

The Fugitive Safe Surrender Program:

A collaboration of the faith-based community and law enforcement

Daniel J. Flannery, Eric Jefferis and Jeffrey Kretschmar

Kent State University

Thomas Mertz and Peter J. Elliott

United States Marshals Service

The Fugitive Safe Surrender Program:

A collaboration of the faith-based community and law enforcement

The Fugitive Safe Surrender program (FSS) is a method used by the U.S. Marshals Service (USMS) to facilitate the safe and peaceful surrender of individuals wanted for non-violent felony or misdemeanor offenses. The USMS is the primary agency designated by the U.S. Department of Justice for the apprehension of fugitives, arresting thousands annually and capturing more than all other federal agencies combined. By some estimates, more than a million active warrants exist in the United States, with each warrant increasing the potential for a dangerous confrontation between law enforcement and individuals in the community. Fugitive Safe Surrender enables wanted individuals to voluntarily surrender at a house of worship or another neutral site. The FSS program was authorized by Congress in July 2006, and is believed to be the first program of its kind in the nation.

Historically, serving warrants has resulted in a substantial number of officer fatalities. In fact, the first recorded law enforcement officer to be killed in the line of duty was New York City Deputy Sheriff Isaac Smith, who was killed on May 17, 1792, while attempting to serve a warrant on a suspect wanted for disturbing the peace (NLEOMF 2008). The National Law Enforcement Officers Memorial Fund (NLEOMF) maintains a comprehensive database of officers killed feloniously or accidentally in the United States. During the ten year period 1998-2007, fifty-three police officers were killed feloniously while serving warrants (NLEOMF 2008). The felonious killing of officers serving warrants accounted for seven percent of the total

6/11/2008

738 officers feloniously killed during the same period. In total, the NLEOMF has records of 459 officers killed feloniously while serving warrants since 1792.

The idea for the FSS program came from the Honorable Peter Elliott, the U.S. Marshal for the Northern District of Ohio. Soon after a Cleveland police officer was shot and killed during a traffic stop by a person who had an active warrant for his arrest, Marshal Elliott decided he wanted to do something to increase law enforcement and community safety. The rationale for the program is simple: for every fugitive who peacefully and voluntarily surrenders, law enforcement and residents face one less potentially dangerous confrontation on the streets. The goals of the FSS program were to take the desperateness out of the situation, make neighborhoods safer, and build a new trust between law enforcement and the community. All that was needed was a place where individuals could turn themselves in to authorities in a sane and orderly way. What better place than at a church?

The church is historically a place where individuals can find sanctuary and refuge, so people trust that when they show up at their church, they will be cared for. Trust is at the core of the Program's success, particularly the trust that community members have in their minister, clergy, or religious leader, making the role of the church and faith-based community critical to the successful implementation of the FSS program. Many people also grow up with clergy present at their most important life events—births, baptisms, marriages, funerals—or they have turned to clergy and their church for help in a time of need (Stone, Cross, Purvis & Young, 2003). Community members view their church as a place of refuge and support, where they can go to receive counsel and guidance without being judged. Clergy are invested in making a difference, and in being part of the solution to address crime in their communities.

6/11/2008

Not every community has been quick to embrace the church's role in the FSS program. In New Jersey, the chief judge refused a request by the local U.S. Attorney's Office to implement FSS based on concerns over separation of church and state. The legal discussion in New Jersey continues, but to date this is the only community that has refused to conduct an FSS program on those grounds. The ACLU has provided a letter of support for FSS implementation in other communities because there have been steps taken to ensure the separation of church and state and to provide legal representation to all who surrender. For example, in every FSS site, all religious artifacts are removed from the courtrooms, a public defender is present to assist all individuals who surrender, and there is no attempt by clergy to preach to those who surrender, although a minister will meet with a fugitive upon that person's request. As the Reverend C.J. Mathews, who held the first FSS program in his church in Cleveland, Ohio, noted, "we don't believe we have to make people believe in our God to serve them. We offer our care, we offer our facilities, we offer our compassion."

Fugitives are fugitives because they have violated the conditions of a sentence, probation, and/or parole, and have decided not to surrender. Fugitives commonly report being afraid of law enforcement and of what might happen to them if they are arrested. Offering any kind of program where a person would voluntarily surrender and be treated with respect comes with a significant amount of skepticism. Part of that distrust is generated by sting operations designed by law enforcement to deceive offenders or to trick them into showing up for winning a lottery, a new television, or free tickets to a major sporting event. When they appear and it is determined that they have an outstanding warrant, they are arrested and jailed (Newman, 2007). Allaying

6/11/2008

the fugitive's fears of arrest and being tricked are other reasons why holding FSS at a prominent religious location is a key to the Program's success.

