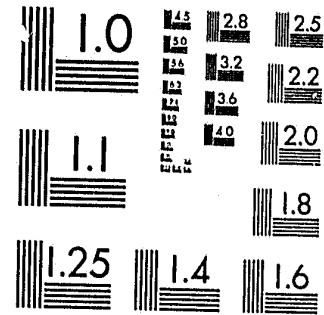


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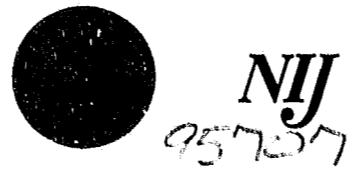
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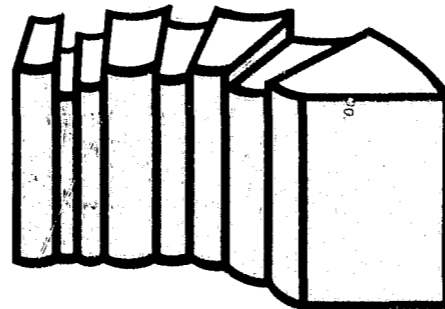
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## Books in Brief

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# Repeat Offender Program Experiment (ROPE) Guidelines and Programmatic Alternatives

The Repeat Offender Program Experiment (ROPE), formulated by the Maryland Criminal Justice Coordinating Council, is a well-developed effort to coordinate state and local justice agencies to respond to the serious problem of repeat offenders. Through ROPE, juvenile justice and criminal justice agencies are placing emphasis on more effective ways to identify, apprehend, adjudicate, confine, and treat the repeat offender. Law enforcement officials, prosecutors, judges, correctional officers, probation and parole officers, and juvenile justice authorities are working together to protect the public, to meet the concerns of victims of serious offenses, and to ensure a well-coordinated justice system in Maryland.

Governor Harry Hughes

These remarks by Maryland's chief executive introduce the Repeat Offender

Program Experiment (ROPE). This summary of a concept paper produced by the Task Force outlines ROPE's rationale, goals and objectives, and requirements. It also presents programmatic alternatives to meet these objectives. ROPE places emphasis on more effective ways to identify, apprehend, adjudicate, confine, and treat both the juvenile and adult repeat offender. As an experiment, it will be implemented by individual jurisdictions in Maryland to target their specific problem populations.

### ROPE goals, designs, and requirements

ROPE has two goals:

- To bring attention to the repeat offender program by developing experimental programs in individual juris-

dictions through commitment of requisite components of the criminal/juvenile justice systems, which will focus on manageably sized groups of repeat offenders.

- To contribute to greater public safety by increasing the likelihood that adult or juvenile repeat offenders will be apprehended, convicted/found delinquent, sentenced/disposed, incarcerated/committed in a secure facility, and provided correctional or treatment programs to deter further offending.

ROPE's design requires the comprehensive involvement of all agencies in the criminal and juvenile justice systems. Although jurisdictions design their own programs from an operational perspective, addressing the ROPE operational and support objectives, ROPE participants must meet several requirements:

### Coordination

A high degree of planned cooperation and communication among participating agencies is critical, particularly among law enforcement agencies, juvenile authorities, and prosecutors.

Summarized from *Repeat Offender Program Experiment (ROPE)* by S.F. Familton and K.R. Martensen of the Maryland Repeat Offender Task Force with permission of the Maryland Criminal Justice Coordinating Council, 1982.

Coordination is necessary because changes in procedures in one part of the system have "ripple" effects.

#### Executive commitment

A second integral requirement is top-level commitment. This commitment in the form of steering committees must be provided by chief executives, State agency heads, the judiciary, the legislature, local department heads, and local criminal justice coordinators at program outset and continue through its operation.

#### Target population and definition

Jurisdictions will determine their own target populations and definition of repeat offenders. However, they will be guided by these recommendations: (1) the offender group should be in the 16- to 24-year age range; (2) a list of serious offenses warranting arrest of repeat offenders, and a minimum of prior offenses, must be established; (3) a timeframe for prior offenses and frequency criteria must be set; (4) the appropriateness of prior convictions as a criterion needs to be addressed; (5) contributing factors, such as use of drugs, use of weapons in committing offenses, and commission of offenses against strangers, should be considered in defining the population; (6) the population should be of a manageable size and target a small group of criminal/delinquent offenders.

#### Planning

Participants should expect long and comprehensive planning processes, even up to a year. Thereafter, a 3- to 5-year postimplementation phase should be considered a trial phase.

