

# Probation

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*Elizabeth Piper Deschenes*

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*Stephen L. Pieper*

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# Federal Probation

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## This Issue in Brief

**What Punishes? Inmates Rank the Severity of Prison vs. Intermediate Sanctions.**—Are there intermediate sanctions that equate, in terms of punitiveness, with prison? Authors Joan Petersilia and Elizabeth Piper Deschenes report on a study designed to examine how inmates in Minnesota rank the severity of various criminal sanctions and which particular sanctions they judge equivalent in punitiveness. The authors also explore how inmates rank the difficulty of commonly imposed probation conditions and which offender background characteristics are associated with perceptions of sanction severity.

**Using Day Reporting Centers as an Alternative to Jail.**—An intermediate sanction gaining popularity is day reporting in which offenders live at home and report to the day reporting center regularly. Authors David W. Diggs and Stephen L. Pieper provide a brief history of day reporting centers and explain how such centers operate. They describe Orange County, Florida's day reporting center, which is designed to help control jail overcrowding and provide treatment and community reintegration for inmates.

**Locating Absconders: Results From a Randomized Field Experiment.**—Absconders are a problem for the criminal justice system, especially for probation agencies responsible for supervising offenders in the community. Authors Faye S. Taxman and James M. Byrne discuss how the Maricopa County (Arizona) Adult Probation Department addressed the problem by developing a warrants unit devoted to locating and apprehending absconders. They present the results of a randomized field experiment designed to test the effects of two different strategies for absconder location and apprehension.

**Rehabilitating Community Service: Toward Restorative Service Sanctions in a Balanced Justice System.**—While community service sanctions used to be regarded as potentially rehabilitative interventions for offenders, now they are often used as a punitive "add-on" requirement or not clearly linked to sentencing objectives. Authors Gordon Bazemore and Dennis Maloney argue that community service could be revitalized by developing principles and guidelines

for quality and performance based on a clear sanctioning policy and intervention mission. They propose restorative justice as a philosophical framework for community service and present the "Balanced Ap-

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# Locating Absconders: Results from a Randomized Field Experiment

BY FAYE S. TAXMAN AND JAMES M. BYRNE\*

## Introduction

**B**Y YEAREND 1992, over 4.4 million adults were under some form of correctional control in the United States. Approximately 75 percent of the U.S. correctional population was placed under probation or parole supervision, while the remaining offenders were admitted to prison or jail. Despite the recent growth of the entire correctional population (e.g., a 34.6 percent increase between 1985 and 1989), the distribution of offenders under various forms of community supervision has remained remarkably stable over the past decade (Dillingham, 1990). What has changed is the movement of offenders from community to institutional control because of the increased use of probation and parole revocations. Stated simply, offenders who fail while under community supervision constitute the fastest growing component of the prison and jail populations in this country.<sup>1</sup>

It has been argued that we currently have a prison crowding problem not because offenders are "getting worse" but because a "new punitiveness" now dominates the correctional landscape. This punitiveness can be found in both sentencing decisions and the dynamics of community control (Byrne, Lurigio, & Baird, 1989; Clear & Cole, 1990). Focusing on probation, it is apparent that judges are now using "split" sentences more often (Byrne & Pattavina, 1993) and setting more probation conditions (Clear, 1987; Taxman, 1990). These probation conditions are attempts to both punish (e.g., by using short periods of incarceration before probation, by requiring restitution to the victim, and by setting substantial fines) and control the lifestyles and behavior of probationers (e.g., by ordering drug testing, curfews, mandatory employment, and mandatory treatment). These changes in the imposition of probation sentences were highlighted in a recent report from the Bureau of Justice Statistics (BJS) on felony sentencing patterns in state courts (Dawson, 1990). The BJS report estimated that in 1986, one in every five convicted felons received some form of split sentence,

usually involving a period of jail time followed by probation supervision. Overall, "40% of all probationers were required to serve some amount of time in jail (28%) or prison (12%) in addition to their probation sentence" (Dawson, 1990, p. 1). Moreover, 48 percent of the convicted felons sentenced to probation had special conditions (described by Dawson as collateral penalties) established by judges at the time of sentencing. These conditions included restitution (36 percent of all probationers), fines (18 percent), and various forms of mandatory treatment (17 percent).<sup>2</sup>

How do probationers respond to this new mix of punishment and control? Not surprisingly, the answer seems to be that offenders are both absconding (i.e., failing to report) and/or being revoked (failing to comply with probation conditions and/or being arrested for new offenses) at disturbingly high rates.<sup>3</sup> For example, the results of a followup survey of 3,000 convicted felons placed on probation and "tracked" for at least 2 years revealed that about 9 percent of all probationers had absconded, while an additional 14 percent had their probation revoked (Dawson, 1990). If we assume for the moment that these survey results provide a reasonable estimate of probation failures nationwide, then it is possible to describe the size of the *noncompliance* problem faced by probation departments across this country. At present, we estimate that as many as 1 in every 4 felony probationers have failed to satisfy their probation conditions (e.g., drug testing, treatment, community service, fines),<sup>4</sup> while at least 1 in 10 have simply absconded. A similar pattern of failures exists for misdemeanor probationers (Byrne & Kelly, 1989). Based on 1989 probation population estimates (including felons and misdemeanors), this would represent between 250,000 and 500,000 probation failures nationwide (Jankowski, 1990). As mentioned earlier, our current prison and jail crowding problem can be directly linked to changes in the form (e.g., the use of split sentences) and content (e.g., the number and type of special conditions) of probation sentences.<sup>5</sup> Ironically, resources for probation are being significantly reduced or are remaining stagnant during a "growth" period. Probation officers are handling larger caseloads, while these caseloads often include the need to monitor the offender's compliance with more (and varied) conditions than ever before.<sup>6</sup>

\*Dr. Taxman is principal associate, Institute for Law and Justice, Alexandria, Virginia. Dr. Byrne is professor, Department of Criminal Justice, University of Massachusetts Lowell. The authors note that this study could have not been done without the support and diligence of the Maricopa County Adult Probation Department, especially the efforts of Jeff Wright (programmer analyst), Dot Faust (deputy chief, Adult Probation), and Marty Soto (division director, Field Services). They also give special acknowledgement to Rolando del Carmen (Sam Houston State University) and Joel Garner.

