

**AN ASSESSMENT OF THE MARICOPA COUNTY PROBATION  
DEPARTMENT'S WARRANTS/ABSCONDERS UNIT"**

A TECHNICAL ASSISTANCE REPORT TO:

**NORMAN L. HELBER  
CHIEF PROBATION OFFICER  
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The resource person(s) who provided the on-site technical assistance did so on a contractual basis, at the request of the Maricopa County Adult Probation Department and through the coordination of the National Institute of Corrections. The direct on-site assistance and this subsequent report are intended to assist the Department to address the issue(s) outlined in the original request and in efforts to enhance the effectiveness of the agency.

The contents of this document reflect the views of Dr. James Byrne. The contents do not necessarily reflect the official views or policy of the National Institute of Corrections.

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## I. OVERVIEW

The following report includes an examination of the current policies, procedures and practices of the Maricopa County Adult Probation Department's Warrant/Absconder Unit. Based on an assessment of the materials we received prior to our arrival in Phoenix and our own observations while on-site, we offer a series of recommendations across four areas of inquiry:

- (1) Structure and Purpose of the Warrants Unit,
- (2) Gun Use by Warrants Unit Personnel,
- (3) Critical Training and Policy Needs, and
- (4) The Warrant Unit's Operational Procedures.

In the first section of this report, we briefly highlight our most important- on-site activities. We then present a fairly detailed discussion of each of the specific recommendations included in this report. We conclude the report by briefly summarizing the likely impact of the *implementation* of our recommendations on adult probation practices in Maricopa County. For ease of presentation we provide a summary of our recommendations (by topic area) on the following page.

## **A SUMMARY OF OUR RECOMMENDATIONS**

### **Area 1: Structure and Purpose of the Warrants Unit**

RECOMMENDATION 1: The Warrants/Absconder Unit should continue to be located administratively within the County Probation Department.

RECOMMENDATION 2: A new mission statement should be developed for the Maricopa County Probation Department that underscores the emerging role of the warrants unit.

RECOMMENDATION 3: The primary goal of the warrants unit should be to protect the community through the early location and apprehension (in coordination with local law enforcement agencies) of absconders.

### **Area 2: Gun Use by Warrants Unit Personnel**

RECOMMENDATION 4: Officers in the Warrants Unit should be given the option to carry or not to carry a firearm when performing surveillance and/or arrest work.

RECOMMENDATION 5: Firearms, when carried by officers, must be used only in self-defense as defined under Arizona Law. Their use must be governed by well-defined departmental rules. Firearms should not be carried when an officer is off-duty.

Area 3: Critical Training and Policy Needs

- RECOMMENDATION 6: As soon as possible, officers in the Warrants Unit must be given proper and adequate training in what they do. Those who opt to carry firearms should be trained like all other Arizona law enforcement officers; those who prefer not to carry firearms should be required to go through the no-firearms training program for law enforcement officers in the state.
- RECOMMENDATION 7: All probation officers in the Maricopa County Probation Department ought to be given training in the legal aspects of arrest, searches and seizures, and the constitutional rights of probationers.
- RECOMMENDATION 8: Any policy adopted by the Warrants Unit on training and firearms must be submitted to the Attorney General's office for comment and, if necessary, modification.
- RECOMMENDATION 9: The Unit Supervisor should immediately develop and submit a consolidated written operations manual for departmental (and County Attorney) review.
- RECOMMENDATION 10: There needs to be a department policy making the use of handcuffs in arrest situations optional with the officer.
- RECOMMENDATION 11: Warrants Unit officers should be issued department-owned vehicles for surveillance and apprehension activities.
- RECOMMENDATION 12: Identification jackets and bullet-proof vests should be purchased by the department for use by warrants officers, on an optional basis.

**Area 4: The Warrant Unit's Operational Procedures**

RECOMMENDATION 13: The Warrants Unit should add a "systems analyst," who will be responsible for the ongoing tracking of all active warrants cases, as well as a review of the reasons/techniques for closing cases.

RECOMMENDATION 14: A formal case management system should be developed by the Unit Supervisor as soon as possible.

RECOMMENDATION 15: The department should institute policies requiring that all probation officers promptly refer absconders to the Warrants Unit and coordinate their own location and apprehension activities with the staff of the Warrant Unit.

RECOMMENDATION 16: Current criteria for extraditions should be clearly articulated in a formal agreement between probation and the County Attorney.

RECOMMENDATION 17: The Probation Department should request federal and/or state support for a detailed evaluation of the effectiveness of the Maricopa County Warrants Unit.

RECOMMENDATION 18: The Probation Department should request technical assistance to support a study of the comparative workload of Warrants Unit and regular probation staff.

## II. SYNOPSIS OF TECHNICAL ASSISTANCE ACTIVITIES

The purpose of our site visit was to conduct a review of the warrant unit's structure, purpose and procedures, focusing specifically on potential liability issues and associated training needs. While it was impossible to gauge the *effectiveness* of this unit in such a short review period (July 24-July 26, 1989), we can offer an assessment of current policies and practices based on information garnered from interviews, observations and program documentation.

Our schedule of activities is included in Attachment 1 in the Appendix of this report. We interviewed all key probation personnel involved in the operation of the warrants unit (see Attachment 2) as well as the Division Director (Dot Faust) responsible for the unit, and the Acting Chief Probation Officer (Boyd Marsing). [Note: The county's Chief Probation Officer (Norman Helber) was out of the state at the time of our visit.] In addition to probation personnel, we also met with a representative from the sheriff's office (Kelly Walthrip, Warrants Unit Director) and a representative from the County Attorney's Office (Attorney Dick Mesh, Training Coordinator). Unfortunately, we were unable to meet with local law enforcement personnel during our visit and, therefore, the commentary we offer on how to improve police-Warrant Unit coordination are based entirely on our interviews with unit staff members and a review of relevant program documents. One final activity during our stay in Phoenix involved two "ride-alongs" with Warrant Unit members to observe first-hand the procedures followed in the location and arrest of absconders (1 successful). These ride-alongs were quite helpful because they underscored both the risks involved in the apprehension process and the level of involvement of unit members in the actual arrest itself.