The faith-based community is also critical to the implementation of the program on site, and to the local community outreach needed to make FSS a success. In every community, hundreds of volunteers are recruited to provide support to the program, many of them recruited through their churches. These volunteer activities can include greeting individuals seeking to surrender in the parking lot, helping people complete paperwork, ushering them through various stages of the criminal justice system process at the church, and providing childcare and meals to participants and staff. As the first person with whom a fugitive comes into contact at the FSS site, the community volunteers are crucial to providing support, offering reassurance that a person will be treated with respect and dignity, and helping the person get their questions answered by appropriate staff or justice system personnel. Volunteers are also on hand to help fugitives sign up for additional support and services they may seek, such as help with getting a driver's license restored, assistance with job training, or treatment services for a substance abuse problem. Often these services and agencies are present at the church location to provide needed assistance.

Pragmatically, the FSS program is a collaboration between federal and local law enforcement, the local faith-based community, media and community partners, volunteers, and all facets and principals of the local justice system. Judges in a local community have to agree to set up their courtrooms at an off-site church location for several days. Judges also must agree to abide by the spirit of the program by offering "favorable consideration" to individuals who voluntarily surrender. All media materials disseminated prior to the program's start make clear

6/11/2008

that FSS does not offer amnesty and is targeted toward non-violent offenders. Every community must still establish its own criteria for mandatory arrest. If a person wanted for a violent felony or a high-level drug crime, or for certain other offenses (e.g. domestic violence, sexual offenses) attempted to surrender during FSS, then that person would be arrested. However, the goal of the Program is not to arrest, but to help individuals with warrants take care of their responsibility to the legal system and to the community.

Method and Procedures

FSS requires that a fully functioning justice system - - complete with pretrial services, warrant checks, fingerprinting, probation/parole department, courtrooms, prosecutors and public defenders - - be set up on the grounds of the house of worship. All cities that have conducted FSS to date have implemented the program over a four-day period, from Wednesday through Saturday (with the exception of Washington, D.C., which held the program over three days). Because of the size requirements of the site, most FSS locations so far have been Baptist churches, but all locations are selected via consensus among the implementation team in the participating community.

Upon arriving at the facility, individuals who choose to voluntarily surrender are greeted at the church entrance by a trained community volunteer. After they pass through a metal detector, participants are escorted to a waiting area. There they complete a Warrant Information Sheet, which is used to gather basic demographic information, confirm an individual's identity and determine whether they have an active warrant for a misdemeanor or felony offense. While participants wait for their warrant status check to be completed, they read and sign a consent form that includes a voluntary, seventeen-item self-report survey. Participants complete the

6/11/2008

survey anonymously. Choosing not to complete the survey has no bearing on the further processing of their case. The ethics of the consent and survey procedures used to gather information about the FSS program have been reviewed and approved by a university Institutional Review Board for Research with Human Subjects.

Once the warrant check is completed, the participant is: 1) free to go because no warrant has been identified; 2) assigned a judge and courtroom for a hearing of their case (usually all felony and many misdemeanor cases); 3) remanded into custody because he or she met the criteria for arrest and is transported to jail; or 4) “vouchered” to appear in court in another jurisdiction. In the most recent FSS sites (Nashville, Memphis and Washington, DC), data collection was facilitated by having a staff person create a spreadsheet of data elements for every individual who surrendered. The staff person positioned at the Warrant Check station enters all relevant information (demographics, warrant status, charges) for participants, except final disposition. This procedure and staffing plan allows for an accurate and timely count each day (by individuals and by felony or misdemeanor charges).

In the first set of pilot cities, the research goal was to identify who surrenders (what was their warrant for); how did they hear about the program; what did they think would happen to them; and what actually happened to them. We also sought to identify how long individuals have had active warrants (just over a year in most cities, but as long as twenty years and as short as a few days).