The increased use of multiple conditions of probation raises two obvious "enforcement" problems for both probation agencies and the judiciary. First, how should probation officers respond if an offender refuses to comply with the conditions of probation and absconds

(i.e., he or she fails to report to probation and/or moves to a new residence without informing probation)? Secondly, how should a judge respond to noncompliance when (and if) the offender is subsequently apprehended? In this article, we will examine how one probation department (in Maricopa County, Arizona) decided to address both of these questions.

Focusing on the probation office response, we present the results of a randomized field experiment designed to test the effects of two different strategies for locating and apprehending absconders with a specialized probation-based warrants unit. One approach allows probation officers to use desk style, or office-only, offender location and apprehension strategies; the other approach augments these office strategies with field investigation and surveillance techniques. After random assignment to treatment (combined office and field activities) and control (only office-based activities) groups, each absconder was tracked during a 3-month followup period (beginning January 1, 1990). In addition to reviewing casefile data on probation officer activities during a 3-month followup period, we collected data on the disposition of each case that resulted in an apprehension. These data allow us to reassess the relative merits of both *office-only* and *combined office/field* offender location and apprehension strategies, while also examining the nature of the judicial response to apprehended absconders in Maricopa County, Arizona.

Our findings suggest that early identification of absconders by supervising probation officers, combined with proactive (i.e., combined office and field investigations) offender location and apprehension strategies, may result in higher apprehension levels with no significant change in return to prison/jail rates due to formal revocations. When viewed in this context, a proactive, probation-based warrants unit appears to be an effective strategy for locating and apprehending offenders who abscond. However, our analysis of the absconder problem in Maricopa County raises broader issues about 1) how offenders are sentenced to probation, 2) when and why special probation conditions are set, 3) whether probation should even be in the offender location and apprehension business at all, and 4) what the relationship is between technical violations and new offense activities.<sup>7</sup>

### ***Maricopa County's Probation Warrants Unit***

#### ***The Creation of the Warrants Unit***

According to a recent review by del Carmen and Byrne (1989), Arizona is one of only 17 states that deploy separate warrant/absconder units located administratively within the adult probation department.<sup>8</sup> The warrants unit highlighted in this article

began in 1987 after the presiding judge in Maricopa County's Superior Court expressed dissatisfaction with the existing procedures (i.e., the sheriff's office had the warrants responsibility) for locating absconders and bringing them before the court. The county sheriff's office did not generally give priority for probationer absconders unless the warrant involved a serious *new* crime. Absconders represented only a small percentage of all warrants received by the sheriff's office. Additionally, the sheriff's office only conducted a cursory search for absconding probationers; in fact, the average time on computer-aided address locations was 6 minutes (del Carmen & Byrne, 1989). Without significant increases in staff, the sheriff's office argued that it could do little about the problem of outstanding warrants for probationer absconders.

The initial response of the presiding judge to the inability of the sheriff's office to respond effectively to absconder warrants was to order probation to develop its own warrants unit. With probation having its own unit, the judge felt that the office would be more responsible to the absconder population. At the time the probation warrant unit was developed, about 13 percent (1,600) of the total probation population of 13,487 was classified as absconders. According to departmental policy,

A probation absconder is defined by the policy to be any probationer who fails to comply with the standard terms of probation by either failing to report as directed or by changing place of residence without notification (Faust & Soto, 1990, p. 1).

By absconding, probationers were directly challenging the ability of the court to control offender behavior in the community. Moreover, the fact that there was a backlog of outstanding warrants could be viewed by the public (and probationers, specifically) as an indication that probation really involved a series of "empty threats" (Morris, 1987). Probation, under this scenario, did not include a sound strategy of offender control. The size of the absconder population was viewed by the presiding judge as undermining the potential for both general and specific deterrent effects of the probation sentence.

Before we describe the operation of this unit, it is important to consider the unique sociopolitical context in which the unit was created. First, the presiding judge identified the number of outstanding warrants for probationers as an issue deserving immediate attention. Importantly, he viewed the problem as an enforcement problem (i.e., the "locate and apprehend" issues) as well as a crime prevention problem (i.e., the potential for reducing the number of offenders who decide to abscond and the potential for reducing the number of probationers committing new crimes). Second, since the sheriff's office was unable to secure more county resources to serve warrants, it was de-

cided to place the responsibility for this function in the probation department. This was possible because, unlike the majority of states, Arizona views probation as a judicial function. Third, the presiding judge was able to reallocate existing probation resources and a few new positions to expand the unit to its current size, despite internal pressure to phase out the unit and return these probation officers to active caseload supervision. And finally, even though the development of the unit had more to do with pragmatism than any philosophical shift (e.g., from treatment to surveillance/control), the unit supervisor and division director now believe a strong argument can be made for the continuation and further expansion of a separate, probation-based unit.<sup>9</sup>

After reviewing the Maricopa County warrants unit, del Carmen and Byrne (1990, p. 8) offered the following statement of purpose:

The deployment of a specialized unit represents the department's attempt to control all key aspects of community supervision, beginning at initial assessment and continuing through the end of the offender's probation period. Thus, the department's supervision role does not stop at the point a warrant is issued; it ends at the point that absconder status is removed and the probation period is over.

