
	GAITHERSBURG POLICE DEPARTMENT		
	Habitual Offenders		
	GENERAL ORDER	607.5	
Effective Date	06/23/2016		42.1.5, 74.1.1, 74.1.2, 82.3.1, 82.3.6,
Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE <i>Mark Sroka</i>	DATE 06/23/2016

I. DEPARTMENT POLICY

It is the policy of the department to participate in and contribute information to the Montgomery County's Repeat Offender Program to reduce the incidents of specific criminal offenses occurring in Montgomery County by identifying and targeting the career criminal for prosecution.

II. M.C.P. REPEAT OFFENDER SECTION "R.O.S."

A. Role of Repeat Offender Section

1. The MCP Repeat Offender Section (R.O.S.) is a branch of the MCP Special Investigations Division (S.I.D.).
2. R.O.S. investigators identify, locate, and apprehend individuals designated as career criminals, and who are active in Montgomery County. They also gather intelligence data and other information and develop targets for arrest and prosecution.

III. CRITERIA FOR DESIGNATING "REPEAT OFFENDERS"

A. Repeat Offenders

1. Those persons who have two (2) or more arrests for crimes of violence (including domestic violence), drug offenses, sex offenses, weapons offenses, breaking and entering, and/or felony theft (including shoplifting) are designated as habitual/serious.

IV. REPEAT OFFENDER / CAREER CRIMINAL "TARGETS"

A. Identifying Targets

1. Repeat Offender / Career Criminal targets are developed, and cases involving their role(s) are identified, by employing the following strategies:
 - a. Investigative Targets - are those individuals not currently "wanted", but for which a strong probability exists that they are involved in criminal activity. Investigative targets are

developed primarily through criminal histories, referrals from officers, lists of high-volume property sellers, tips from "Crime Solvers," and informant information.

- b. Warrant Targets - are those individuals who are currently "wanted" for offenses meeting R.O.S. criteria. Investigators review active warrants and develop possible targets.
- c. Case Enhancement Targets - R.O.S. investigators conduct criminal history checks on persons held for bond review or arrested and released on recognizance in order to quickly identify the repeat offender. This information is given to the State's Attorney's Office to enhance prosecution.

V. STATE'S ATTORNEY'S OFFICE CASE PREPARATION

A. Consultation With SAO When Repeat Offender is Involved

- 1. The State's Attorney's Office will be consulted by officers to assist with case preparation when a repeat offender is involved (see General Order 607.4 - Notification of State's Attorney's Office).
- 2. GPD maintains a listing of State's Attorney's phone numbers for officers.
- 3. See Section VIII regarding the "Disarm Program."

VI. COMPLETION AND SUBMISSION OF R.O.S. TARGET REFERRAL SHEET

A. Target Referral Sheet

- 1. A Target Referral Sheet has been developed by the Repeat Offender Section to assist investigators in identifying possible repeat offenders / career criminals, and will be completed and submitted for R.O.S. evaluation by officers who arrest an individual that commits one of the offenses enumerated earlier in this directive.
- 2. Officers may keep a copy for their case file
- 3. The original of the Sheet will be forwarded to R.O.S. at S.I.D.

VII. OBTAINING ARREST WARRANT(S) FOR REPEAT OFFENDERS

A. Unsuccessful Service

1. If an officer obtains a warrant for an individual meeting the Repeat Offender criteria, the officer, if unsuccessful in serving the warrant in a timely fashion, will:
 - a. Hand-deliver the warrant to the MCP Warrant Section for storage, and
 - b. Complete a Target Referral Sheet and submit it to R.O.S. with an indication that a warrant has been issued and where it is located.

VIII. THE DISARM PROGRAM

A. Program Goal and Purpose

1. The Bureau of Alcohol, Tobacco, and Firearms (ATF) is the law enforcement agency charged with the responsibility of investigating violations of the Federal Gun Control Act. In a joint partnership between the U.S. Attorney's Office, the Montgomery County State's Attorney's Office, MCP, and the ATF, the goal of the program is to reduce firearm-related violence.
2. The program seeks to identify, target, and apprehend violent offenders with prior felony criminal convictions and/or narcotic traffickers who use or carry firearms in the furtherance of their criminal activities.
3. The program is not intended to replace local law enforcement efforts, but instead is intended to assist local authorities by providing for federal prosecutions of the most dangerous violent offenders under United States firearms statutes. These laws call for mandatory sentencing without the possibility of parole or probation.

B. Federal Firearms and Drug Offenses: Charging Criteria

1. *18 U.S.C. 922* – makes it a crime punishable by a maximum statutory penalty of 10 years, for a person previously convicted of a felony to possess a firearm.
2. *18 U.S.C. 924* – provides a sentencing enhancement applicable to defendants who are convicted on a 922(g) charge and who have three (3) prior convictions for crimes of violence or serious drug trafficking offenses. The sentencing enhancement is a mandatory

term of 15 years to life imprisonment without parole.

3. *18 U.S.C. 924* – makes it a crime to possess a firearm during and in relation to a drug trafficking offense. This charge carries a mandatory minimum of five (5) years without parole for the first offense.
4. *18 U.S.C. 841* – concerns distribution of narcotics or possession of narcotics with the intent to distribute. Sentences are up to life imprisonment without parole depending on the defendant's prior record and the amount of drugs involved.

C. G.P.D. Procedures

1. Any officer making an arrest of an individual fitting the program criteria (Section B above) shall forward a copy of the Event Report and charging document to their Bureau Commander. The Event Report's narrative will indicate the referral.
2. The Bureau Commander, after entering the charging document into the Legal Process Data Base and Master Name Index, will forward copies of the officer's paperwork to the Repeat Offender Section supervisor.

D. Repeat Offender Section Procedures

1. The Repeat Offender Section has the responsibility for screening cases received from patrol officers or investigators.
2. If the threshold screening determines the case meets criteria, a representative from the State's Attorney's Office, U.S. Attorney's Office, ATF, and the police department will convene to jointly decide at which level the case will be prosecuted.
3. If the case is referred to and accepted by federal prosecutors, there is no State action on the case and the ATF will coordinate the Federal prosecution.



REPEAT OFFENDER SECTION TARGET REFERRAL

Assistance Requested: Warrant Case Enhancement Other

**** ALL SHADED BLOCKS MUST BE COMPLETED ****

Name:							CR #:
Home Address:							Phone Numbers Home: Work: Cell:
Additional Frequented Address:							
Race:	Sex:	DOB:	Height:	Weight:	Hair:	Eyes:	
SSN:		FBI #:		SID #:		MCP #:	

Relatives

Relationship	Name	Address

F-Father M-Mother B-Brother S-Sister H-Husband W-Wife O-Significant Other

Vehicle

Year:	Make:	Model:	Color:	Tag #:	State:
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Employer:	Employer Address:
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Warrant Information

Charge(s):	Investigator/Contact #:
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Is the warrant entered into the system? **OR** Is the investigator in possession of the warrant?

If the warrant is entered into the system, the MCP 72, "Warrant/DCS Control Form," **MUST** indicate "CASE ASSIGNED TO ROS" in the additional information block.

Photograph Included? YES NO

Additional Descriptors/Miscellaneous Information

(i.e., weapons history, prior arrests, tattoos, scars, glasses, facial hair, any other pertinent information not included on this form)

Function Code: FC 615
CALEA: None
Proponent Unit: Repeat Offender Section

1. Save and print form for your case file
2. [Click here](#) and attach this form to email message, or
3. Send this form by Fax to (301)926-0697