



# HABITUAL/SERIOUS OFFENDERS

**INDEX CODE: 1628**  
**EFFECTIVE DATE: 02-18-10**

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## **I. POLICY**

It has long been recognized by criminologists that within each community, certain individuals are responsible for a disproportionate level of criminal activity and victimization of the public. The department recognizes the need for removing from the community persons who repeatedly commit crimes of violence, felony property crimes, and who are repeatedly involved with the unlawful manufacturing and distribution of controlled dangerous substances. It is the Department's goal to identify these habitual repeat offenders and to pursue their apprehension, prosecution and long-term incarceration through a coordinated law enforcement effort.

## **II. PURPOSE**

The purpose of this directive is to specify the criteria designating certain individuals as habitual/serious offenders and to establish a process and function for identifying all cases in which a designated habitual/serious offender is identified. This directive also establishes procedures for notifying and requesting the assistance of prosecutors, and other law enforcement agencies, in the apprehension of wanted offenders and in the preparation of criminal cases involving habitual/serious offenders. To maximize the effectiveness of investigative efforts involving habitual offenders, the Department will provide historical data on identified habitual offenders in a meaningful and understandable format through research and distribution of data currently collected and stored within the Department's files and databases.

## **III. HABITUAL OFFENDER FUNCTIONS**

Adults and juveniles who qualify for prosecution in adult courts as habitual/serious offenders are investigated by the Habitual Offender Squad. Juveniles designated as serious habitual offenders, who remain under juvenile court jurisdiction, will also be investigated. This program is aimed at identifying persons who have had a serious, sustained pattern of criminal violations and continue to offend and reside in the community, while taking proactive steps to locate those that are wanted on outstanding warrants.

*The functions of the Habitual Offender Squad will be performed as staffing allows based upon continued grant funding and/or permanent personnel allocation.*

## **IV. HABITUAL OFFENDER SQUAD**

### **A. Organization & Role**

The Habitual Offender Squad is a component of the Crime Analysis Unit. Its major responsibilities include identifying habitual offenders and assisting in all cases in which a designated habitual offender is involved. The squad will notify the State's Attorney of such cases, accompanied by a request for assistance in case preparation and enhanced prosecution. The Habitual Offender Squad will also work closely with the Special Enforcement Section and the Anne Arundel County Sheriff's Office to identify and apprehend wanted habitual offenders.

**B. Functions**

Functions of the Habitual Offender Squad include:

1. Identify those individuals fitting the definition of a habitual offender and monitoring every arrest of a habitual offender for the purposes of furthering the case against the offender through case enhancement efforts.
2. Monitor every arrest for Criminal Law 14-101 (crime of violence), while notifying and assisting the appropriate prosecutor if a defendant meets the habitual offender criteria.
3. Monitor every arrest for Criminal Law 6-201 (burglary), while notifying and assisting the appropriate prosecutor if a defendant meets the habitual offender criteria.
4. Monitor every arrest for Criminal Law 5-602 to 5-613 (CDS), while notifying and assisting the appropriate prosecutor if a defendant meets the habitual offender criteria.
5. Conduct certification investigations on the individuals that have been identified as qualifying for enhanced sentencing under Criminal Law 14-101, 6-201, or 5-602 to 5-613. Notify and report the results of the investigations to the State's Attorney's Office and request their assistance in case preparation.
6. Maintain a liaison with the State's Attorney's Office to ensure that mandatory sentences are sought in appropriate cases.
7. Monitor and report the progress of habitual offender cases to the commander of the Criminal Investigation Division;
8. Maintain a liaison with other components of the criminal justice system that play a role in the habitual offender function, such as the Anne Arundel County Sheriff's Office, Department of Corrections, Department of Parole and Probation, other state, local and federal law enforcement agencies, and the courts.
9. Utilize established processes to evaluate individuals set for release by the Department of Corrections who meet the criteria, due to past arrests or convictions, as a habitual offender.
10. Coordination with the Division of Parole and Probation to determine offender status. Facilitate the flow of information between the agencies to substantiate offender violations of parole or probation conditions.
11. Routinely query the department's Records Management System and review all arrests to determine if the charge and/or arrestee meets the criteria outlined in Section IV.D.
12. Identify, through close communication and cooperation with the Anne Arundel County Sheriff's Office, habitual offenders with outstanding warrants and apprehend these offenders as soon as possible.
13. Maintain close communication with the Special Enforcement Section to assist in identifying habitual offenders who appear on the Parole and Probation Violence Prevention Initiative (VPI) warrant list.

