

**FUGITIVES: THE CHRONIC THREAT TO SAFETY,
LAW, AND ORDER**

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

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FUGITIVES: THE CHRONIC THREAT TO SAFETY, LAW, AND ORDER

THURSDAY, JUNE 22, 2000

U.S. SENATE,
SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 2 p.m., in room SD-226, Dirksen Senate Office Building, Hon. Strom Thurmond (chairman of the subcommittee) presiding.

OPENING STATEMENT OF HON. STROM THURMOND, A U.S. SENATOR FROM THE STATE OF SOUTH CAROLINA

Senator THURMOND. The committee will come to order. I am pleased to hold this hearing today regarding fugitives from justice and the serious threats they pose to the safety and security of cities and towns across America.

Fugitives represent not only an outrage to the rule of law, they are also a serious threat to public safety. Many of them continue to commit additional crimes while they roam undetected.

The number of wanted persons is truly alarming. There are about 45,000 felony warrants outstanding in Federal cases. There are over one-half million felony or other serious fugitives listed in the National Crime Information Center database. Yet, this is far less than the actual number of dangerous fugitives roaming the streets because many States do not put all dangerous wanted persons into the database. As recently reported in the Washington Post, California has 2.5 million unserved felony and misdemeanor warrants and Baltimore has 61,000.

Although violent crime in the United States has been decreasing in recent years, the number of serious fugitives has been climbing. The number of N.C.I.C. fugitives has doubled since 1987 and continues to rise steadily each year.

Fugitives are the Achilles heel of law enforcement today. As the number of warrants rise, the problem can almost be overwhelming for law enforcement. Indeed, no one knows exactly how many fugitives there are.

Each statistic represents a story. A few weeks ago, two men robbed a Wendy's restaurant in New York. To make sure there were no witnesses, they bound, gagged, and shot seven employees in the head execution-style, killing five of them. One of the men later arrested for the crime was a fugitive who was on the run after having been charged with two other robberies last year. If he had been caught earlier, these deaths may have been prevented.

This is no isolated case. Almost daily, we read about fugitives in the newspaper who commit more crimes while on the run.

The Marshals Service leads the Federal response to this national problem. In 1998, it placed a renewed emphasis on the problem and began significantly reducing a backlog of Federal warrants. Nevertheless, the number of warrants received by the Marshals Service continues to rise. Apprehending the rising number of Federal fugitives and helping States address their rising backlogs must be a top priority of the Marshals Service today.

Toward that end, I have proposed legislation, along with Senator Biden, that would provide \$45 million for the Marshals Service to form permanent fugitive task forces with State and local authorities. They would be modeled after the successful program that Mr. John Marshall operated while he was the U.S. Marshal for the Eastern District of Virginia.

Task forces combine the expertise of the Marshals Service in these specialized investigations with the knowledge that local law enforcement has about their communities. This teamwork helps authorities prioritize and apprehend large numbers of dangerous criminals.

The legislation would also provide administrative subpoena authority, which would allow investigators to track down leads about wanted persons faster and more efficiently. Currently, the time that it takes to get vital information, such as telephone or apartment rental records, through a formal court order can make the difference between whether a fugitive is apprehended or remains on the run.

This bill has been endorsed by various law enforcement organizations, including the National Sheriffs Association, the Fraternal Order of Police, and the subpoena authority is supported by the administration. This legislation is an important step that we can take to help Federal and State law enforcement address the serious fugitive threat that exists in our country.

Our witness at this time is John W. Marshall, the Director of the U.S. Marshals Service. Mr. Marshall is a career law enforcement officer with a distinguished record and impressive credentials. His most recent experience before taking the helm of the Marshals Service was as the U.S. Marshal for the Eastern District of Virginia, where he was responsible for fugitive apprehension efforts. Director Marshall, we appreciate your good work and would be happy to hear from you at this time.

Senator Dorgan, would you like to make a statement?

**STATEMENT OF HON. BYRON L. DORGAN, A U.S. SENATOR
FROM THE STATE OF NORTH DAKOTA**

Senator DORGAN. Mr. Chairman, thank you very much. I would make a brief statement and thank you for your indulgence.

Mr. Chairman, I have introduced legislation in Congress that has been assigned to the Judiciary Committee and I wanted to make a comment about it today, hoping that perhaps relating to the topic that you are covering today, "Fugitives and the Chronic Threat to Safety, Law, and Order," my legislation might be favorably considered.

We have a circumstance in this country today where someone might be convicted of killing a child, as happened in North Dakota, where Kyle Bell murdered 11-year-old Gina North in a horrible murder. It was not his first act of violence, but this was a horrible murder of this young 11-year-old girl. He was convicted of that murder and then turned over to a private transport company to be transported to a prison out of State under the prisoner exchange agreements that exist between States. As they were moving through the State of New Mexico on a bus with 20 prisoners, Kyle Bell escaped. He has now been apprehended, but he was on the loose for some long while.

Well, how did he escape? This private transport company, having taken custody of a convicted murderer and stopped for fuel. One guard was asleep on the bus, the other apparently in getting a cheeseburger at one of these fast food fuel places and Kyle Bell went out through the roof of this bus and was gone.

I started looking into this, Senator Thurmond, and discovered that there are no standards at all for private companies that haul violent offenders in this country. I do not think convicted murderers should be transported by anyone other than the U.S. Marshals Service or some other venue of law enforcement, but the fact is, some States routinely contract with private companies that transport violent offenders. If they are going to continue to do that, and I do not propose that we prevent it, but if they are going to continue to do it, I believe the companies that are transporting these prisoners should have to meet some basic standards, some basic standards to protect the American public.

The bill I have proposed, along with my colleague, Senator Ashcroft from Missouri, talks about those standards. It would have the Justice Department establish standards, standards that are no greater than the standards they themselves employ, but at least would be in a circumstance where we require basic standards to be met before we turn over a violent killer to a private transport company.

Mr. Chairman, the chart you just saw was a description of Kyle Bell and his escape. By the way, when this child killer escaped from the private company, they did not know he was gone for 9 hours because they did not count the number of people they had on their bus.

But this is not the only circumstance. I will show you a chart that shows other escapes from private prisoner transport companies of violent offenders and convicted murderers. In one State, a retired sheriff and his wife showed up with a minivan and a contract to transport six of Iowa's most notorious convicts, five of them convicted murderers. The convicts escaped from a husband and wife team. The husband and wife showed up at the prison with a contract to haul five convicted murderers and the prison warden looked at them and said, "You have got to be kidding me," but, of course, they were not kidding. He had a contract.

And you, Mr. Chairman, or I or anyone in this room can hire our neighbors or brother-in-laws or our cousins, buy a minivan, and decide we are in business to haul violent criminals around this country. We do not have to meet any standards. There are no standards

at all. We are just in business. And that is what is wrong with the current circumstance.

Now, when Kyle Bell, a convicted child killer, escaped from custody, he should have never been in the custody, in my judgment, of a private company. Once convicted of murder, he ought to have been in the embrace of law enforcement officials until he was given his permanent address, a prison cell. But that, regrettably, did not happen.

Now, we can correct this. Anyplace in this country where you see those—and these are just some of the escapes from private companies, but when you see this, you see danger of a family driving up to a service station someplace and perhaps not knowing that the vehicle next to them, the minivan next to them that is fueling up, has a couple of convicted murderers on board that is being hauled by a private company to a prison in some remote location.

We can change that, and we can change that by passing the legislation that Senator Ashcroft and I have introduced here in the Congress. Senator Ashcroft and Senator Leahy, also a member of this distinguished committee, has cosponsored this legislation.

Let me, without spending more time, simply make the case that you have, by this hearing, drawn attention to the issue of fugitives, and that is an issue that, Mr. Chairman, does not nearly get the attention it deserves. People on the loose, fugitives on the loose, violent criminals that are on the loose in this country endanger the American public. There are risks from that that, in my judgment, are unacceptable. You are calling attention to that today, and I wanted to use this occasion to call attention to a piece of legislation that I think aims directly at the heart of that issue, violent criminals who are escaping from private transport companies.

In fact, just as a concluding remark, Mr. Chairman, there was a convicted murderer from the State of Nevada who was being transported to North Dakota under a prisoner exchange agreement. Well, the company that was transporting this felon, named Mr. Prestridge, lost him. He escaped, along with another felon, and the second felon was found with a bullet in his brain south of the border in Mexico. Mr. Prestridge has now been reapprehended and is back in prison in Nevada.

But while Mr. Prestridge was out on the loose, what happened? Did he commit additional crimes? While Kyle Bell was on the loose, did he commit additional crimes? We do not know the answer to that, but we know that the public is put at risk.

A final statement. When this country convicts violent offenders, when the criminal justice system in this country convicts someone of killing, that person ought not leave the arms of law enforcement. When they are to be transported someplace, they ought to be transported by law enforcement. In any event, if some states or local governments decide they are going to employ private companies to transport them, the American public has a right to know that these companies are meeting basic guidelines and standards and regulations. Today, there are none, and that is a disgrace. This Congress needs to pass our legislation.

Mr. Chairman, thank you for drawing attention to this issue of fugitives and I hope, Mr. Chairman, that perhaps you would be interested in joining as a cosponsor at some point on the bill that

Senator Ashcroft and I and Senator Leahy and others will be pushing.

Senator THURMOND. Put me on it.

Senator DORGAN. Well, God bless you, Mr. Chairman. Thank you very much.

Senator THURMOND. Thank you. We are looking into it and I will add my name just as soon as we get through it.

Senator DORGAN. I understand it. Thank you very much, Mr. Chairman.

Senator THURMOND. Thank you.

At this time I would like to place into the record a statement from Senator Patrick Leahy:

[The prepared statement of Senator Leahy follows:]

PREPARED STATEMENT OF HON. PATRICK J. LEAHY, A U.S. SENATOR FROM THE
STATE OF VERMONT

As a former prosecutor, I am well aware that fugitives from justice are an important problem and that their capture is an essential function of law enforcement. According to the FBI, nearly 550,000 people are currently fugitives from justice on federal, state, and local felony charges combined. This means that there are almost as many fugitive felons as there are citizens residing in my home state of Vermont.

The fact that we have more than one half million fugitives from justice, a significant portion of whom are convicted felons in violation of probation or parole, who have been able to flaunt courts order and avoid arrest, breeds disrespect for our laws and poses undeniable risks to the safety of our citizens. We must do better. S. 2761, the Leahy-Kohl "Capturing Criminals Act of 2000," which I introduced yesterday, will provide additional tools and resources to our federal law enforcement agencies to pursue and capture fugitive felons on both federal and state charges.

Our federal law enforcement agencies should be commended for the job they have been doing to date on capturing federal fugitives and helping the states and local communities bring their fugitives to justice. The U.S. Marshals Service, our oldest law enforcement agency, has arrested over 120,000 federal, state and local fugitives in the past four years including more federal fugitives than all the other federal agencies combined. In prior years, the Marshals Service spearheaded special fugitive apprehension task forces, called FIST Operations, that targeted fugitives in particular areas and was singularly successful in arresting over 34,000 fugitive felons.

Similarly, the FBI has established twenty-four Safe Streets Task Forces exclusively focused on apprehending fugitives in cities around the country. Over the period of 1995 to 1999, the FBI's efforts have resulted in the arrest of a total of 65,359 state fugitives.

The Capturing Criminals Act would help our law enforcement agencies keep the pressure on fugitives by authorizing the Attorney General to establish regional Fugitive Apprehension Task Forces, to be coordinated by the United States Marshals Service; authorizing administrative subpoenas for use in obtaining records relevant to finding federal and state fugitives; and, finally, requesting a comprehensive report on the administrative subpoena authorities held by federal agencies, which vary in scope, enforcement and privacy safeguards.

"Administrative subpoena" is the term generally used to refer to a demand for documents or testimony by an investigative entity or regulatory agency that is empowered to issue the subpoena independently and without the approval of any grand jury, court or other judicial entity. I am generally skeptical of administrative subpoena power. Administrative subpoenas avoid the strict grand jury secrecy rules and the documents provided in response to such subpoenas are, therefore, subject to broader dissemination. Moreover, since investigative agents issue such subpoenas directly, without review by a judicial officer or even a prosecutor, fewer "checks" are in place to ensure the subpoena is issued with good cause and not merely as a fishing expedition.

Nonetheless, unlike initial criminal inquiries, fugitive investigations present unique difficulties. Law enforcement may not use grand jury subpoenas since, by the time a person is a fugitive, the grand jury phase of an investigation is usually over. Use of grand jury subpoenas to obtain phone or bank records to track down a fugitive would be an abuse of the grand jury. Trial subpoenas may also not be used, either because the fugitive is already convicted or no trial may take place without the fugitive.

This inability to use trial and grand jury subpoenas for fugitive investigations creates a disturbing gap in law enforcement procedures. Law enforcement partially fills this gap by using the All Writs Act, 28 U.S.C. §1651(a), which authorizes federal courts to “issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” The procedures, however, for obtaining orders under this Act, and the scope and nondisclosure terms of such orders, vary between jurisdictions.

Thus, authorizing administrative subpoena power will help bridge the gap in fugitive investigations to allow federal law enforcement agencies to obtain records useful for tracking a fugitive’s whereabouts. The Leahy-Kohl Capturing Criminals Act makes clear that the approval of a court remains necessary to obtain an order for nondisclosure of the subpoena and production of the requested records to the subscriber or customer to whom the records pertain.

I am certainly not alone in recognizing the problem this nation has with fugitives from justice. Senators Thurmond and Biden have introduced the “Fugitive Apprehension Act,” S. 2516, specifically to address the difficulties facing law enforcement in this area. I commend both my colleagues for their leadership. While I agree with the general purposes of S. 2516, aspects of that bill would be problematic. I look forward to working with my colleagues on the Judiciary Committee to resolve the differences in our bills.

Without detailing all of the differences in the bills, let me provide some examples. As introduced, S. 2516 would limit use of an administrative subpoena to those fugitives who have been “indicted,” which fails to address the fact that fugitives flee after arrest on the basis of a “complaint” and may flee after the prosecutor has filed an “information” in lieu of an indictment.

The Leahy-Kohl “Capturing Criminals Act,” by contrast, would allow use of such subpoenas to track fugitives who have been accused in a “complaint, information or indictment.”

In addition, S. 2516 requires the U.S. Marshal Service to report quarterly to the Attorney General (who must transmit the report of Congress) on use of the administrative subpoenas. In my view, while a reporting requirement is useful, the requirement as described in S. 2516 is overly burdensome and insufficiently specific. The Leahy-Kohl “Capturing Criminals Act” would require the Attorney General to report for the next three years to the Judiciary Committees of both the House and Senate with the following information about the use of administrative subpoenas in fugitive investigations: the number issued, by which agency, identification of the charges on which the fugitive was wanted and whether the fugitive was wanted on federal or state charges.

Although S. 2516 outlines the procedures for enforcement of an administrative subpoena, it is silent on the mechanisms for both contesting the subpoena by the recipient and for delaying notice to the person about whom the record pertains. The Leahy-Kohl “Capturing Criminals Act” expressly addresses these issues.

This legislation will help law enforcement—with increased resources for regional fugitive apprehension task forces and administrative subpoena authority—bring to justice both federal and state fugitives who, by their conduct, have demonstrated a lack of respect for our nation’s criminal justice system. I look forward to working with my colleagues to ensure swift passage of this legislation.

Senator THURMOND. We will now turn to Mr. Marshall for his opening statement.

**STATEMENT OF JOHN W. MARSHALL, DIRECTOR, U.S.
MARSHALS SERVICE, WASHINGTON, DC**

Mr. MARSHALL. Thank you, Mr. Chairman, and good afternoon. I would like to thank you for your strong support of the Marshals Service, and on behalf of the 2,800 deputy marshals, thank you for introducing the Fugitive Apprehension Act of 2000, which provides for administrative subpoena authority in fugitive investigations and authorizes the establishment of permanent task forces. I would also like to thank Senators Biden and DeWine for their cosponsorship of this very important initiative.

Further, I understand that yesterday, Senator Leahy, a strong advocate for the Marshals Service, introduced the Capturing Criminals Act of 2000, which also authorizes funding for task forces and

provides for administrative subpoena authority. We look forward to working with the committee on both of these bills.

Before I begin my testimony, I would like to pay tribute to Deputy U.S. Marshal Peter Hillman. The Marshals Service lost Deputy Hillman on June 8 in a tragic vehicle crash which occurred while he was transporting prisoners. Peter was a 14-year veteran of the Marshals Service who spent his career in California and was committed to carrying out his duties. The Marshals Service will always remember Deputy Hillman and he will be missed greatly.

The Marshals Service is the oldest Federal law enforcement agency. We are responsible for protecting the Federal judiciary, the custody and transportation of pretrial and unsentenced Federal prisoners, providing witness protection, as well as the management and disposal of seized and forfeited properties. Today, I am here to discuss the apprehension of Federal fugitives, one of the Marshals Service's primary missions.

The security problems that fugitives pose for every citizen of this country are numerous, costly, and most importantly, life threatening. Fugitives are mobile and opportunistic, preying on innocent citizens by committing crimes against persons and property everywhere.

As a former Virginia State Trooper, I have firsthand knowledge of the dangers that fugitives pose to well-meaning officers who may inadvertently come into contact with them. On January 3, 1986, Virginia State Trooper Ricky M. McCoy was viciously gunned down during a traffic stop. After the incident, it was discovered that his two assailants were wanted on State warrants for murder. Trooper McCoy was with the State Police for 6 years and was newly wed when he was killed. Ricky was my roommate for 19 weeks during our State Police basic training. As coincidence would have it, his middle initial "M" stood for Marshall. I will never forget Ricky.

What happened to Trooper McCoy illustrates the threat fugitives pose to the safety of law enforcement officers. By statute, the Marshals Service has the authority to investigate fugitive matters both within and outside the United States. Each year, we arrest more fugitives than all other Federal agencies combined. In the first 7 months of this fiscal year, the Marshals Service has arrested well over 15,000 Federal fugitives. Our State and local task forces have arrested almost 9,000 fugitives.