The warrants unit therefore allowed the probation agency the opportunity to handle probation cases from initiation to final disposition, whether that disposition involved a successful termination of the probation period or a revocation due to noncompliance with probation conditions, absconding, or arrest for a new criminal offense. It appears that the probationer warrants unit represents something other than a pragmatic, short-term response to a local problem. The chief probation officer responsible for designing and implementing the probation-based warrants unit has since resigned. Yet, the unit still functions and provides the probation agency with better control and management of its cases.

#### *A Description of the Warrants Unit*

The original unit (in 1987) was comprised of two probation officers and two clerical staff members. Since the fall of 1989, the unit has been staffed by six probation officers, two surveillance officers, and three clerical staff members. The unit receives approximately 200 new warrants cases each month from the Superior Court, and, as of July 1990, the total caseload consisted of over 1,700 outstanding warrants. Faust and Soto (1990) have identified the three basic functions of the unit:

The team is responsible for locating probationers who are no longer reporting to their supervision officers as ordered. . . . In addition to absconder location responsibilities, the Warrants Unit also processes all out-of-state extraditions. . . . A third area of responsibility is the reviewing and purging of existing files (pp. 1-2).

Although the focus of our experiment is the location and apprehension of absconders, the warrants unit has a broader range of responsibilities for the probation agency.

The offender location process begins with a probationer who fails to report for supervision to the Maricopa County Adult Probation Department. In 1990, the average daily active population was 18,000 offenders who were under probation supervision ordered by the Superior Court; during that year, at least 10 percent of these offenders were officially classified as absconders (Faust & Soto, 1990). An unknown number of probationers may also have absconded, but the supervising probation officer decided *not* to file a formal "petition to revoke" with the court. Such discretionary decisionmaking by line probation officers is important to consider, since it reveals that any estimates of changes (over time) in the *size* of the absconder population will be affected not only by the *behavior* of the probationers (i.e., failure to report) but also by the *response* of line probation officers to that behavior.

The site of this experiment, Maricopa County, has policies defining the length of time that must elapse between when an offender fails to report for supervision and when the probation agent is required to issue a formal request for a petition to revoke probation. Interestingly, departmental policy has defined the acceptable "reporting window" in Maricopa County to vary by the offender's assigned risk classification level: for offenders in intensive or maximum supervision, the petition "must be filed within 30 days of when the officer first becomes aware of the problem; for moderate or minimum [supervision] cases, it must be filed within 60 days" (Faust & Soto, 1990, p. 2).

The purpose of this reporting policy is straightforward: "high risk" offenders who abscond should be viewed as priority cases for location and apprehension. However, this institutionalized delay in the notification process seems difficult to justify, since it effectively gives absconders up to a 2-month grace period, even assuming perfect compliance by line staff. In fact, in this study we found that all of the absconders on intensive supervision were formally "petitioned" within the 30-day period, but only 44 percent of the maximum supervision cases were petitioned within 30 days, and only 60 percent of the absconding probationers on moderate or minimum supervision were petitioned within the 60-day deadline.

It seems logical to suggest that the warrants unit's ability to locate an absconder will be affected by the time elapsed between absconding and the initiation of the actual location search. There are many time factors involved: the "reporting window" between absconder failure to report and issue of formal petition to revoke; the time involved for the judiciary to respond



to the revocation petition; the time for the sheriff's office to receive the default warrant and to process it; and the time for the initial casefile review in the warrants unit (generally 3 to 7 days). All of these time factors precede the actual "location and apprehension work" and somehow affect the likelihood of being located and subsequently apprehended. The minimum 30-day "reporting window" can easily be translated into 45 to 50 days from the time the absconder last reported to the probation office before the location activities actually begin. The warrants unit is therefore affected by these time factors—the experiment allows us to explore how time factors may affect the location and apprehension of absconders.

### *The Location/Apprehension Process*

This experiment allowed the warrants unit to examine the impact of different combinations of office and field strategies for locating and apprehending probation absconders. Typically, the *office* location process relies upon the casefile for potential leads about the absconder. The probation officer reviews the initial casefile, including the arrest report. The review involves an examination of the possible addresses of the absconder such as a present or former residence or the address of others closely associated with the offender (i.e., spouses, parents, siblings, relatives, close friends, other acquaintances). Employers, past or present, are also identified as possible information sources about the absconder's whereabouts. Other leads include favorite places the absconder prefers (i.e., bars, restaurants, crack houses).

The initial casefile review is generally followed by contact with other typical sources including record checks with the motor vehicle associations, state revenue office, and social security offices. Telephone contact is generally made with utility offices (i.e., gas, electric, water), schools (of the absconder's children), veterans hospital, drug stores, and public welfare agencies. Officers are also likely to contact the arresting officer(s) regarding particular information on an absconder.

In the experiment, probation officers were required to use field-based location techniques to augment the office-only efforts for the experimental group. Instead of relying upon the casefile review and telephone, the probation officer made personal appearances to verify case file information and to identify new "leads." The probation officer physically verified information in the field by going to the present or prior residence of the absconder, favorite "spots" or hangouts, etc. Officers also contacted preferred acquaintances or friends to develop new leads on the whereabouts of the absconder.

For the experimental category of combined office/field cases, the probation officer had the option of being involved in the apprehension of the absconder. Upon location, the probation officer could assist with the apprehension, although law enforcement agencies were primarily responsible for the arrest of the absconder. Onsite apprehension activities consisted of assisting the law enforcement official with the arrest. (In fact, the warrants unit cultivated and developed a special relationship with the police department. This relationship evolved over time, but it has resulted in a mutual understanding of complementary roles in the location and apprehension of absconders.) In the office-only cases (control group), probation officers were not involved in the apprehension of the absconder.