Results

To date, the FSS program has been implemented in the seven cities listed below. The table summarizes the number of individuals who have surrendered to date, the number with felony warrants, and the percentage of those arrested:

Table 1

Individuals who surrendered, with felony warrants and arrests

FSS Site	Number of individuals who voluntarily surrendered	Number of Felony Warrants (percent)	Number arrested (percent of total)
Cleveland, OH	838	266 (32%)	6 (<1%)
Phoenix, AZ	1320	311 (23%)	45 (3.4%)
Indianapolis, IN	531	165 (31%)	42 (8%)
Akron, OH	1125	96 (8.5%)	5 (< 1%)
Nashville, TN	561	123 (22%)	38 (6.7%)
Memphis, TN	1570	211 (13.4%)	45 (2.8%)
Washington, DC	530	53 (10%)	15 (2.8%)
Totals	6,475	1225 (18.9%)	176 (2.7%)

So far, a total of 6,475 individuals have voluntarily surrendered, just under 20% of them having a felony warrant. Only 2.7% of all individuals have been arrested. Across all FSS sites, an average of 21% (range= 6 to 41) of individuals who surrender because they think they have an active warrant, do not have a warrant for their arrest, federally or in the local jurisdiction.

Table 2 summarizes the response rate for the intake survey of individuals who surrender to FSS. On average, 93% of all eligible and available individuals (with the exception of Cleveland, the first FSS site, where no survey was conducted) voluntarily completed the FSS intake survey.

Table 2

Individuals (and percent of total) surveyed at each FSS site *

FSS Site	Number of individuals who voluntarily surrendered	Number of individuals surveyed/ (Not available to be surveyed)	Percent of total available sample surveyed
Phoenix, AZ	1320	1169/ (125)	93
Indianapolis, IN	531	483	92
Akron, OH	1125	1059	94
Nashville, TN	561	551	98
Memphis, TN	1570	1194/ (192)	87
Washington, DC	530	455/ (55)	96
Totals	5637	4911	93

* Cleveland, OH participants were not administered surveys

Data analyses are ongoing, so the information summarized below should be considered preliminary. Table 3 aggregates the survey response data across all FSS sites completed to date:

Table 3

Survey Responses for all FSS cities combined (N= 4911)

Item	Response rate
Gender	66.3% male; 33.7% female
Age	Average age= 34.91 (range 18-85)
Ethnicity	64.1% African American 21.8% Caucasian 6.7% Hispanic 2.0% Native American 2.3% Other/ multi-racial
Highest level of education Achieved	8.6% Less than high school 52.5% High school 12.6% GED 7.3% Vocational/ technical school 16.4% College

	2.6%	Incomplete
Do you work at a job where you get a paycheck?	45.1%	Yes
	51.2%	No
	3.7%	No, I'm disabled
Have you ever received counseling or medication for mental health problems?	19.6%	Yes
Who came with you today?	63.1%	With family member or a friend
	36.9%	Alone, by self
Do you know others who will surrender?	15.4%	Yes
Other services you need help with *	37.9%	Job training
	21.1%	Education
	7.3%	Substance use treatment
	6.7%	Anger management
	6.5%	Parenting
	5.7%	Mental health
How did you hear about FSS?*	52.7%	Television
	32.1%	Family/Friends
	23.3%	Word of mouth
	15.5%	Newspaper
	12.9%	Radio
	4.5%	Church
	2.8%	Billboard
	4.6%	Flyer
Why did you surrender today?*	42.5%	Want to start over
	40.6%	Want to get driver's license
	35.3%	Fear of arrest
	34.0%	For my kids
	30.8%	Want to get a job
	30.3%	Tired of running
	16.6%	Pressure from loved ones
	9.5%	Religious reasons
	3.1%	Need alcohol/drug treatment
Why have you NOT surrendered before today?*	38.9%	I didn't want to go to jail
	38.1%	I was afraid of what would happen to me
	24.0%	I didn't want to get arrested
	23.5%	No program around to help me
	11.3%	I did not want to go to the police directly
	10.2%	I had no reason to surrender
What did you think would happen to you today?	47.9%	Don't know
	12.1%	Get arrested and go to jail

	11.5% Amnesty and all charges dropped 9.3% Plead guilty and go home 15.9% Get a new court date and go home
How important was it that FSS was at a church?	46.0% Very Important—I would only have surrendered at a church 32.4% Important- I strongly preferred to surrender at a church 20.8% Not important—I would have surrendered anywhere 0.8% I did not like surrendering at a church (n= 38 of 4639)
For what type of warrant are you wanted?	7.1% felony 63.2% misdemeanor 23.4% not sure

Individuals who voluntarily surrender through FSS are diverse. In most cities, males outnumbered females approximately 2 to 1. The population is predominantly minority, but includes members of multiple ethnic groups. Participants have ranged in age from 18 to 85, and on average, just over half of all individuals reported they were either not employed in jobs that gave them a regular paycheck or were disabled. Participants also reported a wide range of educational achievement, with typically just over half of the group having completed high school or a GED, and about 16% reporting that they had completed college.