Domestically, the Marshals Service has sponsored several special fugitive operations over many years. Since 1981, Marshals Service fugitive operations have resulted in the apprehension of tens of thousands of fugitives and were the impetus behind the numerous fugitive task forces in which we participate today.

Presently, we participate in 128 task forces and lead over 60 of these nationwide. In South Carolina, we are the lead agency on Operation Intercept. You will hear more about this operation and its successes from U.S. Marshal Israel Brooks. This fiscal year, our New York task forces have cleared well over 250 Federal, State, and local warrants. In Vermont, we have cleared over 200.

One initiative with which I am personally familiar and take great pride in was a Richmond area fugitive task force. This operation was conducted during a 3-month period in the summer of 1998 when I was the Marshal for the Eastern District of Virginia.

During this initiative, deputy marshals and Richmond police officers teamed up to review, prioritize, and investigate nearly 1,700 arrest warrants for fugitives charged with violent crimes, such as murder, armed robbery, and narcotics violations. This initiative led to the clearance of 514 arrest warrants, including 293 by physical arrest. In addition, deputy marshals apprehended a group of five individuals just before they were to carry out a drive-by shooting.

The Marshals Service has apprehension authority for arrest warrants issued by U.S. District Courts and the Parole Commission for a variety of violations of Federal law. Unlike other agencies with diverse investigative missions, our primary investigative responsibility is the apprehension of fugitives. The Marshals Service traditionally does not independently initiate investigations for crimes against the United States. The responsibility of the Marshals Service is to return the fugitive before the court of original jurisdiction so that a judicial process can be completed.

Let me give you an example of this. We recently investigated a case involving an alleged armed robber. The fugitive was arrested in April of this year by members of two of our fugitive task forces in conjunction with local law enforcement. The fugitive shot and robbed a 19-year-old man. Luckily, he survived. The fugitive fled on foot as police officers arrived on the scene. In flight, the fugitive turned and fired nine rounds at the officers. Miraculously, no officers or citizens were killed or wounded by the fugitive. However, he did manage to elude capture.

Local law enforcement turned to the Marshals' task force for assistance. In just 22 days, task force investigators, along with local police, tracked down and arrested the fugitive. A search of the residence was conducted, which resulted in the seizure of two handguns and one sawed-off shotgun. Detectives from the local police department determined that the fugitive was involved in 29 unsolved armed robberies in recent weeks, as well as a bank robbery committed only hours before the arrest. Any of these 30 crimes could have ended in tragedy.

In closing, I would like to thank you, Mr. Chairman, for inviting me here to speak to the subcommittee today on behalf of the men and women of the U.S. Marshals Service, the greatest fugitive investigators in the world. I look forward to working with you and the committee on the task force and administrative subpoena legislation. Thank you.

Senator THURMOND. Thank you.

[The prepared statement of Mr. Marshall follows:]

PREPARED STATEMENT OF JOHN MARSHALL

Good afternoon Mr. Chairman, Senator Schumer, and members of the subcommittee. Mr. Chairman, I would like to thank you for your strong support of the Marshals Service and on behalf of the 2,800 Deputy U.S. Marshals, for introducing the Fugitive Apprehension Act of 2,000, which provides for administrative subpoena authority in fugitive investigations. I would also like to thank Senators Biden and DeWine, for their co-sponsorship of this very important initiative.

Further, I understand that yesterday Senator Leahy, a strong advocate for the Marshals Service, has introduced the Capturing Criminals Act of 2000 which also authorizes funding for task forces and provides for administrative subpoena authority. We look forward to working with the Committee on both these bills.

Before I begin my testimony, I would like to pay tribute to Deputy U.S. Marshal Peter Hillman. The Marshals Service lost Deputy Hillman on June 8th in a tragic vehicle crash which occurred while he was transporting prisoners. Deputy Hillman

was a 14 year veteran of the Marshals Service who spent his career in California and was committed to carrying out his duties as a Deputy United States Marshal. Peter lent support to the community of the Virgin Islands after Hurricane Marilyn, apprehended fugitives during Operation Sunrise, provided security at a high threat trial in Montana, as well as the Olympic Games in Atlanta. The Marshals Service will always remember Deputy Hillman, and he will be missed greatly.

The United States Marshals Service is the oldest federal law enforcement agency. We are responsible for protecting the federal judiciary, the custody and transportation of pretrial and unsentenced federal prisoners, providing witness protection, as well as the management and disposal of seized and forfeited properties.

Today I am here before the subcommittee to discuss the apprehension of federal fugitives, one of the Marshals Services' primary missions, and our role on fugitive task forces. The security problems that fugitives pose for every citizen of this country are numerous, costly, and most importantly, life-threatening. By definition and nature, fugitives are mobile and opportunistic, preying on innocent citizens by committing crimes against persons and property everywhere.

As the head of the oldest law enforcement agency and as a former Virginia State Trooper, I have first-hand knowledge of the dangers that fugitives pose to well-meaning officers who may inadvertently come into contact with them. On January 3, 1986, Virginia State Trooper Ricky M. McCoy, was viciously gunned down during a traffic stop. After the incident, it was discovered that his two assailants were wanted on state warrants for murder. Trooper McCoy was with the State Police for six years and was married for less than a year. Ricky was my room-mate for 19 weeks during our State Police basic training. As coincidence would have it, his middle initial M stood for Marshall. I will never forget Ricky.

What happened to Trooper McCoy illustrates the threat fugitives pose to the safety of law enforcement officers. Far too often, a police officer making contact with a person on the street or on a lonely highway for a traffic violation or other reason is injured or killed because the subject in question is a wanted fugitive. During this initial contact, the officer normally is not aware that the person is wanted. The fugitive knows his status and is motivated to evade the law.

By statute, the Marshals Service has the authority to investigate fugitive matters both within and outside the United States. Each year, the Marshals Service arrests more fugitives than all other federal agencies combined. In the first seven months of this fiscal year, the Marshals Service has arrested well over 15,000 federal fugitives. In addition, our state and local task forces have arrested almost 9,000 fugitives.

Domestically, the Marshals Service has sponsored several special fugitive operations over many years. Since 1981, the Marshals Service has sponsored a number of short-term initiatives which were focused on the apprehension of federal, state and local fugitives. Operations Southern Star, Sunrise, Gunsmoke, and Trident are our more notable short-term initiatives. These have been region-specific or offender-specific (for example, narcotics or firearms warrants). Operation Southern Star yielded 3,928 arrests, Operation Sunrise produced 1,495 arrests, Operation Gunsmoke resulted in 3,313 arrests, and Operation Trident produced 9,467 arrests and 411 firearms seized. All of the Marshals Service's fugitive operations have resulted in the apprehension of tens of thousands of fugitives and were the impetus behind the numerous permanent fugitive task forces in which we participate today.

Presently, we participate in 128 task forces and lead over 60 of these fugitive task forces nationwide. Our task forces concentrate on apprehending federal, state, and local fugitives. In South Carolina we are the lead agency on Operation Intercept. You will hear more about Operation Intercept and its successes from United States Marshal Israel Brooks.

Our initiative with which I am personally familiar, and take great pride in, was the Richmond Area Fugitive Task Force. This operation was conducted in Richmond, Virginia during a 3-month period in the summer of 1998. At that time, I was serving as the United States Marshal for the Eastern District of Virginia. During this initiative, Deputy Marshals and Richmond Police Officers teamed up to review, prioritize, and investigate nearly 1,700 arrest warrants for fugitives charged with violent crimes such as Murder, Attempted Murder, Armed Robbery, Assault, Narcotics Violations, and Probation or Parole Violations. This initiative led to the clearance of 514 arrest warrants, including 293 by physical arrest. In addition, Deputy Marshals apprehended a group of five individuals just before they were to carry out a drive-by shooting.

Fugitives threaten the very fabric of our criminal justice system. By definition, they have been charged with a violation of law. They may have been charged but not yet arrested, released on bail and fled to avoid prosecution, escaped from jail or prison, or absconded from or otherwise violated the terms of their probation or

parole. These actions constitute an affront to our justice system. When fugitives flee from their charges our legal system is severely threatened. . . . Prosecutors cannot try cases, society is deprived of justice and order, and crime victims are denied their rights. They may, in fact, live in fear and isolation while the criminals who have victimized them remain at large.

In addition, when warrants become backlogged and the number of fugitives multiply, it sends a subtle message to others that flight and failure to comply with the law is acceptable and easy. A final consequence is that law enforcement agencies may have spent thousands or hundreds of thousands of dollars to organize a prosecutorial criminal case against a defendant or criminal organization. When a defendant flees from the charges, these valuable expended resources are for naught.

The United States Marshals Service has apprehension authority for arrest warrants issued by United States District Courts and the United States Parole Commission for a variety of violations of federal law. The Marshals Service traditionally receives arrest warrants based on a grand jury indictment or when an individual escapes from custody, jumps bond, violates the conditions of release by engaging in further criminal activity, or fails to appear. In addition, pursuant to Department of Justice orders—and in connection with a number of interagency memoranda of understanding—the Marshals Service also pursues fugitives wanted by the Drug Enforcement Administration, the United States Customs Service, Internal Revenue Service, and a number of other federal agencies, as well as foreign fugitives wanted on charges in other nations.

The Marshals Service's criminal investigation efforts are specifically focused on fugitives. Unlike other law enforcement agencies with diverse investigative missions, our primary investigative responsibility is the apprehension of fugitives. The Marshals Service traditionally does not independently initiate investigations against individuals for crimes against the United States. Instead, the Marshals Service responds to arrest warrants that have been issued for individuals by judicial officers or, in the case of convicted felons, by a parole commission or equivalent entity. These individuals have already been charged by a court, indicted by a grand jury or, in many cases, tried and convicted by a jury or judge. Probable cause or some greater burden of proof has already been proven. The responsibility of the Marshals Service is to return the person before the court of original jurisdiction so that the judicial process can be completed.

Upon receipt of any arrest warrant, the first order of business is to properly identify the subject of the arrest warrant and to enter the subject's biographical and warrant data into the Marshals Service's Warrant Information Network (WIN). WIN is a comprehensive warrant management system that tracks all fugitive-related information, as well as statistical information related to the Marshals Service fugitive apprehension program. The WIN system also provides all Marshals Service offices nationwide with access to the National Crime Information Center (NCIC) and the National Law Enforcement Telecommunications System (NLETS). Both of these systems are clearinghouses for criminal justice information related to wanted persons, criminal history information, driver and vehicle registration information, as well as a myriad of other related indices. In addition, they serve as real-time administrative communication networks to federal, state, and local law enforcement and criminal justice agencies nationwide.

Fugitive cases are assigned to our Deputy U.S. Marshals for investigation and apprehension. Depending on the complexity of the case and other circumstances, the duration of fugitive investigations ranges from a matter of hours from receipt of the warrant to, in extreme cases, years. Recently, the Marshals Services found that the average duration of an investigation ranged from 64 days to 218 days, dependent on the category of the investigation. The Marshals Service has reviewed its current database of warrants outstanding on its most dangerous fugitives. Results showed that the "average" fugitive is a 38 year-old male, wanted in connection with narcotics violations, with a record of four prior arrests, including one arrest for a violent crime. These violent offenders take, on average, 179 days to apprehend.

Fugitives are as diverse as our society. They transcend gender, ethnicity, religion, age, educational background, and any other demographic parameters that one can offer. Every day in this country, fugitives are arrested in America's inner cities, suburbs, and rural areas. As evidenced by testimony of people on such reality-based television shows as "American's Most Wanted," and by the experience of our investigators, ordinary citizens are often very surprised to find that they have been living next door to a wanted dangerous felon.

In the past year, the Marshals Service opened an office, on a temporary basis in Mexico City. The focus of this operation was to pursue and apprehend non-Mexican fugitives wanted in the United States. So far, the success of the Deputy U.S. Marshals has been significant. The number of fugitive cases closed and extradited dur-

ing the first seven months of operations exceeded the previous seven years' total. We have just recently assigned Deputies temporarily to Jamaica and the Dominican Republic. After three months of operation in Jamaica, the Marshals Service exceeded the totals of extraditable fugitives from the previous two years. The federal, state, and local fugitives are realizing that they will be apprehended outside the borders of the United States.

A recent investigation in the Northeast United States involved an alleged armed bank robber. Because the fugitive will be going to trial on these charges soon I cannot disclose his identity. The fugitive was arrested in April of this year by members of two of our Fugitive Task Forces in conjunction with local law enforcement. The fugitive confronted a 19 year old man, who was walking down the street, then shot and robbed him. Luckily, the young man survived. The fugitive fled on foot as police officers arrived at the scene. In flight, the fugitive turned and fired nine rounds at the officers who were pursuing him. Miraculously, no officers or citizens were killed or wounded by the fugitive; however, he did manage to elude capture. The local law enforcement turned to the U.S. Marshals Fugitive Task Force for assistance.

Twenty two days later, Marshals Service Task Force investigators tracked down the fugitive. That afternoon, Task Force investigators along with local police arrested the fugitive. A search of the residence was conducted which resulted in the seizure of two handguns and one sawed-off shotgun. Detectives from the local Police Department determined that the fugitive was involved in twenty-nine unsolved armed robberies in recent weeks as well as a bank robbery committed only hours before the arrest. Any one of these 30 crimes could have ended in tragedy. It has been the Marshals Service's experience that the longer a fugitive remains at large, the more brazen and violent the fugitive becomes.

Since these fugitives know they are wanted, they are continually on the run. Fugitive investigations are fluid and time is of the essence when gathering information and executing investigative leads. A fugitive may literally, be "here today and gone in an hour." The Marshals Service aggressively pursues fugitives using a wide range of investigative techniques, ranging from the most basic and traditional to applying some of the most sophisticated technology currently available. The Marshals Service must act quickly to apprehend these fugitives. One critical tool that would assist the Marshals Service in apprehending individuals wanted pursuant to a court order is administrative subpoena authority.

In closing, I would thank you, Mr. Chairman for inviting me here to speak to the Subcommittee today, on behalf of the women and men of the Marshals Service—the greatest fugitive investigators in the world. In addition to capturing federal fugitives, I am also proud of our long history of assisting state and local law enforcement agencies as well as our strong cooperative relationships with these agencies. We take pride in our success—it is a successful day for the Marshals Service and our nation when we use our expertise to arrest any fugitive whether it be a federal, state or local case.

Senator THURMOND. I have a few questions for you, Mr. Marshall. Mr. Marshall, does apprehending dangerous Federal fugitives and assisting States with their fugitive backlogs have the top priority of the Marshals Service today and would enacting the Fugitive Apprehension Act assist you in this way?

Mr. MARSHALL. Mr. Chairman, it would be a tremendous assistance to us. As you probably know, around the country, our Deputy U.S. Marshals are criminal investigators, but they do the vast majority of their fugitive work—they have to do that with the court's schedule in mind and the dockets and moving prisoners. So this task force proposal, initiative, would give us the full-time permanent positions to be dedicated solely to the investigation and apprehension of fugitives, and yes, it would be of tremendous assistance to us.

Senator THURMOND. Mr. Marshall, in 1998, the Marshals Service initiated an effort to help clear the Federal warrant backlog. How are you targeting prioritizing warrants and would you like to do more through task forces to assist State and local authorities in this regard?

Mr. MARSHALL. Mr. Chairman, in 1998, we were asked by the Attorney General to reduce our backlog of fugitive warrants, and backlog are warrants of a year or older. We were successful. We wanted a 20 percent reduction of our warrants and we were able to do that. As a matter of fact, we exceeded the reduction rate that the Attorney General asked us to accomplish.

Mr. Chairman, also, we certainly do prioritize our cases. We have our top 15 most wanted, along with our violent offenders, which are all in what we consider our Class 1 warrants, along with those that we, through memorandums of understanding from other agencies, we are tasked with primary responsibility for handling those.

Senator THURMOND. Mr. Marshall, is there a problem today with fugitives fleeing south across the border to Mexico and how cooperative is Mexico in extraditing fugitives?

Mr. MARSHALL. Mr. Chairman, there is a problem with fugitives fleeing into Mexico. Recognizing that problem, in 1998, we assigned deputy marshals to Mexico City, and in their first 7 months of operation, they arrested more Federal fugitives than in the 7 prior years, of fugitives who had fled to Mexico.

Senator THURMOND. Mr. Marshall, you stated in your testimony that you needed administrative subpoena authority to help you track fugitives quickly. Is it difficult and time consuming to get court orders for information and are you aware of cases where the process took so long that you lost track of the fugitive?

Mr. MARSHALL. In fugitive investigations, Mr. Chairman, time is of the essence. Literally, fugitives can be here today and gone in an hour. Often, it has been our experience that in order to obtain a court order, it takes 2 or 3 days or more to do that, and oftentimes that delay allows the fugitive to keep one step ahead of us.

We did have a case recently this year, as a matter of fact, in May of this year, in Doraville, GA, where a police officer who was investigating thefts from a vehicle in a nightclub parking lot was shot by an assailant. He was shot three times, and the fourth time he was shot at point-blank range right through his badge. The assailant also shot the owner of the nightclub in the face before fleeing.

We were contacted by the local police department to provide some assistance in tracking the subject. The officer had been able to get the subject's wallet from him and that was left at the scene. We were asked to assist them in tracking the subject, which we did, and we were able to develop information that the subject was staying at a large horse farm in one of the outlying counties. We also had information that he was making numerous calls from a certain phone number and we knew that phone number was somewhere on that farm, but we did not know which farmhouse or which building. There were numerous buildings and all the buildings had telephones in them.

In the current system, we would have to pursue that through getting a court order. Meanwhile, during the time that it took and our efforts to get a court order, the subject and his co-assailant luckily were apprehended as they were leaving through the woods by a sheriff's deputy who was coming to assist us with providing surveillance of the area. This is clearly a case where, if we had the administrative subpoena authority, we could have quickly found out which house, which farmhouse the subject was making these

calls from and would have been able to apprehend him quickly and we would not have run the risk that we did of almost losing him.