### *Methods and Data: The Experiment*

#### *Random Assignment Process*

Figure 1 presents an overview of the random assignment process used in this experiment. It also illustrates the attrition that occurred in the experiment. The random assignment of cases to experimental categories occurred from January through March 1990. During this timeframe, the probation office received and the sheriff's office processed 544 absconder warrants. Of these 544 warrants, 505 were deemed eligible for the random assignment. Cases were excluded from the experiment for a variety of natural reasons including the following: 1) the absconder was already pending extradition or had been arrested at the time the case was received by the unit; 2) the absconder was a companion of another offender already in the study; 3) the offender was viewed as a threat; and 4) the warrant was quashed.<sup>10</sup>

Of the 505 absconders in the experiment, 90 were removed after the random assignment procedure. The removals generally occurred because the absconder was arrested within 1 week and the officer had only completed an initial review of the case. (The initial review merely consists of reading the casefile and making notes of possible sources to investigate.) Other cases were removed because the warrant was "quashed" or the supervisor felt that the case presented a threat to the community and required immediate field response.<sup>11</sup>

#### *Characteristics of Offenders in the Study*

Table 1 provides a comparison of select characteristics of probationer absconders assigned to the office-only and office/field location strategies in the experiment. The office-only strategy is the control group (the typical process for locating absconders), while the office/field strategy is the experimental group (a combination of both office and field-based strategies). As shown in this table, there are no statis-

FIGURE 1. AN OVERVIEW OF THE RANDOM ASSIGNMENT PROCESS WITH HIGHLIGHTS OF KEY ATTRITION POINTS

|         |   | No. of Cases |
|---------|---|--------------|
| Step 1: | Offender absconds   | [unknown]    |
| Step 2: | Probation officer requests warrant  | 544          |
| Step 3: | Sheriff's office receives warrant   | 544          |
| Step 4: | Unit supervisor identifies those cases available for random assignment (Exclusions N = 39)            | 505*         |
| Step 5: | Random assignment by data specialist; warrant cases are assigned to one of eight unit members         | 505**        |
| Step 6: | Cases are removed from study after random assignment to treatment and control groups (Removal N = 90) | 415***       |
| Step 7: | Final study sample  |              |
|         | Field (205)   | Office (210) |

## Notes:

\*Thirty-nine (39) absconders were excluded for the following reasons: 1) absconder was already pending extradition at the time the case was received by the unit (N = 25); 2) absconder was living/traveling with an offender already assigned to the study (N = 3); 3) absconder was arrested before the casefile arrived at the unit (N = 1); 4) data were missing on offender background characteristics (N = 5); 5) absconder was viewed as a threat to the community, requiring "special" attention (N = 3); and 6) warrant was subsequently quashed (N = 1).

\*\*The process involved assigning the absconder case to one member of the warrants unit. Each member of the warrants unit handled both office-only and office/field cases, which was done to reduce the possibility of an officer interaction effect on the location strategy used on cases in the same experimental group.

\*\*\*The reason that the 90 cases were removed after random assignment was that 85 of the cases were arrested with a new charge within the 1-week period from initial case review, and five cases were apprehended (without new charges) within this same timeframe. Essentially, the probation officer did not have a chance to initiate any location activities before the absconder was apprehended.

tically significant characteristics between the control and test groups, which suggests that the random assignment procedure was properly conducted.<sup>12</sup>

The absconders are generally on probation for felony offenses and with a mean sentence of 18 months of probation. Nearly 85 percent of the offenders are convicted of either a drug offense (41 percent) or a property offense (44 percent). The drug offenses consist of driving under the influence (35 percent), possession of controlled dangerous substances (35 percent), and sales of controlled dangerous substances (25 percent). Interestingly, a small percentage of the offenders (only 10 percent) were convicted of crimes against a person.

The mean number of months on probation prior to absconding is 12.5, although nearly 30 percent of the probationers were on probation for less than 3 months prior to the date of absconding.<sup>13</sup> Basically, the data suggest that the sample is similar to probationers in other metropolitan probation agencies with probationers primarily convicted of property or drug offenses. The data also confirm the experience of many probation agencies that technical violations, including absconding behavior, are likely to occur early in the time period under probation supervision.

The majority of the offenders in the study are male and single. The average age is 29 years old with a range of 18 to 65 years old. On average, these offenders have had nearly seven prior convictions in the past 5 years. Nearly 60 percent had at least one prior probation/parole revocation and 11 percent had three or more prior convictions. Nearly 25 percent of the absconders had their first arrest before age 18 and nearly one-fifth were unemployed when placed on probation. Approximately 30 percent have specialized as property offenders, with nearly 42 percent having no particular criminal career pattern.<sup>14</sup>

The Maricopa County Probation Department uses a combination risk and needs screening instrument modeled after the National Institute of Corrections' risk/needs instrument. The instrument provides a score that can be used to classify offenders into risk categories which are used operationally to place offenders into different levels of supervision.<sup>15</sup> Over half of the absconders are assigned a moderate risk classification, while nearly 12 percent are in intensive supervision, and nearly 15 percent are on maximum supervision. Probation officers indicated that approximately 20 percent were motivated to change, yet it was also noted that nearly 50 percent of the absconders have an alcohol problem and nearly 60 percent of the absconders have a drug problem.

The characteristics of these absconders illustrate that the absconders, for the most part, are similar to other offenders on probation (Petersilia & Turner, 1990). Upon review, it does not appear that these general characteristics can account for the absconding behavior or affect the warrant unit's ability to locate absconders. In fact, the data do not provide any insight into the reasons for absconding.