The specific recommendations offered in the following section were discussed with the Acting Chief, Division Director, and Unit Supervisor (Marty Soto) at a dinner meeting on July 26, 1989.



### **III. RECOMMENDATIONS**

In the following section, we offer a series of specific recommendations that deserve the immediate attention of the top administrators of the Maricopa County Probation Department. We have grouped these recommendations into the following four categories:

- (1) Structure and Purpose
- (2) Gun Use by Warrants Unit Personnel
- (3) Critical Training and Policy Needs, and
- (4) Changes in Operations Procedures

While a brief discussion of the rationale underlying each of our recommendations is included, we would be happy to provide a more detailed presentation if necessary.

#### **1. Structure and Purpose**

The first step in our review of the Maricopa County Warrants Unit was to determine the extent to which separate warrant/absconder units were being used around the country. According to the 1985 edition of the *American Probation and Parole Directory*, Arizona is one of only 17 states that deploy separate warrant/absconder units located administratively within the adult probation department (Note: A total of 27 units were identified). The use of separate warrant/absconder units was even more sporadic among juvenile probation departments across the country: only seven states had separate units. Although we were unable to determine exactly how many states have developed separate *probation-based* units since 1985, it is nonetheless safe to assume that most probation departments in the United States do not have a Warrants Unit. This raises the obvious question: Why did the Maricopa County Probation Department decide to develop a separate probation-based unit three years ago? The answer appears to be that the Presiding Judge at the time (Hon. B. Michael Dann) was unhappy about the existing procedures for locating absconders and bringing them before the court.

Specifically, the number of outstanding warrants for probation violators was thought to be too high, requiring the development of a separate unit within the probation department. Since probation is a judicial function in Arizona, it is not surprising that the Presiding Judge would locate the unit within the county probation department. Nonetheless, it is important to keep in mind that the decision to develop a separate, probation-based warrants unit was less emblematic of an overall shift in departmental policy (e.g. from treatment to surveillance/apprehension) than it was of a dissatisfaction with the efforts of the County Sheriffs *existing* warrants unit. In other words, if the job of locating and apprehending offenders was performed better by the County Sheriffs office, then there would have been no perceived need for a separate, probation-based unit. As the Presiding Judge and the new Chief Probation Officer for Maricopa County review the general issue of locating and apprehending offenders, it certainly makes sense to reassess this earlier decision.

After meeting with representatives from the sheriffs office and reviewing all available memoranda and statistical data, we can offer the following initial recommendation concerning the appropriate location of this unit:

**RECOMMENDATION 1:**

**The Warrants/Absconder Unit should be located administratively within the County Probation Department.**

Even though the initial development of the unit had more to do with pragmatism (“it’s a tough job, but *someone* has to do it.”) than a shift in philosophy, we believe that a strong argument can be made on both grounds for the continuation and expansion of a separate, probation-based unit. To begin, it is apparent from our review that the Sheriffs Office (1) already has a considerable warrants workload (see Attachment 3), (2) does not prioritize absconders (unless a serious new crime is involved), and (3) does not have the capability to conduct more than a brief, cursory search for these offenders, given their current staffing levels

(e.g. the average time spent on computer-aided address locations was six minutes, according to the head of the Sheriffs warrants unit). It is difficult to envision any possible improvement in the rate of location and apprehension of absconders if this task was returned to the county sheriff; in fact, we suspect that the opposite would occur. [Note: Because no baseline data (e.g. # of warrants, # of apprehensions, type of apprehension, etc.) were available for the period *prior* to implementation of this unit, we cannot offer a more definitive assessment.]

Although there is debate within the department concerning the need for probation to fulfill what is viewed essentially as a *police* activity, we see no contradiction inherent in such dual functions. Indeed, the warrants unit can be viewed as a critical element of the probation supervision process, ensuring effective and consistent probation supervision. As Norval Morris (1987, p. 5) recently observed:

We must begin to help judges to be serious about the proposition that the law must keep its promises. It makes no sense to threaten that which we are not going to do--to impose fines that we are not going to collect--to order supervision that we are not going to provide. In child care, if one wished to confirm a child in misconduct, one would make a series of unenforced threats. What we do, to put it rather vulgarly, is we repeatedly threaten offenders with a variety of sanctions, and then, finally we send them away for a long, long time saying, "Look at all the chances we gave you." It is an irrational way to act.

The creation and continued use of the probation-based warrants unit underscores the department's commitment to providing *community protection* from the offenders under their supervision through adequate treatment, surveillance and control. When absconders commit new crimes while "at risk," these crimes are viewed by the general public as evidence that *probation* is ineffective, regardless of what probation did (or didn't do) to locate and apprehend these offenders. When viewed in this context, 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.

A clear mission statement is needed that underscores the department's commitment to treatment and also emphasizes the need for a consistent response to offender noncompliance with the conditions of probation. Toward this end, we offer the following two recommendations.

RECOMMENDATION 2:

**A new mission statement should be developed for the Maricopa County Probation Department that underscores the emerging role of the warrants unit.**

RECOMMENDATION 3:

**The primary goal of the warrants unit should be to protect the community through the early location and apprehension (in coordination with local law enforcement agencies) of absconders.**

Both of these recommendation can certainly be viewed as an endorsement of the current functions performed by the warrants unit. However, we recognize that there will certainly be some heated debate about the extent of the unit's involvement in the location and apprehension process. The major policy options for probation to consider are as follows:

Policy 1: Reject the notion that location and apprehension are probation functions.

Policy 2: Limit the unit's role to location only and rely exclusively on police to apprehend offenders.

Policy 3: Continue the current strategy of active location, with apprehension "assistance."

Policy 4: Expand the duties of the unit to allow both location and apprehension *without* police assistance.