Senator THURMOND. Mr. Marshall, do other Justice Department agencies have administrative subpoena authority for certain crimes, such as drugs or child pornography, and has this worked well in practice?

Mr. MARSHALL. Yes, Mr. Chairman. Other agencies do have the administrative subpoena authority. By virtue of our memorandum of understanding with the Drug Enforcement Administration to assume primary responsibility for their fugitives, I am most familiar with their cases and the administrative subpoena authority has been an invaluable tool to them and has also assisted us on our work with them to apprehend their fugitives.

Senator THURMOND. Mr. Marshall, the Marshals Service tracks fugitives for numerous Federal agencies. Is it generally more efficient and effective for the Marshals Service to assist other Federal agencies with apprehending fugitives rather than each agency tracking their own fugitives?

Mr. MARSHALL. Yes, Mr. Chairman, I definitely believe that, and with regard to the administrative subpoena power, I think that, without a doubt, that authority should be given to those agencies who, by statute, have authority to investigate fugitive cases.

Senator THURMOND. I think those are all the questions I have at this time. Thank you very much.

Mr. MARSHALL. Thank you, Mr. Chairman. Mr. Chairman, with your permission, if I could, I have several U.S. Marshals who have accompanied me here today and I would like to introduce them for just a minute.

I recognize U.S. Marshal Israel Brooks from South Carolina.

Senator THURMOND. Please stand up, and thank you very much. We are glad to have you.

Mr. MARSHALL. U.S. Marshal George McKinney from the District of Maryland.

Senator THURMOND. Where is he? Thank you very much.

Mr. MARSHALL. U.S. Marshal Tim Mulaney from the District of Delaware.

Senator THURMOND. Thank you.

Mr. MARSHALL. Marshal Dave Troutman from the Northern District of Ohio.

Senator THURMOND. Thank you.

Mr. MARSHALL. Marshal Nancy McGillivray from the District of Massachusetts.

Senator THURMOND. Thank you.

Mr. MARSHALL. Marshal Dan Byrne from the Eastern District of New York.

Senator THURMOND. Thank you.

Mr. MARSHALL. And the Acting U.S. Marshal for the Eastern District of Virginia, John Clark. Thank you very much, Mr. Chairman.

Senator THURMOND. Thank you. I see you had one lady there. Please stand up. Have you found being a lady handicaps you in your work?

Marshal MCGILLIVRAY. No, sir, I do not. I have been with the Marshals Service for 20 years and managed to break through most of the handicaps.

Senator THURMOND. So you can stick it to them just like the men can?

Marshal MCGILLIVRAY. Absolutely.

Senator THURMOND. Congratulations to you, and best wishes.

Marshal MCGILLIVRAY. Thank you, sir.

Senator THURMOND. On our third panel, we are fortunate to have four witnesses with extensive experience in law enforcement and fugitive apprehension and operations. I am confident the testimony we will hear from the next four witnesses will give the subcommittee valuable insight into the extent of the fugitive problem in the United States today, the challenges that law enforcement agencies face in trying to address future problems, and how we can try to help law enforcement agencies in their efforts.

This panel consists of Marshal Israel Brooks, the U.S. Marshal for the District of South Carolina; Commissioner Edward T. Norris of the Baltimore Police Department; Patrick Sullivan, Sheriff of Arapaho County, CO, who is representing the National Sheriffs Association today; and Detective Lieutenant Kevin Horton of the Massachusetts State Police Fugitive Unit, who is representing the National Association of Fugitive Investigators.

Gentlemen, we welcome you and appreciate your appearing here today and look forward to your testimony. I ask that each of you please limit your opening statement to no more than 5 minutes and we will place your written statement in the record, without objection, in full.

We will start with Marshal Brooks and proceed down the line.

PANEL CONSISTING OF ISRAEL BROOKS, U.S. MARSHAL, DISTRICT OF SOUTH CAROLINA, COLUMBIA, SC; EDWARD T. NORRIS, COMMISSIONER, BALTIMORE POLICE DEPARTMENT, BALTIMORE, MD; PATRICK SULLIVAN, SHERIFF, ARAPAHO COUNTY, CO, REPRESENTING THE NATIONAL SHERIFFS ASSOCIATION, ALEXANDRIA, VA; AND DETECTIVE LIEUTENANT KEVIN HORTON, MASSACHUSETTS STATE POLICE FUGITIVE UNIT, REPRESENTING THE NATIONAL ASSOCIATION OF FUGITIVE INVESTIGATORS, FRAMINGHAM, MA

STATEMENT OF ISRAEL BROOKS

Mr. BROOKS. Thank you, Mr. Chairman. As U.S. Marshal for the District of South Carolina, I appreciate the invitation to speak in support of the multi-agency task forces.

The District of South Carolina is recognized as the home of Operation Intercept. This is the first U.S. Marshals Service sponsored multi-agency task force. The task force has been responsible for the arrest of approximately 7,000 fugitives since its inception in 1986. In South Carolina, apprehended fugitives are certainly setting a precedent. Today, I have an opportunity to highlight the crusade and the teamwork that solidifies the cooperation between the local, State, and Federal law enforcement agencies when bringing fugitives to justice.

In order to discuss how this is accomplished, I have identified three of the primary advantages of running a multi-agency task force. First, the cost effectiveness of consolidating resources. Second, the value of case consistency. And finally, our most important goal is reducing warrant backlogs and prompt fugitive apprehension, eliminating the threat to our communities.

As a U.S. Marshal in South Carolina, I acknowledge the fact that our arrest statistics would not have been achieved without the ongoing support from State and local law enforcement agencies. With the level of assistance they provide, I welcome the opportunity to special deputize over 100 local and State law enforcement officers from 46 counties annually. That means that we blanket the State of South Carolina with local and State agents to help us on our task force, and we receive additional administrative support to our task force from the South Carolina National Guard. At a time when we are faced with rising costs and limited budgets, the consolidation of manpower, equipment, and technology is critical for State, local, and Federal law enforcement agencies.

One of the most prominent themes for the 1990's was, how can we get more done with less? Well, South Carolina has been successful in accomplishing this by consolidating our law enforcement resources through the development of task forces. There are so many benefits, Mr. Chairman, achieved in combining the agencies to work in investigation.

It is necessary because the effective use of manpower that is solely concentrated on apprehending fugitives is important. Networking of information and research is very important. Sharing of administrative and technical support units instead of duplicating the recurring costs of these teams among these agencies is very important. Streamlining the purchase of equipment, allowing funds to purchase higher-quality and advanced technology instead of duplicating equipment is very important.

The talents and resources brought by both State and Federal agencies are invaluable. The local officers bring a wealth of community knowledge, local informants, and tactical support units which can be developed immediately upon request.

State and local officers tend to be more familiar with the area, pinpointing where fugitives may be hiding out and can provide valuable information on the family, on the location and other areas of concern. The extent of their manpower resource strengthens the investigation.

The Federal agencies lend broader authority, nationwide contacts, highly developed labs, computer database, mobile command centers, field radios, and other equipment. This level of assistance can prove critical to the smaller local agencies that do not have adequate budgets, broader authority, or interstate connections to apprehend fugitives when they have left the area without the lengthy delay of extradition procedures.

I will stress to you, Mr. Chairman, that this combination is powerful and it is necessary for quick apprehension of fugitives.

The initial steps in fugitive investigations are critical, but just as important is the constant perseverance. This is best accomplished by ensuring case consistency. Task force operations lend them-

selves to this element because they work in concert with each other.

For example, when a task force officer adequately documents investigate efforts, other task force personnel, State, local, or Federal, they can continue the case in his or her absence. Simultaneously, administrative and technical support units are able to provide analysis, research, and coordinate investigative updates. There are no limitations, and by combining resources and sustaining case consistency, law enforcement personnel are able to achieve their most compelling purpose, prompt apprehension of fugitives.

In my opinion, the reduction in warrant backlog can be obtained faster when a task force is in place. We have proven this in the District of South Carolina over the past few years. For example, in 1996, the U.S. Marshals Service coordinated with the State and local law enforcement agencies in the northern part of the State and performed a sting operation to lure fugitives to justice. It only took a short time to prepare because our task force was already operational in that location. In just one weekend, our sting operation effected the arrest of 100 wanted individuals in five counties.

Overseeing one of the Marshals Service's oldest sponsored multi-agency task forces, it is my firm desire to offer support here today for providing our criminal investigators with administrative subpoena authority. Time is critical, and this would provide us with the investigative tool necessary for quick apprehension.

Mr. Chairman, I cannot emphasize enough that the support and participation in South Carolina task forces have always far surpassed anyone's expectations. The importance of combining resources and efforts to recognize the end responsibilities to reduce State, local, and Federal criminals on our streets.

Mr. Chairman, I would ask that each of you take a moment and reflect on my comments here today, and before I conclude, I would ask, are there any examples or questions that you would like for me to address?

Senator THURMOND. Thank you.

[The prepared statement of Mr. Brooks follows:]

PREPARED STATEMENT OF ISRAEL BROOKS, JR.

Mr. Chairman and Members of the Subcommittee, as the United States Marshal for the District of South Carolina, I appreciate the invitation to speak in support of multi-agency task forces. The District of South Carolina is recognized as the home of OPERATION INTERCEPT, the first United States Marshals Service (USMS) sponsored multi-agency task force.

The OPERATION INTERCEPT task force has been responsible for the arrest of approximately 7,000 fugitives since its inception in 1986. In South Carolina, apprehending fugitives is certainly setting a precedent.

Today I have the opportunity to highlight the crusade and team work that solidifies cooperation between local, state and federal law enforcement agencies when bringing fugitives to justice.

In order to discuss how this is accomplished, I have identified three of the primary advantages of running a multi-agency task force: First, the cost effectiveness of consolidating resources; second, the value of case consistency; and finally, and our most important goal: Reducing the warrant backlog and accomplishing prompt fugitive apprehension, resulting in eliminating the threat to our communities.

CONSOLIDATING RESOURCES

As the U.S. Marshal in South Carolina, I acknowledge the fact that our arrest statistics would not have been achieved without the ongoing support from state and local law enforcement agencies. With the level of assistance they provide, I welcome

the opportunity to special deputize over one hundred local and state law enforcement officers annually, from 46 counties. We receive additional administrative support to our task force from the South Carolina National Guard.

The consolidation of manpower, equipment and technology is critical for state, local and federal law enforcement agencies. One of the most prominent themes for the 90's was "how can we get more done with less." Well, South Carolina has been successful in accomplishing this by consolidating our law enforcement resources through the development of task forces.

There are so many benefits achieved in combining the agencies to work an investigation. For example: The effective use of manpower that is solely concentrated on apprehending fugitives; networking of information and research; sharing of administrative and technical support units instead of duplicating the recurring costs for these teams among the agencies; and streamlining the purchase of equipment, by allowing funds to purchase higher quality and advanced technology instead of duplicating equipment.

The talents and resources brought by both state and federal are invaluable. Local officers bring a wealth of community knowledge, local informants and tactical support units which can be deployed immediately upon request. State officers tend to be more familiar with the area where a fugitive may be hiding out and can provide information on the family, location and other areas of concern. The extent of their manpower strengthens the investigation.

The federal agencies lend broader authority, nationwide contacts, highly developed labs, computer databases, mobile command centers, field radios and other equipment. This level of assistance can prove critical to the smaller local agencies that do not have the budgets, authority or interstate connections to apprehend fugitives when they have left the area, without the lengthy delay of extradition procedures.

I would like to stress to you Mr. Chairman and to the Subcommittee Members, that this combination is powerful and necessary for quick apprehension of fugitives.

CASE CONSISTENCY

The initial steps in fugitive investigations are critical, but just as important is the constant perseverance. This is best accomplished by ensuring case consistency. Task Force operations lend themselves to this element because they work in concert. For example, when a task force officer adequately documents investigative efforts, any other task force personnel can continue the case in his/her absence, whether state, local or federal.

Simultaneously, administrative and technical support units are available to provide analysis, research and coordinate investigative updates.

Also available to task force participants in assistance from jurisdictions nationwide. Leads are tracked and monitored to guarantee an immediate response. There are no limitations, and by combining resources and sustaining case consistency, law enforcement personnel are able to achieve their most compelling purpose: Prompt apprehension of fugitives.

PROMPT APPREHENSION OF FUGITIVES AND REDUCING THE WARRANT BACKLOG

In my opinion, a reduction in the warrant backlog can be attained faster when a task force is in place. We have proven this in the District of South Carolina over the past few years. For example, in 1996 the USMS coordinated with the state participants in the northern part of that state and performed a sting operation to bring fugitives to justice. It only took a short time to prepare because our task force was already operational in that location. In just one weekend, our sting operation effected the arrest of 100 wanted individuals in 5 counties.

Overseeing one of the Marshals Service's oldest sponsored multi-agency task forces, it is my firm desire to offer support here today for providing our criminal investigators with administrative subpoena authority. In fugitive investigations, time is critical . . . and the administrative subpoena authority would provide us with the investigative tools necessary for quick apprehension.

I cannot emphasize enough that the support and participation in South Carolina Task Forces have always far surpassed anyone's expectations. The importance of combining resources and efforts will provide endless opportunities to reduce the number of state, local and federal criminals on our streets.

Mr. Chairman and members of the subcommittee, thank you for your continued support of law enforcement and thank you for the opportunity to appear before you today. I would ask that each of you take a moment and reflect on my comments, and I would be pleased to respond to any questions you may have.

Senator THURMOND. Mr. Norris.

STATEMENT OF EDWARD T. NORRIS

Mr. NORRIS. Mr. Chairman, on behalf of the men and women of the Baltimore Police Department, I want to thank you for the opportunity to offer testimony in support of this bill.

From New York to New Orleans, from Boston to Newark, successful police departments understand one fundamental truth. The crime reduction in American cities is dependent and directly linked to the apprehension of fugitives. The systematic tracking and capture of known violent criminals is the single most effective crime fighting strategy in modern law enforcement.

I urge the honorable members of the Subcommittee on Criminal Justice Oversight to support and appropriate the necessary resources to assist Federal law enforcement in their efforts to bring modern outlaws to justice. I thank Senators Strom Thurmond and Joseph Biden, Jr., for having the insight to draft such important legislation.

The threat that fugitives pose to law-abiding citizens cannot be overstated. In Baltimore County, MD, wanted criminals killed Sergeant Bruce Prothero in the line of duty attempting to thwart a robbery. In New York City, fugitive John Taylor walked into a Wendy's hamburger restaurant and brazenly killed six workers and patrons.

Wanted offenders who were deft at avoiding detection and thrive in the cracks of our criminal justice system perpetrate the carnage that haunts our urban areas. The implementation of a forceful fugitive apprehension program as proposed by the U.S. Marshals Service will seal these cracks and end this unnecessary violence.

The criminal community in any city is a close knit, small, and identifiable group. Career criminals do not stop offending because they have a warrant out for their arrest. Fugitives are a bold and lethal breed, unfazed by the flaccid threat that a warrant alone represents.

As a deputy inspector with the New York City Police Department, I was tasked with putting teeth into the warrant apprehension task force. The architects of New York's successful crime fighting effort realized that by tracking and apprehending fugitives, we could reduce crime by taking repeat offenders off the street. Armed with the probable cause a warrant provides law enforcement and the support of the NYPD brass, I mounted an aggressive assault on the criminal community that held our city hostage for decades.

The results are staggering to outside observers and devastating to the criminal community. Our warrant apprehensions increased 104 percent, from 6,000 to over 12,000 in 1 year, and the murder rate plummeted. Robberies, rapes, aggravated assaults all decreased and New York became the safest big city in America.

Fugitive capture is the backbone of the successful crime fighting strategies of not only New York but also Boston, Newark, New Orleans, and Philadelphia. However, the jurisdictional and fiscal limitations that plague local law enforcement severely hinder the complete eradication of the fugitive community.

As Commissioner of the Baltimore Police Department, I am faced with the daunting task of reducing crime in one of the most violent

cities in America. Baltimore recorded 310 murders last year, the second highest per capita rate in the country of the 30 largest cities. This tremendously high homicide toll exists in light of formerly ineffective fugitive apprehension strategy.

Upon arriving in Baltimore, I discovered our warrant unit consisted of five detectives and a sergeant charged with serving over 54,000 warrants. In 1999, as of June 16, this six-person unit served 10 murder warrants and 1,062 fugitive warrants.

I immediately increased the warrant task force to 36 members. Operating under a philosophy that the speedy apprehension of wanted offenders will prevent incidents of mayhem and violence, this strengthened unit is showing signs of success. As of June 16, 2000, total warrant arrests have increased by 6 percent. However, most significantly, by focusing on our most violent criminals, there has been a 500 percent increase in the service of murder warrants by this unit. Sixty this year as opposed to 10 last year have been put in handcuffs. Additionally, there is a 56 percent increase in shooting warrants, a 120 percent increase in attempted murder warrants, 83 percent first degree assault warrants, and a 280 percent increase in the service of warrants involving handgun-related offenses. Overall, our clearance rate involving violent offenders has increased 105 percent.

I am confident with the continued success of this unit, the Baltimore Police will achieve its first year under 300 murders in a decade. With the increased assistance of the U.S. Marshals Service, our success is inevitable.

Effective warrant strategies remove fugitives from our neighborhoods, thus increasing public safety. Furthermore, law enforcement agencies are able to debrief career criminals upon their apprehension, which enables crucial intelligence to be ascertained and utilized to solve other crimes. Finally, many fugitives will be located in correctional facilities. Upon location, a detainer is placed to ensure the criminal will not be released without facing a demanding jurisdiction's justice. Warrant service not only removes fugitives from our streets, but it keeps criminals behind bars.

Throughout the last decade, local law enforcement agencies across the country have demonstrated that by implementing sound policing strategies, crime can be drastically reduced. Police officers in cities like New York, New Orleans, Philadelphia, Boston, and Newark are once again proud to serve, proud to wear the department's badge, proud because they know they can succeed. Many lives in our urban areas have been saved by the efforts of these men and women who choose to work in America's most dangerous profession. This success, however, is not enough. It is not complete and it is not enjoyed by all urban areas.