### Findings

The experiment allowed us to answer three main questions about the effectiveness of field location and apprehension strategies: 1) What is the differential pattern of apprehending absconders using different location strategies? 2) Do field-based strategies allow for the more expeditious apprehension of absconders? 3) What is the judicial response to the apprehension of



**TABLE 1. A COMPARISON OF SELECTED CASE CHARACTERISTICS FOR ABSCONDERS BY LOCATION/APPREHENSION STRATEGY (OFFICE VS. FIELD)**

| Selected Characteristics                                    | Office (N=205) | Field (N=210) | Significance? |
|---|----------------|---------------|---------------|
| <b>Instant Offense Type:</b>                                |                |               |               |
| % Drug/DWI  | 40.0%          | 41.0%         | NS            |
| % Property  | 44.9%          | 43.8%         |               |
| % Person  | 14.6%          | 14.3%         |               |
| % Other   | 0.5%           | 0.9%          |               |
| <b>Probation Characteristics:</b>                           |                |               |               |
| - Average Time on Probation Prior to Violation (in months)* | 13.3 months    | 12.2 months   | NS            |
| - Risk/Supervision Level                                    |                |               |               |
| % IPS   | 12.2%          | 11.4%         | NS            |
| % Maximum   | 15.6%          | 14.8%         |               |
| % Moderate  | 52.7%          | 59.0%         |               |
| % Minimum   | 19.5%          | 14.8%         |               |
| <b>Offender Background:</b>                                 |                |               |               |
| % Single  | 78.0%          | 76.7%         | NS            |
| Average Age (X)   | 28.6 years     | 28.9 years    | NS            |
| Number of Prior Convictions in Past 5 Years                 | 6.6            | 6.7           | NS            |
| <b>Specialization Patterns During Criminal Career:</b>      |                |               |               |
| % Drug Offender   | 24.9%          | 18.6%         | NS            |
| % Property Offender   | 28.8%          | 28.1%         |               |
| % Person Offender   | 5.4%           | 3.8%          |               |
| No Discernable Specialization Pattern                       | 38.0%          | 46.7%         |               |
| <b>Risk Characteristics (at initial assessment):</b>        |                |               |               |
| % Age at First Arrest was Under 18                          | 29.3%          | 24.3%         | NS            |
| % Unemployed  | 21.0%          | 20.0%         | NS            |
| % With 3 or More Priors (Adjudications and/or Convictions)  | 60.5%          | 63.8%         | NS            |
| % Some College Education (or Beyond)                        | 13.2%          | 13.8%         | NS            |
| % Viewed by PO's as Motivated to Change                     | 18.0%          | 22.9%         | NS            |
| <b>Need Characteristics:</b>                                |                |               |               |
| % Stable Family Relationships                               | 40.5%          | 36.2%         | NS            |
| % With No Negative Companions                               | 44.4%          | 42.4%         | NS            |
| % With Alcohol Problem                                      | 48.8%          | 49.0%         | NS            |
| % With Drug Problem   | 64.9%          | 60.5%         | NS            |
| % Viewed as "High Needs"                                    | 29.3%          | 36.2%         | NS            |
| % Prior Probation/Parole Revocations                        | 29.3%          | 22.9%         | NS            |

\*Median time on probation was 8.2 for both groups; 30% were on probation for less than 3 months.

NS = not significant at .05 level.

absconders? The answers to these questions concern the ability of warrants units to contribute to public safety and to provide more information about the relationship between technical violations and new offense activities.

We will begin by reviewing each of these questions separately. The first two questions will be answered by using data on the 3-month followup from the experiment. The last question will examine the judicial responses (e.g., sentences for the absconders), which includes an additional 3 months of followup to allow for the disposition.

1. *What is the differential pattern of apprehending absconders between the experimental and control groups?*

Table 2 illustrates the different patterns of apprehending absconders with the office-only and of-

fice/field location and apprehension strategies. Overall, the office/field strategies resulted in 61.4 percent of the absconders being located, apprehended, and arrested as compared to the office-only apprehension rate of 51.2 percent, which is statistically significant at the .05 level. Stated simply, the combination of office/field-based strategies resulted in locating more absconders than office-only strategy. The combination of office/field strategies was effective in leading to the location of more absconders, which ultimately resulted in more apprehension of the absconders.

It is generally believed that most absconders are located due to an arrest for a new criminal charge. In this experiment, it was possible to examine the relationship between location and apprehension of offenders and arrests for new criminal charges. Of the 415

absconders, 60 cases (14.5 percent) had new charges filed during the 3-month period of the experiment. During the experiment, 35 or nearly 50 percent of the absconders with new charges were located and apprehended. The office/field strategies appear to have the distinct advantage of locating and apprehending absconders *prior* to their commission of a new offense. As shown in table 2, the office/field strategy is more likely to result in the location and apprehension of absconders without new criminal charge(s), either in the given jurisdiction or surrounding jurisdictions. Office/field strategies result in a greater percentage of absconders being located and apprehended without an arrest for a new crime as compared to office strategies. Specifically, 46.2 percent of the absconders were arrested by office/field strategies without an arrest for a new criminal charge as compared to 36.6 percent of the absconders arrested by office strategies. The ability to locate and apprehend absconders prior to the absconders' arrest for new criminal charges reflects the public safety function offered by the warrants unit.

As previously discussed, the warrants unit is not always involved in the location and apprehension of absconders. Without the assistance of the warrants unit, absconders can be located through naturally occurring events such as arrests for new charges, civil actions, or traffic citations. In fact, it is commonly believed that many absconders are typically located by traffic violations. In this experiment, 28 percent of absconders in the office/field experimental group and 20 percent of the office-only cases were apprehended as a direct result of the involvement of the warrants unit, which is statistically significant at the .05 level. Thus, the office/field strategies were directly responsible for the apprehension of more absconders than the office-only location procedures. Without the efforts of the warrants unit these absconders would not have been located and apprehended.

The analysis of the location and apprehension patterns in the 3-month followup studies revealed that the warrants unit is more likely to be successful in locating absconders in its own jurisdiction. It appears that it is easier to find absconders who have not relocated. With nearly 56 percent of the absconders in the study located, the majority of these offenders were located in the site of the experiment. Only 6 to 9 percent of the offenders were located outside of the given jurisdiction. It is not known whether the other absconders had relocated to another jurisdiction.