Most participants hear about the program via local media, primarily television (including public service announcements) but some cities have effectively utilized billboards in targeted neighborhoods or letters sent directly to individuals with active warrants. In all FSS sites, an important vehicle for informing individuals about the program has been the faith-based community, via family or friends of those who surrender, and by word of mouth. For example, pastors may talk about the program in their churches and informally discuss the program with their congregants. Church volunteers distribute and post fliers in their neighborhoods and at

6/11/2008

local establishments. Finally, individuals who leave the church after being processed often take fliers into the community or give them to friends or family members. There is a strong social network effect, in that the percentage of individuals who hear about the program via word of mouth increases substantially from Wednesday through Saturday. We have also been told directly by participants that they have called others they know in similar circumstances and told them to surrender, reassuring them that the program is not a trick and that they can have their problems taken care of all in the same day, a benefit not available in most local justice systems.

Across FSS sites, participants report a strong desire to receive help with job training (38%) and educational services (27%). While about 1 in 4 report they had previously received counseling or medication for mental health problems, less than one in ten indicate they wanted additional help for mental health problems. At the time they voluntarily surrender, but before they know anything about their warrant status, about 1 of 8 participants report they believe they will be arrested and go to jail (12%). In reality, however, on average only 3% of individuals are actually arrested. This is a testament to the commitment of the local communities to the second-chance purpose of the FSS program. In every site, nearly two-thirds of participants come to the church with a family member or friend.

The most common reason cited for why individuals voluntarily surrendered was because they “want to start over,” noted on average by over 40% of respondents. The next most common reasons for surrendering were also noted by significant numbers of participants: “want to get a job” (31%); “tired of running” (30%); “for my kids” (34%); “fear of arrest” (35%); and “want to get my driver’s license” (41%). Asked why they have not surrendered before today, the most frequently endorsed items were “I was afraid of what would happen to me” and “I did not want

to go to jail.” About one in five individuals noted that, “There was no program around to help me,” and “I didn’t want to get arrested.”

Across all FSS sites, 78% of all those who voluntarily surrendered indicated that it was important or very important that the location was a church, and that they would not have surrendered otherwise. Fewer than one percent of individuals indicate that they did not like surrendering at a church. At each of the FSS sites, there is an alternative secular location set up to accommodate persons who do not want to participate in the program by surrendering at a place of worship. To date, no one has utilized the secular site to surrender as part of the FSS program.

Return to Court Appearance Rate. One of the main outcome issues for the FSS program is to assess whether or not individuals who surrender on site at FSS and who are scheduled for a subsequent court date (mostly felonies and probationers) actually appear on their scheduled return-to-court dates. When FSS was initially implemented in Cleveland, Ohio, approximately 88% of individuals who received a follow-up court date appeared as scheduled. In subsequent cities, the appearance rate in court for FSS participants has ranged from 82% to 95%. (See table 4). These numbers represent a dramatic improvement over usual court practices, where “failures to appear” (FTA) result in the issuance of an additional warrant for arrest and require significant time and resource commitments from the court system. Studies have documented significantly higher FTA rates. For example, Siddiqi (1999) reports in a study of New York City judicial processing that bench warrants for FTAs were issued in approximately 30.5 and 33.1 percent of criminal and Supreme Court cases, respectively.

Table 4

Court Appearance Rates for all FSS sites

FSS Site	Number of individuals who voluntarily surrendered	Number scheduled to reappear in court ¹	Percent appeared in court
Cleveland, OH	838	Unknown	88%
Phoenix, AZ	1320	85	82.4%
Indianapolis, IN	531	311	91%
Akron, OH	1125	73	94%
Nashville, TN	561	169	98%
Memphis, TN	1570	473	98%
Washington, DC	530	136	94%

Combining survey and charge data. In exploratory analyses, we were able to combine data on type of warrant with survey demographic data in two cities (Memphis, TN and Washington, DC, total $n=1360$). This enabled the program to compare survey responses on items for individuals with a felony warrant versus those with misdemeanors versus those who surrender but who have no active warrant for their arrest. In these analyses, persons with at least one felony warrant were included in the felony group even if they also had a misdemeanor warrant. Individuals in the misdemeanor group only had misdemeanor warrants. These analyses do not include an assessment of the impact of having multiple warrants versus single warrants. In Washington, we were also able to look at length of time since the date the warrant was issued.