As a police officer who knows the importance of tracking down fugitives, I urge this committee to assist cities like Baltimore, Detroit, and Washington, DC, by supporting this fundamentally sound program offered by the U.S. Marshals Service. This program will apprehend violent criminals who flout the laws of our criminal justice system. As we move forward in our strategy to reduce index crime through fugitive apprehension and warrant service, we must keep in mind that a number of these individuals move about freely with no fear of being caught, no apprehensions concerning the com-

mission of future crimes. Our combined efforts will gain the support and assistance of our communities and increase the fear and respect of our wanted fugitives towards our ability to find and bring them to justice.

As a police commissioner of a city that is being bludgeoned by fugitives who brazenly reoffend and brutally inflict the violence that drives our murder rate, I urge this committee to attend to the assistance necessary to capture fugitives, no matter where they seek refuge.

Finally, on behalf of the 310 citizens murdered last year in Baltimore, on behalf of Sergeant Bruce Prothero who was killed in the line of duty by a fugitive, on behalf of innocent citizens slain by wanted felons, I urge this body to assist in ending this chronic threat to public safety that is posed by fugitives.

Senator THURMOND. Thank you.

[The prepared statement of Mr. Norris follows:]

PREPARED STATEMENT OF EDWARD T. NORRIS

INTRODUCTION

From New York to New Orleans, from Boston to Newark, successful Police Departments understand one fundamental truth: Crime reduction in American cities is dependent and directly linked to the apprehension of fugitives. The systematic tracking and capture of known violent criminals is the single most effective crime fighting strategy in modern law enforcement. I urge the honorable members of this Subcommittee on Criminal Justice Oversight of the Senate Judiciary Committee to support and appropriate the necessary resources to assist federal law enforcement in their efforts to bring modern outlaws to justice. I thank Senators Strom Thurmond and Joseph R. Biden, Jr. for having the insight to draft such important legislation.

The threat that fugitives post to law-abiding citizens cannot be overstated. In Baltimore County, Maryland wanted criminals killed Sergeant Bruce Prothero in the line of duty attempting to thwart a robbery. In New York City, fugitive John Taylor walked into a Wendy's Hamburger Restaurant and brazenly killed six workers and patrons. Wanted offenders who are deft at avoiding detection and thrive in the cracks of our criminal justice system perpetrate the carnage that haunts our urban areas. The implementation of a forceful fugitive apprehension program as proposed by the United States Marshall Service will seal these cracks and end this unnecessary violence.

THE IMPACT OF EFFECTIVE FUGITIVE APPREHENSION

The criminal community in any city is a close knit, small and identifiable group. Career criminals do not stop offending because they have a warrant out for their arrest. Fugitives are a bold and lethal breed, unfazed by the flaccid threat that a warrant alone represents. As a Deputy Inspector with the New York Police Department, I was tasked with putting teeth in the paper tiger of the Warrant Apprehension Task Force. The architects of New York's successful crime-fighting effort realized that by tracking and apprehending fugitives, we would reduce crime by taking repeat offenders off the street. Armed with the probable cause a warrant provides law enforcement and the support of NYPD brass, I mounted an aggressive assault on the criminal community that had held our city hostage for decades.

The results were staggering to outside observers and devastating to the criminal community. As warrant apprehension increased 104 percent, the murder rate plummeted, robberies, rapes, and aggravated assaults decreased and New York became the safest big city in America. Fugitive capture is the backbone of the successful crime fighting strategies of not only New York, but also Boston, Newark, New Orleans, and Philadelphia. However, the jurisdiction and fiscal limitations that plague local law enforcement severely hinder the complete eradication of the fugitive community.

BALTIMORE'S FUGITIVE APPREHENSION EFFORTS

As Commissioner of the Baltimore Police Department, I am faced with the daunting task of reducing crime in arguably the most violent city in America. Balti-

more recorded 310 murders last year, the second highest per capita rate in the country. This tremendously high homicide toll exists in light of an ineffective fugitive apprehension strategy. Upon arriving in Baltimore, I discovered our warrant unit consisted of five detectives and a sergeant charged with serving over 54,000 warrants. In 1999 as of June 16, this six-person unit served 10 murder warrants and 1,062 fugitive warrant.

I immediately increased the warrant task force to 36 members. Operating under the philosophy that the speedy apprehension of wanted offenders will prevent incidents of violence and mayhem, this strengthened unit is showing signs of success. As of June 16, 2000, total warrant arrest have increased 5.7 percent (1062 in 1999; 1126 in 2000). Most significantly, by focusing on our most violent criminals, there has been a 500 percent increase in the service of murder warrants by the unit (10 in 1999; 60 in 2000). Additionally There is a 56.8 percent increase in shooting warrants served (44 in 1999; 69 in 2000), a 120 percent increase in attempted murder warrants served (10 in 1999; 22 in 2000), a 8.1 percent increase in the service of first degree assault warrants (59 in 1999; 108 in 2000), and a 280 percent increase in the service of warrants involving handgun related offenses (5 in 199; 19 in 2000). Overall, a clearance rate involving violent offenders has increased 104.9 percent (162 in 1999; 332 in 2000). I am confident with the continued success of this unit, Baltimore will achieve its first year under 300 murders in a decade. With the increased assistance of the United Marshall's Office, our success is inevitable.

Effective warrant strategies remove fugitives from our neighborhoods thus increasing public safety. Furthermore, law enforcement agencies are able to de-brief career criminals upon their apprehension, which enables crucial intelligence to be ascertained and utilized to solve other crimes. Finally, many fugitives will be located in correctional facilities. Upon location, a detainer may be placed to insure that the criminal will not be released without facing a demanding jurisdiction's justice. Warrant service not only removes fugitives from our streets but it keeps criminals behind bars.

CONCLUSION

Throughout the last decade, local law enforcement agencies across our country have demonstrated that by implementing sound policing strategies, crime can be drastically reduced. Police officers in cities like New York, New Orleans, Philadelphia, Boston, and Newark are once again proud to serve, proud to wear their department's badge, proud because they know they can succeed. Many lives in our urban areas have been saved by the efforts of the men and women who choose to work in America's most dangerous profession. This success however is not enough, it is not complete, and it is not enjoyed by all urban areas.

As a Police Officer who knows the importance of tracking down fugitives, I urge this committee to assist cities like Baltimore, Detroit and Washington, DC, by supporting the fundamentally sound program offered by the United States Marshall's service. This program will apprehend violent criminals who flaunt the laws of our criminal justice system. As we move forward in our strategy to reduce index crime through fugitive apprehension and warrant service, we must keep in mind that a number of these individuals move about freely with no fear of being caught and no apprehensions concerning the commission of future crimes. Our combined efforts will gain the support and assistance of our communities and increase the fear and respect of our wanted fugitives towards our ability to find and bring them to justice.

As the Police Commissioner of a city that is being bludgeoned by fugitives who brazenly re-offend and brutally inflict the violence that drives our murder rate, I urge this committee to tender the assistance necessary to capture fugitives no matter where they seek refuge. Finally, on behalf of the 310 citizens murdered last year in Baltimore, on behalf of Sergeant Bruce Prothero who was killed in the line of duty by a fugitive, on behalf of the innocent citizens slain by wanted felons, I urge this body to assist in ending the chronic threat to public safety posed by fugitives.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 21st day of June, in the year Two Thousand.

EDWARD T. NORRIS, *Commissioner,*
Baltimore Police Department.

Senator THURMOND. Sheriff Sullivan. I want to ask you all to limit your statements to five minutes and that will give us a chance for questions. Thank you.

STATEMENT OF PATRICK SULLIVAN

Mr. SULLIVAN. Thank you, Mr. Chairman, for this important opportunity to speak to you today and testify before this distinguished committee about the U.S. Marshals Service and about the larger issue of fugitive felons. This is not my first occasion to testify before this committee. I am happy to be with you again today and discuss what the sheriffs view as an extremely important issue.

Mr. Chairman, as you know, NSA concluded its annual conference and exhibition yesterday. In fact, I left that conference early to be here to testify before this committee. We met in Kansas City, MO, for the past week, and aside from renewing old friendships and making new acquaintances, we addressed many of the issues and concerns of the office of sheriff. In fact, we spent a significant amount of time talking about fugitive felons and the backlog of warrants that paralyze law enforcement.

Aside from NSA's business, I am especially pleased to bring to you in the committee the greetings from all the Nation's sheriffs, and, Mr. Chairman, Sheriff Johnny Mack Brown sends his warmest regards and wishes you all the best.

I am Patrick Sullivan. I am the Sheriff of Arapaho County, CO, a county of about a half a million and suburban to Denver. I have been Sheriff for 17 years. I am post certified and work closely with all the sheriffs in Colorado to serve warrants and apprehend dangerous fugitive felons. I am also a member of the National Sheriffs Association's Executive Committee and Board of Directors. Additionally, I am the Chairman of the NSA's Congressional Affairs Committee.

I am here today to testify before this distinguished panel on the issue of fugitive felons. As you know, fugitive felons present a significant challenge for law enforcement. Every day, my warrant squad tracks fugitives and makes arrests to ensure that criminals are brought to justice.

Unfortunately, Mr. Chairman, the fugitive problem taps significant resources and manpower. After all, serving warrants is labor intensive. You cannot send the bad guy an e-mail or expect him to turn himself in to the booking facility, and you cannot send him a notice by registered mail and expect him to show up for court. You have to track them down and physically arrest them. You have to put on the handcuffs and transport them to jail. That process takes people, intensive investigations, and persistence. It is a rare occurrence to find fugitives on the first try.

The fact of the matter is that fugitives are fleeing from justice and that makes them dangerous. To combat this danger, the law enforcement response to fugitive felons manifests itself in many ways and the investigative effort drains valuable resources. The challenge is that while attracting fugitives and serving warrants, both vital functions of the office of sheriff, we must also respond to a myriad of calls for service. We must still provide patrol. We must still investigate other crimes and operate the county jail. We must do these other things that our constituents have elected us for.

Mr. Chairman, NSA strongly supports this legislation. We feel that the U.S. Marshals Service is the proper agency to help the

local sheriff find fugitive felons. They have nearly 2,500 deputies working but they need more, and that is where Congress can help. By authorizing these task forces as established in this legislation, deputy marshals will augment and support the missions of the deputy sheriffs. Together, we will be able to make significant progress in bringing fugitive felons to justice.

How do I know that the U.S. Marshals Service is the right agency to handle this project? Simply, 12 former sheriffs are now U.S. Marshals. Eight of the U.S. Marshals are formerly deputy sheriffs. Their law enforcement career contributed to their understanding of the mission of the sheriff in relationship to the U.S. Marshal. That means 20 out of the 94 marshals have direct experience in working with sheriffs and we can be sure that the job will be done right.

The U.S. Marshals Service needs a strong commitment from Congress to succeed. Enacting this legislation will help the U.S. Marshals Service, but the real battle is for adequate funding. That is why I am hopeful that we can reauthorize the Violent Crime and Control Reduction Trust Fund and we can find other sources of funding to back up this legislation.

At nearly 2,500 deputies, the U.S. Marshals Service is still understaffed, in my opinion. I would suggest that the committee strongly consider increasing the number of Deputy U.S. Marshals and giving them the tools to be effective Federal law enforcement officers. The U.S. Marshals Service is the Nation's oldest and largest law enforcement agency.

Mr. Chairman, we also support Senator Dorgan's bill that he discussed earlier for setting standards for the private transport of fugitives.

I am now available for questions. Thank you.

Senator THURMOND. Thank you.

[The prepared statement of Mr. Sullivan follows:]

PREPARED STATEMENT OF PATRICK SULLIVAN

Thank you, Mr. Chairman, for this important opportunity to speak to you today and testify before this distinguished committee about the United States Marshals Service and about the larger issue of fugitive felons. This is not my first occasion to testify before your committee and I am happy to be with you again today to discuss what the sheriffs view as an extremely important issue.

Mr. Chairman, as you know, NSA concluded our Annual Conference and Exhibition yesterday. In fact, I left the conference early so that NSA could be heard on what we feel is an important topic. We met in Kansas City, Missouri for the past week and aside from renewing old friendships and making new acquaintances, we addressed many of the issues and concerns of the Office of Sheriff. In fact, we spent significant time talking about fugitive felons and the backlog of warrants that paralyzes law enforcement.

Aside from the business of NSA, I am especially pleased to bring to you and the Committee the greetings of all of our Nation's sheriffs. And, Mr. Chairman, Sheriff Johnny Mack Brown sends his warmest regards and wishes you all the best.

I am Patrick Sullivan and I am the Sheriff of Arapahoe County, Colorado, a community of about a half million and suburban Denver county. I have been sheriff for the past 17 years. I am POST certified and work closely with all of the sheriffs in Colorado to serve warrants and apprehend dangerous fugitive felons. I am also a member of the National Sheriffs' Association where I sit on the Executive Committee and Board of Directors. Additionally, I am the Chairman of NSA's Congressional Affairs Committee, our largest.

I am here today to testify before this distinguished panel on the issue of fugitive felons. As you know, fugitive felons present a significant challenge for law enforcement. Every day, my warrant squad tracks fugitives and makes arrests to ensure that criminals are brought to justice. Unfortunately, Mr. Chairman, the fugitive

problem taps significant resources and manpower. After all, serving warrants is labor intensive. You can't send the bad guy an email and expect him to turn himself in to the booking facility. You can't send them a notice by registered mail and expect them to keep their court date. You have to track them down, and physically arrest them. You have to put the handcuffs on and transport them to jail. And that process takes people, intensive investigations and persistence. It is a rare occurrence to find the fugitive on the first try.

The fact of the matter is that fugitives are fleeing from justice and that makes them dangerous. To combat this danger, the law enforcement response to fugitive felons manifests itself in many ways and the investigative effort drains valuable resources. The challenge is that, while tracking fugitives and serving warrants, both vital functions of the sheriffs, we must also respond to the myriad of calls for serve, we must still provide patrol, we must still investigate other crimes, and we must do those things our constituents elected us to do.

Mr. Chairman, NSA strongly supports this legislation. We feel that the U.S. Marshals Service is the proper agency to help the local sheriff find fugitive felons. They have nearly 2500 deputies working, but they need more. And that is where Congress can help. By authorizing these task forces as established in the legislation, deputy marshals will augment and support the missions of deputy sheriffs. Together, we will be able to make significant progress in bringing fugitive felons to justice. How do I know that the USMS is the right agency to handle this project? Simple, 12 former sheriffs are now U.S. marshals and eight other Marshals were deputy sheriffs during their law enforcement career. That means 20 of the 94 Marshals have direct experience with sheriffs and their unique needs. We can be sure that the job will be done right.

The U.S. Marshals Service needs a strong commitment from Congress to succeed. Enacting this legislation will help the USMS, but the real battle is for adequate funding. That is why I am hopeful that we can reauthorize the Violent Crime Control Reduction Trust fund, and we can find other sources of funding to back up this legislation. At nearly 2500 deputies, the USMS is still under staffed, in my opinion. I would suggest that the committee strongly consider increasing the number of Deputy U.S. Marshals and give them the tools to be effective federal law enforcement officers. The USMS is the nation's oldest law enforcement agency. It is only fitting that they have the resources and manpower to carry out their mission and supplement the ability of state and local law enforcement officers. They do an excellent job with limited resources, but they have increasingly diverse missions and need more support. I know the sheriffs would support and benefit from an enhanced Marshals Service.

To give the Committee an example of the cooperation the bill espouses, Deputy U.S. Marshals worked with my investigators on a case just last month. Crack cocaine dealer, Edward Hickey, was wanted by my office, the Chicago PD, Aurora PD and Denver PD. This dealer was so bad that he even recruited kids to peddle his drugs and hold the narcotics while he completed the sale. A fugitive from justice, we have him linked to the sale of a minimum of 25 kilos of crack. Working together, with intense research and sound investigative techniques, we apprehended Hickey last month and he has been extradited to Illinois where he awaits his day in court. This is but one example of how we work hand in glove with the U.S. Marshals Service. We need this legislation and we need to address the chronic problem of fugitive felons.

In closing, Mr. Chairman, the National Sheriffs' Association strongly support this legislation and sheriffs across the nation would be among the first to utilize the fugitive task forces created by the bill. We look forward to working with you and the Committee to enact this measure and I am prepared to answer any questions the Committee may have. Thank you again for the opportunity to be with you this afternoon.

Senator THURMOND. Mr. Horton.

STATEMENT OF KEVIN HORTON

Mr. HORTON. Mr. Chairman, it is a privilege and honor to be here to talk about a topic I have spent 15 of my 23 years in the State police chasing fugitives. Being in the clean-up position, I am not going to try and reiterate basically what has been said in my report. I am going to try and sum it up as quick as I can.

It does not seem in the 15 years that much has changed. To catch fugitives, you need to make it a priority, you need commit-

ment, you need resources, and you need manpower, and that is why we are all here today. There is no better agency in the country to head up this program than the U.S. Marshals. They are the premiere fugitive investigators in the country.

Last year, I recently sat in at a meeting at the State level, as I am sitting here today, facing the same problems we are talking about at the State level. What came out of that meeting was in the State of Massachusetts, we have over 300,000 warrants outstanding right now. Out of those, 80,000 are felony warrants. Out of those, 40,000 are violent felony warrants. So you can imagine, after that meeting, it very quickly became a priority through the governor and the secretary. We then established a task force with the State police, the Department of Corrections and the local departments. Byrne grants were gotten very quickly and we established our own task force because the priority was given. The commitment was given to do something about warrants.

Since the task force was established in August 1999, arrests have increased 127 percent and our clearance of warrants have increased 140 percent. Again, manpower and resources, Mr. Chairman.

I can give you examples in my report, as the other board members have, of fugitives on the run. Fugitives kill people. I give an example of two police officers that were killed in Massachusetts by people who had warrants, a 10-year-old boy who was raped and murdered by an individual who had 75 warrants on him, a young lady whose ex-boyfriend killed her, also wanted for violent felonies. We can go on and on and on. A 12-year-old girl who was molested by a sex offender who had felony warrants on him.