## *2. Do field location and apprehension strategies result in more expeditious apprehension of absconder?*

Although office/field-based strategies result in a greater percentage of all apprehensions, the question remains as to the timing of these apprehensions. Time to apprehension is important because it indicates the

effectiveness of the warrants unit as both a prevention and an enforcement tool. Time is an important ingredient in ensuring public safety by apprehending absconders prior to their involvement in criminal behavior. It is generally assumed that the sooner the absconder is "caught," the less likely the absconder will become involved in criminal activities.

In our study, we discovered that absconders charged with *new* offenses were likely to be apprehended early in the location process. Of the 60 absconders charged with new offenses, 22 absconders, or 36 percent, were apprehended in the first month the warrants unit had the case, 2 were apprehended in the second month, and 5 were apprehended in the third month. Thus, absconders who are charged with new crimes on violation are likely to be apprehended quickly. The warrants unit is therefore serving a preventive role by removing absconders that are known to be criminally active.

The study also revealed, as shown in table 3, that the type of location strategy used did not make a difference in the timing of the apprehension of absconders. Both office/field and office-only strategies are equally likely to result in the same pattern of apprehending absconders; office/field strategies merely result in the apprehension of more absconders than office-only strategies. Table 3, however, does illustrate that more absconders are likely to be apprehended within the first 30 days of receiving the case. It appears that location and apprehension is easier during the early period than as the case "ages." This has significant implications for departmental policies on timing of notification of a possible absconder case.

In fact, the experiment provided an opportunity to examine the "age" of the absconder case and the probability of apprehension. The agency's operational policies defined the possible timeframes to report absconder behavior. Officers were required to report intensive and maximum supervision cases as absconders within 30 days of noting a problem (e.g., missed a scheduled appointment). In other cases, the probation officer has up to 60 days to classify the case as an absconder. This policy results in high risk cases (i.e., intensive and maximum supervision cases) being flagged and the warrants unit being notified sooner of these cases than those on medium or minimum supervision. Overall, apprehension of 62.7 percent of the absconders occurred in the first 30 days of the assignment of the case. During the under 30-day timeframe, 100 percent of the intensive supervision cases (N = 49) were apprehended, 44.4 percent of the maximum supervision cases (N = 28) were apprehended, 33.6 percent of the moderate cases (N = 78) were apprehended, and 31 percent of the minimum cases (N = 22) were apprehended. The policy of earlier notification of intensive and maximum cases therefore appears to

TABLE 2. PERCENTAGE OF ABSCONDERS APPREHENDED BY THE DIFFERENT LOCATION STRATEGIES

| Location and Apprehension                                 | Type of Location Strategy |                  | Chi Square |
|---|---------------------------|------------------|------------|
|   | Office<br>(N=205)         | Field<br>(N=210) |            |
| • Apprehended in County<br>No New Crime                   | 36.6%                     | 46.2%            | 3.94*      |
| • Apprehended out County<br>Pending Extradition           | 5.4%                      | 4.3%             | .26        |
| • Apprehended out County<br>(No Extradition)              | 0.5%                      | 2.9%             | 2.20       |
| • Apprehended New Crime<br>in County                      | 7.8%                      | 5.7%             | .72        |
| • Apprehended New Crime Out<br>County-Pending             | 1.0%                      | 1.95             | .14        |
| • Apprehended New Crime<br>Out County<br>(No Extradition) | 0.0%                      | .5%              | .00        |
| Total Apprehensions                                       | 51.2%                     | 61.4%            | 4.39*      |

\*p&lt;.05

have a statistically significant difference in the apprehension potential of absconder cases (chi-square = 5.02,  $p = .02$ ). Intensive and maximum supervision cases are more likely to be quickly apprehended (within 30 days after initial review of the case) than the moderate and minimum supervision cases. Departmental policy dictates that the intensive and maximum supervision cases are required to make immediate notification of absconsion, whereas the other supervision cases have slightly more leeway. It appears that time at risk is an important variable in the location and apprehension of absconders.

### 3. What is the judicial response to the apprehension of absconders?

In table 4, we provide the responses of the judiciary to the location and apprehension of the absconder. The data are not presented according to the location strategies used in this experiment (office-only or office/field) because there were no statistically significant differences between the experimental groups and the type of dispositions. It is not surprising that the judiciary did not respond to apprehended absconders based upon the strategy used by the warrants unit to locate and apprehend the absconder. Since the experiment occurred within the probation agency (more specifically, the warrants unit) and the probation agency was the only agency affected by these strategies, it is very likely that the judiciary was not informed about the office and/or field strategies used to locate the absconder. In fact, the judiciary is primarily concerned with the service of the absconder warrants, not the means to serve the warrants.

Table 4, however, presents the data according to whether the apprehended absconder was charged with new offenses or not charged with new offenses at the time of the apprehension. The judiciary did not respond differently to absconders with charges for criminal offenses in the disposition of the apprehended offenders. In nearly 60 percent of the cases, the judges reinstated the absconder to probation, regardless of the presence of new criminal charges. Absconders were predominantly reinstated to standard probation (39.9 percent), although intensive supervision was ordered for some absconders (16.8 percent). Interestingly, absconders with new criminal charges were more likely to be reinstated to standard probation (47.9 percent) than probationers with no new criminal charges (34.5 percent). Intensive supervision was also ordered for 18.2 percent of the absconders who did not have new criminal charges as compared to 15.3 percent of the absconders with new criminal charges.

