



# Fugitives in the United States<sup>☆</sup>

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## ABSTRACT

Little is known, empirically, about fugitives in the U.S. There is no research describing basic facts such as the prevalence of warrants or how features of warrants vary across geography or demographics of fugitives.

*Purpose:* To (A) describe the prevalence of warrants in the U.S., including variation in warrant features across geography as well as demographics of fugitives (age, race, and gender). In addition, the paper (B) models a key feature of warrants (extradition limits) as a function of legal and extra-legal factors.

*Methods:* This study draws on the Wanted Persons file—the central operational database maintained by the National Criminal Information Center (NCIC) for tracking warrants from all jurisdictions in the United States. Warrant factors are described across demographic groups via bivariate comparisons. Extradition is modeled via a multivariate fixed effects logistic regression framework (i.e., within state comparisons).

*Results:* The data show approximately 2 million warrants are active on any given day. Warrant features vary significantly across states (per capita), and fugitive demographics. Extradition varies as a function of legal (e.g., crime seriousness) and extra-legal factors (e.g., race of fugitive).

*Conclusions:* Warrants may provide an important new avenue for scholarship on disparity, criminal careers, and the administration of justice.

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## Introduction

In June 2000, the United States Senate convened hearings regarding fugitives in the U.S. The central premise of the hearings was that wanted persons represent an important yet underappreciated aspect of law enforcement and policy-making across the nation. This premise derived, in part, from an assertion that warrants were pervasive—and for that reason “fugitives are the Achilles heel of law enforcement today. As the number of warrants rise, the problem can almost be overwhelming for law enforcement” (Fugitives, 2001, p.1). Supporting this assertion, Guynes and Wolff (2004) showed that half of all arrests in counties they surveyed derived from warrants. Similar patterns are found in federal policing. Over half of all arrests in the U.S. Department of Justice are made by the U.S. Marshals Service (USMS), an agency which almost exclusively arrests fugitives (Fugitives, 2001). These patterns translate into substantively large numbers of arrests each year. For example, the USMS made over 130,000 fugitive arrests in fiscal year 2013 alone (U.S. Marshals Service, 2014).

The premise also originated from a second assertion: fugitives pose an important risk to public safety. That is, “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” (Fugitives, 2001, p.1). This perceived danger was primarily grounded in press coverage of heinous crimes committed by fugitives, as illustrated by Senator Thurmond who asserted:

[E]ach 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. (Fugitives, 2001, pp.1–2)

Although research on fugitives is rare, the existing studies support this assertion. Examining domestic violence fugitives, for example, Peterson (2006) found 22% were arrested for a new crime before their warrant was cleared. Guynes and Wolff (2004) found that 8% of violent offenders arrested in the counties they surveyed had outstanding warrants for other crimes at the time of their new offense.<sup>1</sup> This is probably not surprising, as their propensity to offend was likely what drove them into the status of fugitive in the first place. However, it is important to consider whether the status or state of being a fugitive creates an additional criminogenic influence above and beyond the dispositions of a given offender. For example, does the stigma reinforce an identity as a

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law breaker? Does the lack of access to prosocial events or experiences limit opportunities or pressures to conform? Are there new structures or forces introduced which motivate offending? Research suggests this may be the case.

Becoming a fugitive likely generates new and meaningful problems, such as increased difficulty obtaining income and housing (Bierie & Detar, *in press*; Goffman, 2009). Finding ways to meet these and other basic needs when operating outside the law may lead to a greater number of interpersonal conflicts, and also a special problem in dealing with those conflicts: fugitives have little access to police and courts to resolve disputes. Speaking to this special series of problems facing fugitives, Tabarrock (2012) explains:

[W]ithout resort to the police and the courts, [fugitives] take the law into their own hands. [Fugitives], even more than (unwanted) criminals, can neither use the law nor find stable work in noncriminal enterprises. As a result, crime becomes a natural source of income; moreover, the costs of using violence to solve disputes decreases for people who are already outside the law. (p.463)

In addition, fugitives may be particularly tempting targets for other predators who know fugitives are less able to seek protection by police or courts (Goffman, 2009). Collectively, these problems might lead to greater numbers of conflicts and violence—violence that can easily harm intended targets or innocent bystanders.

The pervasive press coverage of crimes committed by fugitives, and the presence of plausible arguments suggesting they pose a real and present danger, led to the formation of the aforementioned congressional committee and their resultant call to action. However, the committee noted a critical limitation in that call—a factual deficit hindering policy makers and law enforcement in their efforts to address the fugitive problem. Congress expressed surprise and frustration at the lack of empirical facts on which to ground policy, such as where the problems were centered, what kind of warrants were the most problematic, and what policies have worked for addressing fugitive investigations. Indeed, they were struck that “no one knows exactly how many fugitives there are” (Fugitives, 2001, p.1). Having these basic facts would help policy makers in deploying resources efficiently, devising useful policy, and evaluating whether a policy is working.