The problem is resources, manpower, and commitment, Mr. Chairman, and the marshals, without a doubt, are the people to handle that problem.

The only other thing I would like to say is the most significant change we have had in the apprehension of fugitives that I have seen in my 15 years is the advent of the Welfare Reform Act in 1996. What this did is it opened the eyes of Federal and State governments that we are subsidizing criminals. What we did in 1997 with the first cross-match of the welfare records in Massachusetts against the felony warrants in Massachusetts and came up with 14,000 hits of people collecting some type of government aid who are wanted. We put into action Operation Welfare Sweep and we targeted 1,900 of those which were violent felons. We arrested 563 in 30 days. Four hundred turned themselves in and 900 were taken off the rolls because they have warrants.

We then did a similar operation with New York City and we did a similar operation with Connecticut, which shows that the State governments and the Federal Government is subsidizing criminals. We need to get access to databases and we are trying to pass legislation in Massachusetts as we speak to get us at the Department of Revenue, Department of Employment and Training.

One of the topics that is always big in this country is deadbeat dads. Well, deadbeat dads, and rightfully so, it has to be done. But deadbeat dads are now done by the Department of Revenue. The Department of Revenue has access to thousands and thousands of records throughout the country which law enforcement cannot le-

gally get. So they are chasing deadbeat dads and have access to records. We are chasing murderers, rapists, and armed robbers and we cannot get the data. It is there.

I thank you for your time, Mr. Chairman.

[The prepared statement of Mr. Horton follows:]

PREPARED STATEMENT OF KEVIN M. HORTON

1. It is an honor and privilege to be able to address the subcommittee on such an important issue. It is an issue that I have dealt with for over 15 years of my 23 year career in law enforcement. The commitment to the apprehension of fugitives has never been a consistent priority with most states and local police departments. It has been my experience, at the State and Federal level that budgetary constraints often hinder the amount of resources that are dedicated to Fugitive Apprehension. For example, the Massachusetts State Police Fugitive Section, which started with five (5) officers in 1985, research a high of sixteen (16) officers in the early nineties and dropped to six (6) officers in 1996. In 1999 the Massachusetts State Senate Committee on Post Audit and Oversight, released a report on "Warranting Improvement: Reforming the Arrest Warrant Management System". The report indicated that there is a backlog of more than 300,000 outstanding arrest warrants, an amount that is growing by 5,000 warrants per month. Almost two-thirds of the arrest warrants are default warrants that are issued as result of an individual failing to appear for court or failure to comply with court ordered sanctions. Apprehension on these warrants is usually a result of random encounters by police with wanted people during routine traffic stops. As a result of the subcommittee report the Governor of Massachusetts, Paul Cellucci, through the Secretary of Public Safety, Jane Perlov made Fugitive Apprehension in Massachusetts a major priority and created the State Police, Violent Fugitive Task Force. The Secretary also acquired a "Byrne" grant to administer the Task force. Of the 300,000 warrants currently in the system, the Task Force concentrates on the most violent wanted individuals which comprises approximately 35,000 warrants. Our top priority is to identify and arrest the most violent criminals. These individuals by virtue of their life-styles are career criminals and responsible for committing multiple crimes. It is our experience that their arrest and incarceration significantly reduce the crime rate within the state. Several studies have shown that approximately 10 percent of criminals are responsible for the majority of crimes committed and that getting these people off of the street has a strong crime-reduction impact. Also added to the Task Force priorities were individuals with multiple arrest warrants. The Task force now concentrates on individuals with ten or more warrants. Several cases have brought to light the need for more enforcement in this area. Here are some examples of people with outstanding warrants that continue to commit serious crimes while they were at large:

In February 1994, Boston Police Officer Berisford Anderson was shot and killed by Dalton Simpson, who was wanted on default warrants at the time of the shooting. Simpson was wanted for Assault w/intent to Murder, Possession of Firearm (2cts.), and Discharging a Firearm.

In October 1997, ten year old Jeffrey Curley of Cambridge was brutally murdered by Charles Jaynes, who was wanted on 75 outstanding arrest warrants from 18 District Courts at the time of the murder.

In October 1997, Annie Glenn was shot and killed in front of her three children by Richard Kenney, an ex-boyfriend who was wanted on outstanding warrants for possession of cocaine and receiving stolen property.

In November 1997, New Jersey Police Sergeant Patrick King was shot and killed by Deon Baily, who was wanted for assault & battery w/dangerous weapon, assault & battery, and violating probation.

In June 1998, Gilberto Sanchez, a convicted sex offender, sexually molested a 12 year old girl after climbing through her bedroom window. Sanchez was wanted on six outstanding warrants for crimes such as assault & battery, violating a restraining order, and defaulting on drug charges.

2. The problems with warrant apprehension have not changed much in the fifteen years I have been in the business. In order to effectively deal with warrant management, a commitment to deal with the problem has to be made. This commitment has to be maintained over time because warrants will never cease to exist; however they can be effectively managed to lessen the negative impact on society. It is a long term commitment to this process that is required. Once warrant apprehension is made a priority then you need RESOURCES AND MANPOWER! Since the advent of the Task Force in Massachusetts in August of 1999, our arrests have gone up 127 percent and our clearance of warrants has gone up 140 percent. The number

one resource is always money, but just as important is the networking of agencies like the United States Marshals Service, a national leader in Fugitive investigations. Fugitive apprehension training and techniques used by the Massachusetts State Police Fugitive Section were developed and taught by USMS. Administrative subpoena authority granted to the USMS, as is currently available to the FBI and DEA, would aid all law enforcement in the pursuit of fugitives and would make available additional manpower to devote to apprehensions.

3. Without a doubt, the most significant change, in the way we apprehend fugitives has been the "Welfare Reform Act of 1996." This legislation finally brought to light the fact that State and Federal governments were subsidizing wanted criminals. In 1997 the first computerized "Cross-Match" of databases in Massachusetts of our felony warrants against the state welfare rolls produced 14,000 matches of wanted people collecting some sort of government aid. Of the 14,000 individuals wanted on felony warrants, approximately 1900 were wanted for violent crimes. In August of 1997 Operation "Welfare Sweep" was conducted targeting the 1900 individuals wanted for violent crimes, using the information supplied by the state welfare department. The operation lasted 30 days resulting in the arrest of 563 people. Over 400 people turned themselves in to the courts for disposition, and over 900 individuals were taken off the welfare rolls until their warrant(s) were cleared. In 1999 we initiated "Operation Clean Sweep" which entailed sending our felony warrants to New York City to "Cross-Match" against their welfare rolls. It produced 385 matches of which 90 were authorized for rendition. Thirty six individuals authorized for rendition were located and taken into custody. Notable arrests in New York included subjects wanted for Rape, Rape of a child, Armed Assault to Murder, and Illegal Possession of a firearm. The remaining wanted individuals were removed from the welfare rolls in New York until they cleared their warrants in Massachusetts. We then reversed the process with New York City and matched our welfare records against their felony warrants. An additional one hundred and forty four matches were identified. The same process was done with the State of Connecticut with one hundred thirty five matches identified. We are attempting to pass legislation in Massachusetts that will provide law enforcement the ability to "Cross-Match" data bases with the Department of Revenue and the Department of Employment and Training. Even at the Federal level, although some measures have been taken with Social Security, SSI, and Food Stamps, more has to be done to make it easier to obtain "Cross-Matching" information. The administrative subpoena authority granted the USMS would solve some of these problems. At both the federal and state levels, we have to stop subsidizing wanted felons with tax payers money.

4. Over the years the USMS have run several Task Force operations, one of which was called F.I.S.T. back in 1984. This operation brought to light the serious problem that Massachusetts had with warrants. This program also resulted in the creation of the Mass. State Police Fugitive Section as we know it today. Other Task Force Operations over the years such as "Operation Sunrise, Operation Trident" and "Operation Gun-Smoke" have also proven successful. From the knowledge learned through these operations, the Mass. State Police Fugitive Section has adopted what we call today "Warrant Sweeps". These "Warrant Sweeps" target the top 20 cities that have the most violent felony warrants. We then coordinate with the local police departments and conduct early morning raids. These "Warrant Sweeps" have proven very successful and although you are dealing with the lesser felony charges, assault & battery etc., they clear a larger amount of warrants in a short time. With access to the previously mentioned welfare data bases we were able to increase our arrest rate from 1 in 10 to 4 in 10. With the added manpower resources and monies supplied by the USMS we can surmise that the Fugitive Apprehension Act of 2000 could only improve our apprehension rate.

5. I believe if we are ever going to get ahead of the curve in fugitive apprehensions, we need the resources and cooperation of all facets of government, both federal and state. Not just law enforcement agencies, but agencies that control the data have to participate in the sharing of information. We ask only that they return information that is relevant to the apprehension of wanted violent felons. I can't stress enough that we must stop subsidizing wanted fugitives and aid in their escape from justice. We must also get the courts, district attorney's office, department of corrections, probation departments and parole agencies involved as we have in Massachusetts. All working together to hold these fugitives on bail and supervise and detain these individuals which create a threat to society. Without full cooperation between all agencies we will be in the same sinking ship 10 years from now, trying to figure out the same questions we are trying to answer today. An example in Massachusetts of not getting support from Government is the issue of "dead beat dads". It is a high profile priority in most states and rightly so. Investigators from the Department of Revenue have access to millions of records throughout the state

and country. These records are unavailable to law enforcement personnel who could be looking for more serious offenders such as murders, rapist, and armed robbers. We are attempting to rectify this problem but in the meantime more innocent parties will be victimized while we wait. The legislative bill filed in Massachusetts is asking these state agencies to allow us to supply data to them (wanted felons). All we are asking is that they return data to us if the wanted individual is in their system.

6. Another very serious growing trend in this country is the ability for fleeing felons to obtain false identification and assume the identity of another person. I see this as the next major obstacle in the apprehension of fugitives. It is estimated that in the state of Massachusetts there are thousands of counterfeit or illegally obtained drivers licenses and identification cards. We can surmise that a large majority of these false identifications are used by wanted fugitives. We have investigated several cases in Massachusetts which leads us to believe that there is a major problem with this type of activity. At present you can go to the internet and order a drivers license from any state in the country. There are also internet sites and books available which give step by step instruction on how to change your identity. One investigation in Massachusetts revealed that gang members were using falsely obtained drivers licenses to change their identity, because of past crimes they had committed. This is where the Social Security Administration and Supplement Security Income (SSI) can play a key role in validation of Social Security numbers and fraud. Although Social Security and SSI are cooperative on a case by case basis we need more use of computerized "Cross-Matching" of databases to get a better picture of the real problem.

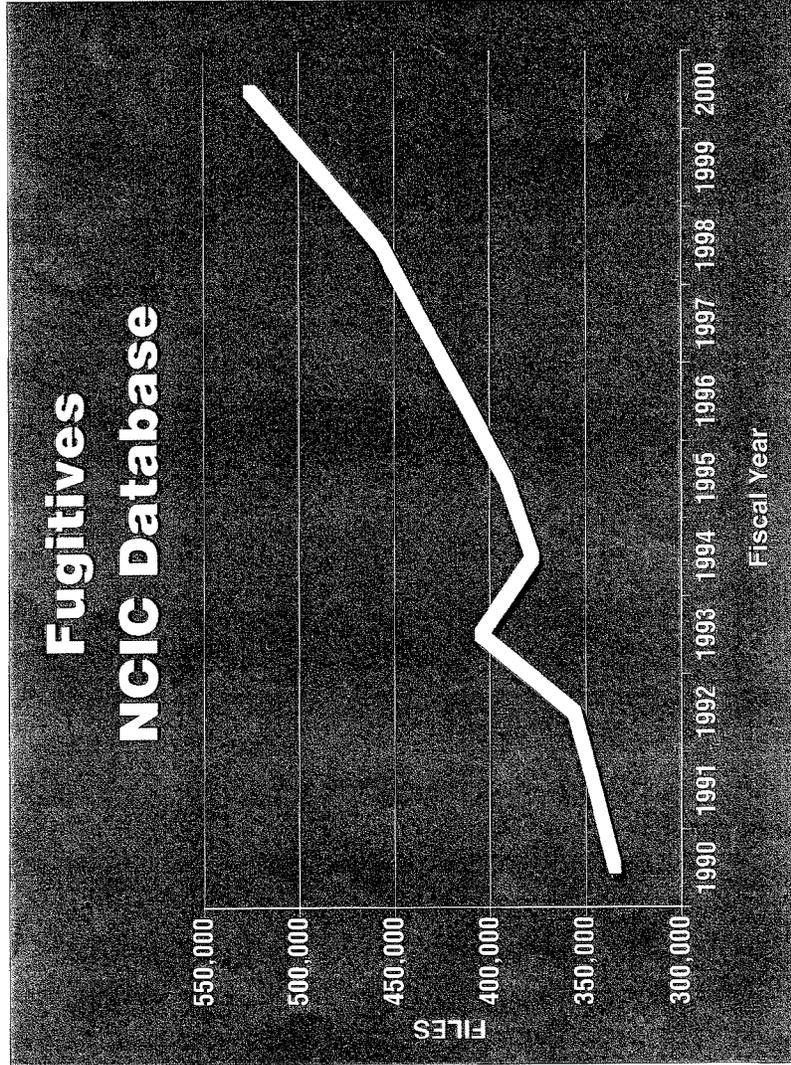
7. I have been on the board of directors of the National Association of Fugitive Investigators (NAFI) since its inception in 1991 where we began with the states of South Carolina, Georgia, New York and Massachusetts. NAFI was incorporated in South Carolina in 1994. The USMS played a large part in our formation by providing their expertise in the field of Fugitive Investigations. This year will be our 10th anniversary and we are returning to Charleston, South Carolina where it all began. We have grown to over 600 members, representing 45 states, consisting of State, Federal, Local and Sheriff agencies across the country. The main purpose of the association was to increase our networking nationwide. The networking obtained at these conferences has proven to be another major tool in the apprehension of fugitives. The reason for our success is that these officers know the value of talking to someone who does fugitive investigations on a full time basis. The other valuable asset of the conference is the knowledge sharing that takes place, and the new ideas that are brought forward in the apprehension of fugitives. The referral cases for fugitives out of state have increased ten fold since the associations formation. We now have the networking capabilities to contact state, local, and federal agencies throughout the country and know our case will be in competent hands.

8. In closing I will reiterate the basis for a successful fugitive apprehension program. First and foremost you must make it a priority. Most state and local departments just don't have the ability to do this because of manpower and resources available. Second, we need the resources to do the job right. This means appropriations for personnel and equipment, but also means the cooperation of all law enforcement and non law enforcement entities in the state, i.e., Administrative Subpoena Powers, computerized "Cross-Matching" abilities, the cooperation of the District Attorneys, Probation, Parole, Corrections, and all state agencies that can contribute to the goal of fugitive apprehension. We must stop subsidizing wanted criminals in this country. Lastly, we do not lack the initiative, dedication, and commitment of our law enforcement people, however we do lack a few tools that would make us more effective.

"HE ESCAPES WHO IS NOT PURSUED"—Sophocles

Respectfully, submitted,

KEVIN M. HORTON, *Detective Lieutenant, Massachusetts State Police,
Violent Fugitive Apprehension Section.*



Senator THURMOND. I see that we have a vote on. We will have about 5 or 10 minutes for questions.

Marshal Brooks, I understand that the fugitive task force in South Carolina has been very successful. Could you explain how you have addressed the fugitive there and what lessons you have learned that other jurisdictions could apply to assist their efforts?

Mr. BROOKS. Senator, I think the task force in South Carolina has been very successful because we have had 46 counties in that State, we have had deputization of officers that help out our task force.

Some of the lessons that we have learned in working on State, Federal, and local warrants is that we need to adapt to the participating agencies while addressing the needs of the U.S. Marshals Service.

Another area that might be of concern is, Senator, that I would encourage that the initial steps for agencies considering sponsoring a task force, they need to outline a collective spending plan while defining the memorandum of understanding between agencies. This would allow each agency to define their responsibilities well and determine all available resources that may be utilized before the operation is up and running. This would include, but not limited to, manpower, equipment, vehicles, and training.

But I think one of the most important, and the last one that I would caution you on, is the ultimate result of the task force participation is best achieved when no one agency is attempting to be the superior agency and they all should work together without getting one agency to say that they are tops. Thank you, sir.

Senator THURMOND. Thank you. Mr. Norris, how serious is the fugitive threat in Baltimore and do you find that fugitives often commit additional crimes before they are caught?

Mr. NORRIS. Yes, Mr. Chairman. The threat to the citizenry of Baltimore is extraordinary. As you stated in your opening remarks, there are about 60,000 open warrants in our city, which is one of the most violent in the country. Unfortunately, we do not know how many crimes they commit as they remain unapprehended. However, we know they do not retire and go drive a truck for UPS. They continue to do whatever they were doing prior to being caught the first time. So the threat is enormous to our citizens and speed is everything. If we catch them within the first week, 2 weeks, 3 weeks, you save that many more crime victims if the person does not go unapprehended for several months.

Senator THURMOND. Thank you. Sheriff Sullivan, do the sheriffs share statistics and communicate to learn from each other innovative ways to track and prioritize future apprehensions?

Mr. SULLIVAN. The most innovative and most productive way is through task force operations, where we share the personnel, share the technology, and in some cases some have better technology than others. But by going into a task force operation, we can share that technology, skills, and ability and be far more effective. So, yes, we try to innovate and share as much as we can.

Senator THURMOND. Lieutenant Horton, we see that the focus of law enforcement seems to change from time to time. Drugs, organized crime, and gangs are all recent examples. It seems that fugi-

tives are a major component of all of these problems. Would you agree that controlling fugitives helps control all these problems?

Mr. HORTON. Mr. Chairman, I think without a doubt, every gang unit, every organized crime unit that is out there, one of their primary ways of getting these people is through warrants, through warrant apprehension. With the establishment of task forces to look into all these situations, you will see that most of them have got long criminal histories, have all got default warrants. They would be a major, major way to get these people.

Senator THURMOND. This question is for all of you, and do not elaborate, just answer, because time is about up. Do you find the assistance of the Marshals Service to be vital to your efforts to apprehend fugitives?

