Designated as Armed and Dangerous

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ABSTRACT

Purpose: Within the National Crime Information Center (NCIC) warrant database law enforcement can indicate if an offender is believed to be armed and/or dangerous. This study's purpose was to determine the percentage of NCIC warrants that had offender designated as armed and/or dangerous. Predictors of armed/dangerous status were also explored.

Methods: Data from NCIC for the first nine months of 2014 were used. For the multivariate analysis a bootstrapped logistic regression controlling for clustering at the state level was chosen.

Results: Approximately, three percent of warrants across the nation were categorized as armed/dangerous. Several crime-related predictors as well as demographic predictors of the armed/dangerous notation were found. Offenders with warrants for homicide, assault, robbery, and weapons offenses were more likely to be categorized as armed/dangerous. Warrants for non-contact sex crimes and pornography were less likely to be labeled as such.

Conclusions: The utilization of the terms armed/dangerous in NCIC serves as a warning for police arresting offenders. For public and officer safety, it is critical to understand how often the label is applied and under what circumstances. The findings are discussed in the context of what is known about warrants, along with factors impacting the dangerousness of criminals during arrest.

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Introduction

The Federal Bureau of Investigation (FBI) houses the National Crime Information Center (NCIC) database. The database, started in the 1960s and managed out of West Virginia, consists of 21 files organized by the type of property or person they represent, such as a gang file, unidentified persons file and protection order file (Federal Bureau of Investigation, 2015). One of these files is specifically capturing offenders for whom there is an outstanding felony or misdemeanor warrant – the Wanted Persons file. This file contains summary information about each warrant (e.g., warrant date, offense code), its administrative details (e.g., agency, extradition limitations), the fugitive's physical description (e.g., race, height, weight), the fugitive's identifying information (e.g., name, FBI number), and relevant miscellaneous notes (e.g., other associated warrants and crimes, contact information, cautions). Criminal justice agencies across the United States are able to contribute and query NCIC data in the performance of their duties. By maintaining this information in a centralized location, warrants entered into NCIC by one law enforcement jurisdiction can then be seen by all participating agencies nationwide. This capability extends the reach of law enforcement to influence justice beyond their jurisdictional boundaries and promotes officer safety when wanted individuals are encountered during traffic stops or calls for service. Although jurisdictions are not mandated to submit warrants to NCIC, approximately 8,800 different law enforcement

originating agency identifiers (ORI) had active warrants in 2011 (Bierie, 2014). Due to database accessibility, there has been limited information about warrants throughout the United States.

Recently, work was published that provided some description of the warrants within the United States. Bierie (2014) found that nearly 60% of the warrants in NCIC were for a court-related offense, such as parole/probation violations and failure to appear, while more serious crimes such as homicide, robbery, and weapons violations accounted for less than one percent of all warrants.[1] Likewise, researchers studying Fugitive Safe Surrender, a program that allowed offenders with outstanding warrants to turn themselves in, found most participants were wanted for failure to pay court fines or to appear in court (Flannery & Kretschmar, 2012). In fact, only two percent of those who participated in the self-surrender program were arrested upon presenting themselves to authorities, revealing the lesser severity of their crime (Flannery & Kretschmar, 2012). While research indicates most warrants in the United States are for lesser infractions, it is equally important to note that the United States Marshals Service in connection with its network of violent fugitive task forces arrested 104,889 fugitives in fiscal year 2014, most of whom had warrants for violent offenses or were individuals with a prior violent felony (United States Marshals Service, 2015). One step beyond these dangerous individuals is the criminal who also does not intend to comply with the rule of law and resist, with lethal force, any attempt made by law enforcement to bring them into custody. The armed and dangerous designation exists to warn law enforcement officers that the fugitive is believed to pose an immediate threat to the safety of officers and the general public.

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Policing is an inherently dangerous occupation. An armed assailant exponentially escalates the risk of any encounter ending in the loss of life. In a comprehensive report covering from 1976 to 1998, approximately 400 perpetrators were justifiably killed by police each year (Brown & Langan, 2001), and this number remains consistent with recent publications (United States Department of Justice, Federal Bureau of Investigation, 2014). In 2013, there were 27 law enforcement officers feloniously killed, which was the fewest number of police officers killed in the previous ten years (Federal Bureau of Investigation, 2014a). Of those murdered in the line of duty, 26 were killed by a firearm (Federal Bureau of Investigation, 2014a). The decrease in firearm homicides has also been seen in the general public. Both firearm homicides and firearm non-fatal violence decreased from 1993 through 2011 and only 8% of violence in 2011 occurred with a firearm (Cooper & Smith, 2013; Planty & Truman, 2013).