#### Programmatic alternatives to meet ROPE operational objectives

This section describes some existing programs and strategies that could help meet ROPE's four operational objectives and strategies in other jurisdictions. These alternatives may serve as a list of ideas for replication. The objectives are:

#### Identification, apprehension, and adjudication

A common technique in identification is searching criminal history records at time of arrest. Some jurisdictions have prepared lists of persons meeting the repeat offender definition. For instance, the New York City Police Department's Career Criminal Monitoring Unit identifies criminals currently at-large in the community who, by virtue of their established criminal history records, are appropriate subjects for aggressive police and prosecutorial action. The Colorado Springs Police Department maintains a list of repeat offenders based on current street activity, and the Chicago Police Department is developing a computerized file of names of persons identified by their Career Criminal Mission Teams.

A surveillance/apprehension strategy should include establishing a specialized unit with officers who are trained, highly motivated, knowledgeable of undercover operations, and aware of legal constraints on reasonable cause, search and seizure, etc.

Many police agencies have established working relationships with prosecutors, particularly those with career criminal programs. Examples are the New York City Police Department Career Criminal Investigation Unit, whose detectives meet routinely with the assistant prosecutors assigned to the District Attorney's Career Criminal Bureau, and the Racine, Wisconsin, Police Department, which has funded a special prosecutor position to handle the department's repeat offender cases.

#### Conviction and/or finding of delinquency

The most highly developed repeat offender programs have been in this programmatic area. In the past, career criminals were not receiving special prosecutorial attention and could benefit from clogged court dockets, long delays, and inadequate prosecutorial resources. In 1974, the Law Enforcement Assistance Administration began soliciting proposals to establish specialized prosecution units aimed at career criminals. By 1980, over 100 prosecutors' offices nationwide had some form of career criminal program.

Some jurisdictions have focused their selection criteria exclusively on the prior record of the defendant; others have used a combination of criminal/delinquent history and crime-type criteria. Many have successfully developed numerical rating forms with precise scoring criteria for standardizing the way in which similar issues are handled by the special prosecution unit.

The goal of identification procedures is to determine quickly whether the person apprehended meets the selection criteria and should be taken to court by the prosecutor's career criminal unit.

Plea bargaining for repeat offenders should be curtailed or very limited and carefully supervised. The San Diego County District Attorney's Office Major Violator Unit (MVU), initially targeting robberies, had substantial success in curtailing plea bargains for repeat offenders.

Career criminal program staff must cooperate with all agencies involved; direct police referral of cases is an example. Working with the courts, some jurisdictions have established continuance and scheduling practices that afford swift disposition of career criminal cases.

Several States are strengthening the prosecutor's role in juvenile cases. Indiana gave district attorneys virtually the same powers in juvenile as in adult court—the prosecution screens all arrests involving offenses that would be criminal if the juvenile were an adult, determines the nature of the charge, and prepares all cases for judicial hearings. The Baltimore County, Maryland, Police Department has institutionalized its Juvenile Case Review Unit after a 3-year grant resulted in a substantial reduction in dismissals and an improvement in petition rates for serious delinquent offenses.

#### Sentencing and disposition

Several efforts can help meet the objectives of sentencing and disposition. One is establishing sentencing guidelines/disposition guidelines. The Maryland Sentencing Guidelines Project uses a system of points and matrix to match up offender characteristics and

offense characteristics with an appropriate sentence. A second strategy is presentence/disposition investigation reports. A feature of ROPE should be the assignment of officers to conduct complete investigations.

Specialized repeat offender dockets or courts have been used effectively. Cook County (Chicago) has established three specialized felony repeat offender courts which use special criteria to flag repeat offenders at arraignment and treat cases with urgency.

#### Correctional and treatment programs

The ROPE concept advocates selective incapacitation, or long-term incarceration, for repeat offenders. In addition, an institutional policy directed at repeat offenders must assure that each offender's status is known to those making classification and security decisions. The Task Force recommends that repeat offenders consistently be required to serve their entire term.

A variety of treatment methods and strategies should be employed: comprehensive drug and alcohol abuse programs; contracting with the private sector for viable vocational training within institutions; contracting with the local jurisdiction for institutional services; and using the local jurisdiction to coordinate the various community resources.

There are several adult and juvenile treatment programs in existence that could be studied for their approaches to the repeat offender. For instance, the Maryland J.O.B.S. Program operating in Prince George's County places young offenders in unsubsidized jobs in the private sector. The Serious Juvenile Offender Program in St. Paul, Minnesota, serves young property offenders who sign contracts to join the program; they spend 6 months in the institution and 6 months in the community as supervised community service workers. The House of UMOJA in Philadelphia serves young males, most of whom have been gang members. Its premise is that juvenile participants are there to provide as well as receive a service, and the youths are expected to provide a community service while residing in the house.

Adult program examples include the Federal Correctional Institute (FCI) Imprisonment Model of Butner, North Carolina, which provides a variety of occupational and educational programs while keeping the offenders aware of their release dates. The Multiple Felony Offender Alcohol Program in Baltimore City hospitals offers medical and psychological treatment for adult offenders using intensive medical, psychological, and alcoholism treatments.