In 41.3 percent of the apprehensions, the probation sentence was revoked and the offender received jail/prison time. Surprisingly, the judges appear to be more likely to revoke probation for those absconders who did not include new criminal charges. The mode sentence was for 18 months in jail, although most of the offenders received an average of 4 months credit for time served. The results from this experiment appear to confirm concerns about how the judiciary is responding to absconders on technical violations of probation. The judiciary appears to be constrained by limited options and alternatives for probationers with technical violations such as absconding. However, Maricopa County has recently developed a series of new intermediate sanctions which offers the judiciary

TABLE 3. PERCENTAGE OF ABSCONDERS APPREHENDED WITHIN DIFFERENT TIMEFRAMES BY LOCATION STRATEGIES

| Timeframe to Location Apprehension | Type of Strategy |               |
|------------------------------------|------------------|---------------|
|                                    | Office (N=205)   | Field (N=210) |
| Under 30 Days                      | 32.2%            | 36.2%         |
| 31-60 Days                         | 7.8              | 9.5           |
| 61-90 Days                         | 4.3              | 6.7           |
| Over 91 Days                       | 6.9              | 8.0           |
| % Total Apprehensions              | 51.2             | 61.4*         |

\*using a chi square test,  $p < .05$ .

some additional options for handling troublesome probationers.

### Discussion and Conclusions

Absconders present the criminal justice system community with many problems, especially probation agencies charged with the responsibility of supervising offenders in the community (Rhine, 1992). The decision of the Maricopa County Adult Probation Department to proactively confront and address the issue of absconders, instead of relying upon the local law enforcement agencies, is the subject of this study. The Maricopa County Adult Probation Department developed an innovative approach to addressing the problem of probationers that went astray—absconders: they established a warrants unit devoted to the location and apprehension of the absconder. While Maricopa County undertook this responsibility due to a lack of resources and commitment by law enforcement agencies for “probation problem cases (absconders),”

this study has revealed that the warrants unit has some distinct advantages for the probation agency.

The findings from this experiment suggest that early identification of absconders by supervising probation officers, combined with proactive (i.e., combined office and field investigations) offender location and apprehension strategies, may result in higher apprehension levels. The increase in volume of apprehensions is not associated with any significant change in the return to prison/jail rates as a result of formal revocations. When viewed in this context, the proactive, probation-based warrants unit appears to be an effective strategy for locating and apprehending absconders, especially early in the absconding period. The results from this experiment have significant implications for probation agencies and community correctional programs—implications that require the agencies to reexamine their philosophies, roles, and responsibilities to the criminal justice system and the community. Additionally, the agency must also consider the liability implications of assuming more law enforcement type functions.

Our analysis of the absconder problem in Maricopa County raises broader issues about sentencing practices and judicial responses to technical violators. These issues include the need to reexamine how offenders are sentenced to probation, why special probation conditions are set, when special conditions are set, and how the system should respond to violations. Each issue needs to be further researched. But, it is apparent from this study that technical violators are an increasing problem for the criminal justice system, especially in this current environment of “collateral penalties” (Dawson, 1990), which the system must be prepared to adequately address. The system needs options for handling violations to prevent the “toothless club” articulated by Morris and Tonry (1990). The options for violators must include alternatives to in-

TABLE 4. SUBSEQUENT DISPOSITIONS FOR ALL APREHENDED OFFENDERS (OFFICE AND FIELD COMBINED) BY WHETHER NEW CRIME CHARGED AT APPREHENSION\*

| Disposition          | New Crime<br>N (%) | No New Crime<br>N (%) | Total Apprehended<br>N (%) |
|----------------------|--------------------|-----------------------|----------------------------|
| Revocation           | 36 (36.7%)         | 50 (45.5%)            | 86 (41.3%)                 |
| Reinstated/Standard  | 45 (47.9%)         | 38 (34.5%)            | 83 (39.9%)                 |
| Reinstated/Intensive | 15 (15.3%)         | 20 (18.2%)            | 35 (16.8%)                 |
| Terminated           | 2 (2.0%)           | 2 (1.8%)              | 4 (1.9%)                   |
| Total                | 98 (99.9%)         | 110 (100%)            | 208** (99.9%)              |

\*Note: Twenty-six cases were pending extradition; for these cases, no data were available on either crime type or subsequent disposition. Analysis of dispositions for absconders apprehended via office and field techniques did not reveal any significant differences between the two groups.

\*\*Using a chi square,  $p < .05$ .

carceration in jail/prison, similar to the current efforts to define better intermediate sanctions, which are directly tied to the goals of the sentence and the rationale behind the collateral penalties. The development of strategies to address the technical violators in community corrections will be a challenge for the system, especially the probation system. Yet in the long run these strategies will strengthen the system. Refined approaches and strategies may also result in probation reexamining and then redefining its priorities in handling offenders in the community.

### NOTES

<sup>1</sup>See Byrne, Lurigio, and Baird (1989) or Byrne and Kelly (1989) for a discussion of the interaction between community and correctional control. Byrne and Kelly estimated that about half of all new prison admissions in 1989 were offenders on probation and parole who either were sent/returned to prison via a formal revocation hearing or who were reconvicted of a new offense while still under community supervision. Austin and Tillman (1988) estimated that between 30 and 50 percent of all new prison admissions are likely to be community supervision failures.

<sup>2</sup>See Dawson (1990, pp. 3-4) for a more detailed review of the sample (N=51,594) selection and methodological issues. According to his report the use of multiple special conditions varied by most serious conviction offense type—e.g., burglars (52 percent)—were most likely to receive restitution along with probation, drug traffickers (29 percent) were the most likely to get fined, and convicted rapists (47 percent) were the most likely to be given a mandatory treatment condition when placed on probation. The use of these conditions was much less likely in nonprobation cases (18 percent of all offenders sentenced to prison/jail without a probation term). However, "offenders receiving split sentences and offenders receiving straight probation were equally likely to have a collateral penalty" (Dawson, 1990, p. 6).