Mr. BROOKS. Yes, sir, I do.

Mr. NORRIS. Yes, I do, sir, very much so.

Mr. SULLIVAN. Yes, sir. They have been great partners for the sheriffs of this country and were pretty helpful at one time when we were able to use the U.S. Marshals airlift, but that has kind of disappeared because of the press of business.

Mr. HORTON. Yes, sir. Most of the training and techniques that we incorporate in the State police are from the U.S. Marshals.

Senator THURMOND. Before we close, I would like to ask unanimous consent to place in the record a statement from the Federal Bureau of Investigations.

[The prepared statement of the Federal Bureau of Investigations follows:]

PREPARED STATEMENT OF ANDREAS STEPHENS, ON BEHALF OF THE FEDERAL BUREAU OF INVESTIGATION

Mr. Chairman and Members of the Subcommittee I am privileged to have this opportunity to provide this written statement regarding the need for administrative subpoena authority in furtherance of fugitive investigations. Unfortunately, the FBI is all too aware of the dangers fugitives present to law enforcement and the public. FBI Agents pursue and apprehend armed and dangerous fugitives on a daily basis. On one tragic day in May 1995, Special Agent William Christian, Jr., was shot and killed while conducting a surveillance to apprehend a murder fugitive. The subject subsequently killed himself. Within the past month, two prisoners, serving sentences for violent crimes escaped from prison in Mississippi. The prisoners led FBI Agents, working with other law enforcement agencies, on a nationwide search, prior to being apprehended in Indiana. In order to avoid apprehension, the fugitives are alleged to have bound, gagged and robbed an elderly couple in Mississippi, "hog-tied", assaulted and robbed a man in West Virginia, robbed a man in Indiana and fired at law enforcement officers who attempted to apprehend them.

Understanding the risk to law enforcement and the public, the objective of FBI fugitive investigations is to effect the swift location and apprehension of all FBI fugitives, particularly those wanted in connection with crimes of violence, substantial property loss or destruction, illicit drug trafficking, terrorism, and parental abductions. Through its 56 field offices, in addition to 35 Legal Attache offices throughout the world, the FBI has an extensive network available to support fugitive investigations. The FBI employs its entire arsenal of investigative techniques to locate fugitives, who have developed increasingly sophisticated methods to avoid apprehension. Fugitive investigations are manpower intensive and can require extensive time to resolve. For example, the average duration of an investigation to locate and apprehend a fugitive on the FBI's Ten Most Wanted List is 316 days.

Our fugitive investigations have become increasingly difficult and complex as options for communications services have become so varied. These complexities require intensive coordination between international law enforcement agencies, the business community and the public. If a law providing administrative subpoena authority in fugitive investigations is passed, federal law enforcement will gain a valuable tool in assisting state and local law enforcement to locate and apprehend violent fugitives. Many organizations and businesses refuse to provide law enforcement with in-

formation due to liability concerns. Businesses including telephone companies, apartment buildings, hotels and landlords often maintain records that are crucial to the expeditious apprehension of a fugitive and would not object to releasing the information contained within their records, with the protection of a subpoena.

Any legislation should guarantee that this limited subpoena authority is not misused. Approval authority should be set through guidelines issued by the Attorney General. Records sought should be relevant or material, and facts should exist that demonstrate that the records sought are likely to provide information regarding the location of the fugitive. Finally, administrative subpoenas must comply with rules and regulations established under existing statutes, such as Title 18 U.S.C. § 2703 and Title 12 § 3402.

The FBI has statutory authority to investigate fugitive matters wherein the fugitive has fled the state's jurisdiction to avoid prosecution or confinement. This authority is given to the FBI in Title 18, U.S.C. § 1073, Unlawful Flight to Avoid Prosecution (UFAP). This statute prohibits "persons from moving or traveling in interstate commerce in order to avoid prosecution, confinement, or service of process in connection with felonies under the laws of the place from which flight is taken." Violations of Title 18 U.S.C. § 1073 may be prosecuted only upon formal approval in writing of the Attorney General, Deputy Attorney General, Associate Attorney General or Assistant Attorney General. Per DOJ policy, no indictment may be sought and no information may be filed, nor any criminal proceedings be instituted under Rule 40, Federal Rules of Criminal Procedure without the approval of the Assistant Attorney General, Criminal Division. Because Federal Grand Jury Proceedings against subjects of UFAP investigations are extremely rare, Federal Grand Jury subpoenas are generally not used in UFAP investigations. The only available mechanisms are the All Writs Act, court orders, and state and local subpoenas. These options are often cumbersome in effectively responding to modern fugitive investigations. For each new record sought, investigators must halt the investigation in order to draft affidavits, travel to meet with prosecuting attorneys, and interrupt the duty magistrate before serving the order.

A recent example of a fugitive investigation in which administrative subpoena authority would have assisted investigators is the search to apprehend H. Rapp Brown, also known as Jamil Abdullah Al-Amin. On March 16, 2000, two Fulton County Sheriff's deputies were shot while attempting to arrest H. Rapp Brown, who was a fugitive charged by local authorities with impersonating a police officer. As the two deputies approached Brown's grocery store in Atlanta's West End, the deputies were engaged by gunfire. Both deputies were struck by projectiles from an M-16 rifle. Deputy Ricky Kinchen died as a result of his injuries. H. Rapp Brown was charged with shooting the deputies. The Fulton County Sheriff requested the assistance of the FBI in locating and apprehending Brown. The USMS service also offered to assist in the investigation. For the next five days, investigators worked around the clock to locate Brown. Investigators believed that Brown was using a cellular phone to contact associates in order to flee the country. On March 20, 2000 investigators tracked Brown to the area of Mobile, Alabama. As FBI Agents and Deputy U.S. Marshals narrowed the search for Brown, they were fired upon. A perimeter was established and Brown was apprehended without further incident.

This significant investigation was delayed due to the lack of administrative subpoena authority. In order to locate Brown, FBI Agents repeatedly had to return to a U.S. Magistrate in order to obtain court orders for subscriber information and toll records. Because cellular phone companies, like Internet service providers, often sell blocks of numbers to smaller companies, Agents were forced to weave through multiple layers of bureaucracies in order to locate Brown.

The FBI and USMS are the primary DOJ components responsible for apprehending fugitives. The FBI and USMS participate in working groups with other law enforcement agencies including the U.S. Immigration and Naturalization Service, Department of Justice, Office of International Affairs, and the Department of the Treasury. These working groups aid in coordination of investigations, and minimize investigative overlaps.

In 1992, the FBI's Safe Streets Task Forces (SSTF) were initiated to address the increasing violent crime problem which was overwhelming state and local law enforcement. There are currently 60 FBI lead task forces involved in the apprehension of fugitives. Of these 60 task forces, 25 are exclusively fugitive task forces. Through the early establishment of fugitive task forces, the FBI has been able to establish the professional bonds necessary to work with local authorities in violent crime matters. The "Safe Streets" initiative was designed to allow the Special Agent in Charge (SAC) of each FBI field office to address violent crime, street gangs and drug related violence, through the establishment of FBI sponsored, long term, proactive task forces focusing on crimes of violence and the apprehension of violent fugitives.

Although the initiation of formal FBI fugitive investigations involving state and local fugitives are conducted through the Unlawful Flight process, the USMS can initiate fugitive investigations pursuant to special apprehension programs (such as Fugitive Investigative Strike Teams and Warrant Apprehension Narcotics Teams) and other special situations approved by the Associate Attorney General, pursuant to 28 Code of Federal Regulations § 566. If state or local authorities request the assistance of the USMS in locating or apprehending a fugitive and it is determined that the fugitive is the subject of an FBI warrant, the USMS refers the requesting agency to the FBI for assistance and notifies the FBI of the request by the state or local authority.

By order of the Attorney General and memorandum of Understanding, the FBI and USMS have distinct fugitive apprehension responsibilities. The FBI has apprehension responsibility for all arrest warrants issued as a result of FBI investigations. In FBI led multiple agency task force investigations, the FBI retains apprehension responsibility. In the event of a bond default, the FBI maintains apprehension responsibility for all FBI fugitives, at all times prior to an adjudication of guilt. Although the USMS generally has apprehension responsibility in cases involving violations of the Federal Escape and Rescue Statutes, upon written notification to the USMS, the FBI has exclusive apprehension responsibility at any stage of any case involving an existing FBI Foreign Counterintelligence, FBI Organized Crime, or FBI Terrorism investigation. Additionally, the FBI may assume responsibility in any case in which the FBI is seeking the fugitive on an arrest warrant based on charges filed by the FBI for an additional offense beyond the charge for which the subject is a fugitive.

As previously indicated, the FBI has statutory authority to investigate fugitive matters wherein the fugitive has fled the state's jurisdiction to avoid prosecution or confinement, under Title 18 U.S.C. §§ 1073 and 1074. In exercising its jurisdiction, the FBI does not seek an Unlawful Flight warrant when the USMS is already seeking the fugitive as an escape, probation/parole, mandatory release, or bond default violator. Similarly the FBI does not seek an Unlawful Flight warrant against any fugitive already sought by the USMS pursuant to the Federal Escape and Rescue statutes. The FBI notifies the USMS of any state or local requests for Unlawful Flight assistance in the above situations. The FBI also notifies local or state authorities when the USMS is already seeking that person. The above provisions do not preclude the USMS from providing available information to state and local law enforcement agencies regarding fugitives being sought by their jurisdictions.

In furtherance of all FBI investigative responsibilities, the FBI has arrested a total of 133,094 individuals during FYs 1995–1999. Of these arrests, 65,359 were arrested for Unlawful Flight to Avoid Apprehension, in furtherance of the FBI's fugitive program designed to assist local authorities in the apprehension of interstate and international fugitives.

Every FBI subject of an investigation that becomes a fugitive is entered into the National Crime Information Center (NCIC) computer system. During Fiscal Years (FY) 1995–1999, the FBI pursued 27,981 fugitives. Of the fugitives entered between 1995 and 1999, all but 4,545, have been removed from NCIC, as a result of arrest or dismissal of process. Currently, the FBI has a total of 7,269 outstanding federal warrants obtained as a result of FBI investigations. Additionally, 60 FBI sponsored task forces are currently conducting approximately 1,883 preliminary inquiries regarding state and local fugitives for evidence of interstate flight. These fugitives are wanted by state and local authorities for violent crimes such as rape, robbery and homicide.

These figures do not include the many instances in which FBI efforts led to the arrest of a fugitive even where the FBI does not actually arrest the fugitive. Through the NCIC system, the FBI assists other law enforcement agencies with the identification fugitives. FBI liaison with law enforcement and the media is a vital component in the fugitive apprehension process. In cases in which FBI fugitives are located in a foreign country, the FBI Legal Attache, assigned to the host nation, coordinates closely with the Department of Justice, Office of International Affairs, United States Immigration and Naturalization Services, and the Department of State to effect the arrest and extradition of the fugitive. Once extradition has been authorized, the United States Marshals Service is generally responsible for the physical return of the fugitive to the United States.

The USMS and the FBI have distinct responsibilities with respect to the location and apprehension of fugitives sought in the United States by a foreign government. The FBI has location and apprehension responsibility for a foreign fugitive whenever the fugitive, or the organization of which he is a current member, is the subject of an existing FBI Foreign Counterintelligence, FBI Organized Crime, or FBI terrorism investigation; whenever the FBI is seeking the fugitive on an arrest warrant

for a Federal offense; whenever the fugitive is the subject of an FBI investigation which it is currently conducting at the request of the foreign government concerned; and whenever a referral has been made exclusively to the FBI through one of its 35 Legal Attache offices. A recent example of the effectiveness of the FBI's Legal Attache program is the arrest of Andras Lakatos. Through liaison with the FBI Legal Attache in Vienna, Austria, a provisional warrant authorizing the arrest of Lakatos was issued. Lakatos was charged by Hungarian authorities with racketeering and fraud, and was considered to be one of Hungary's top fugitives. FBI Agents coordinated an international effort to locate Lakatos. On June 8, 2000, FBI Agents in Miami, Florida arrested Andras Lakatos after he arrived on a flight from Las Vegas, Nevada.

In order to improve its effectiveness in apprehending international fugitives, the FBI's participation in Interpol has greatly expanded in recent years. By redesigning applications, the FBI has established a mechanism to obtain Interpol international fugitive notices for significant fugitive cases. Through participation in Interpol, the FBI has greatly supplemented the efforts of the legal attache offices to assist in fugitive investigations.

Some of the resources utilized by the FBI to generate publicity to aid in locating and apprehending fugitives include: Identification Orders (distributed worldwide); Wanted Flyers (distributed worldwide); Circular Letters (distributed to a substantive region of the country); Internet: FBI Website: FBI.GOV (international); and Television Media: America's Most Wanted, Unsolved Mysteries, 20/20 and international new sources. INTERPOL; Radio: Voice of America; National Crime Information Center database; and FBI rewards program (including \$50,000 for information leading to the arrest of Ten Most Wanted Fugitives). Public Source data base; Foreign Fugitive Database; and Department of Justice/Office of International Affairs.

The FBI's Identification Orders, Wanted Flyers and Circular Letters are distributed to approximately 60,000 recipients around the world. A recent survey reflects that these flyers directly assist in locating fugitives in approximately half the cases sampled. The use of television media and the Internet have greatly expanded the ability of the FBI to circulate information regarding the FBI's fugitives. The most visible resource employed by the FBI is the Ten Most Wanted List. Since 1995, approximately 60 fugitives featured on Wanted Flyers and Identification Orders have been apprehended, including 15 Ten Most Wanted fugitives. ABC News recently produced a documentary recognizing the 50th anniversary of the creation of the Ten Most Wanted List, which aired in March, 2000.

TOTAL FBI APPREHENSIONS FOR FY 1995-1999

Fiscal year	Number of arrests
1999	25,066
1998	27,114
1997	26,331
1996	27,125
1995	27,458
Total FBI apprehensions	133,094

FBI UNLAWFUL FLIGHT APPREHENSIONS FOR FY 1995-1999

Fiscal year	Number of arrests
1999	10,633
1998	12,228
1997	12,886
1996	14,357
1995	15,255
Total FBI unlawful flight apprehension	65,359

Mr. Chairman, and members of the Subcommittee, I would like to thank you for giving me the opportunity to provide this written statement to you regarding this very significant matter. Crime surveys reflect that fugitives from justice are likely to continue criminal activity in order to avoid apprehension. Violent fugitives pose a serious and continuing threat to public safety. In recent years, fugitives have be-

come more sophisticated and more violent. The expansion of the Internet and globalization of world economies has made it possible for criminals to easily obtain fraudulent identification documents which allow them to cross international boundaries in order to avoid apprehension. Law enforcement officers need evolving investigative techniques in order to execute their duty to protect and serve the public. By providing federal law enforcement with administrative subpoenas, you will greatly enhance our ability to fulfill that duty. We look forward to working with all members of the Subcommittee throughout the legislative process.

Senator THURMOND. I would also like to place in the record a statement from the Fraternal Order of Police.

[The prepared statement of the Fraternal Order of Police follows:]

PREPARED STATEMENT OF GILBERT G. GALLEGOS, ON BEHALF OF THE FRATERNAL ORDER OF POLICE

Good afternoon Mr. Chairman, Senator Schumer, and members of the Subcommittee; it is an honor to appear before you again. My name is Gilbert G. Gallegos, and I am the National President of the Grand Lodge, Fraternal Order of Police. With over 290,000 members, the F.O.P. is the largest law enforcement labor organization in the nation. I am appearing before you today on an issue which is of the utmost concern to law enforcement at every level of government. And as the title of this hearing suggests, it is one which poses an ever increasing threat to law enforcement and public safety.

The problem of fugitives from justice in Federal and State felony cases is one which exacts a heavy toll on law enforcement's ability to reduce crime in our communities. While we can all be proud of the years of continuous decline in the overall crime rate, we have not seen a corresponding reduction in the number of fugitives across the country. In fact, the exact opposite has occurred. There are currently over 500,000 fugitives from justice entered with the National Crime Information Center (NCIC); a number estimated to be only 20 percent of all outstanding State and local felony warrants. These are often desperate individuals who will do everything in their power to avoid apprehension, and who continue to commit additional crimes while at-large.

In addition, criminals and fugitives are becoming more adept at using the latest technology to change their identities. Just last month, the Washington Post reported on the story of Robert Crutchfield, a convicted murderer from the D.C. area and a fugitive from justice for more than twenty-five years. Crutchfield obtained a new driver's license and identity, enabling him to disappear until he was arrested earlier this year in Denton, North Carolina by what the newspaper described as "pure chance". And with the ability to create a new identity becoming increasingly easier, the number of individuals and the length of time they can successfully remain fugitives will no doubt continue to increase.

The U.S. Marshals Service is the lead Federal law enforcement agency in tracking down and apprehending these dangerous individuals. They are responsible for the arrest of more fugitives than any other agency, with roughly 30,000 captures per year. However, with the current resources available to the Marshals Service, and the increasing number of fugitives, they face a difficult task. To try and stem this tide, the Marshals have been working with State and local law enforcement in jointly fugitive apprehension task forces across the United States. First established as short-term operations such as Operations Sunrise and Gunsmoke I and II, the Marshals Service currently operates permanent multi-agency task forces in over 150 communities. By pooling intelligence and resources, these cooperative efforts have increased the effectiveness of law enforcement in locating and apprehending these individuals.

The successes of the fugitive task forces have proven that this is a program that works, and one which should be supported and expanded to other parts of the country. That is why the Fraternal Order of Police is proud to join you, Mr. Chairman, and Senator Biden in support of S. 2516, the "Fugitive Apprehension Act of 2000." The primary result of this legislation will be an added focus on capturing fugitives while providing other law enforcement agencies with the tools they need to effectively reduce the number of these individuals roaming our streets.