Obviously, we have no hard evidence regarding the relative effectiveness of these four alternative policies. To our knowledge, no formal evaluation of a warrants unit has been conducted anywhere in this country. Until such an evaluation is completed, the department's policy on absconders will certainly be open to criticism. For example, how do we *know* that a "location only" policy (see #2 above) does not work as well as (or better than) a "location plus apprehension assistance" policy (see #3 above)? At present, the answer is that we do not know. Lacking any other source of information, we based our recommendation on the experience of the current staff members. According to the warrants unit personnel we interviewed, local law enforcement agencies are much less likely to respond quickly and make an arrest if they (unit members) are not going to be at the scene. However, given the importance of this policy choice, it certainly makes sense to consider whether a formal evaluation of the effectiveness of these alternative strategies is in order before the department makes a decision in this area. The recommendations included in the remainder of this report are based on the assumption that warrant officers will continue to do what they are doing now: locating absconders and assisting police in the apprehension process.

## **2. Gun Use by Warrant Unit Personnel**

With the recent expansion of such alternatives to incarceration as intensive supervision, house arrest, and electronic monitoring, a number of issues related to probation officer safety have been raised nationally, including the use of weapons. Given the emphasis of these programs on increased surveillance and a quick response to offender noncompliance, it is not surprising that probation unions have begun to demand that probation officers have the option of carrying guns (Note: Other related requests for "hazard pay" increases and early retirement provisions have also been made).

The basic argument is that if we expect probation officers to act like police they should be similarly protected (and compensated). Nowhere is this argument more compelling than in

the Warrants Unit. If the department agrees with our basic recommendation to continue the current “location plus apprehension assistance” policy, then we recommend the following:

**RECOMMENDATION 4:**

**Officers in the Warrants Unit should be given the option to carry or not to carry a firearm when performing surveillance and/or arrest work.**

Interviews with the officers and our review of the Warrants Unit Evaluation Report (October 17, 1988), revealed that much of an officer’s time in the Warrants Unit is spent in surveillance or apprehension work. In many cases, warrants officers are present at the arrest scene and provide help in making the arrest. Given the type of work performed and required, it comes as no surprise that the officers in the unit prefer the option to be allowed to carry a firearm. This question was asked during the interviews and the reply was unanimous in favor of a policy that allows the carrying of a firearm on an optional basis. The officers stressed that this was not a big issue among them, but that “it would be nice” if they were given the option. What the officers would do if the option exists varies. Some said they would carry a firearm “all the time,” others replied that they would carry it “some of the time,” whereas others implied they would not carry any firearm at all. These preferences appear to reflect the diverse backgrounds of the officers in the unit. Three of the officers interviewed had law enforcement work experience while others had not handled and prefer not to handle any firearms at all.

It is true that allowing the officers to carry firearms exposes the department to greater liability from the probationer and the public than prohibiting them from carrying firearms. The risk of liability is minimized, however, if only those who are properly trained and certified as law enforcement officers are allowed to carry guns. On the other hand, the policy eliminates possible Section 1983 cases (see our commentary on training, next section) from the officers themselves and makes them feel protected (at least those who feel they need protection).

Whether or not probation officers should be allowed to carry firearms is a hotly debated issue nationwide. The predominant feeling and practice among probation departments appears to be that the carrying of firearms creates more problems than it solves and also transforms the traditional function of probation from treatment or social work to law enforcement. This report steers clear of that debate because what it recommends is that *only officers in the Warrants Unit* be given the discretion to carry or not to carry a firearm. Given the work that the Warrants Unit performs, the option to carry firearms appears to be wiser and more defensible policy from a legal perspective. We discuss the implications of this “Limited Use” firearms policy in the conclusion of the report.

A possible risk from the policy is that the officers might become more aggressive. Those interviewed felt this was not going to be the case; that the carrying of a firearm would be viewed as protection rather than an inducement of the officers to do more law enforcement work than they are doing now. It must be stressed by the department that there is only one reason officers are allowed to carry firearms- and that is for self-protection. Specifically, our recommendation is as follows:

**RECOMMENDATION 5:**

**Firearms, when carried by officers, must be used only in self-defense as defined under Arizona Law. Their use must be governed by well-defined departmental rules. Firearms should not be carried when an officer is off-duty.**

If officers are allowed to carry firearms, their use must be limited strictly to self-defense. This is the safest rule to follow if the officer, the supervisor, and the department are to be spared for additional legal liability emanating both from the public and the officer. [Note: This means that the warrant officers need to be trained not only in the proper use of firearms, but also in the Arizona law on self-defense.]

Police departments have detailed rules on the use of firearms by officers. Similar rules must be adopted for officers in the Warrants Unit who want to carry firearms. The second part of recommendation 5 prohibits the carrying of firearms when an officer is not on duty. Allowing the officer to carry firearms on or off duty expands possible instances of liability stemming from improper use.

Should this recommendation be adopted, a corollary issue arises-how should firearms be obtained? There are two ways to do this-department issue or self-provision. This is a policy decision to be made by the agency after looking into the merits and demerits of each model.

### **3. Critical Training and Policy Needs of the Warrants Unit**

Assuming for the moment that the department continues current Warrant Unit policies and practices involving offender apprehension, while also allowing officers the option of carrying weapons, the following recommendation is in order:

#### **RECOMMENDATION 6:**

**As soon as possible, officers in the Warrants Unit must be given proper and adequate training in what they do, Those who opt to carry firearms should be trained like all other Arizona law enforcement officers; those who prefer not to carry firearms should be required to go through the no-firearms training program for law enforcement officers in the state.**

This is the most pressing and significant recommendation in the whole “legal issues” part of this Report. Officers in the Warrants Unit do not at present undergo any type of training at all, a situation that carries high liability risks for the officers, the supervisors, and the department. Given the nature of the task that warrants officers perform, it is remarkable



that no serious incident involving injury to the public or the officer has taken place to date and that no lawsuit of any type has been filed.

If officers are allowed to carry firearms while on duty, they should be trained like all the other Arizona law enforcement officers and properly certified under Arizona law. Additionally, they should be recertified on a continuing basis like other law enforcement officers.