**C. Crimes of Violence**

For purposes of the Department's Habitual Offender program, crimes of violence are those enumerated in Criminal Law 14-101. They are as follows:

1. Abduction
2. Arson in the first degree
3. Kidnapping
4. Manslaughter, except involuntary manslaughter
5. Mayhem and Maiming
6. Murder
7. Rape
8. Robbery
9. Robbery with a deadly weapon
10. Carjacking or armed carjacking
11. Sexual offense in the first degree
12. Sexual offense in the second degree
13. Use of a handgun in the commission of a felony or other crime of violence
14. An attempt to commit any of the aforesaid offenses
15. Assault in the first degree
16. Assault with intent to murder, rape, rob, commit a sexual offense in the first degree, commit a sexual offense in the second degree

Controlled Dangerous Substance crimes are enumerated in Criminal Law 5-602 to 5-613.  
Crimes of burglary are enumerated in Criminal Law 6-201.

**D. Habitual Offender Criteria**

For the purposes of this section, a habitual offender is any person sixteen (16) years of age or older whose present offense is a felony and who has:

1. An arrest record that indicates the offender has a pattern of felony violations (a minimum of two separate felony arrests) for any Criminal Law 14-101 (crime of violence) crime and/or is presently on bond, recognizance, or probation or parole for a violation of Criminal Law 14-101 (crime of violence); or
2. An arrest record that indicates the offender has a pattern of felony violations (a minimum of two separate felony arrests) for a Criminal Law 5-602 to 5-613 (CDS) crime and/or is presently on bond, recognizance, or probation or parole for a violation of Criminal Law 5-602 to 5-613 (CDS) crime; or
3. An arrest record that indicates the offender has a pattern of felony violations (a minimum of two separate felony arrests) for a Criminal Law 6-201(Burglary) crime and/or is presently on bond, recognizance, or probation or parole for a violation of Criminal Law 6-201 (Burglary) crime.

**E. Procedures for Handling Habitual Offender Cases**

**1. Sworn Personnel**

When an officer arrests a person for a Criminal Law 14-101 crime of violence, Criminal Law 6-210 burglary, or Criminal Law 5-602 to 5-613 controlled dangerous substance crime, he/she will obtain a criminal history record check before the prisoner is taken to the Commissioner. During the booking procedures, officers will make inquiries into the possibility of any prior criminal history by utilizing CJIS/MILES/*METERS* and TIBURON systems. If, in the course of these inquiries, the individual is identified as a habitual offender, using the criteria mentioned above or if the offender is “flagged” as a habitual offender in Tiburon, the arresting officer will note this in the report. A copy of the officer’s report should be forwarded to the Habitual Offender Squad. If the arrestee meets the criteria for a habitual offender, the officer will ensure that this fact and any available documentary proof is brought to the attention of the District Court Commissioner who conducts the arrestee’s judicial condition of release or commitment.

*In conjunction with the Maryland Department of Public Safety and Correctional Services Division of Parole and Probation, the U.S. Attorney’s Office initiated Maryland EXILE. Created by the U.S. Attorneys’ Office, the Maryland EXILE program is a unified and comprehensive strategy to combat gun crime that combines local, state and federal law enforcement efforts; community action and revitalization; and public awareness. Under Maryland EXILE, crimes typically prosecuted at the state level are handled in federal court, where mandatory minimum sentences and the possibility of serving time out of state provide a stronger deterrent. The following are conditions outlined under Maryland EXILE:*

- *If an offender possesses a gun or ammunition and they are:*
  - *A convicted felon;*
  - *A fugitive from Justice; or*
  - *A convicted drug user or addict; then*
- *The offender faces up to ten years in federal prison without parole.*
- *If an offender possesses a gun or ammunition and the offender has three or more prior felony convictions for crimes of violence and/or drug trafficking, the offender faces a mandatory minimum sentence of fifteen years in federal prison without parole.*
- *If an offender uses or carries a gun during a drug crime or crime of violence, the offender faces a mandatory minimum of five years to life in federal prison; consecutive without parole and the death penalty if death results from the use of a gun.*
- *If an offender sells, gives or provides a gun or ammunition to a person(s) known to be:*
  - *A convicted felon;*
  - *A fugitive from justice;*
  - *A convicted drug user or addict; then*

