney Assistant to the selection committee to become involved in the selection process and any apprehension planning discussion.

   o If appropriate, the city or county attorney should be involved in the program.

2. Involve other criminal police agencies

   o Consider involving the local probation and parole supervisor to the selection committee. Their caseload usually includes some of the more active career criminals.

   o All agencies should review their present policies, procedures and practices regarding the exchange of information, records, and documents. The more information that is exchanged between agencies regarding a career criminal, the more informed their decisions and the better the supporting justification.

   o Keep the judges informed about the program, offering them the opportunity to join in the discussion about the overall program (e.g., policy and procedures).
ATTACHMENT

Brazos County, Texas Career Criminal Program Workshop:
Attendance Breakdown by Department and Title/Rank
# ATTACHMENT 1

**BRAZOS COUNTY, TEXAS CAREER CRIMINAL PROGRAM WORKSHOP**  
**ATTENDANCE BREAKDOWN**  
**BY DEPARTMENT AND TITLE/RANK**

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