Officers who prefer not to carry firearms need not be certified as law enforcement officers, but should be required to go through the no-firearms training program for law enforcement officers in the state. A departmental policy should explicitly prohibit the carrying of firearms by officers unless they are properly trained and certified as law enforcement officers under Arizona law.

The Warrants Unit Evaluation Report of October 17, 1988 included the following training recommendation:

Because of the unique responsibilities of a probation officer in the Warrants Unit, specialized training is necessary. A sixteen to twenty-four hour orientation course during the first week of an officer's assignment to Warrants could prevent him/her from wasting time on ineffective investigation methods or making serious mistakes that could result in legal liability for the Department.

The above recommendation for training is sound, but it does not go far enough. For the type of work warrants officers do, it is in the best interest of everybody (the officer, the Supervisor, the department, and the probationer) that the officer be trained just like any other law enforcement officer, particularly if the officer will be allowed optionally to carry firearms. The sixteen to twenty-four hour orientation course recommended above is an insufficient shield against possible legal liability should a lawsuit arise. A better defense against legal liability is the full training and certification given to and required of Arizona law enforcement officers for all warrants officers who opt to carry a firearm.

Possible legal liabilities for negligent failure to train comes from three sources: the public, the probationer, and the officer. Injury to any member of the public resulting from improper officer behavior which could have been avoided if proper training were given often arise in law enforcement cases. Such lawsuits can come under state tort law or Section 1983 (a civil rights lawsuit). Probationers, if injured, can also sue the officer or the department. A third possible lawsuit source is the officer who may be injured in the course of task performance and who might claim supervisory and departmental liability resulting from negligent failure to train, supervise, or direct. Lawsuits by employees claiming negligent training are an active area of civil liability in law enforcement cases. In the case of Arizona, interviews with Mr. Dick Mesh, Training Officer for Maricopa County, and Mr. Jon Schwartz, Chief Counsel, Liability and Defense Division of the Attorney General's Office of the State of Arizona, indicate that under Arizona statute subordinates cannot sue their supervisors (and, by implication, the department) for injuries sustained that are job-related, because such injuries come under and are compensable under the Arizona Workers Compensation Law. This means that the danger emerging from a lawsuit filed by a subordinate in Arizona for negligent failure to train does not exist, at least under state tort law.

Whether or not supervisors and the department can be held liable under Section 1983 for negligent failure to train, however, is a question that has yet to be authoritatively resolved by the United States Supreme Court. Most Federal Courts of Appeals have held that supervisory and departmental liability ensues under Section 1983 because of negligent failure to train, as long as such failure amounts to gross negligence or deliberate indifference. In 1987, the United States Supreme Court heard oral arguments on an inadequate training case. *City of Springfield v. Kibbe*, 40 CrL 3308 (1987). In that case, the Court of Appeals for the First Circuit upheld a jury verdict against the city. After agreeing to decide the case and hearing oral arguments, the court said that it wanted to decide two questions: (1) whether a municipality can be held liable based on the inadequate training theory, and (2) whether, assuming the theory to be valid, the plaintiff would have to show more than mere negligence in

training for liability to ensue. Later, however, the Court said that the city was too late in protesting the gross negligence standard on which the jury was instructed and therefore the case was dismissed without deciding the two issues raised. Dissenting from the dismissal, Justice Sandra O'Connor wanted the case heard and decided, saying that local government liability for failure to train must be based on inadequate training that amounts to a "reckless disregard for or deliberate indifference to the rights of persons within the city's domain." Federal courts of appeals, however, have predominantly held supervisors and agencies liable under Section 1983 and therefore that source of liability should be considered "alive and well" in Arizona, the provisions of the Arizona Workers Compensation law notwithstanding.

The training recommended here can and should be done in Arizona by Arizona personnel. An expedient way to conduct training, given the small number of warrants officers, is to enroll them in on-going training programs in Phoenix or outlying cities. The training need not be expensive for the department. Some law enforcement units might welcome the presence of warrants officers in their training cohort, obviating added expense.

Two of the current Wan-ant Unit officers and a third one who is coming on board soon have law enforcement backgrounds. The possibility of their being recertified without having to go through the regular training program should be explored. If that is not possible, full training must be afforded. As for the officers who prefer not to carry firearms, a no-firearms training program should also be required of them. This protects the supervisor and department from possible liability stemming from negligent failure to train. At the very least, the program should enhance the officers' awareness of effective surveillance techniques and better safety measures.

Although the focus of our visit to Maricopa County was the warrants unit, the issues we raise here about training apply equally to all probation officers in the department. Given the "peace officer" status of probation officers in Arizona, we believe the following recommendation is in order.

## **RECOMMENDATION 7:**

**All probation officers in the Maricopa County Probation Department ought to be given training in the legal aspects of arrest, searches and seizures, and the constitutional rights of probationers.**

This recommendation affects the whole department, not just the Warrants Unit. It is unclear whether or not the legal aspects of arrests and searches and seizures are included in the training program of probation officers. If not, it is imperative that such training be given, particularly because of what probation officers, in Arizona are allowed to do. In a number of states, probation officers are not peace officers-and are prohibited from making arrests. This is not true in Arizona where probation officers have the authority to arrest. This carries liability risks for everybody, from the probation officer up to the department. The power to arrest carries with it, in most cases, the power to search and seize. There are many situations under Arizona law and practice when probation officers need to search and seize. The training can address such issues as: the quantum of evidence needed under Arizona law to arrest, search or seize in probation cases; what items can be seized; the plain view doctrine; preservation of evidence; and proper disposition of arrestees. To complete the training, officers should be made aware of the constitutional rights of probationers because any infringement of these rights can lead to a Section 1983 action. Such training can be done on a local basis, with lawyers from the Attorney General's office giving the lectures. If they are unavailable, a prosecutor or a practising attorney can also do it.

The Attorney General's Office in the State of Arizona serves as legal counsel for state officers if they are sued. Given the sensitive nature of training and firearms policies and the fact that liability is minimized if constitutional procedures are followed, the wisdom in submitting important policies to the Attorney General's Office becomes apparent. That office should be consulted on whether or not the policy ought to be adopted and the proper working thereof. We underscore this point in the following recommendation.