More than a decade later, this observation was essentially unchanged, with scholars lamenting “how little is known about the fugitive phenomenon—including attributes as simple as the actual volume of fugitives either per year or currently active in all justice systems in the United States” (Goldkamp, 2012, p.430). No core set of facts had emerged describing warrants, such as how many and what types exist (e.g., crime types, jurisdictions). Likewise, there is no body of research describing how warrants vary across basic demographic features such as race, age, or gender of fugitives. Accumulating this type of information would assist in efforts toward developing an understanding of the fugitive problem or modifying policy to address it.

#### *Fugitive research*

A handful of studies have examined warrants since the 2000 hearings. However, these tend to be highly unique explorations that focus on small geographical areas or specialized types of warrants. Many examine one subtype of fugitive, such as failure-to-appear warrants (Cohen & Kyckelhahn, 2010; Helland & Tabarrok, 2004; Peterson, 2006; Rossmo, 1978), sex offender fugitives (Bierie & Detar, *in press*), or most-wanted offenders (Miles, 2005). Likewise, most studies tend to examine a very specific geographic area, such as fugitives in a single city (Goffman, 2009; Goldkamp & Vilcica, 2008; Rossmo, 1978) or county (Guynes & Wolff, 2004). In the largest and most generalizable study to date, Flannery and Kretschmar (2012) examined a diverse sample of fugitives who turned themselves in to a “safe surrender” program sponsored by the U.S. Marshals Service. Although their

research examined a substantially larger sample of fugitives than any prior study (approximately 40,000 fugitives across several cities), the study still has stark limitations if attempting to generalize information to the nation’s fugitives as a whole. The cities selected by that program were unique, and the study was intentionally skewed toward non-violent and less serious warrant types.

While important, these few studies do not provide an adequate state of knowledge regarding warrants in the U.S. They do not allow the field to discern facts such as the volume of warrants in the nation or how administrative aspects of warrants vary across people or places. This inhibits the creation of paradigms or theoretical understandings of the way warrants emerge and their meaning with respect to crime and justice. As a result, the state of the empirical literature, which could serve as the foundation for national policy or academic theory, has not changed substantially since these hearings were held more than a decade ago.

These limitations in the literature generate important problems for policy makers. Empirical data would help policy makers determine the most effective and efficient decisions—how much money to allocate, how many officers to train, and how many prison beds to prepare. Policy makers, whether at the federal, state, or local level, need to know the size of the fugitive population to better understand the risks their communities are facing and to plan accordingly. They also need a comprehensive picture of prevalence and descriptive facts to assess policy interventions.

#### *Warrant features*

To begin addressing these limitations, it is helpful to first describe the administrative features of warrants in the U.S. (NCIC, 2000). First, warrants vary in terms of issuing jurisdiction (i.e., municipal, county, state, and federal). Federal warrants might include those issued by agencies within the U.S.’s Department of Justice, Department of Homeland Security, Department of Defense, Department of State, and Tribal areas. It is also possible for other nations to request the issuance of a warrant in the United States. No research to date has described these types of jurisdictions or described the prevalence of warrants emerging from them.

Second, warrants differ in terms of the seriousness of underlying charges. Warrants may be issued for court offenses such as failing to appear for a hearing, failing to obey a court order, or violating conditions of supervision. Also, a warrant may be issued for a suspect identified in an ongoing criminal investigation. Warrants might be grouped in other ways, such as violent versus non-violent offenses, crimes against adults versus children, and other categories that facilitate a given policy or theoretical question. Guynes and Wolff (2004) examined one year’s worth of warrants in local crime databases of two counties and found that court violations (e.g., failure to appear) accounted for just over half of warrants present. They also found that approximately 75% of those court violations were for traffic offenses. However, there is no larger research to date describing warrants across crime types or other categorizations.

Third, warrants may differ in terms of expiration. An issuing agency may place a specific temporal parameter on the warrant (e.g., expires two years from issue date). It is likely expirations only occur for minor warrant types. However, there have been no reports or published studies examining expiration. Therefore, it remains unclear how often, and under what circumstances, expirations are applied.

Fourth, and perhaps most important, warrants vary in terms of extradition. By setting an extradition limit, the issuing agency essentially makes a financial commitment to fund the transport of a fugitive back to the issuing jurisdiction. Because of this obligation, some agencies will limit extradition for their warrant (Rossmo, 1978) to neighboring states or less than a specific number of miles. The application of smaller extradition limits to less serious offenses and full extradition to the most serious offenses (e.g., homicide) is an intuitive but untested assumption.

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