- *The offender faces up to ten years in federal prison without parole.*

*The following is an example as it appears in the TIBURON system:*

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NAME                                DOB                                S R HGT WGT HAI EYE
DOE, John                           12-04-1968                       M B 505 220
1234 MAIN AVE                        CITY
AA COUNTY P&P
PRESCREEN FOR FED PROSEC.IF FOUND WITH GUN/AMMO/CDS CONTACT SES
ASAP
- - - - - H A Z A R D - - - - -
-
PAROLE & PROBATION VIOLENCE PREVENTION UNIT CLIENT(PROJECT EXILE)
- - - - -
-
FLG-TYP DATE      CONTACT      CON-PHON      AGENCY      FLAG NO
VPI  10-16-2009                1823
```

If an officer arrests a person who is determined to be “flagged” in Tiburon as a Parole and Probation VPI offender, the arresting officer will ensure a complete warrant check is conducted to determine if the offender has an outstanding Violation of Probation (VOP) or Parole retake warrants on file. The officer will also ensure that copies of the incident report and/or charging documents are faxed to Anne Arundel County Regional Parole and Probation Office 410-508-2387, Attention: Field Supervisor. Additionally, a copy of the incident report should be forwarded to the Special Enforcement Section. It is imperative this notification occurs, since VPI offenders face significant Parole and Probation restrictions.

**2. Booking Personnel**

*Booking personnel will notify the arresting officer if the prisoner is “flagged” in Tiburon in any of the above situations.*

**3. Habitual Offender Squad**

**a. Monitor Arrest Records**

All arrests are monitored by the Habitual Offender Squad, who will notify the State's Attorney's Office of those persons fitting the aforementioned criteria to ensure case enhancement efforts are initiated.

**b. Certification of Habitual Offenders**

Upon request from the State's Attorney's Office, the Habitual Offender Squad will research the criminal history and obtain certified records of the arrestee for prosecution as a career criminal. The Habitual Offender Squad is responsible for the following:

- \* Notifying the State's Attorney's Office when certified records are obtained.
- \* Maintaining close contact with the assigned prosecutor.
- \* Providing Incident Reports specific to the identified Habitual Offender.

**c. Post-Trial and Conviction**

Disposition of cases will be monitored and recorded. Habitual Offender files will be maintained within the Habitual Offender Squad.

d. The Maryland State Governor’s Office has instituted an initiative in collaboration with Maryland’s Department of Public Safety and Correctional Services, Division of Parole and Probation, designated the Violence Prevention Initiative (VPI). This initiative identifies individuals whose prior criminal history and behavior makes them particularly unique among other offenders on probation and parole.

*The purpose of the violence prevention initiative is to prevent certain offenders from committing violent crimes by closely supervising these offenders. The Division of Parole and Probation conducts a “Violence Prevention Initiative Screening” for each offender who is placed in this division with the intent of identifying those offenders who pose a high risk to reoffend during their term of supervision. There are two distinct violence prevention initiative supervision levels. The first of these levels, designated “VPI 1” is the initial supervision level for all offenders newly assigned or reassigned to the violence prevention supervision. An offender shall be supervised at this level for six consecutive months and subject to the following minimum weekly contacts:*

- *A minimum total of two face to face contacts weekly*
- *One phone call on a day other than when the offender meets face to face with an agent.*
- *Substance-abuse testing twice weekly for four consecutive weeks.*

*At the offender’s six month anniversary in supervision level “VPI 1”, the supervisor conducts a case review to evaluate the offender’s progress and determine whether the offender shall remain at supervision level “VPI 1” or be assigned to supervision level “VPI 2”.*

*Supervision level “VPI 2” is a supervision level that recognizes full compliance by an offender formerly assigned to supervision level “VPI 1”. An offender shall be supervised at this level for six consecutive months and subject to the following minimum weekly contacts:*

- *A minimum of one face to face contact weekly*
- *Continued substance-abuse testing as per conditions previously established*

*At the offender’s six month anniversary in supervision level “VPI 2”, the supervisor conducts a case review to evaluate the offender’s progress and determine whether the offender shall remain at supervision level “VPI 2”, be reassigned to lesser intense supervision or be reassigned to supervision level “VPI 1” for noncompliance.*

*Additional Information: An agent or supervisor may not authorize an offender to travel out-of-state if the offender is subject to violence prevention supervision unless the offender has prior written approval or out-of-state travel is required for the offender to maintain existing employment.*

An officer who comes into contact with a person who is found to be “flagged” in Tiburon as a Parole and Probation VPI offender or *EXILE client*, a preferred arrest response is the preferable action when warrantless criteria exists that any crime has been committed.

If an officer arrests a person who is determined to be “flagged” in Tiburon as a Parole and Probation VPI offender *or EXILE client*, the arresting officer will ensure a complete warrant check is conducted to determine if the offender has an outstanding Violation of Probation (VOP) or Parole retake warrants on file. The officer will also ensure that a copy of the incident report and/or charging documents are faxed to Anne Arundel County Regional Parole and Probation Offices 410-508-2387, Attention: Field Supervisor. Additionally, a copy of the incident report should be forwarded to the Special Enforcement Section. It is imperative this notification occurs, since VPI offenders face significant Parole and Probation restrictions. *Any additional question can be directed to VPI Supervision; Glen Burnie – 410-412-7070; Annapolis – 410-260-1903 or the Special Enforcement Section.*

**e. Warrant Service of Habitual Offenders**

Service of an arrest warrant for a person fitting the criteria of a Habitual Offender will be coordinated with the Special Enforcement Section and the Anne Arundel County Sheriff’s Office.

**f. Initiate Tiburon Hazard Flags**

Identify habitual offenders and place a Habitual Offender/Career Criminal Hazard Flag into the offender’s Tiburon file. Add Parole and Probation VPI offenders in Tiburon under designated hazard file.

**V. PROPONENT UNIT:** Crime Analyst Unit.

**VI. CANCELLATION:** This directive cancels Index Code 1628, dated 08-17-09.