Law enforcement must also protect themselves from serious bodily injury from non-lethal assaults, which occur with greater regularity. In 2013, the rate of officer assaults was 9.3 per 100 sworn officers (Federal Bureau of Investigation, 2014b). In these non-fatal assaults, 4.5% of the officers were attacked with a firearm, 1.8% were assaulted with a knife or other sharp instrument, and nearly 14% were assaulted with other dangerous weapons (excluding hands, fists, or feet; Federal Bureau of Investigation, 2014a, 2014b). Sixteen percent of these assaults occurred while arresting an offender. While arrests can occur outside the context of a warrant, Guynes and Wolff (2004) found that half of all arrests were the result of outstanding warrants. Kaminski's research into lethal and non-lethal violence against police officers was able to identify neighborhood and county-level characteristics indicative of police danger, but these factors do not explain police perceptions of individual-level risk factors (Kaminski, 2008; Kaminski, Jefferis, & Gu, 2003). The Law Enforcement Officers Killed and Assaulted (LEOKA) series by the FBI provides a strong foundation to understanding those who harm law enforcement personnel, but it does not allow for comparisons between those offenders who assault and those offenders who do not.

It is only recently that the criminal justice community has tried to determine which offenders are more likely to use and require firearm use during an interaction with law enforcement. An empirical examination of data from the United States Marshals Service completed by Craun, Detar, and Bierie (2013) found that male offenders with warrants for homicide, assault, burglary, flight, robbery, or a weapons offense were more likely to have shots fired during their apprehensions, although the overall rate of firearm discharges was less than five firearm discharges per 10,000 arrests. A similar study utilizing the National Incident-Based Reporting System (NIBRS) also found that male offenders who used a weapon in the crime leading to their arrest were more likely to use firearms against police, and that risk increased further if the offender was intoxicated at the time (Bierie, Detar & Craun, 2013). Research in one southern city found that offenders who committed battery against law enforcement officers were more likely to be women (Covington, Huff-Corzine, & Corzine, 2014). None of the aforementioned studies found any significant differences based on offender race (Bierie et al., 2013; Covington et al., 2014; Craun et al., 2013).

Due to their everyday interaction with the general public and offenders, law enforcement officers must be able to quickly assess who may pose a possible threat. Psychologists and psychiatrists must often decide who poses a threat based on their empirically-based training. For example, Langevin and Curnoe (2014) found that in Canada those who were classified as "dangerous offenders" by clinical personnel had a significantly higher number of convictions for violent and sexual crimes than those who were not classified as such (10.9 convictions vs. 3.3 convictions). Police officers decision-making process may seem discretionary, researchers determined officers use "working rules" to decide who may need further scrutiny (Stroshine, Alpert, & Dunham, 2008). Some of the most common rules included applying an internal threshold to determine which behaviors are egregious

enough to warrant further investigation and placing importance on people who do not fit into the time and place; for example, investigating someone in a warehouse district at night (Stroshine et al., 2008). Beyond deciding who needs further investigation, officers must also make quick judgments about who poses a threat to either themselves or the surrounding public. Research has revealed that officers make very few errors in simulation type situations when deciding when to fire at armed as compared to unarmed suspects; when they do make mistakes, it is choosing not to fire at an armed and dangerous suspect (Cox, Devine, Plant & Schwartz, 2014). When considering suspect race, it has been found that there was a bias found against shooting Black suspects, in that participants were more likely not to shoot armed Black suspects, and when choosing to shoot their reaction time was slower than when shooting White or Hispanic suspects (James, Vila, & Darantha, 2013). A further complexity was found by researchers who used live role player scenarios to create situations where law enforcement officers would have a clear shoot situation. In this study, role players were given instructions on whether to comply with officer commands to forfeit their weapon or to engage the officer from a suicidal pose (weapon pointed at their own head) or resting pose (weapon at their side). Despite using experienced officers and the officers having their weapon drawn and sighted, the average reaction time to the deadly threat tied the average time the role player needed to fire a round (Blair et al., 2011). This study illustrated the difficulty officers face even when presented with an offender who is clearly armed and dangerous – the officer would have been shot before responding in over half the scenarios. Compound the situation's uncertainty and risk if the weapon was not immediately visible and no warning or caution was communicated. It is these types of scenarios, and the deadly outcomes they portend, that implore a basic understanding of the "armed" and "dangerous" designation and its use within NCIC warrants.

While researchers have investigated various facets of armed and dangerous offenders and warrants in general, practitioners have not been provided a foundation to begin understanding the scope of those labeled armed and dangerous in their warrants. This study first examines the frequency of the armed and dangerous warrant notation in NCIC. Warrant-level factors are analyzed to determine relationships to this label. The presented study serves as the first piece to investigate and describe the relationships between the use of armed and dangerous within the miscellaneous field of warrants entered into the NCIC database.

Research Questions:

Research Question (RQ) #1: What percentage of the warrants in the first nine months of 2014 had a notation of armed or dangerous in the miscellaneous field?

RQ #2: What characteristics about the offender and the crime were related to a designation of armed or dangerous?

Method

Sample

All warrants entered into NCIC in the Wanted Person file from January 1, 2014 to September 14, 2014 (N = 1,652,795) were utilized for this study. This file includes both adults and juveniles who will be tried as adults for both felony and misdemeanor warrants (Federal Bureau of Investigation, 2015). There were 8,838 unique originating agency identifiers (ORI), which identifies the jurisdiction responsible for the warrant. Unfortunately, there is no known work examining how well the number of warrants entered into NCIC represents the total warrants in the nation.