Probation and parole services program development for repeat offenders could focus on:

- Closely monitoring identified repeat offenders for unsatisfactory progress.
- Designating warrants as "issued for the arrest of a repeat offender" when forwarded to police.
- Intensifying police efforts to serve warrants on violators who are repeat offenders.
- Closely coordinating with correctional institutions to ensure required supervision is built into the offender's transition or release.

#### Programmatic alternatives to meet ROPE supporting objectives

ROPE's supporting objectives are (1) accurate, thorough, and timely information; and (2) procedures development consistent with constitutional safeguards.

#### Information availability and timeliness

ROPE expects each jurisdiction to ensure that juvenile delinquency and adult criminal history information is complete, understandable, and easily accessible. Local jurisdictions should have ready access to a statewide criminal history file, and this access should be rapid and preferably automated.

Jurisdictions implementing ROPE should include juvenile delinquency history information in the decision-making process. Information sharing should be guided by formal written directives, and complete juvenile delinquency history information (including disposition) should be readily available to police and prosecutors for key decisions.

Repeat offender programs require close coordination between police and prosecutors. Police should notify appropriate units or persons whenever a potential repeat offender is apprehended or booked, expedite positive identification using local, State, and FBI identification resources, and have access to criminal history information for arraignment and bond hearings.

Program managers should adopt necessary reporting requirements to manage ROPE projects effectively. For example, prosecutors need: defendant information; case-tracking information; witness management information; charging information; disposition and sentencing information; and resource utilization information.

#### Legal challenges

Jurisdictions should anticipate challenges on various constitutional grounds and be prepared to deal with them. Challenges to prosecutors' career criminal programs and their various components have been upheld in two States—Massachusetts (*Commonwealth v. Coyne*, 363 N.E.2d 256 (1977)) and New York (*People v. Peterson*, 393 N.E.2d 24 (1977)).

Other challenges likely to arise may concern equal protection and adequate representation, including accelerated prosecution and limitations on plea bargaining. ROPE will introduce procedures that clearly impose different handling, processing, and treatment of repeat offenders.

#### ROPE evaluation

A ROPE program should include an evaluation component which focuses on two major dimensions:

- Method of developing, implementing, and operating the program.
- Effect of the program on clients, the community, and the criminal and juvenile justice systems.

The ROPE design finally details a three-phase evaluation, assessing different data sets at three stages in the experiment.

**Sources on this topic:**

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(301) 251-5500  
(800) 851-3420  
[Distributes selected documents related to topic; performs custom searches of data base; subject specialists make referrals; has reading room.]

Office of Criminal Justice Planning  
Joseph Arellano  
1130 K Street  
Suite 300  
Sacramento, CA 95814  
(916) 324-9100  
[Provides information on career criminal prosecution programs.]

Joseph J. Peters Institute  
112 South 16th Street  
Philadelphia, PA 19102  
(215) 568-6627  
[Provides information on sex offender recidivism—write for order form.]

Repeat Offender Courts  
Cook County  
2600 S. California Avenue  
Room 101  
Chicago, IL 60608  
(312) 890-3160  
[Provides statistical information regarding sentencing of repeat offenders.]

**Further readings:**

*Career Criminal Program—National Evaluation—Final Report.* NCJ 77265. By E. Chelimsky and J. Dahmann, Mitre Corporation, McLean, Virginia. Sponsored by the National Institute of Justice. 1981. 164 p. Availability: NCJRS microfiche (free).

"Comparison and Combination of Clinical Statistical Predictions of Recidivism Among Adult Offenders." NCJ 90641. *Journal of Applied Psychology*, V.68, N.2 (May 1983), pp. 203-211. By T.R. Holland, M. Levi, N. Holt, and G.E. Beckett.

*Major Violator Unit—San Diego, California.* NCJ 72472. By D. Whitcomb, Abt Associates, Inc., Cambridge, Massachusetts. Sponsored by the National Institute of Justice. 1980. 139 p. Availability: NCJRS microfiche (free).

*Selective Incapacitation.* NCJ 86888. By P. Greenwood and A. Abrahamse, Rand Corporation. Sponsored by the National Institute of Justice. 1982. 150 p. Availability: Rand Corporation, 1700 Main Street, Santa Monica, CA 90406, order #R2815, \$10.00 per copy.

"Targeting Federal Resources on Recidivists—An Empirical View." NCJ 90378. *Federal Probation*, V.46, N.2 (June 1983), p. 10-20. By B. Forst, J. Dimm, B. Mullin, W. Rhodes, and A. Gelman. Sponsored by the National Institute of Justice. Availability: NCJRS microfiche (free).

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