**RECOMMENDATION 8:**

**Any policy adopted by the Warrants Unit on training and firearms must be submitted to the Attorney General's office for comment and, if necessary, modification.**

Obviously, the policies and procedures of the Warrants Unit must be consolidated into a written operations manual as soon as possible. Our review of the background materials prepared by the unit supervisor revealed that the first steps toward the completion of this manual have already been taken. For example, clear general apprehension procedures exist, along with very specific instructions for computer-assisted offender location strategies. However, a complete review of all current policies and procedures vis-a-vis the Warrants Unit is needed *before* the manual is distributed to line personnel. To facilitate this review, we recommend the following:

**RECOMMENDATION 9:**

**The Unit Supervisor should immediately develop and submit a consolidated written operations manual for departmental (and County Attorney) review.**

Once this review is completed and any necessary revisions are made, every warrants officers should be given a copy and be required to study it. A written examination covering the important and basic provisions of the manual ensures both that the manual is read and that the agency is protected against possible lawsuits for negligent failure to supervise and direct.

We must also point out that the operations manual should include a section detailing departmental policy regarding the use of handcuffs in arrest situations. Although this is not a major issue in Arizona, the probation supervisors and department are likely to be better protected legally if there is a written policy *allowing* the use of handcuffs in arrest situations. We recommend the following policy:

**RECOMMENDATION 10:**

**There needs to be a department policy making the use of handcuffs in arrest situations optional with the officer.**

The above recommendation is consistent with the use of handcuffs by police officers and minimizes possible lawsuits against the department.

In concluding our discussion of training and policy needs, we should emphasize that our recommendations for formal agency rules and regulations only define the *boundaries* of what a warrants officer can and can not do. Within these boundaries, there is ample room for officer flexibility, creativity, and discretion on how to best perform their jobs. In particular, two aspects on the job-flexible hours and the option to work alone or in teams-appear to foster job satisfaction within the unit. New policies and procedures in either area may have a negative impact on the overall morale of the unit. On the other hand, there are certain changes in departmental policies/practices that would be likely to improve staff morale, such as the use of department-owned vehicles to conduct investigations and assist in apprehensions. The preliminary Warrants Unit evaluation report of October 17, 1988 presents a strong argument in favor of this policy. Moreover, our discussions with unit members revealed that they feel “at risk” during their time *off-duty* because they are forced to use their own cars to locate and apprehend offenders. In line with these concerns, we recommend the following:

**RECOMMENDATION 11:**

**Warrants Unit officers should be issued department-owned vehicles for surveillance and apprehension activities.**

One final area of concern for warrant officers involved their lack of protection during the apprehension process. While the option to carry a firearm partially addresses this issue, the use of identification jackets and bullet-proof vests is also recommended:

**RECOMMENDATION 12:**

**Identification jackets and bullet-proof vests should be purchased by the department for use by warrants officers, on an optional basis.**

Once again, support for this recommendation is found in the Warrants Unit Evaluation Report cited above, and in our interviews and on-site “ride-along” observations. Anyone familiar with the apprehension procedures used by the unit-in particular, the procedure recommending that the P.O. make the initial contact with the offender-will recognize that these officers are placed in some potentially dangerous situations and need both clear identification (jackets) and adequate protection (i.e. bullet-proof vests, option to carry a’ weapon).

#### **4. A Review of Operational Procedures**

The final section of this report includes our preliminary recommendations regarding the actual day-to-day operation of the unit. We offer these recommendations in three areas of operational control: (1) MIS/development, (2) intra and inter-agency coordination, and (3) workload measurement and performance review.

##### **4.1 MIS Development**

The process of locating absconders is fairly complicated, requiring both basic computer skills and knowledge of investigatory procedures. However, there is currently no formal mechanism in place to monitor the *effectiveness* of these various location activities and to determine optimal strategies for particular types of cases. In order to provide this in-house

monitoring and evaluation capability, we recommend that a management information system (MIS) be developed and maintained by a full-time systems analyst.

**RECOMMENDATION 13:**

**The Warrants Unit should add a “systems analyst,” who will be responsible for the ongoing tracking of all *active* warrants cases, as well as a review of the reasons/techniques for closing cases.**

In addition, the systems analyst will need daily access to a microcomputer and some basic software before he/she can begin this task. Luckily for the department, the unit already has an individual on staff (Jeff Wright) who can easily step in and complete these duties. Given the scope of Jeff's current duties (see Attachment 4), some immediate attempts to either create this new position or upgrade his current position should be made. In our opinion, he is crucial to the continued success of this unit.

Once the in-house MIS capability is in place, we recommend that a formal case management system be developed, which clearly defines unit policies regarding the priority given new cases, the length of active investigation and the criteria for case closure. These represent some of the basic “boundary issues” that need to be addressed in the unit’s operations-manual.

**RECOMMENDATION 14:**

**A formal case management system should be developed by the Unit Supervisor, as soon as possible.**

**4.2 Intra and Inter-agency Coordination**

Our review of current procedures for locating offenders revealed that in a number of cases, the period of time between *initial absconding* and the start of a warrant unit investigation



is several months. Probation officers with offenders on moderate and minimum risk/need supervision have up to 60 days to ask the judge to issue a warrant, while probation officers with offenders on maximum supervision have up to 30 days. This practice of waiting obviously does two things: (1) it makes it easier for an offender to leave the area, and (2) it increases the likelihood that an offender will be identified after, rather than before, they commit a new crime. If the goal of the warrants unit is actually going to be community protection, earlier identification and referral of absconders to the warrants unit is needed. We recommend the following:

**RECOMMENDATION 15:**

**The department should institute policies requiring that all probation officers promptly refer absconders to the Warrants Unit and coordinate their own location and apprehension activities with the staff of the Warrant Unit.**

In addition to intra-agency coordination, there appears to be a need for improved inter-agency coordination, particularly with the county attorney's office regarding the appropriate criteria for extradition. Current procedures involving extraditions need to be reviewed in a meeting between the warrants unit staff (and supervisor) and a representative from the county attorney's office.