First and foremost, S. 2516 would provide the Marshals Service with the resources they need to establish additional permanent Fugitive Apprehension Task Forces and supplement the funding available to existing operations. The cooperation between the Marshals and other Federal, State and local agencies has proven to be an effective approach to reducing the number of fugitives in the jurisdictions where

they currently operate. They combine the expertise and intelligence capabilities of the Marshals Service with their personnel and assets of other law enforcement agencies, and provide specialized training in fugitive apprehension to State and local law enforcement personnel.

Not only will the legislation increase the personnel and assets dedicated to the apprehension of fugitives, it will also provide law enforcement with the legal resources necessary to quickly act on information regarding their whereabouts. To do so, section (3) of the bill amends current law to provide for administrative subpoena authority in fugitive investigations. Currently available to the Justice Department in controlled substance-related criminal investigations and administrative proceedings, S. 2516 also contains important safeguards to prevent the abuse of this important provision. In any investigation involving a fugitive from justice, the ability to act quickly on information about that individual's location is paramount to a successful apprehension. Delay for even a few hours can make the difference between capture and the further flight of these dangerous individuals. Access to the records available under the administrative subpoena authority provided to the Attorney General would be of tremendous assistance in helping to locate the fugitive.

In addition, this section further allows Federal law enforcement to issue an administrative subpoena to assist their State and local counterparts in the apprehension of State fugitives when they affect interstate commerce or when there is a request for assistance from the appropriate state official. This provision is essential to assisting State and local law enforcement locate and apprehend fugitives who cross State lines to avoid capture, and to the proper functioning of regional, multi-agency fugitive apprehension task forces.

The problem of fugitives from justice is one which is growing at an alarming rate. The legislation which you and Senator Biden have introduced provides for a nationwide response, and represents the proper approach to dealing with the large number of fugitives who have chosen to evade our criminal justice system. The Fraternal Order of Police stands ready to work with you and your staffs to ensure the speedy passage of this important legislation. On behalf of the membership of the Fraternal Order of Police, I would like to thank you again for your leadership on this issue, and for allowing our organization the opportunity to submit testimony for this hearing.

For Record

Washington Post 5/9/2000

Fugitives Hide In Big Backlog Of Warrants

*As Police Fall Behind,
Delays Can Be Deadly*

By DAVID B. OTTAWAY
Washington Post Staff Writer

For more than 25 years, Robert Jackson Crutchfield, a convicted murderer and escapee from a halfway house here, easily evaded the long arm of the law even after he was branded one of the District's most-wanted fugitives.

By changing his name to Robert Lee Dillon and obtaining a new driver's license in West Virginia, Crutchfield, 51, was able to avoid detection among 500,000 names in a database of wanted felons kept by the FBI's National Crime Information Center (NCIC).

Then, by pure chance, Crutchfield was discovered in mid-March, living what the local sheriff called "the good life" in small Denton, N.C. Federal marshals flew him back to the District last month to stand trial.

Crutchfield's evasion of arrest for a quarter century highlights one of the most intractable problems faced by law enforcement nationwide: finding criminals lost in huge backlogs of outstanding arrest warrants. With courts churning out thousands of new warrants each year and law enforcement agencies ill-equipped to keep up, it has become ever more likely that serious felons, many of them repeat offenders, will evade detection.

Law enforcement officials say there are hundreds of thousands of Crutchfields living under assumed names, amended birth dates and altered Social Security numbers. Their ranks are growing, even as computerized tracking systems become more sophisticated.

"You can't walk down the street today without passing somebody who is wanted," said William Bonk, a U.S. Marshals Service agent who formerly headed the D.C. Joint

See WARRANTS, A8, Col. 1

As Warrants Pile Up, Fugitives Are Evading Detection

WARRANTS, from A8

he served because the arresting officer was dead or retired. Hundreds involved complaints against companies now out of business.

Then there were the cases of wanted criminals already in jail. "There is a core of 5,000 who we know are locked up in other counties or cities, but the warrants are still open here," said Capt. James M. Tash, coordinator of the sheriff's office warrant unit. (Warrants issued in one jurisdiction remain valid even if a person is serving time in another.)

Those sorting out the mess wonder if their efforts are futile because the sheriff's office, reeling from deep budget cuts, doesn't have the manpower to follow up. Since 1994, the force has dropped from 310 to 190, and the warrants unit has decreased from 25 officers to six.

Still, spokesman Bill Ament said the agency has tried. It has tapped federal food stamp records for current addresses of criminals, conducted month-long roadshows and participated in federal stings.

Ament's conclusion: "Unless additional resources are allocated to this effort, it's going to take years to get rid of this backlog."

Annapolis Rebuffs A Joint Aid Request

In early February, Baltimore au-

thorities discovered that two suspects in the slaying of a county police officer, Sgt. Bruce A. Prothero, had outstanding warrants. Suspect Donald White had three, including one for a charge of attempted murder. Suspected gunman Richard Moore had one.

A week after Prothero's death on Feb. 7, Baltimore Mayor Martin J. O'Malley and Baltimore County Executive C.A. Dutch Ruppersberger proposed to Gov. Parris N. Glendening using \$5.3 million in state money to establish a 60-person Joint Warrant Task Force.

The cost of Baltimore's crime problem, they argued, was a small number of repeat offenders. Many, like White and Moore, had outstanding warrants. But the letter evoked no support from Annapolis.

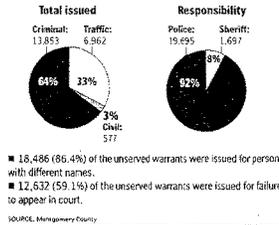
State officials questioned O'Malley's commitment to providing city funding for a warrant squad and asked how the city could devote 30 officers to the proposed task force when it could not fill 234 vacancies.

"That's a local matter. The state is not prepared to get involved," said Michelle Byrne, a Glendening spokeswoman.

Baltimore County is getting 28 new officers under a \$22 million U.S. Department of Justice grant. But Byrne said the county plans to use them to beef up patrols along high-crime commercial corridors—not to serve more warrants.

Montgomery County Warrants Backlog

There were 21,392 unserved items in the database on Dec. 1, 1999, including criminal, traffic and civil cases.



Robert Jackson Crutchfield evaded the law for more than 25 years.

in the District. Hege turned to the NCIC database and put in Crutchfield's alias—Robert Lee Dillon. Nothing turned up. Then he entered Crutchfield's Social Security number.

" Bingo, a hit. Hege notified the Marshals Service, and on March 13, officers picked up Crutchfield, who did not resist.

"We went up and called him by his real name," said Hege. "He replied, 'That's me.'"

Staff researcher Alice Criss contributed to this report.

District Fugitive's Number Comes Up

Police in Denton didn't need to go looking for Crutchfield. His friends did the work for them. His undoing came after a domestic squabble—much like the May 1971 incident in which he fatally stabbed his sister's boyfriend at 330 Ninth St. NE.

Crutchfield was serving the last months of his sentence in a halfway

house when, on Jan. 28, 1975, he fled the District. He disappeared from law enforcement radar until March 10 this year, when his girlfriend's son pressed charges after a quarrel.

When he learned there was a warrant for his arrest, Crutchfield dutifully surrendered, and went home after posting a \$500 bond. Soon afterward, a lipster urged Davidson County Sheriff Gerald K. Hege to check Crutchfield's history

For the Record

Thurmond wants to fund fugitive hunts

By MICHELLE R. DAVIS
Washington Bureau

WASHINGTON — Permanent federal task forces designed to track down fugitive felons could help reduce a huge backlog of outstanding criminal warrants, according to U.S. Sen. Strom Thurmond of South Carolina.

Thurmond has proposed a \$45 million program for the U.S. Marshals service to form task forces to help track federal criminals across the country. The Marshals Service has already reduced some backlogs but needs money to do more, Thurmond said.

At a hearing before the Criminal

Justice and Oversight Subcommittee, which Thurmond chairs, the South Carolina Republican said his proposal would promote teamwork among federal marshals with specialized expertise in tracking fugitives and local officials with community knowledge.

Thurmond's legislation would also provide subpoena authority, allowing tracking investigations to move faster.

"Apprehending the rising number of federal fugitives and helping states address their rising backlogs must be a top priority for the Marshals Service today," he said.

There are an estimated 45,000 warrants outstanding in federal cases and

more than a half million felony fugitives or other serious fugitives listed in the National Crime Information Center database, Thurmond said.

South Carolina's U.S. Marshal Israel Brooks Jr. testified at the hearing Thursday, saying a South Carolina program called Operation Intercept has helped arrest more than 7,000 fugitives since the program began in 1986.

Brooks said it is cost-effective to coordinate resources and reduce the backlog of warrants. Brooks said he has deputized more than 100 local and state law enforcement officers annually to help track and arrest fugitives.

"We blanket the state of South Car-

olina," he said.

Local officers have in-depth community knowledge; state officers are familiar with the area where a fugitive may be hiding; federal officers provide nationwide contacts, databases and equipment, he said.

Thurmond said his proposal would allow more cooperation and coordination among law enforcement groups when it comes to tracking fugitives.

Michelle R. Davis covers Washington issues from a South Carolina perspective. Reach her at (202) 383-6023 or by e-mail at mdavis@krwashington.com.

State
6-23-00

Senator THURMOND. I also wish to place in the record letters of support for S. 2516, the Fugitive Apprehension Act, from the National Sheriffs Association, Fraternal Order of Police, the National Association of Police Organizations, and the Federal Law Enforcement Officers Association.

[The letters regarding S. 2516 are located in the appendix.]

In addition, I ask unanimous consent to place into the record a letter from the Fraternal Order of Police regarding S. 1898, the Interstate Transportation of Dangerous Criminals Act of 1999.

[The letter regarding S. 1898 is located in the appendix.]

We are going to keep this record open for one week for additional materials and for follow-up questions.

Unless somebody has something else, the hearing now stands adjourned and we thank all of you very much.

[Whereupon, at 2:59 p.m., the subcommittee was adjourned.]

A P P E N D I X

QUESTIONS AND ANSWERS

RESPONSES OF JOHN W. MARSHALL TO QUESTIONS FROM SENATOR THURMOND

Question 1. Mr. Marshall, please list and describe the fugitive task forces that are currently operating.

Answer. There are generally six types fugitives task forces in which the USMS participates. A list of each type of task force and a brief description of the task forces' missions follows:

1. Operation Weed and Seed: Operation Weed and Seed is administered by the Executive Office for Weed and Seed (EOWS) within the U.S. Department of Justice (DOJ). The program currently operates in 200 sites. The program is designed to control violent crime, drug trafficking, and drug-related crime; and to provide a safe environment in which residents can live, work, and raise their families. The Weed and Seed crime control strategy is composed of 3 primary elements:

- Weeding: law enforcement efforts to remove violent offenders, drug traffickers, and other criminals from the target areas. This is the component in which the USMS and other law enforcement agencies are involved.
- Seeding: human services and neighborhood revitalization efforts to prevent and deter further crime; and
- Community policing: proactive police-community engagement and problem solving.

2. High Intensity Drug Task Forces (HIDTA): the HIDTA's mission is to reduce drug trafficking in the most critical areas of the country. This is accomplished by teamwork among local, state and federal efforts. To qualify as a HIDTA, an area must:

- Be a major center of illegal drug production, manufacturing, importation, or distribution;
- Have state and local law enforcement agencies already engaged;
- Have a harmful impact on other areas of the country; and,
- Require a significant increase in federal resources.

3. Organized Crime and Drug Enforcement Task Forces (OCDETF): The OCDETF is a federal drug enforcement program that focuses attention and resources on the disruption and dismantling of major drug trafficking organizations. OCDETF provides a framework for federal, state and local law enforcement agencies to work together to target well-established and complex organizations that direct, finance, or engage in illegal narcotics trafficking and related crimes. The program has been in existence since 1982 and operates under the guidance and oversight of the Attorney General.

4. Federal Bureau of Investigation (FBI) Safe Streets Task Forces: The FBI announced the Safe Streets Violent Crimes Initiative in 1992. The mission of Safe Streets task forces is to attack street gang and drug-related violence, as well as seek the most significant fugitives wanted for crimes of violence through the establishment of long-term, proactive and coordinated teams of federal, state and local law enforcement officers and prosecutors.

5. USMS Violent Felon/Violent Offender Fugitive Task Forces: The USMS leads numerous task forces, the goal of which is to apprehend violent federal fugitives, as well as the "most wanted" state and local fugitives.

6. Local and State Fugitive Task Forces: These task forces are led by state bureaus of investigation, local police departments and sheriffs.

For further information, I have enclosed a February 2000 internal publication which outlines all multi-agency fugitive task forces that the USMS sponsors and/or in which the USMS participates. (United States Marshals Service Fugitive Task Forces, Section B.)

Question 2. Mr. Marshall, does the National Crime Information Center (NCIC) wanted persons database contain all felony fugitives in federal cases, and how many such fugitives are there today?

Answer. According to NCIC, all federally-wanted persons are contained in the database. As of July 31, 2000, the NCIC database contained 530,000 federal, state and local fugitives. At times, the number of federal fugitives in the database has exceeded 45,000.

Question 3. Mr. Marshall, I understand that the National Crime Information Center wanted persons database does not contain all felony fugitives. Are you aware of states that have more felony or other serious fugitives that do not include all such fugitives in the NCIC database? If so, please list those states and statistics.

Answer. NCIC maintains the database and is more suited to provide detailed information. It is the USMS's understanding that approximately 20 percent of state and local wanted felons in the United States are entered into NCIC. The USMS obtained the following information from newspaper articles and select state/local law enforcement offices:

State	Reported by State	Felons in NCIC	Percent not in NCIC
MA	87,707	3,409	96
MO	26,250	18,018	31
OH	35,453	11,020	69
CA	233,060	38,926	83
UT	7,826	1,391	82
WI	10,890	7,594	30

Question 4. Mr. Marshall, if a fugitive is wanted for warrants under the jurisdictions of more than one agency (such as the Federal Bureau of Investigation [FBI] and USMS) at the same time, what efforts do the agencies make to coordinate to prevent duplication from both agencies looking for the same fugitive at the same time?

Answer. Generally, the USMS and other agencies work together at both the local and headquarters' levels in order to avoid duplication of effort. Occasionally, however, one agency will take the lead and provide the other agency with the information from the investigation.

Question 5. Mr. Marshall, what Memorandums of Understandings (MOUs) does the Marshals Service have today with other federal agencies? Please explain.

Answer. The USMS has MOUs with several federal agencies. These MOUs are agreements between the USMS and another federal agency for the Marshals Service to assume both administration and apprehension responsibility for those agencies' fugitives. The USMS currently has MOUs in place with the following agencies:

Drug Enforcement Administration, U.S. Customs Service, Internal Revenue Service, Criminal Investigation Division, Naval Criminal Investigative Service, Air Force Office of Special Investigations, Defense Criminal Investigative Service, Social Security Administration, Department of Justice, Office of Inspector General (OIG), Food & Drug Administration, Office of Criminal Investigations, Department of Interior, U.S. Fish and Wildlife Service, Department of Agriculture, OIG.

Question 6. Mr. Marshall, is the USMS working to increase the number of MOUs that it has with other federal agencies? Please explain.

Answer. The USMS has MOUs, or is in the process of establishing MOUs, with all the major federal law enforcement agencies, except for the U.S. Secret Service and the INS. The USMS is in various stages of finalizing fugitive MOUs with the following agencies:

Bureau of Alcohol, Tobacco and Firearms, Health & Human Services, OIG, Housing and Urban Development, OIG.

Smaller federal agencies do not have the resources or expertise to enter fugitives into the NCIC database or conduct investigations to locate and apprehend fugitives. Therefore, the USMS will continue to assist these smaller agencies with this mission.

Question 7. Mr. Marshall, would the federal system regarding fugitives be more efficient if the USMS had responsibility for all federal wanted persons who were in fugitive status for a specified period of time?

Answer. By statute, the USMS and the FBI have the authority to pursue and arrest fugitives. The USMS has primary apprehension authority for arrest warrants issued by United States District Courts and the United States Parole Commission. The USMS traditionally does not independently initiate investigations against individuals for crimes against the United States.

Currently, the Marshals Service works the overwhelming majority of federal fugitive cases. These federal cases include USMS fugitives as well as MOU agencies' fugitives, as discussed above.

Question 8. Mr. Marshall, I understand that the work years attributed to the fugitive program in your annual reporting to the Congress are not all directly related to fugitive apprehensions, and include other duties such as the [time] spent on threats against judges. Is it important to clarify the work years for the fugitive apprehension program to keep them more accurate?

Answer. The USMS believes that recording the hours dedicated to fugitive apprehension is critical. Currently, the USMS is working on a system to equate hours worked in fugitive investigations to a particular fugitive. This will assist the USMS in analyzing hours worked on a particular fugitive case with apprehension time and cost per arrest.

Question 9. Mr. Marshall, are smaller districts closing a higher percentage of the warrants that they receive than larger districts, and if so, are you working to address this disparity?

Answer. Through the 94 districts, there are varying numbers of active warrants, ranging from 10 (or less) to 2,000. As can be expected, smaller districts have smaller caseloads, whereas larger districts have larger caseloads. In districts with smaller caseloads, the warrant closure rate is higher because there are fewer cases to close. From a management standpoint, it is easier to manage and investigate 10 warrants rather than 2,000. The USMS has developed an internal formula that we have used during our Fugitive Investigative Strike Team (FIST) operations to establish the number of warrants per deputy. The ultimate goal is to have each Deputy U.S. Marshal assigned 25 warrants. With adequate resources, the USMS could achieve this goal.

Question 10. Mr. Marshall, a recent follow up review of the Fugitive Apprehension Program by the Department of Justice Office of Inspector General recommended that you establish a quantifiable goal for apprehending violent fugitives. [Has] this been completed, and if so, please explain the goal.

Answer. The Office of Inspector General (OIG) report issued in January 2000, recommended three changes to our performance measures within the fugitive program:

1. Raise our goal to close Class I warrants under one year from 80 percent to 85 percent. The USMS has accomplished this goal.

2. Enhance the Warrant Information Network (WIN), which is in progress. Congress appropriated \$1.6 million to the USMS in Fiscal Year 2000 for database enhancements. Approximately \$400,000 is being used to enhance the WIN System.