Across both cities, a few interesting differences emerged. Individuals with felonies are 2 to 4 times as likely as those with misdemeanors to believe they would be arrested when surrendering at FSS (e.g. 11% vs. 3% in Washington D.C. and 8% vs. 4% in Memphis, TN), while in any city 15 to 20% of felons were actually arrested, compared to 1-2% of

6/11/2008

misdemeanants. Three of four felons come to FSS with a family member or friend compared to half of misdemeanants. Significantly more felons report wanting to start over, wanting to get a job, and being tired of running as motivations to surrender, and report being afraid of what would happen to them as a reason they have not previously surrendered. Conversely, misdemeanants identify a desire to get a driver's license back as the reason they wanted their warrant status resolved. For those in Washington, D.C., individuals with felonies had been on the run for an average of 643 days, compared to 385 days for misdemeanants. There were no differences between felons and misdemeanants on how important it was to surrender at a church or on demographic variables.

Discussion

The FSS program is a unique collaboration between federal and local law enforcement, the justice system, the faith-based community, local service providers and volunteers. It presents a opportunity for individuals who have an active warrant for their arrest to voluntarily surrender and receive favorable consideration (not amnesty), and to receive a second chance to put their lives back together. At most FSS sites, multiple community agencies are present to provide assistance with employment, job training, mental health treatment, substance abuse services, and education.

Individuals who surrender report on the significance of the sanctity of the house of worship and how important it is for them to be treated with dignity and respect in a non-threatening environment. Local volunteers and pastors report significantly improved working relationships with law enforcement and the justice system in their community. Justice system personnel report increased efficiencies and cost savings in how they process offenders and even

6/11/2008

report benefits in being able to set up the justice system in an off-site location in the event of a local disaster or terrorist act.

There are many potential benefits to implementing FSS in a community. For example, FSS is a non-confrontational way to facilitate the reentry of fugitives into mainstream society. Individuals who have an active warrant experience significant trouble securing legitimate employment, and are constantly “on the run,” always looking over their shoulder and afraid of what will happen to them if they get caught. Needless to say, this severely limits their ability to contribute to their families and to the community.

The FSS program is not only a way to make potential arrest situations safer, it is also cost effective and efficient with respect to how many active warrants are processed and cleared in a four day period compared to a law enforcement sweep or the typical time and cost of processing an individual in the normal criminal justice system. There are benefits to the community that successfully completes a program where individuals who are fugitives are treated with dignity and respect by law enforcement. The program builds trust between law enforcement, the justice system, and the community. This is a far different atmosphere and setting compared to when a law enforcement officer has to arrest a person in their home or on the street and take him or her to jail. Individuals bring their family members (including their children) to a church to surrender and take responsibility for their actions, and are offered help by many people.

Implications for Future Research

The true test of the FSS program will be in its sustainable benefits to offenders and to the local community. In essence, do individuals take advantage of their second chance? Will a community conduct an additional FSS program in the future? Will fugitives re-offend? Tracking the number of individuals who appear for their next scheduled court date is one important indicator of program effectiveness because of the significant system costs associated with individuals who fail to appear for scheduled court hearings. In addition to cost, having officers available for hearings where offenders fail to appear removes a significant number of law enforcement personnel from the streets. Tracking participants over time to determine final case disposition would also yield information about compliance with probation/ parole and recidivism. Finally, assessing the cost-benefit of number of warrants served, offender utilization of services offered, and post-FSS cost to the system to follow up cases (versus those who achieve final resolution of their case) could provide a valuable economic motivation to the local law enforcement and justice systems and to the community. While the initial assessment of the FSS program appears promising, these additional questions are all areas of future research that need to be explored to arrive at a thorough understanding of the FSS program's promise as a collaborative law enforcement/faith based organization strategy.

References

Newman, G. (2007). *Sting operations: Problem-oriented guides for police response guide series*, No. 6. U.S. Department of Justice, Office of Community Oriented Policing Services. Washington, DC.

NLEOMF (2008). *Custom report prepared by Carolie Heyliger of the National Law Enforcement Officers Memorial Fund*. Report prepared on April 7, 2008.

Siddiqi, Q. (1999). *Assessing pretrial failure to appear in New York City*. New York City Criminal Justice Agency. New York, NY. Downloaded on April 8, 2008, from <http://www.cjareports.org/reports/fta.pdf>

Stone, H. W., Cross, D. R., Purvis, K. B., & Young, M. J. (2003). A study of the benefit of social and religious support on church members during times of crisis. *Pastoral Psychology*, 51, 327-340.