**RECOMMENDATION 16:**

**Current criteria for extraditions should be clearly articulated in a formal agreement between probation and the County Attorney.**

While improvements in police-warrant unit coordination---particular when P.O.'s can *not* be on-site-are probability also necessary, we can make no specific recommendations in this area because of the limited interactions with police during our site visit.

### 4.3 Workload Measurement and Performance Review

We would have liked to include an assessment of the effectiveness of this unit but the baseline data were simply not available to complete such a review. Unfortunately, the data included in the preliminary evaluation report we reviewed were for a sample of *closed* cases and therefore any discussion of effectiveness is difficult. We do not know, for example, the typical “location/apprehension rate” (i.e. the number of active cases over the number of apprehended offenders). We also do not know what the average “time to location/apprehension” is, since the date of absconding was not included. Thus, the findings that 7 out of 10 probationers were located within three months of issuance of the *warrant* ( $x = 3.65$ ) and that over half of those located were located in the first month after issuance of the warrant should *not* be used to measure average time to location/apprehension. However, it is worth noting that about half of all absconder arrests were the result of the offender being arraigned on *new* charges. It would seem reasonable to suggest that the warrant unit’s effectiveness could be measured by examining the extent to which the unit found the offender *before* he/she committed a new offense (and was caught), i.e. the higher the percentage of absconder arrests before a new charge, the greater the crime prevention impact of the unit.

A final performance measure that could be examined is the compliance rate of regular probationers over the past several years. If the warrant unit’s creation acted as a *general* deterrent, we would expect higher compliance rates (e.g. fewer missed office visits) since the program began. It is in this sense that an active warrants unit could be viewed as reaffirming rehabilitation. Unfortunately, these data have yet to be collected and analyzed. For this reason, we suggest the following:

#### **RECOMMENDATION 17:**

**The Probation Department should request federal and/or state support for a detailed evaluation of the effectiveness of the Maricopa County Warrants Unit.**

Regardless of any large-scale evaluation effort, the Unit Supervisor-in conjunction with his Division Director and the Chief Probation Officers-should develop a set of performance measures and begin to collect baseline data on unit performance as soon as possible. Once again, the addition of a systems analyst would be needed for ongoing data collection, entry and analysis.

One final area that should be addressed is workload. While the current system of case assignment by geographic area seems to be working well, a more systematic review of the workload demands placed on the unit is in order. Such a workload study would assist the Unit Supervisor in his assessment of staffing needs and provide empirical support for the common belief among unit members that they work' much longer hours than "regular" probation officers. Moreover, a detailed, *comparative* workload study would also provide important baseline data for case management decision throughout the department.

**RECOMMENDATION 18:**

**The Probation Department should request technical assistance to support a study of the comparative workload of Warrants Unit and regular probation staff.**

**IV. CONCLUDING COMMENTS**

As we noted at the outset of this report, most probation departments in the United States do not have a Warrants Unit, This may be because most departments are too small to justify the creation of such units, while many large departments cannot afford it. There are arguments against and in favor of the presence of a Warrants Unit in a large probation department. The major argument against the unit's existence is perhaps philosophical-it signifies a move towards law enforcement, a function traditionally alien to probation. Another

argument is that it diverts resources from treatment and case management. The suggestion, therefore, is for the location and apprehension of absconders to be performed by either the police department or the sheriffs office.

The arguments in favor of the creation and existence of a Warrants Unit in a large probation department like that of Maricopa County, are more persuasive. First, it makes probation more meaningful and consistent. Absconders make a mockery of supervision and if they are not apprehended the purpose of probation is negated. Although no data are available, it may be asserted that a Warrants Unit deters probationers who otherwise would think nothing of absconding. If the main purpose of probation is community protection, then the presence of a Warrants Unit promotes this by apprehending absconders who otherwise would prey on the public again. Although the work of this Unit generally goes unnoticed by the public, it is safe to say that the public applauds such efforts because they feel better protected. Finally, locating absconders can mean that the probationer will have to pay a probation fee, if continued on probation, rather than be exempt from it. According to information in the preliminary evaluation report, approximately 60% of absconders in Maricopa County are placed back on probation (after between 30 and 45 days incarcerated), While the public might consider this to be a dismal figure, the revenue-raising implications of it can be significant.

While the wisdom of having a Warrants Unit in a probation department may be debatable, it is our general impression that the Warrants Unit has worked well thus far for the Probation Department of Maricopa County. The various agencies with which the Unit interfaces are satisfied with, and in fact encourage, its presence. Preliminary figures generated by the Unit show that its apprehension rate is high and that a significant number of absconders are arrested *before* they commit new crimes. However, it is remarkable that no major incident or significant lawsuit has arisen from what the Unit does-despite the absence currently of any type of formal training for its officers. This situation cannot be allowed to continue if possible legal liability is to be minimized. If the department decides to keep the Warrants Unit, training is a must.

While we have raised a number of issues that policy makers must immediately address, it is our observation that the Unit works and works well in Maricopa County. Its presence is easy to justify as long as legal safeguards are adopted that minimize possible adverse legal consequences. It is in this spirit that the above recommendations are made.

## **ATTACHMENT 1: SCHEDULE OF TECHNICAL ASSISTANCE ACTIVITIES**

### **Monday, July 24:**

- 8:00 am: Breakfast meeting with Dot Faust and Marty Soto
- 10:00 am: Review of materials/Meeting the Unit  
Jeff Wright and Ray Reyes: Preparation of files  
Suzanne Squires and David Wilcox; Initial tile checks  
Jeff Smith and Pat Denowh; Field investigation, surveillance  
Kim Boettcher and Nancy Chaikowski; Purges, quashes, reviews
- 1:30 pm: Interviews with field officers, roundtables discussion of key issues

### **Tuesday, July 25:**

- 8:30 am: Ride along # 1 (location, no apprehension)
- 10:30 am: Extraditions; Nancy and MCSO
- 1:30 pm: Interviews with field staff and central office personnel
- 3:30 pm: Ride along #2 (location and apprehension)
- 6:00 pm: Dinner meeting with Boyd, Dot and Marty/Review of additional case file data