<sup>3</sup>Because of data limitations, it is difficult to assess changes in the rate of absconders and revocations over time. However, some estimates of the changes in the size of the absconder and revocation populations are available from state-level annual probation reports (e.g., Wisconsin Department of Corrections, 1989) and nationwide surveys of probation departments (e.g., Dawson, 1990; Bureau of Justice Statistics, 1990). We used these data to estimate the changes in the size of the current absconder population.

<sup>4</sup>Dawson (1990, p. 4) highlighted the results of a 1983 survey of 3,000 convicted state felons from 16 different counties across the United States: *A Sentencing Postscript: Felony Probationers Under Supervision in the Community*. The key findings on compliance with special conditions were as follows:

(1) Treatment - 23 percent of felony probationers were ordered to participate in a drug or alcohol treatment program; 38 percent of these probationers "were either making no progress or, more commonly, had failed to satisfy the order" (Dawson, 1990 p. 4).

(2) Drug Testing - 14 percent were ordered to submit to drug testing; of these, "31% were either making no progress or, more commonly, had failed to satisfy the order" (p. 4).

(3) Community Service - 9 percent were ordered to perform community service; of these, "37% were either making no progress or, more commonly, had failed to satisfy the order" (p. 4).

(4) Fines - 67 percent were ordered to make one or more type of financial payment; of these, "26% had paid nothing [and] the total amount of payment made represented 27% of the total amount assessed" (p. 4).

<sup>5</sup>It is difficult to provide an accurate assessment of the impact of probation failures on the prison population because of the manner in which state admission data are collected. For example, a recently released report from the National Corrections Reporting Program (Bureau of Justice Statistics, 1990, p. 10), indicated that its admissions survey identified only 3.2 percent of the offenders in prison as probation revocation cases. However, the report emphasized that "this category may be underreported because many probation violators were reported as court commitments." A more accurate assessment of the size of the probation "violation" population is included in a recent Bureau of Justice Statistics report, *Felons Sentenced to Probation in State Courts—1986* (Dawson, 1990, p. 4).

<sup>6</sup>For a recent review highlighting changes in justice system expenditures for probation, see Bureau of Justice Statistics (1990, p. 5, table 6). Between 1977 and 1988, the percent of total state and local corrections expenditures for probation decreased from 17.6 percent to 11.1 percent; during this same period, the percent of total corrections expenditures for institutions increased from 74.4 percent to 84.9 percent of all correctional spending. A similar pattern is found for Federal Government corrections spending: In 1979, 58.5 percent of all Federal Government corrections spending went to institutions, as compared to 82.2 percent in 1988; during the same period, Federal spending for probation, parole, and pardons dropped from 21.1 percent to 13.0 percent.

<sup>7</sup>The topic of absconders has been largely ignored by researchers. We know little about why they abscond and how best to locate them. The focus of the research literature is on juvenile offenders who abscond from institutions (e.g., Thornton & Speirs, 1985). Although estimates of the size of the adult absconder population for individual states can be identified (e.g., New York Department of Correctional Services (1989), Wisconsin Department of Health and Social Services (1989)), we know next to nothing about what states do about the problem. General assessments of possible judicial responses to absconders (including the use of intermediate sanctions) can be found in Byrne (1990), Clear (1987), and Clear and Byrne (1993). Del Carmen and Byrne (1989) report that in 1985, 27 probation units in 17 states had established their own warrant unit.

<sup>8</sup>In 1989, the Community Corrections Division of the National Institute of Corrections and the National Institute of Justice provided funding for technical assistance to the Maricopa County Adult Probation Department. The following randomized field experiment is a result of that technical assistance.

<sup>9</sup>See Faust and Soto (1990) and del Carmen and Byrne (1989) for a more complete discussion of this point. Faust and Soto (1990, p. 16) report that the proportion of absconders to total probation caseload has declined from 13 percent (1987) to 10 percent (1990), a measure of improved compliance by probationers since the unit was initiated.

<sup>10</sup>The procedures used in this random assignment process were designed to increase the number of eligible absconder cases and to reduce selection bias. The majority of the exclusions (26) were due to the absconder being located and arrested by law enforcement agencies, either in Maricopa County or other jurisdictions. As indicated earlier, there is a minimum delay of 45 days from time to fail to appear for probation and time to begin work to locate an offender. It is likely, and as demonstrated here, probable that some absconders would naturally be apprehended and arrested. This selection problem is unavoidable. Procedures were taken on-site to reduce any selection bias problem, but as expected, nearly 10 percent of the sample was excluded.

<sup>11</sup>Removal was often the result of the absconder being arrested within 1 week of initial review, the case quashed by the Superior Court, and the absconder being targeted as a threat to the community. Again, the removals offer a potential, but unavoidable, selection bias problem. However, as shown in table 2, there are no statistically significant differences between the control and experimental groups.

<sup>12</sup>The absconders excluded from the experiment had similar characteristics as the absconders included in the experiment. This suggests that there is no bias presented by offenders excluded from the experiment.

<sup>13</sup>The median time on probation was 8.2 months for both groups which is less than the mean of 12.5 months. The mean is affected by a small number of probationers that had been on probation for a period of time prior to absconding.

<sup>14</sup>Crime specialization refers to the type of criminal behavior that an offender is likely to commit. The coders reviewed the criminal histories of the absconders in this experiment and classified them according to the nature of their offense—property, drug offenses (including trafficking), and personal. The offenders with no pattern were classified as having no prior criminal career pattern.

<sup>15</sup>The risk/needs instrument used by Maricopa County has not been validated. The instrument is similar to the National Institute of Corrections risk/needs instrument which is used by many probation/parole agencies to classify offenders. The agency is currently revising its risk/needs instrument to focus more on a needs assessment classification tool.

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