3. Establish a quantifiable goal for apprehending violent fugitives. We are currently conducting research to establish this goal. Although the OIG report recommends establishing this goal, it notes that the USMS arrest of violent felons increased from 1994 to 1998. The report stated, "When we [OIG] analyzed WIN data, we found that the percentage of violent fugitives the USMS apprehended out of all warrants closed increased by 27 percent from FY 1994 through FY 1998."

RESPONSES OF EDWARD T. NORRIS TO QUESTIONS FROM SENATOR THURMOND

Question 1. Mr. Norris, is there a growing problem today with judges allowing a defendant to be released on a relatively low bail and then the defendant failing to return for his court appearance, as a component of the growing fugitive population?

Answer. There is, and current data seems to verify a growing problem. The Baltimore Police Department's warrant database, as of July 24, 2000, indicates there are 54,093 active warrants in the system. Of those, 14,202 are for failure to appear. In these cases, a defendant either received a relatively low bail or was released on their own recognizance without a bail. These warrants represent 26.3% of the total warrants in the system. That data holds true for the year 2000. Of the 8,534 warrants in the system issued in the year 2000, 2,643 represent failure to appear cases. Those warrants represent 30.9% of the total issued this year.

Question 2. Mr. Norris, do you find that cross-matching databases, such as welfare and food stamps, is an effective way to help find fugitives, and do government agencies that control the data fully cooperate in these efforts?

Answer. Cross matching databases is an effective tool to locate fugitives and has had a positive effect on our efforts. On August 22, 1996, the President signed the Personal Responsibility and Work Opportunity Reconciliation Act, known as Welfare Reform, into law. The law specifies that fugitives and those violating conditions of parole or probation are ineligible for food stamps. This has made it possible for state social service agencies to provide law enforcement authorities certain identifying information from their files pertaining to fugitives. In 1997, the U.S. Department of Agriculture conducted a nationwide effort called Operation Talon, in which the Baltimore Police Department participated. This initiative, the first of its kind, cross-matched databases of state social service agencies with information from law enforcement, resulting in the arrest of 2198 fugitives. A similar local initiative is currently being prepared and will be conducted prior to year's end. The Baltimore Police Department's Warrant Apprehension Unit has cross matched databases for occupants of public housing, real property and vital statistics. We are currently working to enhance our relationship with the Maryland Motor Vehicle Administration. For the most part, all agencies we have contacted have been helpful.

Question 3. Mr. Norris, is the N.C.I.C. wanted person database effective in helping to track fugitives, and can changes be made to make the system more efficient and effective?

Answer. N.C.I.C. is an effective and reliable tool to aid in locating fugitives. It provides a host of valuable information, such as past criminal history, places of prior residency, out of state registration of vehicles or boats, and ownership of real property. The only deficiency may be a lack of timely information, as some jurisdiction may not readily enter information regarding fugitives or additional information as to a willingness to extradite.

Question 4. Mr. Norris, violent crime has decreased nationally every year since 1992, but the number of dangerous fugitives appears to be increasing, based on N.C.I.C. data. Why does there seem to be no connection between the crime rate and the number of fugitives?

Answer. I would suggest there is a connection between the crime rate and the number of fugitives. The decrease of the crime rate has resulted from many factors, including new technology, creative problem solving and an increase in the level of cooperation and coordination between jurisdictions. Indeed, regional and inter-jurisdictional approaches to fighting crime are a successful national trend. More crimes, especially crimes of violence, are being solved and the perpetrators identified. Longer sentences, as well as mandatory sentences, contribute to a known perpetrator's effort to avoid prosecution, hence expanding the N.C.I.C. wanted person database.

RESPONSES OF PATRICK J. SULLIVAN, JR., TO QUESTIONS FROM SENATOR THURMOND

Question 1. Do you find that cross matching databases, such as welfare and food stamps, is an effective way to help find fugitives, and do government agencies that control the data fully cooperate in these efforts.

Answer. Cross matching data bases is a good way to locate fugitives however, there are times where the information on the fugitives does not get to the appropriate agency. In August of 1999, the Fugitive Unit participated in Operation Talon which resulted in the arrest of 109 food stamp recipients. We do not receive information on fugitives from the Federal Government on a regular basis.

We currently receive information from the Colorado Bureau of Investigation on fugitives that receive Social Security Benefits, Unemployment compensation and other services from Colorado. We find this information helpful in the apprehension of wanted felons. There have been times where the recipient is not at the listed location and the address is just a place for the fugitive to pick up a check. One problem that we run into is private agencies that receive federal funds for subsidized housing refuse to help us with information regarding wanted felons. They normally cite the Freedom of Information Act and require us to get a search warrant.

Question 2. Is the NCIC wanted person database effective in helping to track fugitives, and can changes be made to make the system more efficient and effective?

Answer. The NCIC database is an effective way to locate fugitives. We currently use the "QQ" screen, which tells us if an agency has queried an individual, the "QDA" screen which gives us information on vehicles that are registered to individuals, the arrest record, pawn and drivers information. One area of improvement would be a database in the computer of individuals that are in jail or prison. There are times when a warrant comes out for an individual that is incarcerated in prison or jail and we have no way of obtaining that information.

Question 3. Violent crime has decreased nationally every year since 1992, but the number of dangerous fugitives appear to be increasing, bases on NCIC data. Why does there seem to be no connection between the crime rate and the number of fugitives?

Answer. Clearance rates for all crimes decreased in the '60's, '70's, and '80's i.e. homicides dropping from about 95% to in the 60% range. New technology such as DNA and increased investigative time previously tied up with higher rates of violent crime has allowed more case clearances creating more warrants for arrest. Plus, an increased rate of failure to appears after conditional release (bonding), and warrants for increased rates of probation and parole violations. The '90's saw much less respect for the courts and defendants willingness to appear.

RESPONSES OF KEVIN HORTON TO QUESTIONS FROM SENATOR THURMOND

Question 1. Lieutenant Horton, we see that the focus of law enforcement seems to change from time to time. Drugs, organized crime, and gangs are all recent examples. It seems that fugitives are a major component of all of these problems. Would you agree that controlling fugitives helps control all of these problems?

Answer. It has been proven time and time again that the easiest way to control organized crime, drugs and gangs is by enforcing warrants on these individuals. Not only does it get them off the streets but it gives investigators a change to interview and question these individuals. It gives law enforcement the leverage that might be needed to solve a case, obtain intelligence, a photograph, fingerprints, or recruit a cooperative individual.

Question 2. Lieutenant Horton, based on your experience, do you think that state and local law enforcement needs to do more to make fugitives a top priority? Please explain.

Answer. Yes, more has to be done to make fugitives a "top priority". As I have stated above, when fugitives are made a top priority, as in Massachusetts, the police will produce results. The problem has always been that police departments will follow the lead of the Federal Government and go where the "grants" for resources and manpower are. Whether its community policing, gangs, organized crime, or fugitives, the police will go to where the money is. What they don't seem to understand is that fugitive apprehension can effect all of these priorities.

Question 3. Lieutenant Horton, does law enforcement in your area of the Northern Border have problems with fugitives fleeing to Canada, and how cooperative are federal agencies in assisting with your efforts to extradite fugitives?

Answer. Over the last fifteen years we have had very few fugitive fleeing to Canada. We have always used the Royal Mounted Police or the local department of jurisdiction. For fugitives out of country other then Canada, we use the Marshals and Interpol.

Question 4. Lieutenant Horton, is there a growing problem today with judges allowing a defendant to be released on a relatively low bail and then the defendant failing to return for his court appearance, as a component of the growing fugitive population?

Answer. In my opinion, the number one problem for the growing number of fugitives in this State, is the release of fugitives on low bail or no bail at all and the failure of the District Attorney's office's to authorize rendition for individuals located out of state. In fairness to the courts, the prisons are full, when the prisons are full the fugitive population increases. The courts give the fugitive a new court date and release him/her to return on said date. The veteran criminal knows that he/she will get one or two continuances and a new court date, so he/she will show for court until they know its trial time. At this time they will default and the cycle continues. The other major problem is the fleeing felon. These individuals are usually the more serious felons and they flee to another state. After he/she is located, but before he/she is arrested, authorization from the District Attorney of jurisdiction is required. It has been my experience that it is about a 50/50 chance they will authorize rendition. The problem isn't that they won't authorize rendition, the problem is they won't dismiss the warrant(s) which leaves us with a number of serious violent warrants and know prosecution.

Question 5. Lieutenant Horton, do you find that cross-matching databases, such as welfare and food stamps, is an effective way to help find fugitives, and do government agencies that control the data fully cooperate in these efforts?

Answer. Without a doubt, the most significant positive change, in the way we apprehend fugitives is "cross-matching databases." Cross-matching databases gives the fugitive investigator more accurate information on the location of an individual. It

has also brought to light the fact that State and Federal governments are subsidizing wanted criminals. At present we are working with the U.S. Department of Agriculture, Office of Inspector General, and the U.S. Department of State, Diplomatic Security Service and have found their cooperation outstanding. The one federal organization that seems unable to fully cooperate is the Office of Inspector General, Social Security. Social Security has a wealth of information and we need more access and less "red-tape". Also with all the false identifications today we need Social Security's help in identifying bogus SS#s. I JUST RECEIVED A LETTER FROM SOCIAL SECURITY, INSPECTOR GENERAL JAMES HUSE, ADVISING THEY WILL BE CONTACTING ME REGARDING "CROSS-MATCHING". I guess someone read my letter!

Question 6. Lieutenant Horton, is the N.C.I.C. wanted person database effective in helping to track fugitives, and can changes be made to make the system more efficient and effective?

Answer. N.C.I.C. has always been a valuable tool in tracking and apprehending fugitives. It is the only national system we have to let other states know who is wanted. The failure of the system lies with the States not the Federal Government. The States failure to enter all violent fugitives into N.C.I.C. is a national problem, that brings with it tremendous liability. The officer on patrol should know when he encounters a violent fugitive and that fugitive should be in N.C.I.C. I believe that the federal government should mandate that all violent fugitives be entered into N.C.I.C.

Question 7. Lieutenant Horton, violent crime has decreased nationally every year since 1992, but the number of dangerous fugitives appears to be increasing, based on N.C.I.C. data. Why does there seem to be no connection between the crime rate and the number of fugitives?

Answer. I don't agree that they are more violent fugitives and less violent crimes! I do agree that they are more fugitives and less crime. There are a couple of reasons why we have more fugitives and a drop in the crime rate. As stated above, the jails are full, so in turn more fugitives are being released on bail and defaulting again, and again, and again. We also have the wide spread use of false identifications whereby you could have one individual committing numerous crimes under numerous names. In Massachusetts we have a problem with our probation warrants. When a individuals defaults on a probation warrant in Massachusetts, the original warrant is re-entered. If that warrant was for a violent crime, that is what we give N.C.I.C. to re-enter. When in fact it is a probation matter! You also have, as was mentioned above, the fleeing felon who know one wants back and the warrant remains in the system.

We all know the system is broke and over worked. If all the people who were suppose to go to court on a given day reported for court, the whole court system would collapse. The problem we face today is, not only do we know the system doesn't work, but the bad guys know the system doesn't work, and the consequences for defaulting are non-existent!

ADDITIONAL SUBMISSIONS FOR THE RECORD

NATIONAL SHERIFFS' ASSOCIATION,
Alexandria, Virginia,
March 31, 2000.

Hon. STROM THURMOND,
President Pro Tempore, U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: I am writing to strongly support your legislation, the Fugitive Apprehensive Act of 2000. The National Sheriffs' Association (NSA) appreciates your efforts on behalf of law enforcement.

As you know, fugitives from justice place enormous burdens on law enforcement at every level of government. Empowering the United States Marshals Service to help state and local law enforcement capture fugitive felons is essential to reducing the backlog of cases that exist today. According to recent estimates, there are approximately 45,000 fugitives in federal felony cases. Combined with the more than 500,000 state and local fugitives; it is easy to see the problem. Your legislation will create task forces, led by U.S. Marshals, that will focus solely on apprehending fugitive felons. With this increased federal support and dedication to a single mission, we can expect to see a dramatic reduction in the number of fugitive felons.

NSA looks forward to working with you to ensure that this legislation becomes law. With its enactment, resources will be targeted to meet the threat posed by those who flee from justice. The bill will enable federal, state and local law enforcement to work together to apprehend fugitives and bring them to justice.

Sincerely,

PHILIP H. MCKELVEY, *President.*

FRATERNAL ORDER OF POLICE,
NATIONAL LEGISLATIVE PROGRAM,
Washington, DC, February 22, 2000.

Hon. STROM THURMOND,
U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: I am writing on behalf of the more than 285,000 members of the Fraternal Order of Police to advise you of our strong support for legislation you intend to introduce entitled the "Fugitive Apprehension Act of 2000."

The problem of fugitives from justice in Federal and State felony cases is one which has a tremendous impact on public safety, and on law enforcement's ability to reduce crime in our communities. Each year the U.S. Marshals Service arrests thousands of these fugitives, often with the assistance of State and local law enforcement officers participating in joint Federal-State fugitive task forces. This program has been highly successful in every area of the country and helped to reduce the number of fugitives in felony cases.

Your legislation will provide the Marshals Service with the resources they need to continue and expand this highly effective program, allowing Federal and State law enforcement officers to share intelligence, personnel and assets to reduce the number of fugitives attempting to flee justice.

On behalf of the membership of the Fraternal Order of Police, I would like to thank you for sharing with us a draft of this legislation, and to thank you for your continued efforts in support of law enforcement. If I can be of any further assistance on this or any other issue, please do not hesitate to contact me or Executive Director Jim Pasco through our Washington office.

Sincerely,

GILBERT G. GALLEGOS,
National President.

NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.
Washington, DC, June 21, 2000.

Hon. STROM THURMOND,
U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: Please be advised of the National Association of Police Organizations' (NAPO) endorsement of S. 2516, the 'Fugitive Apprehension Act of 2000.' I want to thank you and Senator Biden for your leadership on this important piece of legislation for law enforcement.

NAPO is a coalition of police unions and associations from across the United States that serves in Washington, DC to advance the interests of America's law enforcement officers through legislative and legal advocacy, political action and education. Founded in 1978, NAPO now represents 4,000 police organizations and 220,000 sworn law enforcement officers.

Criminals who become fugitives are often a threat to public safety and pose serious problems for law enforcement when evading court jurisdictions. NAPO supports S. 2516, which would set up permanent 'Fugitive Apprehension Task Forces' around the country. These task forces would assist federal, state and local law enforcement authorities in locating and apprehending fugitives. It is important for federal, state and local agencies to work together in apprehending these individuals.

If I can be of any assistance on this or any other matter, please have your staff contact me at (202) 842-4420.

Sincerely,

ROBERT T. SCULLY,
Executive Director.

FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION
May 17, 2000.

Hon. STROM THURMOND,
U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: On behalf of the more than 18,000 members of the Federal Law Enforcement Officers Association (FLEOA). I wish to thank you for introducing the Fugitive Apprehension Act of 2000, and express our strong support for S. 2516. This proposal provides funding for task forces made up of federal, state and local law enforcement to locate and apprehend fugitives in felony cases, and also bestows administrative subpoena authority to the United States Marshals Service. Effective law enforcement requires the passage of this legislation.

According to estimates, there are about 45,000 fugitives in Federal felony cases. The number of serious federal offense warrants received by the U.S. Marshals Service has increased each year for the past four years. In addition, over 500,000 fugitives in State and local felony cases have been entered into the National Crime Information Center (NCIC). This number is up from 340,000 reported in 1990. NCIC estimates that they receive only about 20 percent of all outstanding State and local felony warrants in the country. If their estimates are correct, then there could be over 2.5 million State and local felony fugitives in the country. This presents a serious problem in the fight on crime, and a danger to the safety and security of Americans.

FLEOA, a volunteer, non-partisan, professional association, with 63 chapters across America, is the largest association representing exclusively federal agents. FLEOA is looking forward to working with you and your staff to ensure movement of this bill through the Senate and any companion legislation in the House. If you have any questions or need further information, please feel free to contact me at (212) 264-8400 or through FLEOA's Administrative Services Office at (717) 938-2300. Again, thank you for proposing this bill.

RICHARD J. GALLO.

GRAND LODGE—FRATERNAL ORDER OF POLICE,
Washington, DC, June 22, 2000.

Hon. STROM THURMOND,
Chairman, Subcommittee on Criminal Justice Oversight, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN, I am writing on behalf of the more than 290,000 members of the Fraternal Order of Police to advise you of our opposition to S. 1898, the "Interstate Transportation of Dangerous Criminals Act of 1999."

In many ways, States and local units of government are turning more and more toward privatizing services in an effort to cut public costs. While this trend may in fact provide cheaper services to citizens, law enforcements is not a service that can ever be safely contracted out to private firms. No private firm or corporation will ever have the same level of training, professionalism or accountability as fully sworn law enforcement agents. The rise of the private correctional industry in our country is of especially great concern to me because putting our nation's criminals in the hands of a for-profit company is a recipe for disaster, placing the public at greater risk.

This legislation proposes to regulate private companies who contract to transport prisoners. These regulations promulgated by the U.S. Attorney General, will foster a false sense of security and reliance on these firms and their personnel, who do not have the same kind of training or experience in dealing with dangerous criminals. The legislation fails to clearly recognize that even with these regulations in place, escapes and other mishaps are much more likely when prison transfers and other correctional responsibilities are handled by non-law enforcement personnel.

We agree that the transport of dangerous criminals is a serious public safety issue, but we strongly disagree with Senator Dorgan that the solution is writing regulations for private companies. Quite the opposite, it may lead to more State and local governments using private companies, meaning the public will be at greater risk. When dealing with dangerous criminals, there is no substitute for fully trained, sworn law enforcement officers. We are hopeful that the defeat of this legislation will cause those looking to save a few dollars to think twice about trying to cut costs at the expense of public safety.

If there is anything further I can do, please do not hesitate to contact me or Executive Director Jim Pasco through my Washington office.

Sincerely,

GILBERT G. GALLEGOS,
National President.