### **Wednesday, July 26:**

- 9:00 am: Final information gathering and exit discussions with appropriate Department staff

## **ATTACHMENT 2: KEY INTERVIEW PARTICIPANTS**

### **\* Warrants Unit, Maricopa County P.O.**

**Marty Soto**, Supervisor

**Kim Boettcher**, Deputy Adult Probation Officer II

**Nancy Chaikowski**, Deputy Adult Probation Officer III

**Pat Denowh**, Deputy Adult Probation Officer II

**Jeff Smith**, Deputy Adult Probation Officer II

**Suzanne Squires**, deputy Adult Probation Officer II

**David Wilcox**, Deputy Adult Probation Officer III

**Ray Reyes**, Word Processor II

**Coral Searles**, Word Processor III

**Jeff Wright**, Word Processor II

### **\* Other Individuals Interviewed**

**Dot Faust**, Division Director Technical Services, Acting Chief

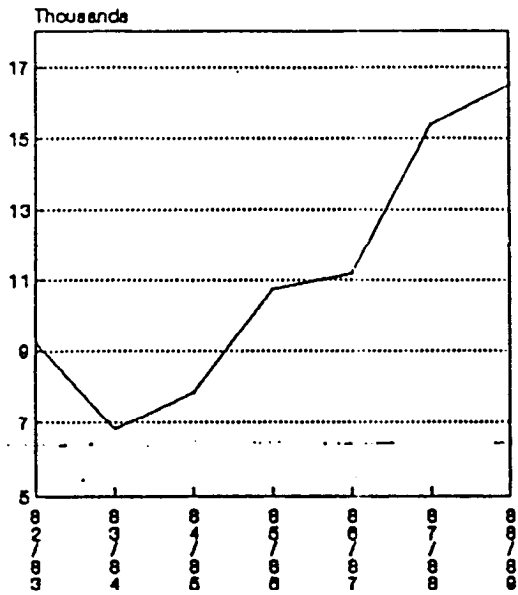
**Dick Mesh**, Training Officer County Attorney's Office

**C. Kelly Walthrip**, Head of Warrants Unit Maricopa County Sheriffs Office

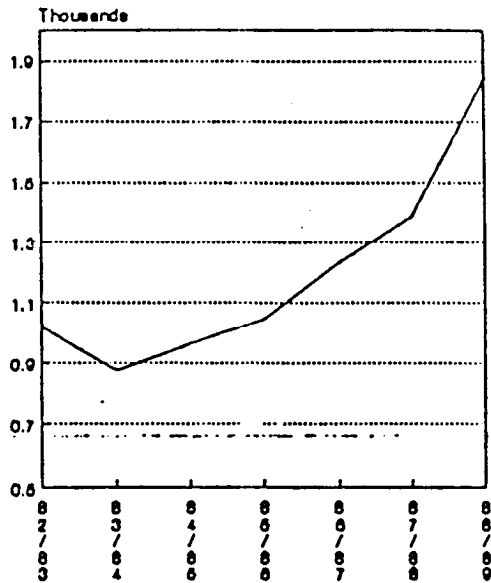
# CRIMINAL PROCESS SECTION

## ACTIVITY INDICATORS - 82/83 TO 88/89

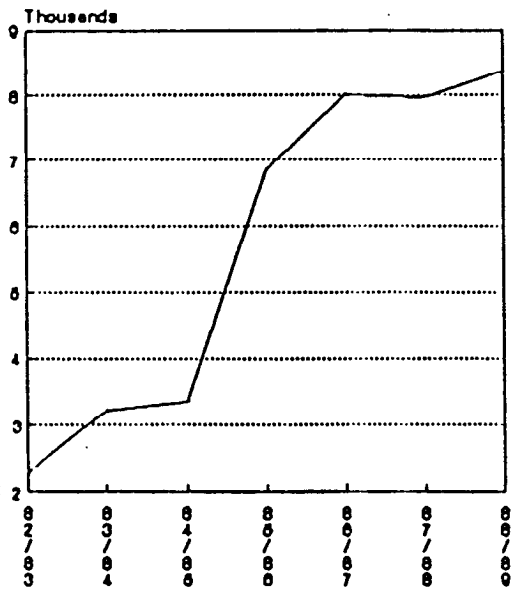
TOTAL TRIP MANHOURS



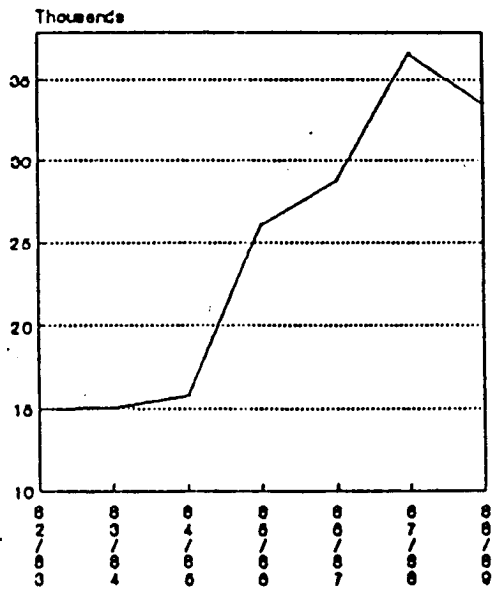
TOTAL PRISONERS TRANSPORTED



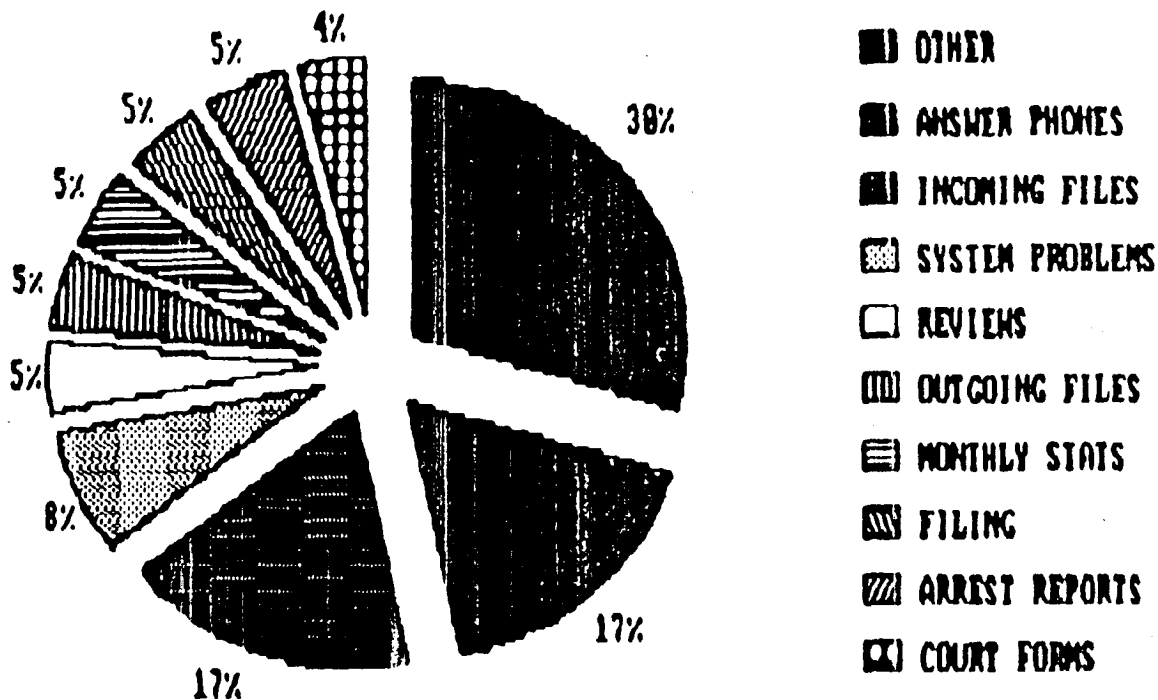
TOTAL WARRANTS SERVED



WARRANTS REC'D/PROCESSED



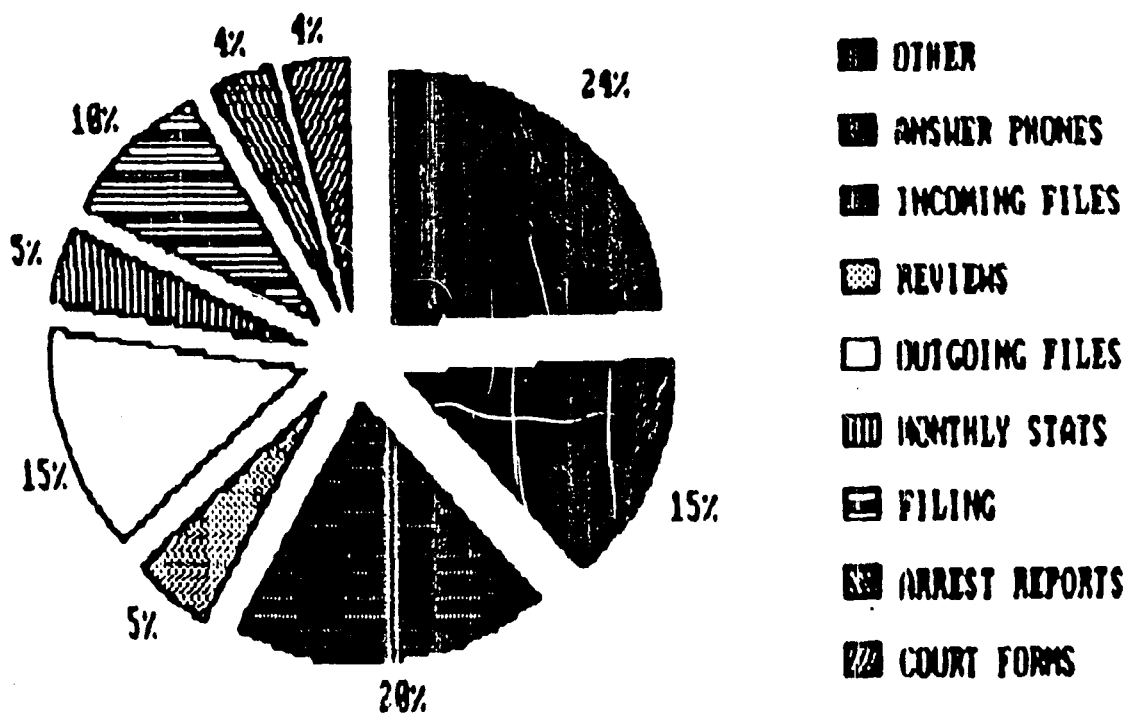




The above graph represents my personal time allocation. There are some fields that bear explanation and some that aren't included in the job description. For example, OTHER includes such tasks as typing Court subpoena forms, typing letters to defendants and other agencies, typing arrest reports and warrants, submitting photo requests to our sheriff's Office, tallying monthly and daily outgoing file listings, executing miscellaneous LEJIS requests, and initiating a quarterly file inventory. Additionally, SYSTEM PROBLEMS, which is not an official job description task and is not related to the Warrants Unit, involves the general maintenance and upkeep of the Wang multi-user computer system and the LEJIS

controller for the entire building. MONTHLY STATS indicates the time spent generating the monthly statistics report in addition to confirming and updating the latest Monthly Active Warrant Printout. All other fields are either self-explanatory or have had specific documentation provided

Additionally, below I have provided a breakdown of the average time allocation for all clerical positions in the Warrants Unit, excluding all tasks not given in the job description, i.e. all Wang and LEJIS system maintenance. It is important to note that the Clerical Section is currently being restructured with new personnel, including a growth position.



- OTHER
- ANSWER PHONES
- INCOMING FILES
- REVIEWS
- OUTGOING FILES
- ▨ MONTHLY STATS
- ▨ FILING
- ▨ ARREST REPORTS
- ▨ COURT FORMS